

REGULAR SESSION

AGENDA

MILWAUKIE CITY COUNCIL SEPTEMBER 20, 2011

MILWAUKIE CITY HALL
10722 SE Main Street

2110th MEETING

REGULAR SESSION – 7:00 p.m.

- | | Page
No. |
|---|-------------|
| 1. CALL TO ORDER
Pledge of Allegiance | |
| 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS | 1 |
| A. Milwaukie High School Student of the Month – David Santillan-Delgado and Jonatan Santillan-Delgado
Presenter: Mark Pinder, Milwaukie High School Principal | |
| B. Constitution Week Proclamation | 2 |
| 3. CONSENT AGENDA <i>(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the “Consent” portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)</i> | 3 |
| A. City Council Minutes | |
| 1. July 20, 2011 Study Session | 4 |
| 2. August 2, 2011 Regular Session | 5 |
| 3. August 16, 2011 Regular Session | 11 |
| 4. AUDIENCE PARTICIPATION <i>(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are “not on the agenda” may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, “all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous.” The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)</i> | |
| 5. PUBLIC HEARING <i>(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)</i> | |
| A. None scheduled. | |

6. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)* 15
- A. **Letter of Interest – Metropolitan Area Communication Commission Membership – Resolution** 16
Staff: JoAnn Herrigel, Community Services Director
- B. **Council Reports**
7. **INFORMATION**
8. **ADJOURNMENT**

Public Information

- **Executive Session:** The Milwaukie City Council may meet in executive session immediately following adjournment of the regular session pursuant to ORS 192.660(2).
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

2.

PROCLAMATIONS,
COMMENDATIONS,
SPECIAL REPORTS,
AND AWARDS

PROCLAMATION

WHEREAS, September 17, 2011, marks the two hundred twenty-fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, I, Jeremy Ferguson, by virtue of the authority vested in me as Mayor of the City of Milwaukie in the State of Oregon do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

And ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

IN WITNESS WHEREOF, I hereunto set my hand this
20th day of September 2011.

Jeremy Ferguson, Mayor

ATTEST:

Pat DuVal, City Recorder

3.

CONSENT AGENDA

**MINUTES
MILWAUKIE CITY COUNCIL STUDY SESSION
JULY 20, 2011**

Mayor Ferguson called the study session to order at 7:09 p.m.

Council Present: Mayor Ferguson, Councilors Chaimov, Loomis, Hedges, and Miller

Staff Present: City Manager Bill Monahan, Assistant to the City Manager Teri Bankhead, City Recorder Pat DuVal, Finance Director Richard Seals, Public Affairs Coordinator Grady Wheeler, and Community Development and Public Works Director Kenny Asher

Options and Issues Regarding City Facilities

Mr. Asher referred to the June 2009 Faithful and Gould “Facility Condition Assessment and Inventory” and October 2010 Ankrom Moison “Space Assessment Study.” The group considered the costs of deferred maintenance and efficiencies versus consolidation costs.

The findings included the condition and operation of existing facilities and efficiencies in workflow and energy consumption if the workplaces were co-located. The City would need approximately a 40,000 square foot building for its current business processes. City facilities were mostly in fair condition rather than good and undersized. Interface Engineering was looking into a LEED certification. By co-locating departments the City would have excess real estate like the current City Hall to offset costs. Expenditures for existing buildings were reviewed including candidates for repair and remodel such as painting, roof repairs, HVAC, electrical, and exterior improvements. He outlined estimated energy and efficiency savings over the next 20-years of growth.

Mr. Monahan discussed the feasibility of renting some square footage to help cover costs until the City grew into a new facility. More information would need to be gathered in terms of maintenance.

Councilor Miller asked if there had been any consideration of not selling City Hall.

Mr. Asher replied it was a way to offset costs and could be a consideration. He discussed replacing the parking lot and moving the Sunday Market to South Downtown. A civic center could be a catalyst to other development and redevelopment. He noted the facilities made it difficult to provide the highest level of service.

Mr. Monahan observed the facility weaknesses of City Hall resulted in inefficiencies.

The group discussed use of the city hall parking lot for a new building.

Mayor Ferguson adjourned the study session at 8:04.

Respectfully submitted,

Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
August 2, 2011**

CALL TO ORDER

Mayor Ferguson called the 2107th meeting of the Milwaukie City Council to order at 7:02 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Greg Chaimov, and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, Community Services Director JoAnn Herrigel, Associate Planner Brett Kolver, Assistant to the City Manager Teri Bankhead, Community Development and Public Works Director Kenny Asher, Civil Engineer Jason Rice, Engineering Director Gary Parkin, Public Affairs Coordinator Grady Wheeler, and Planning Director Katie Mangle

PLEDGE OF ALLEGIANCE**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

Ed Zumwalt expressed his appreciation to those who volunteered at Festival Daze and presented Mayor Ferguson with a special “hook” to get people off the stage as the need arose. He urged the City Council consider installing a temporary dock while Riverfront Park was being constructed.

Mayor Ferguson and Councilors thanked Mr. Zumwalt for all of his work to make Festival Daze a remarkably successful community event.

A. National Night Out Proclamation

Mayor Ferguson read a proclamation naming August 2, 2011, as “National Night Out” in the City of Milwaukie and called upon all citizens to join the Milwaukie Police Department and the National Association of Town Watch in supporting the 28th annual event.

B. Main Street Sewer Main Grant Program and Decommissioning Schedule Update

Mr. Rice provided history on the project and updated the City Council on the status of the Main Street Sewer Main Grant Program. The goal had been to ultimately abandon the old line within a five-year period, and the City Council established a grant program to help properties connect. Of the six remaining properties, staff believed five would connect within the identified timeframe. Extending the deadline at this point would probably only present a delay, and staff recommended staying with the original deadline to prevent further delays. There has been no communication with the sixth, remaining property owner, and the next step may be direct personal communication.

Councilor Chaimov believed the City Council should accept staff’s original recommendation for the scheduled decommissioning of the line.

Mr. Rice replied it appeared the property owners were waiting for the deadline whenever that might be. He suggested it was in the best interest of the community to move forward with the current decommissioning deadline.

Mayor Ferguson agreed it made sense to uphold the original schedule.

C. Baseball Update

Mr. Asher provided an update on the City Council goal of pursuing minor league baseball as an economic development initiative in Milwaukie. This was an update on the five elements: public involvement, site control, securing a team commitment, facility development, and financing. To date, there was no formally sanctioned public outreach effort. He discussed the Oregon Department of Transportation (ODOT) property, an 8-acre site on McLoughlin Boulevard. He updated the City Council and audience on the recent discussions with ODOT. TriMet was also a partner in acquiring a small segment for the alignment, and the site was being appraised.

Staff continues to work with Mike Higgins, former Sr. Vice President of Portland's PGE Park on attracting a franchise and securing a team commitment for a 4,000-seat stadium to house a single A team in the Northwest League similar to the teams in Keizer and Eugene. He hoped to have a formal agreement in place by September 15 to move forward into the next phase. He had not personally reached out to any teams in the Northwest League and planned to become more active on that front this fall. Assuming that progress continues with ODOT and a baseball partner, he recommended City Council establish a baseball task force this fall.

No work had been done on facility development. However, Mr. Asher believed it would fit on that site, but no land use planning or transportation work had taken place to date. There were some ideas about co-locating that might benefit the community. Finally, no financing work had been done because it depended on a number of factors that had not fallen into place yet.

Councilor Hedges would rather try and fail rather than fail to try.

Councilor Chaimov felt the City was trying to do what the residents wanted which was to enjoy the amenities that came with density but without the density. People wanted to come to town for family-friendly activities such as baseball. It had been noted on many occasions that there were insufficient funds to make improvements such as sidewalks in the hinterlands. The best way to do that was to raise property values throughout the City. If this effort were to work out, it would pay extra dividends to the entire community by making Milwaukie a walkable and sustainable community and a place where people wanted to live.

Councilor Miller enjoyed the game as would other Milwaukie citizens. He was not as concerned about the success of the baseball franchise as he was about how the park would be used the other 9 months of the year. The City Council needed to hear from citizens about what they wanted.

Councilor Loomis felt this project was do-able. This was a fantastic location close to light rail, bike lanes, and highways. Baseball will come back to this region, and it was important to create and follow a plan with help from Milwaukie citizens and our regional partners.

Mayor Ferguson commented Milwaukie's greatest asset was its location in the region and accessibility by a variety of transportation modes. He supported moving to the next step and creating a task force.

Tim Salyers, Milwaukie, spoke in support of the endeavor as resident and voter.

Councilor Loomis commented on other possible uses of the facility including a community arts center.

CONSENT AGENDA

It was moved by Councilor Hedges and seconded by Councilor Chaimov to approve the consent agenda as presented:

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- A. **Resolution No. 73-2011**: A Resolution of the City Council of the City of Milwaukie, Oregon, Approving the Award of Contract for On-Call Construction Inspection Services in the Amount of \$50,000 Per Year for Two Budget Years; and
- B. **City Council Minutes**:
1. June 21, 2011 work session
 2. July 5, 2011 work session

Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting “aye.” [5:0]

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. **Natural Resource Amendments to the Zoning Code and Comprehensive Plan – Ordinance and Resolution**

Mr. Kelver provided the staff report and reviewed the amendments made in response to the City Council’s comments and concerns expressed at the July 19, 2011 hearing.

Councilor Miller was concerned about the planting times for bare root and potted plants.

Mr. Kelver responded those were recommended planting times found in the Metro Model Code to provide direction to those who may lack of expertise.

Mayor Ferguson understood bare root trees could be planted between December and April 15 because they were dormant and that potted trees could be planted at any time.

Mr. Monahan understood Councilor Miller’s issue which seemed to be appropriate planting time during a calendar year and suggested something illustrative using a calendar year with colors indicating best planting times.

Ms. Mangle discussed the implementation and an education plan where this could be addressed.

Councilor Miller would agree to that so that it was perfectly clear.

Councilor Loomis did not see this issue was necessary for the Code.

It was moved by Councilor Chaimov and seconded by Councilor Miller for the first and second readings by title only and adoption of the ordinance amending the Comprehensive Plan Chapter 3 and the Milwaukie Municipal Code Title 19 Zoning Ordinance to protect the City’s natural resources File #s ZA 11-01 and CPA-11-01.

Councilor Loomis would have voted in favor only if the homestead exemption had been included. He also had concerns about future fees and felt there could be a property tax reduction for those being the most impacted.

Councilor Hedges was reluctant to vote affirmatively on this, but it was probably the best that could be done for the City of Milwaukie. He felt this was another Metro boondoggle.

Mayor Ferguson felt bound because of the Metro compliance issue.

Councilor Loomis said the City had the ability to make its Code somewhat less restrictive. He appreciated people's passion, but his concerns remained. There was a homestead exemption in the Metro Model Code.

Councilor Chaimov thanked those who had spent months participating in the code review process. The care in its crafting was evident. Even though certain views were not incorporated in the code, the expression of those views made a better code than it might have been.

Motion passed with the following vote: Councilors Hedges, Miller, and Chaimov and Mayor Ferguson voting "aye" and Councilor Loomis voting "no." [4:1]

Mr. Monahan read the ordinance for the first time by title only. The second reading of the proposed ordinance would be on August 16, 2011.

B. Revisions to Board, Commission, and Committee Terms – Ordinances and Resolution

Mr. Monahan provided the staff report on the proposed code amendments related to Board, Commissions, and Committees. The City Council identified a number of issues that included term limits and that the number of individuals appointed from a single household would be limited.

Mayor Ferguson suggested applying the household limitation to all boards, commissions, and committees.

Councilor Chaimov did not feel that limitation was necessary.

Councilors Hedges and **Miller** supported Mayor Ferguson's recommendation.

Councilor Loomis felt it should be up to the discretion of the City Council to make appointments and ensure a balanced advisory body.

Councilor Chaimov was not in favor of extending the household ban because the other boards and commissions do not take the same types of votes as the Budget Committee and Planning Commission.

Mayor Ferguson was concerned about perception and felt that the City Council should be held above criticism and beyond reproach. He felt having a limitation in place would be more prudent.

Councilor Loomis thought it came down to the discretion of the City Council. What about those who could not be married?

Mayor Ferguson replied it had nothing to do with marital status; two people could be roommates. He was seeking to have more diversity on advisory bodies.

It was moved by Councilor Miller and seconded by Councilor Loomis for the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal Code Chapter 2.10 to modify the limitations on reappointment for persons appointed to various City boards, commissions, and committees. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]

Mr. Monahan read the ordinance two times by title only.

Ms. DuVal polled the City Council: **Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

ORDINANCE NO. 2031:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 2.10 TO MODIFY THE LIMITATIONS ON REAPPOINTMENT FOR PERSONS APPOINTED TO VARIOUS CITY BOARDS, COMMISSIONS, AND COMMITTEES.

It was moved by Councilor Loomis and seconded by Councilor Miller for the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal Code Chapter 2.14 to modify terms of members of the Design and Landmarks Committee. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting “aye.” [5:0]

Mr. Monahan read the ordinance two times by title only.

Ms. DuVal polled the City Council: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting “aye.” [5:0]

ORDINANCE NO. 2032:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 2.14 TO MODIFY THE TERMS OF MEMBERS OF THE DESIGN AND LANDMARKS COMMITTEE.

It was moved by Councilor Hedges and seconded by Councilor Chaimov for the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal Code Chapter 2.16 to establish a limitation on the number of individuals from a household appointed to the Planning Commission. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting “aye.” [5:0]

Mr. Monahan read the ordinance two times by title only.

Ms. DuVal polled the City Council: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting “aye.” [5:0]

ORDINANCE NO. 2033:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 2.16 TO ESTABLISH A LIMITATION ON THE NUMBER OF INDIVIDUALS FROM A HOUSEHOLD APPOINTED TO THE PLANNING COMMISSION.

It was moved by Councilor Chaimov and seconded by Councilor Hedges for the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal Code Chapter 2.14 to establish a limitation on the number of individuals from a household appointed to the Budget Committee. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting “aye.” [5:0]

Mr. Monahan read the ordinance two times by title only.

Ms. DuVal polled the City Council: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting “aye.” [5:0]

ORDINANCE NO. 2034:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE

CHAPTER 2.16 TO ESTABLISH A LIMITATION ON THE NUMBER OF INDIVIDUALS FROM A HOUSEHOLD APPOINTED TO THE BUDGET COMMITTEE.

It was moved by Councilor Miller and seconded by Councilor Hedges to adopt the resolution clarifying the terms of office for certain board, commission, and committee members under Milwaukie Municipal Code Section 2.10.030.G. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting “aye.” [5:0]

RESOLUTION NO. 74-2011:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CLARIFYING THE TERMS OF OFFICE FOR CERTAIN BOARD, COMMISSION, AND COMMITTEE MEMBERS UNDER MILWAUKIE MUNICIPAL CODE SECTION 2.10.030G

A. Council Reports

Mayor Ferguson and Councilors provided an update on meetings they attended on behalf of the City and announced upcoming community events.

Mayor Ferguson announced the City Council would meet in executive session immediately following adjournment of the regular session pursuant to ORS 192.660(2)(h) to consult with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

ADJOURNMENT

It was moved by Councilor Chaimov and seconded by Councilor Hedges to adjourn the meeting. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting “aye.” [5:0].

Mayor Ferguson adjourned the regular session at 8:50 p.m.

Respectfully submitted,

Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
August 16, 2011**

CALL TO ORDER

Mayor Ferguson called the 2108th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Greg Chaimov and Councilors Dave Hedges, and Mike Miller

Excused: Councilor Joe Loomis

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, Police Chief Bob Jordan, Associate Planner Brett Kelder, Assistant to the City Manager Teri Bankhead, Community Development and Public Works Director Kenny Asher, Planning Director Katie Mangle

PLEDGE OF ALLEGIANCE**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS****A. Recognition of Milwaukie Police Cadets**

Chief Jordan introduced the Milwaukie Police Cadets and their advisors and discussed the Cadet's excellent performance at a recent statewide competition. **Sgt. Marl** and **Officer Swyers** provided an overview of the City's Program, and the Cadets briefly discussed their awards.

B. Visit by Congressman Kurt Schrader

Congressmen Schrader was present to give an overview of the recent session and to listen to concerns and comments from the Milwaukie City Council and residents. He understood there was currently community interest in baseball among other issues.

C. Metro Update from Councilor Carlotta Collette

Metro Councilor Carlotta Collette provided a quarterly update on Metro topics particularly relevant to the City of Milwaukie including Metro Council redistricting, the 2011 – 2012 adopted budget, and the *It's Our Nature* campaign.

D. Update on Light Rail Station Building Joint Development Offering

Mr. Asher and **Jillian Detweiler**, TriMet, provided an update on the joint offering intended to result in the development of the Milwaukie Light Rail Station Building on the Triangle site near 21st Avenue and Lake Road. This was identified as a Council goal to help revitalize the downtown and was an important project as the South Downtown Plan evolved. In 2008, the City entered into a 10-year memorandum of understanding (MOU) with TriMet that among other things committed the two parties to working together on a joint development project on the triangle site. The light rail project required acquisition of the property located at 21st Avenue and Lake Road for the MAX station. Of that the 8,600 square-foot triangle site not being used for light rail or pedestrian facilities was available for development. Mr. Asher discussed the project milestones that began with property acquisition March 2012 and finally execution of a development agreement January 2013.

Ms. Detweiler discussed the transit oriented development (TOD) program and Federal Transit Authority (FTA) guidance to help fulfill the promise that transit was an

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DRAFT MINUTES

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investment that helped shape the community. The program was most successful when a community had a vision, so this Plan was a great help.

Councilor Miller commented on public area requirements (PAR) issues and expressed concern with the MOU fee waiver language and the possibility of setting a precedent related to fees on building applications. He understood it would be a City Council decision in the future, but as one Councilor, he did not agree with doing that.

Mr. Asher replied the PAR grant program had been identified this year as being necessary and appropriate to provide relief in order to attract a tenant. The MOU only says that City Council would have the opportunity to evaluate the situation as it had on the Main/Monroe building.

Councilor Hedges asked what the chances were in the current economic climate that someone would want to build something like this.

Mr. Asher responded other things that were going on that all mattered and noted there was more interest from developers. Whether that project was affordable in this market was another question.

Ms. Detweiler felt the shell could be achieved under an owner occupant program that might serve small retail, a bike shop, and professional offices. She added the site was owned by Union Pacific along with some private ownership.

CONSENT AGENDA

It was moved by Councilor Chaimov and seconded by Councilor Miller to approve the consent agenda consisting of:

- A. **Resolution No. 75-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Assessing the Costs of Abatement of the Nuisance Located at 11932 SE 35th Avenue and Entering the Same on the Docket of City Liens Pursuant to Milwaukie Municipal Code Section 8.04.200(D);**
- B. **OLCC Application, Dotty's 10843 SE Oak Street, a new outlet;**
- C. **City Council Minutes of the June 28, 2011 Study Session; and**
- D. **Resolution 76-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Monty Schroeder to the Milwaukie Citizens Utility Advisory Board.**

Motion passed with the following vote: Councilors Miller, Chaimov, and Hedges and Mayor Ferguson voting "aye." [4:0]

AUDIENCE PARTICIPATION

Diane Quick, Milwaukie. She addressed Lake Road construction and the number of cars, bicycles, and trucks going by. She requested a meter that measured speed be installed along with a stop sign on Somewhere. She thanked Ed Zumwalt and Dave Aschenbrenner for their work on Festival Daze and particularly their spouses.

Yvonne Lazarus, Clackamas County, told Mayor Ferguson he should recuse himself from decisions related to light rail.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

- A. **Natural Resource Amendments to the Zoning Code and Comprehensive Plan – Ordinance, 2nd Reading and adoption and Resolution**

Mr. Monahan provided background on the ordinance.

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DRAFT MINUTES

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It was moved by Councilor Chaimov and seconded by Councilor Miller for the second reading by title only and adoption of the ordinance amending the Comprehensive Plan Chapter 3 and the Milwaukie Municipal Code Title 19 Zoning Ordinance to protect the City's natural resources File #s ZA 11-01 and CPA-11-01.

Motion passed with the following vote: Councilors Miller, Chaimov, and Hedges and Mayor Ferguson voting "aye." [4:0]

Mr. Monahan read the ordinance for the second time by title only.

Ms. DuVal polled the Council: Councilors Miller, Chaimov, and Hedges and Mayor Ferguson voting "aye." [4:0]

ORDINANCE NO. 2036:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE COMPREHENSIVE PLAN CHAPTER 3 AND THE MILWAUKIE MUNICIPAL CODE TITLE 19 ZONING ORDINANCE, TO PROTECT THE CITY'S NATURAL RESOURCES (FILE #S ZA-11-01 AND CPA-11-01)

Mayor Ferguson read the Land Use Board of Appeals (LUBA) appeal information.

It was moved by Councilor Hedges and seconded by Councilor Miller to adopt the resolution setting fees for services. Motion passed with the following vote: Councilors Miller and Hedges and Mayor Ferguson voting "aye" and Councilor Chaimov voting "no." [3:1]

RESOLUTION NO. 77-2011:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SETTING FEES FOR SERVICES

B. Board, Commission, and Committee Household Restrictions – Ordinance

Mr. Monahan provided the staff report on the proposed code amendments related to Board, Commissions, and Committees.

Councilor Chaimov would vote in favor of the motion but vote "no" for the final vote.

Mayor Ferguson wanted to make it clear these code amendments did not apply to Neighborhood District Associations.

It was moved by Councilor Hedges and seconded by Councilor Miller for the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal Code Chapter 2.10 to establish a limitation on the number of individuals from a household appointed to a specific City Board, Commission, or Committee. Motion passed with the following vote: Councilors Miller, Chaimov, and Hedges and Mayor Ferguson voting "aye." [4:0]

Mr. Monahan read the ordinance two times by title only.

Ms. DuVal polled the City Council: Councilors Miller, Chaimov, and Hedges and Mayor Ferguson voting "aye" and Councilor Chaimov voting "no." [3:1]

ORDINANCE NO. 2037:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 2.10 TO ESTABLISH A LIMITATION ON THE NUMBER OF INDIVIDUALS FROM A HOUSEHOLD APPOINTED TO A SPECIFIC CITY BOARD, COMMISSION, OR COMMITTEE

C. City Council Goals Update

Mr. Monahan provided an update on the City Council goals and proposed his next report be in January.

D. Council Reports

Mayor Ferguson and Councilors provided updates on meetings they attended on behalf of the City and announced upcoming community events.

Mayor Ferguson announced the City Council would meet in executive session immediately following adjournment of the regular session pursuant to ORS 192.660(2)(c) to deliberate with persons designated by the governing body to negotiate real property transactions.

ADJOURNMENT

It was moved by Councilor Chaimov and seconded by Councilor Hedges to adjourn the meeting. Motion passed with the following vote: Councilors Miller, Chaimov, and Hedges and Mayor Ferguson voting “aye.” [4:0].

Mayor Ferguson adjourned the regular session at 8:50 p.m.

Respectfully submitted,

Pat DuVal, Recorder

6.
OTHER BUSINESS



Agenda Item: 10E
Meeting Date: 9/20/11

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Letter of Interest – Metropolitan Area Communication Commission membership

Prepared By: JoAnn Herrigel
Dept. Head Approval: JoAnn Herrigel
City Manager Approval: Bill Monahan
Reviewed by City Manager: 9/9/11

Issue before the Council

Approve a resolution authorizing the Mayor to sign a letter to the Metropolitan Area Communication Commission asking that the City be considered for membership.

Staff Recommendation

Approve the resolution authorizing the Mayor's signature.

Key Facts & Information Summary

The Metropolitan Area Communication Commission (MACC) and Milwaukie has been providing the City with Comcast cable franchise administrative services for almost 10 years. As the end of the Comcast franchise term approaches, staff is beginning talks with MACC regarding becoming a full member jurisdiction. The attached letter of interest would begin those formal discussions.

Other Alternatives

None

City Council Goals

None associated with this action.

Attachment List

1. Resolution
2. Draft letter to MACC

Fiscal Notes

None at this time.



To: Mayor and City Council

Through: Bill Monahan, City Manager

From: JoAnn Herrigel, Community Services Director

Date: August 31, 2011

Subject: Metropolitan Area Communication Commission membership

Action Requested

Approve a resolution authorizing the Mayor to sign a letter to the Metropolitan Area Communication Commission asking that the City be considered for membership.

History Of Prior Actions and Discussions

June 2011: Council directed staff to begin discussions with MACC regarding joining MACC as a full member jurisdiction.

Background

The Metropolitan Area Communication Commission (MACC) and Milwaukie have had a relationship for almost 10 years under an intergovernmental agreement through which MACC provides Comcast cable franchise administrative services for the City. The current agreement provides the City certain services including, but not limited to:

- Day to day customer response regarding technical or billing problems with cable service.
- Financial auditing of franchise required payments.
- Monitoring of Comcast contract obligations to Milwaukie and regulatory follow-up where necessary.
- Technical assistance with legal and financial issues regarding Comcast's relationship with and obligations to the City.
- In addition to assisting the City with cable-related issues, MACC staff also provides support and information regarding other City franchise issues related to Qwest and

provides telecommunication-related legislative monitoring during legislative sessions.

For this work, the City makes an annual payment to MACC of twenty-three percent (23%, or about \$44,000) of its Comcast franchise fees.

As the end of the Comcast franchise approaches, staff from MACC and Milwaukie have been discussing whether Milwaukie might become a MACC member and thereby benefit from MACC's technical and legal franchise negotiation resources. In June 2011, Council requested that staff begin discussions regarding joining MACC as a full member jurisdiction. MACC staff has requested a letter of interest from the City requesting membership consideration. The submission of this letter will begin more formal discussions with the MACC Board and staff regarding the financial, technical and logistical implications to the City of Milwaukie of MACC membership. City staff plans to keep Council updated as these discussions progress.

Concurrence

The City Manager supports this action.

Fiscal Impact

None at this time.

Work Load Impacts

The Community Services Director will begin meeting with MACC staff and representatives of other jurisdictions also considering MACC membership to identify the conditions of membership.

Alternatives

Deny approval of the resolution authorizing the Mayor to sign the letter of interest and direct staff to take an alternative action.

Attachments

1. Resolution
2. Letter of Interest

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE MAYOR TO SIGN A LETTER TO THE METROPOLITAN AREA COMMUNICATION COMMISSION ASKING THAT THE CITY BE CONSIDERED FOR MEMBERSHIP.

WHEREAS, the Metropolitan Area Communication Commission (MACC) and Milwaukie have had a relationship for almost 10 years through an intergovernmental agreement; and

WHEREAS, MACC has provided certain cable franchise administrative services for the City including franchise fee auditing, customer service and monitoring of Comcast franchise responsibilities; and

WHEREAS, the City of Milwaukie is interested in considering joining MACC as a full member jurisdiction; and

WHEREAS, MACC has asked the City for a formal request for such consideration;

NOW, THEREFORE, BE IT RESOLVED that the Mayor is authorized to sign the attached letter requesting that MACC consider Milwaukie as a full member jurisdiction.

Introduced and adopted by the City Council on September 20, 2011.

This resolution is effective on September 20, 2011.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

Attachment 2



September 20, 2011

Chris Barhyte, Chair
MACC
1815 NW 169th Place, Suite 6020
Beaverton, OR 97006

RE: MACC Membership

Dear Chair Barhyte:

As you know, the City of Milwaukie has contracted with MACC for a variety of cable television franchise services for more than ten years. We believe this has been a mutually productive relationship.

The City has worked hard to find efficiencies through governmental partnerships wherever it can. We believe it would be worthwhile to continue that work by requesting a full partnership with MACC.

Please consider the City of Milwaukie for membership in MACC as soon as reasonably possible. We understand that joining MACC will require the City to agree to terms that meet the intent of the existing MACC Intergovernmental Agreement. We look forward to reviewing the details of a proposed agreement, when it is fully drafted. Please contact Community Services Director, JoAnn Herrigel, to move forward with drafting the agreement.

Thank you for your consideration of this request.

Sincerely,

Mayor Jeremy Ferguson

cc: Bruce Crest, MACC Administrator