

REGULAR SESSION

AGENDA

MILWAUKIE CITY COUNCIL January 4, 2011

MILWAUKIE CITY HALL
10722 SE Main Street

2093rd MEETING

REGULAR SESSION – 7:00 p.m.

Oath of Office for Mayor Jeremy Ferguson and Councilors Dave Hedges and Mike Miller – Administered by Municipal Court Judge Ron Gray

- | | Page # |
|---|--------|
| 1. CALL TO ORDER
Pledge of Allegiance | |
| 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS | |
| A. Milwaukie High School Student of the Month Ana Wrede | |
| 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> | 1 |
| A. Establish Council Meeting Dates for 2011 – Resolution | 2 |
| B. Designate Papers of Record for the City of Milwaukie – Resolution | 3 |
| 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> | |

None Scheduled

6. OTHER BUSINESS <i>(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.)</i>	4
A. Amend Authorization to Purchase New or Used Replacement Vehicles – Resolution Staff: Paul Shirey, Operations Director	5
B. Council Reports	
7. INFORMATION	8
A. Mayor/Council Communication Agreement Staff: Bill Monahan, City Manager	9

8. ADJOURNMENT

Public Information

- Executive Session: The Milwaukie City Council may meet in executive session immediately following adjournment 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.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

3.

CONSENT AGENDA

RESOLUTION NO. 01-2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DESIGNATING THE FIRST AND THIRD TUESDAYS OF EACH MONTH AS THE REGULAR CITY COUNCIL MEETING DATE, ESTABLISHING THE TIMES OF THE SAID MEETINGS, AND REPEALING RESOLUTION 01-2010.

WHEREAS, Section 20 of the Milwaukie City Charter requires the City Council to hold a regular meeting at least twice each month in the City at a time and at a place which it designates; and

WHEREAS, the Municipal Code Chapter 2.04.070 states that the City Council must provide notice of its regularly scheduled meeting times and locations; and

WHEREAS, the City Council adopted Resolution 01-2010, which set the work session and the regular meeting on the first and the third Tuesday of each month;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Milwaukie, Oregon:

Section 1: The regular City Council meeting will be held on the first and third Tuesday of each month at 7:00 P.M. in the Council Chambers at City Hall, 10722 SE Main Street or designated alternate location as required by the Public Meetings Laws of the State of Oregon.

Section 2. The City Council may schedule work sessions if deemed necessary by the members and hold them either before or after the regular meeting. Further the City Council may cancel any work sessions if there are insufficient agenda topics to warrant convening a meeting.

Section 3: The City Recorder is directed to provide notice to the public of all City Council meetings as required by law.

Section 4: Resolution No. 01-2010 adopted January 5, 2010 is repealed.

Section 4: This resolution is effective January 4, 2011.

Introduced and adopted by the City Council on January 4, 2011.

Jeremy Ferguson, Mayor

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

ATTEST:

By: _____
City Attorney

Pat DuVal, City Recorder

RESOLUTION NO. 02-2011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DESIGNATING THE *CLACKAMAS REVIEW*, *THE OREGONIAN* AND *THE DAILY JOURNAL OF COMMERCE* AS THE PAPERS OF RECORD FOR THE CITY OF MILWAUKIE.

WHEREAS, ORS 192.620, Public Meetings Law Policy, requires an “Informed public aware of the deliberations and decisions of the governing bodies”; and

WHEREAS, ORS 193.010 defines a newspaper of general circulation, and ORS 193-020 defines a newspaper in which public notices may be published; and

WHEREAS, the *Clackamas Review*, *The Oregonian*, and *The Daily Journal of Commerce* meet the needs of the City and the requirements of State statutes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Milwaukie, Oregon, designates the *Clackamas Review*, *The Oregonian*, and *The Daily Journal of Commerce* as the papers of record for the City of Milwaukie.

Introduced and adopted by the City Council on January 4, 2011.

This resolution is effective on January 4, 2011.

Jeremy Ferguson, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

City Attorney

6.
OTHER BUSINESS



To: Mayor and City Council

**Through: Bill Monahan, City Manager
Kenneth Asher, Community Development/Public Works Director**

From: Paul Shirey, Operations Director

Subject: Amend Authorization to Purchase New or Used Replacement Vehicles

Date: December 20, 2010 for January 4, 2011 Council Meeting

Action Requested

Amend authorization to purchase replacement vehicles for various City departments totaling \$313,000 to include used as well as new vehicles.

History of Prior Actions and Discussions

November 16, 2010: Resolution 80-2010 authorizing the City Manager to purchase replacement vehicles for FY 2010-2011

December 15, 2009: Resolution 79-2009 authorizing the City Manager to purchase replacement vehicles for FY 2009-2010

Background

City Council approved Resolution 80-2010 on November 16, 2010, to replace ten City vehicles. Resolution 80-2010 refers only to the purchase of new vehicles, although the accompanying staff report indicated that the Police Department may consider buying used vehicles for the use by detectives. Resolution 80-2010 specified that Code Enforcement and Engineering plan to purchase new hybrid SUV's and that PW Operations would be purchasing an electric vehicle.

In researching the cost and availability of hybrid SUV's, staff discovered that used vehicles with less than 50,000 miles are priced up to \$12,000 less than new (new quoted

at \$33,000; used quoted at \$21,000), and are readily available. There is a several month wait time for new hybrid SUV's due to market demand. In considering the purchase of used vehicles Fleet staff does a complete inspection and analysis considering mileage and wear. If acceptable, used vehicles are sometimes purchased. Historically it has been left up to each Department to decide if it wants to buy used, or wait for a new vehicle to be delivered.

Public Works Operations is very interested in purchasing an all-electric vehicle for a staff car but is concerned that the price of the available models (between \$35,000 and \$50,000) would exceed the authorization for this replacement vehicle. In that case, a hybrid SUV may be considered.

The total budget authorized in the Resolution 80-2010 of \$313,000 for ten vehicles is not proposed to change. Staff would return to Council should it become necessary to increase total budget.

Therefore, this amended Resolution is intended to give staff the latitude to purchase new vehicles as well as used vehicles and to replace the Public Works operations staff vehicle with a hybrid if the cost of an all-electric model is deemed too expensive.

Concurrence

The Public Works Operations Director has conferred with Code Enforcement and the Engineering Director, the Fleet Foreman and the Operation Supervisors regarding this Amendment. They support the purchasing flexibility that this amendment will provide.

Fiscal Impact

None

Work Load Impacts

None

Alternatives

Do not approve the Amendment. Require the purchase of only new vehicles as a matter of policy. Brand new vehicles will require less maintenance over their life in the fleet (typically 5-7 years) but the initial higher capital cost and immediate depreciation make used vehicles attractive as a reasonable alternative.

Attachments

1. Amended Resolution

ATTACHMENT 1

RESOLUTION NO. _____

AN AMENDED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE PURCHASE OF CITY VEHICLES THAT WERE APPROVED FOR REPLACEMENT IN THE FISCAL YEAR 2010/2011, AS PER THE CITY VEHICLE REPLACEMENT CRITERA.

WHEREAS, the 2010/2011 City budget was approved and adopted at the June 15, 2010 City Council meeting, and

WHEREAS, the approved City budget identified vehicles that are authorized for purchase during Fiscal Year 2010/2011, and

WHEREAS, the City established vehicle replacement guidelines that have been followed by City staff to procure new or replacement vehicles, and

WHEREAS, the City is an eligible entity and a member of the Oregon Cooperative Purchasing Program and is authorized to purchase vehicles under the program, and

WHEREAS, the City will purchase the vehicles through a vendor approved through the Oregon Cooperative Purchasing Program that has submitted a competitive bid approved by the State for purchases by program members, and

WHEREAS, the City will purchase the police and public works vehicles through the Oregon Cooperative Purchasing Program at a total cost of \$313,000, and

WHEREAS, the City may choose to purchase new or used vehicles depending upon performance criteria and vehicle availability.

WHEREAS, Resolution 80-2010 authorized the City Manager to approve the purchase of ten new vehicles at a cost of \$313,000 as approved 2010/2011 budget.

NOW, THEREFORE, BE IT RESOLVED that the City of Milwaukie authorizes the City Manager to approve the purchase of ten new or used vehicles from Oregon Cooperative Purchasing Program approved vendor at a total cost of \$313,000 as per the approved 2010/2011 budget.

Introduced and adopted by the City Council on _____ .

This resolution is effective on _____ .

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:

Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

7. INFORMATION



To: Honorable Mayor and City Council
From: Bill Monahan, City Manager
Date: December 27, 2010
Re: Mayor/Council Communication Agreement

As we discussed at the recent Council Goal Setting Session, the Mayor/Council Communication Agreement was last adopted in 2003. The agreement will lack support of the majority of the members of City Council as of the initial meeting of 2011 as only Councilor Joe Loomis will remain on Council from those who signed the agreement in 2003.

Attached for Council's consideration is an identical version of the agreement except that the names of the signers of 2003 have been changed to those who will serve on Council as of January 5, 2011. The Council has the following options:

- commit to the same language in a new agreement adopted by resolution on January 18,
- adopt a resolution along with an agreement with modified language, or
- take no action other than to acknowledge that the 2003 agreement no longer has effect.

Staff has scheduled an item on the January 18, 2011 agenda for the Council to consider the agreement. If you have any suggested changes to the agreement, please forward them to staff no later than January 10 so the agenda summary can be prepared including alternative language to address your concerns.

A draft resolution is also attached.

RESOLUTION NO. 45-2003

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE MAYOR/COUNCIL COMMUNICATION AGREEMENTS.

WHEREAS, open, direct, and positive communication among the Mayor and Councilors and between them and the staff and public is critical to ensuring clear and easily understood public information; and

WHEREAS, open, direct, and positive communication among the Mayor and Councilors and between them and the staff and public is essential to a healthy community debate on issues; and

WHEREAS, the Mayor/Council Communication Agreements as proposed are intended to ensure an open public process that leads to closure.

NOW, THEREFORE, BE IT RESOLVED, by the City Council, that the Mayor/Council Communication Agreements be adopted.

This resolution is effective immediately upon adoption.

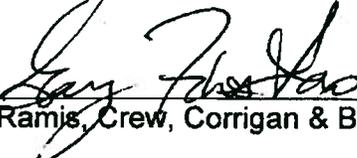
Introduced and adopted by the City Council on November 4, 2003


James Bernard, Mayor

ATTEST:


Pat DuVal, City Recorder

APPROVED AS TO FORM:


Ramis, Crew, Corrigan & Bachrach LLP

MAYOR/COUNCIL COMMUNICATION AGREEMENT

Guaranteed access to clear and easily understood information is a value of the City of Milwaukie. These agreements are intended both to foster conduct that realizes that value, while ensuring a healthy debate about competing ideas. Finally, they seek closure and a community that moves forward together, secure in the knowledge that decisions were made openly and fairly.

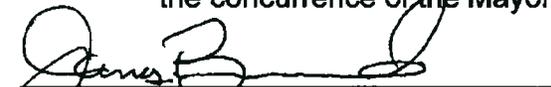
The agreements have one common behavioral thread—mutual respect. Thus, if the list does not anticipate a situation, a response that is respectful of all concerned should suffice.

1. In all Council events, work sessions, and meetings:
 - I demonstrate respect for all who are involved;
 - I respect all thoughts and ideas;
 - I clarify facts and opinions to ensure understanding;
 - I do not personalize my comments;
 - I clearly state my own opinion as being mine;
 - I look for ways to praise efforts and accomplishments; and
 - I stay focused and participate.

2. In working with the Mayor and Councilors:
 - I provide them with reasonable notice of matters I am introducing at meetings;
 - I always represent the City's position before other jurisdictions unless none has been adopted, in which case I inform the Mayor and Council in a timely manner of the position(s) I have taken;
 - I work toward consensus;
 - Once the group has acted, I accept and respect the decision, and I do not publicly ridicule the Council, any individual member or participant, or the decision; and
 - I first address a concern about either a violation of these agreements or any other matter in a direct, appropriate, private, and timely manner with the person(s) involved.

3. In working to seek broad-based community support:
 - I communicate with the community to gather information; and
 - I engage the community in a shared dialogue.

4. In working with staff:
 - I communicate with staff to gather information; and
 - I exchange ideas with staff and give direction through the City Manager with the concurrence of the Mayor and Council.


James Bernard, Mayor


Larry Lancaster, Council President


Deborah Barnes, Councilor


Joe Loomis, Councilor


Susan Stone, Councilor

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE MAYOR/COUNCIL COMMUNICATION AGREEMENTS.

WHEREAS, open, direct, and positive communication among the Mayor and Councilors and between them and the staff and public is critical to ensuring clear and easily understood public information; and

WHEREAS, open, direct, and positive communication among the Mayor and Councilors and between them and the staff and public is essential to a healthy community debate on issues; and

WHEREAS, the Mayor/Council Communication Agreements as proposed are intended to ensure an open public process that leads to closure;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Milwaukie, Oregon that:

Section 1: The Mayor/Council Communication Agreements be adopted.

Section 2: Resolution 45-2003 is repealed.

Section 3: This resolution is effective January 18, 2011.

Introduced and adopted by the City Council on January 18, 2011.

Jeremy Ferguson, Mayor

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

ATTEST:

By: _____
City Attorney

Pat DuVal, City Recorder

MAYOR/COUNCIL COMMUNICATION AGREEMENT

Guaranteed access to clear and easily understood information is a value of the City of Milwaukie. These agreements are intended both to foster conduct that realizes that value, while ensuring a healthy debate about competing ideas. Finally, they seek closure and a community that moves forward together, secure in the knowledge that decisions were made openly and fairly.

The agreements have one common behavioral thread—mutual respect. Thus, if the list does not anticipate a situation, a response that is respectful of all concerned should suffice.

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 - I work toward consensus;
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4. In working with staff:
 - I communicate with staff to gather information; and
 - I exchange ideas with staff and give direction through the City Manager with the concurrence of the Mayor and Council.

Jeremy Ferguson, Mayor

Greg Chaimov, Councilor

Dave Hedges, Councilor

Joe Loomis, Councilor

Mike Miller, Councilor