

# REGULAR SESSION

# AGENDA

## MILWAUKIE CITY COUNCIL MARCH 20, 2012

MILWAUKIE CITY HALL  
10722 SE Main Street

2122<sup>nd</sup> MEETING

REGULAR SESSION – 7:00 p.m.

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| 1. CALL TO ORDER<br>Pledge of Allegiance   |             |
| 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS   | 1           |
| A. Milwaukie High School Student of the Month Laura Braun for March 2012   |             |
| B. Recognize Patty Wisner for Service to the Community on the Design and Landmarks Committee   |             |
| C. Oregon Passenger Rail Council Update  |             |
| D. Construction Phase Light Rail Communication<br>Staff: Public Affairs Coordinator Grady Wheeler, Community Services Director JoAnn Herrigel, and Claudia Steinberg, TriMet   | 2           |
| E. Informational Report on the Walk Safely Milwaukie Program – Stanley Avenue Crosswalk<br>Staff: Interim Operations Director/Engineering Director Gary Parkin and Civil Engineer Brad Albert  | 5           |
| 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> | 11          |
| A. City Council Meeting Minutes  | 12          |
| 1. January 9, 2012 Special Meeting   |             |
| 2. January 11, 2012 Study Session  |             |
| 3. January 17, 2012 Work Session   |             |
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| 5. January 31, 2012 Study Session  |             |
| 6. February 7, 2012 Regular Session  |             |
| 7. February 21, 2012 Regular Session   |             |
| 8. February 28, 2012 Study Session   |             |
| B. 2012 Storm Water Master Plan Contract Award to Brown and Caldwell – Resolution  | 46          |
| C. OLCC Application – Duffy's Irish Pub, 11050 SE 21 <sup>st</sup> Avenue, change of ownership   | 82          |

4. **AUDIENCE PARTICIPATION** *(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.)*
5. **PUBLIC HEARING** *(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.)*
  - 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.)*
  - A. **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



Agenda Item: 2.D.  
Meeting Date: 3/20/12

**To: Mayor and City Council**

**Through: Bill Monahan, City Manager**

**From: JoAnn Herrigel, Community Services Director  
Grady Wheeler, Public Affairs Coordinator**

**Subject: Communication during Light Rail Construction**

**Date: March 20, 2012**

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### **ACTION REQUESTED**

No action. This update is for Council's information only.

### **BACKGROUND**

In February 2012 the City's Public Affairs Coordinator and Community Services Director met with TriMet public affairs staff to coordinate our outreach efforts during Portland – Milwaukie Light Rail Project construction. Central to this phase of the communications effort is providing timely construction updates and direct channels to those who can provide quick response to those encountering construction-related problems. City staff will attend the March 20 regular session to discuss our proposed strategy. The main elements of our approach will include:

- A link on the home page of the Milwaukie web site that leads users to TriMet's construction update web page. TriMet hires a communication specialist to attend weekly construction meetings and to report out on these meetings via TriMet's project website. This website enables interested persons to subscribe to weekly project updates.
- A prominent listing of the TriMet non-emergency and emergency phone numbers on the City's web site home page and on all project related web site pages.
- A monthly project update meeting at TriMet's Milwaukie field office, located in the North Industrial Area, where the public may ask questions and raise concerns with TriMet staff and representatives of the construction contract team.

**CONCURRENCE**

TriMet and City staff's experience from other construction projects indicates that the best way to convey accurate and up to date information to the public is to allow them to communicate directly with the project managers and contractors.

**ATTACHMENTS**

1. Light Rail construction notice post card



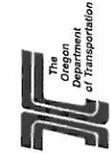
## Light Rail Construction Notice

Construction begins east of Willamette River

Construction for the Portland-Milwaukie Light Rail Transit Project is beginning in southeast Portland, Milwaukie and north Clackamas County. Construction will continue into 2015, with the new MAX line scheduled to open in fall 2015.

Initial activities include utility relocation, building demolition and limited tree removal in preparation for subsequent construction. In general, construction may take place 7 a.m. to 6 p.m., Monday through Saturday.

- For more information, visit [trimet.org/pm](http://trimet.org/pm) or call 503-962-2150.
- Register to receive regular email construction updates at [trimet.org/pm](http://trimet.org/pm).
- For construction emergencies, call 503-962-2222.





Agenda Item: 2.E.  
Meeting Date: 3/20/2012

## COUNCIL AGENDA ITEM SUMMARY

**Issue/Agenda Title:** Informational report for the Walk Safely Milwaukie Program – Stanley Avenue Crosswalk construction project

**Prepared By:** Brad Albert

**Dept. Head Approval:** Kenny Asher

**City Manager Approval:** Bill Monahan

**Reviewed by City Manager:** March 8, 2012

### ISSUES BEFORE THE COUNCIL

Informational report for the Stanley Avenue Crosswalk between Willow Street and Ball-Michel Park.

### STAFF RECOMMENDATION

Not Applicable

### KEY FACTS & INFORMATION SUMMARY

- The construction project consists of constructing approximately 416 square feet of pervious concrete sidewalks, two ADA ramps, 97 lineal feet of curb and gutter, on Stanley Ave between Willow Street and Ball-Michel Park.
- The project was selected in the first round of the Walk Safely Milwaukie Program.
- Earthworks Excavation and Construction Inc. submitted the lowest responsible bid under the City's competitive bidding process.

### OTHER ALTERNATIVES CONSIDERED

Not Applicable

### CITY COUNCIL GOALS

Allocate resources within the Capital Improvement Plan to improve livability in the neighborhood

### ATTACHMENT LIST

- Vicinity Map

### FISCAL NOTES

- The Stanley Avenue Crosswalk is part of the 2011/2012 budget
- Project funding includes \$143,000 in the Streets Capital and Reserve Fund for the first round of projects for the Walk Safely Milwaukie Program



**To:** Mayor and City Council

**Through:** Bill Monahan, City Manager  
Kenny Asher, Community Development/Public Works Director  
Gary Parkin, Engineering Director/Interim Operations Director

**From:** Brad Albert, Civil Engineer

**Subject:** Informational Report on the Walk Safely Milwaukie Program – Stanley Avenue Crosswalk

**Date:** March 8, 2012 for the March 20<sup>th</sup> Regular Session

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### **Action Requested**

This is an informational report for the second project, Stanley Avenue Crosswalk, of the Walk Safely Milwaukie Program (WSMP).

### **History of Prior Actions and Discussions**

**June 2011:** Council approved Resolution 63-2011 to fund projects in the first round of the WSMP.

**Oct 2010:** Council approved Resolution 83-2010 to amend the WSMP and move forward with implementation of the program.

**June 2010:** Council approved Resolution 65-2010 to initiate a three year pilot phase of the WSMP.

### **Background**

In June 2010, City Council initiated a three year pilot of the WSMP. The WSMP is set up for a Neighborhood District Association (NDA) to document pedestrian safety concerns within their neighborhoods by writing Walk Safely Reports and applying for grants to construct small pedestrian safety improvement projects. Walk Safely Reports were submitted by all seven NDA's in February 2011. Lewelling's Walk Safely Report identified Stanley Avenue as needing a crosswalk from Willow Street to Ball-Michel Park.

In April 2011, all seven NDA's submitted projects for WSMP pedestrian safety improvement funding. The Lewelling NDA applied to have a crosswalk constructed on

Stanley Avenue. The Lewelling Neighborhood has desired a crosswalk on Stanley Avenue from Willow Street to Ball-Michel Park for several years. The neighborhood is concerned about the safety of pedestrians who cross Stanley Avenue to get to the park due to lack of a crosswalk. This portion of Stanley Avenue is designated a collector roadway and vehicle traffic is higher than on a local street.

In the spring of 2011, the Public Safety Advisory Committee (PSAC) evaluated and scored all the projects, forwarding a recommendation which the City Council approved in June 2011. The top three projects were the Stanley Avenue Crosswalk, sidewalk improvements along Home Avenue between Wilma Circle and Hunter Court in the Hector Campbell NDA, and crosswalk improvements at the intersection of River Road and Sparrow Street in the Island Station NDA. The WSMP budget for all three projects is \$143,000. The Home Avenue project was constructed in November 2011 and the River Road project is currently being designed and will be constructed in the summer of 2012. The table below is a breakdown of the money spent to date on the three chosen projects.

	<b>Project</b>	<b>Amount Spent</b>	<b>WSMP Funding Balance</b>
1	Home Ave Sidewalk	\$30,074	\$112,926
2	Stanley Ave Crosswalk	\$22,944	\$89,982
3	River and Sparrow Crosswalk	TBD	\$89,982

The City will be using pervious concrete for the Stanley Avenue Crosswalk. Pervious concrete minimizes the runoff from the new crosswalk because the water moves through the concrete and percolates into the ground. The pervious concrete will allow the surface of the crosswalk to be free from moisture buildup.

The project includes the work shown on the Project Vicinity Map (Attachment 1) and the elements as described below:

- A. Construct 416 square feet of pervious concrete crosswalk and sidewalk.
- B. Construct two (2) ADA ramps at the northeast corner of Stanley Avenue and Willow Street
- C. Construct 97 lineal feet of standard curb and gutter.

The project went through a competitive bidding process in accordance with Chapter 30 of the City's Public Contracting Rules. The City received seven (7) bids before the March 1, 2012 2:00 PM bid opening. The following table is a summary of all bid amounts as well as the engineer's estimate.

	<b>Contractor</b>	<b>Bid</b>	<b>Pre-qualified</b>
	Earthworks Exc &		
1	Const,	\$22,944.75	Y
2	GT Excavation LLC	\$24,929.00	Y
3	Paul Lambson Co.	\$27,000.00	Y
4	Portland Road & Drive.	\$30,946.00	Y
5	Jim Smith Exc. Inc.	\$34,242.00	Y
6	Subcom Exc. LLC	\$35,000.00	Y
7	Brown Contracting Inc.	\$42,791.00	Y
***	<i>Engineers Estimate</i>	<i>\$35-\$45,000</i>	

Selection of the Contractor was based on the lowest responsive bid submitted in conformance with the Contract Documents. The lowest responsive bid was submitted by Earthworks Excavation and Construction LLC, a construction firm from West Linn, OR.

Construction is expected to begin the last week of March. The project duration is scheduled for 30 days, with an expected completion date at the end of April. One-way traffic with flaggers can be expected on Stanley Avenue during construction hours, but will be restored to two-way traffic on evenings and weekends. Disruptions to traffic will be minimal.

### **Concurrence**

Engineering staff coordinated with the Lewelling Neighborhood and Operations staff on the design phase of the project. This project was reviewed and approved as a high priority project by PSAC and City Council as part of the WSMP project funding recommendations.

Engineering staff coordinated with the Lewelling Neighborhood for the tree removal permit for a 24 inch maple on the northeast corner of Stanley Ave and Willow St. The neighborhood chair was informed before posting for the removal permit, and communicated to staff that the NDA supported removal of the tree to make room for the new sidewalk. No comments were made in regards to removing the tree.

The property owner on the northeast corner of Stanley Ave and Willow St was gracious enough to dedicate a small portion of right of way for the construction of the sidewalk at no cost to the city. The property owner was happy to see improvements being made on Stanley Ave.

**Fiscal Impact**

The WSMP-Stanley Avenue Crosswalk project is included in the 2011/2012 Streets Fund budget for WSMP projects. The total budget amount for all three WSMP projects is \$143,000.

**Work Load Impacts**

Engineering staff will provide project management throughout the course of the construction, including the following:

- Enforcement of contract provisions
- Interpretation of construction plans and specifications
- Negotiation of changes to contract provisions when necessary
- Acceptance of furnished materials
- Conformance with Bureau of Labor and Industries requirements
- Management and coordination between the contractor, public, City departments, and regulatory agencies.
- Measurement of quantities
- Issuance of payments for work completed

This workload has been considered in the Engineering work plan and will be shared between two engineers.

Maintenance of the pervious concrete sidewalk will be performed by the Street Department on an as-needed basis. The pervious sidewalk will be inspected annually during the rainy season to check the permeability of the sidewalk. Maintenance tasks include vacuum sweeping or pressure washing the sidewalk. This work will add to the workload of the Street Department but will not require additional staff.

**Attachments**

1. Vicinity Map



Attachment 1

3.

# CONSENT AGENDA

**CITY OF MILWAUKIE**  
**CITY COUNCIL SPECIAL SESSION**  
**JANUARY 9, 2012**

Agenda Item: 3.A.1.  
Meeting Date: 3/20/12

**CALL TO ORDER**

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

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

Staff present: City Manager Bill Monahan, City Recorder Pat DuVal, Community Development/Public Works Director Kenny Asher,

Media: Molly Harbarger, *The Oregonian*, Raymond Rendleman, *The Clackamas Review*

**PLEDGE OF ALLEGIANCE**

**BASEBALL FEASIBILITY REPORT – PHASE 1**

**Mayor Ferguson** explained the special session was being held in order to hear a report on the feasibility study for the possibility of bringing minor league baseball to Milwaukie. He reviewed the order of business for the meeting.

**A. City Council Goal Discussion**

As background, **Mayor Ferguson** explained the City Council had unanimously adopted Resolution 46-2011 in April 2011 which among other things directed staff to explore bringing minor league baseball to the City as an economic development initiative. This Council had consistently identified economic development as its highest priority. The City Council has received updates and taken actions in support of this goal.

**Councilor Loomis** put this project at the top of the list because the Council thought the window of opportunity was short. He felt it would be a catalyst to help achieve other community goals including the Riverfront Park, Kellogg for Coho, and neighborhood improvements. Private developers such as Fred Bruning had approached the City which indicated to Councilor Loomis a new interest in Milwaukie. He also believed minor league baseball would be a catalyst for helping small businesses. He felt the community outreach in Phase 1 of the project had been very successful in fleshing the questions, and Phase 2 would answer questions about economic feasibility and questions of that nature. The first question was whether the site would accommodate a facility like this, and the answer was “yes.” He believed this project would help sustain small businesses such as bike shops and other amenities families could enjoy as part of a unique experience. He commented on the recent ballot measure in Washington State and the possibility of the Oregon Liquor Control Commission’s (OLCC) property becoming available in the future. If it penciled out and the City Council and community supported this project, it would indicate that Milwaukie had a vision for the future. So many good things could be done with this, and the timeline in which to decide whether to move forward or not was short.

**Councilor Miller** said matter came up at Council goal setting, and all agreed it was something that should be considered. If the citizens of Milwaukie did not wish to support this project, then neither would he. At some time in the future citizens would be asked if they wanted to spend tax dollars to support this project. In his view, it had to pencil out as a baseball park and a multi-use facility. He did not want this project to be a financial drain on the community. He would not support it if he found that the citizens

**CITY COUNCIL SPECIAL SESSION – JANUARY 9, 2012**

**DRAFT MINUTES**

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did not support it. Another City Council goal was to get the Riverfront Park done, and there were needs for streets, sidewalks, and projects of that nature. If the baseball park helped pay for those, then he would be a supporter.

**Councilor Hedges** had no comments at this time.

**Council President Chaimov** explained when he thought about economic development, the concept he was trying to express was raising the property values in the community so the public infrastructure could be built that he understood people wanted. This community was good about arguing about projects. One of the few areas where people seemed to be in agreement was that they wanted a 20-minute walking community with better sidewalks, bike paths, and roads and more improvements near commercial establishments. The City Council cannot make those improvements without some kind of additional funding. There were three ways to raise property values in the community to make improvements: increase density, encourage big employers and their employees to move into the City, or have an attraction that brought people into the community to spend money. Right now the City Council was pursuing the last option. If there were those in the community who were not keen on that option had other ideas, Council President Chaimov encouraged them to step forward.

**Mayor Ferguson** liked the community the way it was, and he along with many others liked the small town character. He did not necessarily like the idea of density or creating large employment centers. Bringing baseball to Milwaukie caught his attention as an opportunity to draw on the population of the metropolitan area to a complex in Milwaukie. There had been numerous comments about its being a multi-use facility that respected neighborhoods and businesses in the area.

**Councilor Loomis** added he did not disagree with any of the comments from other Council members.

## **B. Staff Report and Consultants' Presentation**

**Mr. Asher** introduced the consultant teams, Innovative Campaign Strategies (ICS), 360 Architecture, and Capital Project Consultants. He outlined the process for the evening and provided background on the project to date. The four main feasibility questions were: is there a workable site, was there a workable building, was there a team, and was there funding to accomplish the project. Overarching all of those elements was community support reflected by City Council support and its vision of the City's future.

The City Council can and should stop the feasibility phase if it felt it had enough information to determine it was not an affordable economic development goal. Until he heard that, Mr. Asher would continue to explore the feasibility of the minor league baseball project. The information before the City Council at this meeting was primarily about the community response to the Council's goal and site feasibility.

**Paige Richardson**, ICS, described Phase 1 outreach efforts. They were tasked with listening and categorizing concerns and comments compiled at three listening lounges, community and neighborhood leadership meetings, North Industrial business contacts, and community conversations on the City website and Facebook. Two themes emerged consistently: financial questions and community impact. When asked what kind of town Milwaukie was, there were two consistent answers: it was a community of retired people with most residents over the age of 50, and a town for young families getting priced out of Portland housing and looking for a smaller community. The City Council should keep in mind this kind of dynamic resulted in probably differing opinions.

**John Isaacs** described the core piece of the outreach effort which was three listening lounges. These were held at Ardenwald, Milwaukie, and Linwood Elementary Schools. The intent of the listening lounges was to give the public an opportunity to voice initial

concerns and comments. The events were advertised on a very small budget and included newspaper articles, Facebook, radio interviews, and postings on the City website.

The first lounge was held October 27, 2011, at Ardenwald Elementary with approximately 62 attendees. By a show of hands, 90% were Milwaukie residents and 50% were Ardenwald residents. Eighteen comments were supportive of the project citing economic opportunity and jobs, community pride, family-friendly activities, and multi-use facility. Two comments were clearly negative citing noise and pushing other important community projects aside. Six comments, neither pro nor con, addressed specific concerns including noise, lights, and funding.

The second lounge was at Milwaukie Elementary on November 9, 2011, with 57 attendees with nearly all being Milwaukie residents. Anton Foss of 360 Architecture and Bob Collier of Capital Management Partners attended to assist in giving a better context for the project. Topics discussed included noise and light impacts, cost, field turf, naming rights, multi-use, and capacity.

The third lounge was at Linwood Elementary on November 17, 2011, with 68 attendees of which 90% were Milwaukie residents. Mr. Isaacs noted more neighborhoods were represented at this listening lounge. Thirteen comments were supportive citing economic opportunity and jobs, community pride, family-friendly activities, and multi-use facility. Five comments were clearly non-supportive citing doubt that a stadium would bring economic development and jobs, push other important projects aside, and noise. Eight neutral comments addressed noise and lights in the Ardenwald neighborhood, funding, and economic impacts.

**Michele Rossolo** reported that during Phase 1, she met with community leaders to gauge interest and to collect comments and concerns. Common threads included that Milwaukie was a City of dreamers but did not follow through on projects like Riverfront Park. She heard a lot about TriMet and light rail. A decision based on solid research was a significant topic, and she heard that Milwaukie needed a complete plan. There were concerns expressed about the types of jobs that would be created, financing, and return on investment. The running themes were financing and neighborhood impacts. Other questions that emerged had to do with freight mobility, traffic impacts to Hwy 99E, and use by Milwaukie High School and Portland Waldorf School. At the end of each interview, people were asked to offer their own economic development ideas of “if not baseball, then what?” Many said Portland money would be welcomed, and others were interested in developing a Museum City, encouraging sustainability projects, attracting high-end businesses, and making Milwaukie more livable so people wanted to move here. Ms. Rossolo summarized the letter from the Historic Milwaukie Neighborhood District Association.

**Mr. Isaacs** said this presentation gave a synopsis and flavor of what was heard in numerous meetings, and all the comments were contained in the full report.

**Ms. Richardson** canvassed the North Industrial area business leaders who were mainly concerned about traffic and access. They were in favor of the stadium as long as they would be able to conduct business. Those who were Milwaukie residents were interested in the funding mechanism but were not as skeptical as others of the stadium’s success as an economic development tool. The business people wanted to be kept informed of the project’s progress via email and face-to-face contact. They liked the idea of property values going up but were concerned about property taxes.

**Ms. Rossolo** discussed Facebook outreach which had a fairly high usage in Milwaukie. Since the page was launched on November 2, 2011, there were 425 views, 140 unique “likes”, and an average of 200 unique page views weekly. She discussed how she used

census information to arrive at the statement that 70% of adults in Milwaukie over the age 18 had active Facebook accounts.

**Mr. Isaacs** described how Facebook hits were counted, and **Ms. Richardson** touched on the public gmail account and emails that went directly to the elected officials.

**Brad Schrock** and **Anton Foss**, 360 Architecture, reported on the feasibility of the site's accommodating a Class A baseball stadium and possible constraints. Mr. Foss outlined the process that began with a goal setting that included: community friendly, all weather/multi-use, source of community pride, stimulator of investment in the community, re-purposing the historic Oregon Department of Transportation (ODOT) building, high quality building, regional draw to Milwaukie, symbol of re-birth and growth, and a new venue for fun family activities. The result was the following mission statement, "The new ballpark in Milwaukie, Oregon, will be a community friendly, all weather/multi-use facility that will be a source of community pride. The ballpark will be a regional facility that can stimulate investment in the community and will symbolize the re-birth and growth of the City of Milwaukie. The development of the ballpark will re-purpose a historic landmark of the City while creating a new venue for fun, family activities."

The primary objective was to look at the ODOT site to make sure it would work for a ballpark. The first things they looked at were easements, light rail right-of-way, plus consideration of two parcels to the north as part of the project.

**Mr. Schrock** noted baseball was one sport that had a variable playing field size.

**Mr. Foss** gave a brief overview of the existing structures on the site most of which were pre-manufactured metal buildings. The removal of those will be factored into the project cost analysis. The historic structure was most recently used for office space which the City of Milwaukie would re-purpose. There were few trees and vegetation on the site with the exception of those surrounding the historic building.

The site was accessible by vehicle from adjacent roadways including Main Street and Hwy 99E (McLoughlin Boulevard) with the main intersection at Ochoco Street. Circulation on the east side could occur at three locations that included some street relocation. Additional study would be necessary to determine the viability of the options along with a traffic analysis of the impacts of the ballpark. Bike and pedestrian access was also available using the Springwater Corridor Trail with improvements to the Main Street access to the site. The proposed site would also be accessible by future light rail and bus, and adequate parking was in a TriMet park-and-ride  $\frac{1}{4}$  -  $\frac{1}{2}$  mile radius from the site. Total available spaces were estimated at 1,865 for a stadium with a maximum capacity of 4,825. Based on availability of public transportation, he estimated a total of 1,126 parking stalls would be needed. A more detailed parking study would be needed in conjunction with the traffic impact analysis. Improvements to Main Street were recommended to promote a pedestrian-friendly experience. There were a number of north-south bus routes, and although there were no east-west routes to the site, there were connections with the north-south routes.

**Mr. Foss** described the hydrology of the site which gently sloped toward Johnson Creek. Information from TriMet indicated the water table for the site to be approximately at elevation 49.5. The relatively high water table would limit how much of the ballpark could be built into the ground without incurring additional construction costs.

The land use designation for the site was I-Industrial and zoned M-Manufacturing. Because of the historic stone building, a portion of the site had an overlay zone as a significant historic resource. He foresaw a time when the area would have commercial and retail redevelopment potential.

**Mr. Foss** provided a brief overview of field lighting and foot candle levels. Typically sports lighting was focused on the field, and shutters are used so glare did not spill into adjacent neighborhoods. This, however, did not mean you would not see a light. The general findings related to noise was that before 10 p.m. the decibel levels in the neighborhoods were within the ordinance range. If an event were going on after 10 p.m. the PA system would have to be adjusted. There was a lot of community concern on these two issues, and he felt more field testing was warranted.

**Mr. Schrock** reviewed the components of this type of single A facility with a seating capacity of approximately 5,000. A lot of it was prescriptive depending on capacity and those facilities supporting it including concessions, restrooms, fan assistance, and things of that nature. He noted about 20% of the program was dependent on the team owner and their specific needs. The number of suites and amount of club space, for example, would be market driven, and certain amenities were desirable and generated revenue for uses such as receptions or corporate parties. This would be part of a cost benefit analysis at a future stage of the process. Mr. Schrock described program elements that might be considered.

He showed the typical elements of a minor league baseball park which drove the footprint of the facility. These included the seating bowl, concourse with concessions and restrooms at ground level, and the suites and press boxes. An unknown at this time was the impact of the water table. Safeco Field, for example, was built from the ground up to deal with this type of issue. He discussed the total overall width which was about 480 feet. The subject site was only about 445 feet wide, but a lot could be done with field dimensions and the organization of the ballpark. To compress the project, they would look at building up as opposed to out. One of the drawbacks of doing this was that the field was not visible from the concession stands. The good news was that the facility could be used for a multitude of events.

**Mr. Foss** discussed three possible ballpark orientations. The northeast orientation was perfect for baseball. The short dimensions in left field would require a higher wall to ensure playability for minor league baseball. Most of the mass happens on the south side of the historic building. Key issues were moving utilities the costs of which would be captured in the cost analysis portion of the study.

**Mr. Schrock** discussed the impact of an iconic entry and front door to the ballpark.

**Mr. Foss** reviewed the massing study and seating capacity. The southeast orientation was desirable in that it did not face the Ardenwald Neighborhood. One issue was that the building façade was the gateway with a potentially interesting interplay with the historic building. Option 3 was a southeast orientation on an expanded site with a more prominent façade. The additional land costs would need to be weighed with the benefits. The key issues were the existing utility corridor, closure of Stubb Street, and acquisition of additional property. The consultants' work had shown the ballpark would fit, and sometimes constraints made for a more unique project.

There were about 30 home dates for baseball games. Alternate uses included suites for parties, conferences and business meetings as well as seasonal events. It came down to a matter of creativity. They also looked at event configurations for football, soccer, lacrosse, and concerts. They were not proposing a ballfield design at this point, and Mr. Schrock noted there was flexibility in outfield geometry.

**Councilor Loomis** asked if any of the options would lend themselves to Triple A if it were to come.

**Mr. Foss** replied expansion could be planned for that included additional capacity in the outfield.

**Chris Steinbrecher** and **Bob Collier**, Capital Project Consultants, addressed the pragmatic aspects and considered the scope of this project. Preliminary costs were estimated at \$20 - \$25 million based on the massing diagram. Offsite costs would include pedestrian access and amenities through the ODOT site plus ODOT relocation costs. Soft costs, consultant, legal, and services of that nature would be an additional 25% - 30%, and contingency would be 10% - 15%. The next steps would be to understand the project in more detail and to conduct an economic analysis.

**Mr. Collier** added constraints can result in a more unique and memorable project that could be a tremendous enhancement to the City of Milwaukie. The next steps would be to enhance the understanding of the project scope in order to provide the City Council and community with more economic data to determine financial viability.

**Mr. Asher** reviewed possible options for relocating ODOT which was a willing and responsive partner. By adopting the proposed resolution the City Council accepted the recommendations from the Phase 1 feasibility study and directed staff to undertake Phase 2 activities including development of a conceptual design for the facility in enough detail to provide a complete program of uses and fully loaded cost estimate. The resolution further directed creation of a Citizen Task Force. There would be a report in late April to share what had been learned.

**Mayor Ferguson** recessed the meeting at 9:03 p.m. and reconvened it at 9:12 p.m.

### **C. Citizen Comment Period**

**Mark Neubauer**, Milwaukie. He was concerned consultants' numbers did not tell who were citizens of Milwaukie, and to him that was all that mattered. A project of this nature was entertainment and did not create wealth but rather transferred money. To create wealth one needed to create product.

**Pat O'Donnell**, Clackamas County, Milwaukie business owner. He lived near the North Clackamas Park ballfield where the lights were 80-foot tall. There was also the noise. He urged Ardenwald neighborhood residents to fight this. He agreed with the previous speaker's comments about business and creating a product.

**Rosemary Crites**, Clackamas County. People wanted to see the Riverfront Park and South Downtown develop. When was Milwaukie going to build something and not just publish studies? There seemed to be no money to move forward, but now it seems that money was found to do these studies. The presentation was excellent but was the ballpark right for Milwaukie? The area north of Hwy 224 was obsolete industrial with distribution centers built in the 1950s offering few jobs. Building in this genre would create seasonal jobs that were not high paying. She would like to see that area planned well and developed by someone like Fred Bruning. This site was 8 valuable acres, and she urged the City Council to be cautious with its decision. This was the cart before the horse.

**Jim Sanders**, Milwaukie, Ardenwald Neighborhood. Although he loved baseball, this stadium would be a tough thing to build in these economic times. The City could not find \$5 million it owed TriMet, and this project would cost \$25 million plus. If it were bonded there would be debt service. There was no real economic viability, and he did not believe those attending the games would shop in downtown Milwaukie particularly those families that used public transportation. He was curious about where the people lived who wanted the team and if they owned taxable property. The only way to build this was through sponsorship or have the team build it. However, the teams were coming from places where they were not making money. The noise, light, and congestion would be horrific on the Ardenwald Neighborhood. Build some sidewalks, fix some road, tidy up the neighborhoods, and hire some teachers instead of spending money on things people did not want. Finish some projects.

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**Jean Baker**, Milwaukie. The greatest concerns from her neighborhood association were expressed by Mr. Sanders. Jobs, noise, and lights. She understood that Delta Park had done away with concerts because of the noise. The City's noise ordinance did not cover such things. She would rather her tax money went to hiring teachers and helping those in need than building a baseball stadium. The City had \$60 - \$70 million in projects out there. Where would it get the money? What are we going to ask people to trade for these projects? She hoped the City Council would figure out there was a limit.

**Rick DeVries** and **William Davenport** were called but were not present.

**Richard Cayo**, Milwaukie, read his comments into the record (the full text of Mr. Cayo's comments is included as an exhibit to the meeting record). He discussed his attempts for approximately one year to have the the stop light at 49<sup>th</sup> and Johnson Creek Boulevard repaired. He was opposed to the use of taxpayer dollars on the minor league baseball project and noted the proximity of the ballfield and soccer fields in Westmoreland Park. He felt he could come up with 40 to 50 other worthy projects to benefit the City using the \$86,000. He urged his fellow taxpayers to vehemently let the City Council know how they felt about their spending millions of our tax dollars, which we don't have in the first place, on a stadium.

**John Masterman**, Milwaukie, Ardenwald Neighborhood. He had other family and friends who lived close to the proposed site. It was a good idea, but it was too close to home. He was concerned about the noise, lights, and traffic congestion. He did not want to have it and had no interest in attending the games. Taxes would be more, so he would lose in every direction. He did not want to pay for something that would cost more in taxes and impact his family and friends. He never wanted anything to do with light rail coming through the neighborhood, and having the station at Tacoma was too close. Putting anything near the light rail station would bring the bad in with the good. Not in my neighborhood.

**Pepi Anderson**, Milwaukie, Lewelling Neighborhood. She thanked all who had prepared this information. Her fear was not doing the second step and not getting all the information needed to make a good decision. She had seen her small hometown in Idaho waste away because it did not have the foresight to identify what it could do to survive. She felt the process should continue. She would also like to see the Riverfront Park developed. If we can get the groundwork done to provide income and bring people to Milwaukie the baseball stadium might get other projects going. She lived in the Lewelling Neighborhood so was not directly impacted by light rail and the proposed multi-purpose stadium. She was neutral but hoped this project would generate something. She felt continuing with Phase 2 was essential.

**Sonja Pauli**, Milwaukie. She pointed out that people in this area had voted light rail down three times, but this time it was not going up for a vote. The federal government was flat broke, and we were headed down the same path as Greece. Taxpayers should not be asked to pay for a stadium for wealthy club owners and players. People at her stage of life would be pushed out because they are on a fixed income. No one has the money. She urged the City Council to step back and say this was not a good plan.

**Bryan Dorr**, Milwaukie, Ardenwald Neighborhood. He spoke on his own behalf and not as a representative of the Ardenwald Neighborhood Association. He looked at other nearby stadiums including Hillsboro and Keizer. He supported moving forward with Phase 2 to get the costs of the stadium. He was concerned about pricing people out of their homes in Milwaukie.

**Todd Sonflieth**, Oak Grove. He represented 5,000 kids in the Jr. Baseball Organization. He and his family were coming to downtown Milwaukie for an evening out

instead of going to the Clackamas Town Center because it was being developed. The ballpark would only increase development in Milwaukie. He felt it was worth going on to Phase 2 and exploring the options.

**Tim Salyers**, Milwaukie, Ardenwald Neighborhood. He handed out correspondence from South Clackamas Athletic Association in support of continuing to Phase 2. He was pleased with the outreach efforts associated with this project and commented on how respectful everyone had been. He thought there was a misconception that people who supported the ballpark project lived outside the City limits. It did not matter as he felt it was important to hear from those who would come to Milwaukie and spend their money. He wanted to caution people from pitting projects against each other like baseball and the library or salmon or Riverfront Park. He urged moving forward to Phase 2 in order to get answers to outstanding questions.

**Alan Keser** indicated on the form that he wished to speak in support but had to leave the meeting.

**Nate Clark**, Milwaukie. He heard a lot of fear about this project. Times may be bad, but that did not mean people should give up. He talked about how the Safeco Field had improved the area in Seattle.

**Regis Niggemann**, Milwaukie, Linwood Neighborhood. He moved to Milwaukie about 6 years ago. He and his family liked Milwaukie, and although the blue collar nature of the community was appealing, he would also like to see Milwaukie come out of its economic doldrums. This project and light rail could lead to economic development and more jobs and encourage residents and those coming into the community to spend money and keep it in the community. He encouraged moving forward on Phase 2. He asked if there could be a light rail stop on game days as he had some concerns the distance would impede use of light rail, and people would chose to drive instead.

#### **D. Additional Staff and Consultant Comments**

**Councilor Hedges** asked if the City were buying the site for ODOT to move to and paying the moving costs. He understood this could be \$3 to \$4 million.

**Mr. Asher** replied relocating was not a capital project ODOT had on its books so was in as long as it incurred no net costs. ODOT expected a property exchange to set up its operations. The City's costs would depend on the nature of the new site. As negotiations went along he was hopeful ODOT would bring a little more to the table. As projects go along, ODOT may bring more to the table.

**Mayor Ferguson** polled the City Council to determine if the meeting would continue past 10 p.m., and it was unanimous to continue.

**Mayor Ferguson** restated the proposed action. The action before the City Council was to accept Phase 1 feasibility reports and authorize beginning Phase 2 of the minor league baseball facility study.

**Councilor Hedges** thanked all who attended and expressed their opinions, the consultants, and those who sent numerous emails. No one on this City Council to the best of his knowledge had a vested interest in the outcome of this meeting and added he was disappointed in those who were critical of Mr. Asher. Everyone had a say in this matter, and input should not be limited to Milwaukie residents. Some expressed concern that the jobs created would be low paying, but he felt there were probably young people in the community who would be interested in employment. Any business starting out ran at a loss, eventually broke even, and finally ran at a profit. He was concerned about the City's having the financial means to withstand that period of time. The City owed TriMet \$4.1 million, and TriMet's offer was not as favorable as anticipated. Councilor Hedges was not allowed to discuss the payment options, but

suffice it to say, he was seriously worried about the City's financial situation. He had concluded going forward with the baseball park was a bad idea. Knowing what he knew might change supporters' minds. He understood the City did not have enough information and might be taking the risk of throwing away a golden opportunity. He felt the City Council needed to resolve issues related to the TriMet payment and then come back and discuss the ballpark matter. He suggested putting the matter on hold until the light rail contribution was resolved.

**Councilor Miller** shared some of Councilor Hedges' concerns. At this time no team had been identified. The City would have to buy ODOT a new site if it were to go ahead, and he was very concerned about the \$25 million bill citizens would have to come up with for this and other projects like the Riverfront Park. He supported Councilor Hedges' suggestion that the City put this matter on hold until the TriMet payment was resolved.

**Councilor Loomis** thanked all who provided input. He still felt invigorated by this project, and Mr. Asher had put together an excellent team. Phase 1 outreach was a great success and raised questions and concerns that needed to be addressed in Phase 2. If it got to the point where this was not a feasible project, then he understood. To him this was about community pride and families. What was important was that Milwaukie was a blue collar soul. This was a project that could help generate revenue for other community projects. It was about the will of the people, and citizens have the right to vote on this when the facts were in. City Council will work on getting the cost down to a reasonable number that voters would support. When talking about low paying jobs, he was somewhat offended because not everyone could make it on one income. People sought jobs like these for a multitude of reasons. If this all penciled out in Phase 2 many of these concerns would be put aside. Stadiums stood the test of time, and Milwaukie will have a gateway project that changed the City image. He felt Milwaukie should move forward, and although there were still obstacles it was a worthwhile endeavor.

**Council President Chaimov** noted the City Council received a very thoughtful message from one of its constituents today that provided a great deal of information and asked thoughtful questions. There was little in the message with which he disagreed. The one point that he did disagree with was the challenge to the City Council to do what it felt was best rather than doing what it believed the community wanted it to do. He had tried very hard to listen to everyone and try to decide what it was in his best judgment was what the people in this community wanted to happen. Communications on this project were similar to those with light rail. Some people saw it as positive while others did not. As with light rail, most of the people of this community wanted to know if the project penciled out and wanted to go forward if it did. They perceived it would be a good project if done right. Given the short fuse on the project, putting it on hold might stop it. He hoped to move the project forward and get answers to the questions from the City Council and constituents.

**Mayor Ferguson** commented on the early community engagement and was proud this City Council was listening to its constituents and bringing projects to the community that citizens wanted. He felt it was important to move to the next phase in order to provide answers and gather more input. He did not wish to put the project on hold and did not wish to lose momentum. Since the discussions began, this project was really putting Milwaukie on the map. It was not clear yet what people would bring to the table, so more information was needed to take the multi-use facility measure to the voters.

**Councilor Loomis** respected Councilor Hedges and Councilor Miller and hoped they would support moving forward with Phase 2.

## **E. City Council Direction – Resolution**

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It was moved by Councilor Loomis and seconded by Council President Chaimov to accept the feasibility reports completed in Phase One of the minor league baseball project and authorize staff to commence Phase Two with associated tasks and objectives. Motion passed with the following vote: Councilor Loomis, Council President Chaimov, and Mayor Ferguson voting “aye” and Councilors Hedges and Miller voting “no.” [3:2].

**RESOLUTION 4-2012:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACCEPTING RECOMMENDATIONS FROM PHASE ONE OF THE MINOR LEAGUE BASEBALL FEASIBILITY STUDY AND DIRECTING STAFF TO UNDERTAKE ACTIVITIES COMPRISING A SECOND FEASIBILITY PHASE.**

**ADJOURNMENT**

**Mayor Ferguson** adjourned the special session at 10:22 p.m.

Respectfully submitted,

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Pat DuVal, Recorder

**MINUTES  
MILWAUKIE CITY COUNCIL STUDY SESSION  
JANUARY 11, 2012**

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

North Clackamas School District #12 Board Present: Chair Vivian Scott, Vice Chair Linda Moraga, Directors Rein Vaga, Sam Gillespie, Trisha Claxton, and Cheryl Myers (arrived 6:28 p.m.)

North Clackamas School District #12 Staff Present: Superintendent Dr. Tim Mills, and Director of Community and Government Relations Joe Krumm

Milwaukie Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, and Police Chief Bob Jordan

**Vivian Scott**, District Chair; called the meeting to order at 6:02 p.m. The intent of the meeting was to advance communication between the Milwaukie City Council and the North Clackamas #12 (NC12) School Board, discuss common goals, and identify partnerships.

**Agenda Building**

**Mayor Ferguson** looked forward to building synergy between the two bodies and felt this meeting was the first step in opening lines of communication. The Milwaukie City Council further wanted to continue a positive relationship of staff to staff communication.

**Mr. Monahan** commented on the importance of coordination efforts including the Police Department, expansion long-term I-205, plans for urban growth, and emergency management.

**Mayor Ferguson** noted when the District was considering a local option that his experience on the speakers' bureau was an eye opener as the City was considering a ballot measure. Emergency management was another key issue for both entities, and the City was interested in annexing the Wichita Center located in the dual interest area.

**Mr. Gillespie** discussed the sale of the Milwaukie Middle School property, the light rail alignment, and other past misunderstandings.

**Chair Scott** suggested a potential agenda item on revenue generating strategies. She noted the schools receive tremendous community support.

**Ms. Moraga** read a statement regarding mutually beneficial legislative strategies.

**Councilor Hedges** said the Milwaukie Neighborhood District Associations (NDAs) were looking into buying emergency packs to help the schools. He commented on the benefits of improved coordination.

**Mr. Monahan** reported on efforts to improve emergency management skills of all involved.

**School Resource Officer Program Update**

**Chief Jordan** police briefly reviewed existing areas of coordination including a student representative on the Public Safety Advisory Committee (PSAC), production of an educational photo radar video, bike giveaway program, bike to school day,

presentations on drug and alcohol abuse, and department responses to Milwaukie High School calls. He provided a history of the School Resource Officer program that began in 1995. The City and District operate a truancy program that involved the SRO and Municipal Court. The cost of an officer for 9-months was about \$77,000. Uniformed officers on site were considered a deterrent to school shootings.

**Dr. Wells** commented that the benefits of preventative measures may never be known, but clearly a uniformed officer was a valuable asset. He noted the Milwaukie Police Department response had been superb. He briefly discussed protocol when there was police activity near schools. He noted since the truancy program was implemented there had been a marked increase in attendance. It was a model that other districts were considering.

**Mayor Ferguson** liked the Learnstrong Program in which local businesses participated resulting in overall improved communication between faculty and the SRO. He commented on the Youth Move Program in downtown Milwaukie designed for those youth who had been in and out of trouble and might be borderline homeless. It provided a location to do homework, receive job counseling, and use of a kitchen for meals preparation.

### **Discussion of Agenda Items**

**Mayor Ferguson** discussed youth members on the City's appointed boards, commissions, and committees and perhaps working with the Leadership Class. He summarized the main points of the discussion: improving communication, sharing resources, identifying revenue opportunities, coordinating emergency management, communicating on a legislative strategy, collaborating on urban growth including annexation in general and more specifically the Wichita Center, coordinating with the NDAs, continuing collaboration on the truancy court, expanding the SRO program, and involving youth on City boards, commissions, and committees.

**Councilor Miller** asked for information on the District process for determining it would not take a money measure to the voters in May. Dr. Wells said he would follow up on the request.

### **Discussion of future meeting frequency and topics**

The group discussed future meetings, and Chair Scott felt it would be judicious to commit to two annual meetings. Dr. Wells and Mr. Monahan would work on possible meeting dates.

**Mr. Monahan** said the core issue was to communicate with the District when certain decisions were being made.

**Dr. Mills** would identify a central contact person for the District. The group discussed safe routes to school and the benefits of involving City staff and perhaps incorporating safe routes with the Walk Safely Milwaukie Program (WSMP).

The meeting was adjourned at 7:46 p.m.

Respectfully submitted,

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Pat DuVal, Recorder

**MINUTES**  
**MILWAUKIE CITY COUNCIL WORK SESSION**  
**JANUARY 17, 2012**

**Mayor Ferguson** called the work session to order at 5:00 p.m. in the City Hall Conference Room.

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

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Community Development/Public Works Director Kenny Asher, Community Services Director JoAnn Herrigel,

Media: Molly Harbargar, *The Oregonian*

**City Manager's Report**

**Mr. Monahan** reviewed the regular session agenda. The group discussed upcoming meeting schedules including Council Goal Setting on February 28 and the proposed Budget Committee meeting schedule. No study session would be scheduled for March. He discussed the changes to the City Hall security system.

**City Prosecutor Contract**

**Ms. DuVal** introduced the topic and briefly discussed the request for proposal (RFP) process and subsequent application review and interview process. Of the 17 applicants, five were invited for interviews with a panel composed of Councilor Miller, Councilor Hedges, Tim Salyers, Carla Bantz, Bob Jordan, and Pat DuVal.

**Mr. Monahan** noted there would be a significant cost savings gained through this change.

Two finalists were identified, and Councilor Miller and Councilor Hedges, who had differing opinions, discussed the strengths and weaknesses of each. After discussion, City Council directed staff to negotiate a personal services agreement with Rhett Bernstein for City Prosecutor services and to consider a resolution to that effect during the regular session.

**Bag Ban Update**

**Ms. Herrigel** discussed public outreach in *The Pilot* and on the City website and followed up on some research the City Council had asked her to carry out. She noted that the City of Portland enforces its program based on complaints, and to date no enforcement actions had taken place. She discussed recycling options and compostable bags.

**Mayor Ferguson** had been in contact with Milwaukie Understands Sustainable Transition (MUST) members and Environment Oregon about organizing a retailer summit to determine if there was interest in dealing with the issue on a voluntary basis rather than staff enforcement of an ordinance.

**Councilor Chaimov** and **Councilor Miller** liked the idea of a summit, and Councilor Hedges supported a ban. **Councilor Loomis** could support a ban but liked the idea of retailers opting-in. **Councilor Chaimov** followed up by expressing his support for more public education.

**Mayor Ferguson** would follow through with MUST and Environment Oregon. Ms. Herrigel was not asked to do more work on this matter at the time.

**Mayor Ferguson** adjourned the work session 5:54 p.m.

**Council President Chaimov** reconvened the work session at 6:31 p.m. to discuss the outline for the evening's hearing.

**Mr. Ramis** discussed what information the City Council was able to consider.

Respectfully submitted

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Pat DuVal, Recorder

**CITY OF MILWAUKIE**  
**CITY COUNCIL REGULAR SESSION**  
**JANUARY 17, 2012**

Agenda Item: 3.A.4.  
Meeting Date: 3/20/12

**CALL TO ORDER**

**Mayor Ferguson** called the 2118<sup>th</sup> meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: 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, Assistant Finance Director Rina Byrne, Community Development/Public Works Director Kenny Asher, Planning Director Katie Mangle, Senior Planner Susan Shanks

Media: Molly Harbarger, The Oregonian

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**A. Recognize Milwaukie High School Students of the Month for December 2011 and January 2012**

Mayor Ferguson, Councilors, and Milwaukie High School Principal Mark Pinder recognized December 2011 Student of the Month Maddy Duretete and January 2012 Student of the Month Troy Hermo.

**B. Introduce Katie Newell, Ledding Library Director**

Mr. Monahan introduced Ledding Library Director Katie Newell who began with the City of Milwaukie on January 4, 2012.

**C. Milwaukie Chamber of Commerce CEO Susan Lehr**

Mayor Ferguson introduced Susan Lehr, CEO of the North Clackamas Chamber of Commerce. She described Chamber activities in the area and looked forward to working with the City Council to identify projects and programs of mutual interest.

**CONSENT AGENDA**

**It was moved by Councilor Hedges and seconded by Councilor Miller to adopt the consent agenda as presented. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis and Miller and Mayor Ferguson voting "aye." [5:0]**

**A. City Council Minutes:**

1. December 6, 2011 Work Session;
2. December 20, 2011 Work Session; and
3. December 20, 2011 Regular Session.

**AUDIENCE PARTICIPATION**

None.

**Mr. Monahan** recommended a reordering of the agenda and hearing the audit report and considering the personal services agreement for City Prosecutor Services prior to the decision on the conditions and findings for the TriMet Kellogg Bridge appeal.

## **OTHER BUSINESS**

### **A. Audit Presentation and Financial Policies Update – Resolution**

**Ms. Byrne** provided the staff report related to the audit report and update of policies. The request before the City Council was to approve the resolution adopting GASB 54 provisions and adopting updated financial policies consistent with GASB 54. She referred to page 11 of the Comprehensive Annual Financial Report (CAFR) and the audit opinion. Page 40 identified some changes to a number of opening funds balances. The *Independent Auditor's Report* was found on page 127 of the CAFR where there was nothing notable. There were no findings in either the *Report on Internal Control over Financial Reporting and on Compliance and Other Matters* found on page 129 or the *Independent Auditor's Report on Compliance with Requirements that Could Have a Direct and Material Effect on Each Major Program and on Internal Control over Compliance in Accordance with OMB Circular A-133* found on page 131 of the CAFR. Last year 6 internal control deficiencies were reported, and the report contained an explanation of how those had subsequently been resolved.

Other changes had to do with the fund reorganization and the Governmental Accounting Standards Board (GASB) Statement #54 that modified certain definitions and affected the classification of governmental fund types and fund balances. Milwaukie had to look at all of its funds and determine what kind of funds they were and adopt policies related to the constraints over fund balances. Further, to comply with GASB 54 staff had to look at constraints over fund balance and reporting using five categories: unspendable, restricted, committed assigned, and unassigned which she briefly described.

The City Council expressed appreciation to the Finance Department for solving a number of the previous issues faced by the City.

**It was moved by Councilor Hedges and seconded by Councilor Loomis to adopt the resolution adopting the provisions of Government Accounting Standards Board Pronouncement No. 54 regarding categorizing fund balances, establishing special revenue funds, and establishing accounting policies. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis and Miller and Mayor Ferguson voting "aye." [5:0]**

#### **RESOLUTION NO. 5-2012:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE PROVISIONS OF GOVERNMENT ACCOUNTING STANDARDS BOARD PRONOUNCEMENT NO. 54 REGARDING CATEGORIZING FUND BALANCES, ESTABLISHING SPECIAL REVENUE FUNDS, AND ESTABLISHING ACCOUNTING POLICIES.**

**Mayor Ferguson** recessed the City Council at 7:33 p.m. and convened the Local Contract Review Board.

### **B. City Council Direction on Acceptance of a Proposal and Authorization to Negotiate a Personal Services Agreement for City Prosecutor Services – Resolution**

**Ms. DuVal** provided the staff report in which the City Council was requested to adopt a resolution directing staff to accept the proposal submitted by Rhett Bernstein and negotiate a personal services agreement. She reviewed the previous actions that began in October 2011 when the City Council concurred with Mr. Monahan to review the City Prosecutor contract and consider options for better ways to manage that

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function. Since that time, a request for proposals (RFP) was prepared, and 17 proposals were submitted. The five finalists were interviewed, and Rhett Bernstein was recommended. She noted the City would reduce its expenses for prosecutor services by about \$30,000 annually.

**It was moved by Councilor Chaimov and seconded by Councilor Hedges to adopt the resolution directing staff to accept the proposal and negotiate a personal services agreement for City Prosecutor Services at a fixed price for the term of one year. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis and Miller and Mayor Ferguson voting “aye.” [5:0]**

#### **RESOLUTION NO. 6-2012:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DIRECTING STAFF TO ACCEPT THE PROPOSAL AND NEGOTIATE A PERSONAL SERVICES AGREEMENT FOR CITY PROSECUTOR SERVICES AT A FIXED PRICE FOR THE TERM OF ONE YEAR.**

**Mayor Ferguson** adjourned the Local Contract Review Board and reconvened the City Council regular session at 7:37 p.m.

#### **C. Council Reports**

The Mayor and City Council reported on meetings they had attended on behalf of the City and announced upcoming community events.

**Mayor Ferguson** stated he would recuse himself during the public hearing on the appeal of the Kellogg Lake Bridge based on his employment with TriMet and actual or potential conflicts of interest.

**Mayor Ferguson** recessed the City Council regular session at 7:43 p.m., and Council President Chaimov reconvened the regular session at 8:14 p.m.

#### **PUBLIC HEARING**

##### **A. Conditions and Findings for Appeal of Planning Commission’s Decision to Approve the TriMet Kellogg Bridge, Appeal File No. AP-11-01**

**Council President Chaimov** presided over the hearing which he called to order at 8:14 p.m. This was a public hearing on the appeal of the Planning Commission’s approval of land use applications WG-11-01, DR-11-01, WQR-11-03, HCA-11-01, and CSU-11-09 for construction of a light rail bridge over Kellogg Lake and McLoughlin Boulevard. This was a continuance of the January 3, 2011 hearing. The hearing was based on the same evidence upon which the Planning Commission had made its decision. The City Council would hear arguments about how the case would be decided, but those arguments were to rely on the evidence presented to the Planning Commission.

When recognized to speak, the applicants and appellants had the opportunity to address the issues relating to conditioning the treatment of the Oregon white oak in Kronberg Park. Such testimony was limited to the presentation of argument and commentary on the evidence already in the record and should not contain new evidence. Any new evidence presented to the City Council by any party, would not be considered or relied upon in the Council’s decision making.

Any account of evidence such as facts, photographs, maps, drawings, reports, or personal observations of a site that was not available to the Planning Commission when it made the decision being appealed would not be considered by the City Council.

All other testimony that was directed to the applicable approval criteria or other criteria of the Zoning Ordinance and Comprehensive Plan believed to be applicable by the speaker would be received and used by the City Council in coming to a decision. The City Council was there to listen and come to the best possible decision.

The purpose of this hearing was to consider the appeal filed by Maria Dion Shepard, Jo Anne Bird, and the Milwaukie City Council of the Milwaukie Planning Commission's approval of TriMet's light rail bridge application. The appellants requested that the Council reevaluate the evidence and testimony that pertained to the removal of the Oregon white oak in Kronberg Park. The applicable standards considered were Zoning Ordinance Section 19.310 (Downtown Zones), Section 19.401 (Willamette Greenway), Section 19.402 (Water Quality Resource), Interim Implementation Memo from Metro Title 13 Habitat Conservation Areas, Section 19.904 (Community Service Use), Section 19.905 (Conditional Use), Section 19.907 (Downtown Design Review), Milwaukie Design Guidelines, Section 19.1001 (General Provisions), Section 19.1006 (Type II Review), Section 19.1010 (Appeals), and Subsection 19.1010.6 Specific Provisions for Appeal of a Type III Decision).

**Council President** Chaimov reviewed the order of business and conduct of the hearing.

#### Conflicts of Interest and Site Visits

**Councilor Miller** had visited the site since the January 3, 2012 hearing and did not see anything different than on his previous visits prior to January 3, 2012.

**Councilor Hedges** announced since January 3, 2012 he was given a document that he briefly started to read and realized it was about the tree. He knew in a sense what the report was but not who wrote it. He recalled one word from the report which was also in the evidence given before the Planning Commission and at the City Council hearing. When he realized what the document was, he shredded it. Having scanned and briefly read the document, there was nothing he saw in it that would in any way influence his decision.

#### Jurisdictional Issues

**Mr. Ramis** reported the law firm of Stoel Rives representing the applicant had submitted a letter on behalf of TriMet preserving their argument on the jurisdiction point.

#### Staff Presentation

**Ms. Shanks** provided an overview and some orientation of the draft final order. At the last appeal hearing, the City Council directed staff to draft new conditions and findings that affirmed the Planning Commission's decision to approve the light rail bridge application but with some modifications specific to the oak tree in Kronberg Park. Council specifically directed staff to draft findings that required an evaluation to determine if the tree was healthy enough to survive the construction of the light rail bridge. The draft final order actually contained the request to do that. A draft strikeout version was provided so City Council and the public had a clear understanding of the changes.

The bulk of the changes were in two places. The first was the Community Service Use findings and conditions of approval and specifically in finding 21, the public benefits of the proposed use are greater than the negative. The other major change related to that finding that talks more specifically about the tree was condition 11 on page 45. The finding talks about the public benefits test, and the condition says to determine whether or not a tree can survive by attaining different arborists' reports. Further, it describes in great detail how the appellant, applicant, and City would go about doing that. Other changes in the document related to the Water Quality Resource (WQR) and Habitat

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**DRAFT MINUTES**

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Conservation Area (HCA). The City Council had discretion to make different findings for the Community Service Use, but there were issues with how that might dovetail with other regulations. In consideration of Council's direction to prepare modified finding about the tree, staff proposed that Council make findings that a new WQR application was not necessary and that a new HCA application may not be necessary. The WQR code did not contain clear and objective mitigation requirements, and the code under which this application was subject had application requirements but not approval requirements. Staff suggested that the City Council had the discretion to extrapolate the applicant's original submission and basically say that it met the application requirements under the WQR code. It was adequate to cover the possible expanded WQR impacts.

In respect to the HCA regulation, staff looked at it long and hard and concluded there was some wiggle room for an expanded staging area. The wiggle room was basically a percentage. The code and clear and objective standards of the HCA said one could outright disturb a percentage of the low, moderate, and high HCA on the site which was a rule for any applicant. If one did not exceed the maximum disturbance area, then as long as it was mitigated per the table, then you were good to go. In this case, the applicant with its proposed existing staging area was disturbing 38% of the low HCA. They were allowed to disturb up to 50%. In the medium HCA, one could disturb up to 15%, and they were only disturbing up to 4%. So essentially findings were prepared that they could modify the staging area with potentially more impacts on the HCA as long as they stayed below the maximum disturbance threshold. Staff thought it was likely they could stay within that threshold, but the analysis needed to be done. The applicant needed to work with its contractor to figure out what could be done and still stay within the thresholds and not have to submit a new HCA application. A new application would be triggered if those thresholds were exceeded.

Going back to the Community Services Use and conditions of approval, the City Attorney's office was of great assistance in drafting those. In all the discussions and moving forward with Council direction, the draft final order was shared with the applicant and appellant. The applicant suggested other considerations. A compromise alternative took into account all concerns and City Council direction. The changes were finding 21.d pertaining to the Community Service Use and condition 11.b that pertained to the tree itself and what to do with the tree. It was a modified version of what staff came up with and City Council direction. It essentially managed the concerns with the clock and the tree in its current condition.

#### Appellant Testimony

**Jo Anne Bird**, Milwaukie. She thanked staff for its handling of the issue. Ms. Shepard was not present at the meeting. Her only comment on the draft findings was that she would like to have some input into the selection of the certified arborist.

**Council President Chaimov** responded he believed the City would give careful consideration to any recommendation Ms. Bird might have.

**Ms. Bird** continued. While the document did not look perfect to her, in a perfect world the tree would stay there no matter what. She felt this was a workable alternative and was pretty sure with political will there would be a way to get light rail through and save the tree.

#### Applicant Testimony

**Steve Abel**, Stoel Rives, Portland. He thanked the City Council for indulging the parties in working through the final details of a proposed alternate condition. When TriMet first looked at the condition draft that came from staff last week, they put it through a filter of three paramount underpinnings of how they would look at that condition. The first was

to make sure there was clear language about safety and liability related to the tree. The record showed there was already an expert weighing in on this and that the tree was in some ill health. There was disagreement in the record about that as well. The second and maybe the most paramount filter was understanding the timeframe issues. How would the condition be implemented and what would it look like? Would it be just a confusing process? Secondly was the threshold issue raised by Councilor Hedges which was the question about modifying the staging area and what additional land use processes might be in place. Staff with TriMet's input tried to put some parameters on that and get a grip on it. It looked like the applicant would not need to go through those land use processes. That was a large element that helped us get past some of the issues that had been presented. Cost was a reality that needed to be addressed, and the applicant did take a look at many options and well before the conditions came out. The applicant came up with its best option being in the neighborhood \$150,000 - \$500,000 to save the tree. TriMet was lacking some confidence that three experts at anything could come to an agreement that would be meaningful. He was concerned about delegating a decision to them which the City should really make itself. The applicant turned the filter on end beginning with the premise of saving the tree and what steps would be necessary. That came to the new proposed condition before the City Council. Some of the safety and liability issue was solved. The seminal issue which was the land use entitlements that might be necessary in the future. Frankly the cost issue was not resolved, but TriMet would do that. The condition before the City Council provided a path to success. It started with the beginning of trying to figure out how to save the tree. He expressed appreciation to Ms. Bird for the time she spent reviewing the condition and subsequent support.

**Councilor Miller** supported the document but wanted some assurance the tree would not be the focus for a delay somewhere along the alignment.

**Ms. Shanks** said the alternative condition was written so that the City would be required to expeditiously hire an arborist and that the understanding would be that the report, evaluation, and any safety measures would need to happen before the construction of the light rail bridge. There was some language with timelines with which the staff, City Attorney, and applicant were comfortable. They were more comfortable with that rather than having to submit a new land use application that had a more rigid timeline and would take more time. This alternative was more flexible. She read the credential requirements for the arborists. She understood the applicant was not concerned that this particular condition would disrupt the clock.

**It was moved by Councilor Hedges and seconded by Councilor Miller to close the public hearing. Motion passed with the following vote: Councilors Hedges, Loomis, and Miller and Council President Chaimov voting "aye." [4:0]**

**Council President Chaimov** closed the public hearing at 8:40 p.m.

**Councilors Loomis and Miller** were pleased with outcome.

**Councilor Hedges** thanked all parties for working out the compromise. He had made the arborist suggestion so that if the tree were savable needed to be saved. If the experts said the tree was not safe, then the City should recognize that fact and take the appropriate action to make it safe.

**It was moved by Councilor Hedges and seconded by Councilor Loomis that the Council affirm the decision of the Planning Commission, subject to a condition requiring the preservation of the White Oak in Kronberg Park. The form of the condition referred to by Ms. Shanks as the "alternative condition" including the proposed findings supporting that condition. Motion passed with the following**

**vote: Councilors Hedges, Loomis, and Miller and Council President Chaimov voting “aye.” [4:0]**

LUBA Appeal Information

**Council President Chaimov** announced that any party with standing may appeal the decision of the City Council to the State Land Use Board of Appeals according to the rules adopted by that Board. The written decision would contain an explanation of the appeal rights. Those with questions were directed to contact the City of Milwaukie Planning Department staff.

**ADJOURNMENT**

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

**Council President Chaimov** adjourned the regular session at 8:45 p.m.

Respectfully submitted,

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Pat DuVal, Recorder

**MINUTES  
MILWAUKIE CITY COUNCIL STUDY SESSION  
JANUARY 31, 2012**

**Mayor Ferguson** called the meeting to order at 5:10 p.m.

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

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Community Services Director JoAnn Herrigel, Community Develop/Public Works Director Kenny Asher, Planning Director Katie Mangle, Associate Planner Ryan Marquardt

**Cable TV Franchise Future**

**Ms. Herrigel** discussed the pending renewal of the Comcast franchise. The City typically collected about \$240,000 in franchise fees annually. In November 2011 the City Council requested staff provide it with alternatives to joining the Metropolitan Area Communication Commission (MACC) with respect to negotiating the Comcast Franchise and continuing public government and educational (PEG) access services. She described how the franchise and PEG fees were collected and their use. Those involved included Willamette Falls TV, Metropolitan Area Cable Communications, North Clackamas School District, Comcast, and the City of Milwaukie. She reviewed the transition Willamette Falls TV was going through to becoming a new entity.

She described the ascertainment process which needed to begin as soon as possible. She recommended using a consultant and anticipated issuing a request for proposal in February. A funding source would need to be identified.

**Councilor Loomis** suggested televising neighborhood meetings occasionally.

**Baseball Task Force Membership Discussion**

**Mr. Asher** described the work of the proposed task force including position of the stadium on the property, uses, and developing a good neighbor agreement. Twenty-four applications had been received, and the Mayor was taking the lead in the appointment process.

**Mayor Ferguson** reviewed the task force outline. Since a number of people from the Ardenwald Neighborhood applied, he suggested for a more balanced group to increase its membership to 13. He discussed the proposed composition of the group, scope of work, and suggested timeline.

**Michele Rossolo**, Innovative Campaign Strategies (ICS), added the first meeting was scheduled for February 9. Residency was not required but they hoped to fill as many of the positions with Milwaukie residents as possible.

**Councilor Chaimov** suggested moving the process along as quickly as possible. The group discussed the selection and role of the facilitator and development of the draft good neighbor agreement for eventual review by the City Council.

**Mr. Asher** reported even though the formal recommendations will come at the end, informal reports will be made periodically. He discussed the good neighbor agreement between the neighborhood and facility which should alleviate many concerns. If no facilitator had been identified by next Thursday, he and ICS would fill in.

## **Residential Design Standards Project**

**Ms. Mangle** discussed the year-long process to ensure Milwaukie had good development standards.

**Mr. Marquardt** reviewed the four significant areas: new houses and accessory structures, multifamily housing, residential property use, and reorganization and clarification of policies and processes.

**Councilor Loomis** thought relaxing some of the standards related to materials would be a good idea and taking into account cost and durability. He did not want to discourage people from improving their properties because it was too expensive.

**Lisa Batey**, Planning Commission Chair, noted the group was struggling with the tarp shed issue and what happened if there were an existing structure.

**Clare Fuchs** thought the question was whether the City regulated the material or use such as a greenhouse versus a temporary carport. Many structures start out as temporary but stay for a long period of time without being maintained.

**Councilor Miller** suggested making it compatible with the house color.

**Dave Aschenbrenner**, Steering Committee member, commented on setback areas and where a structure could be on the site.

**Jean Baker**, Steering Committee member, did not see exceptions for temporary use.

The group discussed the options for sending people notice that they had three months to get rid of a structure and issues of people taking it down for a short period of time and putting it back up.

**Mark Gamba**, Planning Commission member, thought there should be some kind of agricultural exception.

**Councilor Hedges** asked what would be done for a property that ceased to be used for agricultural purposes.

**Ms. Fuchs** discussed the feasibility of an “ag permit” that allowed for a barn and only allowed to put farm related items in it.

The group discussed accessory dwelling units which can be detached and used by extended family or rented out. People seemed accepting of this concept. Issues had to do with current overly restrictive standards related to height and size without taking location of the structure into consideration. The group discussed the size of the accessory structure relative to the main structure and lot size. **Mr. Marquardt** clarified that the accessory structure would still have to meet setback standards. The group discussed multi-family dwelling units.

**Mr. Marquardt** reviewed single-family dwelling design standards that would apply to new construction or significant remodels. The four main points were articulation rather than creating blank box, main entrance visibility from the street, detailed design features, and garage standards. People would have a menu of design options from which to choose. The group discussed issues and ideas related to garages. **Ms. Mangle** noted negative comments related to garage conversions to living space.

Some concerns were expressed about timelines for finishing construction projects and how that might be enforced. **Councilor Loomis** asked what could be done if a homeowner ran out of money. **Ms. Mangle** understood the concerns, but the issue was not part of this project.

Final item was conditional use in residential zones. Ms. Mangle pointed out the streets designated as arterials in Milwaukie. The City had no commercial corridor zoning. The key recommendations in low density neighborhoods would allow offices if located on an arterial with a maximum total floor area of 2,000 square feet. Personal services businesses would be allowed as a conditional use in medium and high density zones.

**Scott Churchill**, Planning Commission member, expressed concerns about turning arterials into commercial zone.

**Ms. Batey** did not want to make it difficult to open a coffee shop or yoga studio when the time came.

**Councilor Hedges** was concerned that homes would be drastically altered or torn down to turn them into an office of some kind.

**Ms. Fuchs** said it would be very costly to renovate a single-family residence into a coffee shop or business to be compliant with code.

**Councilor Miller** was concerned about parking and felt this needed to go through the Neighborhood Associations.

**Ms. Mangle** replied as part of the process, the proposed business would have to meet parking regulations. She added staff was attending neighborhood meetings this month.

**Mr. Marquardt** commented property values on arterials were lower than other types of streets, but there was not a lot of data as to what happened to values of properties in the vicinity. He noted that conditional use applications went through close scrutiny.

**Greg Hemer**, Steering Committee and Design and Landmarks Committee member, Hemer distributed an amendment to the proposal call the *100% Made in America Proposal*.

### **Code of Conduct**

**Mayor Ferguson** reviewed the document and explained it would address any issues not found in the board, commission, and committee bylaws. He would like to give the list of expectations to candidates when he interviewed them. He asked the Councilors their opinions on the document.

**Councilor Hedges** replied that seven board and commission members with whom he had spoken found the document insulting and said they would resign from their positions rather than sign the agreement.

**Council President Chaimov** had no problem with the document and thought it was a good idea. He was not in favor of it, however, if there were disagreement in the community.

**Councilor Miller** thought perhaps Council needed to do a better job of interviewing and appointing board and commission members. He thought it was an affront to have to sign a code of conduct. He asked how one interpreted disrupting staff from doing their jobs.

**Mr. Monahan** said there was no problem if a request was made for assistance or information in the course of business. He noted the Council Communication Agreement worked well and suggested something like that be used by the boards, commissions, and committees.

**Mayor Ferguson** was frustrated because drafts were circulated, and there was a lack of response from the Councilors.

There was consensus in favor of a guidance document for new board, commission, and committee members, but appointees would not have to sign it.

**Light Rail Ballot Measure**

**Council President Chaimov** reviewed the ballot title and commented on the election process.

The study session was adjourned at 8:14 p.m.

Respectfully submitted,

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Pat DuVal, Recorder

**CITY OF MILWAUKIE  
CITY COUNCIL REGULAR SESSION  
FEBRUARY 7, 2012**

Agenda Item: 3.A.6.  
Meeting Date: 3/20/12

**CALL TO ORDER**

**Mayor Ferguson** called the 2119<sup>th</sup> meeting of the Milwaukie City Council to order at 7:05 p.m. in the City Hall Council Chambers.

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

Staff present: City Manager Bill Monahan, Assistant to the City Manager Teri Bankhead, City Attorney Tim Ramis, City Recorder Pat DuVal, Planning Director Katie Mangle, Community Development/Public Works Director Kenny Asher, Community Services Director JoAnn Herrigel, Finance Director Casey Camors, Assistant Finance Director Rina Byrne

Media: Molly Harbarger, *The Oregonian*

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**A. Pay It Forward Day Proclamation**

**Macy Bishop** discussed the program for being the change you want to be in this world.

**Mayor Ferguson** read a proclamation naming the last Thursday of April as *Pay It Forward Day*.

**B. Metro Councilor Carlotta Collette Status Update**

**Councilor Collette** provided an overview of the Climate Smart Communities program that indicated the region was on the right path to addressing greenhouse gas emissions and described the elements of Phase 2. \$23 million was approved for transportation projects in 2014 – 2015. Within the regional flexible funds allocation, \$2.9 million went toward the Springwater Corridor and Trolley Trail connections. She described several corridor plans including the Southwest Corridor study between Portland and Sherwood and the East Metro Connection Plan. Metro and its partners were currently evaluating the region's inventory of large industrial lands of 25+ acres. She gave a status report on the Portland-Milwaukie Light Rail project and noted it was expected to create 14,000 jobs over the life of the project. Metro submitted a letter of interest in purchasing the Blue Heron site in Oregon City and expanded the natural area at Canemah Bluff and Willamette Narrows. In Milwaukie, the Klein Point Overlook project was awarded \$225,000 in funding from Metro's Nature in the Neighborhoods Program. She updated the City Council on the visitor venues.

**C. Government Finance Officers Association Award**

**Ms. Camors** announced the City of Milwaukie had received the Distinguished Budget Presentation Award for the fiscal year beginning July 1, 2011.

The Mayor and Councilors thanked Mr. Monahan, Finance Department staff, and the citizen members of the Budget Committee for their hard work to make this award possible.

**D. Appointment of Minor League Baseball Exploratory Task Force**

**Mr. Asher** discussed the City Council goal of exploring the feasibility of inviting minor league ball to the City of Milwaukie. In October 2011 City Council launched Phase 1 that allowed staff to enter into contracts to consider the feasibility of the site and to open a dialogue with the community. This action was related to that taken in January 2012 that gave direction to continue the study and created an exploratory task force. Resolution 4-2012 set forth a list of tasks for the newly-formed task force to undertake. Four discrete tasks were identified: advising the City Council on a preferred option related to the facility's orientation, advising the City Council on a preferred slate of facility uses, advising the City Council on the scope of work and budget related to the economic impact analysis, and advising the City Council on a good neighbor agreement that ensured compatibility between the operation of the facility and surrounding industrial and residential neighbors.

**Mayor Ferguson** made it clear this project was Council-led. Eleven members of the 13-member group were Milwaukie residents, and many were Ardenwald Neighborhood residents. He chose Alice Norris, former Oregon City Mayor, as the facilitator. He encouraged all interested parties to attend the Baseball Task Force meetings. He announced the appointments: Matt Rinker, Pepi Anderson, Mike Gits, Daniel Senffer, Alan Keser, Gary Hunt, Susan McCarty, Wilda Parks, John Fox, Joe Mabe, Harry Hanna, Jennifer Finn, and Angelene Carpenter Falconer.

**Councilor Hedges** argued strongly to put the project on hold because of City budget issues. These were all good candidates, and since he did not want to be a hypocrite he would abstain.

**Councilor Miller** supported the Task Force because it was composed of fine people although he had the same concerns as Councilor Hedges. The City needed to take up the light rail funding commitment before taking up a new project. He felt citizens should be asked if they wanted to the project to move forward.

**Councilor Loomis** thanked Mayor Ferguson for reviewing all of the applications. This was a great Task Force, and he was happy to see a lot of new faces and so many Ardenwald representatives.

**Councilor Chaimov** said it was his hope and expectation that the Task force would supply good information. He respected Councilor Hedges' opinion on light rail funding.

**Mayor Ferguson** said all the Task Force meetings would be open to the public, and he hoped to have solid information in about two months to take to the voters.

**It was moved by Councilor Loomis and seconded by Councilor Chaimov to adopt the resolution appointing a Minor League Baseball Exploratory Task Force. Motion passed with the following vote: Councilors Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye" and Councilor Hedges abstaining. [4:0:1]**

#### **RESOLUTION 07-2012:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING A MINOR LEAGUE BASEBALL EXPLORATORY TASK FORCE**

#### **CONSENT AGENDA**

**No items on the consent agenda.**

#### **AUDIENCE PARTICIPATION**

**Vincent Alvarez**, Milwaukie, announced the Growing Solar Clackamas County which was a team of homeowners working to develop a group purchase opportunity in solar

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energy. A series of workshops were scheduled in the area, and he hoped people would take advantage of this opportunity.

**Yvonne Lazarus**, Oak Grove, spoke to the uncertainty of the Bridge over Kellogg Lake and McLoughlin Boulevard and urged any property acquisitions and other efforts cease until issues were settled. She noted that it seemed funds were being diverted from other projects like the park to the baseball and multi-use project.

**Mayor Ferguson** responded that funds for the baseball study came from an economic development line item and were not diverted from Kellogg Lake and the Kellogg for Coho project.

## **PUBLIC HEARING**

**A. None scheduled.**

## **OTHER BUSINESS**

### **A. Expedited Annexations in Northeast Sewer Extension Project Area**

**Ms. Mangle** provided the staff report in which the City Council was requested to adopt the ordinance annexing multiple tracts of land to the City and withdrawing them from several service districts. This was an annexation of 13 properties with 19 tax lots. The proposed expedited annexation met all applicable criteria.

**It was moved by Councilor Hedges and seconded by Councilor Loomis for the first and second readings by title only and adoption of the ordinance annexing multiple tracts of land into the city limits of the City of Milwaukie and withdrawing them from several service districts (File #A-11-03). 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 Council: **Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting “aye.” [5:0]**

#### **ORDINANCE NO. 2043:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING MULTIPLE TRACTS OF LAND INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THEM FROM SEVERAL SERVICE DISTRICTS AS DESCRIBED BELOW.**

### **B. Broadband Fiber Ring Memorandum of Understanding (MOU) with Clackamas County**

**Ms. Herrigel** provided the staff report in which the City Council was requested authorize the Mayor to sign a memorandum of understanding (MOU) with Clackamas County establishing the criteria for use of the City’s right-of-way for the placement of dark fiber and to adopt a resolution waiving the \$2 per linear foot fee. Clackamas received over \$7 million in stimulus funds to install approximately 700 miles of fiber. The service level agreement (SLA) provided for high-speed dark fiber connectivity for five City facilities on the County’s new fiber ring network. Typically the City would use the tool of franchise, but in this instance, the City did not have the authorization to franchise internet or data. It did have interest in knowing what was done in the City right-of-way, so an MOU was prepared to establish the criteria. Additionally the City had an opportunity to provide a

**CITY COUNCIL REGULAR SESSION – FEBRUARY 7, 2012**

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match to waive the \$2 per linear foot. Since Milwaukie did not franchise internet or data, this action would not result in any revenue loss. The City would have to approve any use change. If use were to change the City would have to approve the different use and seek a franchise agreement. The MOU established the fee, and the resolution waived it.

**Dave Frick-Wright**, North Clackamas School District #12 spoke in support of the project. The District would save about \$18,000 per month by using this particular fiber ring.

**Councilor Miller** asked how the public would be assured that they would not be assessed a higher fee. He did not want homeowners' bills to go up with private providers increasing their rates.

**Ms. Herrigel** replied Milwaukie did not franchise internet service and that Comcast was providing that service as part of a bundle. She was not aware of an existing fiber ring in Milwaukie that provided internet.

**Dave Soloos**, Clackamas County Broadband Manager, said regional and national providers set their rates accordingly.

**Councilor Hedges** asked if this \$2 fee was being invented or was it something the City charged others.

**Ms. Herrigel** responded Comcast paid a percentage of its revenue. The \$2 was used in negotiations but was unique to this particular agreement. If the City Council authorized connection to the network, the City's payment would go from \$32,000 annually to \$12,500 for a managed network. The City of Oregon City had a telecom ordinance that applied differently. It had recently updated its ordinance to give it the legal rights Milwaukie did not have. The City of Milwaukie dealt with cable but not internet and data. Regarding work in the right-of-way, the County would be required to submit plans. Most of the installation was above ground. The MOU addresses liability issues.

**It was moved by Councilor Chaimov and seconded by Councilor Loomis to authorize the Mayor to sign a memorandum of understanding with Clackamas County establishing the criteria for use of the City's right-of-way for the placement of dark fiber to be used for the Clackamas Broadband Innovation Initiative. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

**It was moved by Councilor Chaimov and seconded by Councilor Hedges to adopt the resolution waiving a \$2 per linear foot fee for use by Clackamas County for a dark fiber network.**

**Ms. Herrigel** explained if the County allowed use other than broadband, the City could assess a franchise.

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

**RESOLUTION NO. 8-2012:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, WAIVING A \$2.00 PER LINEAR FOOT FEE FOR USE BY CLACKAMAS COUNTY OF THE CITY'S RIGHTS-OF-WAY FOR A DARK FIBER NETWORK INTENDED FOR PROVIDING**

**DATA OR INTERNET SERVICE AS PART OF THE CLACKAMAS COUNTY BROADBAND INNOVATION INITIATIVE PROJECT.**

**C. Service Level Agreement for Dark Fiber Network Services**

**Ms. Herrigel** provided the staff report in which the City Council was requested to authorize the City Manager to sign a service level agreement (SLA) with Clackamas County for high speed dark fiber connectivity for five City facilities. She discussed the current arrangement with Comcast that costs approximately \$32,000 for four sites. Currently PEG fees were used to pay that amount. She reviewed options the City Council might consider. The option of connecting to County fiber would be a one-time capital expense of \$25,000 - \$30,000. Recurring costs of the County option would be about \$12,500. If the City renewed its Comcast agreement, funds could be taken from PEG fees and would not come out of the general fund. The City would still get the PEG fees but could not spend it in the County scenario.

**It was moved by Councilor Chaimov and seconded by Councilor Hedges to authorize the City Manager to sign a Service Level Agreement with Clackamas County for the provision of high speed dark fiber connectivity for five City facilities on the County's fiber network ring. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

**D. Council Reports**

Mayor Ferguson and Councilors reported on meetings they had attended on behalf of the City and announced upcoming events.

**ADJOURNMENT**

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

**Mayor Ferguson** adjourned the regular session at 9:01 p.m.

Respectfully submitted,

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Pat DuVal, Recorder

**CITY OF MILWAUKIE  
CITY COUNCIL REGULAR SESSION  
FEBRUARY 21, 2012**

**CALL TO ORDER**

**Mayor Ferguson** called the 2120<sup>th</sup> meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

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

Staff present: City Manager Bill Monahan, Assistant to the City Manager Teri Bankhead, City Attorney Tim Ramis, City Recorder Pat DuVal, Community Development/Public Works Director Kenny Asher, Light Rail Design Coordinator Wendy Hemmen

Media: Molly Harbarger, *The Oregonian*

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**A. Milwaukie High School Student of the Month Jared Rodriquez**

Mayor Ferguson and Councilors recognized Jared Rodriquez as the Milwaukie High School Student of the Month for February 2012.

**CONSENT AGENDA**

**It was moved by Councilor Hedges and seconded by Councilor Miller to adopt the consent agenda as presented.**

- A. City Council Minutes of January 3, 2012 Work Session;**
- B. City Council Minutes of January 3, 2012 Regular Session; and**
- C. OLCC Application – Wong’s Garden Restaurant, 10820 SE Oak Street, change of ownership**

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

**AUDIENCE PARTICIPATION**

None.

**PUBLIC HEARING**

**A. None scheduled.**

**OTHER BUSINESS**

**A. File #A-12-01 – Expedited Annexation of 5807 and 5816 SE Firwood Street – Ordinance**

**Mr. Monahan** provided the staff report in which the City Council was requested to adopt the ordinance annexing two properties into the City limits of the City of Milwaukie.

**It was moved by Councilor Chaimov and seconded by Councilor Loomis for the first and second readings by title only and adoption of the ordinance annexing tracts of land identified as 5807 and 5816 SE Firwood Street into the City Limits of the City of Milwaukie and withdrawing the tracts from the territory of Clackamas County Enhanced Law Enforcement and Clackamas County Service District No. 5**

for Street Lights (File #A-12-01). Motion passed with the following vote: Councilors Loomis, Miller, Chaimov, and Hedges and Mayor Ferguson voting “aye.” [5:0]

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

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

**ORDINANCE NO. 2044:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING TRACTS OF LAND IDENTIFIED AS 5807 AND 5816 SE FIRWOOD STREET INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACTS FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS. (FILE# A-12-01)**

**B. Kronberg Park Permit of Entry for Light Rail Construction – Resolution**

Mayor Ferguson recused himself at 7:16 p.m. on the basis of actual and potential conflict of interest due to his employment with TriMet. Council President Chaimov presided over deliberations on this agenda item.

Mr. Asher provided the staff report in which the City Council was requested to adopt a resolution authorizing the City Manager to execute a permit of entry agreement providing TriMet access to City-owned Kronberg Park for construction activities related to the Milwaukie Light Rail Project beginning on March 1, 2012. He reviewed the project schedule.

Leah Robbins, TriMet, noted the exhibit to the agreement that would answer the primary question about the dimensions of final temporary construction easement.

**It was moved by Councilor Chaimov and seconded by Councilor Hedges to adopt the resolution authorizing permit of entry on a portion of Kronberg Park for staging activities related to construction of the Portland-Milwaukie Light Rail Project with revised exhibit A that was modified to identify the full tree preservation area.**

Ms. Robbins had not had an opportunity to review how the arborist’s report would impact the exhibit to the permit of entry.

Mr. Monahan said the intent was to make sure the extent of the tree preservation area defined by the arborist, Teragan & Associates, Inc., was honored.

Ms. Robbins said TriMet just received the arborist’s report today and had not had time to review it in full. She anticipated if it did not impact the construction staging area and was honored in the report then there should be no concern.

Ms. Hemmen had a copy of the exhibit and noted the area defined by the arborist was identical to Exhibit A.

Mr. Ramis added in negotiating the language for the permit of entry the attorneys provided language in the third paragraph that specifically recognized that the outcome of the arborist’s report would control.

Councilor Miller said his only concern was that arborist’s report was abided by and that the tree would stay there, survive, and be protected throughout the program.

**Ms. Robbins** replied the construction plan anticipated tree protection and all anticipated abiding by those provisions within the arborist's report. It was the long term hope that the tree will survive.

**Motion passed with the following vote: Councilors Loomis, Miller, and Hedges and Council President Chaimov voting "aye." [4:0]**

**RESOLUTION 9-2012:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING PERMIT OF ENTRY ON A PORTION OF KRONBERG PARK FOR STAGING ACTIVITIES RELATED TO CONSTRUCTION OF THE PORTLAND-MILWAUKIE LIGHT RAIL PROJECT.**

**Mayor Ferguson** returned to the meeting at 7:25 p.m.

**C. Revision to Library Expansion Task Force – Resolution**

**Mr. Monahan** provided the staff report in which the City Council was requested to adopt a resolution that addressed recent changes to the Task Force membership and appointed Melissa Perkins due to resignation of the Library Board member.

**It was moved by Councilor Chaimov and seconded by Councilor Loomis to adopt the resolution revising the Library Expansion Task Force and Appointing Melissa Perkins to the Task Force. Motion passed with the following vote: Councilors Loomis, Miller, Chaimov, and Hedges and Mayor Ferguson voting "aye." [5:0]**

**RESOLUTION NO. 10-2012:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REVISING THE LIBRARY EXPANSION TASK FORCE AND APPOINTING MELISSA PERKINS TO THE TASK FORCE.**

**D. Council Reports**

Mayor Ferguson and Councilors reported on meetings they had attended on behalf of the City and announced upcoming events.

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

**ADJOURNMENT**

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

**Mayor Ferguson** adjourned the regular session at 7:38 p.m.

Respectfully submitted,

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Pat DuVal, Recorder

**MINUTES  
MILWAUKIE CITY COUNCIL STUDY SESSION  
FEBRUARY 28, 2012**

**Mayor Ferguson** called the meeting to order at 5:45 p.m.

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

Staff Present: City Manager Bill Monahan, Assistant to the City Manager Teri Bankhead, City Recorder Pat DuVal, Community Services Director JoAnn Herrigel, Community Develop/Public Works Director Kenny Asher, Planning Director Katie Mangle, Library Director Katie Newell, Human Resources Director Cynthia Trosino, Finance Director Casey Camors, Assistant Finance Director Rina Byrne, Interim Operations Director/Engineering Director Gary Parkin, and IST Director Esther Gartner

**City Council Goal Setting**

**Mark Gamba** provided input prior to his going into the Planning Commission meeting. He urged the City Council to move forward on the Kellogg for Coho Project and seriously consider LED street lights.

**Mr. Monahan** briefly reviewed the goals, and the Mayor and Councilors provided input on prioritization and how certain goals might be combined under one heading. The City Council felt a number of goals could be institutionalized to the point they could be identified as “ongoing” and removed from the more active portions of the list. It was agreed to be more specific about capital improvement projects that included neighborhood livability and an analysis of a possible sidewalk maintenance/improvement fee program similar to the Street Surface Maintenance Program. Additional information was requested on the quiet zone.

**Mr. Monahan** said he would provide the City Council with an updated list of goals on April 3.

**Community Development Block Grant (CDBG) Project**

**Mr. Asher** provided an update to the City Council on the grant application. The City Council concurred on putting forward the ADA Ramp Enhancement Plan.

**Mayor Ferguson** adjourned the study session at 7:32 p.m.

Respectfully submitted,

---

Pat DuVal, Recorder



Agenda Item: 3.B.  
Meeting Date: 3/20/2012

## COUNCIL AGENDA ITEM SUMMARY

**Issue/Agenda Title:** Contract approval for the 2012 Stormwater Master Plan development

**Prepared By:** Brad Albert

**Dept. Head Approval:** Gary Parkin

**City Manager Approval:** Bill Monahan

**Reviewed by City Manager:** March 8, 2012

### ISSUES BEFORE THE COUNCIL

Approve the development of the 2012 Stormwater Master Plan

### STAFF RECOMMENDATION

Authorize the City Manager to sign an Engineering Services Agreement with Brown and Caldwell for the development of the 2012 Stormwater Master Plan

### KEY FACTS & INFORMATION SUMMARY

- The current master plan was adopted in 2004
- The City received a new NPDES MS4 (National Pollution Discharge Elimination System Municipal Storm Sewer System) in February 2012.
- The City is expected to receive a WPCF (Water Pollution Control Facility) permit for UIC's (Underground Injection Control, e.g drywells) in 2012
- The City adopted Public Works Standards in 2007 that require stormwater quality treatment

### OTHER ALTERNATIVES CONSIDERED

Not applicable

### CITY COUNCIL GOALS

Efficient maintenance of City infrastructure (Fiscal Policy)

### ATTACHMENT LIST

- Resolution
- Project scope

### FISCAL NOTES

The 2012 Stormwater Master Plan is included in the 2011/2012 and in the proposed 2012/2013 budget.



**To:** Mayor and City Council

**Through:** Bill Monahan, City Manager  
Gary Parkin, Engineering Director/Interim Operations Director

**From:** Brad Albert, Civil Engineer

**Subject:** 2012 Stormwater System Master Plan

**Date:** March 8, 2012 for the March 20<sup>th</sup> Regular Session

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### **Action Requested**

Authorize the City Manager to sign an engineering services agreement for providing a Stormwater System Master Plan with Brown and Caldwell, in the amount of \$179,997.00.

### **History of Prior Actions and Discussions**

**June 2011:** City Council adopts the 2012-2016 Capital Improvement Plan and the 2011/2012 Budget, including the 2012 Stormwater System Master Plan

### **Background**

Stormwater System Master Plans are used to manage the stormwater drainage system, provide information about potential flooding, infrastructure issues, environmental regulatory needs, and a plan to successfully operate the system for the next 20 years. The City's current stormwater master plan, completed in January 2004 by URS Corporation, guided the City to several capital improvement projects and outlined the Spring Creek basin.

A number of changes have occurred within the City of Milwaukie since adoption of the current Stormwater Master Plan. These changes have altered the assumptions made and data used in the development of the current Stormwater Master Plan. Some of these changes include completion of an inventory of the stormwater system, GIS mapping of the stormwater distribution system and the adoption of stormwater system design standards following new guidelines.

Staff has completed an inventory and GIS mapping of the City's stormwater system providing a level of mapping that was not available during the previous Stormwater Master Plan. It will provide for a much more accurate hydraulic model of the City's stormwater system. Also, the City of Milwaukie Public Works Standards was adopted on May 15, 2007 (Resolution 32-2007). The Public Works Standards provide the size of stormwater lines based on the impervious area served. This standardized method of determining stormwater line sizes was not taken into account as part of the previous Stormwater Master Plan.

The City has been negotiating with the Department of Environmental Quality (DEQ) on a new National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit since 2008. The new permit accounts for water quality as well as collection and conveyance. The current master plan does not have a water quality component.

The City is currently negotiating with DEQ on obtaining a Water Pollution Control Facility (WPCF) permit for the City's Underground Injection Control (UIC) system. This permit also considers water quality and protectiveness of ground water. The current master plan does not recognize this.

The goal for this project is to have a complete Stormwater Master Plan that provides a clear roadmap for the City to make smart and informed decisions as a sustainable and reliable stormwater collection system provider to the citizens and businesses of Milwaukie. The new Stormwater Master Plan will provide a Capital Improvement Plan (CIP) and recommend a funding plan to support the utility.

A Request for Proposals (RFP) for the 2012 Stormwater System Master Plan was advertised on December 22, 2011. The City received three proposals, which were evaluated by a team of Engineering and Operations staff. The following table is a summary of all the evaluated proposals.

<u>Evaluation Ranking</u>	<u>Proposing Firm</u>
1	Brown and Caldwell
2	GeoSyntec Consultants
3	AMEC

Brown and Caldwell was deemed by the selection committee to have best demonstrated their ability to provide stormwater master planning services and a proven history of providing such service for public agencies. The City selected Brown and Caldwell based on qualification only pursuant to the current consultant selection laws. The City negotiated a price of \$179,997.00 while maintaining all aspects of the scope of work.

Brown and Caldwell is expected to begin the stormwater master plan the last week of March, gathering data to analyze the City's stormwater system. The final Stormwater

Master Plan will be completed nine months from the start of the work, with Council adoption scheduled for Spring 2013.

**Concurrence**

Engineering staff coordinated with Operations during development of the Request for Proposals. Engineering staff coordinated with Operations in review of the proposals and all concur with this recommendation.

**Fiscal Impact**

This project is part of the 2011/2012 Budget. The approved Stormwater Fund budget includes \$180,000.00 for this project. The recommended proposal includes a cost not-to-exceed amount of \$179,997.00. Funding for this project is from the Stormwater Capital and Stormwater SDC Fund.

**Work Load Impacts**

The Stormwater Master Plan project can be accommodated within existing Engineering, Planning, and Operations workloads. Engineering staff will provide management of the consulting engineer for the duration of the project. Operations staff will assist with data gathering. Planning staff will assist with updating the Comprehensive Plan review and amendments.

**Alternatives**

- 1) Do not award project (defer indefinitely). The project would be removed from the CIP list and staff would continue to work under the 2004 Stormwater Master Plan.
- 2) Reject all proposals and direct staff to re-advertise for new proposals for any reason.
- 3) Reject all proposals and direct staff to amend the Request for Proposals and re-advertise for submission of new proposals.

**Attachments**

1. Request for Proposals
2. Resolution



# Request for Proposals

for

## 2012 Stormwater Master Plan

December 2011

City of Milwaukie  
Engineering Department  
6101 SE Johnson Creek Blvd  
Milwaukie, OR 97206  
(503) 786-7600

Project Number CIP-11-006



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CIP-11-006

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Section 5 – Proposal Selection and Evaluation

Section 6 – Contract Requirements



# Request for Proposals

## City of Milwaukie

### 2012 Stormwater Master Plan

#### CIP-11-006

The City of Milwaukie is seeking proposals from qualified and experienced consulting engineering firms for providing Stormwater Master Planning services. Proposals for the 2012 Stormwater Master Plan will be received at the City of Milwaukie Community Development Office located at 6101 SE Johnson Creek Boulevard, Milwaukie, OR 97206 until 2:00 pm on Wednesday, January 18, 2012. Proposals received after the 2:00 pm deadline will not be considered and will be returned unopened to the proposer(s).

The Request for Proposal Documents may be examined at: <http://bids.teamaha.com/milwaukie>

Interested parties will need to create a free login account to view the documents. This account will be used to notify plan holders of any addenda throughout the proposal process.

Proposals shall be submitted in a sealed envelope plainly identifying Project Name, Project Number, and Proposer's Name and Address. Proposals shall be addressed to Brad Albert, Civil Engineer, City of Milwaukie Community Development, 6101 SE Johnson Creek Boulevard, Milwaukie, OR 97206.

Addenda will be posted on the City's Request for Proposal webpage. Proposers are advised to check the City's website regularly for addenda and other pertinent notifications.

For additional information regarding this Request for Proposals, please contact Brad Albert at 503-786-7609 or by email at [albertb@ci.milwaukie.or.us](mailto:albertb@ci.milwaukie.or.us). The City of Milwaukie reserves the right to reject any and all proposals and to select one or more firms on the basis if determined to be in the best interest of the City.

Dated this 21th day of December, 2011.



## **Section 2 – Introduction and General Information**

### **2.1 Introduction**

The City of Milwaukie (City) is an Oregon municipality with a 2008 population of approximately 20,915. The City employs approximately 180 full and part time staff and is governed by a City Council comprised of four Councilors and the Mayor. The Council acts as the Local Contract Review Board for the City.

The Milwaukie drainage basin includes all of the lands within the city limits of Milwaukie draining to Johnson Creek, Kellogg Creek, the Willamette River, and a small area discharging to Underground Injection Control facilities (UICs).

In 2004, the City of Milwaukie updated the Stormwater Master Plan with the assistance of URS, a Portland, OR consulting engineering firm (a copy of this Master Plan can be found on the City's website at <http://www.ci.milwaukie.or.us/engineering/stormwater-master-plan-2004>). Only a few of the capital improvements recommended by that plan have been implemented. Since 2004, the regulatory framework regarding UIC has changed. The City is expected to receive its first WPCF permit issued by DEQ early next year. In March of 2006, DEQ completed the Willamette River Basin TMDL that identifies the Willamette River as being water quality limited for bacteria. In March of 2011, the City received a new MS4 Phase I permit as a co-permittee with other jurisdictions in Clackamas County. That permit was appealed and the City is expecting a revised permit to be re-issued in January 2012.

### **2.2 Issuance of Request for Proposals**

Request for Proposals (RFP) documents may be downloaded from the City of Milwaukie website at:

<http://bids.teamaha.com/milwaukie>

The Project Manager is Brad Albert of the Engineering Department, who is the sole point of contact for all questions, concerns, and protests. He can be reached at 503-786-7609 or by email at [albertb@ci.milwaukie.or.us](mailto:albertb@ci.milwaukie.or.us).

### **2.3 Submission of Proposals**

Each Proposer shall provide four copies of their proposal, sealed in an envelope plainly identifying Project Name, Project Number, and Proposer's Name and Address. Proposals shall be addressed and submitted to the following location by 2:00 pm on January 18, 2012.

City of Milwaukie  
Community Development  
Bradley S. Albert, PE  
6101 SE Johnson Creek Boulevard  
Milwaukie, OR 97206

All proposals must arrive at the City of Milwaukie Community Development Office on or before the time and date due. Electronically mailed or faxed proposals will not be accepted.

### **2.4 Request for Proposals Schedule**

The City anticipates the following general timeline for receiving and evaluating the proposals and selecting a firm/individual for the 2012 Stormwater Master Plan. This schedule is subject to change if it is in the City's best interest to do so.

- Advertise Request for Proposals December 22, 2011
- Deadline to Submit Changes to RFP January 11, 2012, 2:00 pm
- Deadline to Request Additional Information January 11, 2012, 2:00 pm
- Last Date for Addenda January 13, 2012
- Proposals Due January 18, 2012, 2:00 pm
- Evaluation of Proposals January 23, 2012
- Notify Proposers of Interviews (if necessary) January 24, 2012
- Proposer Interviews (if necessary) January 30 to 31, 2012
- Negotiate Contract Amount February 13, 2012
- Notice of Intent to Award February 14, 2012
- City Council Hearing March 6, 2012
- Notice of Award March 7, 2012
- Commencement of Contract March 12, 2012

## 2.5 Changes to the Solicitation by Addenda

The City reserves the right to make changes to the RFP by written addendum, which shall be issued to all those who have obtained the RFP by pick-up or mail through the City of Milwaukie Community Development Office. Addenda will be made available for download on the City's website at:

<http://bids.teamaha.com/milwaukie>

Proposers are advised to check the City's website regularly for addenda.

A prospective Proposer may request a change in the RFP by submitting a written request to the address set forth in Subsection 2.3. The request must specify the provision of the RFP in question, and contain an explanation of the requested change. All requests for changes to the RFP must be submitted to the City no later than the date set forth in Subsection 2.4.

The City will evaluate any request submitted, but reserves the right to determine whether to accept the requested change. Changes that are accepted by the City shall be issued in the form of an addendum to the RFP.

All addenda shall have the same bidding effect as though contained in the main body of the RFP. Oral instructions or information concerning the scope of work of the project give out by anyone other than the Project Manager shall not bind the City.

No addenda will be issued later than the date set in Subsection 2.4, except an addendum, if necessary, postponing the date for receipt of Proposals, withdrawing the invitation, modifying elements of the proposal resulting from delayed process, or requesting additional information, clarification, or revisions of proposals leading to obtaining best offers or best and final offers.

Each Proposer is responsible for obtaining all addenda prior to submitting a Proposal. Receipt of each addendum shall be acknowledged in writing as part of the Proposal.

## 2.6 Confidentiality

All information submitted by Proposers shall be public record and subject to disclosure pursuant to the Oregon Public Records Act, except such portions of the Proposals for which Proposer requests exception from disclosure consistent with Oregon Law. All requests shall be in writing, noting specifically which portion of the Proposal the Proposer requests exception from disclosure. Proposer shall not copyright, or cause to be copyrighted, any portion of any said document

submitted to the City as a result of this RFP. Proposer should not mark the entire proposal document "Confidential."

## **2.7 Cancellation**

The City reserves the right to cancel contract award for the 2012 Stormwater Master Plan at any time before execution of the contract by both parties if cancellation is deemed to be in the City's best interest. In no event shall the City have any liability for the cancellation of contract award.

## **2.8 Late Proposals**

All Proposals that are not received by the Proposal Due Date in Subsection 2.4 will not be considered and will be returned unopened to the Proposer(s). Electronically mailed or faxed proposals will not be accepted. Delays due to mail and/or delivery handling, including, but not limited to delays within the City's internal distribution systems, do not excuse the Proposer's responsibility for submitting the Proposal to the correct location by the Proposal Due Date.

## **2.9 Disputes**

In case of any doubt or differences of opinions as to the items or service to be furnished hereunder, or the interpretation of the provisions of the RFP, the decision of the City shall be final and binding upon all parties.

## **2.10 Proposer's Representation**

Proposers, by the act of submitting their Proposals, represent that:

- A. They have read and understand the Proposal Documents and their Proposal is made in accordance therewith;
- B. They have familiarized themselves with the local conditions under which the work will meet their satisfaction;
- C. Their Proposal is based upon the requirements described in the Proposal Documents with exception, unless clearly stated in the response.

## **2.11 Conditions of Submittal**

By the act of submitting a Proposal in response to this Request for Proposals, the Proposer certifies that:

- A. The Proposer and each person signing on behalf of any Proposer certifies, and in the case of a sole proprietorship, partnership or corporation, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief, no elected official, officer, employee, or person, whose salary is payable in whole or part by the City, has a direct or indirect financial interest in the Proposal, or in the services to which it relates, or in any of the profits thereof other than as fully described in the Proposer's response to this solicitation.
- B. The Proposer has examined all parts of the Request for Proposals, including all requirements and contract terms and conditions thereof, and, if its Proposal is accepted, the Proposer shall accept the contract documents thereto unless substantive changes are made in same without the approval of the Proposer.

- C. The Proposers, if an individual, is of lawful age; is the only one interested in this Proposal; and that no person, firm, or corporation, other than that named, has any interest in the Proposal, or in the proposed contract.
- D. The Proposer has quality experience providing stormwater system master planning in a capacity similar to the duties outlined within the scope of services.

## **2.12 Proposer Requests Interpretation of Request for Proposal Documents**

Proposers shall promptly notify the City of any ambiguity, inconsistency or error, which they may discover upon examination of the Proposal Documents. Proposers requiring clarification or interpretation of the Proposal Documents shall make a written request for the same to the Project Manager.

The City shall make interpretations, corrections, or changes to the Proposal Documents in writing by published Addenda in accordance with Subsection 2.5. Interpretations, corrections, or changes to the Proposal Documents made in any other manner will not be binding, and Proposers shall not rely upon such interpretations, corrections, and changes.

## **2.13 Proposer Requests for Additional Information**

Requests for information regarding City services, programs, or personnel, or any other information shall be submitted in writing to the Project Manager prior to the deadline to request additional information stated in Subsection 2.4.

The City shall respond to requests for additional information in writing by published Addenda in accordance with Subsection 2.5. Responses to requests for additional information made in any other manner will not be binding.

## **2.14 Competition**

Respondents are encouraged to comment, either with their Proposals or at any other time, in writing, on any specification or requirement with this Request for Proposals, which the respondent believes, will inordinately limit competition.

## **2.15 Complaints and Inequities**

All complaints or perceived inequities related to the Request for Proposals or award of work referenced herein shall be in writing and directed to the Project Manager. Such submittals will be reviewed upon receipt and will be answered in writing.

## **2.16 Cost of Request for Proposals and Associated Responses**

The City is not liable for any costs incurred by a Proposer in the preparation and/or presentation of a Proposal. The City is not liable for any cost incurred by a Proposer in protesting the City's selection decision.

## **2.17 City Requests for Clarification, Additional Research, & Revisions**

The City reserves the right to obtain clarification of any point in a Proposal or to obtain additional information necessary to properly evaluate a particular Proposal. Failure of a Proposer to respond to such a request for additional information or clarification may result in a finding that the Proposer is non-responsive and consequent rejection of the Proposal.

The City may obtain information from any legal source for clarification of any Proposal or for information of any Proposer. The City need not inform the Proposer of any intent to perform additional research in this respect or of any information thereby received.

The City may perform, at its sole option, investigations of the responsible Proposer. Information may include, but shall not necessarily be limited to current litigation and contracting references. All such documents, if requested by the City, become part of the public records and may be disclosed accordingly.

The City reserves the right to request revisions of proposals after the submission of proposals and before award for the purpose of obtaining best offers or best and final offers.

## **2.18 Rejection of Proposals**

The City reserves the right to reject any or all Proposals received as a result of this Request for Proposals. Proposals may be rejected for one or more of the following reasons, including but not limited to:

- A. Failure of the Proposer to adhere to one or more of the provisions established in the Request for Proposals.
- B. Failure of the Proposer to submit a Proposal in the format specified herein.
- C. Failure of the Proposer to submit a Proposal within the time requirements established herein.
- D. Failure of the Proposer to adhere to ethical and professional standards before, during, or following the Proposal process.

The City may reject any Proposal not in compliance with all prescribed public procurement procedures and requirements, and may reject for good cause any or all Proposals upon a finding of the City that it is in the public interest to do so.

## **2.19 Modification or Withdrawal of Proposal by Proposer**

A Proposal may not be modified, withdrawn, or canceled by the Proposer for sixty calendar days following the time and date designated for the receipt of Proposals. Proposals submitted early may be modified or withdrawn only by notice to the City, at the Proposal submittal location, prior to the Proposal Due Date. Such notice shall be in writing over the signature of the Proposer and submitted to the Project Manager. All such communication shall be so worded as not to reveal the material contents of the original Proposal.

Withdrawn proposals may be resubmitted up to the Proposal Due Date provided that they are then fully in conformance with the Request for Proposals.

## **2.20 Proposal Ownership**

All Proposals submitted become and remain the property of the City and, as such, are considered public information and subject to public disclosure within the context of the federal Freedom of Information Act and Oregon Revised Statutes (ORS) 192.501 and ORS 192.502.

Unless certain pages or specific information are specifically marked “proprietary” and qualify as such within the context of the regulations stated in the preceding paragraph, the City shall make available to any person requesting information through the City processes for disclosure of public records,

any and all information submitted as a result of this Request for Proposals without obtaining permission from any Proposer to do so after the Notice of Intent to Award has been released.

### **2.21 Duration of Proposal**

Proposal terms and conditions shall be firm for a period of at least ninety days from the Proposal Due Date. The successful proposal shall not be subject to changes of terms if accepted during the ninety day period. Changes in terms by others after the acceptance of a proposal will not be considered.

### **2.22 Intergovernmental Cooperative Agreement**

Pursuant to ORS 279A, other public agencies shall have the ability to purchase the awarded goods and services from the awarded Contractor(s) under terms and conditions of the resultant contract. Any such purchases shall be between the Contractor and the participating public agency and shall not impact the Contractor's obligation to the City. Any estimated purchase volumes listed herein do not include other public agencies and the City makes no guarantee as to their participation. Any Proposer, by written notification included with their Proposal, may decline to extend the prices and terms of this Request for Proposals to any and/or all public agencies.

### **2.23 Affirmative Action/Nondiscrimination**

By submitting a proposal, the Proposer agrees to comply with the Fair Labor Standard Act, Civil Rights Act of 1964, Executive order 11246, Fair Employment Practices, Equal Employment Opportunity Act, Americans with Disabilities Act, and Oregon Revised Statutes. By submitting a proposal, the Proposer specifically certifies, under penalty of perjury, that the Proposer has not discriminated against minority, women or emerging small business enterprises in obtaining any required subcontracts.

## **Section 3 – Scope of Work**

### **3.1 Introduction**

The City of Milwaukie (City) is seeking high quality and responsible services from a qualified and experienced individual or firm to provide stormwater system master planning at a competitive price.

### **3.2 Term of Service**

The contract resulting from this Request for Proposals (RFP) shall be for a period of nine months, commencing in March 2012.

### **3.3 Scope of Work**

The previous Stormwater Master Plan is dated September, 2004 and was completed by URS Corp. A new stormwater system master plan is necessary due to changes that have occurred since the 2004 Stormwater Master Plan was completed.

- A. The typical update period for a stormwater system master plan has past, therefore necessitating the timely need for this project.
- B. In May 2007, the City adopted new public works standards, which include new design and construction standards for the City's stormwater collection system. These new standards have changed some of the assumptions that were made as part of the development of the 2004 Stormwater Master Plan. As a result, some of the recommended projects are no longer relevant.
- C. In March 2011, the City received an updated NPDES permit issued by DEQ. The new permit outlines needs for a pollutant monitoring plan, stormwater retrofit strategy, and hydromodification assessment.
- D. The City is also awaiting issuance of a WPCF permit by DEQ. The WPCF permit is assumed to require stormwater runoff pretreatment and decommissioning of some UIC's.

The new master plan will identify and prioritize necessary or desirable improvements for the City of Milwaukie. The master plan will identify modifications or additions necessary to address the predicted future needs for surface water collection, treatment, and storage. The planning period for this master plan is 20 years.

#### **Task 1 – Project Management**

##### **1.1 Project Administration**

Consultant shall provide a Project Administration Plan to direct, coordinate, and monitor the activities of the project with respect to budget, schedule, and contractual obligations. The Project Administration Plan shall be updated on a biweekly basis and submitted to the City.

##### **1.2 Coordination Meetings**

Consultant shall provide a minimum of biweekly conference calls and/or meetings between the Consultant and City personnel to review project progress, discuss project challenges and findings, and review early study results. Consultant shall ensure that the City personnel and Consultant team members maintain a shared understanding regarding study direction, objectives, and deliverables.

##### **1.3 Quality Assurance and Quality Control Review**

Consultant shall conduct internal Quality Assurance and Quality Control meetings and follow-up with technical experts as necessary during the course of the project.

## **Task 2 – Data Gathering**

### **2.1 Kickoff Meeting and Project Overview**

Consultant shall initiate the project kickoff meeting. Consultant shall prepare an agenda for the kickoff meeting, invite necessary attendees, collect data, and discuss the schedule of the project.

### **2.2 Conduct Interviews**

Consultant shall conduct interviews with City personnel familiar with the surface water collection system to collect information on the operation and maintenance of the system and any known deficiencies. Consultants shall make site visits with City personnel to specific facilities if necessary. The following is a list of City employees that have been identified to help answer questions and provide information about the surface water collection system.

Gary Parkin – Engineering Director

Ronelle Sears – Stormwater Operations Department Manager

Dave Butcher – Asset Management Technician

Kenny Hill – Utility II (Maintenance)

### **2.3 Collect and Review Current Data**

Consultant shall submit a list of information to be collected and provided by the City. The provided information shall be reviewed by the Consultant to determine if it is sufficient for completion of the project objectives. If the information is not sufficient, the Consultant shall suggest alternatives.

## **Task 3 – Hydraulic Model**

Consultant shall update the City's storm drainage model of the existing stormwater basins and drainage systems with sufficient detail to identify hydraulic constraints, predict pipe flows, predict channel and conduit overflows, and quantify the effects of detention, surcharge storage and overflow flood storage.

Identify any open channel and overland flow reaches, for the purpose of system modeling, which feed drain, or connect drainage structures. Collect field data necessary for modeling these reaches. Provide a table listing these reaches and their respective modeling characteristics.

Execute the model based on existing and future buildout conditions for the 2-, 5-, 10-, 25-, and 100-year, 24-hour rainfall and identify trouble spots according to the criteria developed above.

Identify locations for regional facilities that show potential strategic value as detention, water quality, or controlled surcharge flood storage area based on geography, ownership, capacity, land value and development potential.

## **Task 4 – Retrofit Analysis**

Consultant shall evaluate the opportunities to incorporate water quality retrofits in the future Capital Improvement Plan (CIP). Perform a retrofit analysis in accordance with the City's MS4 permit. Include a cost and ranking in the CIP.

### **Task 5 – UIC Analysis**

Consultant shall analyze the City's UIC system for compliance with the required separation distance to groundwater. Provide remedies to bring all UIC's into compliance. Add the compliance measures to the CIP as a project for ranking and funding.

### **Task 6 – Fee in Lieu of Construction Program**

Consultant shall develop a fee in lieu of construction (FILOC) program for required stormwater facility construction that cannot be implemented due to high groundwater table, safety and functionality, among other factors. The program would collect FILOC for the proportional share of regional facilities identified in Task 3.

### **Task 7 – System Condition Assessment**

Consultant shall develop a database to assess the condition of the City's surface water collection system. The database shall separate the City's surface water collection system into segments, such as detention facilities, bio-swales, pipes, catch basins, and UIC's. Consultant shall develop a rating system to apply to the stormwater collection system segments. The rating system would be used to rank each segment based on highest priority of replacement or repair. The rating system would be a numerical points system based on items such as:

- A. Increase Capacity
- B. Date Until Street Surface Maintenance Program Street Cutting Moratorium Imposed
- C. Existing Deficiencies
  - i. Number of Repairs
  - ii. Condition
  - iii. Years Left in Expected Life Cycle

Consultant shall design database to be clear and simple for City personnel to update on an annual basis. The City would use the database to determine priority for capital maintenance projects for each fiscal year.

### **Task 8 – Milwaukie Comprehensive Plan Review**

Consultant shall evaluate Chapter 5 Transportation/Public Facilities/Energy Conservation of the Milwaukie Comprehensive Plan. Consultant shall recommend changes to the Comprehensive Plan based on the results of the 2012 Stormwater Master Plan. Consultant shall assist City personnel with writing staff reports and providing supporting data for amending the City's Comprehensive Plan.

### **Task 9 – Stormwater System Capital Improvements Plan**

#### **9.1 General**

Consultant shall group identified improvements into projects with planning level cost estimates of  $\pm 20\%$  accuracy prepared for each project. Consultant shall develop a 20-year Capital Improvement Plan (CIP) for the surface water collection system. The improvement projects will be prioritized in order of importance and suggested dates for construction will be assigned.

#### **9.2 Capital Maintenance Plan**

Consultant shall identify projects determined as part of Task 7. The projects shall be grouped by anticipated year for construction and the estimated annual costs summarized.

## **Task 10 – Staffing Level Analysis**

Consultant shall perform an analysis of the City's staffing level. The analysis shall determine the Stormwater Operations, Engineering, and Administration staffing level necessary to adequately maintain and manage the City's surface water collection system. Consultant shall draw comparisons from other nearby City's with similar sized surface water collection systems, maintenance programs, and population.

## **Task 11 – System Development Charge and Rate Study**

### **11.1 Stormwater System Development Charge Update**

Consultant shall recommend an updated Stormwater System Development Charge (SDC), including improvement, reimbursement, and administrative fees, in accordance with State of Oregon SDC statutes. Consultant shall provide a brief decision matrix and recommendation in deciding which stormwater SDC methodology will best meet the needs of the City. As part of the methodology evaluation, Consultant shall review and evaluate the latest Metro SDC methodology recommendations and determine if any may be of benefit to the City.

Consultant shall compile the Stormwater System Development Charge (SDC) project list, including project costs, using the Stormwater System Capital Improvements Plan of Task 8 and input from City personnel. Consultant shall calculate the improvement fee by determining the cost of the capacity increasing portion of each project.

Consultant shall calculate the amount of eligible unused capacity in the existing stormwater system using City asset information, policy information from the Stormwater Master Plan, and input from City personnel. Consultant shall use the value of the unused stormwater system capacity to calculate the reimbursement fee.

Consultant shall calculate the administrative portion of the Stormwater SDC in accordance with State of Oregon SDC statutes and input from City personnel.

### **11.2 Stormwater Rate Study**

Consultant shall perform a cost of stormwater service study and recommend an updated stormwater utility rate structure that is easy to administer and understand. The recommend rate structure shall be consistent with industry practice for utility rate making in Oregon. The recommend rate structure shall insure that the stormwater utility is fully recovering the cost of providing stormwater services, including analysis of the following factors:

- A. Current and future costs of providing surface water management in accordance with established and anticipated standards and regulations.
- B. Current and future costs of maintenance and operation of the surface water collection system.
- C. Projected demands.
- D. Availability of capacity.
- E. Funding of capital maintenance projects.
- F. Funding of cross-connection program.
- G. Impact of current and future environmental regulations.
- H. Adequate reserves for depreciation, emergencies, catastrophes, and other appropriate purposes.
- I. Other impacts as identified.

Consultant shall summarize the impacts of the recommended rate structure and proposed rate on rate payers. The summary shall include at a minimum the following:

- A. Analysis of the benefits of the recommended rate changes weighed against the financial impacts to the rate payers.
- B. Justification for any special classes of customers under the recommended rate structure.
- C. Assessment of recommended stormwater rates equity for all types of property ownership.

The recommended rate structure shall provide clear and direct identification of annual revenues appropriate to fund operating activities, maintenance, and infrastructure improvements. The recommended rate structure shall be compatible with the City's electronic billing system and include an easy to use electronic model, in either Microsoft Excel or Access, to be used by the City for future rate setting. Consultant shall compare the proposed new rates to other utilities providing stormwater management services in the region.

**Task 12 – Stormwater System Master Plan**

**12.1 Draft Stormwater System Master Plan**

Upon completion of Tasks 1-11, Consultant shall submit 3 printed copies and 1 digital copy in PDF format of a draft Stormwater System Master Plan report to the City for review and comment. At a minimum, the report shall include the following:

- A. An Executive Summary.
- B. Colored maps that are clear, easy to understand, and of professional quality of the City's stormwater system, identified deficiencies, and proposed improvements.
- C. Summary of existing stormwater system.
- D. Population projections and stormwater demand summary.
- E. Documentation of modeling methodologies and assumptions.
- F. Technical information, analysis, and discussion of results for each task making use of charts, graphs, and figures of professional quality to clearly and efficiently convey the information, findings, and conclusions.
- G. Justification for recommended work to be accomplished.
- H. System Condition Assessment
- I. Stormwater System Capital Improvements Plan
- J. System Development Charge and Utility Rate Study
- K. Other supporting documentation.

Consultant shall prepare the Stormwater System Master Plan and associated materials in accordance with City standards for style and grammar. The Stormwater System Master Plan and associated materials shall be independently reviewed for conformance with these standards prior to submittal.

Consultant shall provide draft version of Stormwater System Condition Assessment Database and Stormwater Utility Rate Study Electronic Model to the City for review and comment.

Consultant shall incorporate City review and comments of the draft materials and resubmit for additional reviews in accordance with Task 12.1 until final City approval of the draft materials. Re-submittal of complete document for secondary review is not required. Edited materials may be submitted as replacement pages.

**12.2 Final Stormwater System Master Plan**

Upon City approval of the draft materials, Consultant shall produce final report and submit 6 printed copies and 1 digital copy in PDF format. Consultant shall provide a final electronic copy of the Hydraulic Model, Stormwater System Condition Assessment Database, and Stormwater

Utility Rate Study Model. Consultant shall provide all Stormwater System Master Plan maps in electronic format compatible with the City's GIS system.

### 12.3 Public Meetings

Consultant shall plan on attending the following meetings to present, discuss, and answer questions regarding the Stormwater System Master Plan.

- |  |  |
|--|--|
| A. Public Open House   | 1 Evening Meeting                                    |
| B. Citizens Utility Advisory Board (CUAB)<br>Meet 1 <sup>st</sup> Wednesday of Every Month<br>(6:00 pm – 8:00 pm)  | 2 Evening Meetings                                   |
| C. Planning Commission<br>Meet 2 <sup>nd</sup> & 4 <sup>th</sup> Tuesday of Every Month<br>(6:30 pm – 10:00 pm)  | 1 Evening Work Session<br>2 Evening Public Hearings  |
| D. City Council<br>Meet 1 <sup>st</sup> & 3 <sup>rd</sup> Tuesday of Every Month<br>Work Session (5:30 pm – 7:00 pm)<br>Regular Session (7:00 pm – 10:00 pm) | 2 Evening Work Sessions<br>2 Evening Public Hearings |



## **Section 4 – Proposal and Proposer Requirements**

### **4.1 Submittal of Proposals**

In order to be considered for this project, each Proposer must provide four total copies of their proposal. All proposals must arrive at the issuing office on or before the listed time and date due. A corporate officer who has been authorized to make such a commitment must sign the proposals. Proposals shall be sealed in an envelope, plainly identifying Project Name, Project Number, and Proposer's Name and Address. The document shall be addressed and delivered to the issuing office identified in Section 2.3.

### **4.2 Proposer Requirements**

The following minimum criteria will apply:

- A. Each Proposer shall have no fewer than ten years experience, no fewer than five of which are within the State of Oregon, in providing all the types of services required within the Scope of Work in Section 3.3.
- B. Proposer shall demonstrate, to the satisfaction of the City, the ability to provide the services required within the Scope of Work in Section 3.3 to the City and shall demonstrate a proven history of providing such service for public agencies.
- C. Proposer shall not have a record of substandard workmanship. The City will verify this requirement by communication with the licensing authority, the Proposer's clients and references, and as many other references as the City may be deem appropriate.

### **4.3 Proposer Representations**

The Proposer further agrees to the following:

- A. To examine all specifications and conditions thoroughly.
- B. To provide for appropriate insurance, deposits, and performance bonds, as required.
- C. To comply fully with the scope of services as attached to the agreed contract.
- D. That any and all registration and certification requirements required for Contractors are met as set forth in the Oregon Revised Statutes.

### **4.4 Proposal Format and Requirements**

#### **4.4.1 Proposal Format**

Proposers are encouraged to provide clear, concise proposals that contain only information required to respond to the needs of this project. Proposals shall be type written with the body text consisting of a serif font at least 12-point (e.g. Times New Roman, Garamond). Proposals shall be double sided and stapled once in the upper left hand corner. The City requests that submittal materials contain post-consumer recycled content and are readily recyclable. The City discourages the use of materials that cannot be readily recycled, such as PVC binders, spiral bindings, and plastic or glossy covers or dividers. One page is considered to be one side of a single 8 1/2" x 11" sheet.

#### 4.4.2 Introductory Letter (One Page Maximum)

Include the name of the proposing firm and its principal business address and phone number where the relationship will be managed. The letter should address the firm's willingness and commitment, if selected, to provide the services offered and a description of why the Proposer believes it should be selected. The letter should be addressed to the Project Manager at the address identified in Section 2.3. Provide telephone and fax numbers, email addresses, and mailing addresses for Proposer's project contact/manager. A statement in the letter of interest shall specifically stipulate that the consultant accepts all terms and conditions contained in the RFP and model Personal Services Agreement. The letter shall name the person(s) authorized to represent the consultant in any negotiations and the name of the person(s) authorized to sign any contract or agreement, which may result. The letter of interest must be signed by a legal representative of the Consultant firm or institution, authorized to bind the firm or institution in contractual matters.

#### 4.4.3 Proposer's Experience (Four Pages Maximum)

Proposer shall describe the firm's and any key sub consultant's firm size, office locations, and relevant capabilities and resources in relation to this project. Only experience on completed projects should be included in this section. This section should include:

- A. Experience with Stormwater Master Planning services for municipal stormwater agencies, including stormwater system development charge and utility rate studies.
- B. Experience developing long range cost estimates for stormwater projects.
- C. Experience developing long range critical path scheduling including design, permitting, bidding, and construction related activities.
- D. Experience in stormwater systems planning, stormwater collection system design, stormwater system modeling, and SDC and utility rate studies.
- E. Similar projects with other government agencies.
- F. Procedures and/or policies associated with or related to work quality and cost control.
- G. Management and organizational capabilities.

#### 4.4.4 Project Team Experience (Four Pages Maximum)

Proposer shall identify the team to be assigned to the project by name, including at a minimum the principal, project manager, key staff, and any sub-consultants. Proposer shall describe the project team's qualifications and experience on completed projects related to this specific project. Proposer shall explain the project team's expertise regarding all tasks associated with the scope of work. This section should include:

- A. Approximate number of people to be assigned to the project.
- B. Extent of principal and project manager involvement.
- C. Principal, project manager, key members, and sub-consultant experience with:
  - Stormwater systems planning, stormwater collection system design, stormwater system modeling, and SDC and utility rate studies.
  - Developing long range cost estimates.
  - Developing long range critical path scheduling including design, permitting, bidding, and construction related activities.
- D. Unique qualifications.
- E. Current assignments and location.
- F. Roles and responsibilities of key staff on this project.

- G. Percentage of time key staff will be devoted to this project for the duration of the project, based on a 40-hour work week.

Proposer may submit individual resumes of key staff for this project. Individual resumes are considered an attachment to the Proposal and are not subject to page limitations of this section. However, please limit each resume length to two pages.

#### **4.4.5 Project Understanding (Two Pages Maximum)**

Proposer shall demonstrate its preliminary understanding of the project by providing a clear and concise description of the project and major issues, based on the information provided in this RFP.

#### **4.4.6 Project Approach (Six Pages Maximum)**

Proposer shall clearly define the tasks and activities necessary to meet the objectives outlined in the scope of work of Section 3.3. This section should include:

- A. Description of the tasks and activities, the methodology that will be used to accomplish them, and which team members will work on each task.
- B. Description of the products that would result from each task and activity.
- C. Identification of points of input and review with staff.
- D. Estimated time frame to complete each task.
- E. Proposers are invited to suggest additional (optional) work tasks that could be performed in conjunction with or subsequent to the scope of work of Section 3.3. Any such tasks are to be described as optional and the benefits of performing such tasks shall be described. Such optional tasks are not likely to be included in the initial authorized agreement, but will be considered by the City for relevancy and for possible future use.

#### **4.4.7 Project Schedule (Two Pages Maximum)**

Proposer shall include a proposed project schedule identifying key tasks and milestone dates and their associated duration.

#### **4.4.8 Past Projects (One Page per Project Maximum)**

Proposer shall provide project descriptions of up to five completed projects that meet the criteria listed in Section 4.4.3 and 4.4.4. Proposer shall list the firm(s) and project team member(s) that worked on the listed projects.

Proposer shall submit a copy of one recent Stormwater Master Plan that reflects the firm's quality of work. This project submittal is considered an attachment to the Proposal and is not subject to page limitations of this section.

#### **4.4.9 References (Two Page Maximum)**

Proposer shall include references for each of the projects listed in Section 4.4.8. List contact name, title, agency, phone number, e-mail address, and mailing address.

#### **4.4.10 Proposal Form (Attachment A)**

Please complete the attached Proposal Form, Attachment A, with the required signature and other information. Please return this form with the Proposals in a sealed envelope in accordance with Section 4.1.

#### **4.4.11 Sample Personal Services Agreement (Attachment B)**

Review sample personal services agreement, Attachment B. No changes or alterations to the personal services agreement will be considered. Submission of a proposal constitutes acceptance of the personal services agreement as to form and content. Please review the agreement in consideration of the Proposal.

#### **4.4.12 Planning Style, Grammar, and Usage Standards (Attachment C)**

The Planning Style, Grammar, and Usage Standards shall be used by the Consultant to prepare the 2012 Stormwater Master Plan and associated materials. Please review the standards in considerations of the Proposal.

#### **4.4.13 Addenda**

All Addenda of this RFP shall be submitted as part of the Proposal. Receipt of each Addendum shall be acknowledged by the Proposer by signing in the appropriate designated location. Each Proposer shall ascertain, prior to submitting a Proposal, that the Proposer has received all Addenda issued by the City.

## **Section 5 – Proposal Selection and Evaluation**

### **5.1 General Information**

The City will follow a Qualifications Based Selection (QBS) process pursuant to ORS 279C.110. Each proposal will be judged on its completeness and quality of its content. The City reserves the right to reject any or all proposals and is not liable for any costs the Proposer incurs while preparing or presenting the proposal. All proposals will become part of the public file, without obligation to the City. Upon the completion of the evaluations, the City intends to negotiate a contract with the Proposer whose proposal is deemed to be most advantageous to the City.

### **5.2 Selection Review Committee**

The Selection Review Committee may be comprised of up to five members. The role of the Selection Review Committee is to evaluate the proposals submitted and make a recommendation of award. The City may also seek expert advice to help review proposals. Such advisors to the Selection Review Committee may attend evaluation meetings, Proposer presentations, evaluate the proposals, and lend any such expertise to the process as requested by the City. However, any such person that is contacted by the City for their expert advice shall not, from first being contacted until the RFP process is completed, or otherwise brought to an end, have communications with any Proposers regarding their proposals or the process.

Scoring will be completed covering all areas listed in Section 5.4 in the Evaluation Criteria. Scores for each Proposal shall be added together to arrive at a final score for each Proposer. Proposals will then be ranked in descending order by the total Proposal score.

If additional information is deemed necessary as part of the evaluations, such information will be solicited in order to allow the committee to complete the evaluation process.

### **5.3 Interviews**

Proposers selected for final evaluation (if necessary) may be required to make an oral presentation of their proposal to the Selection Review Committee. Such presentation shall provide an opportunity for Proposers to clarify their proposal to ensure thorough mutual understanding. The Selection Review Committee may interview the Proposers and ask additional questions related to the proposal and the scope of work. The City will schedule the time and locations of the interviews, if required, on the dates indicated in Section 2.4. Interviews will take place at a location to be determined by the City. Firms invited to the interview will be responsible for making and paying for their own travel arrangements.

### **5.4 Scoring and Evaluation Criteria**

The Selection Review Committee will evaluate the proposals. The role of the Selection Review Committee is to evaluate the proposals submitted and make a recommendation of award. The criteria listed below will be used to determine the finalists and apparent successful Proposer.

Each proposal shall be limited in length and judged as a demonstration of the Consultant's capabilities and understanding of the project.

Evaluation criteria, maximum points and page limitations will be as follows:

Criteria	Maximum No. Pages	Score
Introductory Letter	1	3
Proposer's Experience	4	10
Project Team Experience	4	20
Project Understanding	2	15
Project Approach	6	25
Project Schedule	2	10
Past Projects	5	15
References	2	N/A
Proposal Format	N/A	2
Total	26 Pages	100 Points

### 5.5 Ranking of Proposals

Proposals may be ranked by the Selection Review Committee based on evaluation of responses and interviews (if any), with the first-ranked Proposal being that Proposer which is deemed to be the most appropriate and fully able to perform the services, and the second ranked Proposal being the Proposer next most appropriate, all in the sole judgment of the Selection Review Committee.

Proposal scores will be totaled and ranked. Any Proposal in response to this RFP shall be considered de facto permission to the City to disclose the results, when completed, to selected reviewers at the sole discretion of the City.

### 5.6 Contract Negotiation

Pursuant to the QBS process, the City will negotiate the contract amount once the Selection Review Committee has chosen the first-ranked Proposer. If the City cannot come to terms with the first-ranked Proposer, the City will enter into negotiations with the second-ranked Proposer. This process will continue until the City reaches an agreement which the City deems appropriate for the project.

## **Section 6 – Contract Requirements**

### **6.1 Contract Award**

The award of a contract is accomplished by executing a written agreement that incorporates the entire RFP, Proposer's Proposal, clarifications, addenda, and additions. All such materials constitute the contract documents. The Proposer agrees to accept the contract terms of the attached Personal Services Agreement unless substantive changes are made without the approval of the Proposer. The issuing office and project manager of Section 2.3 is the sole point of contact for the issuance of the contract. The contract shall be substantially in the form of the sample "Personal Services Agreement" in Attachment B.

### **6.2 Contract Administrator**

The Contract Administrator for the 2012 Stormwater Master Plan shall be the project manager listed in Section 2.3.



## **Attachment A – Proposal Form**

### **Proposal Representations**

The undersigned hereby submits this Proposal to furnish all work, services systems, materials, and labor as indicated herein and agrees to be bound by the following documents: Request for Proposal, Personal Services Contract, and associated inclusions and references, specifications, Proposal Form, Proposer response, mutually agreed clarifications, appropriately priced change orders, exceptions which are acceptable to the City, and all other Proposer submittals.

The undersigned hereby certifies and represents that the Proposer:

- 1) has examined and is thoroughly familiar with the Request for Proposal and full understand its intent; and
- 2) has examined and is thoroughly familiar with the Personal Services Contract, agrees to accept the contract terms, and execute such contract upon award of the contract; and
- 3) understands that the City reserves the right to accept a proposal or reject all proposals if deemed in the best interest of the City; and
- 4) understands that all information included in, attached to, or required by this Request for Proposal shall be public record subject to disclosure within the context of the federal Freedom of Information Act and Oregon Revised Statutes (ORS) 192.501 and ORS 192.502.

### **Receipt of Addenda**

Proposer acknowledges that addenda numbers \_\_\_\_\_ have been delivered and examined as part of the Request for Proposal.

### **Certifications**

#### **Non-Collusion**

The undersigned Proposer hereby certifies that it, its officers, partners, owners, providers, representatives, employees and parties in interest, including the affiant, has not in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Proposer, potential Proposer, firm or person, in connection with this solicitation, to submit a collusive or sham proposal, to refrain from bidding, or manipulating or ascertain the price(s) of other Proposers or potential Proposers, or to secure through any unlawful act an advantage over other Proposers or the City. The fees and prices submitted herein have been arrived in an entirely independent and lawful manner by the Proposer without consultation with other Proposers or potential Proposers of foreknowledge of the prices to be submitted in response to this solicitation by other Proposers or potential Proposers on the part of the Proposer, its officers, owners, providers, representatives, employees or parties in interest, including he affiant.

#### **Conflict of Interest**

The undersigned Proposer and each person signing on behalf of the Proposer certifies, and in the case of sole proprietorship, partnership, or corporation, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of their knowledge and belief, no member of the City Council, officer, employee, or person, whose salary in whole or in part by the City, has a direct or indirect financial interest in the award of this Proposal, or in the services to which this Proposal relates, or in any of the profits, real or potential, thereof, except as noted otherwise herein.

**Reciprocal Preference Law**

**Residency**

The undersigned Proposer certifies that their firm is a ( ) Resident Proposer ( ) Non-resident Proposer.

**Signature Block**

The Proposer hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

\_\_\_\_\_  
Proposer Firm Name

\_\_\_\_\_  
Mailing Address, City, State, Zip

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Facsimile Number

\_\_\_\_\_  
Proposer Name

\_\_\_\_\_  
Proposer Email Address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



# **REQUEST FOR PROPOSAL**

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## **2012 STORMWATER MASTER PLAN**

**DATE & TIME DUE:** January 18, 2012, 2:00 PM

### **Addendum #1**

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**Attachment B**

The Personal Services Agreement in the RFP packet is being replaced with the Engineering Services Agreement.

---

**Technical Questions:**

Bradley Albert, Civil Engineer  
City of Milwaukie  
Phone: 503 786-7609  
Email: albertb@ci.milwaukie.or.us

**Contract Document Questions:**

Bradley Albert, Civil Engineer  
City of Milwaukie  
Phone: 503 786-7609  
Email: albertb@ci.milwaukie.or.us

---

**SUBMIT PROPOSAL TO:**

City of Milwaukie  
Bradley Albert  
Civil Engineer  
Johnson Creek Reception  
6101 SE Johnson Creek Blvd.  
Milwaukie, OR 97206

ATTACHMENT 2

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE AWARD OF CONTRACT FOR THE 2012 STORMWATER SYSTEM MASTER PLAN PROJECT.**

**WHEREAS**, the City is working under an outdated 2004 Stormwater System Master Plan; and

**WHEREAS**, an update of the stormwater master plan was approved for funding in the 2011/2012 budget; and

**WHEREAS**, a formal request for proposal process in accordance with City's Public Contracting Rules was conducted, and

**WHEREAS**, Brown and Caldwell is deemed most able to provide stormwater master planning services;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Milwaukie authorizes the City Manager to sign a contract for the 2012 Stormwater System Master Plan project with Brown and Caldwell, in the not-to-exceed amount of \$179,997.00.

Introduced and adopted by the City Council on March 20, 2012.

This resolution is effective on March 20, 2012.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

Document1 (Last revised 09/18/07)



Agenda Item: 3.C.  
Meeting Date: 3/20/12



**To:** Mayor Ferguson and Milwaukie City Council  
**Through:** **Bill Monahan, City Manager**  
**From:** Bob Jordan, Chief of Police   
**Date:** March 7, 2012  
**Subject:** **O.L.C.C. Application – Duffy’s Irish Pub – 11050 SE 21<sup>st</sup> Avenue**

---

**Action Requested:**

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from Duffy’s Irish Pub - 11050 SE 21<sup>st</sup> Avenue.

**Background:**

We have conducted a background investigation and find no reason to deny the request for liquor license.



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Reset Form

Print Form



Application is being made for:

**LICENSE TYPES**

Full On-Premises Sales (\$402.60/yr)

Commercial Establishment

Caterer

Passenger Carrier

Other Public Location

Private Club

Limited On-Premises Sales (\$202.60/yr)

Off-Premises Sales (\$100/yr)

with Fuel Pumps

Brewery Public House (\$252.60)

Winery (\$250/yr)

Other: \_\_\_\_\_

**ACTIONS**

Change Ownership

New Outlet

Greater Privilege

Additional Privilege

Other \_\_\_\_\_

**90-DAY AUTHORITY**

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

**APPLYING AS:**

Limited Partnership     Corporation     Limited Liability Company     Individuals

*L-153415  
P-37317*

**CITY AND COUNTY USE ONLY**

Date application received: \_\_\_\_\_

The City Council or County Commission: \_\_\_\_\_

(name of city or county)

recommends that this license be:

Granted     Denied

By: \_\_\_\_\_

(signature) (date)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

---

**OLCC USE ONLY**

Application Rec'd by: MC

Date: 3/2/2012

90-day authority:  Yes     No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① Jodi Lynn Peterson    ③ n/a

② n/a    ④ n/a

2. Trade Name (dba): Duffys Irish Pub

3. Business Location: 11050 SE 21st Ave. Milwaukie, OR 97222

(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: same as above

(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-446-9926    n/a

(phone) (fax)

6. Is the business at this location currently licensed by OLCC?  Yes     No

7. If yes to whom: Judy Q. Placencia Type of License: Full On-Premises Sales

8. Former Business Name: same; Duffys Irish Pub

9. Will you have a manager?  Yes     No Name: n/a

(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Clackamas County, Milwaukie, OR

(name of city or county)

11. Contact person for this application: Jodi Peterson    971-212-3931

(name) (phone number(s))

9301 SW Sargent St #173, Tualatin, OR 97062    jotaylara@hotmail.com

(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

**Applicant(s) Signature(s) and Date:**

① Jodi Peterson    Date 3/1/12    ③ n/a    Date \_\_\_\_\_

② n/a    Date \_\_\_\_\_    ④ n/a    Date \_\_\_\_\_



OREGON LIQUOR CONTROL COMMISSION  
BUSINESS INFORMATION

Please Print or Type

Applicant Name: Jodi Lynn Peterson Phone: 971-212-3931

Trade Name (dba): Duffys Irish Pub

Business Location Address: 11050 SE 21st Avenue

City: Milwaukie ZIP Code: 97222

**DAYS AND HOURS OF OPERATION**

**Business Hours:**

Sunday	<u>11</u>	to	<u>10</u>
Monday	<u>11</u>	to	<u>12</u>
Tuesday	<u>11</u>	to	<u>12</u>
Wednesday	<u>11</u>	to	<u>12</u>
Thursday	<u>11</u>	to	<u>2:30</u>
Friday	<u>11</u>	to	<u>2:30</u>
Saturday	<u>11</u>	to	<u>2:30</u>

**Outdoor Area Hours:**

Sunday	<u>11</u>	to	<u>10</u>
Monday	<u>11</u>	to	<u>12</u>
Tuesday	<u>11</u>	to	<u>12</u>
Wednesday	<u>11</u>	to	<u>12</u>
Thursday	<u>11</u>	to	<u>2:30</u>
Friday	<u>11</u>	to	<u>2:30</u>
Saturday	<u>11</u>	to	<u>2:30</u>

The outdoor area is used for:

- Food service Hours: 11 am to 10 pm
- Alcohol service Hours: 11 am to 2 am
- Enclosed, how n/a

The exterior area is adequately viewed and/or supervised by Service Permittees.

\_\_\_\_\_  
(Investigator's Initials)

Seasonal Variations:  Yes  No If yes, explain: n/a

**ENTERTAINMENT**

Check all that apply:

- Live Music
- Recorded Music
- DJ Music
- Dancing
- Nude Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: n/a

**DAYS & HOURS OF LIVE OR DJ MUSIC**

Sunday	<u>n/a</u>	to	<u>n/a</u>
Monday	<u>n/a</u>	to	<u>n/a</u>
Tuesday	<u>n/a</u>	to	<u>n/a</u>
Wednesday	<u>n/a</u>	to	<u>n/a</u>
Thursday	<u>n/a</u>	to	<u>n/a</u>
Friday	<u>n/a</u>	to	<u>n/a</u>
Saturday	<u>n/a</u>	to	<u>n/a</u>

**SEATING COUNT**

Restaurant: 23 Outdoor: 15  
 Lounge: 21 Other (explain): n/a  
 Banquet: n/a Total Seating: 59

**OLCC USE ONLY**

Investigator Verified Seating: \_\_\_\_ (Y) \_\_\_\_ (N)  
 Investigator Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Jodi Peterson Date: 3/1/12