

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JULY 10, 2000**

Call to Order

The one thousand eight hundred and forty-second meeting of the Milwaukie City Council was called to order by Mayor Tomei at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King
Larry Lancaster

Jeff Marshall

Also present:

Dan Bartlett,
City Manager
Dom Coletta,
City Attorney
Martha Bennett,
Assistant City Manager

Larry Kanzler,
Police Chief
Sue Stepan,
Public Works Director
JoAnn Herrigel,
Program Specialist
Kelly Somers,
Facilities & Fleet Manager

Pledge of Allegiance

Consent Agenda

Councilor King asked how soon the Lowry would be demolished after the bid was awarded, and **Somers** said the contractor was ready to begin on July 12.

It was moved by Councilor King and seconded by Councilor Marshall to adopt the Consent Agenda that consisted of:

- A. City Council minutes of June 19 & 20, 2000;**
- B. Intergovernmental Agreement with North Clackamas School District;**
- C. Intergovernmental Agreement with North Clackamas Parks and Recreation District;**
- D. Bid Award -- Lowry Demolition;**
- E. Bid Award -- Brookside Storm Drainage Project;**
- F. Accept Remaining Roswell Street Improvement Project Easements; and**
- G. Liquor License Application -- BBJT Food Services, 2035 SE Jefferson Street (new outlet)**

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

Vern Putrow, Best Elephant Ears, PO Box 1573, Vancouver, WA. He felt his application as a food vendor for the recent Festival Daze had been mishandled, and he wanted the City Council to be aware of the issue. He had provided Mayor Tomei with a letter which she said she would share with the other Councilors before responding.

Mayor Tomei said Festival Daze was a separate entity, and Putrow responded that he felt his concerns affected city officials and the community.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

Intergovernmental Agreement with Tri-Met for Transit Police Services

Kanzler presented the staff report in which the City Council was requested to consider a resolution to continue cooperative contract policing with Tri-Met. It is collaborative process involving several agencies in transit area supervision. Milwaukie provides one officer, and all costs related to that employee are reimbursed.

Councilor Lancaster hoped law enforcement was planning for gang control issues related to the transit center.

Kanzler said he and the Tri-Met Police Department Commander met with the Ledding Library Board to preliminarily discuss a proactive plan to deal with the changes. This plan includes an ordinance review. He discussed the role of the civilianized, crime analyst position. Monitoring will be aggressive during the school year, and staff will prepare a plan that reflects any departmental and budget impacts.

It was moved by Councilor King and seconded by Councilor Marshall to adopt the resolution authorizing the police chief to sign the intergovernmental agreement with Tri-Met. Motion passed unanimously among the members present.

RESOLUTION NO. 23-2000:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CHIEF OF POLICE TO SIGN THE INTERGOVERNMENTAL AGREEMENT TO PROVIDE CONTRACT POLICE SERVICES BETWEEN THE CITY OF MILWAUKIE AND THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON, PURSUANT TO AUTHORITY GRANTED IN ORS CHAPTER 190.

Downtown Parking and Transit Center Report

Bennett presented the staff report. Staff requested direction on negotiations to replace parking spaces lost to the transit center development; on investigation of possible long-term parking space replacement consistent with the Downtown and Riverfront Plan; and on the proposed charge for the transit oriented development selection committee. She discussed the composition of the committee that would include community interests, the Milwaukie Downtown Development Association, Historic Milwaukie Neighborhood District Association, Library Board, Tri-Met, and others with expertise design, architecture, and other similar developments.

It was moved by Councilor Lancaster and seconded by Councilor King to give staff permission to negotiate with several property owners north of Safeway to lease parking spaces to replace parking lost from the Milwaukie Transit Center; permission for staff to look for possible locations for permanent parking consistent with the Downtown and Riverfront Plan; and approve the proposed charge for the Transit Oriented Development Selection Committee. Motion passed unanimously among the members present

Intergovernmental Agreement with Metropolitan Area Communications Commission -- Resolution

Herrigel presented the staff report in which the City Council was requested to adopt a resolution authorizing the City Manager to sign an intergovernmental agreement (IGA) with Metropolitan Area Communications Commission (MACC). The proposed IGA would allow MACC to administer the day-to-day aspects of the AT&T franchise agreement and any future agreement the City may enter into with Wide Open West (WOW). She introduced Bruce Crest of MACC who was available to answer questions.

The IGA reflected a one-year term after which time the City and MACC would evaluate the costs and benefits of a longer-term agreement. The scope of work included complaint response, technical testing, financial review of franchise payments, and written franchise administration reports. There were two additional modifications not included in the staff report. The first related to section 4.1 and MACC being paid from funds deposited by WOW during the franchise negotiation process. The second change was removal of section 4.2 Milwaukie Subscriber Notification. **Herrigel** cited the limited term of the IGA and potential for confusing subscribers. Calls having to do with administration and regulation will continue to come to the City.

Councilor Lancaster noted that Milwaukie would pay a 3% higher franchise fee share than the current MACC members.

Herrigel explained Milwaukie did not have an agreement identical to those of other MACC members, so there is a potential for additional work being done on Milwaukie's behalf. The percentage will be monitored throughout the year and amended if appropriate.

Crest added that Milwaukie would get a credit if the percentage proved too high.

It was moved by Councilor Marshall and seconded by Councilor King to adopt the resolution authorizing the City Manager to sign an intergovernmental agreement with Metropolitan Area Communications Commission. Motion passed unanimously among the members present.

RESOLUTION NO. 24-2000:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE METROPOLITAN AREA COMMUNICATIONS COMMISSION (MACC). THE IGA WOULD ALLOW MACC TO ADMINISTER THE DAY TO DAY OPERATIONAL AND REGULATORY ASPECTS OF MILWAUKIE'S CABLE TELEVISION FRANCHISE WITH AT&T AND ANY FUTURE FRANCHISE THE CITY MAY ENTER INTO WITH WIDE OPEN WEST LLC (WOW).

INFORMATION

The group discussed the Boat Ramp Siting Committee and direction to the Riverfront Board.

Councilor Lancaster asked staff to proceed with installing a light so Council would know when the camera and microphones were activated.

Councilor King had talked to Kanzler about visiting the Lake Oswego dispatch center and asked if other Councilmembers were interested.

The group discussed the status of board and commission vacancies.

In response to a downtown business owner's concerns that the MDDA was not meeting its contractual agreement with the City, **Bartlett** prepared a memo outlining the options the City Council could consider to evaluate MDDA's performance. **Councilor Lancaster** was concerned that he had asked for a business plan from the MDDA, but the Association had not prepared one. The Mayor and Council agreed there should be a review but were reluctant to assign the additional staff hours. Council agreed that, as a first step, the MDDA should complete a self-evaluation based on its performance requirements and outline how it intends to proceed. Council and MDDA could discuss any discrepancies of opinion. **Councilor Lancaster** wanted a detailed response from MDDA with Council having the ability to ask for additional information.

Stepan updated the City Council on the recent sewage spill into Johnson Creek reported by the Mill End Store. Crews found that one of the manholes was clogged with debris causing a sewage overflow onto a grassy swale near Johnson Creek that collected in a detention pond. An estimated 400,000 gallons of sewage were discharged into the detention pond with an undetermined amount going into the creek itself. The site is posted, and crews are monitoring contamination levels. **Councilor King** asked if there would be a DEQ fine, and **Stepan** responded she did not know at this time. Milwaukie does not have a history of negligence. From this experience, crews will prioritize maintenance in environmentally sensitive areas such as this.

Mayor Tomei asked that staff prepare a proclamation honoring Bill Brod for the next Council meeting.

Mayor Tomei had contact with several people who received an unsigned letter with misinformation about things going on in the City. She will provide other Councilmembers with a copy of the letter in order to discuss a response at the next meeting.

Mayor Tomei announced that the City Council would meet in executive session pursuant to ORS 192.660 immediately following adjournment to discuss property acquisition.

ADJOURNMENT

It was moved by Councilor Marshall and seconded by Councilor King to adjourn the meeting. Motion passed unanimously among the members present.

Mayor Tomei adjourned the meeting at 6:50 p.m.

Pat DuVal, Recorder