

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JUNE 19, 2001**

CALL TO ORDER

The 1864th meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King
Larry Lancaster

Jeff Marshall
Brian Newman

Staff present:

Mike Swanson,
City Manager Pro Tem
Gary Firestone,
City Attorney
Alice Rouyer,
Planning Director
Dennis Lively,
City Engineer
Scott Burgess,
Interim Community Development
Director

Michelle Gregory,
Neighborhood Services Manager
Steve Smith,
Managing Accountant
JoAnn Herrigel,
Program Specialist
Roosevelt Carter,
Program Specialist

PLEDGE OF ALLEGIANCE

SPECIAL REPORT

Gregory reported on the recent presentation she, Councilor Marshall, and Ardenwald Neighborhood Chair Peter Koonce made in Dublin, Ohio, on the City's neighborhood grant program. The Innovations Group invited Milwaukie to be part of the discussion on community investment. This was an opportunity for the City to receive national recognition for its program.

Councilor Marshall said the delegation also had a chance to look at the 10-year Columbus riverfront project that went through struggles similar to what Milwaukie is now experiencing. He also noted Dublin, population 30,000, has 900 acres of park land.

Councilor Lancaster urged publicizing this type of national recognition.

Gregory made several announcements: South Corridor Town Hall on July 26 at Milwaukie Jr. High and Tree Hugger Photo Contest will be judged later in July because of problems downloading files.

CONSENT AGENDA

Mayor Bernard read the list of consent agenda items:

- A. **City Council Minutes of May 31 and June 8, 2001;**
- B. **Resolution 15-2001: A Resolution of the City Council of the City of Milwaukie, Oregon, determining the first regular City Council session of July and the work session will be held on July 2, 2001;**
- C. **Resolution 16-2001: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the City Manager Pro Tem to execute certain contracts for Fiscal Year 2001 – 2002;**
- D. **Resolution 17-2001: A Resolution of the City Council of the City of Milwaukie, Oregon, setting fees for services; classifying the fees imposed by this Resolution as not subject to Article XI, Section 11B of the Oregon Constitution; and repealing Resolutions 21-2000, 32-2000, 37-2000, and 6-2001.**

It was moved by Councilor King and seconded by Councilor Lancaster to adopt the consent agenda with resolutions as amended. Motion passed unanimously.

AUDIENCE PARTICIPATION

Barbara Sullivan, Sully's Restaurant Co-owner, 2035 SE Jefferson St., Milwaukie. She made comments related to the parking plan being developed. She suggested City Council survey neighboring jurisdictions on their parking fees and charges as part of its study. Sullivan rents both commercial and apartment space, and the lessor has no parking space available making it necessary to park on the street. She understands the original intent of the 2 hour spaces downtown was to deter parking by those using transit and to provide patron parking for businesses. She suggested (1) adopting an ordinance requiring those leasing commercial or residential property to provide parking; or (2) creating a non-fee permit to accommodate local businesses who are working to revitalize downtown. The City might also consider 4-hour parking spaces, so business owners would only have to worry about moving their cars twice a day.

Councilor Newman was concerned about the unintended consequences of giving away customer parking spaces to business owners. Citizens own and maintain the parking spaces, and Council needs to be cautious of not giving them away.

Sullivan felt the ordinance would be the better of the 2 options she proposed. Those renting commercial and residential space receive a financial benefit and should be required to provide parking.

Councilor King appreciated Sullivan's positive suggestions for rectifying the problem.

Ed Zumwalt, Historic Milwaukie Neighborhood District Association (NDA), said the Association is proud to continue its Scott Park Summer Concert Series funded in part by the Neighborhood Grant Program. Ledding Library staff, Friends of the Library, downtown Milwaukie merchants, and performers create a partnership in this project.

William Daniels, Main Street Flowers and Gifts. As a new business owner, he enjoys Milwaukie and appreciates those responsible for putting on Festival Daze. He spoke in support of the Milwaukie Downtown Development Association's (MDDA) efforts.

Sharon Van Horn, Festival Daze Chair, thanked all those who helped her with the event.

PUBLIC HEARING

2001 - 2002 Budget Hearing -- Resolutions and Ordinance

Mayor Bernard called the hearing to order at 6:40 p.m.

The purpose of the hearing was to consider an ordinance and resolutions which are required to be enacted prior to the beginning of fiscal 2001 - 2002. He reviewed the conduct of the hearing.

Staff Report: **Swanson** said this was the final action in Milwaukie's budget adoption process. He reviewed the proposed resolutions and ordinance. This is a status quo budget that recognizes revenues are stagnant throughout Oregon. The only new program is the public access studio resulting from the expiration of AT&T's requirement to provide this community service. The program is funded by the general fund and PEG access fees.

The focus of the 2001 - 2002 budget is on effective resource management and includes purchase of a management information system to link the various components of the City's network. The budget document is intended to be user friendly, so people can understand what the city is doing with its revenues. The budget before Council is tight, and the projected fund balance has been pushed as much as possible. This year will be a management challenge to evaluate and justify each expenditure in the face of stagnant revenues.

Swanson thanked the Budget Committee for its work and the excellent questions asked by its members. He will propose a year-round role for the citizen members from which he anticipates recommendations in the next budget cycle.

Correspondence: None.

Audience Testimony: **David Aschenbrenner**, Budget Committee Chair, thanked Swanson and staff for their work during the budget process. He felt the goals were met, and Committee members are pleased with the result. The 2001 - 2002 budget focuses on strengthening the infrastructure and preparing for future improvement projects. As Budget Committee Chair, he believes the members are looking forward to year-round involvement and developing recommendations for subsequent years' budgets.

Staff Comments: None.

Questions of Clarification: None.

Close Public Hearing: **Mayor Bernard** closed the public testimony portion of the hearing on adoption of the 2001 - 2002 budget at 6:50 p.m.

Council Decision:

It was moved by Councilor Newman and seconded by Councilor Marshall to adopt the resolution adopting the 2001 - 2002 budget, making appropriations, and levying and categorizing taxes. Motion passed unanimously.

RESOLUTION NO. 18-2001:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, TO ADOPT THE BUDGET, MAKE APPROPRIATIONS AND DECLARING AND CATEGORIZING THE AD VALOREM TAX LEVY FOR FISCAL YEAR 2001 - 2002.

It was moved by Councilor King and seconded by Councilor Lancaster to read the ordinance declaring the City's election to receive state revenues for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilor Lancaster and seconded by Councilor King to read the ordinance declaring the City's election to receive state revenues for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

It was moved by Councilor Newman and seconded by Councilor King to adopt the ordinance declaring the City's election to receive state revenues. Motion passed unanimously.

ORDINANCE NO. 1890:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES.

It was moved by Councilor Newman and seconded by Councilor King to adopt the resolution certifying the services provided for state revenue sharing. Motion passed unanimously.

RESOLUTION NO. 19-2001:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MILWAUKIE, OREGON, CERTIFYING SERVICES PROVIDED FOR
STATE REVENUE SHARING.**

Councilor Marshall commented Milwaukie is in a no-growth mode which is what many residents want. The community must address the issue of stagnant revenues and increased operating costs over the next several years.

Transfer of Appropriation Authority -- Resolution

Mayor Bernard called the public hearing to order at 7:00 p.m.

The purpose of the hearing was to transfer spending authority from the General Fund to the Public Works Structural Safety Fund. He reviewed the conduct of the hearing.

Staff Report: **Swanson** explained the current fiscal year Public Works Structural Safety Fund will be overspent at the end of fiscal year 2000 - 2001. An anticipated transfer did not take place at the beginning of the year, and several large projects took place during the year which increased both revenues and expenditures. Staff proposes City Council adopt this resolution based on auditor's recommendation.

Correspondence: None.

Audience Testimony: None

Staff Comments: None.

Questions of Clarification: None

Close Public Testimony: **Mayor Bernard** closed the public testimony portion of the hearing at 7:05 p.m.

Council Discussion: None.

Council Decision: **It was moved by Councilor Newman and seconded by Councilor Lancaster to adopt the resolution authorizing the transfer of fiscal year 2000 - 2001 appropriations from the General Fund to the Public Works Structural Safety Fund pursuant to ORS 294.450(3). Motion passed unanimously.**

RESOLUTION NO. 20-2001:

**A RESOLUTION AUTHORIZING THE TRANSFER OF FY 2000 - 2001
APPROPRIATIONS FROM THE GENERAL FUND TO THE PUBLIC
WORKS STRUCTURAL SAFETY FUNDS PURSUANT TO ORS
294.450(3).**

Solid Waste Rates

Mayor Bernard called the public hearing to order at 7:06 p.m.

The purpose of the hearing was to consider garbage service rates in the City of Milwaukie. He reviewed the conduct of the hearing.

Staff Report: **Herrigel** presented the staff report on residential rate increases and commercial rate decreases. She requested the City Council to adopt a resolution rescinding and adopt new rates effective July 1, 2001.

At City Council direction, staff participated in a rate study and reviewed the haulers' financial information. The commercial side waste system has subsidized residential rates for about 10 years. The proposed rates, developed by staff, haulers, and consultant Joe Wonderlich of Merina, McCoy & Co., attempt to equalize the rates and bring them closer to the actual costs of service. The proposed rates will increase the residential and commercial cart and can rate of return to 10% and reduce the container service rate of return to 12.6%. The last rate increase adopted by the City was in 1992. **Herrigel** anticipates no financial impact to City revenues although some residents may opt out since the City allows residents to dispose of their own solid waste.

Councilor Newman asked if customers could decline the 60-gallon yard debris cart if they opted out for yard debris.

Herrigel said customers will still pay for yard debris service, but they would not be forced to take the cart. Customers would have to keep in mind, however, that haulers will only accept yard debris in those carts because of automation. The haulers have offered to pick up 32-gallon yard debris containers from people who no longer wish to store them once the larger containers are delivered. Staff will work on public education and initially anticipates a lot of customer service calls.

Correspondence: None.

Audience Testimony: None.

Staff Comments: None.

Questions of Clarification: None.

Close Public Testimony: closed public testimony at 7:25 p.m.

Council Discussion: None.

Council Decision: **It was moved by Councilor King and seconded by Councilor Newman to adopt the resolution with new garbage service rates in the City, effective July 1, 2001. Motion passed unanimously.**

RESOLUTION NO. 21-2001:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE RESCINDING RESOLUTION 17-1992 AND ALL ITS AMENDMENTS AND ADOPTING NEW RATES FOR GARBAGE SERVICE IN THE CITY EFFECTIVE JULY 1, 2001.

OTHER BUSINESS

Urban Forestry Ad Hoc Committee Charge and Membership

Mayor Bernard, with consensus of Councilors, selected those Committee members previously appointed.

Other Items

1. **Councilor Marshall** suggested looking at the feasibility of requiring business licenses for rental properties. **Ramis** indicated other jurisdictions have that requirement.
2. **Councilor Marshall** discussed parking and the number of apartments currently downtown as well as projected development. Each year it becomes more apparent the community needs to provide some kind of downtown parking structure to encourage retail. **Gregory** said the Parking Study team will look at how much parking will be generated as downtown redevelops as well as identify a financing mechanism for a downtown parking structure.

Mayor Bernard announced the City Council would meet in executive session pursuant to ORS 192.660 to consult with legal counsel.

ADJOURNMENT

It was moved by Councilor Newman and seconded by Councilor Lancaster to adjourn the meeting. Motion passed unanimously .

Mayor Bernard adjourned the meeting at 7:30 p.m.

Pat DuVal, Recorder