

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
MAY 16, 2000**

The one thousand eight hundred and thirty-ninth 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:

Jeff Marshall
Mary King

Larry Lancaster
Brian Newman

Also present:

Dan Bartlett,
City Manager

Martha Bennett,
Assistant City Manager

Tim Ramis,
City Attorney

Sue Stepan,
Public Works Director

Charlene Richards,
Assistant City Manager

Paul Roeger,
Civil Engineer

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Richards thanked Mike Faha and Jeannette Pritchard of Greenworks and Dave Green, Jean Michel, and Art Ball of the Lewelling Neighborhood District Association (NDA) for their work on the Lewelling Neighborhood Park Master Plan.

Art Ball read a letter from the Lewelling NDA to Greenworks thanking Faha and Pritchard for their volunteer time, energy, and creativity they put into designing the community park master plan.

CONSENT AGENDA

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

1. City Council minutes of May 1 and 2, 2000; and
2. Bid Award for 1999 - 2000 Waterline Improvements -- Phase 3.

Motion passed unanimously.

AUDIENCE PARTICIPATION

Richard Cayo, 4203 SE Johnson Creek Boulevard, continued his rebuttal of Council comments made during the April 18, 2000, meeting. He finished reading this December 14, 1998, letter in which he offered the City several antique planes for a museum. Four and one-half months after that letter was submitted, Cayo's attorney recommended he withdraw his offer. In closing, he said the real issue to him was that citizens were not being informed of opportunities such as his offer.

Rebecca Lilly, SE Johnson Creek Boulevard. She heard staff say at the last meeting that all properties affected by the Johnson Creek Boulevard Improvement Project had been notified, but, even though the marking goes right through her house, she has not gotten any information. She asked to see the markings where the road will actually go.

Bennett said staff was planning a June work session.

John Denny, 1212 Division, Oregon City. He provided results from the Kids First Town Hall questionnaire. The top choices for building use were: youth sports office, youth center, Head Start, Boys and Girls Club, Feed the Hungry, performing arts center, Lady Bug Theater, art gallery, mounted police patrol headquarters, and commuter rail transit station. Nineteen people said they were willing to participate on a task force to explore the best tenant mix and how to fund the project. A majority of those responding said they would only support a \$2 million to \$5 million bond measure. People also wanted a parks use policy that gave City residents priority over non-residents and youth programs over adult programs. A slight majority of respondents were in favor of commuter rail on the site, and 97% thought the City should rezone the property to ensure that it will be used for recreation purposes no matter who owns it.

PUBLIC HEARING -- None scheduled.

OTHER BUSINESS

Intergovernmental Agreement with Metro for South Corridor Study

Bennett presented the staff report in which the City Council was requested to authorize the City Manager to sign an intergovernmental agreement (IGA) with Metro for Milwaukie participation in the South Corridor Study.

With this document, Metro agrees to provide \$30,000 to support technical-level participation and public outreach in this current fiscal year. Metro will reimburse the City for direct expenses including staff time. There are currently six alternatives under consideration, and some scoping results should be available next week. Milwaukie staff will participate in the technical review of the documents and work with the neighborhoods to identify transit needs. The contract will probably be amended at the beginning of the new fiscal year to add an additional \$30,000.

Councilor Marshall understood the study was going forward whether Milwaukie participated or not, so this agreement will help the City recoup some of its costs.

Bennett said that was correct. Each of the three segments under consideration converge in Milwaukie, and the working groups are identifying transit options. The agreement addresses three focus areas: technical, public information, and policy. She described the outreach program that included open houses and neighborhood meetings. Of the \$30,000, she intended to use \$12,000 to \$15,000 for consultant fees

with the balance going to reimburse staff time expenses. The main agencies involved in the study are Metro, ODOT, Tri-Met, Clackamas County, Oregon City, and Milwaukie. Mayor Tomei is a member of the policy group that will make the final decision, Gregory is outreach, and Bennett is the City's project manager.

Councilor Lancaster understood there was still a group of people working very hard to get light rail into Milwaukie, and he did not want more time and money spent on that alternative.

Bennett said Portland is advocating strongly for light rail. Milwaukie has already gotten a strong message on light rail and wants to look at other high occupancy transit options.

Councilor Lancaster had some concerns with the vague terms used in the agreement and wanted clarification of termination at convenience that is at the public interest.

Bennett said the agreement could be terminated, for example, if there is a lack of funding.

Ramis' office reviewed the document on Milwaukie's behalf. The key element is that all work completed will be reimbursed if the agreement is terminated. His office reviewed the document on behalf of Milwaukie.

It was moved by Councilor Newman and seconded by Councilor King to authorize the City Manager to sign an intergovernmental agreement (IGA) with Metro for Milwaukie participation in the South Corridor Study.

Councilor Marshall asked if it would be appropriate for this body to make a statement about light rail.

Councilor Newman said, as a member of the Oregon City to Milwaukie segment working group, all of the material he has seen stresses that light rail is not an alternative. He felt the policy representative could effectively handle that issue without a letter from Council.

Councilor Marshall said his only concern was that the intent could change because of pressure from the southeast Portland neighborhoods.

Mayor Tomei said she would hold the position that light rail is not an option.

Councilor Lancaster understood that light rail was having funding problems.

The motion to authorize the City Manager's signature passed unanimously.

Fire Code Adoption and Related Fees

Bartlett presented the staff report in which the City Council was request to consider an ordinance and resolution relating to Milwaukie Municipal Code Chapter 15.12, Fire

Code. This will assist the District in running a uniform fire program within its boundaries. There are certain fire code fees relating to inspections.

It was moved by Councilor Marshall and seconded by Councilor Newman to read the ordinance amending Milwaukie Municipal Code Chapter 15.12, Fire Code, 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 Marshall and seconded by Councilor Lancaster to read the ordinance amending Milwaukie Municipal Code Chapter 15.12, Fire Code, 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 Mayor Tomei and seconded by Councilor Lancaster to adopt the ordinance amending Milwaukie Municipal Code Chapter 15.12, Fire Code. Motion passed unanimously.

ORDINANCE NO. 1873:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 15.12, FIRE CODE, BY ADOPTING THE CLACKAMAS FIRE DISTRICT'S FIRE PREVENTION CODE.

It was moved by Councilor Marshall and seconded by Councilor Lancaster to adopt the resolution adopting the Clackamas Fire District's Fire Code. Motion passed unanimously.

RESOLUTION NO. 14-2000:

A RESOLUTION OF THE MILWAUKIE CITY COUNCIL ADOPTING THE CLACKAMAS FIRE DISTRICT'S FIRE CODE.

Contract and Purchase Order Amendment for Downtown Riverfront Project

Bartlett presented the staff report in which he requested the City Council to approve a revised contract amount with Crandall Arambula to complete the downtown plan adoption. The contract amount would be increased to \$344,098.

Staff had anticipated some construction this summer, but, based on the public participation process, the project has been extended for additional studies. An open house on the downtown plan is schedule for May 31st at the Masonic Lodge with the first Council hearing on August 29. He reviewed the project elements that included current meetings with key downtown property owners to explain the project and its impacts.

Councilor Newman asked how this increase would be funded.

Bartlett said this will be within the budgeted amount and may reduce next year's carryover and funds available for riverfront and downtown elements.

Councilor Newman asked who incurs the costs for the transit center.

Bartlett said the City will incur the preliminary costs, then, as the project progresses, Tri-Met will pay its own permit fees and design costs.

Councilor Marshall asked if Milwaukie would have code in place after spending \$344,000.

Bartlett replied that code would be completed. Crandall Arambula are downtown designers and planners, so other contractors and consultants will be hired to implement specific projects.

Councilor Marshall wanted a contract specifying that the City would have a framework and code in place and not just a lot of hours.

Bartlett said the deliverables are specified in the scope of work. The only visible element the public will see this summer is the deconstruction of the Lowry and boat house. He discussed a sign announcing work in progress.

It was moved by Councilor King and seconded by Councilor Lancaster to approve an increase to the Crandall Arambula contract amount to a total of \$344,398. Motion passed unanimously.

ADJOURNMENT

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

Mayor Tomei adjourned the meeting at 6:55 p.m.

Pat DuVal, Recorder