

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
APRIL 3, 2001**

Call to Order

The 1859th meeting of the Milwaukie City Council was called to order by Council President King at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Larry Lancaster
Jeff Marshall

Brian Newman

Staff present:

Mike Swanson,
City Manager Pro Tem
Gary Firestone,
City Attorney
Martha Bennett,
Assistant City Manager
Alice Rouyer,
Planning Director
Cynthia Sturgis,
Senior Librarian

Michelle Gregory,
Neighborhood Services Manager
Paula Mishaga,
Senior Librarian
JoAnn Herrigel,
Program Specialist
Sharon Bradshaw,
Library Aide

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS
Public Safety Telecommunicators Week Proclamation

Council President King read a proclamation naming the week of April 7 as Public Safety Telecommunicators Week.

Ledding Library Long Range Plan

Sue Trotter, Ledding Library Board Chair, introduced the Plan. The updated Plan reflects changes in increased usage and technology and the City Council goal of downtown development. Several members of the Long Range Planning Committee were present: Pat Healy, Chair, Mary Angerman, Sharon Bradshaw, Molly Hanthorn, Paula Mishaga, Diane Saulsbury, Cynthia Sturgis, Dave Wells, and Ed Zumwalt.

Healy reviewed the process and believed the recommendation was based on the input of a good cross section of the community. The Committee looked at what needs the Library could fulfill and defined its service role. Members met with the Neighborhood District Associations (NDA) and the Milwaukie Downtown Development Association (MDDA) to share its results and gather additional suggestions. The Plan is designed to guide the Ledding Library for the next 5 years.

Hanthorn summarized the recommendations relating to facilities, collections, funding, and operations and staffing. She read the Mission Statement into the record:

The Ledding Library of Milwaukie upholds the principles of intellectual freedom and the public's right to know by providing people of all ages with access and personalized guidance to information technology and collections that reflect all points of view. The library supports pursuit of education and personal goals by providing informational, recreational, and cultural materials and services including those utilizing advancing technologies.

Councilor Lancaster referred to the recommendation relating to expansion or relocation of the current facility. He asked if the Committee had considered a site or the necessary size of a new facility.

Hanthorn said the Board has not begun a site search. It has discussed developing a funding strategy and hiring a consultant. In the short term, the Board will be creative in identifying businesses or service organizations willing to host literary events or provide a venue.

Councilor Newman referred to the chart on staff report page 37 which indicates the Ledding Library receives a large city contribution compared to other libraries in the network. He asked if this was due to low circulation.

Sturgis said the data was collected in 1998 - 1999 so is somewhat outdated. Current figures show higher circulation and lower city contribution.

Councilor Newman suggested expanding the facility or opening a branch to bolster circulation and increase county funding.

Sturgis said there is a cost to increasing the collection and expanding the facility.

Trotter added one possible strategy is to increase circulation by being open to the public more hours.

Councilor Newman asked if the Board had a funding strategy it would recommend.

Healy said, at this point, there are several options to be investigated. In addition, the Library Futures Committee makes reference to a countywide strategy.

Hanthorn added there is discussion about a foundation.

The group discussed collecting fees for library materials checked out to Multnomah County and Portland residents.

The City Council directed the Library Board and staff to move forward with the project outlined in the Long Range Plan.

CONSENT AGENDA

It was moved by Councilor Newman and seconded by Councilor Lancaster to adopt the Consent Agenda consisting of:

- A. City Council Minutes of March 19 & 20, 2001;**
- B. FY 2000 – 2001 Waterline Phase 1 Construction Bid Award**
- C. Park Naming Request -- Hector Campbell Neighborhood District Association**
- D. Job Classifications**

Motion passed unanimously.

AUDIENCE PARTICIPATION

Dave Aschenbrenner, Hector Campbell NDA, thanked the City for purchasing the property at Home Avenue and Monroe Street for Homewood Park.

Ray Polani, 6110 SE Ankeny, Portland, Citizens for Better Transit Co-chair. He supported the grassroots movement to move the proposed transit center from the Safeway site. He felt, with proper planning, light rail could be truly useful to Milwaukie and work well with the recently adopted downtown redevelopment plan.

PUBLIC HEARING

Appeal of Planning Commission Decision, File AP-00-01, 12005 SE 19th Avenue

Rouyer requested the City Council move the hearing to a date uncertain in order to allow time to work on a mitigation plan for the subject site.

Firestone said the appellant understood the hearing would be postponed and is not present. If the Council chooses not to move the hearing date, there might be a due process issue.

Rouyer said staff supports the applicant's efforts to meet the Planning Commission's conditions of approval and reach a satisfactory conclusion.

Councilor Lancaster wanted to make certain the appellant came to an understanding with staff and did not simply chose not to appear at the hearing.

Firestone understood the applicant is seeking a 30-day extension but would agree to a further continuance based on city scheduling.

Councilor Lancaster was willing to extend to a date uncertain if staff worked it out with the community.

It was moved by Councilor Newman and seconded by Councilor Lancaster to continue the appeal to a date uncertain. Motion passed unanimously.

Comprehensive Plan Amendment Relating to Transportation Corridor Policies, File CPA-00-04 -- Ordinance

Council President King called the public hearing on the legislative Comprehensive Plan Amendment, File No. CPA-00-04, "Corridors", initiated by the City of Milwaukie, to order at 6:40 p.m.

The purpose of the hearing was to consider an ordinance to adopt proposed text amendments to Comprehensive Plan Chapter 5 relating to "corridors" in order to implement Functional Plan Title 1.

The legislative Council decision would be based on these standards: the state wide planning goals; applicable federal or state laws or rules; any applicable plans and rules adopted by Metro; applicable Comprehensive Plan policies; and applicable provisions of implementing ordinances.

Council President King reviewed the order of business. The City Council decision will be the final decision of the City. All testimony and evidence must be directed toward the applicable substantive criteria. Failure to address a criterion or raise any issue with sufficient detail precludes an appeal based on that criterion or issue. 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. Persons with standing are those who submit written comments or testify and sign the City Council Attendance sign-up sheet on the information table in the hall.

Conflicts of interest: None.

Challenges to any Council member's ability to participate in the decision: None.

Staff report: **Rouyer** presented the staff report in which the City Council was requested to adopt an ordinance amending the Comprehensive Plan transportation corridor policies to designate 17th Street (from Harrison Street to the northern city limits) and Johnson Creek Boulevard (east of the intersection with Springwater Trail) as "corridors."

Staff brought this issue to City Council in an October work session, and the Planning Commission heard it in November. The amendment will bring the Milwaukie Comprehensive Plan into compliance with the Metro Functional Plan and consistent with the Metro 2040 Concept Map. Corridors are major streets that serve as routes to housing and jobs. This is a relatively minor amendment in that it adds these two to existing corridors. The proposed ordinance is not a land use regulation change, and the effect is minimal. The "corridor" designation may help fund future improvement for these 2 streets.

In response to a question from **Councilor Newman**, **Rouyer** explained McLoughlin Boulevard is designated an expressway north of Harrison Street. In that section, it serves a higher function than a corridor.

Councilor Lancaster asked if this amendment, Functional Plan compliance aside, made sense in Milwaukie's Comprehensive Plan.

Rouyer said the proposal makes good sense in that both streets provide access to industrial area jobs.

Correspondence: None.

Testimony in support: None.

Testimony in opposition: None.

Neutral testimony: None.

Staff recommendation: Adopt the ordinance amending the Comprehensive Plan transportation corridor policies.

Close public hearing: **It was moved by Councilor Newman and seconded by Councilor Lancaster to close the public hearing. Motion passed unanimously. Council President King closed the public testimony portion of the hearing at 6:50 p.m.**

Council decision: **It was moved by Councilor Marshall and seconded by Councilor Lancaster to read the ordinance amending Comprehensive Plan Chapter 5 relating to "corridors" 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 Newman and seconded by Councilor Lancaster to read the ordinance amending Comprehensive Plan Chapter 5 relating to "corridors" 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 Marshall and seconded by Councilor Lancaster to adopt the ordinance amending Comprehensive Plan Chapter 5 relating to "corridors." Motion passed unanimously.

ORDINANCE NO. 1886:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 5, GOAL STATEMENT 1, OBJECTIVE #1, POLICY #3 OF THE COMPREHENSIVE PLAN RELATING TO "CORRIDORS" IN ORDER TO IMPLEMENT METRO FUNCTIONAL PLAN TITLE 1 (FILE #CPA-00-04)

OTHER BUSINESS

Department of Environmental Quality School House Grant

Herrigel presented the staff report in which the City Council was requested to adopt a resolution authorizing the City Manager Pro Tem to sign an agreement with the Oregon Department of Environmental Quality (DEQ). The City will receive \$4,400 from the Oregon Solid Waste Grant Program to establish a Schoolhouse Office Supply Waste Exchange.

The goal of the project is to create an internet site that connects businesses having surplus materials with teachers whose students have class project needs. It provides a service to the partners by both reducing waste and providing supplies to schools at no cost.

Councilor Lancaster congratulated Herrigel on doing a good job in her expanded role in the community.

It was moved by Councilor Newman and seconded by Councilor Lancaster to adopt the resolution authorizing the City Manager Pro Tem to sign an agreement with DEQ for grant funds. Motion passed unanimously.

RESOLUTION 10-2001:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER PRO TEM TO SIGN AN AGREEMENT WITH THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) PROVIDING THE CITY WITH A \$4,400 GRANT UNDER THE OREGON SOLID WASTE GRANT PROGRAM TO ESTABLISH A SCHOOLHOUSE OFFICE SUPPLY WASTE EXCHANGE.

Code Amendment Relating to Automatic Sprinkler Systems -- Ordinance

Clackamas County Fire Marshall Norm Whitely and Deputy Fire Marshall Ernie Badeau presented the staff report in which the City Council was requested to amend the municipal code by requiring fire sprinklers in new multi-family housing greater than one story in height, or having more than 16 units on a single floor or building.

Whitely provided the background on the amendment and noted it is supported by builders.

Badeau explained, although sprinkler system installation does increase square footage construction costs, when amortized over the life of the building, the cost is not significant. Annual insurance premiums are reduced by about 25%, so the system is paid off in 10 years. He discussed the issue of exiting residents from upper floors. The 16-unit number is based on existing building code and does not impact builder's expectations.

Whitely added individual safety in multi-family housing is dependent on one's neighbor, so this amendment can make a very positive impact on fire-life safety. The work on this amendment was done by building officials, water purveyors, homebuilders, and fire services. It does not apply to existing buildings, but there is a bill before the legislature that would offset taxes for those who do retrofit and install sprinklers. He was not aware of any affordable housing providers' comments or opposition to the amendment.

Badeau commented, economically, the sprinkler system pays for itself in a relatively short time.

It was moved by Councilor Newman and seconded Councilor Lancaster by to read the ordinance approving a local amendment to the State Uniform Building Code to require automatic sprinkler systems in all multi-family occupancies over one story in height for the first time by title with the amended language. Motion passed unanimously. The ordinance was read for the first time by title with the amended language.

It was moved by Councilor Newman and seconded by Councilor Lancaster to read the ordinance approving a local amendment to the State Uniform Building Code to require automatic sprinkler systems in all multi-family occupancies over one story in height for the second time by title with the amended language. Motion passed unanimously. The ordinance was read for the second time by title with amended language.

It was moved by Councilor Marshall and seconded by Councilor Lancaster to adopt the ordinance approving a local amendment to the State Uniform Building Code to require automatic sprinkler systems in all multi-family occupancies over one story in height as amended. Motion passed unanimously.

ORDINANCE NO. 1887:

AN ORDINANCE OF THE CITY OF MILWAUKIE APPROVING A LOCAL AMENDMENT TO THE STATE UNIFORM BUILDING CODE TO REQUIRE AUTOMATIC SPRINKLER SYSTEMS IN ALL MULTI-FAMILY OCCUPANCIES OVER ONE STORY IN HEIGHT.

Metropolitan Transportation Improvement Program Update

Bennett provided the staff report in which the City Council was requested to apply for \$100,000 in additional grants available under the Metropolitan Transportation Improvement Program (MTIP). The City would apply directly for additional funds for the McLoughlin Boulevard project. Additionally, she requested the City Council authorize Milwaukie's listing as interested parties for the Springwater Corridor and Johnson Creek Boulevard Phase IV projects.

The additional funds for the McLoughlin project would be for the third traffic signal as identified in the downtown plan. The Springwater Corridor project is for 3 bridges between Milwaukie and Portland for the Corridor to cross the Union Pacific rail line, McLoughlin Boulevard, and Johnson Creek. The partner agencies are Metro and the Cities of Happy Valley, Milwaukie, and Portland. Milwaukie's commitment would be between \$12,000 and \$25,000.

The other project is Johnson Creek Boulevard. There were cost overruns in Phase II, the stormwater project, so additional funds are needed for Phase IV. The local match will be about \$50,000.

It was moved by Councilor Newman and seconded by Councilor Lancaster to authorize staff to apply for funds from the list of projects from the Metropolitan Transportation Improvement Program. Motion passed unanimously.

Other Items

1. **Council President King** acknowledged Boy Scout Troop 144 in the audience.
2. **Councilor Newman** sought Council support on documenting the Neighborhood District Association (NDA) specific points relating to the South Corridor Transportation Study and sending them to Metro elected officials and Executive Director Burton. These would be requests for further study rather than specific proposals. He hoped this would lead to a meeting with Metro officials.

Councilor Lancaster wanted it to be clear the process was initiated by the City of Milwaukie and move away from the generally negative characterization of the City. Secondly, he wanted it not unlike the 1998 21-point document prepared in 1998.

Councilor Newman wanted to make sure the requests were seen by the elected officials so feedback can come from the top rather than stopping at the staff level.

Councilor Marshall wanted the full Council to approve anything sent to Metro.

Staff was directed to prepare a letter to Metro elected officials and executive director for City Council review and approval. This letter will include specific points about the 4 transportation alternatives, mitigation, community goals, public process, and partner agency expectations.

3. **Council President King** urged people to attend the Festival Daze Event Planning meetings.
4. **Councilor Lancaster** thought code compliance should fall under the purview of the police department. The City should have a proactive approach rather than having a complaint driven process. This will be considered in the budget process.

ADJOURNMENT

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

Council President King adjourned the meeting at 7:50 p.m.

Pat DuVal, Recorder