

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
DECEMBER 2, 1997**

The one thousand seven hundred and eightieth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Milwaukie City Hall Council Chambers. The following Councilors were present:

Craig Lomnicki, Mayor	Jean Schreiber
Carolyn Tomei	Rob Kappa
	Don Trotter

Also present:

Dan Bartlett, City Manager	Maggie Collins, Community Development Director
Charlene Richards, Assistant City Manager	Susan Heiser, Senior Planner
Pam Beery, City Attorney	Jay Saatkamp, Operations Supervisor -- Water
Jim Brink, Public Works Director	Don Simenson, Utility Specialist -- Water
	Rob Shelton, Associate Engineer

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Recognize Milwaukie High School Langford Problem Solving Team

DuVal introduced the members of the Milwaukie High School Langford Team which completed its one-week problem solving assignment with the City. The members were: **Molly Garmire, Keli Meadows, Amanda Rowe, Tim Salyers, Torea Schauer,** and **Bill Smethurst,** advisor. **Mike Kaiel,** North Clackamas School District School-to-Careers Coordinator, provided background on the Program.

Neighborhood Traffic Management Program

Shelton updated the Council on the Traffic Management Program (NTMP). During the past year, the Public Works Department worked with numerous requests regarding traffic issues. Highlights included: yellow flashing lights in Milwaukie, Campbell, Linwood, and Lewelling Elementary School zones;

placement of seven neighborhood street projects and five sidewalk projects in the 1998 - 2003 Capital Improvement Program; Community Development Block Grant (CDBG) Sidewalk Program for 6,000 feet of sidewalks; curbs and sidewalks on Roswell between 32nd and 42nd; publication of an NTMP informational brochure; and doubled traffic fines in school zones.

Councilmember Kappa asked if the citations in the school zones were tracked. **Shelton** indicated a uniform method had been developed in the past two weeks to do this.

Councilmember Schreiber said under normal circumstances, the property owner shares the cost for sidewalk improvements and asked if that was the case in the projects Shelton had described. **Bartlett** said in the case of the CDBG sidewalk grant, the City pays a match, and the property owner is not involved.

Councilmember Tomei asked if the School Trip Safety Program was the main reasons for making these improvements. **Shelton** said that was correct.

LUBA Case Update

Mayor Lomnicki asked the City Attorney to comment on the allegation by the Lewelling Neighborhood's attorney that the City Council had not been honest with citizens. **Beery** discussed Lewelling Neighborhood Dist. v. City of Milwaukie, LUBA No. 97-031. When the decision was appealed to LUBA, she contacted the City Manager and Community Development Director to evaluate the City's interests. Generally, the applicant has the burden of proving his case before LUBA, so the City determined it did not have to appear. After that decision was made on September 15, 1997, the administrative law judge had a letter prepared asking her (Beery) to make an appearance before the Board to determine if it had jurisdiction. The request was based on a technical issue, and LUBA was looking for direction. **Beery** consulted the City Manager and Community Development Director and prepared a brief for LUBA addressing the issue. It was unfortunate the attorney claimed the City Council was untruthful based on the information. She said she would prepare a memo for the record as a matter of course.

Councilmember Kappa asked if the City Council needed to respond publicly. **Beery** said her brief, correspondence, and memo would be public record.

Councilmember Tomei said neither she nor the other Councilors were aware of any request to appear. **Beery** said this type of issue is normally handled through the City Manager, and there is no consultation with the City Council on this type of technical issue.

School Resource Officer Appointments

Mayor Lomnicki announced **Monte Sterling** was appointed as School Resource Officer at Milwaukie High School and **Ulrike Neitch** at Rowe and Milwaukie Middle Schools. **Bartlett** discussed the program that was in its fifth year.

CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the Consent Agenda:

- 1. City Council minutes of November 18, 1997; and**
- 2. Amendment to Purchase Order to Lin & Associates for CDBG Sidewalk Project Design.**

Motion passed unanimously.

AUDIENCE PARTICIPATION

Gina Houston, Century 21/Columbia, 16585 SE Callenswood Dr., Milwaukie 97267. She noted she had written a letter about three months ago regarding Realtor open house signs. She understood the City sign ordinance was necessary under some circumstances, but she believed signs were a necessary tool of the real estate business. She understood that some Realtors have had to recover their signs from the dumpster at the Johnson Creek Facility. The open house signs are usually put out on Tuesdays, which are tour day, for a limited number of hours. Most Realtors try to be conscientious during the open house periods, and the signs are critical to business. She felt the key was working together and hoped for some flexibility with the Tuesday open houses.

Jim Pentheny, Century 21/Hart, said several years ago while serving on the legislative committee he had policed real estate sign placement. He understood it was City policy to allow workers to remove signs, and he was concerned these people might not know the specific laws. Signs are out only one day a week, and Tuesday seems to be the problem time. He noted several A-frame signs on Lake Road he felt were permanently located on City-owned property.

Councilmember Tomei asked him if he thought he could place and keep a sign on City property. **Pentheny** said, in some cases, it is not possible to put a sign on private property, so he tries to put it in a safe place. **Councilmember Tomei** asked if he sought permission to put a sign on private property. **Pentheny** said signs have disappeared from what was thought to be private property.

Councilmember Kappa felt there needed to be a permanent solution.

Houston suggested a dialogue with City representatives to discuss ideas and possible flexibility between the City and the Realtors. **Bartlett** said the Portland

Metropolitan Association of Realtors expressed interest in talking with the City. **Houston** suggested a flyer to eastside Realtors stating the importance of sign placement.

Mayor Lomnicki asked Houston and Pentheny if they understood it was not legal to put signs in the public right-of-way. **Pentheny** understood the situation, but he has put up signs for several hours if he had no other alternatives.

Bev Neal, Century 21/Hart, Northridge Drive resident. She suggested the City Council members put themselves in the place of homeowners trying to sell their residences in a very competitive market. She felt people did not know the rules or where the right-of-way actually was since it seems to vary. **Neal** recommended revisiting the sign ordinance and enforcement issues and clearly identifying the right-of-way.

Bartlett noted the City of Milwaukie received a letter from Jane Leo, Portland Area Metropolitan Realtors, on November 26, 1997, seeking a dialogue on these very issues. Charlene Richards, Michelle Gregory, and Mike Clark will work with the organization. He discussed the City's safety concerns with signs placed within the Lake Road bike lanes. **Bartlett** reviewed the role of the Neighborhood Services Team whose twenty-five members did understand the sign ordinance and could remove or ask to have signs removed in the public right-of-way. He said he would look into the dumpster issue and the signs on Lake Road that Pentheny said were in the right-of-way.

Mayor Lomnicki said the City could not enforce selectively by asking employees to overlook signs in the right-of-way on Tuesdays. He agreed the Sign Ordinance needed to be understandable and clearly communicated to residents and Realtors.

Councilmember Tomei noted the signs on Lake Road that Pentheny talked about likely had single daily display sign permits. **Bartlett** said he would check on the signs.

Jim Lotz, 5537 Harlow St., Milwaukie. He spoke in opposition to contracting for fire services and relinquishing local control. He said he would speak to the matter later in the meeting.

Chris Belluci, Milwaukie homeowner, felt the current water billing system with its flat sewer billing stifled conservation. There is no incentive to conserve, and he felt he was subsidizing higher volume users. **Bartlett** said the Citizens Utility Advisory Board (CUAB) voiced similar concerns, and the City was evaluating software systems to allow other than the current block billing system. **Councilmember Tomei** suggested Belluci apply for a position on the CUAB.

Mayor Lomnicki said, in response to public inquiries, closure of the City Hall Fire Station would not be considered at this meeting.

PUBLIC HEARING

Water Tower Park Master Plan

Mayor Lomnicki called the public hearing on the Water Tower Park Master Plan to order at 8:20 p.m.

The purpose of the hearing was to consider public comment on adopting the Water Tower Park Master Plan as an ancillary document to the Milwaukie Comprehensive Plan. He reviewed the order of business. The procedures governing the legislative action and applicable substantive criteria were outlined in the staff report. The City Council decision was appealable to the State Land Use Board of Appeals according to the rules adopted by the Board.

Staff Report: **Heiser** presented the staff report on file number CPA-97-04. The site is surrounded by single-family residences and dominated by the City water tower. The Parks District worked with the Ardenwald and Lewelling Neighborhood Associations to develop the proposed Master Plan.

The proposed enhancements included: new play structure with tot lot and area for older children; basketball facilities under the tower itself; installation of picnic tables, benches, drinking fountain, and bike racks; sidewalks on both Harvey Street and 40th Avenue; realign existing site walkway; automatic sprinkler; vegetation and tree plantings; and demolition of the concrete structure on the southwest corner. The Planning Commission adopted findings at its October 14, 1997, meeting and recommended the City Council adopt the Water Tower Park Master Plan as an ancillary document to the Comprehensive Plan.

Correspondence: None.

Public Testimony: None.

Staff Comments: None.

Questions of Clarification: **Councilmember Tomei** commented that she had attended the Ardenwald Neighborhood District Association (NDA) meeting when

the District presented the proposed Plan, and the members were pleased with the improvements. **Heiser** added that the Plan had also been reviewed by the Parks and Recreation Board and the Lewelling NDA.

Councilmember Schreiber asked if there was an implementation schedule for the Master Plan. **Heiser** said the Planning Commission will consider a Community Service Overlay, and she anticipated the District would present its plans soon.

Councilmember Trotter did not believe these improvements were included in this year's District budget. Projects would be prioritized in the upcoming budget process. He was pleased the see the process had gone from hearing neighborhood concerns about the Park's condition to the development of a Master Plan for improvements.

Closure of Public Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing at 8:23 p.m.

Discussion and Decision by Council: **Councilmember Kappa** noted developing the Master Plan had been a lengthy process and that the City Council had several work sessions with the Parks District and staff.

Mayor Lomnicki said the improvements would be an asset for neighborhood children including his own.

It was moved by Councilmember Tomei and seconded by Councilmember Schreiber to read the ordinance amending the Comprehensive Plan by adopting the Water Tower Park Master Plan as an ancillary document 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 Councilmember Trotter and seconded by Councilmember Kappa to read the ordinance amending the Comprehensive Plan by adopting the Water Tower Park Master Plan as an ancillary document 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 Councilmember Trotter and seconded by Councilmember Kappa to adopt the ordinance amending the Comprehensive Plan by adopting the Water Tower Park Master Plan as an ancillary document. Motion passed unanimously.

ORDINANCE NO. 1825:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AMENDING ORDINANCE NUMBER 1437, THE
COMPREHENSIVE PLAN (CPA-97-04) BY ADOPTING THE
WATER TOWER PARK MASTER PLAN AS AN ANCILLARY
DOCUMENT.**

Fire Services Agreement

Mayor Lomnicki called the public hearing to order at 8:30 p.m.

The purpose of the hearing was to listen to public comment on the proposed Agreement. **Mayor Lomnicki** reviewed the conduct of the hearing.

Staff Report: **Bartlett** presented the staff report. He emphasized staff was not seeking a contract at this meeting, but asking the City Council to authorize the City of Milwaukie members of the Joint Oversight Committee to negotiate a Fire Services Intergovernmental Agreement (IGA) with Clackamas Fire District #1 (CCFD#1).

He reviewed the budget options prepared by Bruegman: continue the current situation of contracting for Fire Chief, Administrative Services, Fire Prevention, and Battalion Chief; revert to standalone agency; contract for services and maintain two stations; contract for services and close one station; and merge with the District. **Bartlett** recommended Option 3 which was to contract with the District and maintain two stations with a total projected expenditure of \$2.4 million. The cost reduction would be approximately \$511,416 per year.

Bartlett reviewed the draft IGA that was prepared based on earlier City Council comments. He noted the Agreement addressed the concerns raised during public involvement meetings. It provided for the transfers of personnel; retained equipment ownership and displaying the City's logo; and provided for budget development that included the City Council and Manager with final City Council approval based on negotiated service levels. He discussed the transfer and protection of employees at their current salary based on ORS 236.605. The City would be required to pay off certain benefits such as compensatory time so the District would not inherit that liability. If the City Council approves the IGA, contract negotiations would be re-opened.

Councilmember Tomei assumed overtime was 1.5 times the regular salary. **Bartlett** said that was usually the case.

Correspondence: None.

Public Comment: None.

Staff Comments: None.

Questions of Clarification: None.

Close Public Testimony: **Mayor Lomnicki** closed the public testimony of the hearing at 8:40 p.m.

Council Discussion: **Councilmember Tomei** said she was pleased there would be an annual review and that the firefighters' attorney would be involved.

Councilmember Schreiber noted Councilmembers Kappa and Trotter had served on the Oversight Committee for two years.

Councilmember Kappa commented the firefighters would have a broader base of opportunities in the larger organization. Service levels will be the same or better, and closing the City Hall Station was not an option at this time.

Councilmember Trotter said the draft IGA provided for monthly Oversight Committee meetings during the first year and quarterly thereafter. He felt it was a win-win situation with Milwaukie citizens getting the same or better service for less cost.

Councilmember Schreiber said her primary concern was that people getting the services they need as economically as possible.

Councilmember Tomei trusted the judgment of Councilmembers Kappa and Trotter to negotiate on behalf of the City.

Mayor Lomnicki felt the draft was a good starting point, and he did not think anything had been missed. He did feel some of the language should be stronger to clarify the City's expectations of what it is purchasing.

Councilmember Kappa said the voters have been sending a clear message throughout the region that they want more cost-effective services.

It was moved by Councilmember Trotter and seconded by Councilmember Kappa to authorize the City of Milwaukie members of the Joint Oversight Committee to negotiate a Fire Services Intergovernmental Agreement with Clackamas Fire District #1 (CCFD#1). Motion passed unanimously.

Bartlett said it was his intent is to have an IGA developed in about two weeks.

OTHER BUSINESS

Consider Regional Center Master Plan – Ordinance

Mayor Lomnicki noted the record had been left open until November 25, 1997, and the City Council received a packet containing all written comment on December 1st.

Councilmember Tomei asked if the public hearing was not still open. **Beery** said the public hearing was closed at the November 18, 1997, meeting, and the City Council was continuing its deliberation in open session.

Collins presented the staff report. She referred to *Regional Center Master Plan* (RCMP) October 1997 document, page 14 and noted corrections to the Existing Conditions of the Regional Center in 1997 section: the total acreage should be 607; and 465 remaining acres in the second line from the bottom of the page.

Staff noted the written correspondence and responses were mailed to those who testified at the November 18th hearing and were otherwise available for public review at City facilities.

Councilmember Kappa said the Planning Commission will hold public hearings on the Murphy, McFarland, Proto Tool and Pendleton sites. He asked how the Plan would impact zoning. **Collins** said the RCMP was not a zoning document.

Mayor Lomnicki said there would be a series of hearings on the proposed zone changes. The RCMP acts as a general guideline.

Councilmember Tomei asked Collins to comment on the proposed redevelopment of the Murphy site. **Collins** discussed transitional mixed uses while maintaining the property within the Regional Center Study Area. Staff and Murphy representatives have been discussing a list of uses that would make the site compatible over time.

Councilmember Tomei asked if Donald Hammang had submitted a written copy of his November 18th public hearing oral testimony. **Collins** noted Hammang's written comments were distributed in the December 1st packet, but it was not his oral testimony.

Councilmember Trotter referred to RCMP pages 71 and 74 regarding Subarea 4. He asked if the text should read "up to" or "at" fifty residential dwelling units per acre. **Collins** assumed "at" was correct.

Mayor Lomnicki referred to staff report page seven and noted high density targets were fifteen to thirty-one dwelling units per acre. He asked her to comment on this number of units per acre versus the fifty units discussed in the rest of the document. **Collins** said the fifteen to thirty-one units is set out in the Comprehensive Plan, and the fifty units provides information about the possibility of higher densities. No specific site was slated for rezoning by taking action on the RCMP.

Councilmember Schreiber said the City already has the possibility for this kind of density in its Comprehensive Plan, but the housing market has not necessitated it.

Councilmember Kappa referred to staff report page forty regarding current and potential densities. The net increase of 1773 units proposed in the RCMP is 621 units fewer than could be imposed by current zoning.

Councilmember Trotter replied, if the existing Regional Center area were built to its maximum allowable densities, there would be 4500 dwelling units under current zoning. The RCMP proposed densities that would allow fewer units. The chart on staff report page forty points out what could be accomplished by concentrating densities on either vacant or prime redevelopable property to arrive at the additional number of dwelling units. The number of proposed units is less than allowed under current zoning. **Collins** added this was a twenty-year projection.

Councilmember Schreiber referred to staff report page thirty-nine regarding neighborhood development and population growth. **Collins** said the annual growth rate was about 1.2%. She said the 1997 - 2015 projects on page thirty-nine reflected only 1% - 1.4% growth rate based on meeting both job and housing targets. One could conclude the Plan does not accelerate the naturally occurring growth pattern of the City.

Councilmember Tomei noted the 2015 projection of Milwaukie as a city of 24,924 population. This was clearly not a doubling from today's population of 20,055. It is about the same growth rate the City is currently experiencing.

Councilmember Trotter added the growth is not only in the proposed Regional Center; it is the area within the City limits as they exist today.

Councilmember Trotter said in response to the earlier discussion, "at" fifty units should be amended to read "up to" fifty units in all sections of the document.

Councilmember Kappa asked if the document would be revised based on City Council discussion at this meeting. **Collins** said, upon City Council action, staff would prepare the final version.

Mayor Lomnicki said there seemed to be some text missing from the bottom of RCMP page twenty-four.

Councilmember Kappa wanted to go through each Subarea to address site-specific issues. He discussed the importance of the Junior High site to Subarea 1 and the need for extensive public involvement.

Councilmember Trotter said the Planning Commission indicated in recommendation #4 that it felt priorities for the various Subareas should be established. He asked if such prioritization and staff direction would be a separate action. **Councilmember Schreiber** felt it was an implementation issue.

Collins said the Planning Commission recommendation could be dealt with as a separate issue if the City Council wished.

Councilmember Kappa said even though the Planning Commission had recommended a priority, he felt the City Council should give direction based on its own priorities.

Councilmember Tomei suggested a separate motion.

Councilmember Schreiber said the City Council was considering the Plan and the general concept map of how the units relate to each other.

Mayor Lomnicki said there are other influences such as available staff time, grants, and other funds to support the Regional Center, but the City Council can give direction on priorities and use of public resources.

Councilmember Kappa urged giving staff sufficient time to develop a good plan.

Councilmember Trotter had four issues he wished to discuss based on public testimony. He was concerned with references to “economic incentives” before the City knew what it really wanted to accomplish. He referred to RCMP page ES-5 regarding economic development. He felt this reference would be more appropriate in Phase 2. He suggested changing the fourth paragraph to read “Economic Development items *could* include infrastructure improvement and property assembly by the City, as well as financial underwriting and technical assistance.” **Councilmember Trotter** felt “and land price reductions” should be

deleted since it was a strategy the City may or may not want to employ. He suggested the entire paragraph could be deleted at this time. He felt all reference to “economic incentives” should be changed to “economic development.” He referred to RCMP page thirty-two: “Economic Incentives Encourage Smart Development.” He recommended putting the bulleted items in a narrative format.

Councilmember Tomei asked Councilmember Trotter why he favored a narrative. **Councilmember Trotter** felt the list was too specific as written.

Councilmember Schreiber and **Councilmember Tomei** recommended deleting the footnote on RCMP page thirty-two. **Councilmember Trotter** said this statement may or may not apply; there may be developers who will want to partner with the City.

Mayor Lomnicki agreed with deleting the footnote but not the list of incentives because it stated “could include” before the bulleted list. He felt it was a way to frame the possibilities.

Councilmember Trotter was concerned with using the word “incentives” because the City may not have to use incentives. There may be partnerships developed.

Mayor Lomnicki suggested using “public/private partnerships” in the first paragraph. He agreed with the recommendation to remove the footnote.

The group agreed the footnote on RCMP page thirty-two should be deleted. The group also agreed to using “public/private partnerships” and deleting the word “incentives.” Councilmember Trotter recommended changing the title to “Economic Development Strategies.”

Councilmember Trotter referred to RCMP pages forty-eight, fifty-seven, sixty-six, seventy-six, and eighty-nine. He suggested changing the text to read: *“Economic Development: Prepare an economic development strategy to assist in the development of the urban design and land use elements of the RCMP. Economic Development items could include, property assembly by the City, as well as financial underwriting and technical assistance.”* He felt an incentive implied a giveaway.

Councilmember Schreiber and **Mayor Lomnicki** did not feel economic incentives should be the primary goal or focus.

Councilmember Trotter's final point was on RCMP page one hundred. The City does not have an Urban Renewal Plan, and this may or may not become strategy. He felt it would be best to delete reference to creating an Urban Renewal Plan. There is already a section of the Municipal Code that establishes the City Council as the Urban Renewal Agency, so that reference should be deleted.

Mayor Lomnicki felt page one hundred only outlined possibilities and asked if removing that language would preclude the ability to create an Urban Renewal Plan. **Beery** said it would not, nor would the Council create the impression of any obligation. **Bartlett** briefly discussed changes to Urban Renewal Projects based on Measure 50.

The group agreed to make the following amendments on RCMP pages ES-7, Table ES-2 and thirty-eight: Transportation box #2 – delete and Transportation box #4 revise to read “Develop and implement a funding source for Regional Center Transportation improvements.” Amend RCMP page 71 “oriented to a proposed light-rail transit (LRT) station. Opportunities for pedestrian and other connections to the proposed LRT station, master planning for the site, ...”

Councilmember Trotter discussed RCMP page seventy-five, Subarea 4-1. He felt the earlier discussion had addressed at least a portion of the public's concern with high-density residential. The City currently has a transitional area requirement in the Zoning Ordinance to minimize impacts between the adjacent R-2 and R-5 zones.

Mayor Lomnicki asked if mitigation could be accomplished through the design element. **Councilmember Trotter** responded the Planning Commission would have to consider the transition area during the Conditional Use application and suggested reviewing and strengthening the transitional area requirements.

Councilmember Kappa asked if the neighborhoods would be able to develop their visions prior to review of transitional areas. **Councilmember Trotter** responded the higher density development would be responsible for mitigating impacts through such things as design and setbacks.

Councilmember Kappa discussed Subarea 2-6 – the Proto Tool site. He noted the written testimony from Providence Milwaukie Hospital in which it was suggested this parcel be opted out.

Councilmember Trotter felt the property should remain in the Study Area. The Hospital's concerns are addressed in the Community Service Overlay (CSO), and future development should not be negatively impacted. **Mayor Lomnicki** and **Councilmember Tomei** agreed.

Councilmember Kappa was concerned about the specialized nature of a medical center and its environment. Providence suggested there might be some obstacles the CSO would not address within its overall development strategy.

Mayor Lomnicki pointed out that staff recommended including the Planning Commission and Steering Committee recommendations in its decision. He indicated his agreement with those changes.

Councilmember Trotter questioned the Planning Commission's recommendation #2 to add to pages forty-one and seventy-one: "Uses for the traveling public, including hotel and motel accommodations, should be encouraged." He and Councilmember Tomei did not recall seeing reference to that in the minutes. **Collins** noted the discussion was in the November 10, 1997 minutes. The Commission felt there should be reference to the Regional Center's being a destination point. **Mayor Lomnicki** thought the Commission had a valid point.

Councilmember Tomei said it was important for citizens who gave written and oral testimony to feel they had been given an adequate response. She stressed it was up to elected officials to make the decisions in a representative form of government.

Councilmember Kappa agreed with the Planning Commission's recommendations and prioritizing work on the Subareas. He felt the neighborhoods would become more comfortable with this twenty-year plan as they began to develop their own visions.

Councilmember Schreiber felt the Plan was too complex to go to a vote at this time. City Council and staff needed more input to define and refine it.

Councilmember Trotter agreed with Councilmember Tomei's comments and discussed the elected official's role in a representative form of government. He assured the public that land use matters have stringent public involvement processes.

Councilmember Kappa felt being able to prioritize the Subareas was critical to the success of the project, and he wished to emphasize Subarea 1.

Mayor Lomnicki agreed the City Council was elected to make these types of decisions. The RCMP was a general concept, and a lot of public involvement will be necessary.

Councilmember Trotter heard public comment that densities would be increased to too large a degree and pointed out the Plan selected areas within the Regional Center that could handle increased densities. He noted the Planning Commission's fifth recommendation: "While the Regional Center Master Plan is based on Metro's population and job targets, the Plan should be viewed as a free-standing document that should proceed in its implementation, regardless of changes to regional jurisdiction and authority."

It was moved by Councilmember Tomei and seconded by Councilmember Kappa to read the ordinance amending the Comprehensive Plan by adopting the Regional Center Master Plan (CPA-97-01) as an ancillary document including the changes and recommendations of the Planning Commission and the Steering Committee and incorporating revisions by the City Council for the first time by title only.

The group discussed light rail and the impact of the transportation element. **Mayor Lomnicki** referred to RCMP page thirty-eight, and the policy decision to support light rail or rapid transit. **Councilmember Kappa** stated light rail had a significant role in the Subareas.

Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance amending the Comprehensive Plan by adopting the Regional Center Master Plan (CPA-97-01) as an ancillary document including the changes and recommendations of the Planning Commission and the Steering Committee and incorporating revisions by the City Council 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 Councilmember Kappa and seconded by Councilmember Trotter to adopt the ordinance amending the Comprehensive Plan by adopting the Regional Center Master Plan (CPA-97-01) as an ancillary document including the changes and recommendations of the Planning Commission and the Steering Committee and incorporating revisions by the City Council. Motion passed unanimously.

ORDINANCE NO. 1826:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1437, THE COMPREHENSIVE PLAN, BY ADOPTING THE REGIONAL CENTER MASTER PLAN (CPA-97-01) AS AN ANCILLARY DOCUMENT.

Suspend Council Rules

It was moved by Councilmember Trotter and seconded by Councilmember Kappa to suspend City Council rules to continue the meeting beyond 11:00 p.m. Motion passed unanimously.

Water Supply Intergovernmental Agreement – Resolution

Brink presented the staff report. The proposed resolution supported an Intergovernmental Agreement (IGA) for the City of Milwaukie to purchase 500,000 gallons of water per day from Clackamas River Water (CRW). Recent studies indicated the City needed to identify future alternative water sources for peak consumption days. Design costs would be \$24,306, and construction costs would be \$134,000. The estimated cost difference per year would be about \$36,000. It is a twenty-year agreement, and staff believes it would be an appropriate action at this time as the City's needs grow.

Councilmember Trotter asked if water rates would be impacted, and **Brink** said they would not.

Councilmember Kappa asked about the review process. **Brink** said the review period is at the twenty-year expiration date.

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the resolution approving an intergovernmental agreement for water supply between the City of Milwaukie and Clackamas River Water. Motion passed unanimously.

RESOLUTION NO. 38-1997:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR WATER SUPPLY BETWEEN THE CITY OF MILWAUKIE (CITY) AND CLACKAMAS RIVER WATER (CRW) REGARDING THE PURCHASE OF WATER FROM CRW.

Telemetry Improvement Project

Brink presented the staff report. Staff requested the City Council authorize the City Manager to sign a personal services agreement with Technical Systems, Inc., (TSI) to design and install a computerized telemetry system for water and sewer. The purpose is to replace the current aging and unreliable system. The contract cost is \$146,972 for the system design and hardware purchase. The remaining phases would be held until the design is complete.

It was moved by Councilmember Schreiber and seconded by Councilmember Tomei to authorize the City Manager to sign a personal service agreement with Technical Systems, Inc. (TSI) to design and install a computerized telemetry system for water and sewer.

Councilmember Kappa noted this would help monitor the water usage from CRW.

Motion passed unanimously.

Consider Letter to Tri-Met Regarding Bus Transfer- Transit Center

Bartlett presented the staff report in which the City Council was asked to authorize the Mayor to sign a letter to Tri-Met that would begin a formal planning process to evaluate the Safeway site as a bus transfer-transit center operation. In addition, staff sought direction of investigating interim site uses based on public input.

Councilmember Trotter noted the public indicated its preferences were for a teen center and day care facility.

Bartlett said staff would return with proposal after looking at costs and possibilities.

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to authorize the Mayor to sign a letter to Tri-Met that would begin a formal planning process to evaluate the Safeway site as a bus transfer-transit center operation and begin discussions with North Clackamas Park and Recreation District, North Clackamas #12 School District, and others to develop proposals for highest rated uses based on public input. Motion passed unanimously.

Consider Milwaukie Junior High School Site – Resolution

Bartlett presented the staff report in which the City Council was requested to adopt a resolution declaring the need to acquire property for City offices, park land, and other civic uses. City Council met with the School Board in executive session to discuss acquisition of the site after it is no longer used as a Junior High School facility. This acquisition was not in the current year budget but is included in the draft Capital Improvement Plan (CIP).

It was moved by Councilmember Tomei and seconded by Councilmember Kappa to adopt the resolution declaring the need to acquire property for City offices, park land, and other civic uses.

Councilmember Schreiber asked if the City Council would be restricting commercial uses by adopting the proposed resolution. **Bartlett** said the City Council could make determinations based on the property's underlying use.

Councilmember Trotter said the City can now proceed with the property as one of the RCMP elements.

Bartlett read the "whereas" clauses to more fully explain the purpose for the acquisition.

Councilmember Tomei wanted to commend those working on the issue and particularly **Sharon Van Horn**.

Motion passed unanimously.

RESOLUTION NO. 39-1997:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE NEED TO ACQUIRE PROPERTY FOR CITY OFFICES, PARK LAND, AND OTHER CIVIC USES.

Consider Second December City Council Meeting Date

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to start the regular Council session at 6:00 p.m. on Tuesday, December 16, 1997. Motion passed unanimously.

Recall Election

Councilmember Tomei expressed her support for Mayor Lomnicki, Councilmember Schreiber, and Councilmember Trotter.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 11:20 p.m.

Pat DuVal, Recorder