

**MINUTES**

**MILWAUKIE CITY COUNCIL REGULAR SESSION  
JANUARY 30, 2007**

**CALL TO ORDER**

**Mayor Bernard** called the 1998<sup>th</sup> meeting of the Milwaukie City Council to order at 5:36 p.m. in the City Hall Council Chambers.

Present: Council President Deborah Barnes and Councilors Carlotta Collette, Joe Loomis, and Susan Stone

Staff: City Manager Mike Swanson and City Attorney Gary Firestone,

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Mr. Swanson** read resolution 3-2007 into the record:

**RESOLUTION NO. 3-2007**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MILWAUKIE, OREGON, RECOGNIZING GARY FIRESTONE FOR HIS  
SERVICE TO THE CITY AS CITY ATTORNEY**

**WHEREAS**, the law firm of Ramis, Crew, & Corrigan (Firm) serves as legal counsel for the City of Milwaukie pursuant to a contract between the City and the Firm; and

**WHEREAS**, Gary Firestone (Gary) has served as the Firm's primary attorney assigned to City matters since 2000; and

**WHEREAS**, during his tenure Gary has advised every department in City government on a wide variety of issues and concerns; and

**WHEREAS**, Gary's advice is consistently given with great respect for the law and in the City's best interests; and

**WHEREAS**, Gary has consistently acted in the highest professional manner; and

**WHEREAS**, Gary has consistently been respectful of the Council members, members of City Boards and Commissions, the staff, and the public; and

**WHEREAS**, Gary has accepted the position of City Attorney for Newport, Oregon effective February 1, 2007 and thus will be leaving the position of city attorney for the City of Milwaukie effective January 31, 2007.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Milwaukie, Oregon that:

**Section 1.** On behalf of the City Board and Commission members, City staff and citizens of Milwaukie, Oregon the Milwaukie City Council wishes to express its deepest appreciation to Gary for his professionalism, high ethical standards, and dedication to the City; and

**Section 2.** Furthermore deem it an honor to have worked with Gary these past several years and wish he and his family well in their future endeavors.

Effective this 30th day of January 2007.

**It was moved by Mayor Bernard and seconded by Councilor Barnes to adopt Resolution No. 3-2007. Motion passed unanimously. [5:0]**

**Mayor Bernard** announced the City of Milwaukie was granted the Engineering Excellence Award for the McLoughlin Boulevard Enhancement Project.

### **CONSENT AGENDA**

**It was moved by Councilor Collette and seconded by Councilor Stone to approve the consent agenda that consisted of:**

- 1. City Council Minutes of the December 5, 2006 Work Session**
- 2. City Council Minutes of the December 5, 2006 Work Session**
- 3. City Council Minutes of December 19, 2006**

**Motion passed unanimously. [5:0]**

### **AUDIENCE PARTICIPATION**

- **Ed Zumwalt 10888 SE 29<sup>th</sup> Avenue**

**Mr. Zumwalt** read an article into the record from *The Oregonian* Metro section written by James Mayer. The headline was "Where are the roads?" U.S. asks Metro.

The Federal Highway Administration wants to know where the transportation is in Metro's transportation plan. Metro is trying something different with the current plan update – giving the highest priority to projects that support the region's goals for coping with growth, whether that means more roads, more transit or more bicycle lanes.

But the highway agency says Metro has it backward. "A transportation plan should first and foremost include transportation goals and meet transportation needs while also considering other factors and needs such as land use, human health, and environment," the federal agency said in commenting on a draft of the plan's opening chapter.

"It is difficult to find the transportation focus in this opening chapter of the Regional Transportation Plan," the agency said. The highway agency scolded Metro for not focusing more on highways, cars, and parking. "The plan should acknowledge that automobiles are the preferred mode of transport by the citizens of Portland," the agency said. "They vote with their cars every day."

The plan is a blueprint that controls transportation spending in the region for 20 years. In order to receive funding a project must be in the plan. Metro is developing an update of the plan scheduled for completion in 2008. In the past because of the complex politics of the three-county metro area, the plan has included many more projects than the region can afford. The current plan includes \$10 billion worth of projects, about \$6 billion over the available money.

Certain technical aspects of the plan have to meet federal standards, but Metro Commissioner Rex Burkholder said the highway agency's comments on the region's approach can be "taken with a grain of salt." [He just doesn't get it.] However, Burkholder said they raise the kind of questions Metro will face as it moves ahead with the plan.

**Mr. Zumwalt** felt it was self-explanatory and was from the federal transportation people. Milwaukie was a great little town and was right in the middle of being rebuilt. There was a remarkable chance to make it right, so the City should not just go with one idea or one focus. The City should look at everything. There has been a parking problem for 40 years. The Transportation System Plan (TSP) was looking at reducing parking by 10%. He knew why it was being done. Now Ms. Mangle says her parking inventory showed plenty of parking. He was not criticizing Ms. Mangle. He was sure there was plenty of parking just not in the right spots. As the City grew those spots would be filled. The City had a request for proposals (RFP) out for the new Town Center or Texaco or whatever it was called this week that parking was less than 1 per unit. Pretty soon that would catch up with the City. The infrastructure was not here to do that. There was a great opportunity to do this right. Let's not screw it up.

**Mayor Bernard** spent all day at a transportation meeting, and the federal government said it was looking at the Metro region as something every community in the nation as aspiring to. The article Mr. Zumwalt read was totally different from what he heard yesterday. He was not sure how judgment could be made on a plan that was not yet written. Yesterday a gentleman from Washington, D.C. talked about Metro's vision as an aspiration for many and the talk of D.C.

**Mr. Zumwalt** said there have been a lot of differences of opinion with Metro for years. This was not the first article. Metro was not always right, and he hoped the Mayor realized that.

**Mr. Swanson** urged citizens to attend the Transportation System Plan (TSP) working group and advisory committee meetings. There were many more meetings coming up giving people about 35 more opportunities to get involved. The next big meeting would be the February 24 Kick-off at Clackamas ESD.

**Councilor Stone** expressed concern that the first meeting was at a time when a lot of citizens could not attend. She understood it had to do with all the jurisdictions involved. She asked if the 4:30 p.m. start time for the meeting on February 28 was set in stone because it was difficult to get people there if they were working. She suggested making the weekday meetings a little later.

**Mr. Swanson** replied that was discussed at the first meeting and moved back half an hour. It was agreed the meatier parts of the agenda would be held for the latter half. Staff would evaluate the starting times as the process began.

**Mr. Zumwalt** told Mayor Bernard he had been trying to get at the danger with the town center plan that would be like 39<sup>th</sup> and Belmont or 39<sup>th</sup> and Hawthorne in terms of density. He did not think it would be as dense as NW 23<sup>rd</sup> but that was town center density. Go up there and try to park and shop. He did not want that to happen in this town. There was no parking for shopping. As Milwaukie grew and added retail, he did not want Milwaukie to be bumper-to-bumper and elbow-to-elbow. He wanted a nice town. He asked if anyone had been in Beaverton on a Saturday at noon. If you wanted to shop you had to walk or drive around the block.

**Mayor Bernard** noted right now there was no reason for people to park downtown unless they worked there because there was no shopping.

**Mr. Zumwalt** was looking to the future.

**Mayor Bernard** was also looking to the future. He lived and worked downtown, and he knew the parking situation as well or better than anyone. These were the same types of issue people were concerned about when his grandfather opened Bernard's Garage in 1935.

**Mr. Zumwalt** replied that was the problem. They were talking about it in 1935 and still talking about it in 2007. None of these things have gotten better. Where was the vision? That was what we needed to look at now. Everyone wanted a nice town.

**Mayor Bernard** kept hearing complaints about parking today, and he wanted to know more about the problem.

**Mr. Zumwalt** was not talking about now. Ms. Mangle said there was parking, but it was not in the right places. If you went between Jackson and Monroe at 3 p.m. you cannot find parking. He did not want to argue about that. He was talking about the future and the vision for a nice town.

**Mayor Bernard** agreed everyone wanted the same thing. One of the reasons he ran for Mayor was because nothing seemed to happen in this town, and studies were constantly being done. He was tired of paying for those studies and wanted to see something happen.

**Mr. Zumwalt** said the citizens cared too.

**Mayor Bernard** commented the citizens paid for those studies and should get what they paid for.

- **Jeff Klein, 4479 SE Logus Road**

**Mr. Klein**, Lewelling Neighborhood Chair, believed *The Oregonian* piece Mr. Zumwalt read was an editorial so was an opinion. When Mr. Zumwalt talked about the citizens of Milwaukie he was representing his views of what he felt was important for the City of Milwaukie. When he came forward he talked about what he felt was best for the City. He has to spend his dollars shopping in Portland because the things he wanted were there and not in Milwaukie. To get in the front door of City Hall to attend the City Council meeting, Mr. Klein had to walk 10-feet, and he had parked in that same spot at 3 p.m. in the afternoon. He hoped at some point Milwaukie needed to look for parking alternatives. When it came to going out to eat he went to Hawthorne or NW Portland. He was willing to walk six blocks to go somewhere because it was important for him to go there. People would come downtown if there were something of value to them. He did not want to lose sight of the City's history, but it was important to look at what Milwaukie would become. That was one of the things forgotten when people were afraid of losing what they had right now. There was something out there that would be great for the City that everyone could enjoy. People moving into Milwaukie wanted new things, and the people who were already here said the same thing. One can expect density, traffic, and parking in a downtown area. If one did not want that, then they should move out of downtown.

**Mr. Klein** spoke as Planning Commission Chair and thanked Mr. Firestone for his work with the Commission and making his job as Commission Chair much easier.

- **Gary Firestone**

**Mr. Firestone** said this was his last meeting as city attorney, and he would be moving to Newport to serve as that city's attorney. His comments were his own personal comments.

He expressed his appreciation to the City Council for the good working relationship over the years. He enjoyed working with the members of this and previous councils. He thanked all the City staff members for the wonderful working relationship. He had seen a change in staff over the years. Today's staff was more professional more capable, more responsible, and more community oriented. The City had made in his view great strides in obtaining the confidence of the citizens of Milwaukie. The Council and staff were both responsible for that. There was still some way to go; there was still some mistrust. There were still disputed issues, but one had to remember that disputed issues were just that – issues. There would always be controversial issues, but the more the City was able to handle those in an open and respectful manner the better things would be. The City needed to use its resources wisely. He had seen countless hours spent on trivial issues that were important to only a small handful of people. The City needed to move forward on the basis of ideas; not on the basis of personalities, friendships, or private feuds. For the most part his work with the City gave him great pleasure over the years for two reasons. First he felt a great sense of accomplishment in providing advice that allowed the City to take positive steps, positive actions, things to improve the City. Second he truly valued his relationship with the City staff. The City had a great staff that deserved recognition. There were probably many who watched Council meetings on television or even attended the meetings who did not know anyone on staff. He thanked those with whom he had worked over the years – Paul Shirey, Kelly Somers, Mike Clark, Don Simenson, Chief Kanzler, Joe Sandfort, Esther Gartner, Mary Rowe, Barb Kwapich, Stewart Taylor, JoAnn Herrigel, Beth Ragel, Grady Wheeler, Tim Salyers, Alex Campbell, Kenny Asher, Tom Larsen, Gary Parkin, George MacGregor, Zach Weigel, Jason Rice, Brenda Schleining, Ryan Marquardt, Brett Kolver, Susan Shanks, and Katie Mangle. He particularly recognized the efforts of Mr. Shirey to transform the engineering department. Milwaukie had an incredibly talented and capable planning staff led by Ms. Mangle. Two names were omitted. Special thanks to City Recorder Pat DuVal who had been a constant, reliable, professional source who did far more than one expected from a city recorder. Finally Mike Swanson was responsible for a change in direction in the administration of the City. Milwaukie was a better place both in the City as a whole and within city hall. Mr. Firestone looked forward to visiting Milwaukie in the future and seeing a more attractive downtown complete with redevelopment in keeping with the community's wishes. He looked forward to seeing a riverfront park enjoyed by the citizens who could look to the south and not see or smell anything. Finally, he thanked Council for the trust given him over the years.

**Councilor Stone** heard some advice in those comments, but they were well taken. It had been a pleasure working with Mr. Firestone as well. Milwaukie's loss was certainly Newport's gain.

**Councilor Collette** agreed and looked forward to building on some of the things suggested by Mr. Firestone.

**Councilor Barnes** had not always agreed with Mr. Firestone, but he always enabled the Council to do the right thing at the right time. She appreciated his guidance.

**Councilor Loomis** agreed with all the previous comments.

**Mayor Bernard** appreciated Mr. Firestone's advice over the years. It was important that he was always there to guide the Council in the right direction. Newport was lucky to have Mr. Firestone.

#### **Election of Council President**

**It was moved by Mayor Bernard and seconded by Councilor Barnes to appoint Susan Stone Council President.**

**Councilor Collette** believed that was appropriate as Councilor Stone had been on the Council the longest. There were opportunities to build relationships and she welcomed Councilor Stone as Council President.

**Mayor Bernard** thanked Councilor Barnes for her two years' service to the Council as president.

**Councilor Loomis** thanked Councilor Barnes. It was always a joy when she ran the meeting because they were always professional.

#### **Motion passed unanimously. [5:0]**

**Mayor Bernard** presented Council President Stone and Councilor Barnes with bouquets of red roses.

#### **Social Gaming**

**Mr. Swanson** said in November 2006 there was a request that Council adopt an ordinance authorizing social gaming in the City of Milwaukie. It allowed gaming in establishments, but the house did not enjoy a take from the activity. Their profit came from serving food and whatnot. State law did allow cities to regulate social gaming. Mr. Swanson made a brief presentation at a work session in December, and Chief Kanzler and Vic Calzaretta made a presentation at the January 2, 2007 work session. However, there was no direction coming out of that last meeting, so that issue was still on the table. If Council wished to proceed, staff would prepare an ordinance.

**Councilor Collette** was not interested in seeing social gaming coming to Milwaukie. She wanted to stay on the current positive track and work on those things Council and staff needed to do to make the downtown a better place. She did not wish to invest any more time or energy into social gaming.

**Councilor Stone** agreed. The Council got good information from Chief Kanzler and Mr. Calzaretta. At this time she did not feel the City needed to go down that road and take up staff resources.

**Councilor Loomis** missed most of the Chief's presentation but saw most of it on cable. He had a lot to say, and none of it was too positive. The game of Hold 'em had transitioned and changed from the days of Vancouver card rooms. He was not in support of the ordinance. He did respect the citizen for making the effort to bring his idea forward. This was probably not the best time for Milwaukie to allow social gaming.

**Councilor Barnes** thought the most compelling issue was that the City would have to devote an officer to the card rooms if social were allowed. If the City had an available officer she would rather that person worked in the schools. She did not support the matter at this time.

**Mayor Bernard** agreed and noted this type of gambling was available to non-profits for fundraising. He did not wish to use further staff time on this matter.

**CITY COUNCIL REGULAR SESSION – JANUARY 30, 2007**

**APPROVED MINUTES**

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## Council Reports

**Councilor Loomis** heard Mayor Bernard speak at the Chamber and that was entertaining. He attended the Riverfront Board open house, and he heard a lot of positive comments from the attendees. This might be one project in Milwaukie that no one was complaining about. The Board addressed some difficult issues internally, and the group came up with a compromise.

**Councilor Barnes** attended the State of the Cities address at the Chamber. She had been working on a legislative proposal that would be a bill to expand technical education statewide.

**Councilor Collette** attended the State of the Cities address. She went to the first Transportation System Plan (TSP) meeting and felt very positive about the process. There were many opportunities for citizen input although there were concerns about the starting times. At the last Clackamas County Coordinating Committee (C4) she was elected co-chair with County Commissioner Schrader, and she would bring Milwaukie's issues to the forefront along with the other large cities in the County. She attended a Clackamas Community College retreat where she represented Milwaukie on the Board. She was working on a video project with one of Councilor Barnes' students that addressed ways for arts to add quality to individual's lives and the community.

**Councilor Stone** attended the Board of County Commissioners study session with the Citizens Advisory Council (CAC) and the CAC meeting. She requested an update at the next works session. She attended the North Main Village Grand opening and the Riverfront Park open house. She agreed with Councilor Loomis that the plan looked really good. The architects provided a good rendering of the vision for the Riverfront Park. The Riverfront Board really came together and made some compromises. The Milwaukie Town Center advisory group would tour sites similar to Milwaukie's, and she planned to go along.

**Mayor Bernard** gave the State of the City address at the Chamber. He served on the Sellwood Bridge Committee, and the facility would likely be replaced or restored in about 2015. He was elected the Clackamas Cities representative to the Joint Policy Advisory Committee on Transportation (JPACT). The North Main Village grand opening was well attended. He participated in a meeting to discuss a five-member Board of County Commissioners.

**It was moved by Councilor Stone and seconded by Councilor Collette to adjourn the meeting. Motion passed unanimously. [5:0]**

**Mayor Bernard** adjourned the meeting at 6:22 p.m.

  
 Pat DuVal, Recorder