

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
December 4, 2007**

CALL TO ORDER

Mayor Bernard called the 2019th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Mayor James Bernard and Councilors Deborah Barnes, Joe Loomis, and Susan Stone

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Community Development/Public Works Director Kenny Asher, Planning Director Katie Mangle, Engineering Director Gary Parking, Assistant Planner Brett Kelper, Resource and Economic Development Specialist Alex Campbell, Associate Planner Susan Shanks, Assistant Planner Ryan Marquardt

PLEDGE OF ALLEGIANCE**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

Mayor Bernard announced the December 8 Umbrella Parade and City Hall Tree lighting ceremony, the December 12 Milwaukie Poetry Reading by Kim Stafford, and the December 14 Winter Solstice.

Council Appointment

Mayor Bernard said the City had some great applicants, and Council appreciated people's love for the community which each of them expressed.

Councilor Barnes said the Council was not paid, and people did it because they grew up in the City. Her children and grandchildren lived in Milwaukie, so she had a stake in making sure the City continued to be a place where people wanted to raise their families. She appreciated the fact that people stepped forward. Each applicant brought a lot of things to the table. The common thread for her was each said the same thing although somewhat differently.

Councilor Stone thanked everyone for participating in the interview process and being willing to fill a seat. It was a testimony to the dedication to the community and love for the City and neighbors. She was very impressed with each, and all interviewed very well. The City Manager and City Recorder compiled the questions from individual Council members suggestions. She thought the questions really captured the essence of what Council really needed to know from the new prospective candidate that was going to fill the seat. She too heard the thread of commonality in all of the interviews. What struck her was that everyone really wanted to emphasize how important it was to be respectful and to trust and listen to people even though one may not agree with them. Any of the applicants would be a welcome addition on the Council, and all could do the work.

Councilor Loomis said this was one of those gut-wrenching nights where it built all day. The difference in this was whatever decision was made was going to be a positive one, because all were quality candidates. Council appreciated each person for her time and effort and history of being involved with the community.

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Mayor Bernard said it had been a tough decision for all.

Councilor Loomis nominated Greg Chaimov. He wanted to touch on all the candidates and say that Ms. Wisner was a lifelong resident of Milwaukie and her hard work in making this a better community by being involved with the neighborhood association and traffic calming and volunteering her time with the Design and Landmarks Committee (DLC). He appreciated that, and that was what made Milwaukie special. He thanked Mr. Eiswerth for being one of the co-founder of Farmers' Market. The Council talked about the dream of a vibrant downtown, and the Market was something people could grasp and say that was what we were looking for. It was a community of people together talking and enjoying the community. He thanked Mr. Eiswerth for that. Ms. King and he had been life-long friends, and that was what made it real gut-wrenching for him. Their sons were best friends; they were both 33 years old now. Most of the great things that you saw in this City were a direct result of her being on the Council. That brought him to why it was so gut wrenching. With the dynamics of today's Council the message came through loud and clear. The dynamics of the community at this time and with the challenges and opportunities facing Milwaukie today, tomorrow, and long into the future he felt Mr. Chaimov was the best fit. Not that all of them would not be a great fit; he could work with all of them. The one thing that struck him and hit home with him on his application was that was how Councilor Loomis had felt since he was on this Council. One of the answers Mr. Chaimov gave was that he did not have strongly held views on issues like light rail and the height of buildings. He did have strong views on the value of listening to others, working collaboratively, and treating everyone, especially those with opposing views with respect. Councilor Loomis said it was most important to him how the City Council reached a decision, not the decision that was made. If he was on the losing end of a vote, it did not bother him as long as he had the opportunity to say what he felt and that everyone listened to the community. The Council was here to make decisions and listen to differing views. The Council should be the compromising body, and he felt Mr. Chaimov would be a good addition. He hoped the other Councilors would support him in that.

Councilor Barnes seconded the nomination. She too was struck in particular about the ability to listen. She was one of those who would be honest. She had a nice chat with Dolly Macken-Hambright for about 1-1/2 hours and had the ability to talk with each other rather than the innuendoes and rumors and people saying things about them. They actually sat down and talked, and it was a wonderful experience. Sometimes the kept people away from actually talking to one another because there were so many outside forces that wanted to hurt the City. This had been 2 good weeks for her to realize that if you have a chance to actually sit with someone who had been said to hate you, you realized that was not really the case. That was a good experience and one all could think about. That would help the communication process as the City went forward.

Mayor Bernard struggled with this one and had campaigned hard for Mr. Chaimov in the past. He looked at looked at his experience at the legislature, and he had a lot of experience. He was probably more qualified than any of us to sit at the dais. He would provide a different outlook, and he liked the comments about a diverse perspective. Ms. King had been a joy to work with on Council. For him this was also a very difficult decision to make because he had asked Ms. King to apply. The Council was surprised that 5 people had applied. Ms. King had done more for this community than he would ever had the opportunity to do, and he respected her highly. However, he intended to support Mr. Chaimov for the appointment.

The City recorder polled the Council: Mayor Bernard and Councilors Barnes, Loomis, and Stone voted 'aye.'

Mr. Monahan administered the Oath of Office for Council Position #1 to Greg Chaimov.

Mr. Swanson cited Milwaukie Municipal Code 2.04.300(a) that required Council members to vote on all questions before the Council unless the member had a conflict of interest. A member can chose to abstain with the reasons for doing so entered into the record. Silence when a vote was taken was considered an affirmative vote.

CONSENT AGENDA

- A. City Council Minutes of the October 2, 2007 Regular Session.**
- B. OLCC Application for Red Brick Pizza, 10843 SE Oak Street, New Outlet**

It was moved by Councilor Barnes and seconded by Councilor Stone to adopt the consent agenda. Motion passed unanimously. [5:0]

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

Adoption of Transportation System Plan and Related Amendments Proposed Amendment to the Comprehensive Plan (Chapter 5) and Milwaukie Municipal Code Title 19 – Zoning (Land Use Files CPA-07-01 / ZA-07-01) – Ordinance

Mayor Bernard called the public hearing on the legislative Comprehensive Plan Amendment / Zoning Ordinance Amendment initiated by the City of Milwaukie to order at 7:19 p.m.

The purpose of the hearing was to consider an ordinance to adopt proposed amendments to the Comprehensive Plan and Zoning Ordinance which included the updated Transportation System Plan (TSP) as an ancillary document, amend the Transportation Element of the Comprehensive Plan, and amend 2 sections of the zoning code.

Mayor Bernard reviewed the order of business. The City Council decision was 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 would preclude 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 were those who submitted written comments or testified and signed the City Council Attendance sign-up sheet on the information table in the hallway.

Mr. Monahan reviewed the code authority and decision-making process for the record. No member of Council declared any potential or actual conflicts of interest as defined in ORS §244. No member of the audience made any challenges to a Council member's ability to participate in the decision.

Ms. Mangle provided the staff report. She reviewed the process, proposal, and recommendation. Councilor Chaimov was on the TSP Advisory Committee so was familiar with the work that went into it. This was a legislative land use hearing on the TSP adopting amendments into the Comprehensive Plan, transportation element. There were also 2 minor code amendments traveling with this application to make sure the Plan was implemented according to State regulations. She provided an overview of the process and what was learned, an overview of the recommendations, a summary of the proposed amendments, comments received and related clarifications, and compliance with criteria for amendments.

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The Planning Commission recommended Council adoption. The process began about 1 year ago when the City was awarded an Oregon Department of Transportation (ODOT) grant in the amount of \$128,000 to update the 10-year old TSP. Immediately staff knew in order to do this well and make it meaningful for Milwaukie there needed to be a lot of public input in a variety of ways. Staff planned a work program that included over 30 public meetings, extensive use of the City website, and public surveys. She read from the scope of work, "The public involvement process for the Milwaukie TSP update will encourage and provide opportunities for citizens to participate in all phases of the planning process and keep citizens informed through open lines of communication for the sharing of questions, problems, and suggestions. People not only attended the meetings but also went out and took pictures to bring back to the next meeting. They came back time and time again with more and more ideas of not only just the problems but also the solutions and new ways of dealing with those. It was a very successful process, and the product was the product of those people's work. There was an enormous amount of energy in the community, and it was impressive to watch everyone working together to come up with some really concrete recommendations that would make a difference.

What did we learn through all that process? We learned that there were some areas of town that people felt were priorities for public investment. Those were generally downtown, the Milwaukie MarketPlace area, Railroad Avenue, and railroad crossings throughout the City needed improvements for safety and connectivity.

Through the surveys and working groups people had their own pet issues that generally related to their own streets. There were priority issues in which people felt the City should invest. Five really rose to the top: improving pedestrian and bike facilities, enhancing public transit service throughout the community, maintaining existing facilities, managing traffic in the neighborhoods, and improving the crossings over the major corridors like Hwy 224, 99E, and the railroads. Specific recommendations related to policies and attitudes the City should take toward transportation and a list of projects for specific investments. There was a lot of leadership in the community from those who came up with the recommendations.

Mr. Kelter introduced Matt Menely and Matt Picio. He discussed the process in the Bicycle Working Group and appreciated the energy that came out of the community about bicycle issues. They first started the conversation by talking to people about their experience with the bicycle network in Milwaukie to identify some of the problems and to find solutions. They explored some of the solutions and talked in more detail about improvements and priorities.

Mr. Menely had lived in Milwaukie for approximately 5-1/2 years. Not only was there a lot of public participation but also the City staff was top notch. At the end of second meeting people felt they, as citizens had not gotten enough process, so they asked for more time to talk about emerging ideas. They also went for a bike ride. The process evolved into a better plan than what they would have had if the process had stopped after the first 2 scheduled meetings. This was a great process from a citizen point of view compared to other interactions he had seen occur with the City or had with similar processes.

Matt Pichio had been a resident of Milwaukie or unincorporated Clackamas County for 3 years. recently he took a position as the executive director for bike non-profit which necessitate him to move out of Milwaukie and into Portland. This had been a tremendous process, and the planners were top notch – Ms. Mangle, Mr. Kelter, Ms. Shanks, and Mr. Marquardt. He was also involved with the Streets Working Group, Bicycle Working Group, and Traffic Working Group. He believed strongly that everyone who could should give something back to the community and participate in the public

process wherever possible. The amount of public process the City provided was phenomenal. He joined with 3 groups here, and before moving to Portland he was a member the Clackamas County Enhanced Law Enforcement District Citizens Advisory Committee. They had 2 meetings, and there was an uprising for a third. The third meeting focused on the concept of bike boulevards. This was something partially developed by the Bicycle Transportation Alliance in cooperation with the City of Portland. Maybe a better term would be community streets or public parkways or something of that nature. It was a fantastic concept because it allowed neighborhoods to retain their character. People really wanted a neighborhood where their kids are safe walking to school and to the parks – where they can bike and walk without fear of being run over. One of the great things about the bicycle boulevard concept was that it kept the neighborhood character and preserved it and allowed people to feel safe in their communities. Some intersections and roads were identified as problem areas such as 17th Avenue and McLoughlin Boulevard. That area had been somewhat taken care of with the recent repaving and realignment project, but there were still some issues that would require State cooperation. It was on the radar and was identified. Railroad Avenue was a potential key link that right now was only good for cars at best. This was a great experience, and some wonderful things had been identified especially the prioritization, cost, and what can be done with available resources. The work really captured that.

Mr. Kolver showed the 3 routes identified.

Mr. Pichio pointed out Monroe Street that ran east and west, which was the highest priority if there were limitations; Stanley Avenue from Railroad Connections up to the Springwater Trail; and from the Springwater Trail from 29th Avenue south with a potential to continue if 29th Avenue were extended. These provided north-south-east connections on less-traveled streets for bicyclists, and cars were not speeding through. He also sat on another group that was more traffic based, and there was a lot of conversation about trying to keep Monroe a low-flow street in terms of car traffic and keeping it a neighborhood street and keeping traffic down. He thought the bike boulevard concept crossed over to a community feel that was not just for bicycles. Other options for naming other than bike boulevard were discussed.

Ms. Mangle discussed the elements of bike boulevards. One of the themes was a little more nuanced approach to transportation and melding transportation with community building, which included signage, medians and often those can be traffic calming and enhance the neighborhood character with that toolbox approach.

Mr. Asher said he was the task manager for the Transit Working Group and that Kathy Buss was one of 15 members of the transit group and their main focus was on buses. At the beginning it was made clear that the light rail transit project had its own process and what they really needed to figure out what the bus feeder system would look like if and when light rail ever arrived. Light rail was fixed transit and most people did not live within a quarter mile of fixed transit, so they took the bus. The Group started by looking at the Comprehensive Plan and what it said about transit. They grouped those travel-related policies together; reduce congestion, access, transit service, density, safety, convenience, environmental and coordinating with the provider. He shared the results of an internal poll that was done by the Working Group and asked if the members were in support of the transit policies or if they needed to be rethought; the answer was 'no.' In every case the working group supported or strongly supported the policies in place. They also asked how the City had done in implementing the 1997 TSP with regards to transit including features like more frequent bus service, new bus service, and more accessible service. In every instance the Working Group said that the progress was unacceptable and did not rise to acceptability. The low scorers were improving transit facilities and adding light rail service. That was a good way to set context. The group

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felt the City had the right policies in place and were on the right track. People understood transit was key, but they were dissatisfied with the progress the City had made over the last ten years.

Ms. Buss said she was on 3 of the committees, and she found it convenient to know what the teams were doing so they could help the other. She was a TriMet rider and found that while everyone had the usual complaints about TriMet some of it was just that people did not have transit on their streets. The volunteers and staff worked closely with TriMet to identify needs, problems, and challenges and brainstormed a wide assortment of ideas for possible solutions. The process included presentations from staff and TriMet on the budget, physical requirements, current usage, and needs. They went through the Comprehensive Plan to get an understanding of what was in it and what needed to be done. Then they got to the needs assessment section where they got to dream and make a wish list; from that they made a priority list. They started with a list of about 30 priorities and winnowed that down. Regardless of the whether light rail comes and the related controversy, mass transit was in Milwaukie, and buses would be a part of it. One concern was how buses would connect when light rail came because people did not wish to lose any services. People identified places that had little to no service. There were challenges of narrow streets and wanting to keep buses on arterials where they should be. The Group really did try to learn a lot. Some of the City codes needed to be updated or improved to promote mass transit. That would involve working with closely with TriMet, Metro, or other agencies. Key items were to add new lines on Railroad, Johnson Creek Boulevard, and Linwood to Flavel. One challenge they found was that there was a wonderful new Safeway area with little or no bus service to it. We all want to move the downtown transit center. There were things Milwaukie needed to deal with such as policies, codes, streets designed for bus service, new development and property owners should set aside land for bus stops where appropriate, and have the downtown transit center resolved. The particular chapter had a depth of planning, encompassed inter-agency relationships, neighborhood improvement and protection, new development, and successfully supported and sustained 7 of TSP goals.

Ms. Mangle then called upon Mr. Parkin and Ben Horner-Johnson who worked on the Traffic plan. Mr. Horner-Johnson was also the volunteer editor. He read the entire TSP cover to cover, and re-read it when drafts were completed. She said he was a wonderful and very important volunteer.

Mr. Parkin was the Traffic and Street Network group staff leader, and they met four times over the summer. The group was responsible for looking at traffic studies that the consultant as well as the modeling. Members spent a lot of time in technical review with the consultants. Traffic volume issues were more on the state routes than on City streets.

Mr. Horner-Johnson said he had been a resident of Milwaukie for three years and he participated on 3 groups. They reviewed data from DKS and the reality of traffic counts. They looked at a lot of problem intersections and future traffic on all functional classifications. They wanted to keep all the traffic levels appropriate and keep cut through traffic down. Hwy 224 and 99E came up a lot, and the Group realized they could not solve all of the problems in those areas. He said the City needed to get together with the state and come up with a refinement plan to solve those problems.

Mr. Parkin said several intersections needed improvements, and there was a need to coordinate with the state on the Hwy 99E and Hwy 224 network. Railroad Avenue was also a high priority but primarily for adding infrastructure for pedestrians and bicycles and possibly adding a turn lane at some of the intersections. Linwood Avenue was a

similar issue in that people would like to see a 3rd lane in the middle for turning on to the side streets and the driveways.

Mr. Marquardt was the leader for the Pedestrian Group. They reviewed existing inventory and the master plan. There were 2 Working Group meetings in the spring held in conjunction with the Bicycle Working Group, and about 15 citizens attended. They started by looking at the map of Milwaukie and went over the existing infrastructure to determine where the problems were. He showed a map of Milwaukie that explained what streets had sidewalks and good connectivity. Historic Milwaukie had fairly good sidewalk connectivity, but to the north and east of Railroad Avenue there was a disconnected street network, so the Working Group decided that had a high priority. The poor connectivity forced pedestrian trips onto the higher traffic routes. In the second meeting they had smaller group of 5 – 10 citizens that prioritized the needed projects which he indicated on a map. There were a lot of projects and he thought the Pedestrian Working Group came up with the most number of projects out of any group in the TSP, which spoke to the need for pedestrian upgrades in the City. The high priority projects in the action plan were 17th Avenue, Logus Road, Monroe Street, Railroad Avenue, upgrades to bridge the Sellwood Gap, and King Road. There were a lot of projects and there was no shortage of need for pedestrian facilities.

Mr. Campbell was the task leader for the freight group that worked on issues in the North Industrial Area and encompassed the highways and freight access. Transportation and heavy trucking were important for the local economy. He invited all of the North Industrial businesses because there were real issues with ingress and egress in that area. They did interviews with some businesses on International Way including Blount. PCC, Providence, Oregon Transfer, Holman, landowners from North Industrial, some concerned citizens and freight rail were all represented. The key issues the group addressed had to do with North Industrial access. They went through a formal evaluation process developing criteria, rankings, and conceptual alternatives. There were some promising approaches in creating an overpass at Ochoco and reorienting some of the on- and off-ramps that functioned like an interchange. They did not come up with a plan that the group was comfortable advancing to the next level for a preferred alternative, but they did lay some good ground work for future work in that area including traffic mitigation for light rail. Wisely, the group thought any proposal to address that problem should be tackled in the context of the overall refinement plan that was coming out of the traffic and circulation group. There was recognition that when looking at the way Hwy 224 and 99E interacted there may be some new opportunities to address North Industrial access at that point. They also discussed railroad quiet zones and the impact of freight on neighborhoods. The group was not opposed to the quiet zone, but did not feel that it was a priority for freight traffic safety. They felt it would be more appropriately considered under the Pedestrian Safety Working Group. Some advances made over the last TSP were that there were additional turn movement problems at Main and at Omark. The Harrison and railroad crossing came out as a main concern not only for traffic circulation, but also the people using freight routes in town recognize that the frequent closure of Harrison Street by UP was a real issue. They also had a lot of concern about the configuration of the 37th Avenue / Hwy 224 intersection. They also realized street guideline updates needed to address freight routes.

Ms. Shanks was the Street Design Working Group task leader. She took a moment to say that Ms. Mangle did an extraordinary job in managing this project. Ms. Shanks worked with 10 citizens at a total of three meetings. They agreed on three fundamental things; complete streets by adding pedestrian and bike facilities, to have environmentally sound streets to include managing storm water on site, landscaping and reducing width of pervious areas, and they wanted more flexibility regarding street

design standards. They called their street design elements by functional classification. Sometimes those illustrations were called cross sections, which generally have dimensions to them. They deliberately chose not to focus on dimensions, but to focus on creating good strong policy framework for more flexible street design standards. They focused on the elements of the street itself. The many different components -- pedestrian facilities, bike facilities, landscape strips, and parking and travel lanes. The cross section showed a standard for typical functional classification with options. Those options depending upon the context in which the street existed might not be appropriate to include, so they hoped to move forward and create more flexible design standards. Some of the more specific design alternatives discussed were having different pedestrian facility alternatives. To have safer and more complete streets it is often about adding pedestrian and bike facilities. There is a wide range of opinions about having or not having sidewalks. Certainly people wanted safe streets, but there were other people that would not want a sidewalk in lieu of keeping their neighborhood character. There was great debate among the group, and they were able to share reasons for their preferences. They learned they could come to a compromise and support having at least one-sided pedestrian facilities on every street in the City, and sometimes it was appropriate to have two-sided pedestrian facilities. The group agreed that the City should not only consider the traditional sidewalk that was separated from the street by a curb or landscape strip, but also to include a style of sidewalk not currently in, which is not usually classified as a sidewalk but is separated from the street horizontally by some kind of buffer. They talked about skinny streets that support areas that have constrained right of ways or possible environmental constraints. Lastly, they talked about green streets, which are a way to manage stormwater on site, which is a really important issue that jurisdictions are feeling. DEQ had required a lot more of cities and the requirements were going to get more stringent. She also talked about neighborhood traffic management and she said there wasn't a group that specifically talked about it, but the auto street network group and the street design group talked about ideas in general. They discussed design of traffic calming elements and people's preferences such as traffic circles, speed bumps, and others that slowed and reduced cut through traffic. The consensus in her group was that they wanted to include as many options as possible and allow the neighborhood to choose for itself what would be most appropriate with assistance and guidance from the engineering department. The chapter presented a wide range of tools available to slow traffic and prevent cut through traffic, and they recommend that the City have an annual fund to construct these kinds of treatments. They had been doing it to some extent, but it had not been funded on an annual basis.

Ms. Mangle was the task leader on the Downtown Parking, which was based on work done in 2003 when the City worked with a consultant, neighborhoods, and downtown businesses to develop a set of policies and policy framework for managing downtown parking. The project was not quite completed or adopted. They held 2 workshops where they reviewed and edited the previous work. They wanted to address new issues that surfaced, which were primarily related to downtown parking and resident parking standards. There were really no standards in place, so they addressed that need. Lastly, they wanted to clarify the City's role in managing parking.

Mr. Zumwalt was a part of the Downtown Parking Group. He said it started in 2003 but was never finished. Before the TSP started Ms. Mangle inventoried all of the downtown parking. Rick Williams, a consultant was involved and was very knowledgeable and explained inventory and how to use parking inventory wisely. We were not using the parking right, but we were getting there now. With all of the development now and in the future as things changed we would need to watch parking closely. Lack of parking would strangle development. There were trigger points where something needed to occur. When we got to 85% of the inventory being used something drastic would need

to be done such as meters or a parking structure, which would cost a lot of money. He felt Milwaukie was going in the right direction. He said that he was in 2-3 of the groups and he said it was a remarkable process and there was a lot of passion.

Ms. Mangle touched on the two elephants in the room -- Hwy 224 and light rail. Without really understanding those they were not going to understand everything else. She wanted to acknowledge that it was the case, and part of the recommendations were to move forward with the SDEIS, which would help them figure out the light rail situation and to get more aggressive on working with the state and county on the refinement plan for Hwy 224. It was important to understand the future of Hwy 224 would affect the City. On the other end of the spectrum there were recommendations for code changes that came out of several of the working groups. Ms. Shanks mentioned updating the design manual and zoning section 1400, which addressed how development influenced design standards. The parking section had called for some changes to the parking in the downtown zone. Council would see those over the next year. They would start to work on some changes. Appendix B was the prioritized project list that the staff tried to tie to the goals and future funding. They ranked the projects against the 9 goals outlined in Chapter 2 and hopefully that would be a helpful guide for future funding and grant applications. We only had \$7.15 million over the next 22 years to implement the plan in City funds so it was very important for the City to be actively looking for grants and working with partners. There were three ways the projects were implemented; through city funds like traffic calming, grants from feds, state, and region and to require development to implement some of the projects. An important part of the TSP was to link land use and development with required street improvements.

She briefly touched on amendments which had to do with the TSP and Comprehensive Plan amendments. They were basically replacing the transportation element of the Comprehensive Plan. Currently there was about 12 pages of maps and text and was fairly repetitive and included big chunks of the TSP document. The amendments would refer to the TSP to make the document more user friendly. The other amendments were in the Zoning code. One had the effect of giving preferential parking to carpools and vanpools, and the other was clarifying that the capital projects the City did were exempt from development review. That had been the practice, but when the State reviewed the code they pointed out that it should be clarified. Does the draft plan fulfill state requirements for TSP's? Was there a public need for the updated TSP and was it best met by this proposal? Did the draft TSP meet relevant approval criteria? Did the TSP comply with the Comprehensive Plan? Generally, staff felt the answer was 'yes' to all of those questions. It was a great plan, met the public need, met or exceeded state requirements for TSP's and met relevant approval criteria. It was a project that had a high level of community involvement. It was a multi-modal transportation plan as required by the state. It increased an understanding of long-term needs. Staff would carry the understanding that they had learned into other long-term projects. It established the City's priorities and emphasized the connection between the community's goals and transportation investments. They had received a letter from Metro in support of adoption and they hadn't received any additional comments since the Planning Commission meeting. There were two issues that came up during the work session briefing. One was Johnson Creek Boulevard, and the second was Harmony Road. The intersection of Johnson Creek Boulevard and 32nd Avenue was in Portland but affected our system. Originally they recommended widening the street and installing signals. That would be what we would want to do if we wanted to make the street meet all City standards. Staff heard an outpouring of comments from the neighborhood and the community so revised the recommendation. The new recommendation was to signalize only at 42nd Avenue because that was the only intersection that the City had jurisdiction over and only when it was warranted and appropriate to make that corridor function. They added a note that they would ensure

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that the corridor was safe and traffic was managed to the posted speed limit of 25 mph. The TSP did acknowledge that Harmony Road was a regionally and fiscally constrained project. The 1997 TSP included a 5-lane Harmony Road as a City project. The 2007 TSP did not include a 5-lane Harmony Road project and it was not on any of the City's project lists. However, grade separation at Linwood Avenue and the railroad tracks were included as a low priority City project. They added a footnote that clarified that the TSP did not include a specific recommendation on widening Harmony Road, but that the City was actively working with the County to define the project. In closing she asked for adoption of the TSP, the transportation elements of the Comprehensive Plan, and the two amendments to the City code.

Councilor Loomis commented that he had missed the work session briefing and thanked Ms. Mangle for meeting with him to go over it. He appreciated the time and effort of staff and citizens that had been put into the Plan.

Councilor Stone said that she was amazed at the work session briefing what a comprehensive document it was compared to the original TSP. She did have a comment about the final decision on Johnson Creek Boulevard and 42nd Avenue. She understood the need to move traffic, but she felt a signal there would destroy the goal to preserve livability. She was concerned about freight movement in the City and trucks knowing where they needed to go. She suggested more signage. She was pleased to see how many options that were kept in the plan for neighborhood traffic management. She had a question about speed humps versus bumps. She wanted to make sure that the City was not just confined to a raised crosswalk because there were places they were appropriate.

Ms. Mangle generally this was meant to be a toolbox and many things could be done including signage, education and physical changes. It wasn't a limiting list. If it was appropriate we could include those in a Public Works Standard or in the Street Design Standards. Site-specific design would always carry the day; the engineering department and fire department would determine what was safe and appropriate. It was an educational tool so when those conversations happened they could use it.

Councilor Stone said she and Mr. Parkin discussed criteria and she thought there would probably be another piece that would fit in with this in terms of the engineering. She also liked having bike routes in the City and to have designated places where there was less conflict between vehicles and bicycles. Cyclists used 32nd Avenue constantly because it was a straight shot between north and south. She might include that as a shared bikeway.

Ms. Mangle said that one of the thoughts behind the 29th Avenue bikeway was that it was an alternative to 32nd Avenue. If it was just a block or two off the main route cyclists would usually be happy to use streets like that, but they needed to use signage to tell them that it was there. Part of the idea was to encourage cyclists to use streets that were not heavily traveled.

Councilor Stone said that was great because it connected to the Springwater Corridor. Bikes were not being prohibited on 32nd Avenue; they were just not being encouraged to use it.

Ms. Mangle said what the document said was that they were not spending money to make 32nd Avenue better.

Councilor Barnes said the staff did a tremendous job and appreciated hearing from a community that cared. She asked for a clarification regarding the explicit exemption of maintenance, repair to or operational changes to an existing transportation facility by a public agency from land use regulations.

Ms. Mangle replied basically that meant road maintenance, sidewalk construction, and general types of public work projects that the City undertook would not be subject to the standards and processes as a developer as outlined in section 1400.

Councilor Barnes expressed concern about bikes on Monroe from 42nd to Linwood. She couldn't imagine riding a bike that way without being hit by a car.

Ms. Mangle said they characterized the bike boulevard idea as a quicker, cheaper option. That was not always the case, and in some cases like Monroe Street it may require road widening to make it safe. The cost in the TSP for Monroe Street reflected that, so it was more expensive than other streets. On Monroe and Stanley there were standards for lane width and visibility and it would have to meet those.

Councilor Barnes said that was on the list of priorities with gas tax money, and asked if those could be done at the same time.

Ms. Mangle said there were some limitations on using the money, but now knowing that would be a great bike route hopefully they could look for additional grant money. The best lesson out of the process was understanding the network and what needed to be done in looking for opportunities.

Councilor Chaimov said he could not recall being involved in a finer public process, and he hoped this would serve as a model for future decision-making efforts by the City. The people who were involved at every stage came away feeling better about their government.

Mayor Bernard thought the downtown parking section was great, and it was nice to see that move forward. He appreciated Mr. Zurnwalt's supportive comments. He thanked all of the citizen volunteers for their participation in the process and for coming to the hearing.

Ms. Mangle said she wanted to give thanks to the community. She thanked Ben Horner-Johnson again for his volunteer editing and Matt Pichio for being their volunteer photographer and tour guide and that he had put an enormous amount of his personal time in aside from meetings. She thanked the most valuable participants, which were the people who were involved in three groups. That group was David Aschenbrenner, Ben Horner-Johnson, Matt Pichio, Matt Menely, Ed Zumwalt, Forris Frick and Kathy Buss. She also thanked Susan Shanks who was the deputy project manager and did an enormous amount work, Marcia Hamley who made the document look so good, Gail Curtis at ODOT and Kenny Asher. The public involvement process was Mr. Asher's vision and he went and found additional money for ODOT to make sure there was enough money to do all of the meetings.

No additional correspondence was received on the matter other than those items included in the packet.

Mayor Bernard called for public testimony.

Testimony in support

- **Matt Pichio, Portland, Exchange Cycle Tours**

During the TSP process he had served on 3 working groups and led 4 different community rides during the process and participated in a community ride with PDOT. He also contributed input on the Milwaukie bike map for Jeff Smith of PDOT. During the process he had a lot of discussion in and out of the Working Group about the state of biking in Milwaukie. They came to realize the issues regarding pedestrian and bicycle connectivity in Milwaukie were more complex than they might seem at first glance. Ms. Andrews put together a Yahoo Group, called *Milwaukie Bikes* in order to get more

community involvement. One thing that came out was that there were a lot of issues with a limited amount of money to deal with those issues. They felt that the City Council should consider the creation of a pedestrian/bicycle advisory committee. If created it would involve some cost in terms of staff time for agenda's, minutes etc. They felt it would be well served because it would give an opportunity to leverage volunteer resources to gather information and provide that to the planning staff. Also, it would enable them to coordinate with other cities and jurisdictions to ensure bicycle and pedestrian improvements at the boundaries of Milwaukie would connect in a way that made sense and allowed people to get across the City. They requested that the City consider the creation of such a committee. The issues were complex and since there was not a lot of City money it would be best to leverage the resources of the community and of groups like the Bicycle Transportation Alliance, the Willamette Pedestrian Coalition and other inter-jurisdictional and private groups that could provide resources to the City. He had a letter to that effect from the Bicycle Transportation Alliance giving support for a bike advisory committee.

- **Jamie Damon, Jeanne Lawson Associates, Inc.**

Ms. Damon read her comments to the City Council members into the record:

I extend the heartfelt congratulations to the staff, community members and agency partners for their development of the Milwaukie Transportation System Plan Update.

The effort on the part of the community was extraordinary. Knowledgeable community activists came together with new community members and businesses to understand the complexities involved in transportation planning and to recommend priorities that make sense for Milwaukie. I was very impressed with the staff involved in the process and their willingness to engage directly with the community and each other to develop clear, sound policy direction to you.

Members of your community contributed hundreds of hours in meetings, reading documents, pouring over maps, talking with staff and each other, and offering their local knowledge of the challenges and opportunities of the Milwaukie transportation system. We heard from commuter cyclists, disabled bus riders, downtown works, large employers, freight users, longtime neighborhood activists, and new families to the area. All interested in the future of their mode of transportation. All caring about the future of the City of Milwaukie.

I especially would like to recognize the vision, integrity, and leadership brought to the process by Planning Director Katie Mangle. Her willingness and commitment to create a community dialogue around transportation issues transformed what could have been a dry technical process or a polarized debate on priorities, into a lively, productive exchange of ideas. The process resulted in a plan that reflects a transportation vision and the priorities of your community because they worked together with Katie and her staff to create it.

I fully support your adoption of this plan and thank you for the opportunity to be part of the consultant team on this process.

- **Gail Curtis, Sr. Planner ODOT**

Ms. Curtis served as grant manager on the project management team and the freight committee. ODOT funded along with the DLCDC as part of a growth management plan. When the State, ODOT and City Staff were working together on a land development proposal it became apparent that the current TSP needed to be updated so it was through that partnership that they identified the need and got the funding. She said that the City had a very professional and dedicated staff and would be able to accomplish much on the TSP and other aspects of City business. Ms. Mangle led the effort, and

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Ms. Curtis publicly thanked her, Ms. Shanks, and Mr. Asher and others. When the City staff laid out the citizen involvement program ODOT questioned it since it was more than it typically funded, but City staff convinced them it was the right thing for Milwaukie. She recommended adoption of the Plan and acknowledged that there was more work to be done that involved 99E and Hwy 224. The refinement planning effort that had been identified as part of the regional transportation plan update was currently under way. There was a lot of work to still be done, but it provided a good policy base.

Neutral Testimony

None.

Testimony in opposition.

None.

It was moved by Councilor Barnes and seconded by Councilor Stone to close the public hearing. Motion passed unanimously. [5:0]. Mayor Bernard closed the public hearing at 9:05 p.m.

It was moved by Councilor Barnes and seconded by Councilor Loomis for the first and second readings by title only and adoption of the ordinance amending the Comprehensive Plan and Title 19 of the Milwaukie Municipal Code to adopt the updated Transportation System Plan, amend the Transportation Element of the Comprehensive Plan, and ensure compliance with the Oregon Transportation Planning Rule.

Councilor Chaimov asked how the portion dealing with the light at 42nd Avenue and Johnson Creek Boulevard might be excised if necessary.

Ms. Mangle replied they could adopt with modifications.

Mayor Bernard said that Councilor Chaimov could propose an amendment to the motion to approve.

Councilor Chaimov moved to amend the motion to approve the TSP by excising or modifying that portion of the Plan that recommended a light at 42nd Avenue and Johnson Creek Boulevard.

Councilor Barnes understood it was needed and did not accept the amendment.

Councilor Stone understood the proposed project at 42nd Avenue and Johnson Creek was not imminent. and they looking at the potential.

Ms. Mangle said it was on the City project list as a low priority. Most likely it would be funded as a result of development so she did not want to imply it would never happen. It would only be done in conjunction with other signals.

Councilor Stone asked when would the TSP be up for review?

Ms. Mangle replied it should be updated every 5 years, and Comprehensive Plan amendments could be done at any time. It could be funded by private development in the future as well.

Councilor Stone asked Councilor Barnes if that clarification helped her to consider the amendment to the motion.

Councilor Stone agreed with Councilor Chaimov and that certainly this document was all about livability and preserving the neighborhood. A light at that intersection did not do that. She agreed with removing it at this time since it would be reviewed in 5 years.

Motion passed with the following vote: Mayor Bernard and Councilors Barnes, Chaimov, and Loomis voting 'aye' and Councilor Stone abstaining. [4:0:1]

Mr. Swanson read the ordinance twice by title only:

ORDINANCE NO. 1975:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE COMPREHENSIVE PLAN AND TITLE 19 OF THE MILWAUKIE MUNICIPAL CODE TO ADOPT THE UPDATED TRANSPORTATION SYSTEM PLAN, AMEND THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN, AND ENSURE COMPLIANCE WITH THE OREGON TRANSPORTATION PLANNING RULE (CPA-07-01 / ZA-07-01)

OTHER BUSINESS

A. Purchase of Real Property Located at 2808 SE Balfour

Mr. Swanson said the closing of the property was scheduled for December 13. Two resolutions were required in order to close the real property purchase. One was approval of the purchase of the property located at 2808 Balfour in the amount of \$245,000. \$10,000 had been deposited as earnest money. He drew Council's attention to the Resolution that stated. "whereas the previous offer and acceptance established a reasonable value for the Balfour property..." He had an appraisal dated November 30, 2007, and appraised value of the property was \$245,000 pursuant to a valid appraisal. The second resolution was necessary to transfer funds. The \$235,000 would be required to be made out of the contingency. He added that in addition to the transaction the City about one year ago approached the property owners for a drainage easement and it was not granted at that time. Staff will be looking at the drainage issue that we couldn't close on a year ago.

It was moved by Councilor Loomis and seconded by Councilor Barnes to adopt the resolution approving the purchase of real property located at 2808 SE Balfour.

- **Juli Howard, Milwaukie**

Ms. Howard thanked Mr. Swanson and Council for making an offer on the Balfour property and supported the adoption of the resolutions. She said it protected livability, safety, and property values. She said while those facilities needed to go somewhere they should not be placed in neighborhoods, and she supported code changes that would prevent those kinds of facilities going into the City including changing parking space limitations.

- **Alex, Milwaukie** (last name not clear on tape)

He had a similar comment and thanked Council for its efforts in blocking the sale of this property to the halfway house. He had a question and understood there might be some legal challenge to the purchase of the property.

Mr. Swanson said there was not currently a legal challenge. It was a risk that they were aware of. It was not possible for the City to purchase the property as long as the seller had accepted a valid offer. There was a window of time where the buyer requested an extension of the contract, and the seller decided that they would not grant the extension and that allowed the City to purchase the property. The City could not have purchased it out from under the buyer without an avenue. There was a risk of challenge, but the City had other needs for the property.

- **Ronn Palmer, Milwaukie**

Mr. Palmer was chair of Ardenwald Neighborhood Association, and thanked the City and Council for its efforts that went beyond the call of duty. The City could not just keep on buying property when these issues came up. We needed address both local laws and challenge state and federal legislation so this City and other cities were not put in this position.

Mr. Swanson added the City and Mr. Palmer had been steadfast in defending facilities like Oxford House that are protected under Federal Fair Housing. The City had defended and taken a position that was consistent with that law. It was important to recognize that the purchase of the property satisfied goals in their position as members of the Milwaukie community, but there was still an issue out there including the Clackamas County, Oregon Community, and federal community, and those issues still needed to be addressed. He said on December 18 Bob Nickkel, State Mental Health, was invited to a work session to discuss the type of population that still needed to be served. It was an important issue, but so was the integrity our neighborhoods.

Mr. Palmer added that contrary to what many may have read in a local newspaper there were no witches, caldrons or backdoor dealings in this matter. Everyone was kept apprised of what was going on.

Councilor Loomis commented on some of the articles in the newspapers, and he wanted to be clear that if these people had moved into an existing structure he would be more supportive. His issue was the size of the building and a parking lot of that size did not fit with the neighborhood. Just because our code permitted it did not make it right. Council would not have gone to these steps had it not been the right thing to do. He did think we needed to address the code issues. We understood the problem and want to be part of finding a solution.

Councilor Barnes agreed with Councilor Loomis. There were 2 group homes in her neighborhood, and she had aunt and uncle who were mentally challenged. It was not an issue of mental retardation but of a house set up with barbed wire. How many children would have to walk by that property and wonder? That was the main issue for her.

Councilor Stone said they all agreed it was an inappropriate site for the type of facility that they wanted to put there because they wanted to house not only mentally ill but people that had committed criminal offenses. It was a lock down facility. We needed to be ahead of the game next time with code changes so that these types of facilities would be located in more suitable places. We needed to work with Clackamas County to find appropriate locations because there was a need in the wider community.

Motion passed unanimously

RESOLUTION NO. 69-2007:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE PURCHASE OF REAL PROPERTY LOCATED AT 2808 SE BALFOUR PURSUANT TO MILWAUKIE MUNICIPAL CODE SECTION 3.15.030.

It was moved by Councilor Barnes and seconded by Councilor Stone to adopt the resolution approving a transfer of FY2007 – 2008 appropriations for the purchase of real property located at 2808 Balfour

Motion passed unanimously

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RESOLUTION 70-2007:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING A TRANSFER OF FY2007-2008 APPROPRIATIONS FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 2808 BALFOUR IN THE CITY OF MILWAUKIE.

B. Council Reports

Councilor Loomis attended the Harmony Road Visioning Open House

Councilor Barnes would attend the Harmony Road PRC meeting on the 10th.

Mayor Bernard announced the Council would reconvene the work session immediately upon adjournment of the regular session.

ADJOURNMENT

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

Mayor Bernard adjourned the regular session at 9:32 p.m.

Pat DuVal

Pat DuVal, Recorder