

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
MARCH 18, 2008**

**6966**

**CALL TO ORDER**

**Mayor Bernard** called the 2026<sup>th</sup> 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, Greg Chaimov, Joe Loomis, and Susan Stone

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Community Development and Public Works Director Kenny Asher, Community Services Program Director Beth Ragel, Code Compliance Coordinator Tim Salyers, and Community Services Director JoAnn Herrigel

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARD**

**Mayor Bernard** announced board and commission appointments and directed staff to prepare resolutions appointing David Aschenbrenner and Leslie Schockner to the Budget Committee, Andrew Tull to the Design and Landmarks Committee, Bob Hatz and Charles Bird to the Citizens Utility Advisory Board, and Tom Hogan and Ron Rasch to the Library Board.

**It was moved by Councilor Chalmov and seconded by Councilor Stone to extend the terms of Mike Miller on the Budget Committee and Teresa Bresaw and Scott Churchill on the Planning Commission for 1 month. Motion passed unanimously. [5:0]**

**Urban and Rural Reserves**

**Metro Councilor Carlotta Collette** reported people had been talking for a number of years about alternative ways to expand the urban growth boundary (UGB) that in the past had been contentious and left no one happy. Last year Metro had 2 pieces of legislation approved. One was that the process for designating the new UGB could be suspended for 2 years, and the other was a new approach to the UGB expansion. In the past it had not been that relevant to the City of Milwaukie because it was geographically limited. The new process could impact Milwaukie in positive ways. The roadmap described some of the ways Metro was working with local communities. The whole process came out of community involvement and working with local governments and county officials.

The first section, Focus Investments, was aimed at building vibrant downtowns and investments Metro could make or direct into the communities to help them achieve their goals. In the case of Milwaukie, it had its Downtown Plan, and Metro would love to partner in making it a reality. It also talked about what kind of investments needed to be made in infrastructure region-wide both in aging systems and systems that needed to be built. There were many things that came under the category of infrastructure including water, sewage treatment, roads, and schools. Metro was asked to take an inventory of infrastructure needs and look for ways the region could work together to help fund the needs everyone was facing. This fit with the UGB issue because at some

point growth could not expand into areas where infrastructure could not be built. The intent was that Metro would look at the needs and where investments could be targeted in urban and new communities and hopefully make decisions that had a little more basis on what could realistically be built.

The second track of this performance-based growth management was about having better computer modeling tools. Metro had a list of aspirations – what every community seemed to want – like a grocery store, plaza, fountains, coffee shops, wine bars, restaurants, transportation systems, walkable communities, parks, and open spaces. What were the things that meant a place where people wanted to live and hang out? Metro would put these amenities in its computer models and figure out the best places for targeting investments. Community might be built up around a transit station or a neighborhood that was currently underdeveloped like Gateway or Lents. What were some things that could be done to help that community grow? What were the major investments that would attract people to that community? Metro had just begun to build the model that would help determine which investments would pay back where and which would not. It would always be a recommendation. In all of these cases it was about what the community wanted, and not what Metro thought it should have. This process was even more focused on community goals and regional choices including cooperative funding and bringing in other sources of funding.

The third track was urban and rural reserves. In the past the regional boundary was expanded in places like North Bethany and the Stafford area. The new process looked at what investments needed to be made to achieve the desired communities within the urban growth boundary and then look at the other places where counties and communities want to expand. This process engaged representatives from the counties, various businesses, and cities on a steering committee. Metro and the counties would make the decisions on the urban and rural reserves process jointly. Each county had representatives on what was called the Core-4 and had begun meeting to make suggestions about what areas should be considered in the future for urban growth development. In the meantime those were being called urban reserves. Now Metro would begin looking at areas that would not be developed at all for 50 years, and those were the rural preserves for agricultural reasons or because they were natural habitat or special places. There was a study done in 2006 of the agricultural resources and the natural environment, and was the basis for some of the decision making around the rural preserves. The process will complete its work in about 2009.

The final process was the Regional Transportation Plan (RTP) that had to do with building a transportation system that was also part of the new and existing communities. The idea was to integrate all the approaches and bring communities to reality. The first of the toolkit had to do with financial incentives.

**Mayor Bernard** was involved in last UGB expansion and was concerned about what at one time was the abandonment of the inner city core to blight yet that was where the infrastructure existed. He preferred this process.

**Councilor Collette** was one of the co-leads on the investment process as well as performance-based growth management. The intent was to free up some money to invest in existing communities rather than building fantasy communities on the outer edges for which infrastructure was too expensive to build.

**Councilor Stone** asked when public involvement would occur.

**Councilor Collette** responded there was an elaborate public involvement plan, and she showed a timeline with milestones and input times throughout the process.

**Ken Ray**, Metro Senior Public Affairs Coordinator, elaborated on public involvement efforts specific to urban and rural reserves. This was a joint effort between Metro and 3

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counties to integrate a comprehensive public outreach program in all the different phases of the process with existing communities and fringe areas.

**Councilor Stone** understood there was a public input process between winter and spring 2008.

**Councilor Collette** replied this meeting was part of that element.

**Mr. Ray** said the first step was to educate people about the process. Right now Metro was looking at the broad canvas followed by more refinement throughout the process.

**Councilor Collette** added each county had its own public involvement process, and Clackamas County just formed its team. She suggested connecting with County Commissioner Martha Schrader. Metro hoped the grassroots efforts were made both through the counties as well as the local governments.

### **Supplemental Draft Environmental Impact Statement (SDEIS) Update**

**Mr. Asher** reported the drafting phase of the SDEIS was nearly complete, and the 45-day public comment period would follow in early May. There was a station location workshop at Milwaukie High School on March 19. He discussed Craig Flynn's comments about Metro's station area communities with an associated density of 45 persons per acre. Mr. Flynn extrapolated that Metro would like to see 20,000 people in every station area which would be of grave concern to Mr. Asher and many others across the region. There was such a recommendation in Metro's code, but Mr. Asher wanted to put that in context. Ms. Mangle was preparing a memo to set the record straight. Councilor Stone had referred to those as mandates in the work session, and there was a huge difference between a mandate and a recommendation. Metro had a requirement that cities have enough zoning capacity to accommodate a certain amount of growth. That got back to what Metro Councilor Collette just talked about. It was part of a regional plan to move growth into certain areas and keep it out of other areas through 2017. That number was 3,188 dwelling units throughout the entire City. That was the number the City of Milwaukie arrived at on its own and forwarded it to Metro saying that was how it wanted to comply. That was for the entire City not just downtown. The City today had approximately 10,000 households. That was not required growth; that was the zoning map. Milwaukie was already in compliance with the Functional Plan. Light rail had nothing to do with that. The Comprehensive Plan anticipated most of that growth happening downtown. A discussion started in the work session about revisiting the Downtown Plan. One of the things it helped do was to concentrate growth in those blocks so that it would not go out into the neighborhoods where there was less dense zoning in place. The City controlled zoning changes. Metro cannot and did not impose new zoning on any city with or without light rail. Every time the City changed its code it had to show it was still in compliance with the Plan. Metro did have recommended density targets. In station communities it was 45 persons per acre, and in town centers it was 40 persons per acre. That was housing and employment combined. They were just recommendations. North Main Village, for example, had a density between 61 and 88 depending on whether one was looking at the town homes or the condos. The recommendation was less dense than North Main Village. The point was that Mr. Flynn was correct in that Metro had that recommendation, but it had nothing to do with light rail per se except that it went up a little bit in station area communities. It did not force the City to do anything it would not otherwise do. The City was already in compliance with Metro's one requirement which was to accommodate through zoning the share of regional growth. That number was 3,188 dwelling units. Milwaukie met or exceeded that number.

**Councilor Stone** understood Mr. Asher to say the City had 10,000 households and asked if those were individual houses or did it include multi-family structures and each apartment. How did that work?

**Mr. Asher** replied it attempted to count homes and apartment units. The exact number would be in the staff memo, but it was close to 10,000. Those targets included employment density that could include office buildings. The point was to concentrate the most people where there were the greatest transportation access and options.

**Dave Unsworth**, TriMet, addressed transportation benefits, traffic issues associated with the project, and social, environmental, and economic elements, historic resources, park lands, land use economics, and displacement acquisitions. He reviewed the length of the corridor that included a couple of choices at Tacoma either the Tillamook Branch alignment or through Main Street with a park-and-ride potentially at Southgate called the Milwaukie Park-and-Ride. There were some station choices in the downtown and the question of going further south to Park Avenue. It was 6.4 miles to Lake Road and another .8 mile to Park Avenue. There were between 9 and 13 stations. Last week on March 12 there was a good discussion on station areas at Park and Bluebird. There were probably over 130 people at that meeting, and there were both negative and positive comments. There were a lot of people who wanted to drive to the stations. There would be a new transit bridge with 22,000 – 26,000 daily light rail riders. He discussed the potential Willamette River crossings. There were 3 options to the south. The locally preferred alternative (LPA) had 600 spaces at Tacoma, 600 at Southgate, a choice of a Harrison Street station, and a park-and-ride at Lake Road. This took it farther south with 1,000 spaces at Tacoma, none at Lake Road, a Bluebird elevated station, and a larger park-and-ride at Park Avenue. The Tillamook Branch alignment avoided a park-and-ride with Monroe Street and Lake Road stations. The selection of stations in downtown Milwaukie was a community discussion.

**Mr. Unsworth** reviewed the schedule. The Federal Transit Administration (FTA) would decide when the SDEIS was ready to publish, so this would likely be published May 2 or May 9. He discussed the various ways people could view the document. There would be a series of open houses, and the Steering Committee would hold a hearing at some point in the 45-day public comment period as would the local jurisdictions. He expected the decision to end up at the Metro Council in July. Once it was selected the project moved into preliminary engineering that went up to 30% engineering. That was when mitigation commitments were made.

All of this was compared to 2030 and included 1 million new people coming to the Portland/Vancouver area and associated traffic. The light rail alternative was being compared to all buses in 2030 as required by the federal partner. The number of people using transit to go downtown improved 9% to 17%. There was a jump of people using transit to go downtown for work trips anywhere from 13% to 24%. Vehicle miles traveled (VMT) was reduced by 46,000 to 69,000 per day. Vehicle hours of delay would be reduced 300 to 460 hours per day in the peak periods just in the corridor. The 2-hour peak volumes were reduced by 3%. No-build, bus, and light rail travel times were compared, and some were significant. From Milwaukie to Portland State University by transit it was 15 to 18 minutes faster on light rail. South Waterfront was 23 to 33 minutes faster on light rail. It was not as impressive to Pioneer Square in part because the express bus crossed the Hawthorne Bridge and went straight into that area, so light rail was traveling a greater distance in serving the South Waterfront and PSU. He discussed the traffic analysis zones and traffic impacts. He pointed out certain intersections that were in trouble including 32<sup>nd</sup> and Johnson Creek Boulevard and warranted a signal today. With light rail and more traffic it would still warrant a signal, and TriMet mitigation would indicate a signal. Milport was at the edge today, so a couple of things could be done to mitigate the intersection. The size of the lot could be

decreased, the Tillamook Branch line could be chosen, or there could be double lefts to steal a little green time in the north/south movement. The reason that intersection failed was because there was so much green time with the north/south movement that people going east and west had little green time. In TriMet's discussion with ODOT there was a possibility to steal some green time that would allow a slightly smaller park-and-ride than 600 spaces and probably about 520. Green time was when one was allowed to legally enter and cross an intersection. In downtown Milwaukie several intersections had issues today. Under the transit alternatives Harrison and Main would warrant a traffic signal and changes to lane configurations. Changes included relocation of the sewage treatment access plan. Mr. Unsworth discussed the at-grade options if light rail continued to Park Avenue. One was crossing over McLoughlin Boulevard, and the second was crossing at grade that would cost less and provide a better station area. ODOT raised concerns with grades, sight distances affected by the trestle, signal operations, and rail geometry. If that extension moved forward in the next phase, all of those things would be looked at. He pointed out access on SE 26<sup>th</sup> Avenue and Sparrow that today did not warrant a signal and was probably not a safe intersection if someone wanted to make a left on McLoughlin Boulevard. If light rail were brought down through that area, one solution was to close 26<sup>th</sup> Avenue, and the second was right-in and right-out only. At Park Avenue a 1,000 space park-and-ride was being considered. One early mitigation idea was that Oatfield Road and Park Avenue be signalized to alleviate some of the problem that already existed today. A number of lane configurations would be made, and there would be an acceptable level of service in 2030.

**Mr. Unsworth** discussed the historic resources which were properties that were older than 50 years and had some specific value to the community. Of the 81 properties examined 4 were deemed to be to be potentially adverse impact through a conversation with the State Historic Preservation Office in Salem. Royal Foods, ODOT, Derwey House, and the railway trestle. The Main Street option got into the front yard of the old ODOT rail facility. Because it was a historic building the whole site was considered historic; therefore the building was potentially adversely impacted. The Derwey House, a Dutch Colonial on Washington Street, was also deemed to be a historic site. The yard was touched but not the building. There was a proximity to the Union Pacific trestle and created what was considered a visual impact. He pointed out Robert Kronberg Park where there were 2 options. One was to go at the same level as the rail line heading south. With a grade separated option TriMet believed it would fit wholly within the UP right-of-way based on general land use maps generate by ARLIS. However, there may be a small sliver of property that would be taken. There may be a temporary construction easement to go south which would be mitigated. With the at-grade option McLoughlin Boulevard was crossed at an angle, and about 4,000 square feet of property would be taken from a 3.5-acre property. With that consideration there would be an impact on Robert Kronberg Park. In order to avoid that, the line could stop further north or the crossing could be above grade.

TriMet looked at 17 parklands in Clackamas County, and Milwaukie had Robert Kronberg Park and the Trolley Trail as well as a visual impact to Dogwood Park. Depending on the type of crossing .05 or .10 of the 3.5-acre Robert Kronberg Park would be impacted, and there could be a temporary easement for bridge construction. TriMet had been meeting with the North Clackamas Parks and Recreation District (NCPRD). The line would be parallel to the trail and would take about .08 of an acre. Dogwood Park would have a secondary visual impact. The Trolley Trail was 16-feet, and light rail would take up 34-feet of light rail. The roadway was 74-feet. TriMet has gone through the alternatives analysis.

**Mr. Unsworth** discussed land use and economics. With the dollars being spent in the region on this project there would be 11,000 to 13,000 family wage jobs for 1 year or about \$530 million in personal earned income. With a light rail line the project would end up acquiring some right-of-way with as few displacements as possible. The federal partners would have the project err on the side of disclosure. Several properties could be fully impacted and some would lose a sliver. Impacted sites were ODOT, Goodwill owned by Howard Dietrich, the Irv Leopold site, Harder Mechanical, a residence behind Milwaukie Lumber, an office building, the Cash Spot, the guitar shop, property on McLoughlin Boulevard, restaurants, and a series of businesses that would be the site of the 1,000-space park-and-ride. TriMet had a specific process for negotiating through displacement, and there were federal requirements.

**Mayor Bernard** asked if there was some coordination going on in the event the Kellogg Treatment Plant was decommissioned.

**Mr. Asher** replied there was no coordination going on with Clackamas County or WES preparing infrastructure for the reuse of that site.

**Councilor Stone** appreciated the handouts from the February 19 meeting. She asked if Mr. Unsworth would clarify his comments about decreasing the amount of time people were actually stuck in traffic and there would be an appreciable benefit of 300 to 460 hours. Did that mean in a year or when?

**Mr. Unsworth** replied those were the 2 afternoon peak hours in 2030.

**Councilor Stone** thought at the February 19 meeting and last week at the light rail meeting at Rose Villa she understood Ms. Wieghart to say there would be no appreciable decrease in congestion on McLoughlin Boulevard because light rail was here.

**Mr. Unsworth** agreed that Ms. Wieghart said that. He would rephrase it by saying light rail was not going to solve congestion. It cannot be solved, but an alternative could be provided that was fast, reliable, and did not get people stuck in traffic. As one got closer to capacity any incident had the ability to cause hours of delay. There was more demand on major thoroughways, and there was a need to get people off neighborhood streets and back onto the main streets. Light rail provided a real option to get places. It did not solve congestion but it did decrease congestion and 300 to 400 hours one was not stuck in traffic.

**Councilor Stone** asked how that was a daily figure when there were 24-hours in a day.

**Mr. Unsworth** replied most of the congestion occurred during peak hours. People were most often stuck in traffic during the a.m. or p.m. peak hours.

**Councilor Stone** understood collectively all the people in traffic were saving that many hours in the corridor. She wanted to see a model of what it really meant to have the light rail train going through this town, this neighborhood. She thought it seemed very disproportionate to our town. This was to downtown Portland with major high-rise buildings. She was very concerned about the size not to mention the noise and everything else associated with it.

**Mr. Unsworth** believed there would be some visual simulations for the next meeting. The first step was to look at enhanced photos.

**Mr. Asher** added noise and vibration would be addressed in the Study. Ms. Mangle will be here in 2 weeks to talk about how to get through an EIS and what to look for. It was prepared according to certain sets of standards and was not that user friendly, so staff was preparing a tutorial and a discussion of the adoption process.

**Councilor Chaimov** said last week 2 Councilors attended the Oak Grove station planning meeting. He asked if there was a procedural issue if 3 went to the meeting tomorrow night.

**Mr. Monahan** replied there might be the perception of the City Council making a decision when there was a quorum at any gathering or public setting where they were all receiving the same information. He suggested Council members attend at different times. If they were there at one time then Mr. Monahan suggested spreading throughout the room rather than congregating.

**Mr. Unsworth** added there would be a briefing document covering the salient points.

**Steve Banta**, TriMet Executive Director of Operations, discussed safety and security. In December he talked about ownership of the service TriMet provided and managing the service versus the system. Hopefully today when one rode the system one saw more of a presence whether it was maintenance, supervisors engaging with customers, and the initiative to increase Wackenhut deployment. TriMet was also contracting with a rider advocacy group, Victory Outreach, who rode MAX and was involved with youth intervention of gang activity. They were working to transition youth on the bubble to get them on the right side of where they ought to be. They engaged and discussed things with security forces and police departments, but they were an advocacy and managed independently of the safety and security contract. On March 12, TriMet opened the Westside precinct that was staffed with 1 sergeant and 1 officer from Hillsboro, 2 officers from Beaverton, and 1 officer from Washington County. That was the initial staffing for a 1-year pilot project. The work hours were varied, and the mission was to be on the system interacting with customers from a community policing standpoint. TriMet believed this would be a positive impact on the Westside. There was also an agreement to develop an eastside precinct that would initially be housed in the Gresham Police Department. The target start date was April 1, and there were a number of intergovernmental agreements that needed to be finalized. A lot of the work effort had already been discussed. It would initially start with a delegation of 6 officers. Two officers would be added on May 15 and 2 more on July 1 for a total of 10 on the eastside. The difference in numbers had to do with the amount of territory from Gateway to the end of line in Gresham. The Westside precinct was responsible for the area from the tunnel to the end of line in Hillsboro. TriMet was currently in discussions with other transit properties throughout the industry in developing a code of conduct as Chief Kanzler recommended holding customers accountable. It was framed in the term 'respect the ride' where people followed the rules in order to have safe and comfortable rides for all passengers.

**Mr. Banta** framed his use of the word 'ownership.' The rail and road supervisors one saw wearing the white shirts were separate from the transit police and security force. In February the TriMet General Manager authorized them to enforce code and fares. One of the many recommendations from Chief Kanzler was to assist with fair inspection, and that was being done. Prior to February there were about 30 hours of straight time work as it related to mission by supervisors to engage with the public. They were running numbers like 300 to 400 hours of overtime to accomplish that. That has now transitioned into normal work life for supervisors, and those numbers were actually reversed to 400 hours of straight time just in the normal duties of the supervisors engaging with the riders and customers and providing support to the operators to deal with some of the behaviors. The other responsibility for the success of fare enforcement was to increase the reliability of the ticket vending machines. TriMet worked diligently with the original equipment manufacturer to upgrade to today's configuration. They realized there were a number of printer failures that affected how a ticket was distributed, so every machine was being taken to the highest level of upgrade for the technology of that machine and adding additional printers would increase

reliability for the dispensing of tickets. They were changing from a mechanical printer to a thermal printer and paper which he had been told was more reliable and required less maintenance. They were still on target to have at least one machine at every platform fully functional at all times. There were a number of processes in place that automatically alerted the control center through the alarming system at the ticket vending machines when they were out. Then there would be an opportunity to dispatch the work repair effort to the required maintenance department for a quicker response. They also had the ability to check with the control center to find out if machines were not functioning. From that standpoint great strides had been made in being more responsive and reliable and give customers the opportunity to do the right thing by buying a ticket. There was an overall recognition of the importance of increased police presence on the east and west sides and hopefully in the future a Southside precinct in the Milwaukie area. He recognized Shelly Lomax and Vince Jarmar. He believed there had been some limited discussions on developing an agreement or understanding about partnering with Milwaukie and its stakeholders and how to move forward. The end date of operation in Milwaukie was far off, and it would be very early for him to predict operating conditions. He did not believe TriMet, Milwaukie, the Eastside, or Westside could independently resolve the issues, but he felt working together was the right approach to providing light rail to the citizens of Milwaukie.

**Councilor Stone** attested to the fact that the fare inspectors were doing their jobs. She did ride light rail to the auto show from her work. It would be interesting to see how it developed if light rail came to Milwaukie and how the Milwaukie police force was impacted.

**Mr. Banta** said many of the things TriMet and the jurisdictions are moving on were a result of conversations with Chief Kanzler. TriMet was listening.

**Councilor Stone** liked Chief Kanzler's notion of code of conduct and that it was posted and enforced. That would be a big step in making it safer.

**Chief Kanzler** said several months ago he provided a copy of a memo he prepared for TriMet General Manager Fred Hansen regarding his concerns. He was impressed with what TriMet had done to address issues and the positive steps it had taken. This work was a marathon and would not be done in a week. When he first came to Milwaukie he had a 5-year strategic plan for the department, and with the City Council's help and vision they were able to turn law enforcement around. There was a 28% reduction in the crime rate in 1 year. That came through a series of steps, and that was exactly what TriMet had demonstrated in the past couple of months by making the commitment to provide the resources to fix the problem. They had talked about a Southside precinct not only for Milwaukie but also the I-205 line.

**Mr. Swanson** commented 2 months ago Chief Kanzler produced his recommendation for the Safety Security Summit, and it was 100% of the answer. He did not want to lose sight of the work Chief Kanzler did in laying out that plan. There had been a lot of progress, and he acknowledged there was still some way to go. Everything he heard was in Chief Kanzler's 7-page plan and was proud a Milwaukie representative developed it. This was the kind of effort he hoped to see.

**Chief Kanzler** was proud of the partnership.

➤ **Geraldine White, Clackamas County**

**Ms. White** grew up in Milwaukie and attended Clackamas High School. Her mother graduated from Milwaukie High School and retired from the Ledding Library in 1978. Milwaukie was an important part of her life, and her family home was still here. She talked about why she was in favor of light rail. We were not doing something new. We were replacing something we never should have discontinued and that was the trolley

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system. The trolley system helped Milwaukie grow into a vibrant city 40 years ago. Right now she felt Milwaukie was dead, and Main Street looked like a ghost town. In the 1960's there was a bakery, a florist, clothing stores, a shoe store where she bought her children's shoes, Olson's, Perry's Pharmacy, Cooper's grocery store and meat market, a hobby shop, McNaughton's TV and repair, and Hamilton's furniture and appliance. All of those places were gone. She felt light rail was very important because it would revitalize Milwaukie. One of the best things right now was the Farmers' Market, but that was only 6 months out of a year. We had all those new buildings with condos and apartments but there were no services for the residents. She did not know who was marketing Milwaukie, but she felt something needed to be done. She saw 2 premium street level blocks were used but not in the service of the community – that was Dark Horse Comics. She believed light rail would help invigorate Milwaukie and bring it back to life. People still needed services, and people would probably take light rail to riverfront concerts. She loved Milwaukie, and it meant a lot to her. She would like to see it come alive again.

## **CONSENT AGENDA**

- A. City Council Work Session Minutes of the January 2, 2008 Work Session; and**
- B. City Council Work Session Minutes of the January 2, 2008 Regular Session**

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

## **AUDIENCE PARTICIPATION**

- **Ed Parecki, Milwaukie business owner**

**Mr. Parecki** briefly made a couple of points about the South Main Plan he had been hearing about. A couple of things were disturbing him regarding the plan. The first thing was the fact that there was a plan when there was already a Downtown Plan we had been trying to make everyone adhere to. His biggest question was one that Councilor Barnes had been asking for a long time which was where was the money coming from to pay for this consultant who was going to prepare a plan we did not really need. All we had to do was adhere to the existing Downtown Plan and make things happen. He could give a little consulting and would not even charge for it. He had a really quick idea for the South End Plan and that was to just alter the Downtown Plan slightly. That was to go ahead and make that block the anchor grocery store that was in the Downtown Plan and use the space for the parking as part of the structure would be Main Street level. Bring in an anchor like a Trader Joe's or a New Seasons-type market place. That was what was going to attract people to downtown, not a plaza that would not be used because it was too far away from anything to happen. You had something like an anchor or a grocery store people would have to drive through Main Street to get to it. He did not know how much the south consultants would get but why not use that money and apply it to the public area improvements that were part of the Downtown Plan. That was where the money could come from. There was also a plan in the works for a sewer project on Main Street. He was not sure if the City Council was aware of it yet. This summer there were plans to tear up Main Street to install a new sewer project. Councilor Barnes's question again was where this money came from to do a \$300,000 sewer project? Tearing up Main Street for 3 to 6 months. That was a pretty easy answer. It was the system development charges (SDC). The money was already there. Why not use SDCs to go ahead and improve the downtown area so we can attract more business and do the public area requirements much like the City did with the North Main Village project and taking out loans to the tune of \$1 million for public area improvements. That has not helped much with the North Main project. We still had 6

vacancies – commercial vacancies. Now they were for sale, not for rent. If you put the money where your mouth was which was the Downtown Plan which had been ongoing for 8 years he thought the City would have better luck in improving the downtown and bringing it back to what the previous speaker talked about which was its heyday. This town had that potential, and that was why he was here trying to do a little bit of it himself. It was not very easy. It had been hard especially dealing with City politics. It had been very difficult, but he still believed it was doable. He would continue to do his part. There was money if you wanted there to be money. The public area improvements for the downtown would improve the entire downtown area and make the City of Milwaukie more livable. It would attract more businesses and more people. Think about that when you are looking at the overall picture. You did not need a new plan for south Main. The City had a great Plan. Someone spent \$400,000 eight years ago in developing this plan. None of it was being implemented. If it was it was very piecemeal and not very smart. Do it all, do it this year, do it now, find the money. He knew it was there if the City wanted it to be there.

## **PUBLIC HEARING**

### **Motion to Consider Continuation of Amendments to Milwaukie Municipal Code (MMC) Section 19.321.7 and 19.321.3**

**Mr. Swanson** reported this first arose on June 20, 2006 when City Council was asked to consider certain amendments to Milwaukie Municipal Code (MMC) 19.321 which changed community service overlay to community service use and certain housekeeping measures. There were changes to Comprehensive Plan Chapters 4 and 5. There was also a request to amend the Code by adding 19.321.7 and 19.321.3 which established deadlines for the removal of the Kellogg Treatment Plant by December 2015 or establish civil penalties were it to remain in operation. At the time the Council enacted all but the 2 sections dealing with Kellogg Treatment Plant and establishing a deadline. At the time it was decided to continue consideration of those 2 sections as everyone was in the middle of the Citizens Advisory Committee (CAC) process. This matter was continued to the second meeting of each month so that the ordinances could be adopted if there appeared to be a delay or problem with the process. He recommended continuing consideration of adoption.

**It was moved by Mayor Bernard and seconded by Councilor Stone to continue the matter to the April 15, 2008 regular Council meeting. Motion passed unanimously. [5:0]**

## **OTHER BUSINESS**

### **A. Creation of Milwaukie Arts Committee – Ordinance**

**Ms. Ragel** reported Councilor Collette had talked about establishing an arts committee for a number of years, and the City Council agreed. A preliminary meeting was held to determine interest, and 13 enthusiastic parties attended.

**It was moved by Councilor Barnes and seconded by Councilor Loomis for the first and second readings and adoption of the ordinance amending Municipal Code Chapter 2 by adding section 2.17 creating the Milwaukie Arts Committee.**

**Councilor Chaimov** asked Ms. Ragel if she felt those who were not appointed would continue to actively participate in the programs.

**Ms. Ragel** would encourage them to continue to be involved. There was a strong sense that people would want to be involved whether or not appointed to the committee. The terms would be staggered so that all terms did not expire at one time.

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

The City Manager read the ordinance 2 times by title only.

**The City Recorder polled the Council: Mayor Bernard and Councilors Stone, Loomis, Chaimov, and Barnes voted 'aye.' [5:0]**

**ORDINANCE NO. 1978:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 2 OF THE MILWAUKIE MUNICIPAL CODE TO ADD SECTION 2.17 CREATING THE MILWAUKIE ARTS COMMITTEE.**

**It was moved by Councilor Barnes and seconded by Councilor Chaimov for the first and second readings and adoption of the ordinance amending Municipal Code Chapter 2.10.010 by adding the Milwaukie Arts Committee.**

The City Manager read the ordinance 2 times by title only.

**The City Recorder polled the Council: Mayor Bernard and Councilors Stone, Loomis, Chaimov, and Barnes voted 'aye.' [5:0]**

**ORDINANCE NO. 1979:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE CHAPTER 2.10.010 AND ADDING THE MILWAUKIE ARTS COMMITTEE.**

## **B. Milwaukie Municipal Code 8.24, Shopping Carts**

**Mr. Salyers** provided the staff report. In the City shopping carts were moved from the retailers' properties and left on streets, sidewalks, yards, creek, and other natural habitat. Nine retailers provided shopping carts in Milwaukie, and some ended up in Milwaukie from Portland or unincorporated Clackamas County. The current practice was to notify the owner and hope the carts were picked up. Unfortunately, that met with little success. The legislature adopted SB 645 that allowed local jurisdictions to adopt local ordinances and held owners more accountable for retrieval. Today 2 of the 9 businesses in Milwaukie had retrieval services and were very responsive. He reviewed the code language required by statute. Attendees at the Linwood, Ardenwald, Hector Campbell, and Historic Milwaukie Neighborhood meetings were very supportive

**Councilor Loomis** had a problem when victims of crime were being punished but understood something needed to be done when businesses did not pick up their carts.

**Councilor Stone** was glad to see this finally coming to Milwaukie because it was a problem, and it did not look good for the City. She understood the fine was mandated but felt it should be higher. She asked where could law enforcement be on this in terms of Councilor Loomis's comments? The storeowner rather than the perpetrator was being punished. Could the police department ticket people when seen with shopping carts.

**Mr. Salyers** spoke with an officer who indicated he contacted people when he saw them pushing carts with only 1 bag of groceries. Typically they were not happy but they did do it. That kind of compliance was probably better served in terms of time. A district attorney might see a theft of a shopping cart and dismiss.

**Councilor Stone** was glad to know some businesses were willing to participate and understood it was the grocers' association.

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**Mr. Swanson** imagined the fine was set at level similar to the cost of the shopping cart. The best use of police time was to tell people to take the carts back. If they wrote a citation then the officer would have to take it back to the evidence locker, and the case would probably be thrown out anyway.

**Mr. Salyers** could now issue a citation for a \$50 fine plus assessments.

**Mr. Monahan** concurred that statute set lower limits but did not in any way restrict the other court assessed fees.

**It was moved by Councilor Chaimov and seconded by Councilor Stone for the first and second readings and adoption of the ordinance regulating shopping carts by adding Chapter 8.24 to the Milwaukie Municipal Code.**

The City Manager read the ordinance 2 times by title only.

**The City Recorder polled the Council: Mayor Bernard and Councilors Stone, Loomis, Chaimov, and Barnes voted 'aye.' [5:0]**

**ORDINANCE NO. 1980:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REGULATING SHOPPING CARTS BY ADDING CHAPTER 8.24 "SHOPPING CARTS" TO THE MILWAUKIE MUNICIPAL CODE.**

**C. Council Reports**

**Councilor Loomis** asked if the same rules applied to a majority of Council members attending a sewer annexation meeting as to the station-siting meeting, and Mr. Monahan replied they did. If a decision were made in the future the Council would want to declare information was obtained at a meeting. Councilor Loomis encouraged Councilors to attend. The Planning Commission approved the School District's application for an artificial turf field at Milwaukie High School.

**Councilor Chaimov** and **Councilor Stone** attended the Milwaukie Poetry Series reading and the Oak Grove light rail meeting on station planning.

**Councilor Stone** attended the meetings with Councilor Chaimov as well as the Council retreat.

**Councilor Barnes** will attend the light rail station meeting at 6 p.m. She had provided information on the Wastewater Task Force. Next week was spring break and she would job shadow with community development and operations.

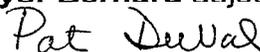
**Mayor Bernard** served Meals on Wheels and attended the Council retreat.

**Mayor Bernard** announced the City Council would meet in executive session pursuant to ORS 192.660(2)(h) for consultation with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed and ORS 192.660(2)(i) performance evaluation of public officers.

**ADJOURNMENT**

**It was moved by Councilor Barnes and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously**

**Mayor Bernard** adjourned the regular session at 9:08 p.m.

  
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Pat DuVal, Recorder