



Regular Session

RS

Milwaukie City Council



MINUTES
MILWAUKIE CITY COUNCIL
 www.milwaukieoregon.gov

REGULAR SESSION
 MARCH 1, 2016
 City Hall Council Chambers

Mayor Gamba called the 2,217th meeting of the City Council to order at 6:12 p.m.

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, Assistant to the City Manager Mitch Nieman, and Sustainability Director Clare Fuchs

CALL TO ORDER

Pledge of Allegiance.

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Welcome Home Vietnam Veterans Day Proclamation

Jerry Craig, American Legion Post 180 1st Vice Commander, was present on behalf of the Legion and commented on Police Officers Week in May. **Mayor Gamba** read a proclamation naming March 30, 2016, as *Welcome Home Vietnam Veterans Day* in the City of Milwaukie.

CONSENT AGENDA

It was moved by Councilor Power and seconded by Council President Batey to approve the consent agenda as presented.

A. City Council Meeting Minutes:

1. February 2, 2016, Work Session;
2. February 2, 2016, Regular Session;
3. February 16, 2016, Work Session;
4. February 16, 2016, Regular Session; and
5. February 18, 2016, Study Session.

Motion passed with the following vote: Councilors Power, Churchill, Batey, and Parks and Mayor Gamba voting "aye." [5:0]

AUDIENCE PARTICIPATION

Nina DiConcini, Administrator, and **David Monro**, Air Quality Manager, Department of Environmental Quality (DEQ) Northwest Region, reported to the Milwaukie City Council on the rapidly developing issues related to air quality in the Portland area. Ms. DiConcini announced that DEQ Director Dick Pederson had resigned effective today. She said at this time DEQ would delay renewing Precision Castparts Corporation's (PCC) Air Contamination Discharge Permit. She gave a brief summary of the DEQ rulemaking process currently underway and discussed the moss sampling program. The data had not yet been validated with the Forest Service. PCC had approached DEQ to implement additional pollution control devices with the intent to reduce emissions beyond what was required by the program. PCC's current permit was still in place and enforceable.

Councilor Power asked Ms. DiConcini if, to the best of her knowledge, there was currently an issue in Milwaukie.

Ms. DiConcini replied additional monitoring was likely and added that the regulatory relationship would not change if the permit was not issued.

Mr. Monro commented that the permit renewal would incorporate any new rules.

Ms. DiConcini expected robust public involvement in the rulemaking process and added information would be posted on the Secretary of State's website.

Council President Batey expressed concern that there was no regular testing near PCC.

Ms. DiConcini explained that the ambient air monitors had regulatory triggers and commented on the gap between federal and local air quality standards. There were four air toxic monitors statewide.

Council President Batey discussed the Environmental Protection Agency (EPA) right to know (RTK) mapping.

Mr. Monro responded that the EPA program contained rough data. He commented on DEQ's Portland Air Toxics Solutions project that works with local communities to develop air toxics reduction strategies for the Portland region, including portions of Multnomah, Washington and Clackamas Counties. The primary documents for Air Toxic Solutions can be found on the Oregon DEQ website.

Ms. DiConcini said the moss data would be evaluated as soon as possible to determine what the issues were. She added that good science takes time and stressed the importance of accurate front end work.

Mr. Monro discussed periodic and continuous sampling approaches and development of emission factors. States may write more stringent rules than those of the federal government.

Mayor Gamba noted that DEQ was badly underfunded, and **Ms. DiConcini** responded that it will take a concerted effort by all parties to make the regulatory changes.

Council President Batey commented on groundwater sampling, and **Ms. DiConcini** discussed water sampling.

Mayor Gamba reviewed the Audience Participation process.

Mr. Monahan provided follow up to public comments made at the February 16, 2016, City Council regular session. Staff was looking Charles Bird's proposal to construct a path across Kronberg Park. Terry Finch raised an issue about no cause eviction, and several organizations had reached out to him. Kelli Keehner and Ed Zumwalt reported on plans for the First Friday and the involvement of the Downtown Milwaukie Business Association (DMBA) this season. Pam and Milo Denham requested further modification to the standards for the 19th Avenue improvement project, and a follow up meeting will be scheduled. Staff is working with Kirin das Bala and Waste Management to resolve the issues between the two parties.

Jacob Sherman, Portland, Brentwood-Darlington Neighborhood Association. He discussed the sizable nickel hotspot that straddled Multnomah and Clackamas County lines and suggested the creation of a local air authority. He encouraged the Milwaukie City Council and Milwaukie residents to get involved.

Charles Snyder, Milwaukie resident. He lived in the Lewelling Neighborhood and expressed concern about emissions from PCC and McClure Industries' release of styrene into the atmosphere. He discussed nuisance odor complaints to which DEQ had not responded.

Sally Tez, Portland resident. She lived in the Bullseye Glass ring. She wanted safety for her children as a basic human right for quality air.

Jennifer Jones, Portland resident. She wanted to hold DEQ responsible and encouraged the Milwaukie City Council to make sure DEQ did everything it said it would. Attorneys had been contacted to look at affected parties' legal rights that included consumer advocate Erin Brokovich.

Shawn Ingersoll, Milwaukie resident. He encouraged Milwaukie to move away from the status quo and consider what the City can do to hold polluters responsible. He recommended creation of an air quality commission.

Greg Segal, Milwaukie resident. He was primarily concerned that air quality should be closely monitored. He wanted to know that his children were safe and that his property values were protected. He urged DEQ to go public with its funding issues.

Glen Perice, Portland resident. He expressed concern that PCC could change its figures when self-reporting. His first question was what kinds of emissions were coming out of these places. He also questioned the concerns about DEQ funding.

Lou Taylor, Portland resident. He thought the air quality should be monitored at the source of the discharge.

Debora Taeves, Portland resident. She wanted to know the risks and if PCC was a nickel hotspot. There had been no recommendations of what individuals could do, and she thought an air shed agency was a good idea. She had contacted DEQ about her neighbor's wood smoke but did not get any help.

Heather Sparks, Milwaukie resident. She had contacted DEQ about the odor coming from McClure Industries but did not get a response. She was a nursing mother and was concerned about chromium in her blood. She was also very concerned about the quality of Milwaukie's water supply.

Mr. Monahan discussed Milwaukie water quality. Water quality analysis indicated that Milwaukie's tap water was as safe as any water supply in the nation. The City's water meets or exceeds water quality standards established by various regulating agencies.

Angie Hungerford, Milwaukie resident. She said she can smell McClure Industries in her neighborhood. She felt there should be independent verification and not simply rely on self-reporting. Pollution should not be a part of our business plan.

Jody Beyle, Milwaukie resident and Eastside Portland Air Coalition member. She said the more the public finds out about the public health emergency, the less we trust DEQ. It could have made health based rules much earlier. DEQ needs good leadership, and she respectfully asked that Ms. DiConcini and Mr. Monro step down from their positions.

Steve Meyer, Portland resident. He had worked at the PCC titanium plant and commented on safety issues.

Shana Canote, Portland resident. She felt DEQ should monitor air quality now and said she did not believe self-reporting was working. She wanted PCC to make its budget public. DEQ recommended today that since there were toxins in the air that people should eat healthy and not smoke. She felt there needed to be a board made up of scientists to deal with these issues.

Kyle Cohen, Milwaukie resident. He commented on the McFarland property contamination and suggested that people get more houseplants.

Ben Burtle, Portland resident. He said the 2011 release from PCC was caused by an electrical problem because the plant did not have backup generators, and he understood it still did not have any. Does PCC have an emergency plan?

Elise Erickson, Milwaukie resident. The science was not fully understood, and people sometimes needed to respect what they did not know.

Lisa Arkin, Executive Director, Beyond Toxics, Eugene. She reported Lane County and the City of Eugene have a local air agency and addressed the need for a cultural

change. DEQ needed to put some teeth in its toxic use reduction plan and ambient air monitoring.

Mayor Gamba suggested getting input from the Health Department about potential risks.

Joseph Salas, Milwaukie resident. He discussed the impacts of neonicotinoids and expressed concern for future generations.

Kelsey Kopec, Center for Biological Diversity, Portland. She supported the ban on the use of neonicotinoids on public properties and noted that studies indicated that the ban helped other species, groundwater, and streams.

Eleanore Hunter, Oak Grove resident. She discussed library funding and what would happen to tax dollars if Oak Grove incorporated.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. Riverfront Park Operations and Maintenance

Mr. Nieman introduced the issues and was joined by Riverfront Task Force (RTF) Chair **Dave Green** and Park and Recreation Board (PARB) Chair **Lisa Gunion-Rinker**. Mr. Nieman reported that the goose management strategy with Geese Guys was proving effective, and he discussed how continuation of the program could be funded. He discussed interim plantings at Riverfront Park and impacts of winter flooding.

Council President Batey thought an interim planting plan would be inconsistent with the Master Plan.

Mr. Green discussed the status of the eroded area. The planting plan would not move forward without coordination. He discussed identifying smaller projects in Phase 3 that could be quickly achievable and make the Park more usable for the public. He felt that was something the RTF could take on and suggested joint meetings of the RTF and PARB.

Ms. Gunion-Rinker looked at it from the perspective that PARB was working on the mitigation and planting elements.

Mayor Gamba commented on developing a conceptual planting plan that cut down on sight lines, and the Council's giving input on what was financially feasible.

Councilor Power said Riverfront Park was Milwaukie's most visible park, and it was important that it served the community well.

Council President Batey recommended a bigger discussion of the vision for the Park.

Councilor Power thought having a rough draft of a few elements was a great place to start along with some of the bigger projects like the bridge.

Ms. Gunion-Rinker had heard good feedback on the Park and stated that the current goose mitigation efforts seemed to be working well. **Mr. Green** agreed.

Gary Barth, North Clackamas Parks and Recreation District (NCPRD) Director expressed his support for maintaining the City's assets. NCPRD staff had a lot of expertise and could provide recommendations so that maintenance would not be impeded. He discussed Master Plan capital projects and criteria. He commented on the importance addressing the governance matter.

B. Council Input to Legislative, County, or Regional Issues

Mr. Monahan said there were no issues to discuss at this time.

C. Council Reports

Councilor Power provided a report on recent wastewater treatment meetings.

Mayor Gamba announced a number of upcoming community events including the Friends of the Ledding Library native plant sale, Cultural Forum guest local author Matt Love, the First Saturday Music Series at the Ledding Library, the annual Johnson Creek Watershed Wide volunteer event, the Harmony Community Campus Open House, and the American Legion Post 180 and Milwaukie Public Safety Foundation 2015 Officers of the Year recognition dinner.

Council President Batey announced the Milwaukie Academy of the Arts (MAA) open house and the March for Meals fundraising campaign.

ADJOURNMENT

It was moved by Councilor Power and seconded by Council President Batey to adjourn the regular session. Motion passed with the following vote: Councilors Power, Churchill, Batey, Parks, and Mayor Gamba voting "aye." [5:0]

Mayor Gamba adjourned the regular session at 8:38 p.m.

Respectfully submitted,



Pat DuVal, Recorder

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Office of the City Recorder

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Name: *Angie Hungerford*
Organization:

Meeting Date:

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:



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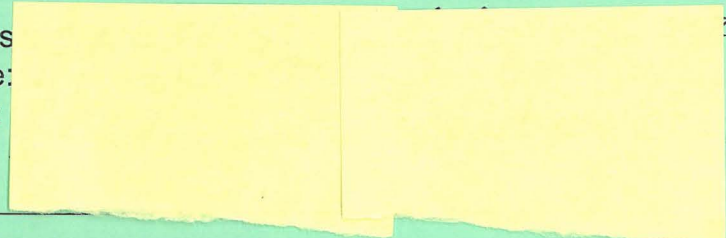
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Name: *Heather Sparks*
Organization:

Address:
Phone:
Email:



Meeting Date:

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- In Support - *of clean air*
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:



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Name:
Organization:

Debra Taevs

Address:
Phone:
Email:



Meeting Date:

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:



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Name:

Lou Taylor

Organization:

Address:

Phone:

Email:

Meeting Date:

3-1-2016

10

Topic to Discuss:

Agenda Item You Wish to Speak to:

#4 Audience Participation

#5 Public Hearing

#6 Other Business

You are Speaking...

in Support

in Opposition

from a Neutral Position

to ask a Question

Comments:

Re Precision Cast Parts



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Name: *GRZB SEGAL*
Organization:

Address:
Phone:
Email:

Meeting Date:

3/1

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:

Air Quality



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Name: *Shawn Ingersoll*
Organization:

Address:
Phone:
Email:



Meeting Date:

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:

Air, Water, Soil quality / Public health



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Name: Jennifer Jones
Organization: Eastside Portland
Air Coalition

Address:
Phone:
Email:



Meeting Date:

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:



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Name:

Sally Tez

Organization:

Neighbors for

Address:

Phone:

Email:

Meeting Date:

Clean Air

Topic to Discuss:

Agenda Item You Wish to Speak to:

#4 Audience Participation

#5 Public Hearing

#6 Other Business

You are Speaking...

in Support

in Opposition

from a Neutral Position

to ask a Question

Comments:

involvement in Precision Cast Parts
permit renewal? Will you protect us from this huge toxic hot spot?
what will be your



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Name:
Organization:

charles snyder

Address:
Phone:
Email:



Meeting Date:

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:

AIR POLLUTION

styrene



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Name:

JACOB SHERMAN

Organization:

Brentwood-Darlington Neighborhood
South Portland Air Quality Association

Address:

Phone:

Email:



Meeting Date:

3/1/2016

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:



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- No testimony
- Contact Info only
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Name: *STEVE MYER*
Organization: *Self*

Address
Phone:
Email:



*ai
om*

Meeting Date:

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:



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Name:

Kyle Coan

Organization:

Address:

Phone:

Email:

⊗ Meeting Date: *3/1/16*

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:



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Name: *BEN BURTON*
Organization:

Address
Phone:
Email:



Meeting Date:

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:

*Safety Concerns
Back up
generator
if power goes
out 50 houses
remain in operation*



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Name: *Elise Erickson*
Organization:

Address:
Phone:
Email: e



Meeting Date:

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments: *Air / Water*



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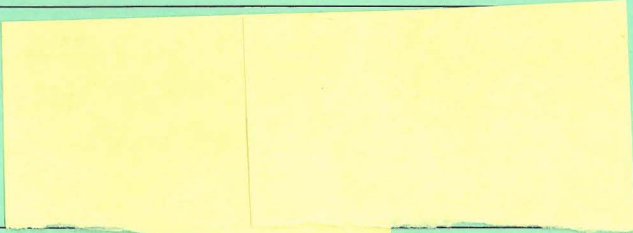
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Name: Lisa Arkan
Organization: Beyond Toxics

Address:
Phone:
Email:



Meeting Date: 3/1/16 & 3/15/16

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

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- to ask a Question

Comments:



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Name:

Shana Canote
Southeast Portland

Organization:

Address

Phone:

Email:



Meeting Date:

Air Quality

Topic to Discuss:

Agenda Item You Wish to Speak to:

#4 Audience Participation

#5 Public Hearing

#6 Other Business

You are Speaking...

in Support

in Opposition

from a Neutral Position

to ask a Question

Comments:

glass cox fast
PCC gets to "approve" monitoring
differential treatment

self monitored
mass ? compliance
"validated" data
notification when permit draft out



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Name: *Jody Bleyle*
Organization: *Eastside Portland Air Coalition*
 Meeting Date:

Address:
Phone:
Email:



Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:

Very knowledgeable / health based rules



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Name: *Alan Perre*
Organization:

Address:
Phone:
Email:

Meeting Date:

Topic to Discuss:

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- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

Am Quality.

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:

Questions about Self Reporting



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Name: *Joseph Salas*
Organization:

Address: [Redacted]
Phone: [Redacted]
Email: [Redacted]

*602
2*

Meeting Date: *3/1/16 & 3/15/16*

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments: *Please ban near residential pesticide use on city property in Milwaukie
Smart young man - get him on a committee*



MILWAUKIE CITY COUNCIL
Office of the City Recorder

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

Name: *Kelsey Kopec*
Organization: *the Center for biological Diversity*

Address: [Redacted]
Phone: [Redacted]
Email: [Redacted]

Meeting Date: *3/1/2016*

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:

*Bee issue
Suspension of neonics
on City property*



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Name:

Eleanore Hunter

Organization:

Oak Grove Comm. Council

Address

Phone:

Email:



Meeting Date:

3/1/16

Topic to Discuss:

Agenda Item You Wish to Speak to:

- #4 Audience Participation
- #5 Public Hearing
- #6 Other Business

You are Speaking...

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

*opening the roof of the
Oak Grove
Library
as a
satellite
of
Milwaukie*

Comments:

Stauffer, Scott

From: Luke Norman <luke.norman@clackamas.edu>
Sent: Friday, February 19, 2016 4:17 PM
To: _City Council
Cc: Shelly Parini; Denice Bailey
Subject: CCC Support for the Milwaukie Neighborhood Greenway
Attachments: CCC Letter of Support for Monroe Neighborhood Greenway.pdf

Milwaukie City Council,

Enclosed please find a letter of support from Gregory Chaimov, Zone 1 Representative for the Clackamas Community College Board of Education, for the Monroe Street Neighborhood Greenway.

As 1 in 5 Clackamas Community College students has been unable to complete a class due to a transportation barrier, we support the City of Milwaukie's effort to expand safe east-west connections for students biking and walking to the Harmony Community Campus. In coordination with Clackamas County's Monroe Neighborhood Street Design Plan, the completed Greenway would provide students access to the Harmony Community Campus along the Fuller Road bike lanes and to the I-205 multi-use path.

A key goal of our expansion at the Harmony Community Campus is to *"Create an accessible building and campus, encouraging and supporting community relationships,"* so we are pleased to affirm the Greenway's goals of improving safety and increasing the community's access to education at CCC.

Warm regards,

Luke Norman

Luke Norman
Transportation System Coordinator
Clackamas Community College
19600 Molalla Ave, Oregon City, OR 97045
503-594-6706 • luke.norman@clackamas.edu



Education That Works • www.clackamas.edu

February 18, 2016

To the Milwaukie City Council:

Clackamas Community College has identified transportation as a significant barrier to education for our students. With 1 in 5 students unable to complete a class due to a transportation issue, removing this barrier is a key focus area for CCC.

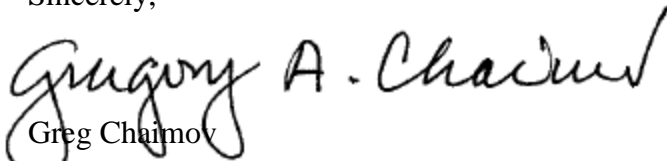
To expand transportation options for our students, we have been working diligently with city, county, and regional partners to increase connections between CCC and the surrounding community. As part of that work, we are excited to express our support for the Monroe Street Neighborhood Greenway.

When completed, the Greenway would provide a safe east-west connection for students traveling to the Harmony Community Campus from Milwaukie. In the short term, students would be able to bike along the Greenway to existing bike lanes on Linwood Ave to our Harmony campus.

In the long term, the completion of Clackamas County's Monroe Neighborhood Street Design Plan would expand safe access to the I-205 multi-use path for students biking from our campus along the Fuller Road bike lanes.

A key goal of our expansion at the Harmony Community Campus is to *"Create an accessible building and campus, encouraging and supporting community relationships,"* so we are pleased to affirm the Greenway's goals of improving safety and increasing the community's access to education at CCC.

Sincerely,



Greg Chaimov
Zone 1 Representative

Clackamas Community College Board of Education

March 1, 2016

School of the Environment
Environmental Science and Management Department
Post Office Box 751 503-725-4982 tel
Portland, Oregon 97207-0751 503-725-9040 fax

Dear Governor Brown, Senators Wyden and Merkley and Representative Blumenauer:

I am writing in response to your letter of February 12, 2016 to EPA Administrator Gina McCarthy about the air hot spots of cadmium and arsenic found in Portland, Oregon. As a longtime researcher of Portland's air quality and participant of the OR DEQ Portland Air Toxics Solutions process, I am heartened by your quick response to the discovery of unhealthy air. However, I would like to point out that while the presence of elevated toxic metals appears to be newly discovered, it is not surprising. This situation is actually a consequence of how the Clean Air Act has been implemented and I believe there will be many such "discoveries" in the weeks and years to come as air monitoring technologies become available to citizens and researchers beyond the confines of regulatory agencies.

While the Clean Air Act (CAA) has improved air quality tremendously in the US on many fronts, air toxic management remains vexingly difficult. The CAA air toxics regulation reflects a desire to balance economic productivity with environmental protection. **As such, the Clean Air Act allows small air toxics emitters (e.g. small businesses) to emit up to 10 tons of any one air toxic and a combination of up to 25 tons. The amount of emissions is a measure of productivity, generally as there is more production there is more emission. Obviously a rule based on tonnage does not reflect the toxicity of the emissions, nor does it take into account proximity of the source to residences or schools. The standard does not take into account that residents nearest to the source will be disproportionately impacted.** While there are some special rules that limit emissions from certain activities (EPA Area Source Standards), these rules are subject to a long technical and political process at the national level and have been slow to implement.

I urge the State of Oregon to be proactive in **finding and addressing** sources of air toxics in Oregon. The metals in moss work of USFS researchers Geoffrey Donovan and Sarah Jovan highlight the potential of using innovative and relatively low-cost approaches to target costly air monitoring efforts. Our air quality lab at PSU has developed techniques to assess traffic-related pollutants at high spatial resolution. Clearly, more work in monitoring and identifying hot spots is necessary.

It is crucial however, that pollution "discovery" is coupled with a plan of action. In the absence of regulations, I believe that Oregon can take an innovative approach to pollution reduction by partnering with entities that emit and supporting their reduction efforts with guidance (e.g. Pollution Prevention Specialists) and financial support to install control equipment (e.g. low-interest loans or incentives). In my view, entities that emit have no desire to cause harm. However, their economic self-interest will limit their ability to take action. Oregon can make a lot of progress and be a national model by being pro-active in pollution reduction without waiting to enact more regulations.

I would be grateful to discuss this further with you and/or your staff.

Sincerely,

A handwritten signature in cursive script, appearing to read "Linda A. George".

Linda A. George, Ph.D
Professor (georgeL@pdx.edu)

School of the Environment
Environmental Science and Management Department
Post Office Box 751 503-725-4982 tel
Portland, Oregon 97207-0751 503-725-9040 fax

February, 23, 2016

To: Oregon House Energy and Environmental Committee - invited testimony
From: Linda A. George, Professor

I am an atmospheric chemist and professor of Environmental Science and Management at Portland State University. I have been studying air quality for nearly 30 years. For the last decade I have been conducting research on the variation of air pollution in cities.

The discovery of elevated air toxics in Portland neighborhoods is very upsetting but it is not surprising. Air toxics waste is a consequence of producing many of the goods that consumers want. Waste is a necessary product of consumption and must be controlled. Elevated air toxics exposure is the failure of regulatory systems at every level to address the known risk of toxic emissions to human health.

As a result of this failure there are many so-called hot spots of unhealthy air in Portland and as the public becomes aware of these, they will demand action. In the near future, personal air quality sensors will become available to the public and there will be more and more public outrage.

We do not need to wait for the public to discover hot spots - I believe that Oregon can proactively do a much better job in improving air quality.

The 1990 Clean Air Act Amendments established EPA's air toxics program. EPA's Urban Air Toxics Strategy's goal is to reduce cancer risk from urban air toxics by 75%. The Oregon DEQ was delegated the authority by EPA to conduct work in Oregon. We are nowhere near 75% reduction.

Why has Oregon been unable to fulfill the goal of reducing cancer risk from urban air toxics?

The Oregon DEQ was one of the first state agencies in the country to conduct a detailed analysis of air toxics emissions and produced its first Air Toxics Assessment in 2006. DEQ also established health benchmarks for air toxics as required. I was involved in the early stages of this process.

The air toxics modeling exercises did not, to my knowledge, result in any reduction actions, even though major hotspots were revealed. The Portland Air Toxics Solutions (PATS) process was supposed to analyze air toxics assessments and make recommendations to reduce risks AND act on them, but failed to do so. Unlike for criteria pollutants such as ozone, there are no federal consequences when air toxic levels exceed health standards.

I believe that DEQ felt that significant improvement would come with Federal emission rules for major and small sources. These federal rules are still in various stages of implementation. The funding level and management culture of DEQ limits its ability to go beyond compliance with the federal and state laws - they do no more, no less. Since Oregon's laws mimic federal laws, when the federal process stalled, Oregon's efforts also effectively stalled out. We do not need another toothless PATS process that does not produce Oregon rulemaking on emissions.

In addition, we cannot rely on simply following the minimum federal guidelines for air toxics emissions. The federal regulatory framework does not take into account proximity to sources. Research in my lab and many others show how important it is to take proximity into account when assessing health impacts. In a city like Portland, where sources are woven in with residences, we may need to do far more work in achieving reduction of risk.

In other words, even if a source complies with emission rules coming from the federal government, Oregon citizens living near the source may still breathe unhealthful air. This is the situation leading to this hearing.

THIS DID NOT HAVE TO BE THE CASE.

The EPA has given the states the freedom to control air toxics as they see fit within some guidelines. Other states, notably California, have been particularly aggressive and effective on toxics reductions with modeling, monitoring, incentives and enforcement.

(If we want to be cutting edge, the EU has actual ambient air quality standards for many air toxics --- requiring monitoring near to a source.)

What can Oregon do to move forward more quickly and effectively?

Oregon at this time, can move forward by committing itself to a specific goal and timetable for toxic reduction that is verified by monitoring. It has been a decade since the first air toxics assessment and we have very little to show for it.

Oregon must see itself as a state that aspires to achieving the goal of 75% reduction of air toxics risk as fast as possible - at least 20% per year. This will require innovation in modeling, monitoring, incentives structures and financial and technical support to emitters AND enforcement. It is not sustainable to achieve reduction by shutting down every business that produces air waste -- we need to provide technical assistance, low-interest loans and incentives to reduce emissions. We need to identify problem areas and have a clear, fair plan for addressing them.

Environmental protection and education must be a shared responsibility and not silo-ed in DEQ.

I believe improving air quality will be best achieved through partnerships between DEQ, other federal, state and local agencies and universities. Health departments are vital partners in communicating risk to the public. Universities and the research arms of federal mission agencies are a sources of innovation for emission reduction technologies and practices and are well positioned and have the freedom to conduct relevant research studies.

As an example -- we recently published a paper showing how Portland tree canopy can reduce the impact of air pollutants (funded by USFS). Another project looks at how intelligent traffic management can reduce vehicle emissions (funded by NSF and EPA). These projects point to ways of innovatively reducing the impact of emissions. The USFS moss study was an example of an innovative metals screening approach - an approach that DEQ does not have the resources to develop - that enabled DEQ to target air sampling. We need more creative solutions to monitoring and emission reduction.

California, Washington, Texas and many other states fund air quality studies with universities. This has the dual benefit of producing cost-effective, relevant research and the training of the next generation of agency employees.

Oregon must invest in air toxics reduction. The human impact of elevated air toxics are significant and costly. I urge the Legislature to take steps to immediately set up a timetable and goals for air toxics reduction with the funding necessary to achieve these goals.

March 1, 2016



March 1, 2016

BY US MAIL AND EMAIL (monahanb@milwaukicoregon.gov)

Mr. Bill Monahan
Milwaukie City Manager
10722 SE Main St.
Milwaukie, OR 97222

Re: March 1, 2016 City Council Meeting

Dear Mr. Monahan:

Precisions Castparts (PCC Structural) received a call from Jordan Imlah in your office yesterday offering us the opportunity to participate in a City Council meeting tonight in which he indicated our air permit renewal would be discussed. I regret that we will not be able to attend the meeting, but wanted to pass along some information in the hope that it would be useful to the discussion.

PCC Structural holds a standard air permit issued by the Oregon Department of Environmental Quality (DEQ). We do not hold a "Title V" permit as has been suggested publicly as our emissions are not of that magnitude. Title V permits are held by major sources of air pollutants. We are designated a minor source by DEQ because our extensive air filtration systems limit the material emitted from our manufacturing processes to the air.

Our air permit is currently in the renewal process. We are not sure when DEQ will move ahead with the renewal, but the process includes a public comment period and the opportunity for people to request a public hearing. Based on past experience, we understand that DEQ typically precedes the public hearing with a public question and answer session. This process is intended to allow our neighbors to ask questions and express opinions about our permit prior to DEQ taking any official action. We encourage people to take part in that public process.

I look forward to the opportunity to provide any of the City Council members a tour of our plant and to answer questions they might have. PCC Structural is proud to be a part of the Milwaukie community and we take seriously our responsibility to minimize impacts on the environment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jay Khetani", with a stylized flourish at the end.

Jay Khetani
Vice President, Communications

Air Toxics in south Portland and Milwaukie

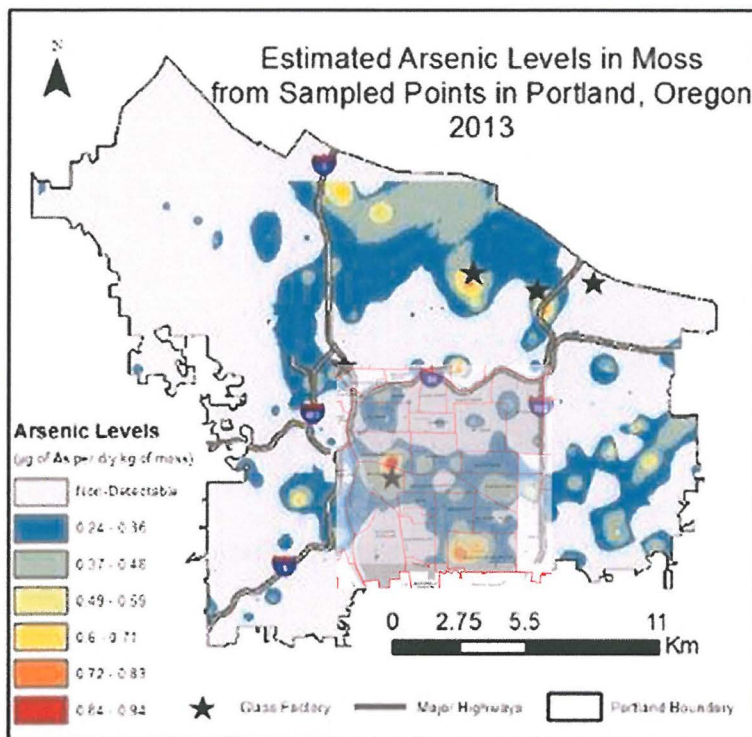
Contact: SouthPortlandAirQuality@gmail.com

Updated: February 25, 2016

Background:

On Feb. 3, 2016, news broke that research U.S. Forest Service research showed the City of Portland contained high-levels of air toxics. Research showed arsenic and cadmium “hotspots” around two glass factories in inner SE and NE Portland; pollution levels in these hotspots were well-above health thresholds set by the state. Nearby residents were shocked and they instantly organized under the banner of the [Eastside Portland Air Coalition](#). When DEQ and Oregon Health Authority convened a meeting at Cleveland High School on Feb. 9, more than 750 people showed up and asked about other toxics that might be in use, like hexavalent chromium (think “Erin Brockovich”). DEQ then discovered that Bullseye Glass was indeed using chromium (including hexavalent chromium) in their manufacturing processes. DEQ tried to get Bullseye to suspend use of these toxics no avail, and on Feb. 15 the Governor intervened and Bullseye agreed to temporarily suspend use of arsenic, cadmium, and chromium compounds. Meanwhile, Oregon’s

U.S. Senators have proclaimed this situation is a “public health emergency,” and have asked U.S. EPA to investigate and close loopholes that allowed certain manufactures to be held to less stringent standards.



On Feb. 17, new maps revealed additional lead and nickel toxic hotspots in N. Portland and in SE Portland and Milwaukie around Precision Castparts’ factories; this same day Southeast Uplift filed public records requests with DEQ for Precision Castparts permits. On Feb. 18, a public meeting was held at Harriet Tubman Middle School, and top-level civil servants assured some 300 frustrated citizens that they were responding to the issue. This same day, residents within a half-mile of Bullseye and Uroboros were advised not to eat backyard vegetables, and Mayor Charles Hales and Multnomah County Chair

Gretchen Kafoury also wrote a letter to Governor Kate Brown stating the city and county were prepared to explore a “local air authority” to protect public health.

South Portland Air Quality:

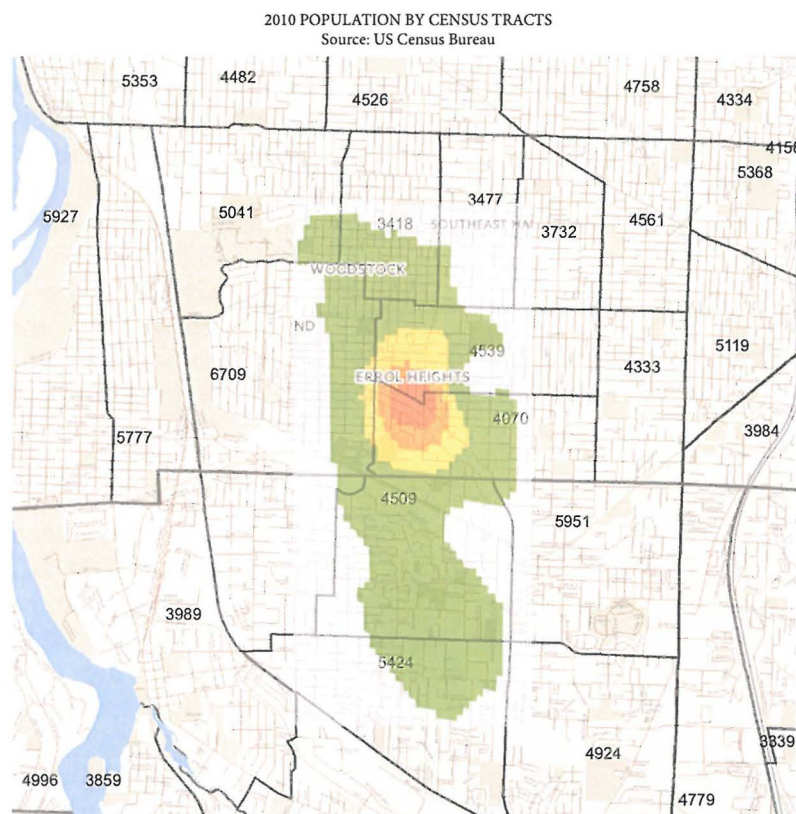
Large parts of south Portland and Milwaukie (*House Districts 48 and 41, Senate District 24 and 21*) have been identified to have large arsenic and nickel toxic hotspots—both known carcinogens. According to 2010 census records, approximately 10,000-12,000 people live in the nickel hotspot that covers SE Portland and Milwaukie (see map on backside). In response, residents from Portland’s Brentwood-Darlington, Eastmoreland, and Woodstock neighborhoods created the [South Portland Air Quality](#) Facebook

Air Toxics in south Portland and Milwaukie

Contact: SouthPortlandAirQuality@gmail.com

Updated: February 25, 2016

group to discuss and organize around air toxics issues in the area. In less than 24 hours, the group grew to almost 200 members.



Nickel hotspot courtesy of the Oregonian/Oregon Live. Superimposed with 2010 census tracts. Numbers represent population per census tract.

Call the Governor and DEQ and demand that:

1. **Air and soil monitoring occur in south Portland and Milwaukie now!** DEQ must immediately begin monitoring the air and soil in southern SE Portland and Milwaukie in order to determine health threats posed to residents by arsenic, nickel, and other heavy metals from localized industrial pollution.
2. **A public meeting be held in south SE!** Like they did at Cleveland and Tubman, DEQ, OHA, and other agencies should hold a public meeting in SE Portland to answer community questions about air toxics and to share information about how agencies are responding.
3. **DEQ place a moratorium on issuing Air Contamination Discharge Permits (ACDP) and Title V permits!** On Feb. 23, at the House Energy and the Environment Hearing, DEQ stated they are going to engage in rule-making to set new health-based and risk-based permitting procedures, similar to permitting rules California and Washington have had in place for years. While new rules are being established, DEQ should not issue any permits!

I would like my email added to keep informed

name

email

Yesenia

Fredi Avila

Callie Schupbach

Chris Canote

Shana Canote

Lisa Arkin

Greg Seal

Rachel Hanes

Joshuz Baker

Shawn Ingersoll

Marlene Moro

BEN BURTE

Sally Tez

Debra Taevs

Jacob Sherman

Angie

Olivia

Jennifer Barrionto

Angela Kagele

CARY CARLSON

Laura Berg

KEVIN LEWIS



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Memorandum

Meeting Date: March 1, 2016



To: Bill Monahan, City Manager

Subject: **Response to Public Comments about 19th Avenue Design
(at Feb 16 Regular Session)**

From: Chuck Eaton, Engineering Director
Denny Egner, Planning Director

Date: Thursday, February 25, 2016

During the public comment section of the February 16, 2016, regular session, Pam and Milo Denham presented several concerns about the proposed design for the 19th Avenue neighborhood greenway. Staff appreciates the hours and effort that the Denhams have made to research the various issues and formulate their vision of 19th Avenue as a pedestrian-centric street. The Engineering and Planning Departments have coordinated in preparing this response to the concerns expressed both in the Denhams' oral comments and the multi-page handout they provided to Council.

Compliance with ADA (Americans with Disabilities Act)

Denham assertion: The key to ADA compliance is in using signage and pavement markings to communicate with motorists and bicyclists to let them know that pedestrians have the right of way on 19th Avenue.

- Determining compliance with ADA is a nebulous and speculative exercise, as there is an evolving body of accepted methods. Over time, as people have challenged various jurisdictions' attempts to comply with ADA, some specific tools or practices have emerged as being acceptable while others have not. Jurisdictions have to look at precedent and then proceed with best practices that provide an acceptable level of risk for litigation.
- It is indeed important to communicate to all users that 19th Avenue is street where the space is shared by multiple modes of travel, and signage and pavement markings are already part of the proposed design. Staff will ensure that the final version of the concept plan emphasizes that signage and pavement markings must be done in conjunction with other physical improvements to the street.
- At the same time, it is critical to remember that ADA is focused on creating conditions that allow people with different abilities to navigate streets and intersections safely on their own and to reduce their dependence on the goodwill or awareness of others for safe passage. Signage and pavement markings alone are not enough to meet the principles of ADA and do not sufficiently insure the City from risk of litigation for noncompliance with ADA. The design features need to include other physical aspects that "communicate" with pedestrians of all abilities as well as with motorists and bicyclists.

Tactile Warning Strip

Denham assertion: The proposed tactile warning strip is ineffective for the visually impaired, is not necessary to establish ADA compliance, and will create confusion about where pedestrians should be on the street and increase conflicts between users.

- Tactile warning strips are in fact used throughout the country for providing accessibility.
- Using the transition from pavement to gravel as the City's accessibility feature on 19th Avenue is not acceptable for meeting ADA and will not stand the test of litigation.
- The fact that the visually impaired may be taught to "work the edge" does not supplant the need to define a bounded area within the overall roadway that the visually impaired can identify and use for lineal tracking, where they can expect no barriers (including slopes and cross-slopes) and have a reasonable sense of separation from vehicles. In a typical street cross section, the grade-separated sidewalk performs this function, which is a separate pedestrian facility. For 19th Avenue, however, there is no separation between modes but still needs to be a space that meets basic ADA requirements.
- The proposed signage and pavement markings will provide motorists with a reminder that the entire street is a shared street (including the ADA-compliant area) and that pedestrians have the ultimate right of way throughout.

Flush Concrete Curb

Denham assertion: The proposed flush concrete curb is expensive, requires a full street rebuild, and is not necessary to protect the edge of pavement, to direct stormwater, or to achieve ADA compliance.

- The flush concrete curb feature can be added without having to completely rebuild the street, is not an expensive component, and has low maintenance costs over the long term. It is included as part of the long-term vision for the street and is not a feature expected to be installed anytime soon.
- A flush concrete curb will in fact slow the deterioration of the edge of pavement and reduce long-term maintenance costs. While traffic volumes on 19th Avenue may be low enough to make maintenance issues less significant than in higher-volume situations, it is still wise to build for long-term durability.
- Flush concrete curbs are effective at channeling and directing stormwater.
- Where the flush concrete curb meets the gravel shoulder, it will provide as effective an element as the edge of pavement for defining one boundary of the ADA-compliant space. Given the other objectives for this portion of the design (i.e., be durable, protect the pavement edge, and channel stormwater) the flush concrete curb is a better option than a raised asphalt curb.
- Acknowledging that many residents along 19th Avenue would prefer to have their neighborhood street remain unchanged, it is important to remember that the street connects two parks and serves the larger community as well. The flush concrete curb element would be one of several that make the street look nice, and it is not a bad thing to showcase one of the City's key connecting routes.

Pedestrian-Centric Street Design

Denham assertion: The notion of a pedestrian-centric design is one that uses signage and pavement markings to create a safe shared space among multiple travel modes.

- Staff agrees with the Denham's assertion that signage and pavement markings are important tools for multi-modal streets, where it is important to emphasize for all users

the point that pedestrians, bicyclists, and motorists share the same space. Pedestrians are the most vulnerable users, so they should get top priority for right of way. And that is especially the case on 19th Avenue, which already functions as a pedestrian-centric street.

- But to be clear, the City's effort to develop a more generic neighborhood street design has been targeted for low-volume streets, and not all low-volume streets are pedestrian-centric streets. One version of the generic design includes separated pedestrian facilities (applicable in most situations, where volumes may be low but conditions still warrant separation) while another does not (e.g., on dead-end streets).

Naming the Design

Denham assertion: The terms "greenway" and "complete street" are confusing and inaccurate in the context of pedestrian-centric streets. Better monikers for pedestrian-centric streets would be either WINS (Walking In Neighborhood Streets) or FINS (Feet in Neighborhood Streets), with "woonerf" as a last resort.

- The route along 19th Avenue and Sparrow Street (to 22nd Avenue) is classified in the City's TSP as a "neighborhood greenway" route. The term "neighborhood greenway" identifies a multi-modal route that incorporates stormwater treatment with other measures used for traffic control. Neighborhood greenways improve the city's overall transportation system for all users (including for bicyclists and pedestrians) and offer a number of amenities for the surrounding neighborhood (e.g., calmer and safer streets, more good options for various modes of travel, reduced flooding issues).
- The terminology continues to evolve, but unless or until the City develops a new term for these multi-modal routes, the "neighborhood greenway" label is what will remain on all such routes in the TSP, including 19th Avenue and Sparrow Street. This provides consistency for route identification.
- "Low-volume streets" is another term that has evolved out of this process, to identify streets that may not be designated as "neighborhood greenway" routes but that may be appropriate for a design that is less intensive than the conventional street cross-section. As proposed, low-volume Option A includes a separated sidewalk and is a design that could work for a street that is a designated pedestrian route, where a separated pedestrian facility is required. The proposed low-volume Option B is a shared street, with all travel modes using the same width of pavement and where a separated pedestrian facility is not necessary. The low-volume street concept is one that should probably be included in the TSP the next time that document is updated.

Conclusion

On February 23, 2016, Engineering Director Eaton, Planning Director Egner, and Associate Planner Kelter met with Pam Denham, Milo Denham, and Gary Michael to discuss the concerns expressed at the February 16 Council meeting. Staff reiterated that the intent of the project is to establish new standards for 19th Avenue and Sparrow Street that can be applied either (1) when new development or redevelopment occurs along either street or (2) in the event the City finds funding to build the entire design. The proposed 19th Avenue design responds to the neighborhood residents' desire to leave the street relatively unchanged. The tactile warning strip and flush concrete curb appear to be the only specific design elements they oppose.

Staff will schedule a final follow-up meeting for the Island Station neighbors sometime in the next few weeks, to give a final review of the proposed design and address any outstanding questions or concerns before scheduling an adoption hearing with Council.



MILWAUKIE CITY COUNCIL
REGULAR SESSION

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

REVISED AGENDA
MARCH 1, 2016

(1st Revised February 26, 2016)
(2nd Revision February 29, 2016)

2,217th Meeting

- 1. CALL TO ORDER** **Page #**
- Pledge of Allegiance.
- 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
- A. Welcome Home Vietnam Veterans Day Proclamation** **2**
Presenter: Jerry Craig, American Legion Post 180 1st Vice Commander
- 3. CONSENT AGENDA**
- These items are considered routine, and therefore, will not be allotted discussion time on the agenda; these items may be passed by the Council in one blanket motion; any Councilor may remove an item from the "Consent" agenda for discussion by requesting such action prior to consideration of that part of the agenda.
- A. City Council Minutes** **4**
1. February 2, 2016, Work Session;
 2. February 2, 2016, Regular Session;
 3. February 16, 2016, Work Session;
 4. February 16, 2016, Regular Session; and
 5. February 18, 2016, Study Session.
- 4. AUDIENCE PARTICIPATION**
- The presiding officer will call for citizen statements regarding City business. Pursuant to Milwaukie Municipal Code (MMC) Section 2.04.140, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and submit it to the City Recorder. Pursuant to MMC Section 2.04.360, "all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The presiding officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.
- 5. PUBLIC HEARING**
- Public Comment will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.
- None Scheduled.
- 6. OTHER BUSINESS**
- These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.
- A. Electric Charging Station Information** (Moved to April 5, 2016, Regular Session) **23**
Introduced by: Mayor Gamba
- A. Riverfront Park Operations and Maintenance** (Added February 29, 2016) **23**
Staff: Mitch Nieman, Assistant to the City Manager

B. Council Input to Legislative, County, or Regional Issues

Staff: Bill Monahan, City Manager

C. Council Reports

7. INFORMATION

8. ADJOURNMENT

Public Notice

Executive Sessions: The Milwaukie City Council may meet in Executive Session immediately following adjournment pursuant to ORS 192.660(2). All Executive Session discussions are confidential and those present may disclose nothing; representatives of the news media may attend as provided by ORS 192.660(3) but must not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and they are closed to the public.

The Council requests that mobile devices be set on silent or turned off during the meeting.

The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities Act. For special accommodations, please call 503-786-7502 or email ocr@milwaukieoregon.gov at least 48 hours prior to the meeting.



**Regular Session
Agenda Item No.**

2

**Proclamations,
Commendations,
Special Reports,
& Awards**



CITY OF MILWAUKIE
"Dogwood City of the West"

PROCLAMATION

RS 2. A.
March 1, 2016

WHEREAS, the People of Milwaukie and the United States continue to honor the service and sacrifice of American military personnel and their families during the Vietnam War; and

WHEREAS, the President of the United States has proclaimed a Vietnam Veterans Days at the end of March to coincide with the anniversary of the last day of combat operations in Vietnam; and

WHEREAS, the Oregon State Legislature designated March 30th of each year as Welcome Home Vietnam Veterans Day to honor veterans of the Vietnam War; and

WHEREAS, the City of Milwaukie and American Legion Post 180 have committed to honoring Vietnam veterans and their families as partners in the National Vietnam War 50th Commemoration program; and

WHEREAS, it is right to pause and reflect on the years of service and sacrifice given by the men and women who served Our Nation in Vietnam and Southeast Asia.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **March 30, 2016, to be Welcome Home Vietnam Veterans Day** in the City of Milwaukie.

IN WITNESS WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 1st day of **March, 2016**.

Mark Gamba, Mayor

ATTEST:

Pat DuVal, City Recorder





**Regular Session
Agenda Item No.**

3

Consent Agenda



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WORK SESSION
FEBRUARY 2, 2016
City Hall Conference Room

Mayor Gamba called the Work Session to order at 4:00 p.m.

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Assistant to the City Manager Mitch Nieman, Finance Director Casey Camors, Community Development Director Alma Flores, Planning Director Denny Egner, Engineering Director Chuck Eaton, and Human Resources Director Gary Rebello

Budget Committee and Providence Milwaukie Facility Tour Schedule

The group discussed Budget Committee meeting dates and agreed on the Thursday schedule. They also solidified the time for the Providence Milwaukie facility tour.

Fee in Lieu of Construction (FILOC) Policy Statement

Mr. Eaton presented clarification of the FILOC policy and addressed the issue of the ten year time frame after which the fees were refunded if unused. Due to projects taking longer, he recommended that fees be allocated for projects.

Mr. Monahan suggested a code amendment that would be applied retroactively with some potential risk involved with money going toward an approved project to fulfill the purpose of the obligation.

The group discussed the prospect of allocating funds for projects.

Mr. Eaton explained use of Public Area Requirement (PAR) funds.

Mayor Gamba commented on the use of FILOC and federal grant funds. The group discussed the origin of the 10 year time frame.

Mr. Eaton discussed the current internal planning process and the use of matching funds for grant money.

Mr. Monahan will return with a code amendment in March and accepted Mr. Eaton's interpretation.

City Manager's Report

Mr. Monahan announced election law training for February 10 for Board Commissions and Committees (BCCs) and Neighborhood District Associations (NDAs). He explained the upcoming City Attorney performance evaluation and comparison of costs of in-house city attorney services. The group discussed what similar cities have for attorneys.

Mr. Monahan reported that the Budget Committee Chair was willing to convene the Committee to look at City Council stipends. The Council asked that information be gathered prior to the Budget Committee's convening to consider the matter. He would have that available on February 16.

Urban Renewal Advisory Group (URAG) Update

Mr. Egner provided an updated list of URAG membership and noted that he was waiting to hear from the School District and Murphy Company. **Mayor Gamba** said he planned to pull that Resolution from the consent agenda for discussion.

Public Safety Advisory Committee (PSAC) Update

Mr. Eaton was joined by PSAC Chair Angel Falconer and PSAC member Kim Travis. Ms. Falconer discussed the American with Disabilities Act (ADA) pedestrian and bicycle accessibility program. She presented a map and discussed the outreach done with the NDAs. She commented on the guidelines and definitions for the two tiers and the priority areas.

Mr. Eaton discussed the existence of Tier 2 properties on Priority 1 routes, and noted that the challenges were facilities that were separated. He noted that large multi-family residential fell under Tier 2, and noting there was no pre-determined number that defined “large”, asked the City Council where it felt the line should be drawn. He noted obvious connectivity routes for bike and pedestrian facilities, and also discussed the possible completion of 47th Avenue sidewalks.

The group discussed the size of multi-housing units and what would influence a route. **Councilor Churchill** provided feedback that 8 – 10 units for senior housing was critical mass, with 5 or less being too small; 40 units was critical mass for regular multi-family units.

Mayor Gamba discussed routes to schools versus priority routes to small parks. The group discussed the importance of providing safe walkways to school. **Mayor Gamba** stated that the Railroad Avenue intersection to Linwood Elementary should be Tier 1.

Council President Batey had similar concerns about 22nd Avenue and River Road. **Mayor Gamba** agreed that River Road was more of a Tier 1 than 19th Avenue.

Mr. Eaton understood the City Council wanted more information on housing and connectivity to look at maps in a study session. He explained the takeaway that a funding system needed to be created; if more areas were designated as Tier 1, there would need to be more money.

Councilor Power thought completing loops made more sense, to include more areas.

The group looked at cut through options such as the Linwood Elementary grounds from Stanley Avenue to Linwood Avenue.

Mr. Eaton understood he would look at Tier 1 connectivity and housing units. **Ms. Falconer** would speak with Ms. Flores to come up with housing unit numbers.

Ms. Falconer returned to the work plan: for greenways, the goal was to stay aware of the work and alternative design standards. The next discussion was safe routes to schools action plans, with PSAC members assigned to Milwaukie schools, including the Wichita Community Center. PSAC would continue work with other City organizations and events.

Mr. Eaton explained that City Staff would begin to inventory the routes and hire a full time temp to complete the inventory.

Ms. Falconer did not see anything in the District wish list that had not been considered.

Mr. Eaton noted that both Ardenwald and Lewelling schools had streets on both sides. It would probably be 3 – 4 months before PSAC would get to the Citizens Utility Advisory Board (CUAB) with costs.

Mayor Gamba recessed the Work Session at 5:11 p.m. and reconvened the Work Session at 5:13 p.m.

Management Market Pay Results

Mr. Rebello reviewed the objectives, methodology, cost, recommendations, and next steps. The target was to be within plus or minus 5% of market rates. The medical and vacation were pretty much the same. He discussed comparable salaries and looked for strong matches with 5 of the 10 cities. He discussed the 6% PERS pick up and 2% deferred compensation. He compiled the data and retained the consulting firm MBL

Group to prepare a recommendation. He discussed the City's positions that would be adjusted and explained the cost was approximately \$100,000; the last analysis had been done in 2004.

The group discussed when to put the adjustments into place. **Councilor Power** suggested adjusting the costs starting retroactively at the beginning of 2016. **Mr. Monahan** suggested the Council discuss this more during the upcoming executive session.

Mr. Monahan announced the City Council would meet in executive session pursuant to ORS 192.660(2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

Mayor Gamba adjourned the Work Session at 5:30 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II



MINUTES
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REGULAR SESSION
FEBRUARY 2, 2016
City Hall Council Chambers

Mayor Gamba called the 2,215th meeting of the City Council to order at 6:16 p.m.

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, Assistant to the City Manager Mitch Nieman, Library Director Katie Newell, Finance Director Casey Camors, and Engineering Director Chuck Eaton

CALL TO ORDER

Pledge of Allegiance.

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

None scheduled.

CONSENT AGENDA

Councilor Parks requested that items A, A Resolution of the City Council of the City of Milwaukie, Oregon, creating an Urban Renewal Advisory Group to assist with the preparation of an urban renewal plan encompassing the downtown and central Milwaukie and B, A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the Mayor to sign an intergovernmental agreement (IGA) between the City of Milwaukie and Clackamas County Department of Health, Housing and Human Services Community Development Division for a Community Development Block Grant (CDBG) be pulled from the consent agenda for discussion.

It was moved by Council President Batey and seconded by Councilor Parks to approve consent agenda items C and D.

- C. Resolution 12-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, declaring official intent to reimburse certain expenditures from proceeds of tax-exempt obligations, and related matters.**
- D. Resolution 13-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the Mayor to sign a Local Agency Agreement between the City of Milwaukie and Oregon Department of Transportation (ODOT) for an amendment to the agreement for the 17th Avenue Trail project.**

Motion passed with the following vote: Councilors Batey, Parks, Power, and Churchill and Mayor Gamba voting "aye." [5:0]

AUDIENCE PARTICIPATION

Mayor Gamba noted there were no audience participation registration cards.

Mr. Monahan provided follow up to public comments made at the January 19, 2016, City Council meeting. At the last meeting Mr. Rollins requested that a four-way stop be

installed at the intersection of 37th Avenue and Harrison Street. DKS Associates, an engineering firm, was preparing a recommendation.

Urban Renewal Advisory Group – Resolution [removed from Consent Agenda for Discussion]

Councilor Parks suggested that Council President Batey be appointed to the Advisory Group and act as Chair. Council President Batey accepted the appointment, and Mayor Gamba would attend in an ad hoc capacity.

Mayor Gamba noted there were placeholders for the North Clackamas School District and the Murphy Family positions yet to be filled.

Mr. Monahan said that the known bodies would determine their members via official correspondence.

It was moved by Councilor Power and seconded by Councilor Parks to approve the Resolution creating an Urban Renewal Advisory Group to assist with the preparation of an urban renewal plan encompassing Downtown and Central Milwaukie as amended by adding Council President Batey as the Chair and removing Mayor Gamba. Motion passed with the following vote: Councilors Batey, Parks, Power, and Churchill and Mayor Gamba voting “aye.” [5:0]

RESOLUTION No. 14-2016:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CREATING AN URBAN RENEWAL ADVISORY GROUP TO ASSIST WITH THE PREPARATION OF AN URBAN RENEWAL PLAN ENCOMPASSING THE DOWNTOWN AND CENTRAL MILWAUKIE

Community Development Block Grant (CDBG) Intergovernmental Agreement (IGA) – Resolution [removed from Consent Agenda for Discussion]

Mr. Eaton reported that City Attorney Shelby Rihala had proposed three changes to the IGA. These were page 5, new section 8.a requiring that the work must meet the City’s standards before the City accepts it; page 5, new section 8.b that added the requirement about pursuant to City standards; and page 7, section C in section 8A having to do with meeting City standards. He assumed the County had accepted the amendments and adopted the revised version.

It was moved by Councilor Power and seconded by Council President Batey to approve the Resolution authorizing the Mayor to sign an intergovernmental agreement (IGA) between the City of Milwaukie and Clackamas County Department of Health, Housing and Human Services Community Development Division for a Community Development Block Grant (CDBG) as amended by the City Attorney and outlined by Councilor Power.

RESOLUTION No. 15-2016:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF MILWAUKIE AND CLACKAMAS COUNTY DEPARTMENT OF HEALTH, HOUSING AND HUMAN SERVICES COMMUNITY DEVELOPMENT DIVISION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. Library Services Expansion Ballot Measure

Ms. Newell, Scott Barbur, Library Services Expansion Task Force (LSETF) Chair, and Troy Ainsworth, FFA Architecture and Interiors, provided the report to Council. The Task Force met and voted unanimously to recommend to the Council that it proceed with a \$9.2 million bond measure.

Mr. Barbur reported that members of the Task Force had met with the City Council earlier to discuss the polling results. The LSEFT discussion at its February 1, 2016, meeting centered on what was needed for the community and the bond amount that was likely to pass. A bond in the amount of \$9.2 million would fit nicely into a spot along with the \$1 million in County funds, and the LSETF recommended that amount to the City Council.

Councilor Power said one of the LSETF members involved with the Clackamas Community College (CCC) Expansion had found that inflation costs were higher than 5%.

Mr. Ainsworth indicated he had observed a lot of volatility in the construction industry during the past year. The industry came back rather quickly from the recession. People believed that the volatility had to do with labor shortages within the trades. It was not a predictable situation. If the City Council wanted to be conservative, then it might consider a 7% inflation factor rather than 5%.

Council President Batey supported the Committee recommendation, but she was concerned that the costs for retrofitting the old building were not known. She asked if \$10.2 million would do the job.

Mr. Ainsworth replied there were always unforeseen conditions in older buildings. A study like this did not look at things in detail, so the cost estimating was a rough order of magnitude (ROM) based on square footage. It was considered as a major renovation. It was assumed the building envelop and structure would remain and that the interior would be largely renovated and the mechanical systems and building structure would be upgraded. The original Library was built in the 1960's, and those buildings did not tend to have the seismic problems of older buildings. He had based his recommendations on the three parts of the project. These were costs related to a major renovation of the existing Library and the Pond House and new construction. He broke the project down into its major components and applied prudent numbers to come up with the ROM, major renovation, and new construction and soft costs for things like furniture and phasing the work. Certain strategies were implemented in the recent iteration to save costs. The existing Library would remain open during new construction, followed by the renovation of the Pond House, and lastly renovation of the existing Library. Mr. Ainsworth discussed long term energy efficiency for civic buildings and noted that LEED certification was not specifically included.

Mr. Monahan said the ballot title would be on the February 16, 2016, City Council agenda for adoption.

Councilor Power noted that the Board of County Commissioners had not voted on the communications measure, so it was not set for the May ballot at this time. The County's initial polling only showed 23% of the voters in support, and even at the \$10 million level, Patinkin's research showed that the Library had 50% support. On a parallel level, Oregon City was adding 22,000 square foot new construction and renovating the Carnegie Library in the amount of \$10.5 million.

Council President Batey supported the recommendation, but she was concerned about how ballot measure would be written and if the specific size were emphasized.

Mr. Ramis thought it would be a good idea to use words like “approximately” to offer the City some flexibility.

Ms. Newell said she thought they would use language about enlarging the facility and not calling out a specific square footage.

Councilor Power said in terms of Council’s giving an indication of cost figures she thought it was heartening that the Task Force voted unanimously on this figure and that it communicated the actual need. She was comfortable supporting it as well, and although that was the point at which the polling numbers started to go down, she felt a factual case could be made to the community.

Council President Batey still had some concern that the polling results painted a rosy picture, but she thought it was entirely possible to pass the bond measure.

Councilor Parks thought there was a lot of passion in the community for a well-served Library.

Councilor Churchill said as having served as the past Chair of the LSEFT and looking at the cost estimating, he would personally lean toward \$9.6 million because of the complexity of the project. He would support \$9.2 million, and he felt there would be a lot of support.

Councilor Power briefly commented on election law restrictions for employees and appointed advisory board members once the measure was on the ballot and noted that City Council members as elected officials were free to speak for community outreach.

B. Level 3 Franchise Agreement – Ordinance

Ms. Camors introduced Reba Crocker recently hired as the Rights of Way and Contract Coordinator. Ms. Camors discussed the proposed franchise agreement and the agreement with Time Warner that expired in December 2015. Level 3 purchased Time Warner in 2014. There have been no negative interactions, and the City received its franchise payments timely. She outlined some of the changes to the proposed agreement that were similar to other telecommunications agreements recently approved by the City Council.

Mayor Gamba asked if there should be a fee charged for right of way permits if there were more projects.

Ms. Camors noted the City was paid a 7% franchise fee.

Mr. Easton estimated it would cost more in staff time to charge fees than to issue permits at no cost.

Council President Batey understood from the agreement that Level 3 could conceivably come in and install more.

Ms. Crocker said most municipalities in Oregon do not charge cable operators who were already in the rights of way because it was a large drain on staff resources. Typically the providers were upgrading what was already in the right of way which benefitted the customers.

Ms. Camors discussed the abandonment clause and explained it could not be abandoned in place without the approval of the Engineering Director.

Ms. Crocker added that companies did not typically abandon systems.

It was moved by Council President Batey and seconded by Councilor Parks to approve the first and second readings by title only and adoption of the Ordinance granting to Level 3 Communications Limited Liability Company on behalf of itself and its operating affiliates (“Level 3”), a non-exclusive franchise to operate and maintain a telecommunications system (“The System”) in the City of Milwaukie,

Oregon ("The City"). Motion passed with the following vote: Councilors Batey, Parks, Power, and Churchill and Mayor Gamba voting "aye." [5:0]

Mr. Monahan read the Ordinance two times by title only.

Ms. DuVal polled the Council: Councilors Batey, Parks, Power, and Churchill and Mayor Gamba voting "aye." [5:0]

ORDINANCE No. 2113:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, GRANTING TO LEVEL 3 COMMUNICATIONS LIMITED LIABILITY COMPANY ON BEHALF OF ITSELF AND ITS OPERATING AFFILIATES ("LEVEL 3"), A NON-EXCLUSIVE FRANCHISE TO OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM ("THE SYSTEM") IN THE CITY OF MILWAUKIE, OREGON ("THE CITY").

C. Riverfront Park Bridge Update.

Mr. Eaton reported on the damage sustained by the bridge during the recent weather events. He summarized the final geotech report, the Oregon Department of Transportation (ODOT) bridge inspection report, and a staff memo responding to the questions related to temporary access to the boat ramp from Washington Street. The bridge at the southern approach suffered major damage in the undermining of the wing walls and approach structures. The bridge that was built in the 1950's had no support other than spread footings, and the ODOT report indicated up to 31 inches of scour putting the footings 31 inches above the streambed. At this time it was unknown if the scour had gone below the Bridge footings. The Bridge was not designed to seismic standards, and Mr. Eaton discussed the makeup of the soil. He summarized the options that had been identified including permanent repair and bridge replacement. If one looked at the cost analysis, the permanent repair option would not include temporary mitigation measures. In the replacement option, Mr. Eaton had included temporary repair and temporary access that would open the boat ramp in time for Spring Chinook season. He noted that the Oregon Marine Board (OMB) may have some funds available in order to get the ramp open for spring fishing. The least expensive solution would likely be precast concrete panels placed on driven piles with some decorative elements. No one was sure when the structure was built, but typically bridges were designed a 75 year life. The additional length had to do with the scour problem. He noted future design options could be considered in order to remove the Kellogg Creek dam. He discussed support of the Trolley Trail.

Mr. Eaton recommended declaring an emergency for purchasing and contract administration purposes due to the short timeframe and the desire to be open for spring fishing while a contract was being negotiated for the new structure. He compared the costs of permanent repair and replacement. There was a funding gap, and he noted there were loans from the Special Public Works Fund (SPWF) and ODOT Immediate Opportunity Funds (IOF). FEMA funds could only go toward the \$870,000 permanent repair option. He commented on some of the drawbacks related to the use of federal funds.

Councilor Power supported the bridge replacement option with the temporary repair and access.

Mayor Gamba was having difficulty with how much would be spent on temporary access.

There was consensus on the bridge replacement option.

It was moved by Councilor Power and seconded by Councilor Churchill to move forward with the bridge replacement option at Riverfront Park as outlined in the Staff Report in an emergency situation. Motion passed with the following vote:

Councilors Batey, Parks, Power, and Churchill and Mayor Gamba voting “aye.” [5:0]

Mayor Gamba recessed the Regular Session at 7:50 p.m. and reconvened the Regular Session at 7:56 p.m.

Management Market Pay Results Discussion

The group continued its work session discussion of management compensation and an implementation date.

It was moved by Councilor Parks and seconded by Councilor Churchill to adopt the findings of the management compensation study effective January 1, 2016. Motion passed with the following vote: Councilors Batey, Parks, Power, and Churchill and Mayor Gamba voting “aye.” [5:0]

D. Council Reports

Councilor Parks and Councilor Churchill attended the Milwaukie Downtown Business Association (MDBA) meeting during which the members discussed their goals for the upcoming year. Councilor Parks participated in the Linwood Neighborhood District Association (NDA) adopt a road effort, and she announced that the North Clackamas Chamber of Commerce was moving to Monterey Avenue to make room for the construction of the Clackamas Community College (CCC) Harmony Campus.

Council President Batey announced the upcoming Spring Park planting party as well as clean up events at Tideman Johnson Park and the 3 Creeks Natural area. There will be a kickoff meeting for the September Sunday Parkways Event at Milwaukie City Hall on February 6.

Councilor Churchill said there was a great turnout of enthusiastic members for the MDBA meeting.

Mayor Gamba thanked those who participated in the Spring Park planting event and congratulated the Linwood NDA on its adopt a road program. He encouraged people to submit their applications for the 2015 Ed Zumwalt Volunteer of the Year award and to become involved with the Hector Campbell Community Garden. There had been a number of inquiries related to the City’s water quality as a result of recent problems in Flint, MI. He was happy to report that the City of Milwaukie had recently been designated by the State of Oregon as providing its residents with an outstanding water source.

ADJOURNMENT

It was moved by Councilor Parks and seconded by Councilor Power to adjourn the regular session. Motion passed with the following vote: Councilors Batey, Parks, Power, and Churchill and Mayor Gamba voting “aye.” [5:0]

Mayor Gamba adjourned the regular session at 8:14 p.m.

Respectfully submitted,

Pat DuVal, Recorder



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WORK SESSION
FEBRUARY 16, 2016
City Hall Conference Room

Mayor Gamba called the Work Session to order at 4:00 p.m.

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Assistant to the City Manager Mitch Nieman, Public Affairs Coordinator Jordan Imlah, Public Works Director Gary Parkin, and Police Chief Steve Bartol

Introduce Jordan Imlah, Public Affairs Coordinator

Mr. Nieman introduced the recently hired Public Affairs Coordinator Jordan Imlah.

Neonicotinoid Ban Discussion

Mayor Gamba introduced Tonia Burns, North Clackamas Parks and Recreation District (NCPRD) Natural Resource Coordinator; Gary Barth, NCPRD Director; and Aimee Code, Xerces Society Pesticide Program Director.

Ms. Code provided background on the Xerces Society and explained the importance of pollinators as well as their decline. She discussed pesticides and neonicotinoids.

Councilor Power understood Mayor Gamba had hoped to address this for some time. She mentioned City parks were maintained by NCPRD and understood certain planting strategies would be involved to phase out neonicotinoids.

Ms. Code said it made sense to test soil the following year to see if any residual was present, but she noted there was no hard science about the carryover onto new plants.

Ms. Burns talked about partnerships NCPRD has with other organizations, which helped create the Integrated Pest Management (IPM) Plan that many groups could live with and abide by. The City of Happy Valley fully embraced the document, and Ms. Burns explained how the document could be attached to contracts to tell contractors to follow it. She discussed source materials and what was being used by nurseries. She also explained the use of an emergency clause in the event of a public health threat.

Councilor Power asked how the policy was intended to apply. **Mayor Gamba** explained the intent was that the City would decide not to use neonicotinoids, and request NCPRD and the School District not use them as well. He noted that after discussions, the two groups had agreed.

The group discussed the use of chemicals by TriMet and Union Pacific Railroad (UPRR). **Councilor Power** recommended enacting the policy from this day forward, not making it retroactive. The group discussed the Park and Recreation Advisory Board (PARB) involvement and private development.

Council President Batey discussed the value of a public information campaign, and **Mayor Gamba** commented on the importance of making it an ongoing program. **Ms. Code** and **Mr. Barth** commented on the value of signage.

Mayor Gamba felt it would make sense to adopt the same IPM Planas other agencies.

The City Council agreed to consider the matter at the March 15 meeting so the City's new Sustainability Coordinator Clare Fuchs could review the document.

TriMet Intergovernmental Agreement (IGA) – Completion of the Portland Milwaukie Light Rail Transit (PMLRT) Project

Mr. Parkin and Milwaukie's former Light Rail Construction Manager Stacy Bluhm discussed the proposed plan that explained which entity would maintain portions along the light rail line. **Ms. Bluhm** and **Mr. Parkin** presented the draft plans and highlighted the areas for which the City would have responsibility. **Ms. Bluhm** provided a brief background of the project and noted she was currently waiting on TriMet's revised version.

The group discussed property ownership and the project closeout timeline.

Clackamas County Interagency Drug Team

Chief Bartol and **Lieutenant Jeff Davis** with the Clackamas County Sheriff's Office (CCSO) discussed the Clackamas County Interagency Task Force. **Lt. Davis** provided an overview of the program and discussed the goals and partnerships. He also discussed drug trafficking in relation to Oregon, and provided Clackamas County drug statistics.

Chief Bartol announced the City's upcoming prescription drug turn-in event scheduled in April. He also mentioned the drop box located in the Public Safety Building lobby.

Mr. Monahan announced that the City Council would meet in executive session pursuant to ORS 192.660(2)(h) to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Mayor Gamba adjourned the Work Session at 5:45 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II



MINUTES
MILWAUKIE CITY COUNCIL
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REGULAR SESSION
FEBRUARY 16, 2016
City Hall Council Chambers

Mayor Gamba called the 2,216th meeting of the City Council to order at 6:24 p.m.

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, Library Director Katie Newell, and Finance Director Casey Camors

CALL TO ORDER

Pledge of Allegiance.

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Milwaukie High School (MHS) Outstanding Student Achievement Award for February 2016 Presented to Fa'atuiolemotu Tuitele

Mark Pinder, MHS Principal, introduced Mr. Tuitele and noted his achievements particularly in the areas of athletics, scholarship, and volunteerism.

Mayor Gamba and the Councilors congratulated Mr. Tuitele and inquired about his academic and extracurricular activities and career plans.

CONSENT AGENDA

It was moved by Council President Batey and seconded by Councilor Power to approve the consent agenda as presented.

A. City Council Meeting Minutes:

1. January 19, 2016, Work Session;
2. January 19, 2016, Regular Session; and
3. January 21, 2016, Study Session.

B. Resolution 16-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the City Manager to sign a Purchase Agreement with Cascade Form Systems and Wright Imaging for utility billing printing and mailing services.

C. Resolution 17-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, setting forth proposed corrective measures pertaining to a deficiency noted in the Annual Audit Report.

D. Oregon Liquor Control Commission (OLCC) Application for Wine:30, Inc., 10835 SE Main Street, Additional Privileges.

Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting "aye." [5:0]

AUDIENCE PARTICIPATION

Mayor Gamba reviewed the procedure for audience participation.

Mr. Monahan said there was no audience participation follow up from the February 2, 2016, regular session.

Charles Bird, Island Station Neighborhood and Kellogg Good Neighbor Committee member, submitted a concept plan for building a trail from the Kellogg Lake Bike Pedestrian Bridge to access the Island Station Neighborhood and the Trolley Trail. This would refurbish an existing path on an interim bases and would include volunteer efforts to open the trail this spring.

Terry Finch, 65th Avenue resident, discussed the homeless problem in Milwaukie. He said he and his 13 year old son were being evicted from their townhouse on April 1 for no cause. He urged the Milwaukie City Council to do something to affect a change in laws to protect the community. This City Council needed to do something about this and get the laws changed so that kids were not living on the streets. The City Council members discussed actions taken by the City of Portland and legislative activities.

Kelli Keehner and **Ed Zumwalt** reported that First Friday had joined forces with the Downtown Milwaukie Business Association (DMBA). They were excited about the partnership and looked forward to a successful 2016 season.

Pam Denham and **Milo Denham**, Island Station residents, discussed the 19th Avenue project and their proposal for a pedestrian centric street design. Currently Milwaukie streets were vehicle centric, and the Denhams felt the streets should be left alone and pedestrians given the right of way over cars and bikes. Ms. Denham said that Americans with Disabilities Act (ADA) compliance could be achieved through signage that communicated the situation to motorists and bicyclists rather than to the disabled. Mr. Denham had concerns about the proposed tactile strips that would require pedestrians to walk in a narrow path. They recommended changing the terminology from neighborhood greenways to Walking in Neighborhood Streets (WINS). The Denhams provided a full copy of their presentation.

Kiran das Bala, Milwaukie resident, expressed concern with her neighbor's pruning a tree and the garbage hauler's removal of her roller can for no apparent reason.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. Library Services Expansion Ballot Measure – Resolution

Ms. Newell and **Scott Barbur**, Library Services Expansion Task Force (LSETF) Chair, requested that the City Council move forward and approve the bond measure for the May 17, 2016, Ballot. Ms. Newell discussed attendance at recent Neighborhood District Association (NDA) meetings and had found it a positive experience.

Mr. Barbur added there had been a lot of positive feedback from the community, and he felt the expansion would be very positive for the community.

Councilor Power noted this project and its funding layers had been a large part of the community conversation for some time.

The City Council expressed its appreciation for all the hard work by volunteers and staff.

Melissa Perkins, Island Station resident, expressed her thanks to the City Council for its ongoing support of the project. The service expansion would enhance the user experience and was integral to the vitality of downtown Milwaukie.

Councilor Power commented on the informational campaign and design committee that would be formed if the bond was approved in May.

It was moved by Council President Batey and seconded by Councilor Churchill to approve a Resolution submitting to the voters a referral to be considered at the

May 17, 2016, Election, to authorize the City to issue up to \$9,200,000 of General Obligation Bonds for library improvements. Motion passed with the following vote: Councilors Parks, Power Churchill, and Batey and Mayor Gamba voting “aye.” [5:0]

RESOLUTION No. 18-2016:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON SUBMITTING TO THE VOTERS A REFERRAL TO BE CONSIDERED AT THE MAY 17, 2016, ELECTION, TO AUTHORIZE THE CITY TO ISSUE UP TO \$9,200,000 OF GENERAL OBLIGATION BONDS FOR LIBRARY IMPROVEMENTS.

Ms. Newell thanked members of the LSETF.

B. Council Input to Legislative, County, or Regional Issues

Mayor Gamba withdrew his ask for a Resolution on a bill that had passed the House. **Council President Batey** provided a brief update on the sewer connection loan program proposal. **Mayor Gamba** suggested that the City consider funding a lobbyist position in the next budget.

C. Council Reports

Council President Batey announced the Milwaukie Police Department Officer of the Year Awards Dinner on March 8, the Friends of the Ledding Library Native Plant Sale on February 28, the Urban Renewal Advisory Group meeting on February 17, and the Milwaukie Earth Day Event on April 23.

Mayor Gamba announced the Sen. Jeff Merkley Town Hall scheduled for February 27 at Milwaukie High School.

Mr. Monahan reported that the nomination period for the 2015 Ed Zumwalt Volunteer of the Year Award had closed and that the recipient would be announced in April.

Mayor Gamba announced that the City Council would meet in executive session pursuant to ORS 192.660(2)(i) for the performance evaluation of Public Officers and Employees. The City Council would not return to open session.

ADJOURNMENT

It was moved by Councilor Power and seconded by Councilor Parks to adjourn the regular session. Motion passed with the following vote: Councilors Parks, Power, Churchill, and Batey and Mayor Gamba voting “aye.” [5:0]

Mayor Gamba adjourned the regular session at 7:54 p.m.

Respectfully submitted,

Pat DuVal, Recorder



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STUDY SESSION
FEBRUARY 18, 2016
City Hall Conference Room

Mayor Gamba called the Study Session to order at 6:06 p.m.

Council Present: Council President Lisa Batey and Councilors Wilda Parks and Karin Power

Council Absent: Councilor Scott Churchill

Staff Present: Assistant to the City Manager Mitch Nieman, City Recorder Pat DuVal, Community Development Director Alma Flores, and Planning Directory Denny Egner

Comprehensive Plan Update: Community Visioning

Mr. Egner reviewed previous Council discussions regarding a Comprehensive Plan review and visioning process, and introduced Steven Ames with NXT Consulting Group.

Mr. Ames introduced himself and previewed his presentation on community visioning. He discussed global and local change, the strategic visioning process, the evolution of visioning in Oregon, and presented a case study from the City of Bend, Oregon.

Councilor Parks and **Mr. Ames** commented on the benefits of building community partnerships through a visioning process.

The group discussed how a visioning process relates to a Comprehensive Plan review. **Mr. Ames** and **Mr. Egner** remarked on the feasibility of conducting a Comprehensive Plan review and a visioning process simultaneously.

Mayor Gamba asked about the City of Corvallis, Oregon's visioning experience, and **Mr. Ames** reported that Corvallis' vision has helped guide its planning process.

Councilor Power asked how the visioning process could be used to avoid things the City did not want. **Mr. Ames** discussed his work with the City of Flagstaff, Arizona, to create a probable future projection of the community if no vision was created, and he commented on the need to understand demographic trends in the community.

Mr. Egner summarized that the next step would be to develop a scope of work for the visioning process while moving forward with a Comprehensive Plan review.

The group discussed the challenges and benefits of conducting a Comprehensive Plan review, a visioning process, and an urban renewal process simultaneously.

Mr. Ames suggested that the process should fit the community in terms of budgeting and timing. He remarked that the implementation plan should be a living document that expresses the long-term aspirations of the community and institutionalizes the vision.

Councilor Parks and **Mr. Ames** commented on the important role of a vision implementation group to monitor the community's progress toward the vision over time.

Mayor Gamba recessed the Study Session at 6:59 p.m. and reconvened the Study Session at 7:02 p.m.

Solar Goals and Projects

Charlie Fisher, an Advocate with Environment Oregon, **Jaimes Valdez**, Policy Manager at Northwest Sustainable Energy for Economic Development (NW SEED), and

Rhonda Lehman, local solar system owner, introduced themselves and contractors John Grieser, with Elemental Energy, and Aaron Eddy, with Sunlight Solar.

Mr. Fisher reported on the state of solar energy in Oregon and suggested that increased solar power use was a result of local and state policies. He noted that 19 businesses in Milwaukie had signed a letter supporting local solar energy use and discussed the benefits of policies that support solar installation goals.

The group noted that the City buys clean energy from Portland General Electric (PGE).

Mr. Fisher continued to discuss the benefits of cities and states adopting solar power goals, and presented data on current Milwaukie solar use. He suggested the City could set a goal to triple the number of residential solar rooftops over 5 years by engaging in solar programs and projects, and pursuing solar use by governments and businesses.

Mr. Valdez noted the City of Portland's experiences promoting solar projects and the role that NW SEED plays in promoting locally controlled clean energy. He reviewed the benefits of solar power, discussed approaches to energy efficiency, and explained the elements and costs of a solarize campaign. He noted that Congress had recently extended the Federal solar installation tax incentive through the end of 2020.

Mr. Valdez discussed the residential solar installation process and remarked on the success of NW SEED in promoting solar installation through training workshops. He noted the benefits of pursuing community solar projects and reported on the status of solar legislation pending in the Oregon State Legislature.

Council President Batey and **Mr. Valdez** commented on the limited changes in solar energy technology, and **Mr. Fisher** remarked that technology alone would not be able to do much to improve a property's exposure to sunlight.

Ms. Lehman explained why she had sought solar energy and discussed the process and cost savings of installing solar panels. **Councilor Parks** and **Ms. Lehman** noted the size of Ms. Lehman's home and the number of solar panels installed.

Councilor Power noted cost estimates from other cities and asked what it would cost to install solar panels in Milwaukie. **Mr. Valdez** explained that Portland's solarize program had been funded by a Federal grant and by economies of scale offered by contractors.

Mr. Eddy reported that the City of Happy Valley's solar program offers reduced permitting costs. **Mr. Fisher** replied that a solarize program can reduce total costs from \$500 to \$1,000. **Mr. Grieser** commented on the challenge of identifying different incentives and suggested that the installation cost in Milwaukie should be the same as in other cities. He stressed the importance of community education and reported that the average out-of-pocket up-front costs were between \$10,000 and \$15,000 and after tax credits would come out to between \$7,000 and \$8,000.

The group discussed the volatility of Federal and State solar tax credit programs and the long-term stability of solar equipment warranties and contractors. They noted the work of the Energy Trust of Oregon to stabilize and regulate the solar industry.

Council President Batey, **Mr. Valdez**, and **Mayor Gamba** discussed potential incentives for commercial users to participate in a solarize program.

The group discussed the potential benefits of battery and energy storage technology.

Council President Batey, **Mayor Gamba** and **Mr. Valdez** discussed the minimum community involvement required for NW SEED to organize a workshop and noted the need to act quickly to put on a workshop funded by a Federal grant.

Ms. Lehman commented on the financial impact of using different panel manufacturers. **Mr. Eddy**, **Mr. Grieser**, and **Mr. Valdez** reported that most contractors prefer to use reputable American or locally made products.

Mayor Gamba suggested that Council would want to consider setting a solar goal and then decide how involved the City should be in a solarize program.

Mayor Gamba and **Mr. Valdez** noted that a workshop training session could be free for the City as long as it happened by the end of March 2016.

Councilor Power remarked that she would like to see a Staff Report on available resources and a staff recommendation on managing a solar program.

Mayor Gamba commented that a 5-year target should be easy for the City to reach, and **Council President Batey** asked if a goal was necessary to do a solarize program. **Mr. Fisher** suggested that setting a goal would help a solarize program.

Council President Batey agreed that Council needed to find out how a solarize program would impact staff and how much interest there is in the community before a goal could be set. **Councilor Parks** noted the need for staff time to investigate community interest soon, and **Mr. Valdez** and **Mr. Fisher** noted the possibility of using personal and regional networks to recruit program participants.

Councilor Power suggested Council was interested but wanted to explore how to best approach a program and noted the need for a member of Council to take the lead.

Mayor Gamba recessed the Study Session at 8:20 p.m. and reconvened the Study Session at 8:21 p.m.

Volunteer Appreciation and Earth Day Events

Mr. Nieman discussed the Volunteer Appreciation Dinner at the Milwaukie Masonic Lodge scheduled for April 7, 2016.

The group noted the restrictions on the type of bond measure information the City and Council could present at the Volunteer Appreciation Dinner. They discussed the Kellogg Pedestrian Bridge dedication scheduled to occur on Earth Day.

Mr. Nieman reviewed the tentative Earth Day event schedule, and **Councilor Power** asked if the library could host an event on Earth Day to promote the bond measure.

Mr. Nieman reported that the Park and Recreation Board (PARB) may host Arbor Day events on Earth Day.

The group commented on how the library bond could be included in upcoming events.

Mr. Nieman discussed the Dogwood Dash race scheduled for April 2, 2016.

Draft Tree Ordinance

Mr. Nieman provided an overview of the proposed tree ordinance and reported that the draft ordinance had been reviewed by staff, the City Attorney, and the Oregon Department of Forestry (ODF). **Council President Batey** and **Mr. Nieman** noted that PARB could maintain the tree list referenced in the ordinance.

The group discussed the City's existing tree lists and noted the work done in the last year by PARB and staff to update the Downtown Tree List.

Mr. Nieman reported that PARB would be creating a list of trees for planting under utility lines for Council to consider along with other revisions to the City's tree lists as part of the proposed tree ordinance.

It was the consensus of the Council members present that PARB should present revisions to the tree list in the tree ordinance.

Councilor Power reported community concerns about large trees on private property being lost. **Mr. Nieman** remarked on the tree list discussions acting as an educational opportunity that feed into consideration of a heritage tree program.

Council President Batey remarked on creating incentives to maintain large trees.

Mr. Nieman noted that the tree ordinance was proposed as part of the City's pursuit of the Tree City USA designation and he confirmed that PARB or a separate board could

act as a tree board. **Council President Batey** and **Councilor Parks** noted that an individual had expressed interest in serving on a tree board.

Mr. Nieman reported that the tree ordinance would be reviewed again by the Planning Department and the City Attorney for concurrence regarding zoning requirements.

Council President Batey, Mr. Nieman, and Mayor Gamba discussed the existence of a list of trees approved for bio-swales and work done by the Engineering Director in 2015 to review the tree lists.

It was the consensus of the Council members present to schedule the first reading of the tree ordinance at the first Council meeting in March 2016.

Mr. Nieman thanked PARB member Lynn Sharp for her work on the tree ordinance.

Mayor Gamba adjourned the Study Session at 8:55 p.m.

Respectfully submitted,

Scott S. Stauffer, Administrative Specialist III



**Regular Session
Agenda Item No.**

6

Other Business



MILWAUKIE CITY COUNCIL
STAFF REPORT

Agenda Item: **RS 6. A.**
Meeting Date: **March 1, 2016**
Added Feb. 29, 2016

To: Mayor and City Council
From: Mitch Nieman, Asst. to City Manager
Through: Bill Monahan, City Manager

Subject: **Riverfront Park Planning, Operations and Maintenance**

Date: **March 1, 2016**

ACTION REQUESTED

Receive update on goose management strategies and discuss Parks and Recreation Board (PARB) and Riverfront Task Force (RTF) volunteer roles.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

June 15, 2015 – City Council, PARB, and RTF met to discuss goose mitigation strategies at Riverfront Park. Refer to attached minutes for information.

July 7, 2015 – City Council and RTF met to discuss goose mitigation strategies at Riverfront Park and 2016 work plans. Refer to attached minutes for information.

August 4, 2015 – City Council and PARB met to discuss goose mitigation strategies at Riverfront Park and 2016 work plans. Refer to attached minutes for information.

BACKGROUND

PARB Chair Lisa Gunion-Rinker and RTF Chair Dave Green are seeking direction from Council on short- and -long term strategies for goose management at Riverfront Park, and for their ongoing volunteer roles in Riverfront Park planning, operations and maintenance.

FISCAL AND WORK LOAD IMPACTS

Staff time and city resources are required to liaise RTF and PARB. North Clackamas Parks and Recreation District and the City of Milwaukie have budgeted approximately \$5,000 in FY 16 to fund interim landscape improvements. A \$13,000 contract, funded by the City Manager's budget, was awarded to Geese Guys for services provided from November 2015 through July 2016.

ALTERNATIVES

N/A

ATTACHMENTS

1. City Council Minutes from June 15, July 7, and August 4, 2015



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SPECIAL SESSION
JUNE 15, 2015
Milwaukie Masonic Lodge
10636 SE Main Street

Mayor Parks called the Special Session of the Council and Mr. Klein called the meeting of the Riverfront Task Force (RTF) to order at 6:30 p.m.

Council Present: Council President Batey and Councilors Mark Gamba and Karin Power

Council Absent: Councilor Scott Churchill

Staff Present: City Manager Bill Monahan and Assistant to the City Manager Mitch Nieman

Others Present: Riverfront Task Force (RTF) Vice Chair Gary Klein and RTF Members Sherri Dow, Mike Stacey, Milwaukie Park and Recreation Board (PARB) Chair Lisa Gunion-Rinker, PARB Vice Chair Lisa Lashbrook, PARB Treasurer Lynn Sharp, North Clackamas Parks and Recreation District (NCPRD) representatives Jeroen Kok and Kevin Cayson, Bob Sallinger with the Audubon Society of Portland, Kristen Grompone with Geese Guys, and Mark Lytle and Matthew Alex with the United States Department of Agriculture (USDA) Wildlife Services.

The purpose of the special meeting was to hold a combined meeting with the Council and RFT to discuss issues related to the increased population of geese at Riverfront Park and elsewhere in the City.

Mayor Parks introduced the issue and invited the participants to share ideas for both short and long term solutions.


Mr. Nieman made a PowerPoint presentation to illustrate the issues.

The group made a number of suggestions that Mr. Nieman displayed on a screen. The ideas that were generated were then made into the attached list of Geese Mitigation Public Workshop Discussion Notes.

The Council took public input from several citizens who added ideas that are incorporated into the Discussion Notes (Attachment A). **Council agreed to pursue obtaining signs that advise that people should not feed wildlife while also looking into some short term actions such as hazing the geese and applying fertilizer.**

Mayor Parks adjourned the Special Session at 8:32 p.m.

Respectfully submitted,


Bill Monahan, City Manager

**JUNE 15, 2015 - RIVERFRONT PARK GEESE MITIGATION
PUBLIC WORKSHOP DISCUSSION NOTES**

PROPOSED SHORT TERM SOLUTIONS:

- Hazing
 - Dog programs (off leash/on leash) – Border Collie
 - Paintball marker
 - Biodegradable material – won't harm geese
 - Green laser
 - Best when used in mornings and evenings
- Flight Control Plus turf application product
 - Product designed to upset geese stomach when they feed on applied grass
- Silk fencing (green color)
 - Best installed near edge of water or along walkway
 - Should be at least 2-3 feet high
- Decoying/Flagging
- Install "DO NOT FEED WILDLIFE" signs
- Planting of fast-growing and drought tolerant native seed/shrub mix
- Goose round-up
 - Best when performed in the early morning
 - Process separates adults from juveniles
 - Requires U.S. Department of Fish and Wildlife Permits
 - Adults euthanized (optional); juveniles displaced
- Egg oiling/disrupting
 - Process mimics birth control for geese by physically shaking or oiling eggs

PROPOSED LONG TERM SOLUTIONS:

- Landscape/habitat modification
 - Install combination of plant barriers, contours, shapes, and fencing
 - Obstructs sight of land from water and breaks-up flight paths
 - Install alternative surfacing
 - Remove turf – add more hardscape
 - Modifying turf type (change turf strains or use hybrid strains)
 - Let grass die after Park warranty period ends
- Adjust Riverfront Park Master Plan to provide for "adaptive management"
- Introduce predators
- Adopt a "No Feed" ordinance

ADVICE, INSIGHT and RECOMMENDATIONS:

- “DO NOT FEED WILDLIFE” signs help
 - Goose poop was an issue at Scott Park, but after signs were installed and new plants were planted, the issue has greatly subsided
- Flagging techniques aren’t helpful in the long term
- There’s no one-size-fits-all solution
- Citizen-based dog hazing programs aren’t reliable
 - Best to use a professional service
 - Many also perform egg testing/oiling to manage nests
- Two examples of decent “No Feed” ordinances
 - Bend
 - Tacoma
- Lethal control creates controversy
- “native berm beds” installed at PDX airport are good examples of
- Challenging to get bald eagles or other birds of prey to reside in park
- 30% of grass in park is currently being watered
- Geese prefer freshly mowed and short grass
- Waverley Golf Club has been dog hazing for 15+years
 - Milwaukie solution will have an effect on their program
- There has to be tolerance in the community for all strategies
- What money is available to implement short and long term strategies?
- NCPRD cleans poop on concrete path and dock daily
- Average goose produces 2-3 lbs of waste per day
- Average geese may live up to 25 years
- Takes 3-5 years for effective geese removal if geese inhabit area for more than 5 years
 - Seasonal management strategies are recommended for effective mitigation
 - All geese mitigation strategies inevitably move geese from one area to another
- Recommended frequency of hazing
 - Beginning: 7 days/week; multiple times per day
 - Interim: 5 days/week; once per day
 - Is permitting required for nonlethal hazing?
 - No (but still a gray area)

PUBLIC COMMENT:

- Too much grass at the Park
- Not enough shade at the Park
- More picnic areas are needed at the Park
- Many areas of the Park are not level
- Short term – fertilizer/flight control product is highly recommended
- Long term – convert grass to artificial turf
- Irrigate while geese are feeding/present
- Install scarecrows
- Require geese poop clean-up as community service for geese feeders
- Feed the geese food/product that inhibits reproduction (birth control)
 - Expensive
 - Counter intuitive
 - Understates population

FINAL RECOMMENDATIONS:

- Matt Alex - USDA Wildlife Services:
 - Short-term: Physical hazing (dogs, lasers, paintballing)
 - Long-term: Landscape modifications/fencing
 - Goose round-up (permitting fee waived for cities)
- Bob Sallinger – Audubon Society:
 - Short-term: Physical hazing (dogs, lasers, paintballing)
 - Be consistent with whatever strategies are deployed
 - Adopt no feed ordinance
- Kristen Grompone – Geese Guys:
 - Short-term: flight control product (grass treatment)
 - Best implemented while flightless (not when flying)
 - Short-term: Physical hazing (dogs, lasers, paintballing)
 - Keep grass long (over 5")
 - Let geese be your guide during the season
- Jeroen Kok – NCPRD:
 - Short-term: Physical hazing (dogs, lasers, paintballing)
 - Be consistent
 - Long-term commitment
 - Grass treatment (\$100/application)
- Sherri Dow – RTF Member:
 - Stop irrigating the grass
 - Riverfront Park contractor on hook for 1 year warranty period
- Councilor Gamba – City of Milwaukie:
 - Permit required for nonlethal hazing: NO
- Unanimous Recommendation – Posting “DO NOT FEED WILDLIFE” signs

NEXT STEPS:

- PARB: assist Council with reviewing proposals for short term solutions: August 4
- RTF: assist Council with reviewing proposals for long term solutions: July 7
- City Council: make final decision for short- and -long term solutions: TBD

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WORK SESSION
JULY 7, 2015
City Hall Conference Room

Mayor Gamba called the Work Session to order at 4:00 p.m.

Council Present: Council President Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Assistant to the City Manager Mitch Nieman, Finance Director Casey Camors, Court Operations Supervisor Carla Bantz, Interim Engineering Director Brad Albert, Planning Director Denny Egner, Community Development Director Alma Flores, and Associate Planner Vera Kolias

City Manager's Report

Mr. Monahan reviewed the Work and Regular Session agendas.

Milwaukie Park and Recreation Board (PARB) Representative on the North Clackamas Parks and Recreation District (NCPRD) Advisory Board

Mr. Monahan reported that Tony Anderson had stepped down as the PARB representative on the NCPRD Advisory Board and he suggested that Council recommend a replacement to the Clackamas Board of County Commissioners (BCC).

Councilor Parks expressed interest in serving in the position, **Council President Batey** offered to serve as the alternate, and **Councilor Churchill** noted that former Councilor Mike Miller may be interested in serving in the position.

It was the Council consensus to make a decision about the PARB representative to the NCPRD Advisory Board at the July 21, 2015, Work Session, and it was agreed that Mr. Miller would be contacted to see if he was interested in serving.

Mr. Monahan noted that a Joint Session with the Council and Planning Commission was scheduled for July 28, 2015, and he proposed that an Executive Session be scheduled for 5:00 p.m. that same day.

Clackamas Cities Association (CCA) Meeting Schedule

Mr. Monahan discussed the upcoming CCA schedule and related calendar issues.

Summer Vacations

The group discussed the meetings scheduled for August 18, 2015, and Council members' planned absences. Staff noted upcoming agenda topics.

Audience Participation Follow-Up

Mr. Monahan reported on topics raised during the June 16, 2015, Regular Session Audience Participation, including proposed upgrades to the electric charging station and supporting chemical free parks.

Community Development Update

Ms. Flores provided updates on economic development activities, and announced a workshop to be co-hosted by the City and Micro-Enterprise Services of Oregon (MESO) on July 28, 2015, at the Milwaukie Masonic Lodge.

Mr. Albert provided an update on the Railroad Avenue paving contract and the Stanley Avenue construction contracts.

Council President Batey commented on the possibility of identifying funds to connect the 17th Avenue project to the Springwater Corridor.

Mr. Albert reviewed final work items to complete the Adams Street Connector project.

Mr. Egner discussed Planning Commission activities including recent land use approvals and the upcoming Joint Session with Council. He noted several timelines related to the legalization of marijuana and related choices for Council to consider.

The group discussed medical marijuana facility signage, cohabitation, and taxation.

Mayor Gamba suggested that the City research the issue of taxing medical marijuana, and **Mr. Monahan** confirmed that the City Attorney would provide more information.

Mr. Egner announced that the City would host a Metro Policy Advisory Committee (MPAC) meeting on July 22, 2015, and he reported that the City may host a breakfast meeting on July 27, 2015, regarding the Monroe Street Neighborhood Greenway and Washington Street alignment option. He provided an update on the Transportation and Growth Management (TGM) program for the 19th Avenue Woonerf project.

Milwaukie Municipal Court – Court of Record

Ms. Bantz discussed the recently adopted Oregon House Bill 3399 that requires municipal courts to become a court of record. She explained that the City's court is not currently a court of record and she noted the process and costs for the City when a municipal court decision is appealed to the Clackamas County Circuit Court.

The group discussed the transcription software the City will have to acquire to become a court of record and the related use of municipal court staff time to use the software.

Ms. Bantz noted that court transcription records are only kept as long as required by the City Records Retention Schedule set by the State.

Electric Lightwave Franchise Agreement

Ms. Camors provided background information on franchise agreement negotiations with Electric Lightwave, Inc. (ELI). She reported that ELI and the City have had a good relationship and she reviewed the terms of the proposed ten year agreement.

Councilor Churchill asked if ELI has been pulling the necessary permits. **Ms. Camors** and **Mr. Albert** replied that ELI has pulled separate permits for work in the right-of-way (ROW), and it was noted that ELI does very little permit work in the City.

The group discussed annual franchise fees charged on a per linear foot basis.

Mayor Gamba asked if the City was precluded from being a competitor. **Ms. Camors** and **Mr. Monahan** said the City was not pre-empted from being a competitor.

Ms. Camors noted the bond coverage and insurance rates required by the agreement, and she reported that the City had 9 active franchises with 4 currently in negotiation.

The group discussed ways to capture revenue from franchise agreements and capital improvements made by franchisees. **Ms. Camors** noted that the City charges the maximum franchise fee amounts allowed, she discussed what other cities charge, and she cited laws regarding the abandonment of infrastructure.

Council President Batey, Mayor Gamba, and Councilor Churchill discussed how much of ELI's and other franchisee's lines are underground.

Ms. Camors noted that Council would consider adoption of the proposed ELI franchise agreement at the July 21, 2015, Regular Session.

Parklet Program Review

Ms. Kolias provided a background report on the Parklet Program and noted that the original Council-approved pilot program will end in November 2015. She explained that Council is scheduled to discuss the future of the program in September 2015, and she asked for Council input on the proposed criteria and methods to evaluate the program. She reported that staff had compiled a list of possible changes should the program continue, and she asked for Council's input on public and private parklets.

Councilor Churchill expressed his appreciation to staff for addressing the Americans with Disabilities Act (ADA) access issues and for raising the public and private question.

Council President Batey remarked that she thought the proposed criteria were good and suggested that winter maintenance may be an issue to focus on.

Ms. Kolias reported that Wine:30 is the only business to participate in the program, and she noted other businesses who had expressed interest. She described how the City of The Dalles has partnered with businesses on a public/private parklet program.

Mayor Gamba reported conversations with out-of-town visitors who were drawn to explore downtown after noticing the parklet. He wondered how to capture the benefit of the parklet drawing visitors, and **Ms. Kolias** noted ways to capture those stories.

Councilor Parks and **Ms. Kolias** noted that Council would be deciding if the program would be permanent and whether a parklet could be left up year-round.

Councilor Churchill reported a lack of downtown parking on weekends due to the heavy use of the boat ramp at Riverfront Park, and he suggested that parklets may further reduce the number of parking spaces available downtown.

The group discussed off-site boat trailer parking for busy weekends at Riverfront Park.

Councilor Parks and **Ms. Kolias** summarized that staff was looking for Council input on program evaluation criteria. **Councilor Churchill** suggested that Council should consider charging parklet fees or share revenue.

The group discussed the challenges of uneven street surfaces for ADA accessibility.

Riverfront Task Force (RTF) Update

Mr. Nieman introduced Gary Klein, Vice Chair of the RTF. He reviewed the Council Resolutions that had established the RTF and PARB, and **Mr. Monahan** noted that Council Resolutions provide information as to why the boards had been established.

Mr. Nieman explained that the discussion was meant to update Council on the roles of the RTF and PARB, and to get Council input on the Riverfront Park Phase III capital campaign and solutions to the geese issues. He introduced Dave Green, RTF Chair.

Councilor Churchill and **Mr. Nieman** discussed the amount of private donations raised for development of Riverfront Park and the results of the C3 consultant's study.

Councilor Churchill asked for an update on the donor outreach effort. **Mr. Green** reported that fundraising had never been a goal of the RTF and that a campaign committee was supposed to follow-up on the consultant's list of potential donors.

The group discussed the status of the capital campaign, the role of the RTF in fundraising, and noted the arrival of Sherri Dow, RTF member.

Mayor Gamba asked the members of the RTF present if they were interested in fundraising. **Mr. Green** responded that the RTF wanted to be supportive of a capital campaign but that the RTF did not see fundraising as a part of their role. He briefly commented on private donations received to-date and he inquired about the status and financial support for a rejuvenated capital campaign.

Council President Batey and **Mayor Gamba** noted that Council had not discussed the capital campaign in the last 2 years. **Mr. Monahan** reported that the last capital campaign discussions had suggested that the City needed to provide funding for park improvements, which the City had done with Phase II, and he noted that this was the first conversation about Riverfront Park fundraising since Phase II was finished.

Mr. Green noted that the RTF had reached out to some potential donors around the time of the ground breaking, grand opening, and other park events. He acknowledged the community appreciation for the City's progress on improving the park.

Mr. Nieman noted that the capital campaign was organized by the consultant and has ceased to meet since the consultant's contract ended. He suggested that a professional fundraising consultant would be needed to raise the \$9 million to complete Phase III.

The group discussed the use of the last consultant's work to identify donors and the need to hire a consultant to restart and guide the capital campaign.

Mr. Nieman talked about the need to conduct a feasibility study to determine if the community has the capacity to raise the needed funds for Phase III.

The Council asked staff to research information about a campaign feasibility study.

Mr. Green reported that the capital campaign had expected to go outside Milwaukie to raise the funds needed to complete the park, he noted the regional use of the park, and he suggested that the feasibility study should include regional donors.

Mayor Gamba suggested that the RTF should look at conducting a feasibility study and a post-Phase II review to identify issues that may be corrected in Phase III. He noted the near-term need to consider planting in the large grass areas. **Mr. Green** and **Mr. Klein** noted that the RTF has not had a chance to discuss the planting issue.

Mr. Nieman reported that the PARB had started to discuss short-term geese mitigation solutions with the idea that the RTF would work on long-term issues.

The group noted the arrival of Nick Loomis, RTF member.

Mayor Gamba and **Mr. Monahan** asked if the addition of plantings at the park would require Planning Commission involvement. **Mr. Egner** replied that it would depend on how much the new plantings differed from the master plan, and he added that interim plantings would not require Planning Commission approval. **Mayor Gamba** noted the need to have decisions about plantings made in time for the next planting season.

Mayor Gamba asked if the RTF had other items to report to Council, and **Mr. Green** inquired where Riverfront Park Phase III ranks in the City's priorities.

Councilor Churchill commented that City funding for Phase III would have to be balanced with other community needs.

Mayor Gamba commented that Phase III's priority level would depend on the findings of the feasibility study.

Mr. Klein suggested that a Phase IV could be added to make Phase III less expensive.

Mayor Gamba asked the RTF to consider ways that Phase III could be broken out into smaller steps and he expressed his support for conducting a feasibility study.

Council President Batey commented on the financial cost of Phase III compared to what else could be done in the City for the same amount of money and she expressed her interest in seeing what a feasibility study would have to say about Phase III.

Mr. Green and **Councilor Churchill** noted creative ways to fund park improvements.

Mr. Green asked about Council's plans regarding the Kellogg Creek dam removal. **Mayor Gamba** reported that it was one of Council's top goals but currently lacked a funding source, and he suggested that a group may be convened to look at funding possibilities for the project and to re-engage the Portland Harbor Superfund group.

Councilor Churchill suggested that as the RTF conducts the feasibility study they should look for smaller \$1-2 million projects. **Mr. Klein** noted that both Phases I and II were cut into smaller sections, and **Council President Batey** commented on the ability to break the Kellogg Creek project into phases.

Mr. Nieman summarized that Council would like the RTF work plan to include a campaign feasibility study and an interim geese mitigation plan.

The group noted the recent installation of picnic tables at Riverfront Park and creative ways to keep geese away, and **Mayor Gamba** asked that additional picnic tables and public art be considered as ways to mitigate the geese issues.

Councilor Churchill urged the RTF to consider ways to segment Phase III projects.

The group discussed the uncertainty between the RTF and PARB regarding their decision making role for Riverfront Park projects and planning. Staff noted the need for the RTF, PARB, and NCPRD to work together on certain projects. **It was the group consensus that the PARB would deal with driving away the geese while the RTF handles how the park looks and changes.**

Mr. Green, Mr. Nieman, and Councilor Churchill discussed the need to engage professional designers and fundraisers for Phase III planning. **Mr. Monahan** suggested that the NCPRD be asked to help with park planning and modifications.

Mr. Nieman reported that the "Don't Feed Wildlife" signs had been posted at Riverfront Park, and that additional signage and curb painting is being considered.

Council President Batey and Ms. Dow noted the recent installation of "Don't Feed the Wildlife" signs being installed at Scott Park.

Mayor Gamba adjourned the Work Session at 6:00 p.m.

Respectfully submitted,



Scott S. Stauffer, Administrative Specialist II

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MINUTES
MILWAUKIE CITY COUNCIL
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WORK SESSION
AUGUST 4, 2015
City Hall Conference Room

Mayor Gamba called the Work Session to order at 4:02 p.m.

Council Present: Council President Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Assistant to the City Manager Mitch Nieman, Finance Director Casey Camors, and Interim Engineering Director Brad Albert

City Manager's Report

Mr. Monahan reviewed the Work and Regular Session agendas and the issues raised during the July 21, 2015, Audience Participation. He discussed the implementation of the parking permit program and the impact of light rail on parking. He noted upcoming Study Session dates and reported that staff was working with the Clackamas County Elections Office to place a ballot drop box somewhere east of Hwy 224.

Councilor Power discussed starting a new businesses forum and a youth council.

The group discussed food carts and the Orange Line grand opening activities.

Community Development Update

Mr. Egner discussed the recent Access to Capital Workshop and the work of an ad hoc residential parking committee. He noted that an urban renewal consultant had been identified and he provided an update on the intergovernmental agreement (IGA) with the Oregon Department of Transportation (ODOT) for the 19th Avenue Woonerf project.

Mr. Albert reviewed final punch-list tasks for Riverfront Park Phase II and the Adams Street Connector projects, and he discussed the work timelines for the 17th Avenue Trail project and the Railroad Avenue paving project.

Mr. Egner noted recent Planning Commission land use decisions and hearings. He provided updates on the Moving Forward Milwaukie (MFM) Central Milwaukie project and the Monroe Street Neighborhood Greenway project.

17th Avenue Trail Funding

Mr. Albert reported that the Oregon Parks and Recreation Department (OPRD) had declined to award a grant to the 17th Avenue Trail project, and he discussed the possibility of reallocating Metro Transportation Improvement Program (MTIP) funding from the Kellogg Creek dam removal project to the 17th Avenue Trail project.

The group discussed the role of ODOT in distributing MTIP funds and in promoting the Kellogg Creek Dam removal project. **Mr. Albert** noted that sections of the 17th Avenue Trail would be cut if the project was not fully funded.

Mayor Gamba explained the process to reallocate MTIP funds, and **Councilor Churchill** remarked on the public perception of reallocating project funds.

The group discussed funding issues, possible funding sources, project timing, and engineering and environmental goals of the Kellogg Dam removal project.

Councilor Power noted her support for reallocating the MTIP funds from the Kellogg Dam removal project to the 17th Avenue Trail project.

Councilor Churchill and **Mayor Gamba** discussed concerns about the 17th Avenue Trail project's budget and the perception of the City using MTIP funds on the project.

Council President Batey, **Councilor Parks** and **Mayor Gamba** reported that funding for the Kellogg Dam removal project had been discussed with regional, State, and Federal officials for months, and that the project is not likely to be funded for years.

The group discussed how to message the funding reallocation to the public.

Mr. Monahan and **Mr. Albert** noted that Council would need to identify funding for the 17th Avenue Trail project soon to avoid leaving parts of the project unfinished.

It was the Council consensus to proceed with the reallocation of MTIP funds from the Kellogg Dam removal project to the 17th Avenue Trail project, and to consider how to message the funding reallocation to the public.

Councilor Power suggested that email distribution lists be created to provide updates to the public about the progress being made on Council goals.

Mayor Gamba noted he would work to get funding for the Kellogg Dam removal project.

Council President Batey and **Mr. Albert** discussed why the OPRD grant for the 17th Avenue project was rejected.

Park and Recreation Board (PARB) Update and Council Goal Discussion: Complete Neighborhood Parks and Develop Stronger Strategy for Maintenance of Existing Parks

Mr. Nieman introduced Lisa Gunion-Rinker, PARB Chair, Lisa Lashbrook, PARB Vice-Chair, Jeroen Kok with the North Clackamas Parks and Recreation District (NCPRD), and PARB member Erin Willet-Holcomb. He noted the upcoming interviews of potential new PARB members and he remarked on the overlap between the annual PARB report and the recently adopted Council goal related to parks.

Ms. Gunion-Rinker reported that PARB would like Council feedback on which neighborhood parks to focus on developing first. **Mr. Nieman** noted that the Staff Report included a prioritized list of park projects for Council to consider.

Ms. Lashbrook suggested that PARB would like to focus on smaller pocket parks first.

Council President Batey commented on the need to finish Kronberg Park, and the group noted PARB's request for Council direction on which parks to work on first.

Mayor Gamba suggested that the City should be on the lookout for grant and neighborhood-led funding opportunities for parks.

Council President Batey reported that the Riverfront Task Force (RTF) had recently considered restarting the capital campaign for Riverfront Park Phase III, and she discussed the possibility of using urban renewal funds to finish Riverfront Park. She suggested that PARB focus on developing smaller parks like Wichita and Kronberg.

The group discussed PARB's proposal to make the RTF a sub-committee of PARB and how to align PARB and RTF to prioritize the completion of Riverfront Park.

Councilor Churchill expressed his support for the PARB focusing on the development of Wichita and Kronberg Parks followed by Riverfront Park in phases over time.

The group discussed how different grant opportunities should be applied to different parks based on the size and source of the grant funding.

Mr. Kok pointed out that most grants require a significant financial match and he noted the financial challenge of maintaining and managing new parks. He reported that the cost estimate to complete Wichita Park was \$500,000.

Council President Batey discussed the City's match of purchasing the land in the development of Ball Michel Park, and **Ms. Gunion-Rinker** noted the possibility of doing a similar land match for a grant opportunity at Bowman-Brae Park.

Mr. Nieman explained that once Council prioritized park projects NCPRD could provide a competitive assessment of available grant opportunities for specific parks.

The group discussed the possibility of NCPRD presenting a bond measure to voters and the need for the City to prioritize park projects in case bond funds are available.

Mr. Kok and **Councilor Churchill** discussed annual park maintenance costs.

The group noted public support for increased park funding and discussed groups that could accept private funding for park projects. They talked about starting an adopt-a-park or friends of the parks program and the availability of Metro neighborhood grants.

Council President Batey and **Councilors Power** and **Churchill** discussed Celebrate Milwaukie, Inc. (CMI) serving as a fiscal agent for private donations and grants, and they expressed their preference for a single point of entry for donations.

Mr. Nieman and **Ms. Gunion-Rinker** discussed the possibility of PARB acting as the umbrella group for all community organizations to free up NCPRD resources that could be focused on other parks and projects.

Mr. Nieman reviewed PARB work goals for the next year including conducting an analysis of park maintenance needs, and **Ms. Willet-Holcomb** discussed ways PARB can increase avenues of communication with the community. **Mr. Nieman** asked for Council feedback on the outlined PARB strategies for facilitating Council's parks goal.

Council expressed its support for the strategies outlined by PARB to facilitate the Council's parks goal.

Mr. Nieman asked for further Council input on prioritizing park projects, and the group discussed the limited availability of Community Development Block Grants (CDBG) for park projects and the impact of park operational costs.

Mr. Nieman and **Ms. Gunion-Rinker** discussed the proposal to make the RTF a sub-committee of PARB and how PARB approached Council's citywide sustainability goal in terms of what PARB's mission and goals should be.

Mayor Gamba, **Councilor Churchill**, and **Council President Batey** discussed the role of PARB in the citywide approach to sustainability.

Ms. Lashbrook expressed concern that there was no staff person assigned to work on sustainability, and **Ms. Willet-Holcomb** noted PARB's need for more definition of what Council means by sustainability.

Councilor Power suggested that Council would need time to define sustainability.

Mr. Nieman noted that PARB would work on sustainability within their parks role and added that PARB did not want to drop the ball on non-park sustainability efforts.

Council President Batey and **Councilor Churchill** commented that Council needs to work on a sustainability goal statement and they expressed support for the proposed PARB strategies. **Ms. Gunion-Rinker** and **Mr. Nieman** noted the sustainability tour program and remarked on the need for Council direction.

Council President Batey suggested that PARB and Council had plenty to work on for the next year and that Council could take some time to consider sustainability further.

Mayor Gamba asked that PARB consider sustainability in terms of just parks as well as in terms of the big citywide picture, and **Mr. Monahan** discussed the possibility of hiring a staff person to focus on sustainability.

Mr. Nieman confirmed that PARB would work on the goals as outlined and he talked about how the completion of Riverfront Park Phase II has made the roles of the RTF and PARB uncertain.

Councilor Power noted the inefficiency of Mr. Nieman staffing the RTF and PARB.

Mr. Monahan discussed the intention of Council when it downsized the RTF from a board to a limited duration task force and he suggested that it made sense that the RTF should be made a subcommittee of PARB.

The group discussed when Council would consider making the RTF a subcommittee of PARB, and it was the group consensus to schedule a joint Council, PARB, and RTF meeting.

Mr. Nieman and **Ms. Gunion-Rinker** provided an update on NCPRD's proposal to deal with the geese at Riverfront Park. They discussed the lack of available data on a chemical proposed to mitigate the geese problem and the community outreach effort that would be put in place if the chemical were to be used.

Councilors Power and Churchill noted the outreach effort of Portland Parks and Recreation when chemicals are used along the Springwater Corridor and they expressed concern about the use of chemicals in public spaces.

Mr. Nieman reported that Council would hear more information about the Tree City USA effort at a future Council meeting and he noted the upcoming Sustainability Tour. He explained that PARB does actively monitor parks and report issues to NCPRD.

The group expressed their appreciation for the work done by PARB and staff.

Mayor Gamba adjourned the Work Session at 6:09 p.m.

Respectfully submitted,



Scott S. Stauffer, Administrative Specialist II