

 CITY OF MILWAUKIE
COUNCIL WORK SESSION

City Hall Conference Room
10722 SE Main Street
www.milwaukieoregon.gov

MINUTES

SEPTEMBER 5, 2017

Mayor Mark Gamba called the Council meeting to order at 4:00 p.m.**Present:** Council President Lisa Batey; Councilors Angel Falconer, Wilda Parks, Shane Abma

Staff: City Manager Ann Ober
City Attorney Peter Watts
City Recorder Scott Stauffer
Planning Director Denny Egner
Engineering Director Charles Eaton
Assistant City Engineer Jennifer Garbely

Interim Assistant to the City Manager Stephan Lashbrook
Climate Action Plan Intern Tristan Sewell
Public Works Director Peter Passarelli
Civil Engineer Sheri Markwardt
Senior Planner David Levitan

Right-of-Way (ROW) Encroachment Program Discussion

Mr. Eaton referenced a handout with comments about the ROW Encroachment program from the City Attorney. He presented draft Milwaukie Municipal Code (MMC) language for the program and asked for Council feedback.

Councilor Falconer asked if it made sense to have an appeal process for the location of an appeal permit. The group discussed the possibility of an appeal process. **Councilor Abma** supported an appeals process but did not believe the Council was the appropriate body to hear appeals. He suggested that after the Engineering Director made the decision, the City Manager should handle appeals. The group discussed the revocation process and when it would occur. **Councilor Falconer** and the group discussed ROW encroachment areas in other cities.

Councilor Abma and **Ms. Ober** discussed Council involvement in hearing individual appeals. **Mr. Eaton** and **Mr. Watts** noted that other cities designate the City Manager to make appeal decisions. It was Council consensus that the Engineering Director would make initial ROW encroachment decisions and the City Manager would hear appeals of those decisions.

Mayor Gamba suggested that the proposed Code section explaining fee amounts would be more readable if it referred to the City's fee schedule. It was Council consensus to revise the fee references per Mayor Gamba's suggestion.

Mr. Eaton and **Mayor Gamba** discussed the inclusion of zone definitions. **Mr. Eaton** noted the definitions would be in the City's public works standards. **Mayor Gamba** and **Councilor Abma** noted minor clarification corrections.

Councilor Abma and the group discussed liability, penalties, and the possibility of changing the penalty amounts. **Ms. Ober** said staff would look at the amounts and the potential affects to the MMC and City budget.

Mr. Eaton confirmed that City Council wanted an appeal process for the revocation that would be an appeal to the City Manager.

Kronberg Park Path Alignment Discussion

Mr. Eaton introduced **Ms. Garbely**. **Ms. Ober** noted Scott Archer from the North Clackamas Parks and Recreation District (NCPRD) was in the audience and would be working with the City on the project.

Ms. Garbely asked for Council direction on which pathway alignment to proceed with. She presented a map explaining where the elevated pathway could be and noted constraints and concerns. She presented the Option 1 alignment and its unique

aspects. She discussed the Option 2 alignment and noted its path was closer to SE McLoughlin Blvd. She compared the alignment options, noting the differences in structure size and noted that Option 1 had two alternative routes depending on the ability to fill a hillside area (Option 1.1) or if there needed to be an additional structure built (Option 1.2).

Mayor Gamba asked why the path would be built with concrete. **Council President Batey** asked if the City could save money if the path was not built with concrete. **Ms. Garbely** provided a cost comparison for the design options and noted the bridge costs were higher than projected in the Master Plan. **Mr. Eaton** and **Mayor Gamba** discussed the numbers provided by the Master Plan consultants. **Mr. Eaton** explained that the grant the City had received for the project required that the path be able to carry service vehicles and ambulances. The group discussed the path materials and costs.

Council President Batey suggested that Option 2 would encourage pedestrians to cross McLoughlin Blvd. The group discussed how to mitigate safety concerns and noted that Option 2 would require the City to negotiate use of the Oregon Department of Transportation's (ODOT) ROW. **Mr. Eaton** and **Ms. Garbely** discussed how design changes affected the project timeline. **Mr. Eaton** noted that the version of Option 1 that relied on filling a hillside would likely not be a viable due to the amount the amount of fill required in the floodplain.

Mayor Gamba discussed the original path design. He preferred Option 1, since it was farther away from McLoughlin Blvd. The group discussed possible pathway feature changes, project costs and funding options, and construction timelines. **Ms. Ober** observed that Council was not interested in Option 2. **Councilor Falconer** did not like the idea of taking money away from other projects.

The group summarized that Option 2 and Option 1.1 with the fill were off the table and that additional funding would need to be identified to pursue Option 1.2. **Councilor Abma** and **Mr. Watts** remarked on the MMC requirements related to the Park pathway design review. **Ms. Ober** said staff would return to Council with funding scenarios.

Council Goal: Climate Action Plan (CAP) Update

Mr. Passarelli provided a history of the project and discussed the timeline. He anticipated a draft CAP would come before Council in July 2018.

Mr. Sewell presented the scope of work. He noted the three-layered approach to the CAP and highlighted the criteria for evaluating applicants. The group discussed the project and the level of interest from various solar firms.

Ms. Ober and **Councilor Falconer** remarked on pending changes to the MMC regarding how the City's purchasing and contracting processes apply to contracts generally. **Mr. Sewell** noted that the pending contracting changes were separate from the CAP-specific evaluation criteria.

Mayor Gamba adjourned the Work Session at 5:36 p.m.

Respectfully submitted,



Amy Aschenbrenner, Administrative Specialist II