



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

2287th Meeting**REVISED AGENDA**

MARCH 5, 2019

(Revised March 1, 2019)

Note: times are estimates and are provided to help those attending meetings know when an agenda item will be discussed. Times are subject to change based on Council discussion. **Page #**

1. CALL TO ORDER (6:00 p.m.)**A. Pledge of Allegiance****2. PROCLAMATIONS AND SPECIAL REPORTS****A. Friends of the Ledding Library Donation – Presentation (6:01 p.m.)****B. Women’s History Month – Proclamation (6:06 p.m.) 2**
Presenter: Milwaukie Historical Society**3. CONSENT AGENDA (6:16 p.m.)**

Consent items are routine matters that are not discussed during the meeting; they may be approved in one blanket motion and any Councilor may remove an item from the Consent Agenda for separate consideration.

A. Approval of Council Meeting Minutes of:	4
1. February 5, 2019, Work Session; and	
2. February 5, 2019, Regular Session.	
B. Reappointments to Boards, Commissions, Committees – Resolution	18
C. Appointment to the Planning Commission – Resolution	23
D. Approval of Library Fines Amnesty Week – Resolution	26
E. Authorization of Budget Transfers – Resolution	29
F. Approval of a Contract with Tetra Tech for the Development of a Water System Master Plan – Resolution	33
G. Approval of an Oregon Liquor Control Commission Applications for:	
1. Decibel Sound & Drink, 11380 SE 21 st Ave – Full On-Premises; and	36
2. Parcel Portland, 5691 SE International Way #H2 – Off-Premises.	37

4. AUDIENCE PARTICIPATION (6:24 p.m.)

To address Council, complete a comment card and submit it to staff. The Mayor will call for comments regarding City business. Per the Milwaukie Municipal Code (MMC) only issues that are “not on the agenda” may be raised; issues that await a Council decision and for which the record is closed may not be discussed; “all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition.” The presiding officer may limit the time permitted for comments and may request that a spokesperson be selected for a group of persons wishing to speak. **The public is also invited to make comments in writing and may submit comments before the meeting, by mail, e-mail, or in person to City staff.**

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.

A. Zoning and Comprehensive Plan Amendments – Railroad Avenue 39 (File ZA-2018-002, CPA-2018-002) – Ordinance, 2nd Reading (6:29 p.m.)

Staff: Mary Heberling, Assistant Planner

B. Consideration of Code Amendments, Round 3 Green Buildings (File ZA-2018-004) – Ordinance, continued from December 18, 2018 (6:39 p.m.)

(CORRECTION: Council will hear this item to continue it to a future meeting)

Staff: Vera Kolias, Associate Planner

6. OTHER BUSINESS

These items will be presented by staff or other individuals. A synopsis of each item together with a brief statement of the action requested shall be made by those appearing on behalf of an agenda item.

A. 2018 Volunteer of the Year Award Selection – Discussion (6:49 p.m.) 52

Staff: Jason Wachs, Community Programs Coordinator

B. Council Input on Legislative and Regional Issues – Discussion (7:19 p.m.)

Staff: Kelly Brooks, Assistant City Manager

7. INFORMATION (7:34 p.m.)

The Council and City Manager will provide reports on City events, projects, and programs.

8. ADJOURNMENT (7:39 p.m.)

Americans with Disabilities Act (ADA) Notice

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Executive Sessions

The City Council may meet in Executive Session pursuant to ORS 192.660(2); all discussions are confidential and may not be disclosed; news media representatives may attend but may not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and are closed to the public.

Meeting Information

Times listed for each Agenda Item are approximate; actual times for each item may vary. Council may not take formal action in Study or Work Sessions. Please silence mobile devices during the meeting.



COUNCIL REGULAR SESSION

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

2287th Meeting

MINUTES

MARCH 5, 2019

Mayor Mark Gamba called the Council meeting to order at 6:04 p.m.

Present: Council President Angel Falconer; Councilors Lisa Batey Wilda Parks, Kathy Hyzy

Staff: Assistant City Manager Kelly Brooks	Community Programs Coordinator Jason Wachs
Assistant Planner Vera Kolias	Climate Action and Sustainability Coord. Natalie Rogers
Associate Planner Mary Heberling	Development Manager Leila Aman
City Attorney Justin Gericke	Finance Director Bonnie Dennis
City Manager Ann Ober	Library Director Katie Newell
City Recorder Scott Stauffer	Planning Director Denny Egner
Community Development Director Alma Flores	Public Works Director Peter Passarelli

1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Friends of the Ledding Library (FOLL) Donation – Presentation

Ms. Newell introduced Gina Saracco, FOLL President, and thanked the FOLL for their support. **Ms. Saracco** presented a donation of \$150,000 for the Ledding Library construction project to Council. **Councilor Batey** and **Ms. Saracco** noted how monetary or book donations could be made to the FOLL.

B. Women's History Month – Proclamation

Michelle Hemer, Milwaukie Historical Society Secretary, introduced Haley McCoy, Historical Society board member, and Greg Hemer, Society Vice President. **Ms. Hemer** discussed the work of the society. She and **Ms. McCoy** presented biographical sketches of four influential Milwaukie women: Annie Ross Roberts, Ellen "Nell" Martin, Florence Olsen Ledding, and Christa McDonald. **Mayor Gamba** proclaimed March to be Women's History Month. **Mr. Hemer** noted upcoming Women's History Month activities.

3. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. February 5, 2019, Work Session; and
2. February 5, 2019, Regular Session.

B. Resolution 15-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, making reappointments to City Boards, Committees, and Commissions.

C. Resolution 16-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, making an appointment to the Planning Commission.

D. Resolution 17-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, establishing a Library Fine Amnesty Week from April 7 through April 13, 2019, in recognition of National Library Week.

- E. Resolution 18-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing budget transfers for the 2019-2020 Biennium.
 - F. Resolution 19-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the City Manager to approve a professional services contract with Tetra Tech in the amount of \$240,184.00 to provide professional services related to the development of a water system master plan.
 - G. Oregon Liquor Control Commission (OLCC) Applications for:
 - 1. Decibel Sound & Drink, 11380 SE 21st Avenue – Full On-Premises; and
 - 2. Parcel Portland, 5691 SE International Way #H2 – Off-Premises.
- Motion passed with the following vote: Councilors Parks, Hyzy, Falconer, and Batey, and Mayor Gamba voting “aye.” [5:0]

4. AUDIENCE PARTICIPATION

Mayor Gamba noted that no audience member wished to address Council. Ms. Ober reported that there was no follow-up report from the February 19 audience participation.

5. PUBLIC HEARING

A. Zoning and Comprehensive Plan Amendments – Railroad Avenue (File ZA-2018-002, CPA-2018-002) – Ordinance, 2nd Reading continued from February 19

Mayor Gamba reported that on February 19 Council voted 4:1 to approve the ordinance. He explained that as the first vote on the ordinance was not unanimous, a second reading and vote at a separate meeting was required.

Ms. Ober read the ordinance one time by title only.

Mr. Stauffer polled the Council with Councilors Parks, Hyzy, Falconer, and Batey voting “aye,” and Mayor Gamba voting “no.” [4:1]

Ordinance 2169:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, TO AMEND THE ZONING MAP TO REZONE TAXLOTS 12E31DD, LOTS 2900, 3000, 3100, AND 12E31DB01300 FROM RESIDENTIAL R-7 TO RESIDENTIAL R-5; AND TO AMEND THE MILWAUKIE COMPREHENSIVE PLAN LAND USE MAP TO DESIGNATE TAXLOTS 12E31DD, LOTS 2900, 3000, 3100, AND 12E31DB01300 AS MODERATE DENSITY RATHER THAN LOW DENSITY (FILE # ZA-2018-002, CPA-2018-002).

B. Consideration of Code Amendments, Round 3 Green Buildings (File ZA-2018-004) – Ordinance, continued from December 18, 2018

Mayor Gamba and Ms. Ober noted that the proposed code amendments would impact buildings in multiple parts of the city, not just downtown.

Call to Order: Mayor Gamba called the public hearing on the Code Amendments, Round 3, File #ZA-2018-004, to order at 6:32 p.m.

Purpose: Mayor Gamba announced that the purpose of the hearing was to discuss and take public comment on the proposed code amendments.

Conflict of Interest and Jurisdiction: It was noted that no Council member declared any conflicts of interest and no audience member challenged Council's jurisdiction to conduct the hearing.

Staff Presentation: **Ms. Ober** asked Council to continue the hearing to March 19 to allow staff time to follow-up on several questions about the amendments.

It was moved by Councilor Batey and seconded by Councilor Parks to continue the hearing on the green building and building height variance code amendments to March 19, 2019. Motion passed with the following vote: Councilors Parks, Hyzy, Falconer, and Batey, and Mayor Gamba voting “aye.” [5:0]

6. OTHER BUSINESS

A. 2018 Volunteer of the Year Award Selection – Discussion

Mr. Wachs discussed the volunteer of the year nomination process, selection criteria, and recognition events. He noted past award recipients and reported that seven individuals and two couples had been nominated for the 2018 award.

The group noted that members of city boards, commissions, committees, task forces, and neighborhood district association officers were invited to the volunteer dinner.

Mr. Wachs reviewed the balloting process to select the recipient and **Mr. Stauffer** noted that the ballots would become part of the meeting record.

The group remarked on the good work done by all the nominees and the difficulty in selecting a single recipient. They noted that nominees not selected this year could be nominated again in future years.

Council participated in a ballot voting process. **Mr. Stauffer** announced that Greg Hemer had received two votes, Lisa Lashbrook had received two votes, and Kim Travis and received one vote. The group noted the need to conduct a second round of voting.

Council participated in a second ballot voting process featuring Mr. Hemer and Ms. Lashbrook. **Mr. Stauffer** announced that Mr. Hemer had received three votes and Ms. Lashbrook had received two votes. The group noted that Mr. Hemer had been selected as the 2018 Volunteer of the Year.

Mr. Wachs noted next steps in the process to recognize Mr. Hemer. **Councilor Batey** remarked on the growing popularity of the annual volunteer recognition dinner.

B. Council Input on Legislative and Regional Issues – Discussion

The group discussed pending state legislation, including Senate Bill 558 addressing local control of speed limits and House Bill 2007 regarding diesel engine emission standards. They reviewed draft letters to be submitted on behalf of Council related to House Bill 2007 and state climate action and carbon policies.

Ms. Brooks and **Ms. Ober** provided an overview of bills addressing contracting rules and court fines. It was noted that Council wanted to know what Municipal Court Judge Kimberly Graves thought of the legislation related to court fines.

Ms. Brooks and **Ms. Ober** noted the status of Senate Bill 262 which would extend the sunset deadline of local property tax exemptions for low-income housing developments. The group discussed the intent of the bill and impacts on local projects. It was Council consensus to support efforts to extend the tax exemption sunset date.

The group briefly noted the status of bills that would lower the age requirement for wearing scooter helmets and annexations.

Ms. Ober announced that Captain Luke Strait had been selected to be the next Chief of the Milwaukie Police Department.

E-Scooters – Discussion, continued from the March 5 Work Session

Mayor Gamba summarized that staff had presented three options to address an e-scooter program: do not allow scooters, allow scooter companies to get a business license and provide no further programming, or dedicate staff time to monitoring a scooter program. He suggested there could be a middle ground of offering a business license and providing minimal regulatory input to collect data and monitor scooter use. **Ms. Ober** remarked on the enforcement implications that come with providing guidelines and expressed concern that the City would not meet expectations.

Councilor Batey expressed concern about funding a staff position to enforce a program. **Ms. Ober** reported that staff had looked at funding a program and had concluded that revenues could not be guaranteed. She noted how larger cities had dealt with scooter and e-bike programs. **Ms. Brooks** remarked on program issues related to revenue and right-of-way (ROW) encroachments. She and **Mayor Gamba** discussed issues the City of Portland's scooter pilot program had encountered, including the lack of enforcement of rules and state laws. **Ms. Ober** noted the possibility of Metro playing a role in collecting scooter data and establishing regional guidelines. **Ms. Brooks** suggested that Milwaukie had different transportation needs than Portland and was in a different position in terms of administering a scooter program.

Councilor Batey asked if Clackamas Community College (CCC) was interested in working with the City on an e-bike program. **Ms. Rogers** reported that CCC was not interested in e-scooters but had been looking at an e-bike program. The group remarked on differences and similarities between e-scooter and e-bike companies and the success of such programs in other cities.

Mayor Gamba asked that additional outreach be done to get answers on the financial and license requirements of a program before Council made any decisions on an e-scooter program. **Ms. Ober** remarked on the City's lack of staff capacity to collect fees and monitor a program. The group noted the willingness of staff from Portland, Metro, and CCC to share information and lessons learned with Milwaukie.

Councilor Parks commented that the City could only do what it could with limited resources. She remarked on the feasibility of offering a minimal program without dedicating staff time to it while watching how Portland's program develops.

Ms. Ober explained that issuing a business license to a scooter company would allow scooter rides to begin in Milwaukie, where they could only end here otherwise. The group discussed the impacts of issuing a business license and how the City should proceed. They commented on issues related to data collection, rule enforcement, and the equitable placement of scooters by companies and users. It was noted that Portland had shared some rider data and that there was a need for additional information.

Ms. Brooks reported that Portland had declined a request to collect revenue for Milwaukie for rides that go outside Portland city limits. **Ms. Ober** summarized that Council wanted more time to consider policy and programming issues.

Councilor Hyzy asked about the role Metro might play. **Ms. Rogers** noted Metro had not taken a role to-date. **Ms. Brooks** reported that staff recommended the City work to encourage regional discussions about scooters. The group discussed what Metro could

do to encourage regional policy discussions and seek funding sources. It was noted that staff had contacted Metro Council members and staff regarding scooters.

Mayor Gamba asked what Milwaukie would like Portland to do. **Ms. Ober** reported that Milwaukie would like Portland to collect and share data on ridership, vendor selection, and scooter collection based on location. The group remarked on how Milwaukie could use Portland's data to inform an e-scooter program. They noted the challenges of culling out Milwaukie-specific information from regional data.

Mayor Gamba asked if any government told car share companies like Uber and Lyft where to place drivers. The group remarked on differences between car share companies and e-scooter and e-bike companies. **Mayor Gamba** remarked on the importance of government directing private companies to provide services to all areas and income levels. The group remarked on the use of public ROWs by for-profit entities.

Ms. Brooks and **Mr. Passarelli** commented on the work done by staff to consider program options and impacts. They suggested the City could allow scooters to come and see how it developed. **Ms. Ober** remarked that allowing scooters now would not stop the City from revisiting a program in the future. She expressed concern about dedicating more resources on a transportation mode that may not last very long.

Council President Falconer and **Ms. Ober** remarked on the importance of collecting information on scooter use to improve the City's infrastructure. The group noted that business licenses could not be issued with the condition that companies provide user data. They noted that the City would have to sign a contract with the company to collect data and provide direction on scooter placement.

Mayor Gamba suggested that if the City did not communicate with the scooter companies, the City would not get the information and outcomes it wanted. He suggested scooters be allowed in Milwaukie so they could be tracked. **Councilor Parks** and **Ms. Ober** remarked on Milwaukie's lack of staff capacity to collect scooter data.

Councilor Hyzy remarked on the importance of doing something to address climate change and summarized that staff was reporting that the City was not able to pursue a scooter program. **Ms. Rogers** suggested scooters were just one way to address Council's climate goals. **Councilor Hyzy** expressed support for allowing staff to focus on other projects that would get the City closer to achieving its climate goals. **Councilor Batey** suggested that in a year there could be information from Portland's program and Metro and CCC may have developed policies that Milwaukie could learn from.

Mayor Gamba suggested the City allow scooter companies to apply for a business license and then let them operate without additional regulations. **Ms. Ober** added that Milwaukie could collect the license fee and remind them of existing city and state laws. The group noted that license fees did not generate much revenue and that the City could ask, but not require, companies to provide user data.

Councilor Parks expressed support for doing nothing or issuing licenses and seeing what happens. She agreed with Councilor Hyzy about addressing climate change.

Mayor Gamba expressed concern about issuing business licenses without saying anything and then needing to pull licenses in the future as issues develop. **Ms. Ober** remarked on how a program would be adopted and noted staff could contact a scooter company when they apply for a license to note the possibility of the City adopting a program in the future. She noted the possibility that the City could choose to not allow scooters after initially allowing them. The group discussed how often business licenses

are issued, when they are renewed, and whether they could be revoked. It was noted that the City did not require car share services to obtain a business license and the group remarked on ROW use differences between scooters and cars.

Mr. Gericke commented on the physical impact of scooters and scooter company service staff operating in the City. He suggested scooters would be placed based on user data. The group noted the number of complaint calls Portland had received and Americans with Disabilities Act (ADA) issues that been reported due to scooters left by users on sidewalk and ramps.

Ms. Rogers noted that Portland's pilot program had operated during warm weather months, so there was no data for scooter use during the winter.

The group discussed how to proceed. **Ms. Ober** suggested Council take a straw poll on the City issuing business licenses to scooter companies followed by conversations about existing rules and the possibility of collecting data. **Mayor Gamba** expressed support for license and conversation approach. **Councilor Parks** remarked that scooters were not the City's highest propriety. **Councilor Batey** expressed support for letting scooters operate in the City with a hands-off approach. **Councilor Hyzy** suggested the timing was not right for the City to proceed. **Ms. Ober** and **Ms. Rogers** noted that Portland's next pilot program would begin in the spring of 2019. **Councilor Hyzy** expressed support for issuing business licenses and having a conversation. She noted that Downtown Milwaukie businesses had not expressed concern about scooters. **Ms. Ober** summarized that per Council comments, staff would allow scooter companies to apply for business licenses and then would follow-up with a conversation about existing laws and data sharing. She noted that the City would preserve the right to create a scooter program in the future.

7. INFORMATION

Mayor Gamba announced upcoming events, including a Coho Point at Kellogg Creek open house, the grand opening of Portland General Electric's electric avenue charging station, and Earth Day and Wichita Park grand opening events. **Councilor Batey** noted an upcoming meeting about the impacts of fireworks.

E-Scooters – Discussion, Continued

Ms. Ober noted that **Mr. Gericke** wanted to look at whether the business license approach would require Council to formally adopt something. It was Council consensus that staff could place any necessary resolution to issue business licenses to scooter companies on a future Consent Agenda.

8. ADJOURNMENT

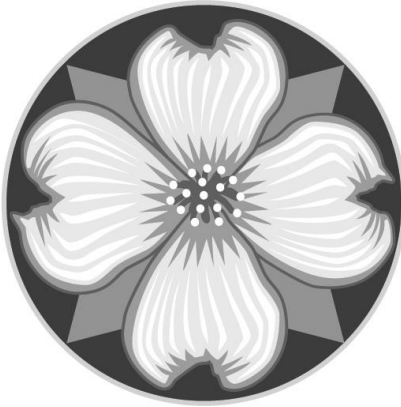
It was moved by **Councilor Hyzy** and seconded by **Councilor Parks** to adjourn the Regular Session. Motion passed with the following vote: **Councilors Parks, Hyzy, Falconer, and Batey, and Mayor Gamba** voting "aye." [5:0]

Mayor Gamba moved to adjourn the Regular Session at 8:26 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder



RS Agenda Item

2

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

PROCLAMATION

WHEREAS, Milwaukie women of every race, class, and ethnic background have made historic contributions to the growth and strength of our city in countless ways; and

WHEREAS, Milwaukie women have played and continue to play critical economic, cultural, and social roles in every sphere of the city by constituting a significant portion of the labor force working inside and outside the home; and

WHEREAS, Milwaukie women have played a unique role throughout the history of the city by providing the majority of the volunteer labor force of the city; and

WHEREAS, Milwaukie women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our city; and

WHEREAS, Milwaukie women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, Milwaukie women have courageously served our country in the national and state armed forces; and

WHEREAS, Milwaukie women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the industrial labor movement, the civil rights movements, and especially the peace movement; and

WHEREAS, despite these contributions, the role of women in Milwaukie, Oregon, and our national histories, has been overlooked and undervalued.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, and with the full support and sponsorship of the Milwaukie Historical Society, do hereby proclaim **MARCH 2019** to be **Women's History Month** in Milwaukie and do recommend its observance with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 5th day of **MARCH 2019**.

Mark Gamba, Mayor
ATTEST:

Scott Stauffer, City Recorder

MILWAUKIE
WOMEN'S
HISTORY MONTH



PRESERVING MILWAUKIE'S HISTORY FOR FUTURE GENERATIONS

3737 SE Adams St.

www.milwaukiehistoricalsociety.com



milwaukiemuseum@gmail.com

Presents

MILWAUKIE



HISTORY MONTH

Women of Milwaukie Museum



Nell

Christa and Madalaine



From 1975 to 1994, Christa McDonald, pictured on the right, served as the museum's first curator. Madalaine Bohl, pictured on the left, worked as the curator from 1994 to 2009.

Milwaukie Historical Society Research Library.

Adele and Enid



Linda, Ari, Haley, Michelle



Milwaukie Kids

*Growing Up In the
Good Old Days*

Growing up in Milwaukie in the good old days, me and a lot of other kids rode our bikes everywhere. We rode them to school, to our friends houses, and around town. There weren't as many cars then as today.

Sponsors



Milwaukie Museum

PRESERVING MILWAUKIE'S HISTORY FOR FUTURE GENERATIONS

3737 SE Adams St.

www.milwaukiehistoricalsociety.com



milwaukiemuseum@gmail.com



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Annie Ross Roberts



One Room School House 1880

Came to Milwaukie in 1865

Housing Shortage – Moved into Post Office

Name Sake with Northwest Housing Alternatives

Ellen “Nell” Martin



First Lady of Milwaukie

Last Elected and First Appointed City Recorder

26 Years of Service to City of Milwaukie

Keeper of Milwaukie History

Florence Olsen Ledding



Original Ledding Home Before Library Built

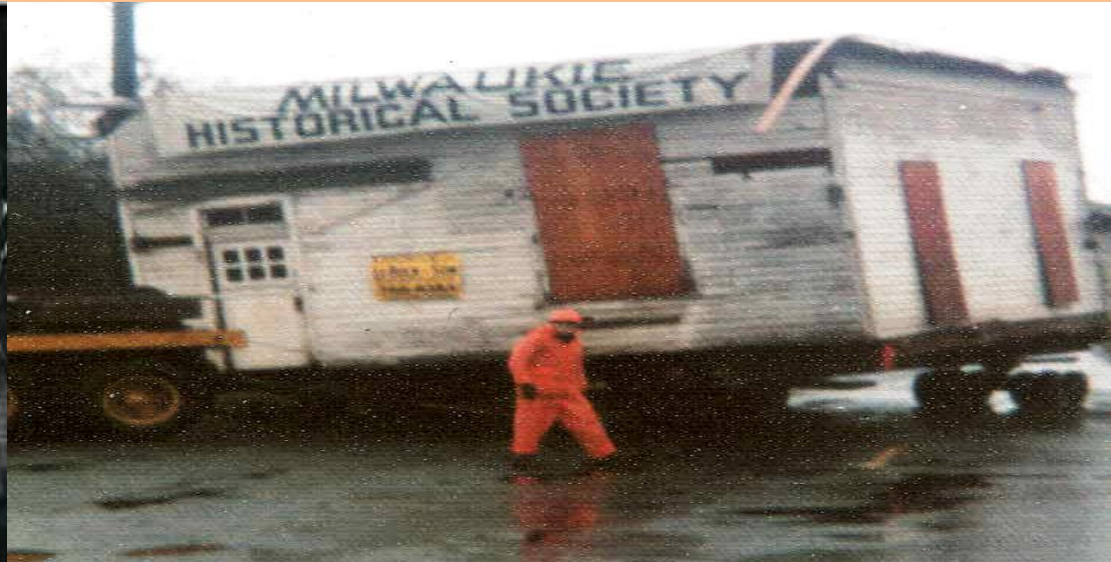
2nd Female Admitted to Oregon Bar Association

1st Female US Bankruptcy Court Referee

Donated Land For Library

Donated 3,200 Books to Library

Christa McDonald



Moving Museum from Webster Road

Immigrant from Germany

1975 Opened Milwaukie Museum

1992 Clackamas Review Women of Year

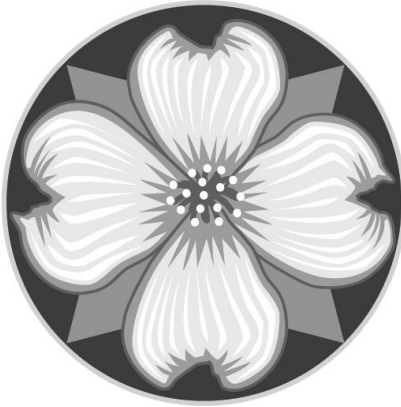
Past Should be Recorded so that the Present Can Learn From It

Mayor Gamba
Reads
Proclamation
for

MILWAUKIE

WOMEN'S

HISTORY MONTH



RS Agenda Item

3

Consent Agenda



COUNCIL WORK SESSION

City Hall Council Chambers
10722 SE Main Street
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MINUTES

FEBRUARY 5, 2019

Mayor Mark Gamba called the Council meeting to order at 4:01 p.m.

Present: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Staff: Assistant City Engineer Jennifer Garbely	City Manager Ann Ober
Assistant City Manager Kelly Brooks	City Recorder Scott Stauffer
Building Official Samantha Vandagriff	Community Development Director Alma Flores
City Attorney Justin Gericke	Finance Director Bonnie Dennis
City Engineer Tammy Cleys	Planning Director Denny Egner

1. Fiscal Year 2018 (FY18) Audit – Report

Ms. Dennis introduced Julie Fahey, Partner at Talbot Korvola and Warwick (TKW). She noted that Troy Reichlein, Audit Committee Chair, was unable to attend the meeting.

Ms. Fahey distributed a handout summarizing the audit results for the fiscal year that ended June 30, 2018. She presented the audit results and noted the City's recently published Comprehensive Annual Financial Report (CAFR). She reported that the City had presented fair financial statements with some noncompliance items related to General Fund over expenditures. She noted there were no control findings and no compliance findings, which she explained spoke favorably of the city's ability to follow previous audit guidance. She reviewed the required communications that had taken place during the audit and added that the audit had gone well.

Councilor Batey remarked that the report was good news and she and **Ms. Fahey** commented on the good work of the Finance Department. **Ms. Dennis** reported that the city recently received a Government Finance Officers Association (GFOA) award.

2. Milwaukie Bay Park – Update

Ms. Brooks recognized those who had worked on the Milwaukie Bay Park project, including Councilor Parks, Lisa Lashbrook, Ben Johnson, and Gary Klein. She introduced Scott Archer, Director, and Heather Koch, Project Manager, with North Clackamas Parks & Recreation District (NCPRD).

Mr. Archer and **Ms. Koch** thanked the Park and Recreation Board (PARB), the Steering Advisory Committee (SAC), and community members in the park project.

Ms. Lashbrook and **Mr. Johnson**, SAC and PARB members, commented that it had been a good and transparent process.

Ms. Koch reviewed the park project to date. She noted the 2010 park master plan and the design questions and critiques that were a response to that design. She discussed the public input, SAC consensus, and cost reviews that have taken place for the new potential design alternatives. She highlighted the public engagement, including large events, small group discussions, surveys, and outreach with Spanish-speaking residents and communities with disabilities. She explained where the process was now and noted the timeline moving forward.

Ms. Koch provided the draft preferred alternative design for the park. She highlighted the proposed features, including an amphitheater, children's nature play area, and plaza. She demonstrated the differences between the 2010 and 2019 designs. **Councilor Batey** and **Ms. Koch** discussed the Trolley Trail path near the park.

Ms. Koch discussed the cost estimates for the new design. She explained that the economy and inflation were factors in the changing construction costs from the original estimates. She noted the available project funding, including NCPRD and city funds, and grants. She reported that the total estimated project cost was \$9.8 million, of which there was a \$5.7 million gap in identified funding sources. She presented funding scenarios, including a full program approach requiring voters to approve a bond measure and a minimal program with scaled back features that would cost \$6.1 million. She also noted a phased scenario where infrastructure could be installed now, and elements could be completed later.

The group discussed which elements could be built first or built in the place of others. **Ms. Koch** remarked on the possibility of mixing-and-matching several program elements to reach a desired project cost total.

Ms. Ober asked about plans for the restroom. **Ms. Koch** said the planned restroom included two stalls, an Americans with Disabilities Act (ADA) stall and a regular stall. She noted the ability to bring in portable restrooms during large events at the park.

Ms. Koch summarized the funding challenges and project timing. She noted that the United States Army Corps of Engineers (USACE) permit that would expire in October 2020. She introduced Adam Zucker from Zucker Engineering to discuss the permit.

Mr. Zucker noted his background and explained that the main portions of the USACE permit work had already been completed. He suggested that moving forward there was no need for a permit. He discussed the possibility of talking to the USACE to give them an update on the project so they could decide to extend the permit, or to close out the permit by explaining that while the rest of the project will take time, the in-water work was done. He believed that there was not a lot of risk associated with the 2020 timeframe. The group clarified that the park existing sidewalk would need work done at or above the highwater mark. **Ms. Koch** noted scenarios that would trigger a need for a USACE permit. **Councilor Batey** and **Mr. Zucker** discussed the USACE's interest in other elements of the park aside from in-water work. **Ms. Ober** summarized that staff felt comfortable with the recent conversations NCPRD had with the USACE.

Councilor Hyzy asked about the process for closing out the permit and if that would mean the USACE would be done with the project. **Ms. Koch** clarified that there were still other permits and approvals to obtain for the project. **Mr. Zucker** said the closure process would be initiated by the city with a close out report. **Councilor Hyzy** asked if there was a way to reverse a close out process and move forward with the project in the event the USACE expressed concerns. **Mr. Zucker** was not sure. He noted the limit of the USACE's jurisdiction once certain project elements were done. He explained that the only reason the USACE originally had reached into other elements outside their jurisdiction, such as water quality and earth work, was because the city had initiated that consultation or required it. **Mayor Gamba** noted that it had been a confusing process in the past. **Ms. Koch** said the key was communication with the USACE.

Ms. Koch explained the project timeline and next steps. She noted that the timeline would be more solid after the funding strategy was completed.

Mayor Gamba noted the Monroe Street Neighborhood Greenway project intersected the Trolley Trail at the park. He said it was not a good design for bicycles to enter the trail and suggested bollards and a wider paved area for improved access.

Mayor Gamba explained his concerns about the size of the park restroom. He noted complaints he has received. He said that with a moderately sized crowd two stalls were not enough. He suggested increasing the size of the restroom. **Council President Falconer** cautioned that expanding the restroom would come with a cost. She noted that the power access for the park was housed in the same building and noted problems in the past with the power going out. **Councilor Batey** noted the number of restrooms at parks in Portland and noted maintenance and security issues to consider.

The group discussed the importance of restrooms in parks and the costs of adding more permanent and/or portable restrooms.

Councilor Parks asked about the cost estimate differences between Capital Improvement Plan (CIP) funds and city funds. **Mr. Archer** clarified that the slide noting the CIP funds was an estimate, and the listed city funds were actual dollars.

Councilor Batey asked if NCPRD system development charges (SDC) funds could be used on the project. **Mr. Archer** reported that NCPRD was in the process of updating its SDC methodology to change its restriction on spending funds within district zones. The group discussed the use of district funds and SDCs. **Mr. Archer** noted that NCPRD thought the park was an important project and was looking at funding sources.

Councilor Batey wondered if an assessment could be done to help identify the broad reach of people that use the park. She asked if Council should ask the Board of County Commissioners to support the park as a regional amenity. **Ms. Koch** confirmed that she had zip code data from park surveys. **Mr. Archer** remarked on the regional status of the park and reiterated that NCPRD was looking for funding opportunities.

Council President Falconer asked if NCPRD had separate SDC funds separate from zone funds. **Mr. Archer** explained the history of NCPRD's SDC funds, noting previous funding structures and current discussions about changing its zone-based approach.

Councilor Batey asked about the timeline for using funds from Metro's possible local share bond measure if approved by voters. **Mr. Archer** explained the background of the bond and suggested Metro may refer it to the ballot in June. He noted that there was an effort among park agencies in the region, including NCPRD, to ask that Metro consider a larger percentage of the total pot of money go to local agencies.

Mr. Archer reiterated that NCPRD believed the park was an important project and thanked City staff for their work. He summarized that the project cost was higher than they hoped but that they were not surprised due to increased construction costs.

Introduction of New City Engineer

Ms. Brooks introduced Tammy Cleys, the new City Engineer.

3. Kronberg Park – Update

Ms. Brooks reported that staff was about to move forward with two contracts for the park and wanted to inform Council and the public before it happened.

Ms. Garbely provided an overview of the planned elevated path and explained that the contracts were for tree removal and construction. She explained that to comply with the Migratory Bird Treaty Act some trees needed to be removed.

Ms. Garbely noted the city was close to receiving the final approval of the traffic control plan from the Oregon Department of Transportation (ODOT). She reviewed project timelines related to land use decisions and public comment periods. **Mayor Gamba** asked if the Tree Board had been involved. **Ms. Brooks** and **Ms. Ober** reported that the Tree Board had been informed about the tree removal per the city's notice process.

Ms. Garbely provided an overview of the project tree removal, building, and construction permits. She presented a diagram noting trees along the path and which ones were set to be removed. She reviewed the project schedule and noted the anticipated completion was December.

Mayor Gamba asked what "DL" stood for on the tree list in the packet. **Ms. Brooks** noted staff would find out. **Councilor Batey** noted that the maple trees were not identified by specific types. **Ms. Garbely** clarified that the list was a survey and not compiled by an arborist.

Ms. Brooks asked if Council would like the tree species information. **Councilor Batey** thought if there were non-native invasive maples, then they could just be cut. **Ms. Ober** believed they would still need to be noticed to be removed and she did not want to delay the cutting due to the Migratory Bird Treaty Act timeframe. **Ms. Garbely** said the priority was to remove trees in the pathway, otherwise the project would be delayed. **Ms. Brooks** remarked that additional work would need to be done to complete the mitigation work including the removal of non-native species. She summarized that in the near term, there was a time constraint and a limited scope, but there more work would be done in the future.

Councilor Batey asked if the city would give updates to the neighborhood district associations (NDAs) one either end of the path. **Ms. Brooks** said they would be happy to provide updates. **Ms. Garbely** said she meets with the Historic Milwaukie NDA monthly and would plan to meet with Island Station NDA. **Ms. Brooks** said they would return to Council in April with another update.

4. Adjourn

Mayor Gamba announced that following the Work Session, Council would meet in Executive Session pursuant to Oregon Revised Statute (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 5:24 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II

COUNCIL REGULAR SESSION

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

228th Meeting

MINUTES

FEBRUARY 5, 2019

Mayor Mark Gamba called the Council meeting to order at 6:03 p.m.

Present: Council President Lisa Batey; Councilors Angel Falconer, Wilda Parks, Kathy Hyzy

Staff: Assistant City Manager Kelly Brooks	Development Manager Leila Aman
City Attorney Justin Gericke	Housing and Economic Dev. Coordinator Valeria Vidal
City Manager Ann Ober	Planning Director Denny Egner
City Recorder Scott Stauffer	Public Works Director Peter Passarelli
Community Development Director Alma Flores	Senior Planner David Levitan

1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Black History Month – Proclamation

Greg Hemer, Milwaukie Historical Society Vice President, reviewed the society's work and presented a membership renewal letter and an updated Milwaukie Schools book to the city. He noted that Hurtis and Dorothy Hadley, former owners of the Milwaukie Pastry Kitchen, were present and introduced Kimberly Moreland with the Oregon Black Pioneers. **Ms. Moreland** discussed her work and the history of blacks in Oregon. **Mayor Gamba** proclaimed February 2019 to be Black History Month.

B. City Manager Updates

Ms. Ober discussed the intended purpose of City Manager Updates. She remarked on council's interest in having more retreat-like meeting time and suggested that they consider holding study sessions off-air to provide a more relaxed atmosphere to discuss non-decision-making agenda items.

Councilor Parks expressed support for not recording study sessions. **Councilor Batey** explained that because of transparency concerns she was opposed to not recording study sessions. She suggested that study sessions should return to their former focus of being in-depth on single issues.

The group discussed why council had started recording study sessions in 2014 when the Safe Access for Everyone (SAFE) program was being created. They remarked on the need for agenda time due to the high volume of ongoing projects. **Mayor Gamba** suggested he was agnostic about recording study sessions.

Councilor Parks and **Ms. Ober** noted that study sessions would remain noticed public meetings even if they were not recorded. They wondered if not recording a meeting would encourage public participation in discussions.

Council President Falconer agreed with Councilor Batey's remarks and wondered if more retreats could be scheduled. **Ms. Ober** noted the toll of weekend retreats on staff. She and **Mayor Gamba** noted the challenges of scheduling weekend retreats. **Councilor Batey** remarked on the frequency of semi-annual retreats and expressed

frustration about one-hour meetings. **Councilor Hyzy** suggested not recording a couple meetings to see how they go. She expressed concern about balancing the need to be transparent while not adding to staff's workload with additional meetings.

The group discussed the need to schedule appropriate in-depth topics for study sessions and council's desire to have candid conversations on sensitive topics.

Councilor Batey asked where study sessions would be held in the future. **Ms. Ober** reported that future meetings may be held in the new Council Chambers at City Hall, at new library's community room, or at the Public Safety Building. She also noted the possibility of looking at different meeting nights so that study sessions do not conflict with Planning Commission meetings.

The group discussed the feasibility of Mayor Gamba and Ms. Ober determining which study sessions would and would not be recorded. **Mayor Gamba** commented that the default decision would be to record the meeting. **Councilor Batey** suggested that there be a regular schedule of off-air study sessions. It was the group consensus to not record every third study session.

Ms. Ober discussed the need for council to have more time to set its goals for the next two years. The group remarked on upcoming meetings where goals could be discussed.

Councilor Batey remarked on transparency concerns during the process used in the past to select the volunteer of the year award recipient. She proposed that council discuss all nominees in a public meeting without any pre-meeting vetting process. **Ms. Ober** reported that staff was open to any process changes. **Councilor Parks** and **Mayor Gamba** expressed concern about discussing the nominees in detail at a public meeting. The group commented on the process used to select the recipient and what changes could be made to make it better. **Council President Falconer** expressed concern about council debating the nominees in a public setting. It was Council consensus to use the same selection process used in recent year.

3. CONSENT AGENDA

Council President Falconer and **Mayor Gamba** asked that Consent Agenda Item 3. F. be removed for separate consideration. **Councilor Batey** asked that Item 3. H. also be removed for separate consideration.

It was moved by Councilor Parks and seconded by Councilor Batey to approve the Consent Agenda removing items F. and H.

A. City Council Meeting Minutes:

- 1. January 2, 2019, Work Session;**
- 2. January 2, 2019, Regular Session; and**
- 3. January 8, 2019, Study Session.**

B. Resolution 7-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, making an appointment to the Planning Commission.

C. Resolution 8-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, adopting the Mayor/Council Communication Agreement.

D. Resolution 9-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the execution of a purchase agreement with BMS Technologies for utility billing printing and mailing services.

- E. Resolution 10-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing execution of Amendment #2 to the agreement with Oregon Publication Corporation for Pilot Newsletter printing services.
- ~~F. A Resolution of the City Council of the City of Milwaukie, Oregon, granting an exemption from property taxes under ORS 307.540 to ORS 307.548 for a 28-unit low-income housing development owned and operated by Northwest Housing Alternatives, Inc. (removed for separate consideration)~~
- G. Resolution 11-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the renewal of the intergovernmental agreement with Clackamas County Health, Housing and Human Services for Behavior Health Unit Services.
- ~~H. Approving the Council Committee Assignments for 2019. (removed for separate consideration)~~
- I. Approving an Oregon Liquor Control Commission (OLCC) Application for Two Sisters Play Café, 11923 SE McLoughlin Blvd, for limited on-premise.
- Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

F. Consideration of a Property Tax Exemption for a Housing Development Owned and Operated by Northwest Housing Alternatives (NHA) – Resolution (removed from Consent Agenda)

Council President Falconer expressed support for the resolution and remarked on the need for a larger conversation about how property tax exemptions are approved. The group noted which annual steps were required by state law to renew tax exemptions.

Mayor Gamba agreed with Council President Falconer and asked if the exemption included the housing units, shelter, and NHA’s offices. **Sherry Grau**, Housing Developer at NHA, reported that the shelter and offices had a permanent tax exemption. The proposed exemption renewal related to the housing units only.

Mayor Gamba and **Ms. Ober** confirmed that council would vote on the resolution at the present meeting and would consider the full tax exemption process in about six months.

It was moved by Council President Falconer and seconded by Councilor Parks to approve the resolution granting an exemption from property taxes under ORS 307.540 to ORS 307.548 for a 28-unit low-income housing development owned and operated by Northwest Housing Alternatives, Inc. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 12-2019:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER ORS 307.540 TO ORS 307.548 FOR A 28-UNIT LOW-INCOME HOUSING DEVELOPMENT OWNED AND OPERATED BY NORTHWEST HOUSING ALTERNATIVES, INC.

H. Approval of Council Committee Assignments (removed from Consent Agenda)

Councilor Batey suggested that more research needed to be done about the council liaison to the Clackamas County Water Environment Services (WES) advisory board. The group remarked on the make-up of the board per the city’s agreement with WES,

directives from the Board of County Commissioners, and other WES governing documents. They noted that State Representative Karin Power served on the board as a ratepayer representative and they discussed the importance of maintaining a council connection to the board and WES. **Mr. Gericke** and **Ms. Ober** commented on staff's work to determine the city's membership on the board and noted that WES Director Greg Geist would be providing an update on WES rates to council soon.

Mayor Gamba and **Council President Falconer** remarked that the committee assignments document was an internal document. It was council consensus to not formally adopt the committee assignments but the assignments would be in effect.

4. AUDIENCE PARTICIPATION

Mayor Gamba reviewed the audience participation procedures and **Ms. Ober** reported that there was no follow-up report from the January 15 audience participation.

5. PUBLIC HEARING

A. Annexation of 10120 SE Wichita Avenue – Ordinance (A-2018-002)

Ms. Kolias provided an overview of the requested annexation. She noted the property owners' intention to connect to city sewer service and that the noticing processes had been followed. She reported that the property would be zoned R10, maintaining its current density, and that there were no public or staff objections to the annexation.

Councilor Batey and **Ms. Kolias** noted there were three tax lots on the property and that the surrounding properties were also zoned R10.

It was moved by **Councilor Parks** and seconded by **Councilor Hyzy** to approve the Ordinance annexing tracts of land identified as Tax Lots 12E30DD02300, 02101, 02102, and located at 10120 SE Wichita Ave into the City Limits of the City of Milwaukie (File #A-2018-002). Motion passed with the following vote: Councilors **Falconer, Batey, Parks, and Hyzy** and **Mayor Gamba** voting "aye." [5:0]

Ms. Ober read the ordinance two times by title only.

Mr. Stauffer polled the Council with Councilors **Falconer, Batey, Parks, and Hyzy**, and **Mayor Gamba** voting "aye." [5:0]

Ordinance 2167:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING TRACTS OF LAND IDENTIFIED AS TAX LOTS 12E30DD02300, 02101, 02102, AND LOCATED AT 10120 SE WICHITA AVE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2018-002).

B. Consideration of Code Amendments, Round 3 (File #ZA-2018-004) – Ordinance, continued from December 18, 2018

Call to Order: **Mayor Gamba** called the public hearing on the Code Amendments, Round 3, File #ZA-2018-004, to order at 7:26 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to receive public comment on the proposed code amendments.

Conflict of Interest and Jurisdiction: It was noted that no council member declared a conflict of interest and no audience member challenged council's jurisdiction to conduct the hearing.

Staff Report: **Ms. Kolias** explained the intent of the code changes. She reviewed what happened at the Planning Commission's hearing and their recommendation to approve the amendments. She summarized proposed changes to Title 11 Permits and Title 12 Streets. **Mayor Gamba** and **Ms. Kolias** remarked on changes to street standards and roadway determinations that would still need approval by the city engineer or through a variance process.

Ms. Kolias provided a summary of changes to Title 14 Sign Code. **Councilor Parks** and **Ms. Kolias** noted how the changes would impact banners and signage on vacant businesses. Councilor Parks suggested the term "duration of sale" instead of "vacant" when referring to an empty business. **Councilor Hyzy** and **Ms. Kolias** noted when Code Enforcement could be asked to remove a for sale sign that had been posted for a long time.

Ms. Kolias presented changes to Title 14 related to historic property signage and the removal of signs from closed businesses. **Mayor Gamba** and **Ms. Kolias** noted that the property owner was responsible for removing signage from closed businesses.

Ms. Kolias reviewed changes to Title 17 Land Division Code and Title 19 Zoning, noting the intent of providing better definitions, correcting inconsistent downtown standards, streamlining processes, and clarifying various uses and standards. **Mayor Gamba** and **Ms. Kolias** noted that the changes to parking lot planter boxes included references to the tree lists in the city's Public Works Standards. They remarked on the possibility of revising the tree lists in future code amendment packages.

Ms. Kolias continued to review changes to Title 19 related to dead-end street systems. **Mayor Gamba** suggested that the code be amended to require bicycle and pedestrian connectivity. **Councilor Batey** remarked on the importance of connectivity requirements for emergency vehicles. **Mayor Gamba** replied that he was more concerned about daily connectivity versus infrequent emergency access, although he agreed fire safety regulations needed to be followed.

Council President Falconer expressed concern that the 20-dwelling limit on a closed street was arbitrary. The group noted that the proposed changes would not affect the 20-dwelling limit and discussed the types of housing and number of units that would be appropriate on a cul-de-sac or closed street system. They also remarked on how developers could be encouraged to acquire adjacent property for connectivity.

Council President Falconer suggested that current code requirements made cottage cluster housing unfeasible. **Mr. Egner** remarked on current and proposed code language related to the 20-dwelling limit and connectivity on streets with a permanent turnaround. **Ms. Kolias** noted that the recent development on King Road was not a permanent closed street as it was designed to connect with adjacent streets. **Mr. Egner** suggested there were locations where a 20-dwelling limit was important to avoid unreasonable development. He suggested the code should say that streets with a permanent turnaround may not serve more than 20-dwellings. **Mayor Gamba** and **Mr. Egner** remarked on the origin of the 20-dwelling unit limit, noting that it was likely a common standard used in other cities.

Council President Falconer and **Councilor Batey** noted possible explanations behind the 20-dwelling unit limit. **Council President Falconer** suggested the code should require streets to meet fire safety standards instead of limiting the number of dwelling units. She proposed the code language should limit the number of lots to 20 instead of dwelling units on a closed street. **Mr. Egner** commented that limiting the number of lots

was a good solution. He noted that the code laid out other connectivity requirements that closed streets needed to address which could be reviewed by the Comprehensive Plan Advisory Committee. **Ms. Kolias** confirmed that the proposed amendment would refer to 20 lots and not dwelling units.

Ms. Kolias continued to review changes to Title 19 that would affect non-small cell wireless communication facilities. She reviewed changes to Title 21 related to vacation rentals, accessory dwelling units (ADUs), building height variances, and review procedures. She presented a key issue for council to consider about allowing buildings without housing or green building components to exceed the allowed maximum height.

Mayor Gamba remarked on how the height bonus had been created and commented on council's interest in encouraging green buildings to address housing and climate change. He suggested a five-story office building would not serve the city's interests. He and **Councilor Parks** noted the existing ways to obtain a height bonus and the possibility of granting a developer a sixth floor if certain conditions existed. **Councilor Parks** expressed concern about allowing six-story buildings and **Mayor Gamba** noted that six-story buildings were permitted in parts of downtown. The group noted there was uncertainty as to how the current five-story building height limit had been decided.

Councilor Batey noted that staff had provided other language changes in a handout.

Correspondence: **Ms. Kolias** reported the only correspondence received had been from the Portland Metropolitan Association of Realtors. She noted that proposed green buildings code changes would be discussed at the March 5 regular session meeting.

It was noted that no audience member wished to address council on the amendments and staff had no further comments.

Close Public Hearing: **It was moved by Councilor Parks and seconded by Council President Falconer to close the public hearing. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]**

Mayor Gamba closed the public hearing at 8:21 p.m.

Council Discussion: **Councilor Parks** and **Mayor Gamba** commented on how to approach the six-story building question. The group discussed how a sixth story could be approved through a review process and noted the challenges of describing an exceptional building in the code. **Councilor Batey** suggested the code language needed further consideration. **Mayor Gamba** and **Councilor Parks** suggested it should be brought back with green building requirements. The group remarked on how to get a developer to build a pedestrian overpass on McLoughlin Boulevard. It was council consensus to pull the six-story amendments out of the proposed ordinance and consider it with other green building amendments on March 5.

Mayor Gamba asked if council was comfortable with the other amendments including the change to a 20-lot limit on closed streets. The group noted that Ms. Kolias would read the list of changes when council motioned to approve the ordinance and that council would just reference the changes read by staff in the motion.

Mayor Gamba asked if anyone was waiting on the proposed amendments for project. **Mr. Egner** reported that there was an indoor skate park waiting for council's approval of the proposed amendments.

Ms. Kolias reviewed the changes to the proposed amendments: a new sentence in the section addressing access way distances to read as “where intersecting streets do not have curbs”; adding under the exempted signs section for temporary signs for construction projects that they may be maintained for the duration of the project; changes noting that real estate lease and sale signs may be maintained for the duration of the sale or lease; changes for historic signs noting that wall signs are not to exceed two square feet except when installed within a park where only one sign per structure or heritage tree or site would be allowed if no structure is present; changes in the manufacturing zone repair and service section that auto service repair shops for personal vehicles would be allowed; and changes in the street layout and connectivity section, revising it to read that a street with a permanent turnaround may serve no more than 20 lots. **Mayor Gamba** added that Section 19.9.11 related to building heights would be removed.

Council Decision: It was moved by Councilor Batey and seconded by Councilor Hyzy to remove from the current code amendment package and continue to a date certain of March 5, 2019, the consideration of the proposed code change to section 19.9.11 Variances. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

It was moved by Council President Falconer and seconded by Councilor Hyzy to approve the Ordinance as amended and read by staff amending Title 11 Miscellaneous Permits, Title 12 Streets, Sidewalks, and Public Places, Title 14 Signs, Title 17 Land Division, and Title 19 Zoning, removing section 19.9.11, to make minor changes to select sections for the purpose of clarification and improved effectiveness (File #ZA-2018-004). Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Ms. Ober read the ordinance two times by title only.

Mr. Stauffer polled the Council with Councilors Falconer, Batey, Parks, and Hyzy, and Mayor Gamba voting “aye.” [5:0]

Ordinance 2168:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 11 MISCELLANEOUS PERMITS, TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, TITLE 14 SIGNS, TITLE 17 LAND DIVISION, AND TITLE 19 ZONING TO MAKE MINOR CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF CLARIFICATION AND IMPROVED EFFECTIVENESS (FILE #ZA-2018-004).

Mayor Gamba recessed the Regular Session at 8:38 p.m. and reconvened the Regular Session at 8:46 p.m.

6. OTHER BUSINESS

A. Drinking Fountains – Discussion

Ms. Ober reported that the topic had been added to the agenda by two council members. **Councilor Batey** remarked on water bottle filling stations and suggested such stations should be installed in public spaces. She expressed disappointment that a station would not be installed in the South Downtown area. **Council President Falconer** reported that there had been complaints that stations were not at the Harrison and Main site for the Milwaukie Sunday Farmers Market and other events held there.

Ms. Ober explained that staff was open to council direction on where filling stations should be installed. She commented on the possibility of working with the North Clackamas Parks and Recreation (NCPRD) to install stations in parks and noted steps public works staff had taken to see where stations could be installed at city facilities. She reported that installing a single station would cost about \$10,000.

Councilors Parks and Batey commented on NCPRD's work to upgrade an existing water fountain in Milwaukie Bay Park, which would not currently include a filling station.

Councilor Hyzy expressed support for installing filling stations and suggested a station could be installed at Dogwood Park. The group noted public area requirements that may impact the installation of a station at Dogwood Park.

Mayor Gamba suggested the city look at installing a filling station at the Milwaukie Station food cart pod. **Ms. Ober** reported that staff had considered installing a station at there and found that it could be done if funding were available. **Ms. Ober** and **Ms. Flores** noted that council would be discussing the future of the food cart site in March.

Council President Falconer suggested that whenever the city replaced or improved a fountain it be updated to a filling station. **Councilor Batey** commented on the feasibility of adding stations at city facilities as infrastructure was upgraded. **Ms. Ober** said that looking at upgrading fountains during other facility projects would be feasible. **Mr. Passarelli** discussed the cost of retrofitting existing fountains to bottle refill stations. **Ms. Ober** noted that the new library building would have refill station. **Mr. Passarelli** talked about the costs and different configurations of outdoor water filling stations.

Ms. Ober and **Mayor Gamba** discussed the importance of the Design and Landmark Committee (DLC) looking at design requirements for outdoor filling stations.

Ms. Ober summarized that staff would look at where stations could be installed in parks and during public facility projects. **Mayor Gamba** noted that the DLC would have its annual review with council soon and fountains could be discussed then. **Councilor Batey** noted that the community gardens at Balfour Park would be a good place to look at adding a station.

The group thanked staff for improving the heating system in the council chambers.

B. Council Input on Legislative and Regional Issues

Ms. Brooks distributed a League of Oregon Cities (LOC) bill tracker document. She and **Councilor Batey** remarked on the status of bills addressing annexation. **Ms. Brooks** asked for council direction for the city to support LOC efforts to protect local control of annexations. It was council consensus that the city should support local control of the annexation process.

The group noted how to access the LOC bill tracker. **Ms. Brooks** suggested that the city support LOC issue statements when the city agreed, and to make independent statements on issues when the city did not agree with the LOC. The group noted how often the LOC tracker was updated and briefly remarked on proposed photo radar bills.

1. Local Control of Speed – Letter

Councilor Batey explained why she had proposed that the council send a letter instead of a resolution. **Mayor Gamba** and **Ms. Ober** remarked on the impact of a letter versus a resolution on influencing legislation and whether specific bill numbers should be included in either. They noted the importance of seeking statements of support from the current council rather than relying on council statements from two years ago.

The group discussed whether council letters or resolutions should be written broadly or on individual bills. They remarked on how to draft policy letters to empower council and staff to represent the city's position on an issue when necessary.

Councilor Batey, Ms. Brooks, and Ms. Ober noted that the local control of speed letter would be edited by Councilor Batey and Ms. Brooks.

It was moved by Councilor Batey and seconded by Councilor Parks that the council wants to send a letter to the state legislature in support of any bill that would give Milwaukie local control of the speed on its streets, with the form of the letter coming back for Council review. The group remarked on whether there was a need to bring the letter back to council for review or if the letter could be reviewed and sent to the legislature if council stated its support for the issue in a meeting. It was council consensus that council would take positions on policy concepts and allow staff and the mayor to draft the letter. **It was noted that Councilor Batey withdrew her motion.**

It was moved by Mayor Gamba and seconded by Councilor Batey to write a letter in support of the concept to support Milwaukie having control over its own speed limits. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]

The group noted that the letter should be copied to other cities and advocacy groups.

2. Single Family Residential Zoning – Discussion

Ms. Brooks and Ms. Ober reported that staff had been tracking House Bill 2001 (HB2001) per council's interest in housing. They remarked on the status of HB2001 and its potential impact on system development charges (SDCs). The group commented on the process developers go through to pay SDCs and obtain an occupancy permit.

Council President Falconer noted that because of the issues addressed by HB2001 she thought it was important for council to write a policy letter on the bill. The group remarked on the bill and possible amendments. They noted elements of the bill related to the definition of middle housing and duplexes, manufactured homes as single family residential dwellings, and the impact of the bill on accessory dwelling units. The group expressed concern that the bill may restrict local control of density policies.

Council President Falconer and Ms. Ober remarked on points to be made in the letter regarding SDCs and middle housing. The group discussed concerns raised by the LOC and chambers of commerce about the bill, and the possibility that some cities may not adopt the zoning changes to avoid low income housing.

Ms. Brooks, Councilor Batey, and Council President Falconer commented on what council could do to propose amendments to the bill. The group remarked on whether the city's zoning would meet the bill's proposed zoning for duplexes.

Councilor Batey asked for staff input on the idea that up-zoning across the City would have an upward effect on property values. **Ms. Flores** discussed the effects of up-zoning and historical regional housing policies aimed at increasing land values. The group commented on the possible impacts of a statewide mandate to up-zone and the complexities of residential zoning and pricing.

Ms. Ober noted it was nearly 10:00 p.m. and asked if Council supported sending a letter on HB2001. The group remarked on the complex nature of the bill's subject and noted an amendment council would support regarding SDCs. **Councilor Batey**

expressed concern about the state allowing tri- or quad-plexes on all lots. **Council President Falconer** commented on the need for missing middle housing.

Councilor Batey suggested the letter encourage funding for cities to do the zoning work and expressed concern that the 2020 deadline to adopt the zoning was unreasonable. **Councilor Hyzy** proposed that the letter express council's concern about the reasonableness of the deadline.

It was moved by Council President Falconer to approve the writing of a letter in support of HB2001 with the specific call outs for changes/fixes to the bill. Ms. Ober and Councilor Batey noted that the letter was meant to address the policy issue and not just HB2001 as originally introduced. **It was noted that Council President Falconer withdrew her motion.**

It was moved by Council President Falconer and seconded by Councilor Parks to approve the writing of a letter to endorse the policies set out in HB2001 as introduced with the specific items called out in discussion to be fixed. The group noted that the letter would call out a SDC language change, funding for cities, suggest the deadline was unreasonable, and note the impact of the bill on cities. **Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]**

7. INFORMATION

Councilor Batey reported that the Street Roots resources directory now included services in Clackamas County. The group noted where to get a copy of the directory.

Councilor Batey reported that the recent neighborhood district association (NDA) leadership meeting had discussed concerns about fireworks. She noted plans for an outreach campaign led by the NDAs. **Ms. Ober** noted the Milwaukie Police Department's plans for enforcing the city's firework ordinance over the July 4th holiday.

Mayor Gamba announced upcoming events including selection of the 2018 Volunteer of the Year, the Officer of the Year Dinner, the State of the City address, a solar homes tour, a City Manager open door session, a design workshop for Hillside Manor, and a Spring Park and Elk Rock Island habitat work day. **Ms. Ober** noted an upcoming Coho Point at Kellogg Creek design open house. **Councilor Batey** added that more information about the Carefree Sundays event would be available in March.

8. ADJOURNMENT

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

Mayor Gamba moved to adjourn the regular session at 10:17 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 8, 2019

Reviewed: Amy Aschenbrenner, Administrative Specialist II

From: Scott Stauffer, City Recorder

Subject: **Reappointments to City Boards, Committees, and Commissions (BCCs)**

ACTION REQUESTED

Consider approving a resolution reappointing BCC members to their current positions.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The individuals recommended for reappointment were previously appointed by council to the BCC positions they currently hold.

In recent years, it has been council's policy to accept the reappointment of BCC members should they be eligible and interested.

ANALYSIS

Authority to fill BCC vacancies is granted to the mayor and council by Section 26 of the city charter. To fill vacant positions, members of council along with appropriate staff liaisons and BCC chairs conduct interviews from applications received by the city. The interview panel makes appointment recommendations to council, which considers and approves recommendations through the regular session consent agenda. Appointed individuals serve for a term length determined by the Milwaukie Municipal Code. Upon the completion of a term, if the individual is still eligible to serve they may be reappointed by council to serve another term.

BCC appointments are made when a term has expired or when a position has been vacated. Generally, position terms expire in March or June, but appointments are also made as needed to fill vacancies. Some BCCs have positions nominated by neighborhood district associations (NDAs) instead of by an interview panel. If applicable, NDA-nominated appointments are noted below.

All BCC positions are term-limited, meaning there is a limit to the number of times that members can be re-appointed. Of the 21 recommended appointments below, nine have been re-appointed to their current position once before (noted with a single *), and three have been re-appointed twice before (noted with two **).

BUDGET AND WORKLOAD IMPACTS

There are no fiscal or workload impacts associated with the recommended actions.

COORDINATION, CONCURRENCE, OR DISSENT

Staff received confirmation from the individuals listed below that they would like to continue serving in their current positions. For those positions nominated by an NDA, staff has not received any indication that the NDA representatives listed below should not be reappointed.

STAFF RECOMMENDATION

Staff recommends making the following re-appointments to the city's BCCs:

Arts Committee (artMOB): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
1	A. Adams**	4/1/2019	3/31/2021
7	William Scott Cranmore	4/1/2019	3/31/2021
8	Hamid Shibata Bennett*	4/1/2019	3/31/2021

Audit Committee: 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
1	Mack Stilson*	4/1/2019	3/31/2021

Citizens Utility Advisory Board (CUAB): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
2	Laura Hanna*	4/1/2019	3/31/2021
4	Edward Simmons*	4/1/2019	3/31/2021

Design and Landmark Committee (DLC): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
2	Kyle Simukka	4/1/2019	3/31/2021
4	Brett Laurila	4/1/2019	3/31/2021

Kellogg Good Neighbor Committee (KGNC): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
2	Carolyn Tomei** (Island Station NDA Representative)	4/1/2019	3/31/2021
4	Michael Park* (Historic Milwaukie NDA Representative)	4/1/2019	3/31/2021
5	Britt McConn (At-Large Member)	4/1/2019	3/31/2021

Library Board: 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
1	Karol Miller*	4/1/2019	3/31/2021
4	Robin Chedister	4/1/2019	3/31/2021
5	Jessica Stetson	4/1/2019	3/31/2021
7	Jason Price*	4/1/2019	3/31/2021

Park and Recreation Board (PARB): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
2	Ben Johnson*	4/1/2019	3/31/2021
4	Gary Klein	4/1/2019	3/31/2021
5	Lisa Lashbrook**	4/1/2019	3/31/2021
6	Martin McKnight	4/1/2019	3/31/2021

Planning Commission: 4-year terms, limit of 2 consecutive terms.

Position	Name	Term Start Date	Term End Date
1	Greg Hemer*	4/1/2019	3/31/2023

Tree Board: 3-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
3	Rebecca Ives	4/1/2019	3/31/2022

NOTES:

* = individual has been reappointed to this position once before.

** = individual has been reappointed to this position twice before.

ALTERNATIVES

Council could decline to make the recommended reappointments, which would result in 22 vacant positions as of April 1, 2019.

ATTACHMENTS

1. Resolution



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, MAKING REAPPOINTMENTS TO CITY BOARDS, COMMITTEES, AND COMMISSIONS.

WHEREAS, Milwaukie Charter Section 26 authorizes the mayor, with the consent of the council, to make appointments to city boards, committees, and commissions (BCCs); and

WHEREAS, the Milwaukie Municipal Code authorizes neighborhood district associations to nominate residents for certain BCCs; and

WHEREAS, BCC vacancies will exist as of April 1, 2019, due to the expiration of BCC position terms on March 31, 2019; and

WHEREAS, members of council and staff recommend the following qualified individuals be reappointed to city BCCs:

Arts Committee (artMOB): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
1	A. Adams**	4/1/2019	3/31/2021
7	William Scott Cranmore	4/1/2019	3/31/2021
8	Hamid Shibata Bennett*	4/1/2019	3/31/2021

Audit Committee: 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
1	Mack Stilson*	4/1/2019	3/31/2021

Citizens Utility Advisory Board (CUAB): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
2	Laura Hanna*	4/1/2019	3/31/2021
4	Edward Simmons*	4/1/2019	3/31/2021

Design and Landmark Committee (DLC): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
2	Kyle Simukka	4/1/2019	3/31/2021
4	Brett Laurila	4/1/2019	3/31/2021

Kellogg Good Neighbor Committee (KGNC): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
2	Carolyn Tomei** (Island Station NDA Representative)	4/1/2019	3/31/2021
4	Michael Park* (Historic Milwaukie NDA Representative)	4/1/2019	3/31/2021
5	Britt McConn (At-Large Member)	4/1/2019	3/31/2021

Library Board: 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
1	Karol Miller*	4/1/2019	3/31/2021
4	Robin Chedister	4/1/2019	3/31/2021
5	Jessica Stetson	4/1/2019	3/31/2021
7	Jason Price*	4/1/2019	3/31/2021

Park and Recreation Board (PARB): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
2	Ben Johnson*	4/1/2019	3/31/2021
4	Gary Klein	4/1/2019	3/31/2021
5	Lisa Lashbrook**	4/1/2019	3/31/2021
6	Martin McKnight	4/1/2019	3/31/2021

Planning Commission: 4-year terms, limit of 2 consecutive terms.

Position	Name	Term Start Date	Term End Date
1	Greg Hemer*	4/1/2019	3/31/2023

Tree Board: 3-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
3	Rebecca Ives	4/1/2019	3/31/2022

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the individuals named in this resolution are hereby appointed to the identified boards and commissions of the City of Milwaukie for the term dates noted.

Introduced and adopted by the City Council on **March 5, 2019.**

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 21, 2019

Reviewed: Amy Aschenbrenner, Administrative Specialist III

From: Scott Stauffer, City Recorder

Subject: **Planning Commission Appointment**

ACTION REQUESTED

Consider a resolution making an appointment to the planning commission.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The individual recommended for appointment to the planning commission has not previously been appointed by city council to serve on any city board, committee, or commission (BCC).

ANALYSIS

Authority to fill BCC vacancies is granted to the mayor and council by Section 26 of the city charter. To fill vacant positions, members of council along with appropriate staff liaisons and BCC chairs conduct interviews from applications received by the city. The interview panel then makes appointment recommendations to council, which considers and approves recommendations through the regular session consent agenda. Appointed individuals serve for a term length determined by the Milwaukie Municipal Code. Upon the completion of a term, if the individual is still eligible to serve they may be reappointed by council to serve another term.

BCC appointments are made when a term has expired or when a position has been vacated. Generally, position terms expire in March or June, but appointments are also made as needed to fill vacancies. Some BCCs have positions nominated by neighborhood district associations (NDAs) instead of by an interview panel. If applicable, NDA-nominated appointments are noted.

All BCC positions are term-limited, meaning there is a limit to the number of times that members can be re-appointed. The individual recommended for appointment, as noted below, is eligible for appointment to the noted committee.

The individual recommended for appointment, Lauren Loosveldt, moved to Milwaukie in 2013 and resides in the Island Station Neighborhood. She is an architect with Opsis Architecture and has served on several professional groups that advocate for green building and environmental issues. She was appointed to the city's Design and Landmark Committee in 2016 and currently serves as chair.

BUDGET AND WORKLOAD IMPACTS

There are no fiscal or workload impacts associated with the recommended actions.

COORDINATION, CONCURRENCE, OR DISSENT

An interview panel comprised of two council members, the planning commission staff liaison, and the planning commission chair recommended this individual for appointment.

STAFF RECOMMENDATION

Based on the nomination of the interview panel, staff recommends making the following appointment:

Planning Commission

Position	Name	Term Start	Term End
5	Lauren Loosveldt	4/1/2019	3/31/2023

ALTERNATIVES

Council could decline to appoint the recommended individual, which would result in a continued vacancy on planning commission.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
MAKING AN APPOINTMENT TO THE PLANNING COMMISSION.**

WHEREAS, Milwaukie Charter Section 26 authorizes the mayor, with the consent of the city council, to make appointments to city boards, committees, or commissions; and

WHEREAS, a vacancy exists on the planning commission; and

WHEREAS, an interview panel comprised of two council members, the planning commission staff liaison, and the planning commission chair, has recommended the individual below be appointed to serve on the planning commission:

Planning Commission

Position	Name	Term Start	Term End
5	Lauren Loosveldt	4/1/2019	3/31/2023

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the individual named in this resolution is hereby appointed to the identified commission of the City of Milwaukie for the term dates noted.

Introduced and adopted by the City Council on **March 5, 2019**.

This resolution is effective immediately.

ATTEST:

Mark F. Gamba, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council

Date Written: February 14,
2019

Ann Ober, City Manager

Reviewed: Jana Hoffman, Supervising Librarian, and
Kim Olson, Circulation Supervisor

From: Katie Newell, Library Director

Subject: **Resolution to approve a library fine amnesty for the week of April 7 through April 13, 2019, in recognition of National Library Week**

ACTION REQUESTED

Adoption of the proposed resolution to approve a library fine amnesty during National Library Week.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The city council annually adopts a resolution establishing a fee schedule for various fees and charges for the city. Included in this schedule are fines for overdue materials at the Ledding Library. Resolution 43-2018, adopted June 5, 2018, set the overdue fine for adult material at \$0.25 per day with a maximum of \$3.00 per item and for children's material at \$0.10 per day with a maximum of \$1.00 per item. In recognition of National Library Week, the library proposes to waive \$1.00 of a patron's fine for each can of food they donate. The food collected is sent to the Oregon Food Bank for local distribution.

All libraries in the Library District of Clackamas County will be participating in the Food for Fines program during National Library Week. In 2018, over 12,000 pounds of food were collected throughout the district. The Ledding Library collected a total of 2,500 pounds, waiving a total of \$2,222.90 in fines.

ANALYSIS

It is not possible to accurately predict the financial impact of the proposed fine amnesty, though patrons do look forward to this each year to clear their accounts while giving back to the community. The goodwill of the community is invaluable.

BUDGET IMPACTS

For the fiscal year ending June 30, 2018, the total fines collected amounted to \$47,964, or approximately \$922.44 per week. The amount estimated for library fine revenue during FY 2018-19 is \$50,000.

WORKLOAD IMPACTS

The library circulation staff will be affected the most by updating patron records and collecting food items.

COORDINATION, CONCURRENCE, OR DISSENT

None

STAFF RECOMMENDATION

The library director recommends this action. It is a visible way to recognize the Ledding Library of Milwaukie and the contributions of the library and its patrons to the community.

ALTERNATIVES

Council could deny this request and not approve the resolution.

ATTACHMENTS

1. Resolution to approve a library fine amnesty.

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING A LIBRARY FINE AMNESTY WEEK FROM APRIL 7THROUGH APRIL 13, 2019, IN RECOGNITION OF NATIONAL LIBRARY WEEK.

WHEREAS, the city council adopted Resolution 43-2018 on June 5, 2018, establishing a schedule of fees and charges for all city services, including an overdue library fine for adult material at \$0.25 per day with a maximum of \$3.00, and for children's material at \$0.10 per day with a maximum of \$1.00; and

WHEREAS, April 7 through April 13, 2019, is National Library Week, and in recognition thereof, the library director has proposed a waiver of accumulated library fines in the amount of \$1.00 for each can or package of food donated with all food collected distributed to the Oregon Food Bank for distribution locally to those in need locally; and

WHEREAS, the fine waiver is for a limited period of time and is a visible way in which to demonstrate and recognize the Ledding Library's contributions to the community during National Library Week; and

WHEREAS, a resolution is required to establish a fee waiver program for FY 2019.

Now, Therefore, be it Resolved that this resolution is adopted to permit a waiver of accumulated library fines in the amount of \$1.00 for each can or package of consumable food donated by the patron during the week of April 7 through April 13, 2019, in recognition of National Library Week.

Introduced and adopted by the City Council on **March 5, 2019**.

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 20, 2019

Reviewed: Kelly Brooks, Assistant City Manager
Dave Peterson, Assistant Finance Director

From: Bonnie Dennis, Finance Director

Subject: **FY 2019 Budget Transfers**

ACTION REQUESTED

Discuss budget transfers and adopt the revised appropriations for the 2019-2020 biennium budget.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[June 5, 2018](#) – City council adopted the 2019-2020 biennium budget during the regular session.

[December 18, 2018](#) – During the regular session, city council adopted the first supplemental budget and transfers in the 2019-2020 biennium budget. The transfers included a transfer from finance department to the police department for a .5 FTE position, a transfer from the general fund to the library fund to cover construction costs, and an increase in personnel services costs in the general fund and building fund offset by additional revenues.

[February 11, 2019](#) – The budget committee convened to review and discuss the draft budget transfer at a regular meeting.

ANALYSIS

Oregon Revised Statute 294 allows for budget adjustments when a condition arises that was not known at the time the budget was adopted. Since the biennial budget was adopted, certain conditions and situations have arisen that necessitate changes in financial planning. These adjustments are presented, and the significant conditions are outlined below. Within this resolution there is one budget transfer and one correction.

a) General fund transfer of 1.0 FTE position and expenses from the finance department to the city manager department.

The rights-of-way - contracts coordinator position is responsible for the development, administration and enforcement of rights-of-way utility ordinances and existing utility franchises citywide. This position was created in 2015 and has been a successful addition to the city. During FY 2019, this position was identified to transfer from the finance department to the city manager Department to coincide with interagency outreach. Therefore, the personnel and related materials and services costs of \$277,000 are being transferred from the finance department to the city manager department for the biennium budget cycle.

b) Correct the previous budget transfer in accordance with state local budget law.

During the most recent budget transfer adopted in December 2018, the resolution included a transfer of \$311,000 from the general fund to the library fund related to construction. Upon further review with local budget law, it was determined that the previous resolution did not account for the transfer within resources to match the requirements. This is a clerical correction.

BUDGET IMPACTS

None

WORKLOAD IMPACTS

None

COORDINATION, CONCURRENCE, OR DISSENT

The city manager and assistant city manager concur with this staff report.

STAFF RECOMMENDATION

Recommend the draft budget transfer for adoption by the city council.

ALTERNATIVES

Do not recommend, or recommend only in part, the draft budget transfer.

ATTACHMENTS

1. Budget transfers resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
AUTHORIZING BUDGET TRANSFERS FOR THE 2019-2020 BIENNIUM**

WHEREAS, the City of Milwaukie budget for the 2019-2020 biennium was adopted by the city council at a regular meeting thereof on June 5, 2018; and

WHEREAS, certain conditions and situations have arisen since the initial adoption of the 2019-2020 biennium budget that necessitate changes in financial planning [Oregon Revised Statute (ORS) 294.338(3)(b)]; and

WHEREAS, 1.0 FTE in personnel services and other budgeted costs transferring from the finance department to the city manager department; and transfers adopted in resolution No. 105-2018 are restated; and

WHEREAS, spending authority may be changed by transferring amounts among existing appropriations in the same fund [ORS 294.463(1)] or through interfund transfers [Oregon Administrative Rule 150-294-0540(3)].

Now, Therefore, be it Resolved that the budget transfers shown below are hereby adopted.

	Existing	Changes	Adjusted
General Fund			
Resources:			
Transfers from Other Funds	\$12,585,000	\$ 311,000	\$12,896,000
Total	\$12,585,000	\$ 311,000	\$12,896,000
Requirements:			
City Manager Department	\$ 2,139,000	\$ 277,000	\$ 2,416,000
Finance Department	2,776,000	(277,000)	2,499,000
Transfers to Other Funds	-	311,000	311,000
Total	\$ 4,915,000	\$ 311,000	\$ 5,226,000
Library Fund			
Resources:			
Transfers from Other Funds	\$ -	\$ 311,000	\$ 311,000
Total	\$ -	\$ 311,000	\$ 311,000
Requirements:			
Transfers to Other Funds	\$ 1,054,000	\$ 311,000	\$ 1,365,000
Total	\$ 1,054,000	\$ 311,000	\$ 1,365,000

Introduced and adopted by the City Council on **March 5, 2019**.

This resolution is effective on **March 5, 2019**.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 19, 2019

Reviewed: Blanca Marston (as to form), Administrative Specialist

From: Peter Passarelli, Public Works Director

Subject: **2019 Water System Master Plan Update**

ACTION REQUESTED

Authorize the city manager to sign a personal services agreement with Tetra Tech in the amount of \$240,184.00 for providing a Water System Master Plan.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[June 5, 2018:](#) Council adopts the 2019-2024 Capital Improvement Plan (CIP) and the 2019/2020 budget, which identified the 2019 water system master plan (WSMP) update as a CIP project.

[June 19, 2018:](#) Council adopts a resolution approving the establishment of a list of prequalified consultants to be utilized in the selection of engineering firms in the city.

ANALYSIS

The current 2019- 2024 CIP identifies an update to the 2010 WSMP to be completed during the 2019/20 biennium. West Yost Associates began working on the current WSMP in 2010 and completed the plan in March 2012. The current plan is outdated and does not address seismic and climate resiliency issues and an update to the plan has been needed for a few years.

This master planning effort will be used to determine existing system deficiencies and needed water system improvements by evaluating future water demand for forecasted growth and expected development. It will include six growth scenarios, to include up-zoning and the associated demand requirements. The largest efforts will be in updating and refining calibration of the water system hydraulic model demand forecasting for the various scenarios and associated capital improvements to address system deficiencies.

This update to the WSMP will meet the requirements of the Oregon Health Authority and will be the first plan “incorporating” the system’s seismic vulnerabilities. It will provide recommended upgrades to system resiliency and will address the impacts of climate change and obsolete water mains. In addition, the updated plan will identify strategies for maintaining adequate water supplies and service levels for the community. The updated plan will guide capital expenditures for the system and furnish guidance on operational issues and future water rate structures.

The public works staff developed and solicited requests for qualifications (RFQ) in December 2018. RFQs were sent to three firms from the approved prequalification list for Water Utility Modelling and Analysis services; Murray Smith, RH2, and Tetra Tech. The RFQ requested professional services from these qualified engineering firms, teams, or consultants with demonstrated experience in public water systems, to prepare a water system master plan to

comply with Oregon Health Authority, Oregon Administrative Rule (OAR) 333, Division 61, and the water-related component of public facilities plan as required by OAR 660, Division 11.

Submittals were received from Tetra Tech and RH2 on December 14, 2018. Murray Smith decided not to submit due to workload. The submittals were reviewed by a selection committee consisting of the public works director, the assistant city engineer, the water and streets public works supervisor, and the water quality coordinator. The selection team evaluated both submittals based on qualifications, experience, and project approach. The team's recommendation was Tetra Tech.

After selection, public works staff and Tetra Tech refined the final scope of work and negotiated a price for the master planning services, which totaled \$240,184.

Tetra Tech is expected to begin the WSMP in late March, starting with an initial kick-off meeting and then gathering data to analyze the city's water system. The final WSMP should be completed within 12 months from the start of the work, with council adoption scheduled for early Spring 2020.

BUDGET IMPACTS

This project is part of the 2019/2020 budget. The approved water fund budget includes \$175,000 for this project. The recommended proposal includes a cost not-to-exceed amount of \$240,184, a difference of \$65,184. Staff considered opportunities to reduce the fee and removed from the scope of work items that are not required components of a master plan. The impact will result in the adjustment of the timeline of supervisory control and data acquisition improvements (currently undergoing a separate master planning process) from 2020 to 2021. Funding for this project is from the water fund and water system development charge fund.

WORKLOAD IMPACTS

The WSMP project can be accommodated within existing public works, engineering, and planning department workloads. Public works staff will provide management of the project, assist with data gathering, and flow testing for calibration of the hydraulic model. Engineering staff will provide review of master planning assumptions and future CIP project development. Planning staff will assist with demand scenario assumptions and future development forecasts.

COORDINATION, CONCURRENCE, OR DISSENT

Public works staff sought and received input from the planning director, and assistant city engineer during the drafting of the RFQ document.

STAFF RECOMMENDATION

Authorize the city manager to sign a personal services agreement with Tetra Tech for the for the WSMP development in the amount of \$240,184.00.

ALTERNATIVES

- 1 Do not award project (defer indefinitely). The project would be removed from the CIP list and staff would continue to work under the 2010 WSMP.
- 2) Reject the proposal and direct staff to re-negotiate or consider new proposals for any reason.
- 3) Reject all proposals and direct staff to amend the request for proposals and re-advertise for submission of new proposals.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO APPROVE A PROFESSIONAL SERVICES CONTRACT WITH TETRA TECH IN THE AMOUNT OF \$240,184.00 TO PROVIDE PROFESSIONAL SERVICES RELATED TO THE DEVELOPMENT OF A WATER SYSTEM MASTER PLAN.

WHEREAS, the city is working under the outdated 2010 Water System Master Plan (WSMP); and

WHEREAS, the public works staff solicited requests for qualifications (RFQ) in December 2018, evaluated submittals, and selected Tetra Tech to provide professional services for the development of a WSMP; and

WHEREAS, the public works staff has negotiated the final scope and fee for the professional services.

Now, Therefore, be it Resolved that city council accept the recommendation to authorize the city manager to approve a professional services contract with Tetra Tech in the amount of \$240,184.00 to provide professional services related to the development of a WSMP.

Introduced and adopted by the City Council on _____.

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



To: Mayor Gamba and Milwaukie City Council

Through: Ann Ober, City Manager

From: Steve Bartol, Chief of Police

Date: February 12, 2019

Subject: OLCC Application – Decibel Sound & Drink LLC – 11380 SE 21st Ave, Milwaukie, OR 97222

Action Requested:

It is respectfully requested the Council approve the OLCC Application from Decibel Sound & Drink LLC – 11380 SE 21st Ave, Milwaukie, OR 97222.

Background:

We have conducted a background investigation and find no reason to deny the request for liquor license.



To: Mayor Gamba and Milwaukie City Council

Through: Ann Ober, City Manager

From: Steve Bartol, Chief of Police

Date: February 26, 2019

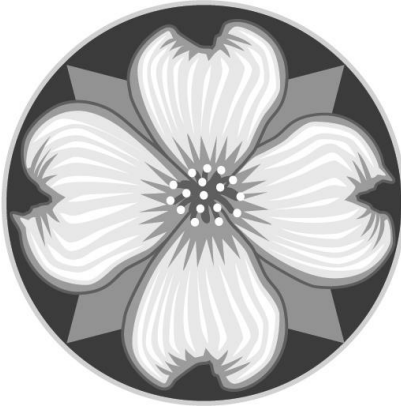
Subject: OLCC Application – Parcel Portland – 5691 SE International Way #H2, Milwaukie, OR 97222

Action Requested:

It is respectfully requested the Council approve the OLCC Application from Parcel Portland – 5691 SE International Way #H2, Milwaukie, OR 97222.

Background:

We have conducted a background investigation and find no reason to deny the request for liquor license.



RS Agenda Item

5

Public Hearing

COUNCIL STAFF REPORT

To: Mayor and City Council

Date Written: February 21,
2019

Ann Ober, City Manager

Reviewed: Alma Flores, Community Development Director, and
David Levitan, Senior Planner

From: Mary Heberling, Assistant Planner

Subject: **2nd Reading of Proposed Zoning and Comprehensive Plan Amendments –
Railroad Ave**

ACTION REQUESTED

Conduct a second reading of the ordinance, by title only, for applications ZA-2018-002 and CPA-2018-002. Adoption of the ordinance and exhibits included in attachment 1 would amend the Milwaukie Zoning Map and the Milwaukie Comprehensive Plan Land Use Map for four tax lots. Approval of the applications would rezone the subject properties to Residential R-5.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

January 22, 2019: The planning commission voted (5-0) to recommend approval of the associated proposed zoning and Comprehensive Plan amendments.

February 19, 2019: The city council voted (4-1) to approve the associated proposed zoning and Comprehensive Plan amendments. A first reading of the ordinance was conducted. The staff report from this hearing can be found [here](#).

BUDGET IMPACTS

None.

WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

The city council held a public hearing on February 19 and voted by a 4-1 margin to approve applications ZA-2018-002 and CPA-2018-002. Because the council's vote was not unanimous, a second reading of the ordinance is required before it can be adopted.

STAFF RECOMMENDATION

Staff recommends that the council hold a second reading of the ordinance, by title only, to approve applications ZA-2018-002 and CPA-2018-002.

ALTERNATIVES

No alternatives are being presented, as the council already voted to approve the applications at their February 19 regular meeting.

ATTACHMENTS

1. Updated Draft Ordinance

COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, TO AMEND THE ZONING MAP TO REZONE TAXLOTS 12E31DD, LOTS 2900, 3000, 3100, AND 12E31DB01300 FROM RESIDENTIAL R-7 TO RESIDENTIAL R-5; AND TO AMEND THE MILWAUKIE COMPREHENSIVE PLAN LAND USE MAP TO DESIGNATE TAXLOTS 12E31DD, LOTS 2900, 3000, 3100, AND 12E31DB01300 AS MODERATE DENSITY RATHER THAN LOW DENSITY (FILE # ZA-2018-002, CPA-2018-002).

WHEREAS, the proposed amendments to the zoning map and Comprehensive Plan will result in a residential development that is compatible with the surrounding neighborhood; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, on January 22, 2019, the Milwaukie Planning Commission conducted a public hearing, as required by Milwaukie Municipal Code 19.1007.5 and adopted a motion in support of the amendments; and

WHEREAS, the Milwaukie City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie zoning map is amended as described in Exhibit B (Proposed Zoning Map Amendments) and Exhibit C (Comprehensive Plan Land Use Map Amendment).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

Read the first time on **February 19, 2019**, and moved to second reading by **4:1** vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

ATTEST:

Mark F. Gamba, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Recommended Findings of Approval
File # ZA-2018-002, CPA-2018-002 (5517-5525 SE Railroad Ave)

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, I&E Construction, Inc, has applied for approval of a zone change from R-7 to R-5 at 5517-5525 SE Railroad Ave and a Comprehensive Plan map amendment from Low Density (LD) to Moderate Density (MD). The site is made up of 4 contiguous lots and is zoned Low Density Residential R-7, later this year, with the approval of this zone change and Comprehensive Plan map amendment, the applicant intends to submit a subdivision application for tax lot 1231DD03000, one of the 4 lots that is vacant.
2. The zone change and Comprehensive Plan map amendment application was submitted on May 17, 2018. It was deemed complete by City staff on November 6, 2018.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.902 Amendments to Maps and Ordinances
 - MMC 19.1008 Type V ReviewThe application has been processed and public notice provided in accordance Section 19.1008 Type V Review. A public hearing was held on January 22, 2019, as required by law.
10. MMC 19.902 Amendments to Maps and Ordinances

- A. MMC 19.902.4.B establishes the approval criteria for Comprehensive Plan Map Amendments

Changes to the maps of the Milwaukie Comprehensive Plan shall be evaluated against the approval criteria in Subsection 19.902.3.B. A Legislative map amendment shall be approved if these criteria are met.

Changes to the Milwaukie Comprehensive Plan may be approved if the following criteria are met:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

The proposed Comprehensive Plan map amendment would change the land use designation of the site from Low Density (LD) to Moderate Density (MD). This application would also change the zoning map from Residential R-7 to Residential R-5; the new land use designation corresponds to that of the Residential R-5 Zone. This amendment is necessary to maintain consistency between the Comprehensive Plan and Zoning Map. Per Land Use Objective #2, Policy #3, areas may be designated Moderate Density if the predominant housing type will be single family detached on moderate to small lots. The applicant proposes a future subdivision for taxlot 12E31DD03000 which will be developed with single family homes on lots ranging from 5,000 sq ft to 6,500 sq ft.

2. The proposed amendment is in the public interest with regard to neighborhood or community conditions.

The site is surrounded by residential development on 3 sides, with LD to the north, west, and east. Lot sizes in the neighborhood to the north are approximately 7,000 – 8,000 sq ft. To the north and northeast, there is a convalescent home. To the east and west of the site, lots are between 5,000 – 6,800 sq ft in size, less than the minimum 7,000 sq ft required in the Low Density, R-7 Zone. Industrial land is to the south across SE Railroad Ave as well as an active rail line. The MD land use designation reflects a slightly higher density single-family residential use that is still considered a low density residential zone in the zoning code. This change is consistent with the surrounding neighborhood as it contains predominantly single-family detached dwellings.

The Linwood NDA has provided comments and questions regarding the proposal, but has not recommended support or opposition to the proposal. Their questions have been answered in Section 11 below.

3. The public need is best satisfied by this particular proposed amendment.

The MD land use designation reflects a higher density single-family residential use that is consistent with existing lot sizes in the surrounding neighborhood. The proposed zoning will allow smaller minimum lot sizes on this site and will provide more opportunity for the development of additional housing. The rezoning of this Low Density area does not create compatibility conflicts given the surrounding land use pattern and density. Areas with a Low Density designation make up over 52% of the City (including right-of-way), the largest residential land use designation in the City. By comparison, Moderate Density comprises just over 10% of the land area.

Further, the 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs, projects the need for 1,150 new housing units by 2036. Designating the site for a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation. Although the HNA acknowledges no new need for housing in the middle of the pricing spectrum (\$240,000 - \$490,000), there can be an assumption that the homes built on R-5 lots will be smaller and less expensive than those built on R-7 lots. The proposal responds to an identified need for additional housing supply.

4. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The MD land use designation reflects a slightly higher density single-family residential use as compared to the LD land use designation. This is consistent with Metro Urban Growth Management Functional Plan (UGMFP) and relevant regional policies. Title 1 of the UGMFP states that plan amendments and zone changes cannot have the

effect of lowering density. This proposal increases density on the property, which is not in conflict with Title 1.

5. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed land use map amendment from LD to MD still identifies single-family home development as the predominant land use type and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule. The proposal addresses Goal 10 – Housing, by proposing residential development at a higher density. The 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation.

Goal 12 – Transportation is addressed as the number of new dwelling units and the associated trips will not impact the functional classification of SE Railroad Ave or SE Stanley Ave, both of which are collector streets. Transportation is addressed as the number of new dwelling units and the associated trips will not impact the functional classification of SE Railroad Ave or SE Stanley Ave, both of which are collector streets. An additional 12-15 dwelling units with a zone change will have a minor impact on the local street system. Possible future development's access will connect to Stanley Ave, a collector street, which can accommodate 5,000-10,000 trips per day.

As conditioned, the Planning Commission finds that this criterion is met.

B. MMC 19.902.6.B establishes the approval criteria for Zoning Map amendments.

The proposed zoning map amendment would rezone the site from Residential R-7 to Residential R-5.

Changes to the Zoning Map shall be evaluated against the following approval criteria. A quasi-judicial map amendment shall be approved if the following criteria are met:

1. The proposed amendment is compatible with the surrounding area based on the following factors:

- a. Site location and character of the area.
- b. Predominant land use pattern and density of the area.
- c. Expected changes in the development pattern for the area.

The zone change proposal is appropriate given the characteristics of the surrounding area. To the east across SE Stanley Avenue is an area zoned R-7 PD with a Low Density designation in the Comprehensive Plan. To the south across SE Railroad Avenue is an area zoned Business Industrial (BI) with an Industrial designation in the Comprehensive Plan. In the adjacent R-7 and R-7 PD zoned areas to the east and

west, many of the lots are sub-standard for the R-7 zone and less than 7,000 sq ft. Although the R-5 zone and the Moderate Density land use designation reflect a higher density single-family residential use, they are similar in density with the surrounding neighborhood. Further, smaller minimum lot sizes will provide more opportunity for the development of additional housing over the R-7 zone. The R-7 zone is also the largest zone in the city, comprising over 52% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area.

The Linwood Neighborhood District Association had no objections to the proposal.

2. The need is demonstrated for uses allowed by the proposed amendment.

The R-5 zone will provide the opportunity to build additional single-family homes on the site. The R-5 zone is considered a Low Density Residential Zone in the zoning code, with the same permitted uses. There is demonstrated need for additional housing in the city and in the greater region, illustrated by the Council's declaration of a housing emergency. Further, the 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs, projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation.

3. The availability is shown of suitable alternative areas with the same or similar zoning designation.

This criterion is intended to ensure that the proposed site is better suited for this proposed use than other properties with the same base zone designation. The R-7 zone is the largest zone in the city, comprising over 52% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area. The size of the parcels are between 0.71 acres to 2.88 acres. There is a scarcity of parcels of similar size in the R-5 zone. Only 11% of R-5 parcels in the City are 0.71 acres or above.

4. The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

This area is adequately served by public utilities and transportation infrastructure. There is a 15-inch sewer main and a 12-inch water line in SE Railroad Ave which are adequate to serve new homes. Within the public rights-of-way that will serve the proposed development, new water and sanitary sewer mains will be constructed as per City standards and will be maintained by the City.

5. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

Both Railroad Ave and Stanley Ave are classified as collector streets and additional development in the area is not expected to have a negative impact on the existing

transportation network. A proposed subdivision on one of the vacant lots, tax lot 12E31DD03000, has not been reviewed yet, however, due to minimal increase in trips at peak time on collector streets (Railroad Ave and Stanley Ave) with the zone change, the Engineering Department will not require a transportation impact study.

6. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

The proposed Comprehensive Plan map amendment would change the land use designation of the site from Low Density LD to Moderate Density MD. The application requests a zoning map amendment from Residential R-7 to Residential R-5; the new land use designation corresponds to that of the Residential R-5 Zone. This amendment is necessary to maintain consistency between the Comprehensive Plan and Zoning Map. Per Land Use Objective #2, Policy #3, areas may be designated Moderate Density if the predominant housing type will be single family detached on moderate to small lots.

Natural Resources Objective #2, Policy #1 states the City shall protect designated natural resources and their associated values through preservation, intergovernmental coordination, conservation, mitigation, and acquisition of resources. Policy #2 in the same objective states that the City shall provide protection to important wetland and water body areas through designation of riparian area buffers between natural resources and other urban development activities and restrict non-water depended development within the riparian buffer area. One of the vacant parcels has a wetland, water quality resources, and habitat conservation areas. The City has been working with the application to protect those natural resources and the zoning code protects those resources by preventing development in those areas and providing mitigation. Any development in those natural resource areas will trigger a natural resource review in the land use code.

7. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed zoning map amendment from R-7 to R-5 is still within the City's low density residential zones and is consistent with the Metro Urban Growth Management Functional Plan. The MD land use designation reflects a slightly higher density single-family residential use as compared to the LD land use designation, which is consistent with Metro Urban Growth Management Functional Plan (UGMFP) and relevant regional policies. Title 1 of the UGMFP states that plan amendments and zone changes cannot have the effect of lowering density. This proposal increases density on the property, which is not in conflict with Title 1.

8. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed zoning map amendment from R-7 to R-5 is still within the City's low density residential zones and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed land use map amendment from LD to MD still identifies single-family home development as the predominant land use type and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule. The proposal addresses Goal 10 – Housing, by proposing residential development at a higher density. The 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the sites with a higher density land use and the accompanying zoning amendment, will provide the opportunity for 12-15 more dwelling units than allowed under the current designation.

Goal 12 – Transportation is addressed as the number of new dwelling units and the associated trips will not impact the functional classification of SE Railroad Ave or SE Stanley Ave, both of which are collector streets. An additional 12-15 dwelling units with a zone change will have a minor impact on the local street system. Possible future development's access will connect to Stanley Ave, a collector street, which can accommodate 5,000-10,000 trips per day.

The Planning Commission finds that this criterion is met.

11. As described in Finding 3, public notice of these applications was posted on site and mailed to parties as identified in the Milwaukie Municipal Code. The applications were referred for comment to the following: Milwaukie Building Division; Milwaukie Engineering Department; Clackamas Fire District #1; Clackamas County; Metro; and the Linwood Neighborhood District Association Chairperson and Land Use Committee. The responses received are summarized below. Agencies did not respond if a response is not listed below.

Milwaukie Building Department – no comment

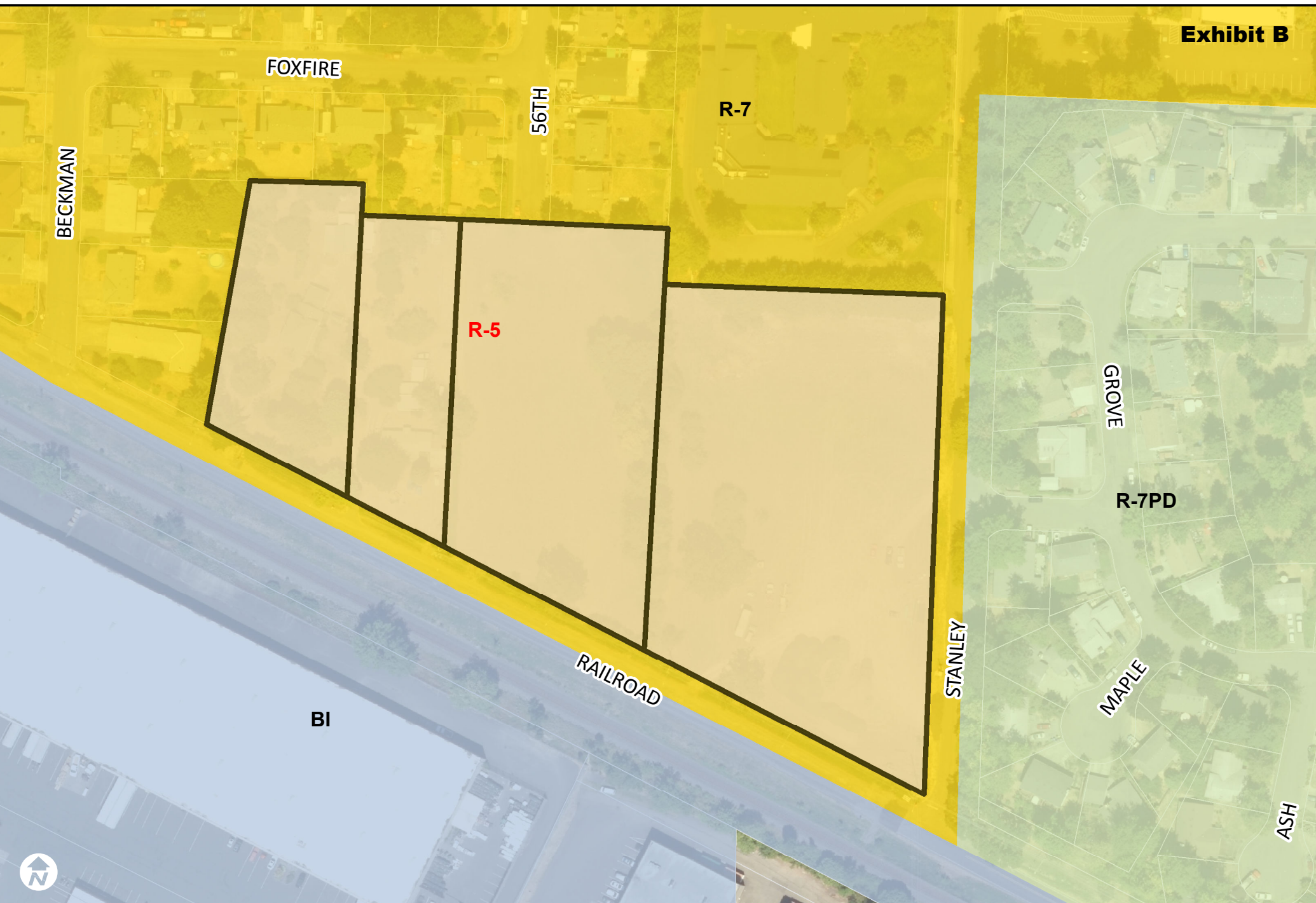
Milwaukie Engineering Department – “The zone change will provide for an additional 12 15 dwelling units. With the required right-of-way dedication, the net increase will be closer to 10 dwelling units. This will result in an additional 10, pm peak trips. These trips will be accessing SE Stanley and Railroad Avenues, which are both Collector Streets. A traffic impact study is not required to analyze this minimal increase in trips. Existing sewer, storm and water systems do not have any identified deficiencies and can accommodate the increased demand.”

Metro – Felt the proposal was consistent with the Metro Functional Plan and did not have other comments to submit.

Linwood NDA – Questions were submitted on 1/14/2019, they are summarized below with a staff response:

1. Why was a Transportation Impact Study (TIS) not ordered for this proposal? How many new trips will be generated with this zone change?

Staff Comment: With the zone change, redevelopment of these lots would provide 12-15 more dwelling units when right-of-way dedication on these properties are not considered. The Engineering Department found that with right-of-way dedication, net increase will be closer to 10 dwelling units. This will result in an additional 10, pm peak trips. The Engineering Department found that this minimal increase in trips on collector streets Stanley Ave and Railroad Ave would not require a TIS.



Proposed Zone Change

RS49



The information depicted on this map is for general reference only. The City of Milwaukee cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated. Data Sources: City of Milwaukee GIS, Clackamas County GIS, Metro Data Resource Center. Date: Thursday, January 31, 2019

Exhibit C

P

FOXFIRE

56TH

LD

MD

GROVE

MAPLE

ASH

STANLEY

RAILROAD

I



Proposed Comprehensive Plan Designation

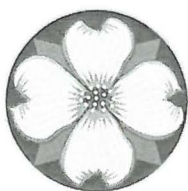
0 150 300 Feet

RS50



The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated. Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center. Date: Thursday, January 31, 2019

GIS Coordinator - City of Milwaukie 6101 SE Johnson Creek Blvd. Milwaukie, OR 97206 (503) 786-7687



PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

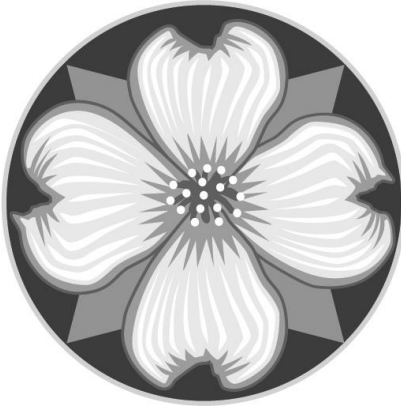
If you wish to have standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.

3/5/19

5. A. Zoning and Comp Plan Amendments – Railroad Avenue, 2nd Reading

Land Use File No. ZA-2018-002, CPA-2018-002

NAME	ADDRESS	PHONE	EMAIL
E+E FORM	Logan Rd	—	—



RS Agenda Item

6

Other Business

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Kelly Brooks, Assistant City Manager
Jordan Imlah, Public Affairs Specialist

From: Jason Wachs, Community Programs Coordinator

Subject: **2018 Volunteer of the Year Award Nominations**

Date Written: Feb. 15, 2019

ACTION REQUESTED

Review nomination forms and select a winner to receive the 2018 award.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Staff opened up the nomination process to the public on January 2, 2019. The nomination period closed on February 15, 2019.

Thirteen nominations were received. Seven individuals and two couples were nominated. Two individuals were nominated more than once. Nominees are listed below in alphabetical order by last name. Staff provided council with nomination forms on February 20, 2019.

- Chris & Jeff Davis
- Pam & Milo Denham
- Linda Hedges
- Greg Hemer
- Lisa Lashbrook
- Donna Blando Montanez
- Sarah Smith
- Andrew Taylor
- Kim Travis

Nominees could include anyone who resides in Milwaukee or members of a non-profit organization/business that serves the Milwaukee community. The winner will be chosen according to the following criteria:

- Longevity of service to the community;
- Some contribution of volunteer service in calendar year 2018 within the nominee's total volunteer efforts; and
- Service within the city limits of Milwaukee.

The volunteer service for which the person(s) is nominated does not have to be specifically in a City of Milwaukee volunteer capacity (i.e., board, commission, committee, neighborhood district

association (NDA), etc.). However, some contribution to a city-related activity within the nominee's total effort is preferred.

The 2018 Volunteer of the Year will be recognized at the Volunteer Appreciation Dinner at the Milwaukie Center on Tuesday, April 30, 2019.

BUDGET AND WORKLOAD IMPACTS

The 2018 Volunteer of the Year will be recognized at the 2019 Volunteer Appreciation Dinner on April 30, 2019 at the Milwaukie Center. This annual dinner is also used to recognize and thank all of the city's board, commission, and committee members and NDA officers. The cost of the venue and dinner for 100 people is approximately \$4,500. A plaque is also created for the Volunteer of the Year at a cost to be determined. The other impact to the budget is primarily staff time to obtain nominations and organize the volunteer appreciation dinner.

COORDINATION, CONCURRENCE, OR DISSENT

Office of the city manager and city recorder staff have reviewed applications for accuracy, completeness, and compliance with program requirements.

ALTERNATIVES

1. Select a winner from the above nominations.

ATTACHMENTS

1. Nomination forms provided under separate cover.



2018 Volunteer of the Year Award Nominations

Background

- Volunteer of the Year Award began in 2012
- **Past winners have included:**
 - Ed Zumwalt – 2012
 - Dion Shepard - 2013
 - Alicia Hamilton - 2014
 - David Aschenbrenner - 2015
 - Joel Bergman – 2016
 - Lisa Gunion-Rinker – 2017



2018 Nominations

- The nomination process for 2018 began on Jan. 2, 2019 and ended on Feb. 15, 2019.
- Thirteen nominations were received. Seven individuals and two couples were nominated. Two individuals were nominated more than once.
 - Chris & Jeff Davis
 - Pam & Milo Denham
 - Linda Hedges
 - Greg Hemer
 - Lisa Lashbrook
 - Donna Blando Montanez
 - Sarah Smith
 - Andrew Taylor
 - Kim Travis

Criteria for Choosing the Winner

- Longevity of service to the community
- Some contribution of volunteer service in 2018 within the nominee's total volunteer efforts
- Service within the city limits of Milwaukie
- Some contribution to a city related activity within the total effort is preferred (i.e. board, commission, committee, NDA, etc.)



Thanking and Honoring the Winner

- Recognized at the Annual Volunteer Appreciation Dinner on April 30, 2019 at the Milwaukie Center
- Press release distributed to local media
- Featured on the front cover of the Pilot in May
- Social media posts
- Added to the Volunteer of the Year plaque in the City Hall lobby





2018 VOLUNTEER OF THE YEAR

Please vote for one volunteer to receive the 2018 Volunteer of the Year Award.

- ☐ Chris & Jeff Davis
- ☐ Pam & Milo Denham
- ☐ Linda Hedges
- ☐ Greg Hemer
- ☐ Lisa Lashbrook
- ☐ Donna Blando Montanez
- ☐ Sarah Smith
- ☐ Andrew Taylor
- ☒ Kim Travis

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THANK YOU

2018

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2018

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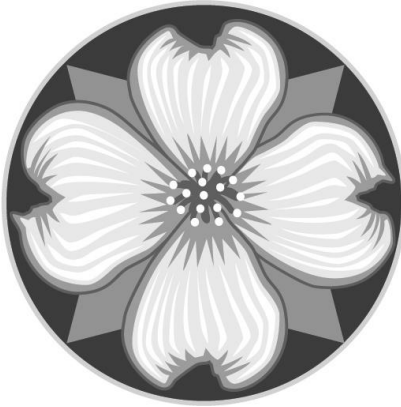
THANK YOU

THANK YOU

THANK YOU

THANK YOU

THANK YOU



RS Agenda Item

7

Information



Mayor's Announcements – Mar. 5, 2019

- **Coho Point at Kellogg Creek Open House** – Wed., Mar. 6 (6 – 8 PM)
- **Neighborhood Hubs Project Update at NDA Meetings**
 - March 11 – Hector Campbell
 - March 13 – Lake Road & Lewelling
 - March 14 – Linwood
 - March 20 – Island Station
 - March 25 – Ardenwald - Johnson Creek
- **Middle Housing Options in Milwaukie** – Wed., Apr. 3 (5:30 – 7:30 PM)
- **Electric Avenue Grand Opening** – Sat., Apr. 6 (10 AM – 3 PM)
- **Sign up to Volunteer! Earth Day Opening of Wichita Park** – Sat., Apr. 20 (11 AM – 2 PM)
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV**

