

**MINUTES
MILWAUKIE CITY COUNCIL WORK SESSION
MAY 4, 2010**

Mayor Ferguson called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Mayor Jeremy Ferguson, Council President Greg Chaimov, and Councilors Deborah Barnes, Susan Stone, and Joe Loomis

Staff Present: City Manager Pro Tem Pat DuVal, Interim Finance Director Andy Parks, Planning Director Katie Mangle, Community Development and Public Works Director Kenny Asher, Engineering Director Gary Parkin

Media: Clackamas Review

Planning Commission Interview

Mark Gamba was interviewed by Mayor Ferguson and City Council for the Planning Commission vacancy.

Budget Update

Andy Parks, Interim Finance Director presented the budget update and described how using internal service fund transfers, a different allocation methodology, could help close the gap in the General Fund by shifting costs into other areas, primarily utilities. He reviewed the spreadsheet distributed to Council that recapped where the budget was today and reflected the change in methodology in most areas. He noted the numbers might shift slightly as Staff continued to finalize things.

Councilor Chaimov thanked Mr. Parks, and stated that the proposed budget was heading in the direction he believed would serve us very well in the future. In particular, the taxpayers would be very pleased with how transparent the process was becoming and how they would be able to get a better handle on what the Council was doing and the reasons why, thus making them more supportive of financing decisions.

Councilor Loomis agreed with Councilor Chaimov, he thought the review was very helpful, and thanked Mr. Parks for his efforts.

Councilor Barnes asked Mr. Parks for Staff's reaction if any.

Mr. Parks replied some members of Staff would be unhappy with certain parts. It would raise some costs in some areas that historically had not been charged, which was not A-typical of anything that has to do with change. In the broader context, Staff's reaction was generally positive. Mr. Sandfort was extremely happy. He said many people had been asking the same question. He could put out the numbers and see what people think. He expected people would have legitimate issues in some areas, but he believed those could be addressed. He

had explained that this proposal should make administrative services more accountable as well. He did not mean that whatever the charges end up being departments would end up paying. The industry average related to this cost should be considered. He had explained that when all the things ultimately being provided are added, the City should be between 13% to 16% total. It also depends on the level of service being received; if the service is bad and does not do a whole lot of good, and if you are at the top end of that range. If managed more like a business, Staff would ask if they can get something done cheaper by somebody else than what the City is providing it for. If cheaper alternatives are available, that department should be looking at how to be more efficient. There is no profit for anyone in administrative services versus competing against firms that are paying taxes and competing in generating profits, so the City should always be able to be less expensive.

He agreed that comments about having the transparency were absolutely true. In his experience, once these systems were in place, the departments are watching more closely because it ultimately does impact their budgets and they want something to be done with the money they are ultimately paying.

He added they were in the process of completing an information technology assessment, and one thing the consultant noted was that no service level agreements exist internally. One recommendation will be that these agreements be created, probably with a template, that states the service of level being paid for, what will be provided, response times to customer complaints or to inquiries about service, etc. to provide metrics that can be measured against to see whether a department is meeting expectations or not. If not, then identify the cause, perhaps staffing, money or equipment, and address that issue. Currently, there are so many variables that it is difficult to know where to begin to identify the issues inhibiting service.

Councilor Stone believed it was a good concept in terms of transparency and accountability.

Mayor Ferguson also appreciated the clarity and transparency in this process. He liked the process and believed it was taking the City in the right direction.

Light Rail Conceptual Design Report Update

Ms. Mangle presented the update, noting the conceptual design had been discussed with the Council, Planning Commission, Design Landmarks Committee and at the monthly light rail meetings. Staff had taken the information to the community and the process had been very helpful in illustrating what the project will look like when it comes through Milwaukie and the aspirations of what the City wants the project to be as it is further designed. She explained the background and purpose of the Conceptual Design Report, which came from Portland's process, noting that Staff agreed it would probably be a very good document for the City to utilize as well. She did not think the document would include anything that had not been said already, but would bolster what Staff is already doing with regard to what the community needed to have from this project. Staff proposed bringing a staff report to the next City Council meeting on

May 18, 2010 for Council to approve by resolution. Staff just wanted an informal check to see if the idea was acceptable to Council. She distributed a list of the types of issues that Staff wanted to include. The list outlined some bigger issues discussed as a community over the last year as they went through preliminary engineering.

Mr. Asher added that the list was similar to the City of Portland's list. As Council was aware, the City had already been commenting on the EIS document. Staff had commented on the preliminary engineering drawings but this document enable design items to be captured that did not really belong on engineering drawings, for instance, bus routing, sustainability and connections to green spaces. While these items are continually discussed, Portland's staff suggested having a resolution, because as the project goes forward, the City needs a way to hold TriMet accountable, and also be accountable to Milwaukie constituents because some items will not make it into the project, it is just inevitable. Portland has learned that it is very important to be able to point back to the process to say, yes it was discussed at 30%, it was flagged in our comments on Conceptual Design Report (CDR) and here is what happened. It is a point in time in the project where the City of Milwaukie will be on record a little more formally. It is the smart thing to do. Staff did not intend to say a lot about each of the 16 items, but would be quick and concise in outlining what they want, expect and list what they still need the project to accomplish in each area. Hopefully, it will be noncontroversial for the Council to express their support those issues.

Councilor Stone asked if the relevant information could be brought before Council at a work session before they talk about it in regular session.

Mr. Asher replied it was possible to get the CDR to Council, but he was unsure how much discussion the Council wished to have on these items, because it would be repetitive. He noted other commissions doing something similar, and stated that Staff hoped to have a resolution in hand on May 18, 2010, so Councilor Stone could present it to the steering committee on behalf of the City along with the City of Portland, Clackamas County and the CAC. Staff did not want to do two work sessions, but wanted to report where they were going and give a short Staff report next time and a simple resolution. If Council wished to have that discussion and give it to the project after that June Steering Committee meeting, Staff would oblige.

Councilor Chaimov recommended that Staff bring to Council what they thought the wording should look like, such as stating that they want a downtown Milwaukie Quiet Zone, or a pretty North Industrial structure; whatever Staff planned to say. Getting that material as soon as possible would help Council to make the May 18th deadline. If more discussion is needed, or Council finds it harder to reach an agreement, it could be continued.

Mr. Asher confirmed it would be ready in the next day or two. Ms. Mangle had already started writing it.

Councilor Barnes asked about the safety issue. She did not see that on the list, but remembered earlier discussions about possible live cameras, which was a real concern for her.

Ms. Mangle responded that would have included that under the Downtown Milwaukie Station. It was a fair point but that had been an ongoing overriding concern and issue.

Mr. Asher noted it would be integrated into several existing points on the list, and it could be a separate callout for a point of emphasis.

Councilor Stone agreed that would be a good idea because safety issues would be involved wherever the City as being impacted. She asked if property impacts would encompass sound walls and right of way, because there were issues with the neighborhood about the elevated structure and the noise. Noise was not listed, and that was a big factor, as well as the visibility of the train.

Mr. Asher explained the property impacts were more specific and would be more likely to discuss minimizing impacts to real property, not taking anymore property than needed whether right-of-way or private property, not taking access or harming any access to private property. It involved traditional impacts that realtors address. It was important to avoid being tempted to load absolutely everything into this document, namely all the impacts from the EIS, like noise, visibility, etc. that have been discussed for more than a year. Those were being disclosed in the EIS, the project is going to mitigate some impacts, and some would involve ongoing negotiation. Staff wanted to capture those in the CDR that would be ongoing and negotiated. He did not want the CDR to become laden with every last concern along every inch of the alignment, because it would have less of an effect. Staff would provide Council the list, inclusive of everything they believed they would have to continue to fight or negotiate for in the project. He asked that Council provide feedback about anything they thought was missing so the relevant information can be included.

Councilor Stone believed the resolution is going to hold their feet to the fire in terms of being accountable to the City. People will have to live with the impacts that will be here to stay and they should be held accountable to make sure those concerns are mitigated. She wanted to see those things, such as noise, visual impacts, and elevated structures, in a resolution. She also heard from TriMet that most of the users for this light rail line were coming from the south, yet the north parking garage is actually designed bigger than the south garage, because studies indicate that end of the line parking structures are not as widely used, and so it is smaller. This did not make any sense because the north garage was having a huge impact on the Ardenwald neighborhood, and it would make more sense to capture the increased ridership coming from the south. She wanted to know why the south garage was not larger than the north garage.

Mr. Asher replied he would get an answer on that. He believed it was because people were coming in from Hwy 224 which connects to Tacoma Ave, as opposed to Hwy 99 which connects to McLoughlin Blvd. The north garage was a little closer in so maybe they had more confidence that the 800 spaces would be

filled. Staff would try to concisely capture all those issues in the CDR draft and get it to City Council in next couple days. Nothing in the resolution would compel TriMet to do everything the City expected to see done, but it did put a little more pressure on them. Each Council action created more pressure and provided clearer direction for the project. Staff needed Council's support on key issues, like visual impacts, because he was not sure TriMet would be able to do anything about it, unless Council and Staff were very specific about what they were saying. He briefly discussed Staff's plans about the language used regarding the design. It was important to find the right language to make clear that something needs done in the design process, while acknowledging that the structure is the structure. The best outcome would be to have three, four, or five Councilors help Staff send this back to the project in May.

Councilor Barnes said she knew that two Councilors probably had some real concerns about this project, and she wanted Council to find a way to get a unanimous vote on this because that would be a much stronger statement. She wanted to make sure their concerns were addressed as much as possible.

Ms. Mangle said many important choices were yet to be made given the alignment and the station location, so Staff was focusing on what the City could do to influence those choices at this point. Also, the Milwaukie Review Process entails several land use applications that will be reviewed by the Planning Commission and Design Landmarks Committee, so the CDR was not the only venue for influencing the light rail project. Additionally, Mr. Asher, Ms. Hemmen and she attend 20 meetings and three art committee representatives were very engaged. The CDR did not have to include everything. Staff welcomed any specific concerns or comments from Council and expected to get CDR draft to Council tomorrow.

Mayor Ferguson stated it was important to add, perhaps as a bullet point, the safety concerns regarding the downtown Milwaukie Station being next to an active, heavy freight rail track. It was uncertain whether the track would remain with a low activity or be used more heavily in the future. Therefore, addressing the safety concerns around that station and specifically issues regarding the ADA community would be extremely important. He recognized that things like tactile warning strips were already standard, but believed it important to clearly define the difference between Milwaukie's light rail station and tracks, and the freight rail. He wanted to be sure the City was a leader in addressing the needs of the ADA community. Something should be put right next to the bicycle and pedestrian access for ADA accessibility, as well as warning devices.

Mr. Asher stated that the horn and bells of the freight train traveling on the Tillamook branch during his tour of the South Downtown area were really loud. If the track was used more frequently, it will dramatically change the character of the area. The City already had a challenging geometry in getting people onto the platforms that close to the tracks and with the three tracks intersecting the sidewalk at that angle.

Mayor Ferguson said if the economy turns around and more development occurs in the North Industrial area, there might be a huge increase in the use of that freight rail if it is determined to be an economical way to transport goods.

Councilor Stone requested clarification about the Quiet Zone. It was being listed as the Downtown Milwaukie Quiet Zone, but she understood the Quiet Zone was to run along the length of the light rail line.

Mr. Asher confirmed Staff referred to it as the Downtown Milwaukie Quiet Zone but it should be called the City of Milwaukie Quiet Zone.

Councilor Stone said she like that name. She suggested that the signal on 42nd Ave should certainly be addressed in the City's TSP. It was discussed two years ago when the TSP came before Council, and Council said it could be changed if needed, and now it looked like it needed to be changed. She wanted to see that happen and if needed, the CDR should reflect no signal at 42nd Ave.

Ms. Mangle replied with the rest of the TSP, she believed that was a fair question. There is a TSP policy that specifically addressed that intersection and it was somewhat neutral, so it did not reflect the position Council took. It was a bit more complicated than just a policy, so she would do some homework and report to Council with her findings.

Councilor Stone recalled that issue was raised when they voted on the TSP and she was told at that meeting that it could be changed.

Ms. Mangle explained that she was only hesitant because she wanted to be careful. Another development on either end of the corridor could generate traffic that might trigger a similar study. She wanted to further investigate that first.

Councilor Stone questioned whether the neighborhood would change their minds if development was on the other end. She did not think it mattered where the development was located.

Ms. Mangle replied it was a different scenario in terms of the findings and legal obligations of the City to approve or deny a development. It was a different conversation that was already on her list of things to address.

Mr. Asher believed that generally, the State Transportation Planning Rule could require the signal as part of a development in the neighborhood and the Planning Commission and Council could still say no, which could mean no development, which could be appealed at that point.

He believed in fairness to the plan and the TSP, it would have to be written so that it was still doing its job in the TSP.

Ms. Mangle said it was important to connect all the right dots. Because the light rail project was not a land use application, there were different dots to connect and had more to do with the national environmental policy act, and things like that. Once it was a development review application, there are more Oregon State statutes to consider. She reiterated it was a fair question and that she would investigate more and talk to Gary Parkin. She would then discuss with Council what types of changes should be considered to fully implement that direction.

Mr. Asher stated other TSP amendments were expected, so questions existed about how many times and when that plan should be reopened. He noted that the EIS was being rewritten to reflect the Council action taken two weeks ago, and the engineering drawings will also reflect that resolution adopted by Council. He assured the project would not reverse Council's actions; it is a City of Milwaukie decision that has been made and the project is moving on, at least at 42nd Ave.

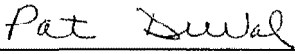
Ms. Mangle asked if it would need to be included in this CDR list.

Mr. Asher said that under the Tacoma Station he was going to talk about traffic impacts on Johnson Creek Blvd, and he could certainly include that the City would still like to see traffic calming, and did not want a signal at 42nd Ave. It was clear the Council needed to see a draft and he confirmed it would be ready for May 18th.

Councilor Barnes asked if it would be better to use four or five key words with sub points in the CDR. There were a lot of words in the document.

Mr. Asher replied that if it would help Council, Staff would create a different type of outline and rework it a little differently. He believed the content was correct, but Staff would organize it to make it more easily understandable and not too long.

Mayor Ferguson adjourned the work session at 5:38 p.m.



Pat DuVal, City Recorder

WORK SESSION

AGENDA

WORK SESSION MILWAUKIE CITY COUNCIL MAY 4, 2010

MILWAUKIE CITY HALL

Second Floor Conference Room
10722 SE Main Street

A light dinner will be served

WORK SESSION – 5:30 p.m.

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>	<u>Page #</u>
1.	5:30 p.m.	Planning Commission Interview – Mark Gamba	Mayor Ferguson	
2.	5:40 p.m.	Budget Update	Andy Parks	
3.	6:30 p.m.	Light Rail Conceptual Design Report Update	Katie Mangle	
4.	6:45 p.m.	Adjourn work session		

Information

Executive Session: All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the one previous to it.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.
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