

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JULY 15, 2008**

CALL TO ORDER

Mayor Bernard called the 2034th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

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

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Police Chief Larry Kanzler, Human Resources Director Mary Rowe, Community Development and Public Works Director Kenny Asher, Planning Director Katie Mangle, Community Services Director JoAnn Herrigel

PLEDGE OF ALLEGIANCE**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS****CONSENT AGENDA**

It was moved by Councilor Barnes and seconded by Councilor Stone to approve the consent agenda:

- A. City Council Minutes June 3, 2008 Regular Session;
- B. Resolution 66-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Sign and Renew the Intergovernmental Agreement (Addendum No. 1) with the Tri-County Metropolitan Transportation District of Oregon to Provide Police Services to the TriMet Police Division;
- C. Resolution 67-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Directing the Mayor to Approve an Amendment to an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the Provision of Appraisal Services for the Logus Road Improvement Project;
- D. Resolution 68-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Expressing Appreciation for the Years of Valuable Professional Service to the City by Chief Larry Kanzler and Recognizing Him upon His Retirement; and
- E. OLCC Application for Happy Baskets, 11097 SE 21st Avenue – Change of Ownership

Motion passed unanimously. [5:0]

AUDIENCE PARTICIPATION

- Tom Hogan, Ledding Library Board Member, Milwaukie Poetry Series Project Director

Mr. Hogan expressed his appreciation to the City Council and Mr. Swanson and staff for support of the Ledding Library and the Milwaukie Poetry Series. The Series was

successful, and the Committee was working hard on the next year's program that would start in the fall. There will be a summer picnic poetry reading as part of Milwaukie Daze on July 26 at the Ledding Library Amphitheater. On behalf of the Board and Poetry Series Committee he expressed his appreciation for the support and encouragement from Council, Mr. Swanson, and staff.

PUBLIC HEARING

2008 Locally Preferred Alternative for the South Corridor Phase 2 (Portland-Milwaukie) Light Rail Project

Mayor Bernard stated the hearing was continued from July 14, 2008. The purpose of the hearing was to consider public testimony on the proposed resolution supporting a Draft Portland to Milwaukie Project Locally Preferred Alternative Report for the Portland-Milwaukie Light Rail Project as approved and recommended by the South Corridor Steering Committee.

Mr. Monahan reviewed the proceedings. Each person would be given the opportunity to speak once. The Council would hear testimony only from those who did not speak or testify on July 14. Please make sure the remarks were about the issue being considered namely the locally preferred alternative and avoid repetitive testimony. The order of speakers was proponents, opponents, and neutral. He asked if anyone on the City Council wished to declare an actual or potential conflict of interest.

Mayor Bernard stated, "I am the owner of properties that are in the general vicinity of some of the sites that have been under consideration and could ultimately be selected as a location for a light rail station within downtown Milwaukie. As a result, I am declaring that I have a potential conflict of interest as I believe the action that is taken by this Council could have financial impact on me or my business as I am associated with it. The properties that I am referring to that are under my ownership are 2036 SE Washington Street and 11153 SE 21st Street. Since the conflict that I have identified is a potential conflict and not an actual conflict, I do plan to participate in Council discussions tonight whatever action Council takes on this agenda. In addition I would like to add that Bernard's Garage was actually named after my grandfather who purchased it in 1925 from his brother Fr. John Bernard, the pastor at St. John's Catholic Church. It was named after my grandfather and was called J.M. Bernard and Sons. The last piece of property that I purchased was in 1983 and is located on Main Street. In 1983 he was 23. I purchased those properties long before light rail was even part of the discussion. He wanted to make sure people understood – I wasn't 23 was I? He just wanted to make sure people understood that I had never purchased any property with the understanding I would profit from any alignment of light rail certainly since the discussion of light rail in Milwaukie had not even been discussed back then. I have owned the business since 1983."

Mr. Monahan asked if any other members of Council wished to declare any actual or potential conflicts of interest. Seeing none he asked if any member of the public wanted to challenge the participation of any individual member of the Council or the Council as a whole in their jurisdiction.

Mr. Parecki was there to challenge the Mayor's participation in these proceedings. The Mayor still claimed to have a potential conflict. Mr. Parecki claimed he had an actual. As was demonstrated at last night's meeting it was difficult to clarify the difference between an actual conflict and a potential. He apologized for his inability to articulate that difference. As most of you may have seen in today's paper, though, even the Mayor had a difficult time articulating the difference. If we were to take the law and apply it as written then the Mayor's comment in the paper further proved that he had an

actual conflict. In the fourth paragraph of the article the Mayor states that he “acknowledges he has a potential conflict. He said the value of his downtown Milwaukie properties probably would increase if light rail goes by his buildings and a station is built nearby.” The key word was “would.” As was made clear at last night’s meeting an actual conflict exists if an action taken by a public official would affect the financial interest of that official. The Mayor clearly stated that indeed would happen. To further complicate the matter even the business manager and the city attorney have been confused about the definition. In a City Council meeting on August 7, 2007, Mr. Swanson stated, “The statute went on to say as Mr. Monahan the City Attorney stated that neither the declaration of a potential or actual conflict required any public official to announce the conflict of interest more than once on the occasion which the matter out of which the conflict arose was discussed.” On May 18, 2004 when the City was looking at a proposed recommendation regarding a transit center siting, light rail alignment, and station siting the Mayor at that point announced he had a potential conflict and that he was a downtown property owner. The Mayor failed to disclose his conflict from May 18, 2004 until June of 2008. There had been many meetings and many decisions made without the required announcements. In today’s article the Mayor stated, “He has always announced the potential conflict before voting on light rail.” The City Council on August 7, 2007 resulted in a vote that removed the McLoughlin Boulevard option from being included in the SDEIS. One could say the Mayor was stretching the truth about always announcing his conflicts before a vote. Mr. Parecki urged the City Council to do the right thing and asked the Mayor to recuse himself.

Mr. Swanson would think the decision on whether or not there was a conflict, his reading of the statute and Mr. Monahan could correct him if he was wrong was that was an individual decision of the person declaring the conflict. Statute 244.130(2) provides that no decision or action of any public official or any board or commission on which the public official serves or agency by which the public official is employed shall be voided by any court solely for the reason of the failure of a public official to disclose an actual or potential conflict of interest. The remedy if a conflict was not disclosed or was improperly disclosed was by a complaint to the Ethics Commission and determination by the Ethics Commission and not a decision by the local body. Their decision regardless cannot be overturned solely by virtue of the fact that someone did or did not declare a conflict.

Mr. Monahan said the city manager’s reading of statute was correct. The obligation to determine whether or not the actual or potential conflict of interest might arise was ultimately with the Ethics Commission and not the Council.

Mayor Bernard said he intended to participate and vote on this issue.

Councilor Stone commented this came up last night as well, and she agreed that the Mayor had a potential conflict of interest that could certainly become an actual one should these decisions keep going the way they had been going. With all due respect, Mr. Mayor, she thought it prudent to consider recusing himself from these discussions because he will profit by light rail coming into downtown Milwaukie. She asked that he do that.

Mayor Bernard thanked Councilor Stone and stated he would be participating.

Mr. Monahan commented staff had identified some alternatives to the resolution that was put forth in the staff report, and Councilor Chaimov had done the same. He would like to have copies of those versions made available to the City Council, so each of the alternatives identifying issues at this point and also copies of that draft were available for members of the public. The best process would be if the City Council took a quick look at those materials before opening the public hearing and get clarification if necessary on any of the subtleties within the language. Then take public testimony on

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all of the issues before the City Council within the staff report as well as what was presented here. At the close of the public testimony portion of the meeting City Council would have an opportunity then to ask clarifying questions of the staff regarding the issues that were presented within those alternatives as well as any other issue that had come forth and identified by Council through the public hearing process and any other issues that members of the Council developed through its evaluation of the process. Mr. Swanson was distributing those copies.

Mr. Swanson added there was an alternative 3 that would be available shortly.

Councilor Chaimov suggested in order to shorten people's reading, alternatives 1(B) and 2(B) were slightly modified versions of alternative 1(A) and 2(A). The change between the two picked up some language suggested by Councilor Stone. It was not his intention to have the Council take its time reviewing alternative 1(A) or alternative 2(A) but only the "B" versions that included the language Councilor Stone suggested.

Mayor Bernard said for clarification alternative 1(B) basically said that, "whereas, the recommendation LPA by making use of the Tillamook Branch Railroad right-of-way through downtown Milwaukie is consistent with the Council request the Steering Committee regarding the section of the alignment in 2007 but which raises mitigation issues for nearby schools, neighborhoods, parks and businesses that are partially described in the SDEIS under the umbrella agreement with TriMet adopted by Council Resolution 59-2008 but which requires further action." All we were saying in this was we were adding consideration of neighborhoods and parks.

Councilor Chaimov said that was the only difference between 1(B) and 1(A) and between 2(B) and 2(A).

Mr. Swanson did a table that basically went through the staff proposed resolution, alternatives 1(A), 1(B), 2(A), and 2(B) that reflected what had just been talked about. It operated as a simple sort of review. He did not have alternative 3 in front of him when he finished this, but Council would see the major difference between it and the others. He handed out copies of the table.

Mr. Monahan said the order of business would be proponents, followed by opponents, and then by neutrals.

- **Carl Horn, Dark Horse Comics, Milwaukie**

Mr. Horn addressed the City Council last year in support of light rail. At the time he talked about how he had moved up here several years ago from the San Francisco Bay area because Milwaukie was a City of opportunity and one of the very few towns in the United States with an active comics industry. It was the largest industry outside of the New York City area. In the year he had been here, that opportunity continued to grow. The number 1 film in the country, *Hellboy 2, The Golden Army* was just one block away here in Milwaukie. The Monday after next the management of Clamp that sold 90 million books in Japan, that was his specialty Japanese comics, would be crossing the street and walking around seeing out town because we were going to be doing work directly with them. This was the first time a Japanese manga artist had decided to work directly with a US publisher. He had grown to appreciate the qualities in Milwaukie and could see the deep personal and corporate roots that Dark Horse Comics has had over the past 22 years in this town. It had become quite clear to him that it would not have become the company it was had it not been for the kind of town Milwaukie was. One of the strengths of Milwaukie, however, was also the fact that it was part of the greater Portland area. The Portland TriMet system was studied throughout the country and even throughout the world as a model of excellence. Since he had been here over the past four years gasoline prices had almost doubled. We do not expect them to go down dramatically any time soon. Therefore, he believed it was in the long-term interests of

Milwaukie and certainly of the businesses and people here that we approve the LPA and bring rail to Milwaukie as soon as possible. Mr. Horn did not believe it would change the character of Milwaukie in a way we did not want. He did believe it would link us up with a long-term future we all desired.

- **Roger Martin, Lake Oswego, Oregon Transit Association**

Mr. Martin noted for 12 years he was a State representative for Milwaukie in the Oregon Legislature at the time that public transportation first came into vogue and at the beginning of the very first part of light rail. He was drawn here because this morning he read in the paper the main issue seemed to be a conflict that existed. He would leave that to the legal brains; he was not an attorney. He had dealt with conflicts of interest for a long time. In every other case he had seen if it was announced you had taken care of the issue, but he would leave that to the attorneys. He wanted to help get this debate back into an area where it should be and that was the need for light rail to Milwaukie. He lived in a community that would love to be having this debate, and it never would. Lake Oswego at best may get a streetcar line from Portland, but it would never have light rail. That was because of the logistics. Milwaukie fortunately had the opportunity. He was the Executive Director of the Oregon Transit Association and had been for 30 years. Most of us appreciate but he reiterated light rail in the TriMet system in Portland was the envy of most cities of our size in the nation. He knew of no city of any size that did not have some form of transportation such as light rail. Bigger communities had underground or heavy commuter rail. A community the size of the Portland metropolitan area had light rail. This was, and he hoped the Council would consider this an investment not necessarily for us but for the future. Mr. Martin was old enough to remember when an interurban streetcar line went from downtown Portland through Milwaukie to Oregon City. If he had a dollar for every time someone said to him, "too bad we didn't keep at least the right-of-way" he would be better off than he was today. He thought it was very important that the City Council support this. In today's world of high gasoline prices, all members of the Oregon Transit Association which was about five dozen large and small systems in the State of Oregon were experiencing unbelievable growth. Generally, our systems were up 20% to 30% in the last six months. That was because people simply cannot afford to drive and were using more and more public transportation. The problem created for most because bus systems was that was choking them financially because buses ran on diesel for the most part, and diesel prices were out of sight. Every one of our operators was experiencing deficits trying to meet the demand. The beauty of light rail was it was electric and far more efficient because of its size. In the future people will look back and say, "thank God the City Council of Milwaukie accepted the idea and authorized light rail to come to Milwaukie." It will be invaluable in the future. There was a beautiful headline in the *Atlanta Constitution* several years ago that read, "Is 23 Enough?" It had a picture of an existing 18-lane freeway in Atlanta, Georgia totally choked and nothing moving. The proposal at the time was to add five more lanes which were recently completed to make 23-lanes across. The question was, was that enough, and the answer was it was not enough. He had a good friend, Dan Simmons, who spent many years in Oregon state government who for the past four years was running a company in Atlanta. There were several hundred employees in a nationwide operation. They just closed that office and were opening a virtual company and sending all of their employees home. The sole reason was a total traffic jam with which they could not deal. When they started the company half a dozen years ago, their employees took an average of 30-minutes at something less than \$2 per gallon to commute. Today, that commute was 2-hours and the price of gasoline was over \$4 per gallon. They cannot get employees to work, so they were going to totally change the operation and have a virtual company run out of homes. That was the kind of thing that was inevitably going to happen to every

community. Portland and the metropolitan area including Milwaukie will experience that. The solution was light rail. He hoped the Mayor and Council would support that.

- **Susan Storm, Milwaukie**

Ms. Storm was a 20-plus year resident of Milwaukie with 2 adult children and their spouses as well as three grandsons living in Milwaukie and attending North Clackamas School District. She came here tonight in support of the Milwaukie light rail project. She was an enthusiastic and realistic person. For years she had watched the development that put the Sellwood-Moreland neighborhood and commercial district on the map. She would like to that type of development for Milwaukie. She used Sellwood-Moreland as an example because of the blending of old businesses and the infusion new establishments that result in a unique area to shop, dine, and do business in. It was safe, well-lighted, and vibrant and open in the evening seven days a week. It too was served by mass transit. She also appreciated the development in Hillsboro as a result of the west side light rail. As a result of this project the Hillsboro Urban Renaissance project was strengthening the vision of the community and addressing the issues of diversity and redefining their community identify. The shared community vision was for cultural development in the downtown area. Rather than shutting down at 5 p.m. the area became a destination for people throughout the region to enjoy activities and patronize local business without concern for safety, where to park, or the price of fuel. We now have the opportunity to make the Milwaukie light rail project the centerpiece for the ongoing development of our downtown. The building of the Milwaukie light rail was a very positive thing. She visited the Sunday Farmers' market almost every week and imagine what it would be like to capture that vitality and sense of community each and every day. She did see how the downtown congestion affected traffic flows and presented pedestrian safety and parking issues. McLoughlin Boulevard was busy every day of the week. Light rail can help preserve the small town feel of our community by reducing congestion both in Milwaukie and the region and connecting the residents of our town with other important destinations such as downtown Portland, airport, Washington Park, and the Expo Center. Milwaukie had a fine long history. She thought it was important to share that history with the rest of the region and invite people into our core downtown area both as business owners and as visitors. Milwaukie light rail will help to accomplish this. With attractive stations and public art works our community can reflect the heritage and dreams of the residents in yet another way. An investment in community transportation carried on a long pioneering tradition that we can be proud of. She could imagine activities and community events that invited others to appreciate what Milwaukie had to offer. She could imagine the people of Milwaukie planning and attending broad range of inclusive community events that would serve to bridge cultural and socio-economic divides without the Anglo-centric outlook that had historically plagued other small Oregon towns that result in high levels of misunderstanding and distrust. At her age she may not be here to see the opening of Milwaukie light rail, she felt it would represent a legacy for her grandchildren and the young families of the area. Reducing the number of single-occupancy vehicles on the road had never been more important than it was today. It will continue to be important to our children and our grandchildren. She looked forward to the day when each and every citizen of Milwaukie can choose to access safe, clean, efficient transportation to travel to other regional destinations, and visitors to Milwaukie can step out from a safe, modern railcar and set foot in our forward-thinking community already planning their subsequent visit.

- **Peter Stark, Portland**

Mr. Stark focused on one aspect of alignment. He was the past president and served on the Board of the Central Eastside Industrial Council (CEIC) in Portland representing

industrial properties just east of downtown Portland which was also impacted by the Portland-Milwaukie light rail. Although he was not there to represent the views of the CEIC, his history and background with that group gave him a perspective on the importance of industrial uses in an urban context. As such, he had been asked by multiple property owners in the Milwaukie North Industrial Area to testify in support of the Tillamook Branch alignment. He really appreciated the fact this City Council had gone out to support the Tillamook Branch alignment including in what he had heard in testimony with other groups and eventually the support that had come from Metro's Steering Committee. Clearly, this City had shown its support for the North Industrial properties and was appreciated. When he was first asked to assist the North Industrial owners in Milwaukie it appeared the LPA would continue to be on Main Street. He remembered the first meeting when that was the case where there was a lot of discussion of the Main Street alignment. If it had been pursued, it would have created tremendous hardship to the industrial owners and specifically the loss of on-street parking, pedestrian access, impact to loading docks, and substantial reduction in intersection efficiencies that would likely cause relocation or closure of industrial uses. In addition, this alignment forced the taking of Harder Mechanical. It was a very successful business that provided clean room, high-grade, hi-tech piping for hi-tech industry. The Tillamook Branch avoided all of the issues. This was not the first time he had seen a potential rail alignment impacting industrial land. While president of the CEIC he fought vigorously to keep a streetcar alignment along the districts retail corridor to avoid impacting industrially sanctioned land. Yet there were many pushing to move the alignment right in the heart of the sanctuary to allow rezoning of the area for mixed-use development. Instead of selecting an alignment to create transit relief, the alignments were being used to create a catalyst for gentrifying the industrial lands. The reason he wanted to testify was to point out the decision to keep the Tillamook alignment was very important for the industrial lands residing in this City. Unfortunately, industrial land and more importantly urban industrial land was becoming a rare commodity. Given the substantial investments and risks taken by many of these businesses, it was not surprising that many did not survive economic downturns. Those that did survive and grow not only provided local jobs and tax revenue but also bolster regional traded sector economies. We need to protect industrial lands especially when they were vibrant and successful like the North Industrial Area. He thanked the City Council for its support and was happy to see we may have a light rail coming through Milwaukie.

- **Charles Bishop, Vice-President Pendleton Woolen Mills, 8500 SE McLoughlin Boulevard and 2515 SE Mailwell Drive**

Mr. Bishop stated Pendleton Woolen Mills supported light rail and the LPA through Milwaukie. Pendleton had previously submitted testimony to Metro on the Draft Environmental Impact Statement. He would not go through all the details of that testimony. Pendleton had also worked hard with its industrial neighbors in Milwaukie, Milwaukie City staff, Metro, and TriMet for several years on light rail planning. Pendleton was very familiar with it and urged the City Council to support the LPA and the Tillamook Branch alignment.

- **James Stilwell, Corporate Treasurer, Harder Mechanical Contractors, 2323 SE Hanna Harvester Drive**

Mr. Stilwell thanked the City of Milwaukie for what he saw as being on Harder's side throughout the long process. He served on the Committees to decide on some of the alignments. The City understood the value of jobs and industrial base in the area. The Main Street alignment of the light rail would result in the destruction of the Harder facility, so his company favored the Tillamook Branch alignment. The Harder facility

had 57,000 square of shop and warehouse and 8,700 square feet of office. There was an industrial fabrication area for steel pipe and a hi-tech class 100 clean room which was one of the largest in the Northwest. Harder served a lot of hi-tech customers including Intel, SEH America, and Wacker Siltronic. The company also produced products that were shipped outside the US in that shop. Harder made a large investment in the property after it was purchased. It had been a valve manufacturing company. Harder was also involved with a lot of green businesses in the region including solar panel and solar cell raw material production facilities for REC Silicone and Solar World. Ethanol storage and fueling facilities for Shell and Tesoro and the de-ink processing facility for Smurfit for recycling old newsprint. Mr. Stilwell felt this was in line with the Governor's recent emphasis on green business. Keeping Harder here would be beneficial in that regard. The former fabrication shop was in Vancouver. If Harder were forced out, the most likely outcome was that the company would build a combination main office and fabrication facility in Washington. That would result in the loss of high-paying, highly-skilled jobs. The pipe fitters at the Milwaukie facility make \$35.69 an hour with a fringe benefit of \$16.59. Those were some of the highest paying blue collar jobs any where around. Harder currently pay \$70,000 in TriMet tax between the employees in the office and the fabrication ship, so if the company moved that would be lost. A lot of income tax for the State of Oregon would be lost. There would be quite an economic impact if Harder were forced out. Harder also did a lot of business out of state in California, Utah, Washington, and Arizona plus the fabricated projects sold outside the US. Harder was bringing in dollars from other states as opposed to just trading dollars around within Oregon. That was generally regarded as a positive for the economy. He concurred with the last speaker that losing industrial land was not a good thing. It was very difficult. Harder had looked for other properties, and it was very difficult because people did not seem to want it near them. If you do not have it, then everything will be built somewhere else. Harder Mechanical urged support for the Tillamook Branch alignment, and one would hope the final decision makers would listen to the local people because he felt they knew best.

- **David Aschenbrenner, Milwaukie**

Mr. Aschenbrenner observed this process had been going on for a long, long time. He had been involved with it for a long, long time. He had no prepared comments and would keep it short and sweet. The City Council heard a lot of good people with a lot of positive feedback and a lot of positive information about why this line needed to come through Milwaukie and beyond. It needed to go to Park Avenue. We all knew that. It would help make it a better alignment. He was on the Citizen Advisory Committee for TriMet and Metro that studied this part of the process. He was involved with the group that came up with the Tillamook Branch alignment and worked through getting to that alignment. He was a member of the group that studied the alternatives when light rail was not even being considered after the vote of the funding measure that went down. He had been involved in this for a long time and had done a lot of work on it. There were a lot of good people here. The Council heard a lot of people last night. We need to just do it. We need to get this done. We need to get it built. It was something that would improve Milwaukie and help Milwaukie. It was something that when we build it and how we build it was what was crucial. The eyes on it were crucial. Councilor Barnes brought up the security camera issue, and that was an important part. How the station was designed was an important part. All of those other pieces would come together. That was the next steps would do that. There were a lot of good people working on it. He encouraged Council to do it. Let's get going and make this happen.

- **Marilyn Goode, Clackamas County**

Ms. Goode supported the light rail project. It would bring an additional vitality and resources into Milwaukie. She had the opportunity to work for the Portland Mall Information Center in downtown Portland. She had a lot of visitors and tourists that came in from out of state. They came in and complimented the MAX system. They also informed her that they took it out to Hillsboro and Gresham. Why not bring them into Milwaukie and let them spend some of their resources here. Shop at our shops, eat at our restaurants, and enjoy the wonderful waterfront.

- **Shawna Dietz, Clackamas County**

Ms. Dietz was a TriMet rider. When she was in high school 13 to 14 years ago she heard people talk about this happening. She was glad to see now it was in the works. She rode the bus to work and home every day. Today coming home the bus was full in the aisles all the way back from the front. She sees light rail system would ease that.

- **Rob Kappa, Milwaukie**

Mr. Kappa was in favor of light rail. He had already stated his reasons why in previous testimony. He took the opportunity to answer a question asked of him by Councilor Barnes and a County Commissioner regarding 82nd Avenue. It was on the issue of connectivity and identifying how to connect people in the outer areas that work within the inner City. He thought one way to do that was right now we have transportation lines with light rail or bus. We need to connect those light rail lines. That meant going from the Clackamas Town Center into Oregon City and from Portland to Milwaukie to Oregon City. That way identifying the interconnectivity would be a little easier to see what streets would be needed and where down the line a trolley car might be appropriate. This would give people better transportation where they can park their cars somewhere else and ride light rail into inner city or a bus line. There were many bus lines that were destination only and no connection at the end. He thought connecting bus lines was another issue that needed to be addressed. His last point was again we were not trying to change habits. We were trying to change a culture. The culture of the automobile cannot be supported because of the cost of fuel. People cannot afford it any longer; they need transportation. He threw out a hypothetical figure he heard others state. He discussed raising bus and light rail fares by 50-cents and putting 25- or 30-cents into a security system whether it was more Milwaukie or Portland police. He thought that would go a long way to addressing peoples' concerns about mass transit. Mr. Kappa used it quite a bit and felt safe. Move it ahead and build it.

- **Mark Williams, Portland, Oregon Health and Science University**

Mr. Williams represented Oregon Health and Science University (OHSU) in the Campus Planning and Development Department. He was there to support the Milwaukie light rail line. One might ask what stake OHSU had in this. It was not a transit agency or general government entity. OHSU had a mission that was not restricted to the City of Portland. It was a statewide mission. OHSU was the only academic medical health center in the entire State of Oregon and southwest Washington. The mission was to provide health care, health care education, research and discoveries to improve the lot of Oregonians and southwest Washingtonians. It was extremely important to OHSU to be able to serve the entire region. It was the largest employer in the Portland area with 12,000 employees. It was the fourth largest employer in the State. One of the things OHSU needed to do was to get people in and out of the campus. OHSU was planning to build an entirely new campus on the waterfront near where the light rail line would go. Why was that needed? There was a dramatic shortage of healthcare professionals that already existed in the country,

region, and state; it was only going to get worse. He called it a triple whammy. The population was getting older. As get we get older we need dramatically more health care. The Baby Boomer bubble passing through the population included health care providers. Currently only 200 new doctors per year were being graduated and about 1,200 were being lost. Those numbers did not add up. There were similar numbers for nursing and just about every health care profession one might name. OHSU was attempting to address the health care needs of Oregonians. They needed to figure out how to get people in and out of the area without their cars. Those 12,000 employees included a lot of people who commuted from Clackamas County. Mr. Williams knew people who wished they could get there on transit but had a hard time getting there on time. The light rail line would help serve the health care needs of those living in this area and help people who work for OHSU get in without using the car. He felt it was a very positive development for the entire region and hoped the City Council would support it.

- **Neil Hankerson, Dark Horse Comics, Milwaukie**

Mr. Hankerson had sent correspondence expressing Dark Horse Comics' support of light rail. He saw an article in the morning paper about the Milwaukie Downtown Business Coalition and wanted to make it clear not all downtown Milwaukie employers were involved. Dark Horse Comics, Reliable Credit, and the Active Group were not part of that and were in support of light rail. Collectively the businesses had about 300 employees who needed to get to work and park. As everyone knew parking was an issue as well as getting in and out. He also supported the concept of the terminus at Park Avenue. Having the station there would help intercept some of the McLoughlin Boulevard traffic that at some point was going to clog McLoughlin Boulevard and force some other kinds of decisions. He had lived here his whole life and saw traffic on McLoughlin Boulevard increasing and increasing. He did not see it getting any better. At some point what do you do? Expert testimony had been given in the past about the challenges of downtown Milwaukie and establishing a thriving retail but the natural barriers and walls that surround it and getting access was important. Light rail should help that.

- **Heidi Graham** had completed a form to speak in support but had apparently left the meeting.

- **Bill Lake, Lake Oswego, representing interest holders in Kellogg Park LLC, Mailwell Building**

Mr. Lake did not represent any of the property owners in the North Industrial Area. He was a member and served on the Transportation System Plan (TSP) Freight Working Group this past fall and putting that group's recommendation together. There had been a tremendous amount of discussion with the light rail project which they were not allowed to discuss but obviously would have impact on the Working Group's recommendations on the TSP in the North Industrial Area. One of the things they were looking at was trying to avoid congestion and provide affordable transportation for the people working in that area. There were a tremendous number of people in the area that were not paid the highest wages in the State, and it was important to note that many of the people who worked there were part-time workers. Some were seasonal workers who came in when needed. They had to come in and move out. The streets in the area were not providing the amount of parking. If one looked at Main Street, parking was an absolute mess. If one looked at Mailwell Drive the curbs were broken due to trucks going in and out, which was a different discussion for a different day. It caused the closing down of parking in that area and reduced the availability of people to get in and out without congestion and without a lot of hassle. It was very important that these people were supported by light rail particularly considering the gentrification issues that

were starting to take place in Milwaukie as the City recreated itself and began moving from a strictly blue collar area to more of a grey and white collar environment. More and more people would be moving in and out of the area on day trips. One of the people on the Working Group was a policy analyst with the State of Oregon who said gas would be at \$5 to \$6 per gallon, and here it is straight in our faces. His sister in California told him gas was over \$5 per gallon in the Bay Area. It was headed our direction and just a matter of how quickly it got here. We obviously have many arguments from many people. His argument was probably a little narrow-minded in that it was for the North Industrial area. This would be a tremendous opportunity to help many of the people who were owners and tenants in that particular area. He urged the City Council to accept the LPA.

- **Charmaine Coleman, Milwaukie**

Ms. Coleman asked the City Council to endorse the light rail project that Metro planned to bring to Milwaukie and not to bring to Milwaukie. She felt there was an important distinction here. Some believe that active opposition to light rail time and again would end the matter altogether. That light rail would go away. That Portland would go away. Residents in outlying areas with transportation needs to and from Portland would go away. She was not sure exactly how that was going to happen. She firmly believed light rail along the McLoughlin Corridor was an inevitability. The real question was do we want to have a say in how it happened. Where would station locations be? Would there be a quiet zone? Will the aesthetic appeal of the project be there? These were questions we were being asked today, and that was a wonderful thing. Stare this gift horse in the mouth, and the next time light rail came up for approval because it must at some point or some version of it, we will not be asked our opinion on it would be done. Heaven help us at that point. Certainly the federal funding that was here now would be gone, and the project's financial burden would be placed squarely on the shoulders of the local taxpayers. High speed trains zooming through town, maybe. Stops here at all, maybe not. Certainly, who will ask our opinion at that point? We will have solidified our place in the world as an impossible city to deal with and work with. Frankly we will probably be worked around instead. She did not like to paint a gloom and doom scenario, but she really believed that something had to happen. She wanted to have a voice in how it happened. She thought this was Milwaukie's golden ticket. It was the best chance to approve light rail or public transit in way that we can live with and actually improve as a community. She implored the City Council to do Milwaukie a service by taking advantage of the opportunity to have a voice. She not only lived in the area, but her home was a block and a half from the proposed light rail line. She had no problems with a 2-year old and six-month old with safety or anything like that. It could not come faster in her opinion. She had a stamp on her hand from the zoo, and she would have loved to ride the train, MAX. Please invite young and growing families to this area by creating the infrastructure that encouraged and supported a thriving community. Councilor Stone earlier this evening in reference to the Mayor said not that he would likely profit from light rail coming down but that he would. Ms. Coleman could not imagine he would be the only one. Most of us would stand to profit by having light rail come through our town. She really believed that. If light rail was turned down now, we would lose our confidence in this community. She did not know if the City would attract people with young and growing families willing to commit to it in the future. She wanted to see that for this area. She implored the City Council to take advantage of a wonderful opportunity.

- **Cheryl Ausmann-Moreno, Milwaukie**

Ms. Ausmann-Moreno lived at the convergence of three neighborhoods that were sorely underserved by transit. A lot of people had told her that. She was past chair of

the Ardenwald Neighborhood and currently served as a board member and Public Safety Advisory here in Milwaukie. She was also a previous employee of the Bureau of Labor and Industry (BOLI) and also worked at Shriners Hospital for 14 years. She was really impressed to see that Mr. Williams from the University there. Some people had heard this story already. Ten years ago when most of the working families in the neighborhood too busy to come to the meetings thought light rail was coming. She was pregnant with her second child and working up on the hill at Shriners Hospital. It was less than a 15-minute drive, and she was one of the lucky people that actually had parking. She was also paying for daycare. Her round trip on public transit at that point would have been about 3-hours. She tried it a couple of times, and it was totally miserable. That was a situation that needed to be improved. It was access to jobs. She had to buy a car. People had to go to additional expenses. It was not just access to jobs for adults and parents and families. It was also extra income access jobs for senior citizens, students that were working through college, internships, and not having to make a choice between a car and college and education. There was also access to some of the schools. She attended the field trip last week with Carolyn Tomei and TriMet light rail staff. They went along the Interstate on light rail, did a field trip, and had the opportunity to ask lots of safety questions. They went to De La Salle High School, and she was very impressed with the safety education program they initiated for the School. They also did it for the previous school that was a K-8 that was previously at that location where De La Salle which was now a high school. It was a very positive experience, and the kids also had great access to go to their internships and other jobs to go to the private school they were attending. They seemed to very willing to talk with safety people and improving safety education. She was very impressed with that. They were not just going to the school setting up an education program for those children but also setting up more education for the parents. All of us could use an idiot guide for safety and light rail and how to use transit and also what to do if there was a safety concern. They were thinking about and being open to that. She was impressed. Perhaps doing more online training for idiot parents. Also for people who may be a little bit afraid. She was encouraged by that. She had made a wisecrack in the Public Safety meeting several months ago, "why don't we have light rail transit police with dogs?" Guess what appeared in the last few months. We have a K-9 on Milwaukie transit. A little more background on her family. She was a parent and had young children. Her household was ages 10 to 80. They would love to have better access to jobs, entertainment, and schools. It was hard to get around even if you lived in Milwaukie it was hard to use public transit. If you work on International Way it was horrible. It was not set up well and not 24-hour service and we did not have access to the jobs that we should. It was not easy to get around. When she worked at BOLI one of the things leading to unemployment was access to jobs. We needed to make sure that all of the safety stipulations were in writing and make sure there was follow through. That was how we were going to get what we wanted. We were the customers of TriMet, and we all needed light rail.

- **Gwen Millius, Design Commissioner for the City of Portland**

Ms. Millius read a letter from Design Commission Chair Lloyd Lindley into the record:

"Dear Mayor Bernard, On behalf of the City of Portland Design Commission, I am writing in strong support of the Portland to Milwaukie Light Rail Transit project. The Portland Design Commission reviews development projects and land use plans through the Fundamental, Special District and Community Design Guidelines. These guidelines frame community values that promote sustainability and infrastructure, historic and cultural context, accommodation of higher density and more compact development, a more walkable and bikeable city and especially transit oriented development.

The City of Milwaukie is a leader in sustainable development that is sensitive to community values, preserves the human scale of its downtown and is supportive of light rail service. Light rail transit as originally conceived and as it serves our centers and neighborhoods today will become an essential part of Milwaukie's personality, architectural heritage and the permanence of place.

The Portland to Milwaukie line is a critical link in a much greater transit system that will meet increasing community needs with each future segment. It will contribute to enhancing social equity and preservation of our region's livability. Light rail transit uses renewable energy and is a nonpolluting transportation option that promotes sustainable life.

Light rail is vital to our region's mobility for moving our workforce. In conjunction with the forthcoming I-205 line, future light rail transit extension from Milwaukie to Clackamas Town Center and forthcoming streetcar extensions, this line is essential to maintaining and expanding our region's competitive advantage over the other west coast cities and within the global economy. It will link sustainable life styles and strong neighborhoods and communities to employment, recreation, the arts, healthcare, and other services.

Time is of the essence, especially given demand, and rising construction and travel costs. The Portland Design Commission encourages Milwaukie City Council members to vote in favor of the Locally Preferred Alternative and the necessary funding the expedite the project."

Speaking in Opposition

- **Les Poole, Clackamas County**, was called but was not present.
- **Bruce Evans, Portland Waldorf School Board of Trustees**

Mr. Evans said the message was brief in that the City Council had heard it before. The Portland Waldorf School Board of Trustees had been an active participant in the recent South Corridor Light Rail Planning and Impacts Analysis Process. Along the way they had communicated face to face and in writing consistent themes. They supported the idea of mass transit as a means of environmentally attractive transportation for commuters in and around the Portland metropolitan area. They believed the SDEIS published this spring was flawed and its all too narrow focus on a single alignment through the Milwaukie downtown area when other viable alternatives were proposed. This narrow focus did not allow the community to weigh alternatives on a level playing field and potentially rendered the document nonconforming to NEPA guidelines. They had grave concerns about the impacts on Portland Waldorf School should this project be built as described in the LPA along the Tillamook Branch freight rail corridor in such close proximity to the school grounds, the high school building, and the early childhood outdoor learning area. These concerns included safety and security for the students, faculty, and staff; noise, vibration, and visual distraction impacts on child development and the educational programs; and the financial burden resulting from costs to mitigate adverse impacts or the loss of revenue should the enrollment drop as a result of unmitigated impacts. These were not new themes or new positions from the Portland Waldorf School Board of Trustees. The City Council was now charged with making a recommendation on the LPA, and the Board would like to reiterate one more position. They would like the City Council to recommend a no-build alignment terminating the project north of the Milwaukie downtown area thereby mitigating concerns that we and others in the community had expressed throughout the process and potentially mitigating the flawed impact analysis resulting in the SDEIS.

- **Ed Zumwalt, Milwaukie**

Mr. Zumwalt said during the past week discussed possibility of testifying at this hearing. Too many had remarked they had given their opinions over the past year and did not feel they had been listened to. So why bother? The consensus seemed to be that the dialogue was stalled for some time. A done deal so to speak and that the process must move on to another level. Either the ballot box or the courts. A sad commentary. All were aware of the 14-Points crafted by the neighborhoods in 2001 to protect themselves from negative intrusions by light rail. Yet the City Council was witnessing, no aiding and abetting TriMet and Metro as they completely dismantle those 14-Points. We all expected large governments to attempt to force their wills upon smaller ones as Metro and TriMet had been trying to do for years with light rail. We expect our locally elected representatives to stand up for us, to protect us, to mitigate for us, and not to join them in their onslaught. Without the Council's help people were sitting ducks, and they could do with us what they would. It was obvious the proposed alignment crashing into a residential area with four schools was far from ideal. Why was another alignment not being studied? One of the Council stated we should have studied McLoughlin Boulevard further. Another said ODOT would not allow it anyway. At a recent meeting at St. John's cafeteria a lead staff member kept referring to this as the McLoughlin Corridor. Why was the McLoughlin Corridor not being studied instead of the Tillamook Corridor? If it had to come to Milwaukie at all, that would be the proper route. Over the years those of us who have opposed light rail were often referred to as poor regional partners. In reality it was Metro and its transit arm who were the poor partners, Who else would have concocted such a self-serving, intrusive, destructive route? Another divisive slash through the gut of our City sounding its horn most of the way. The horn must not be allowed under any circumstances. If they cannot be eliminated the City Council must insist upon another route. Horns were not only a deal killer but a city killer. After winning three elections, two against light rail and one against politicians who would not listen either, we were being ignored again. Our Council has ignored us to a great deal over the last year. They instructed the staff, undoubtedly fine, talented, admirable people, to push on with projects dear to the hearts of Metro and TriMet and a few of our local politicians. We have been abandoned and patronized. What can we do? We must find a solution. To paraphrase Louis Brandeis, one of the most celebrated justices in our Supreme Court history, the most important politicians in any town are its citizens. The citizens of Milwaukie have been ignored far too long.

Mayor Bernard heard Mr. Zumwalt say many people supported the 14-Points and asked if he supported them.

Mr. Zumwalt replied he did.

Mayor Bernard referred to the 9th point, consider, after securing the Southgate site for regional transfers, an extension of light rail into Milwaukie on the existing rail right-of-way, with a station behind the Junior High, for local service.

Mr. Zumwalt responded at that time he was very naïve. He thought the City was going to get a little help in buying the school that was now Portland Waldorf School. Mayor Bernard was involved in that too with him. That was going to be a community center, and he thought it would be good to have a station behind it. Since then he studied a lot more about the quarter-mile radius around stations and the crime and the bad things that happen around there. He did not think it would have been a good thing to have. Also he remembered discussions at that time with some people on this Council. He was sure the Mayor remembered this. Stopping at Southgate and getting a streetcar and running a shuttle streetcar in our town. Then it was found out TriMet would not come up with the streetcar. We even discussed getting a bus, running a shuttle bus and painting the Lot Whitcomb on the side of it and serving Milwaukie from Southgate.

Mayor Bernard appreciated those discussions. It was constantly referred to the 14-Points were not being followed. Item 12, considering future extension to the south – wrap it around south end of downtown Milwaukie and head down McLoughlin Boulevard. Perhaps a future stop that can serve the Milwaukie riverfront. If we were referring to the 14-Points and accused of not following them, the 14-Points actually did address those issues.

Mr. Zumwalt responded the circumstances were different.

Mayor Bernard understood that, but it did not say it on the 14-Points. He would be happy to sit down and

Mr. Zumwalt stated the main thing in the 14-Points was not to trash neighborhoods and stay out of the neighborhoods all the way along.

Mayor Bernard agreed.

Mr. Zumwalt continued the other main thing was to buy the school. They were going to help us buy a school.

Mayor Bernard just wanted some clarification that were issues in the 14-Points

Mr. Zumwalt stated there might be two or three of the 14-Points, but most of the 14-Points basically he was for. If he went along with some others, as he said, he was very naïve.

Mayor Bernard just wanted to clarify Mr. Zumwalt's opinion of some areas of the 14-Points had been altered. It was constantly said the Council was not following the 14-Points.

Mr. Zumwalt replied the basic tenet of the 14-Points was not being followed because we were not protecting the neighborhoods. That was the main thing. He was sure Mayor Bernard realized and remembered well that we wanted to stop at Southgate and serve this with a bus. There was even a special meeting about that with neighborhood leaders, the city manager, and Mayor Bernard.

- **Peggy Berquist, Portland, St. John the Baptist**

Ms. Berquist's main concern about your proposed route past four schools left her to believe the Council felt the education of our children was not important. She disagreed with that. Light rail was fine as long as it was put in proper place. Passing four schools was not the proper place for it. A recent Oregonian article acquainted her with the fact that a person living in Oak Grove can walk the old trolley line right-of-way to his office at Metro on his way to work any morning in 35-minutes. Her question to the Council was if that had been explored. Eventually this was not going to stop in Milwaukie or Oak Grove. It was going to go to Oregon City. Agreed? Because of that it needed to be in the right place. The right place was not past four schools. Do you know if the other alternative was investigated at all? That was her real question. When Mayor Bernard was so big there was a trolley car from Portland to Oregon City. It was an ideal thing. Whichever politicians got rid of that did not do us a service. Why cannot that area be used again? It was being used in Lake Oswego. Why not here? She wanted to know if that had been investigated.

Mayor Bernard replied the Trolley Trail was determined to be a bike and pedestrian path. That was what the community south of here desired, and that was what he supported. He walked the Springwater trail that was 7.5 miles from Milwaukie to downtown Portland. 35-minutes walking was very fast. That community for a long time had supported a bike/pedestrian path.

Ms. Berquist said things could be changed.

Mayor Bernard said for that reason it was not studied plus it was not wide enough for light rail. The ridership was too great for streetcar. It had been analyzed and determined there needed to be a bigger system. They had not specifically studied the Trolley Trail.

Ms. Berquist said the other question was the admission in Alternative 1B that there needed to be further studies, further actions that would be defined in the Final Environmental Impact Statement. By that time everything was all set. Was that correct?

Mayor Bernard staff would answer that question specifically. The final design looks at mitigating all of those issues.

Ms. Berquist that the Council's first obligation was to the children of Milwaukie. Putting light rail by any of the four schools was not serving them well.

- **Matt Menely, Milwaukie**

Mr. Menely used to live in Portland, Sellwood. He always thought what was wrong with those people in Milwaukie? Why can't they figure out this light rail thing? Then he moved here six years ago. Thanks to cable access he had been able to catch the City Council on reruns. He thought he had a better understanding of why there was opposition to this particular alignment. He was not here to say he was opposed to light rail. He was saying he was opposed to this alignment. He would like to have light rail and ride it to work in Portland. He was an employer and had a business. He paid TriMet tax just members of Council. He thought by the Council's taking viable alternatives off of the table prematurely was breaking the rules of the National Environmental Policy Act (NEPA). There were viable alternatives that needed to be put back on the table so that everything could be studied and compared. Then we can go back. If they then come back and say the Tillamook alignment was the appropriate alignment with the least environmental impact, then we should proceed forward. If you went from Southgate to Lake Road or beyond Lake Road over the pond and you look at the environmental impacts and then you compare them to McLoughlin Boulevard or Main Street the actual environmental impacts were going to be higher on the Tillamook alignment than some of the other alignments. It was really about an environmental impact. We should really be looking at what was the best way to the largest number of population with the least harm to schools, neighborhoods, and the environment at the most reasonable cost to taxpayers. Not to promote property development for a select few people. He looked at the SDEIS online, and he thought it definitely had some flaws. It did not really adequately talk about the potential for cut through traffic on Lake Road, Washington, Monroe, and Harrison all of which had schools on them. That was an environmental impact that was not really addressed appropriately in the document. Something he had not heard brought up yet was that there have been problems with light rail trains in freight corridors in other jurisdictions including Littleton, Colorado where there was an accident that involved a light rail train and a freight train. He thought there was also another one in San Diego. Lastly, he was actually pretty saddened and disappointed by the fact that the Mayor did not have enough trust in our democratic system to step aside this evening and recuse himself due to his potential or actual conflict of interest. A good comparison could be made at the Supreme Court if a justice owned stock in a company, say Philip Morris, and the Court was going to hear proceedings involving Philip Morris that justice would recuse himself. He did not think this case was much different than that. He thought the Mayor owed it to the people in Milwaukie to step aside from the decision. Even sitting on the Steering Committee was not within his purview.

- **Ray Bryan, Milwaukie**

Mr. Bryan expressed his appreciation to each member of Council for his/her dedication and sacrifice and time. He read his comments into the record. "I am asking that you say 'no' to the LPA. The most convincing reason I have is that it leaves open the possibility of ending the line in Milwaukie, with the only station at Lake Road, nothing at Southgate, and the major replacement for the thousand space Park Avenue facility with the streets in my neighborhood. If this were to happen, in my opinion, we might as well change our slogan to Milwaukie is a great place to live, work, and park. The reason given for keeping the Milwaukie terminus is because of cost. We all can remember what happened with the budget for the tram and most of us can remember what happened with the cost to build the tunnel for the Westside line. This project includes a bridge, and I rest my case.

My other good reasons for asking you to say 'no' to the LPA all relate to the information I discovered in the SDEIS. The purpose of the SDEIS, as I understand it, is to look at the alternatives, identify the impacts, proposed mitigation, and then make the best decision with the information. Unfortunately, the SDEIS for the route you are voting on does not identify or recognize some of the basic things that will impact the livability of our community. How can we receive any help with the negative impacts if they are not identified in the SDEIS? Now is the time to say if this is coming we want these issues addressed and mitigated and we are not going to settle for empty promises. I'll share with you a few other things I found. On page S-6, Table S-3, "Neighborhood impacts are shown to be equal to the no build alternative." This simply cannot be true. There will be impacts to every neighborhood the train travels through. There will be significantly more impacts to neighborhoods with transit stations. These impacts include but are not limited to noise, lighting, increased traffic, crime, safety of pedestrians, delays in walking, biking and driving. We can certainly have a conversation on how bad the impacts will be and whether the benefits outweigh them. We cannot deny a light rail project will have no greater impacts to a neighborhood than the no build alternative. Page 3-178. The SDEIS states the police response time will not be affected. This cannot be true. If an officer was on route to an emergency call and the train comes by at the same time, response time will be affected. Page 4-8. The on street parking study was done in August 2007 while school was not in session. There are three schools in the area, many students, staff, and visitors use local streets for parking. Any meaningful parking study would have to be done while school was in session. Page 4-29, no mitigation for lost parking; other options included mitigation with a surface lot on Main Street. Page 4-46 and -47. No mitigation is proposed for traffic backups at light rail crossings at Harrison, Washington, and Monroe Streets. To me that translates into additional cut through traffic. I am here tonight because I believe the citizens of Milwaukie can make a difference. I am not keen on the idea of squeezing light rail behind our schools and homes. I am adamant that the impacts to our community need to be addressed, and they are not. We are going to be asked to pay \$5 million. We have been told that there will be no impact to our neighborhood, no mitigation for lost parking, no mitigation for traffic backup when the train goes by every three minutes and TriMet expects us to believe the police response will not be affected. What a deal. What Milwaukie needs to do right now is to take Jim's determination and connections, Deborah's no-nonsense and tough approach, Greg's step back and look at the issues perspective, Susan's history and alternative ideas, and Joe's sense of what is Milwaukie getting out of this and tell them what we want and not settle for anything less."

- **Marske McEntyre, Clackamas County**

Mr. McEntyre lived in Oak Grove and liked to follow Milwaukie current events and appreciated getting the *Milwaukie Pilot*. He realized these were tough decisions. He completely support light rail into the Milwaukie downtown, but he did feel the Park Avenue terminus was an afterthought. He understood the logic behind intercepting commuter cars and so forth. Living in that community he was worried it was viewed as a remote parking lot, and that was all. Imagine any individual who might be living in a single family detached home today. They looked two or three blocks away and saw a two or three story parking garage, then it would look like something you saw at the mall or a Nordstrom-style parking garage. It was important to design it carefully if it were to happen. He felt that design and analysis of the impact to that community had not been fully vetted. You on the City Council should work closely with the Oak Lodge Community Council to figure out what the impact was in that established neighborhood. He felt like the only reason he did not support the current proposal was because of the emphasis on the parking garage at that location. It will not be simply a parking garage. It will stimulate development whether that was positive or negative. There were more tools in the downtown to subsidize development, to direct it the way you like. Being on the periphery right at the edge of the City limits it was convenient to place the parking garage there and push the issues of how that changes bedroom communities, established neighborhoods off to another community.

Mayor Bernard suggested Mr. McEntyre contact Clackamas County Commissioner Lynn Peterson.

Neutral Comment

- **Ed Parecki, Milwaukie business owner**

Mr. Parecki said in regards to the article this afternoon he wanted to state that the title was dead wrong. It was not really the foes of light rail – whatever the article said. He was not a foe of light rail. In fact, he was pro light rail but pro light rail in the right proportions. When he was 10 or 11 years old in San Francisco he was honored by being one of the first people to ride on a Bart train. He was honored by that because his dad was one of the engineers that worked in designing the train. It was a very exciting moment that still stayed with him. That was one of the reasons he really supported light rail. The problem was that it was not in the correct proportion to where it was currently being diverted to. The Tillamook Branch was absolutely wrong the downtown Milwaukie in general. He did have a solution and why he was basically neutral. He had what he thought was a positive solution which was to bring light rail down and to stop it at the Southgate site or wherever the Tillamook landed north of Hwy 224. As the map was showing in a lot of these handouts was to create a streetcar loop into downtown Milwaukie. A streetcar loop in downtown Milwaukie would totally eliminate a lot of the negative impacts coming through Milwaukie. He did not think that had been studied. He thought it was a very good alternative. It gave one the option to bring light rail from the Tillamook and north of the Hwy 224 and guess where it went. East to phase 1 of light rail. If one looked at phase 1 as it was being built you could see the dramatic impact it was having on that environment. How wide the swath was. How much land was being taken. How much concrete was being poured. It was huge. He urged everyone to just drive down I-205 and see what is going on with that light rail. Envision that light rail coming down the center of downtown Milwaukie. Look at that and ask yourselves was that really good for Milwaukie. We were looking at about a 100-foot swath cutting through Milwaukie. Looking at phase 1 next to the six lanes of highway was totally in proportion to what the I-205 corridor meant for traffic. This would also give the option of continuing that line south to Oregon City. You did not need to go to Oregon City on the McLoughlin Boulevard Corridor when you could do it on the I-205

Corridor. It also allowed that line to continue on from Oregon City on I-205 to Wilsonville and Salem and on and on so you can create a great system by staying on the interstates and not cutting through neighborhoods and through our nice downtown. One of the questions he asked and had not heard an answer to was whether or not Metro had a taxing authority to get \$5 million from Milwaukie should the line not come through downtown Milwaukie. Our budget was about \$43 million. Where was the \$5 million coming from? He thought Metro wanted to tax the property owners of Milwaukie. No one told him if it did not come through the downtown if Metro could do the same. He urged the City Council to look into that and get an answer. He also wanted to remind the Council there was a temporary transit center facility in downtown that had been temporary for about 20 years. He could not imagine a Lake Road station that would be temporary until we got funds to get to Park Avenue to much less than those 25 years. If we were ready for a downtown Lake Road station, the Council would have to approve the project and see that it would not be temporary when the infrastructure was built to make it work. The environmental impacts were huge. He urged bringing light rail to Milwaukie but avoiding the permanent impacts to the churches, schools, the environment, and kids in our future.

Mayor Bernard called for a brief recess.

Mr. Monahan identified a process to follow that would lead to Mr. Asher's making the opening comments. Now that the City Council had concluded the public testimony portion of the meeting, it had the opportunity to determine how to address the issues that were presented in the alternative resolutions and the other information the City Council heard tonight brought up in the course of the hearing or brought up in the course of the hearing last night or any other issues the Council may suggest needed consideration. Since there were multiple issues before the Council, it would be helpful for staff to identify a decision making process in advance of the deliberations, so he proposed the following process.

First, if the Mayor asked the staff to identify any other issues that it had heard from the public testimony received over the course of these two evenings. Second, that the Mayor ask each Council member to identify each of the issues that arose from the draft resolutions distributed to the Council tonight. Ask that staff pull out the major issues from each of the alternatives. They have all been presented to the City Council in this table. If it needed any clarification of that table, please ask for it. Then the Mayor could ask the City Council to identify any additional issues that required discussion and consideration that had not already been identified in the staff's review of the draft resolutions or the testimony received.

Then the Mayor could ask the members of Council to ask questions of staff about the issues that any Councilmember found needed further identification and clarification. After all five Council members stated their preferences for discussion of issues, the Mayor could then ask the City Manager to restate any trends that he saw developing support for inclusion or deletion of issues. If there was a clear majority opinion among the Council members as to the need to address one or more additional issues in the Council decision, the Council could direct staff to prepare a revised resolution using one of the draft resolutions presented as a template incorporating each of the issues the Council stated an interest in including. Council could then recess the meeting and give staff time to take the input received and develop a resolution that addressed each and every one of the issues. It would be very important to have a motion that clearly identified each of the issues from the Council's discussion that should be incorporated into a final action. Then the Council could review that draft resolution and if necessary ask additional questions of staff.

Mr. Monahan understood he made this complex by going through the list. The main issue was for the City Council to tell staff on which issues it wished further clarification so any issues that a majority of Council wanted to be in the final resolution could be incorporated into the draft to bring forth so everyone knew the wording before acting.

Mayor Bernard thought this was very complicated. The City Council heard some questions from the audience, and he suggested the Council discuss those. He already had an alternative he would support and recommended talking about that. The Council had been working on this for many years and had listened to the citizens. Everyone had his or her own opinions, and he felt Councilor Chaimov had done a good job on drafting an alternative.

Mr. Asher urged not succumbing to deal fatigue as we were at the critical hour of trying to make a decision. There was probably a way to respond quickly to the public testimony, respond to Councilor Chaimov's questions from last night, and explain the difference between the resolutions as a way of facilitating the deliberation. The Council could take it from there and ask more questions if necessary. While Mayor Bernard may be comfortable forwarding one of the resolutions, Mr. Asher thought it was critically important for people to hear the Council deliberate and to make sure it was as comfortable as possible with the decision and action. Staff could do this expeditiously.

Councilor Barnes wanted to make sure all the questions from Council were presented at the beginning and then talk about options.

Councilor Stone noted there had been several questions coming out of public testimony and asked if those could be done first and then go to the City Council questions in terms of streamlining it a little bit.

Mr. Asher said Mr. Unsworth had information in response to last night's questions and suggested starting there. He was ready to respond to issues regarding bus service between downtown Milwaukie and the Clackamas Town Center, about the Hwy 224 Corridor and transit service, and the FEIS and mitigation.

Mr. Unsworth started with the Hwy 224 questions. The comment was why were we not going out Hwy 224. In 1998 they looked at an alignment that actually came into downtown Milwaukie and ended up going out Hwy 224 and found lots of issues and many community concerns. In 2002, there was a Draft Environmental Impact Statement (DEIS), and in 2003 a two-phase locally preferred alternative was selected. The first phase was I-205. When I-205 was constructed in the 1970's there was a lawsuit that halted it. The result was right-of-way set aside for light rail and buses. Essentially the same right-of-way was being used, so the ability to extend light rail from Gateway to the Clackamas Town Center was facilitated by an earlier design. The important thing to point out was that alignment had approximately 2,300 park-and-ride spaces and would serve a lot of the fast-growing Damascus and Happy Valley area. By serving that demand that went further out Hwy 224 and Sunnyside Road they actually captured a lot of the demand coming in that way. There was however some demand that was coming down Hwy 224, and they identified a 1,000-space park-and-ride at Tacoma to intercept some of that traffic. The reason they were not going out Hwy 224 was because they believed they had really captured the transit demand through park-and-rides and service with the I-205 alignment. Tacoma provided adequate parking opportunity.

The second question was more of a discussion about light rail and buses and getting from Gladstone into downtown and to Providence Milwaukie Hospital and out to Clackamas Town Center. Light rail was intended to be the trunk service -- the high capacity frequent reliable service between downtown Portland and Park Avenue. Beyond that there were frequent service routes that went down to Oregon City through

Gladstone and Oak Lodge. Those were 15-minute, all day services and very reliable. In addition that same service would go out to the Clackamas Town Center. We knew there was a lot of demand of transit wanting to go north and demand coming this way that could be served by buses. Past Providence Hospital was route 75 which during peak hours was a very frequent service. Light rail was the backbone. The capillaries and arteries of the system were the frequent service routes that would remain in effect when light rail was developed.

The next question had to do with when mitigation was right. The DEIS identified where potential impacts were. Those impacts were at least identified and noted there would likely be issues based on criteria. We were now at 5% engineering, and as the project went forward into 30% engineering they would be asking the federal government to go into preliminary engineering. When they did that they would be working on all those mitigation items. The commitment ended up being at the end of the FEIS. Those were actually recorded in a record of decision where mitigation commitments were made. On a monthly basis they met with the FTA, and a project management oversight group was hired to make sure the matrix was followed. There was a lot of oversight once the commitment was made. There were ways to make the issues go away through design. One could look at a sound wall or slowing the train down or other elements to mitigate the impacts identified in the DEIS.

Mayor Bernard noted Mr. Bryan had concerns that the SDEIS said there would be no impacts. During engineering it may be found there actually were impacts and would become part of the study.

Mr. Unsworth added there were places where there were parking impacts and people would be compensated.

Councilor Stone asked a clarifying question. She understood there were two I-205 parking structures with 2,300 spaces. Over what distance in terms of miles were they apart? How far apart were they as compared to what was being proposed here. We have Park and Tacoma both with 1,000, so that was about the same amount as the I-205 alignment. I-205 carried way more traffic than McLoughlin Boulevard.

Mr. Unsworth identified the park-and-rides. There were less than 400 spaces at Holgate. They were spread out over 6.5 miles. They looked at a park-and-ride at the Southgate site and had concerns about North Industrial traffic. They identified 1,000 spaces at Park Avenue and looked at future year restrictions and what mitigation had to be done there. Traffic signals at Oatfield Road and Park Avenue were actually needed now. They looked at what it would take to meet jurisdictional standards with the traffic that was expected at Park Avenue and Tacoma Street. This Council raised concerns about the Lake Road park-and-ride and the traffic on Washington. TriMet was trying to be responsible.

Mr. Unsworth discussed schools located next to alignment. He pointed out Portland Waldorf School, St. John's, Milwaukie High School, and Milwaukie Elementary on a map. Portland Waldorf School was adjacent to the alignment. St. John the Baptist Catholic School was one large block on Washington. Milwaukie High School was about 500-feet from the alignment and the Lake Road Station proposed in the LPA. There were no other stations in downtown Milwaukie.

Mr. Asher commented the same questions came up time after time, so one had to pick and choose those that came up frequently and needed a response for the community and for the Council. Tonight's issues were about another alignment. Hwy 224 had started to come up again, and Mr. Unsworth addressed that. McLoughlin Boulevard seemed now to be in vogue. There was a process in which McLoughlin Boulevard was looked at and looked at carefully. That was last summer. It was not an EIS process,

and those saying it had not been considered or there was not another alternative that was being considered were more precisely saying it was not being considered in the same way that this alignment was being considered. That was true; it was not, but it was not ignored. There were several months and several dozen people testifying before the Planning Commission, Parks and Recreation Board, Riverfront Board, and businesses that filled the other room last summer to talk about Main Street and McLoughlin Boulevard. This City Council did not eliminate any of those options. It cannot eliminate options as it was not empowered to do so. This Council did recommend to the Steering Committee that for various reasons the McLoughlin Boulevard and Main Street options were not preferred by the community as represented by the Council. On McLoughlin Boulevard in particular he wanted to remind people of what those impacts would have been. That alignment on McLoughlin Boulevard that was now being talked about again would have resulted in property displacements along McLoughlin Boulevard in the northwest portion of the downtown, required reconstruction of McLoughlin Boulevard, would have taken between 48,000 and 62,000 square feet of the Riverfront Park or about an 1- to 1-1/2 acres, would have reduced the space available from Riverfront Park to SE 22nd Avenue making it difficult to extend south of downtown, and would have introduced a barrier between the downtown and riverfront which was in conflict with one of the principal goals of the Downtown and Riverfront Framework Plan. The record needed to show there was a local process. It did not come into the SDEIS for those reasons.

Tonight there was a question about the \$5 million and whether Metro had taxing authority. Metro did not have taxing authority on local governments. He referred people to the question and response resource in this staff report and available on the City's homepage. Both of those questions were addressed. The City of Milwaukie would have to determine in future Council action how it would participate financially in this project. The City did not have \$5 million sitting around waiting for a project. Some kind of financing plan would need to be put together. In response to the question of how the City was going to come up with \$5 million, the City had excellent credit, had a Budget Committee, and had ways to access that kind of money. Mr. Swanson and the finance director could give more detail on that.

Mr. Asher addressed some of the previous night's issues. There was an assertion made that trains would come through town every 5 minutes and create a lot of backup at the intersections. The modeling showed in 2015, year one of operation, trains would come through town every 10 minutes during peak hours and by 2030 every 7-1/2 minutes. There would be some queuing when the gates were down, but it would not be every 5 minutes.

He also wanted to clarify on the issue of the 14-Points. There were challenges made tonight and also in writing that the use of the Tillamook Branch somehow did not respect the 14-Points. Especially the first one requesting that light rail not cut through the neighborhoods in Milwaukie. One cannot really cut into something that was already open. There was a 100-foot public right-of-way that predated most of what was around it. That was the Tillamook Branch right-of-way and the space where light rail would neatly fit. He thanked heavens that it was there. Trying to create right-of-way for a new light rail project whether on Main Street or McLoughlin Boulevard as we studied last summer or anywhere else would be far more impactful. He had not heard anyone complain in the time he had been in Milwaukie that the Tillamook Branch right-of-way was cutting into the neighborhoods. That right-of-way did exist. There was no single family zoning along the downtown portion of the Tillamook Branch, and there was no housing at all south of Harrison to the west of the branch. When he thought of neighborhoods, he thought of a lot of uses but he mostly thought of housing. He mostly thought of single-family homes, apartments, and a mixture of housing. This was an

area that was not zoned exclusively for housing and did not have housing on both sides of it. It was a very different kind of urban fabric than what he thought of as neighborhoods. Use of the Hwy 224 corridor had already been covered. Stopping at Southgate or north of downtown or using streetcar were issues that had been talked about before. Ms. Wieghart was present if Council wanted more on that. She could talk about the purpose and need of this project. In a prior work session she explained those options – the option of stopping north of downtown at Southgate or somewhere else or trying to shuttle people to some location north of downtown did not meet the purpose and need which was a very formal clause of the project. The project needed to support land use goals and optimize the transportation system. Stopping at Southgate and not serving downtown Milwaukie failed both of those objectives. Ms. Wieghart was present to give more on that if Council wished. Those were the key comments he heard from the citizens last night.

At end of July 14 hearing, Councilor Chaimov asked for a clarification of Oregon City's action on the LPA. Mr. Asher had claimed the LPA Report, which was what the City Council was being asked in his staff recommendation and resolution to support had been supported by all of the other jurisdictions including Oregon City. Councilor Chaimov asked him to double-check that. The Oregon City resolution language did not adopt the LPA Report. It adopted the LPA. Metro staff, which were here tonight, did not think that was an intentional omission to make a deliberate statement that somehow Oregon City was in favor of just the LPA alignment and not in favor of the full Report. He explained again this was an important distinction. The Report was the implementation strategy that put forth a lot of things for the next steps for the project. The most important thing for the LPA Report was indeed the LPA itself which followed the Tillamook Branch through Milwaukie, a station at Lake Road, and continued to Park Avenue. It had other stuff. That other stuff, to make it simple and plain, was that Milwaukie cared most about the notion of the minimum operable segment which was a fallback position to say that if the project could not afford to get down to Park Avenue that there would be a first phase that would terminate at Lake Road. Councilor Chaimov was correct that Oregon City did not adopt the report. He tried to reach Mayor Norris today to see if the assumption was correct. They did not hear in any of the Steering Committee discussions or at staff level concern about other elements of the Report.

The other question Councilor Chaimov asked was the critical issue at this point based on resolutions put forward, and the hard work Mr. Asher had been doing and Mayor Bernard's work at the Steering Committee. It was about this MOS and what to do about it and what to do with it. The question, if he understood it, was what in his opinion the best strategy for ensuring that the project did not terminate in downtown Milwaukie. His answer was the if he were on the City Council he would throw as much political weight behind this project and this project team as was humanly possible and to do it as completely as possible beginning tonight. That meant endorsing the LPA Report and not just the LPA alignment and stomaching the possibility of an MOS and thereby presenting ourselves as a community that other people wanted to go to bat for. That was what we needed to have happen. That was his opinion but was his last shot. The best strategy was to be a really good team player. It was a little counterintuitive. It may appear not to make a lot of sense that the best strategy for avoiding the MOS was to endorse a Report that included the MOS. That was the strategy he recommended because that was the move that would signal to everyone who was going to work for Park Avenue on Milwaukie's behalf that Milwaukie, Milwaukie's needs, and Milwaukie's interests were worth fighting for. It also meant this project could move forward as rapidly as possible with minimum chance of delay. Delay was not only about time but also about money. Time was money of course and never so much as on this project which had huge dollars associated with it. Also it meant holding everyone accountable

including us for winning every last dollar that could be won for this project and carefully watching every last dollar that was going to be spent on the project. That was what we were prepared to do. Getting to Park Avenue really did come down to money. Money for this project was coming down to how tough the FTA was on us and how effective we were in championing this project to our federal partners. By his calculations based on the finance work done in the EIS, the sources and uses of this project, how much it costs when you factor in all of the risk reserves and insurance and how much we have could fluctuate a couple hundred million dollars based solely on the decisions that the federal government made. It was not really about the bridge Portland got or how much match the local partners came up with although those things would be important. The Big Magilla was how well we do with FTA and convincing the FTA this was a project worth putting in potentially 60%. More than \$750 million. How cost effective we were and how risky this project was. Political risk was one of the risks the FTA took very seriously. They tried to sniff out all risks, and they were pretty good at it. Political risk was a big one. The 'we' by the way did not include anyone from Milwaukie. It was not going to be the Mayor or Mr. Swanson of himself who was going to be negotiating with the FTA for this project funding. It was going to be TriMet and Metro. We wanted those guys to be motivated to get this thing to Park Avenue. They were today. Our job was to make sure we did not give our partners any reason to doubt the last mile of this project was any less important than the Willamette River Crossing or any other mile of this project. He knew one way to screw up that assignment. That would be to hold a gun to the project and say we support light rail but only on our terms. By the way, he was not suggesting that was what City Council was doing or thinking about doing. He was just playing out the scenario that worried him, so he could sleep easy tonight. We should not do that. If it was too expensive to get to Park Avenue, Milwaukie should not say 'sorry.' OMSI, sorry. OHSU, sorry. We want to get to Park Avenue. We have a role in this but so do a lot of other players. No one wanted to end up with a Lake Road terminus. He was in that camp. He probably thought about downtown Milwaukie as a redevelopment opportunity as much as anyone around. He thought he was in a good position to understand the impact of a Lake Road terminus. It was not optimal for our small downtown, but he did not think it should not be a deal killer. He did think there was risk allowing Milwaukie in 2008, a full decade after the recall and the long road of healing we have traveled, to be branded for the next 20 years as the place that could not get it together to help the region on a critical project or the place that could not see past its own interests, or the place that no one would dare risk investing millions of dollars that were envisioned in the plan because the City had an apparent chronic unwillingness to follow through on its plans or adhere to its policies. Mr. Asher was not suggesting that was where the Council was going tonight or by not adopting the Report not risking the whole project. That was really what he wanted the City Council to think about. The strongest signal that would be sent and the strongest move that could be made in support of the project was support of the Report, and the Report included the MOS. The MOS was a segment. It was not the whole project. It was not a forever decision. He, too, worried about how quickly thereafter it could be built down to Park Avenue if it did stop at Lake Road. If we were good partners and good watchdogs, the second segment would be built, and the Lake Road terminus would be a terminus no longer. A number of other reasons were included in the staff report for supporting the LPA Report with the MOS language in it. That was on page 6, which he hoped the City Council had a chance to review.

Mr. Asher finished with a couple of financial points. What did it mean if we adopted something less than the report, say just the LPA, or if we actually came out and said 'no' to the MOS explicitly; one of the alternatives had language to that effect. He thought that by not adopting the Report the City Council was leaving open the question of whether Milwaukie would support a project that terminated at Lake Road. That was a

question that went unanswered. He asked Mr. Unsworth if we did end up in a situation with additional delay, say for some reason the MOS dropped out or did not get dealt with right now and we had to go back and do another environmental impact study on it. The reason it was in now by the way was so it could be studied in the FEIS just in case. What if that dropped out and did not get studied? What if in the end we did not have the money to get to Park Avenue, then what would happen? Obviously there would be more discussions with the Milwaukie City Council to see if it was still interested in a project. There would have to be another EIS that would probably take 9 months. That amount of time on a project of this size amounted to approximately \$50 million. Time was money. If we wanted to get to Park Avenue with this alignment, then moving the project forward as quickly as possible and with as much political support as possible was the smartest strategy. Redevelopment would still occur in the south end of downtown. He was confident. The City was working with one of the best design firms in the world on that area. There was a really solid start with the citizen base. A lot of people were getting involved. There was a lot of excitement there. TriMet had already started talking with the City about planning the station using our consultant team. He thought it was not as fragile as some may think.

Mr. Asher thought some of what the City Council would get into in its deliberations was whether it endorsed the report as he just advocated, endorse the LPA only, or include language that rejected the MOS. If the City Council endorsed the Report, it would allow the possibility of MOS and send the strongest message of support to all audiences. The community was the key audience, but there were other audiences waiting and watching to see what happened here. The State was about to sell bonds on behalf of this project and was watching. The FTA was an audience we were trying to communicate with, and the other partners who were putting money into the project and had to decide how much. It enhanced the likelihood of getting to Park Avenue by doing that. It sent clear direction to future decision makers who would sit in this room at this Council and have to make decisions about this project as early as next year as to what the intention was tonight. Was it to support a project only if it went to Park Avenue? Was it to support a project to Milwaukie, Lake Road, or Park Avenue? Or was it to somehow draw a line in the sand and say we were only going to support a project under certain circumstances. The LPA only left the MOS question unanswered. It sent a bit of a mixed message about support to all of those audiences. He was not sure it enhanced the likelihood of getting to Park Avenue, but that was for the City Council to discuss. It sent ambiguous direction to decision makers in the future. Rejecting the MOS was really worrisome to him and Metro staff, the City Manager, and everyone. It answered the MOS question in the negative. It basically said Milwaukie was not supportive of the project described in the Report. It was supportive of one version of the project but may be an infeasible version of the project. In conversations with Ms. Wieghart and Mr. Unsworth and others there was a real endangerment factor if Milwaukie ended up going there. That was ambiguous direction for future decision makers about what the City Council wanted to accomplish tonight.

Councilor Barnes asked Mr. Swanson if he had any wording that did not get rid of the MOS but made the Park Avenue matter as clear as possible. She felt a majority of Council made it clear it should go to Park Avenue.

Mr. Swanson concurred with everything Mr. Asher said. He did not even think about the column on the far right of the table because in his opinion the game was up with that option. The City had its feet firmly planted in two places when considering the issues and this particular question. One of them was as the City Council of the City of Milwaukie. The other was the City's representative to the region. He looked at this from a perspective that the region preferred that the City adopt the LPA Report. There were some arguments that showed that was in the City's best interest also. For example, the

LPA did not require but the LPA Report required as a next step that the staff control project costs and scope with the intent of getting to the preferred terminus which was Park Avenue. The LPA merely stated an alignment and stations and the preferred terminus. As representatives of the City of Milwaukie it was clear that the Council wanted to ensure Lake was not going to be the terminus, that Lake was not going to be a "temporary" terminus after 23 or 25 years as no one wanted to see that. Those were good reasons and cogent reasons for the Park Avenue terminus. By only endorsing the LPA, the message was confusing and also recognized only one of the roles Milwaukie played. Like it or not we were members of more than one community every time we sat here. Mr. Swanson tried to have our cake and eat it too and tried to somehow look at language that recognized the interest of both the City and sent a strong message that Lake was not something we would be very likely interested in but at the same time endorsing the Report. He suggested dropping three "whereas" clauses into any of the proposed resolutions that would read, "whereas, the City Council has concerns with the minimum operating segment, and whereas, the LPA Report provides as follows" and insert the language from the LPA Report that said, "the decision to proceed with the Lake Road minimum operating segment would require prior Steering Committee consultation prior to making the decision on the MOS the timing and specific level of the priority for the future Lake Road to Park Avenue segment would be addressed by the Project Steering Committee giving required local match and status of small New Starts programs and ratings. The Lake Road to Park Avenue if required would remain a regional transit priority until constructed." A third clause would read, "whereas, the City Council understands that the MOS will not become the project terminus without consultation between the affected local governments and regional agencies." Concluding with, "now therefore be it resolved by the City Council of the City of Milwaukie, Oregon, that the City endorses the Locally Preferred Alternative Report and commits to support the completion of the Portland-Milwaukie Light Rail Project including the updated light rail alignment for the project which follows the Tillamook Branch rail line through Milwaukie, locates and station at Lake Road, and terminates at Park Avenue." This language would be dropped into any of the resolutions. He would not recommend inserting the whereas clauses if all the Council was going to do was approve the LPA because approving the LPA was a much weaker message in terms of the MOS. He suggested if the City Council were willing to approve or endorse the Report that it also express the feeling of the City Council and citizens by inserting the three whereas clauses. He believed for all the reasons Mr. Asher stated that the decision at this point should be both to exercise in a responsible way our partnership as members of the region and at the same time protect people in the City.

Councilor Barnes was glad to hear those words because the big issue for her was Park. She was in favor of endorsing the LPA Report with the addition of that word. To her the message was being sent that Lake Road was not the stop we wanted. Adding those caveats to the LPA Report made her feel like the message was being sent and Milwaukie was also part of the big picture. When she went through the wastewater treatment hearings and regional partners did not step up for Milwaukie, she got angry. This was the same situation. We cannot tell Oregon City or Damascus or Happy Valley they were not good regional partners and expect them to be if we cannot be good regional partners. That was the bigger picture here. We were not an island unto ourselves. For her endorsing the LPA Report with that language stating that the Milwaukie City Council was on record and in writing that it was not satisfied with Lake Road being the last stop on this tour. We wanted it to go onto Park.

Mayor Bernard agreed. He told everyone in the region many times that he might not have support at Council to move forward should we get an MOS that ended at Lake Road. He got a commitment from everyone that they would work hard to do that. If gas went up to \$5 or \$10 a gallon, then we need alternatives. If we chose the last one, then

there was no question in his mind that Milwaukie would just be slapping its partners in the face. Twenty-eight jobs would be lost for every \$1 million spent. OMSI's and PSU's and OHSU's dreams and the dreams of all our citizens for educational opportunities and experience in science and industry would be gone. He supported the LPA Report with the inclusion of the language suggested by Mr. Swanson.

Councilor Chaimov told Mayor Bernard if he were looking for additional support he would have to look elsewhere. His view was that we by endorsing the LPA were being excellent regional partners. The strong view of the people in the community was not to leave on the table an option that had the line ending in downtown. He was happy to go with version 2(B), which was written intentionally to be ambiguous and not to make an affirmative statement against a minimum operating segment terminating in our downtown. He did not believe he could make a vote consistent with what he understood to be the wishes of this community by supporting a report that concluded that there may well be a terminus in our downtown and prefacing that only by expressing concerns.

Mayor Bernard added without question most people had come to Council in support of light rail. He heard very few comments with regard to the terminus at Lake Road should that be the end. He heard preferences that it not be, but he heard few say they would not support light rail should it have to stay there.

Councilor Stone heard from people who both supported and many who did not support light rail or the alignment being proposed that they did not want it to terminate on Lake Road. They wanted it to terminate at Park Avenue. That was what she heard clearly from people who testified in the last couple of evenings. She did not agree we should stomach anything in our town. We were a very small town in the big scope of the region. She agreed with Councilor Chaimov in that we were good regional partners and wanted to remain good regional partners. She did not think we needed to give up something we really wanted in order to make this work. It was clear to her people wanted the terminus at Park Avenue and not at Lake Road. She thought we would get them both if it was not clear. There would be a temporary terminus at Lake Road and also one at Park in phase 2 whenever that happened. She did not think she would be in favor of that and not many citizens would be in favor of that. We should not have to stomach it because we were going to be looked upon by the region as not being good partners. No one was going to look out for Milwaukie but the City Council.

Mr. Swanson said they had been spending the past 4 to 5 months arguing very strongly against the inclusion of an MOS. We had been arguing very strongly against a terminus at Lake Road. What we were trying to achieve was the same thing that everyone else was trying to achieve. Because the strategy recommendation was different it did not mean he had a different outcome in mind. The outcome was that Park Avenue be the terminus. It was a question of how one got there and the strategy. His intention again was not that we somehow set things up to get to Lake Road. It was and had been for as many months as it had been discussed that we had been a pain to the folks at the regional level with regard to this issue. He did not want to see this end at Lake Road. No way.

Mr. Asher fully agreed with those comments. The preliminary engineering application that was being prepared at TriMet was for the LPA and for a project that terminated at Park Avenue. TriMet was not teeing up a phase 1 project. This whole issue was a NEPA issue. It was proposed to be part of the FEIS in the event that the region could not afford to build a \$1.43 billion project. That was what the Park Avenue Project was estimated at. We would not know that for another year. We did not know how much money there was to build the project. If we elected to go forward without a fallback position costs and time were being added to the project. That was the analysis being

considered right now. It was not an endorsement of the MOS. We were being very transparent by spotlighting this issue and saying there was risk to Milwaukie in this Report. It should not be misconstrued as anyone's agenda. He would be happy to have Richard Brandman talk about the region's intentions. He took strong issue with an assertion that no one would look out for Milwaukie but Milwaukie. They asked for a Working Group process after the last LPA because they thought the LPA that had been adopted was a flawed process. Months were spent. TriMet and Metro spent lots of money. They looked out for us. We came up with a recommendation to move that LPA from Main Street to the Tillamook Branch. That recommendation was supported. We had new players come forward last summer who said they were uncomfortable and wanted more time and resources to look at other alignments. They were looked at. McLoughlin Boulevard and Main Street. In the end they were supported. The City Council's recommendation to the Steering Committee, Metro, and TriMet was supported. We asked to be the decision maker on where the station or stations would be in downtown Milwaukie. We were listened to. He could go on and on. Even the notion of bringing light rail back at all in the early 2000's was a Milwaukie position. Metro was not there. TriMet was not there. It was not a fact that no one was looking out for Milwaukie but Milwaukie. It was that kind of attitude that signaled to the rest of the region that we did not trust that we had partners. We do not trust them in this project. We do not trust that the project will work out in our interest. That was why the decision the Council made tonight was really important. Good faith went a long way and was returned. It did not mean at all that we wanted this thing terminate at Lake Road now or ever. The next Council may be faced, regardless of what was done tonight, with the question of we have \$1.3 billion which was a lot of money to bring into the region but did not get you to Park Avenue. It only got to Lake Road. Now where were you on light rail? Be clear about what you want.

Mayor Bernard also had an issue with the notion that no one was going to help us. He went to the legislature four times. Olivia Clark managed to get \$250 million that designed light rail specifically for Milwaukie. There were lots of people working for Milwaukie at the legislature.

Councilor Loomis thought people were taking it too literally. Maybe what Councilor Stone and he might be referring to was taking responsibility for making them aware of our issues as a regional partner. He was not rejecting the MOS. He was rejecting the location of the MOS. He was fine with the MOS. He thought we were great regional partners. He preferred a study of the McLoughlin Boulevard Corridor. He thought it was the best thing. The vote was taken, we move on, and we were at this point now. He had issues with the LPA, but he was willing to support it. He could not support the MOS at Lake Road. If we could still have the MOS in there and just state that it not be at Lake Road and to put it in another place. He would not expect and did not want TriMet if they did stop at Lake Road to have its next project cross Kellogg Lake and go to Park. It would happen when they moved to Oregon City. That was the right thing to do. You did not build a short segment. As a partner we were making concessions here. If it did not throw the whole project for a loop our concern was the location. We know our town best. It was a small location. There were plans to develop. We want light rail. We understood it was needed now and in the future, and we support that. From testimony it seemed like we could get a 5-0 vote if that was out of there. That was strong support.

Mr. Asher suggested a brief recess for staff to talk.

It was moved by Mayor Bernard and seconded by Councilor Barnes to close the public hearing. Motion passed unanimously. Mayor Bernard closed the public testimony portion of the hearing at 10:14 p.m.

Councilor Barnes met with Sen. Schrader and Rep. Hunt who made it clear they were writing letters of support on behalf of Milwaukie to go to Park Avenue. The Clackamas County Commissioners were doing the same. She did not believe Milwaukie was the only one looking out for its interests. There were people in big positions looking out for Milwaukie including Rep. Tomei who cared about the future of Milwaukie and had done so in writing.

Mr. Asher reported staff had a chance to caucus. Resolution 2(B) as proposed by Councilor Chaimov that essentially dropped the word 'Report' and in so doing dropped implicit endorsement of the MOS. That moved us into the center column and endorsed the LPA only and included language that had been added to the staff resolution from Councilor Barnes having to do with our expectation that TriMet's going to operate this system safely and securely and comfortably for patrons. There was a 'whereas' on page 2 to that effect. It also included an edit from Councilor Stone adding neighborhood and parks to the list of mitigation recipients that needed to be studied further in the FEIS and the umbrella agreement. That was the difference between the staff resolution proposed and 2B. There were a couple of 'whereas' clauses in the staff resolution that talked explicitly about the MOS saying it was prudent and wise. That language was gone. Version 2(B) as written worked for where we were in the process. It allowed Milwaukie to stay in alignment and in the fold with all of the other jurisdiction. It allowed Metro to take a strong action next week with all of the jurisdictions behind it to endorse the LPA. It did just what Councilor Chaimov suggested and perhaps Councilor Loomis as well. It stopped short of endorsing an MOS or even sending a message about it other than we were not there. We may have to get there, but that would be for another day. The recommendation was for the City Council to take action in support of a resolution endorsing Portland-Milwaukie Light Rail Locally Preferred Alternative which included an updated alignment that follows the Tillamook Branch Line through Milwaukie, locates a station at Lake Road and terminates at Park Avenue.

It was moved by Mayor Bernard and seconded by Councilor Barnes to adopt the resolution endorsing Portland-Milwaukie Light Rail Locally Preferred Alternative which included an updated alignment that follows the Tillamook Branch Line through Milwaukie, locates a station at Lake Road and terminates at Park Avenue.

Mayor Bernard asked if there could be language about an MOS that did not specifically identify a particular spot.

Mr. Asher replied that was an alternative if Councilor Loomis or anyone had a different terminus in mind that was in downtown Milwaukie. North of downtown Milwaukie was a different kettle of fish. The Project would have to reach downtown Milwaukie. Lake Road was the site that was studied in the past and was actually the terminus in the 2003 LPA. It had gone through the NEPA process. It was close to the park-and-ride being proposed. It made sense for a lot of reasons. The station was already deliberated on. He was not sure it helped to open that up, but if the Council wanted to do that staff could come back and talk about it.

Councilor Loomis was in favor of an MOS but not the location. He did not mind the language but did not want it to be in the core. His discussion with the Mayor was not Pietro's. He did not want to say where specifically. He just wanted to say where not. He did not want it at Lake Road in the core of downtown Milwaukie. If the MOS was necessary he was willing to study it as long as it was not in the small core of the downtown. He was not saying a specific spot because he did not know. He could not support a terminus in that small core area.

Mr. Asher understood there was no alternative site in mind and was open to study. On behalf of staff he was saying he was not sure it would move the ball forward. As a matter fact he thought it opened up a tough issue which was where to put it. In that

small downtown area Harrison, Monroe, and Washington were on the Tillamook Branch. It was coming into downtown Milwaukie which it needed to do to receive federal funding, and there were not that many options. Staff would prefer version 2(B) as written.

Mayor Bernard understood the terminus did not need to be three tracks. He had not seen any drawing of the impact to Lake Road. None of us really knew yet. By adopting this we would at least have an opportunity to see what it would look like should it be the location.

Mr. Asher added in the TriMet agreement that said with regards to the facility design recognizing that flexibility regarding design and construction of the project was important the parties understood the presence of light rail in downtown Milwaukie caused unique concerns and that Milwaukie desired to maximize downtown real estate for transit oriented development and desired to locate light rail support infrastructure such as substations, operator break rooms, or surplus storage, track or trains in such a way that these facilities were integrated into the surrounding environment to the extent practicable in light of other project goals and funding limitations. TriMet already agreed that if we ended up in the area they may have to be designed differently than in the past.

Councilor Barnes thought 2(B) made more sense because that was the clear message from the public. Being able to go forward without the MOS was the right thing. She was grateful Councilor Stone added neighborhoods and parks. After being in Washington, D.C. and seeing the high expectations for light rail even though it was underground, for her sending the message with that paragraph that Metro and TriMet understood that the higher the expectations for the riders the higher level of standards they will have of themselves and others when they got on the light rail system. If that meant starting from scratch, the Wachenhut people were not given enough authority to make it safe. She met with Chief Bob Jordan and they agreed maybe it was time to replace Wachenhut with armed security people and start with a zero-tolerance policy. Fix it before it even gets into Milwaukie.

The motion passed 4:1 with the following vote: Mayor Bernard and Councilors Barnes, Chaimov, and Loomis voting 'aye' and Councilor Stone voting 'no.'

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

Mr. Swanson was still researching the matter of adopting only 19.321.3 and would report on that at the August 19, 2008 meeting. He outlined the proposed amendments.

It was moved by Councilor Chaimov and seconded by Councilor Loomis to continue the hearing to August 19, 2008. The motion passed 3:2 with the following vote: Mayor Bernard and Councilor Chaimov and Loomis voting 'aye' and Councilors Barnes and Stone voting 'no.'

OTHER BUSINESS

Council Reports

Councilor Barnes met with Sen. Schrader and Rep. Hunt and went to Washington, D.C. where she met with Blumenauer staff. She attended the City Hall 70th Anniversary.

Councilor Stone attended the City Hall Anniversary.


Councilor Chaimov survived eating two hotdogs at the City Hall Anniversary and worked at the Sunday Market Community Booth.

Mayor Bernard attended the City Hall Anniversary. The Farmers' Market would observe its 10th anniversary. It started with seven vendors, and there were over 50 now. He announced Milwaukie Festival Daze on July 26.

ADJOURNMENT

It was moved by Councilor Chaimov and seconded by Councilor Stone to adjourn the meeting. The motion passed unanimously. [5:0]

Mayor Bernard adjourned the meeting at 10:31 p.m.



Pat DuVal, Recorder

Date: 7-15-08

I wish to address City Council on Agenda Item #

Thanks for support of Library & Poetry Series

Name: Tom Hogan

Organization: Wedding Library Board / MML - Poetry

Address: 15599 SE Oakfield Rd.

Phone: 503-819-8367

E-mail: tomhogan2@comcast.net

Speaking in support

Speaking in opposition

Providing neutral comments / or asking questions of clarification

Comments:

Thank you to council & CITY Manager / staff

Date: 7/15/08

I wish to address City Council on Agenda Item #
PUBLIC HEARING

Name: FR PARECKI

Organization: SELF

Address: 10600 SE McCOLLUM BLVD

Phone: (503) 977-9988

E-mail: FR@PARECKI.COM

- Speaking in support Speaking in opposition
 Providing neutral comments / or asking questions of clarification

Comments:

1

Date: 15 July 2008

I wish to address City Council on Agenda Item # 5A.

Name: CARL HORN

Organization: DARK HORSE COMICS

Address: 10956 SE MAIN ST. MILWAUKIE OR 97222

Phone: 503.652.8815

E-mail: _____

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

2

Date: July 15

I wish to address City Council on Agenda Item #

Name: Roger Martin

Organization: OREGON TRANSIT ASSOCIATION

Address: _____

Phone: _____

E-mail: _____

- Speaking in support Speaking in opposition
 Providing neutral comments / or asking questions of clarification

Comments:

3

Date: 7-15-2008

I wish to address City Council on Agenda Item #
#5 Milwaukee Light Rail

Name: Susan Storm

Organization: _____

Address: 4846 SE Arden St Milwaukee

Phone: 503-654-9168

E-mail: susan.pallascat@gmail.com

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: _____

④

I wish to address City Council on Agenda Item # 5A

Name: PETER STARK

Organization: CONSULTANT.

Address: 2939 NW CORNELL ROAD

Phone: 503/294/4111

E-mail: stark @ easystreet . com

- Speaking in support Speaking in opposition
 Providing neutral comments / or asking questions of clarification

Comments:

SUPPORT TILAMOOK ALIGNMENT.

Date: _____

5

I wish to address City Council on Agenda Item # 5A

Name: CHARLIE BISHOP

Organization: PENDUETA

Address: _____

Phone: _____

E-mail: _____

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

SUPPORT TUAMOOKE ALIGNMENT

Date: 2/15/08

(6)

I wish to address City Council on Agenda Item # 5A

Name: James E Stilwell

Organization: Harder Mechanical Contractors Inc

Address: 2148 NE McL King Jr Blvd Portland OR 97212

Phone: 503-281-1112

E-mail: jstilwell@hardermech.com

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:
Support Tillamook Alignment

7

Date: TUE 15TH JULY 08

I wish to address City Council on Agenda Item # 5 A

Name: DAVID ASCHENBRENNER

Organization: _____

Address: 6 N FIVE

Phone: _____

E-mail: _____

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: 7/15/08

I wish to address City Council on Agenda Item # ~~B~~ 5A
MAX

Name: Marilyn Goode

Organization: Tri-met

Address: 4017 SE Aldercrest Rd.

Phone: 503-201-5990

E-mail: goodem@trimet.org

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: 7/15/08

I wish to address City Council on Agenda Item # 5A
B

Name: Shawna Dietz

Organization: _____

Address: 2295 SE Courtney, Apt 3

Phone: 503-654-9234

E-mail: _____

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: _____

I wish to address City Council on Agenda Item #

Name: Rob Kappa

Organization: NONE

Address: 12143 SE 38th MILWAUKEE OR 97222

Phone: 503 653 9575

E-mail: _____

Speaking in support Speaking in opposition

Providing neutral comments / or asking questions of clarification

Comments: LT. RAIL

Date: 7/15/08

I wish to address City Council on Agenda Item # 5A (LPA)

Name: MARK Williams

Organization: OHSU

Address: 3181 SW Sam Jackson PDX

Phone: 503 494-5749

E-mail: willmark@OHSU.EDU

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: 7/15/08

12

I wish to address City Council on Agenda Item # _____

Name: NEIL HANIKERSON

Organization: DARK HORSE COMICS

Address: 10956 MAIN ST

Phone: 503-905-2320

E-mail: _____

- Speaking in support Speaking in opposition
 Providing neutral comments / or asking questions of clarification

Comments:

Date: _____

I wish to address City Council on Agenda Item #

_____ Light RAIL Milwaukee _____

Name: _____ Heidi Graham _____

Organization: _____ Resident _____

Address: _____ 2909 SE Swain Ave _____

Phone: _____ 503-786-8776 _____

E-mail: _____ toddheidi.graham@msn.com _____

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: 7/15/08

14

I wish to address City Council on Agenda Item # 5A

Name: BILL LAKE

Organization: KELLOGG PARK LLC (MAYNELL BLVD)

Address: _____

Phone: 503-620-1717

E-mail: billlake@yahoo.com

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: 7/15/08

15

I wish to address City Council on Agenda Item # LIGHT MAIL SA

Name: CHARLES MISITOR

Organization: PONDLOTAN WOOLEN MILLS

Address: 8550 SE MC LOUBITAN BLVD

Phone: _____

E-mail: CHARLES.MISITOR@POOLWOOL.COM

- Speaking in support Speaking in opposition
 Providing neutral comments / or asking questions of clarification

Comments:

SUPPMENTS LPA

Date: 7/15/08

16

I wish to address City Council on Agenda Item # 5A

Name: Charmaine Coleman

Organization: _____

Address: 10392 SE 23rd Ave, Milwaukie, OR 97222

Phone: _____

E-mail: charmaine.coleman@Comcast.net

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: 7/15/08

17

I wish to address City Council on Agenda Item # 5- Light Rail

Name: Cheryl Ausmann-Moreno

Organization: Past ARDENWAD CHAIR, PSAC, prev. BOLLUMPTON

Address: 10235 SE 40th Ave

Phone: 653-7800 cell 384-8476

E-mail: cherylamoreno@comcast.net

- Speaking in support
- Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:
Access to jobs & Safety

Date: July 15 '08

I wish to address City Council on Agenda Item #
SA (locally preferred option for LET

Name: Gwen Millius on behalf of Lloyd Lindley

Organization: Portland Design Commission

Address: 221 SE Main St. Portland 97214

Phone: 503.287.6404

E-mail: gwen@sdmstudio.net

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: July 15, 2008

I wish to address City Council on Agenda Item #

Name: Bruce Evans

Organization: Portland Waldorf School Board of Trustees

Address: 2300 SE Harrison

Phone: 503-516-2124

E-mail: Board@porHendWaldorfSchool.org

- Speaking in support
- Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: 7/15/08

I wish to address City Council on Agenda Item #

Name: ED ZOMWART

Organization: _____

Address: _____

Phone: 654-2493

E-mail: _____

- Speaking in support
- Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: 7/15/08

4

I wish to address City Council on Agenda Item # 5A

Name: Bergquist

Organization: ST JOHN the BAPTIST

Address: _____

Phone: _____

E-mail: _____

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: _____

4

I wish to address City Council on Agenda Item # 5A

Name: MATT MENELY

Organization: _____

Address: 2816 SE Lake Rd

Phone: _____

E-mail: _____

- Speaking in support Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: 7-15-08

5

I wish to address City Council on Agenda Item # 5A

Name: Ray Bryan

Organization: _____

Address: 11416 SE 27th Ave

Phone: _____

E-mail: _____

- Speaking in support
- Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments:

Date: 7/15/08

I wish to address City Council on Agenda Item #

Name: Marske McEntyre

Organization: _____

Address: _____

Phone: _____

E-mail: _____

Speaking in support



Speaking in opposition

Providing neutral comments / or asking questions of clarification

Comments:

Date: 7-15-08

(1)

I wish to address City Council on Agenda Item # LIGHT RAIL

Name: LES POOLE

Organization: _____

Address: LOE AVE

Phone: _____

E-mail: _____

- Speaking in support
- Speaking in opposition
- Providing neutral comments / or asking questions of clarification

Comments: 4 MINUTES WILL DO. THANKS

THANK YOU MAYOR & COUNCIL MEMBERS

10795 SE RIVERWAY LANE, MIL, OR



- I'm Gary Klein, Vice Chair of the Riverfront Board and I'm here tonight to address you on behalf of the Milwaukie Riverfront Board
- At our July 1 meeting, the Riverfront Board discussed the Locally Preferred Alternative for the Portland to Milwaukie Light Rail project which you are considering at this hearing.
- **The Riverfront Board does not wish to comment on the pros or cons of the light rail line being proposed for the City of Milwaukie.** This board does not have consensus on this issue. However, if light rail does come to Milwaukie, the Riverfront Board members are interested in three particular aspects of the project:
 - 1) The designated use and design features of any structure on the City-owned Cash Spot site,
 - 2) The design of the bridge structure that would cross Kellogg Lake and Kronberg Park, and
 - 3) The connectivity between the light rail line, the station at Lake Rd, the Riverfront Park and Kellogg Lake.

I will not read our complete letter^v but will summarize our comments for you this evening.
THAT WAS SIGNED BY DAVID GIBSON, CHAIRMAN

Cash Spot Use

The Riverfront Board believes that what happens at the Cash Spot site has a large impact on Milwaukie Riverfront Park and the downtown. With this in mind, we recommend that:

- This property marks the southern gateway to the City, and stands at the juncture of the Riverfront Park, a restored Kellogg Creek area, and a potential pedestrian underpass to the Riverfront Park. At a minimum, this site should be mixed use, integrating retail and commercial space with the needed parking facilities.
- The City should retain ownership, design approval, and ultimate control of any facility built on the Cash Spot site
- Any development installed at this site should consider spaces for overflow parking for Milwaukie Riverfront Park and downtown.

- Staff and Council should adhere closely to, or even exceed, municipal code requirements with respect to downtown design guidelines and water resource protection regulations for any structures proposed for this site.

Kellogg Lake Crossing

- The design for any light rail bridge proposed for crossing Kellogg Lake and Kronberg Park should reflect the natural area they traverse or abut as closely as possible.
- The design should minimize the bulk of the bridge over Kellogg Lake as well as the structure that carries the rail line across McLoughlin Boulevard.

Connectivity

- If funding or construction opportunities arise as part of the Light Rail design or construction process for creating a pedestrian underpass from the east side of McLoughlin Blvd to the Riverfront Park, every effort should be made to take advantage of them.
- Signage should be integrated into the light rail design to direct rail users to the Riverfront access, future restored Kellogg Creek, Kronberg Park and other downtown amenities.
- The South Downtown Plan work that is being conducted by the Center for Environmental Structures should be integrated into the design for structures and facilities related to light rail in the south downtown area. The Riverfront Board would appreciate having one of its Board members included in any future group formed to guide the South Downtown plan process.

We hope that Council will accept our comments and integrate them into their upcoming decisions regarding light rail in the City of Milwaukie.

Thank you for this opportunity to speak tonight.

Providence Milwaukie Hospital
10150 S.E. 32nd Ave.
Milwaukie, OR 97222
t: 503.513.8300
f: 503.513.8191
www.providence.org/pmh



July 14, 2008

Mayor Jim Bernard
City Councilors
City of Milwaukie
10722 S.E. Main St.
Milwaukie, OR 97222

Dear Mayor Bernard and City Council Members:

On behalf of Providence Milwaukie Hospital, our patients and employees, I would like to express our strong support of the proposed MAX extension to the city of Milwaukie. Bringing MAX to Milwaukie will provide an economical and efficient transportation alternative for our more than 500 employees, in addition to allowing easier access to the hospital and the services we provide for the members of our community. One of our priorities is easing the way of those we serve, and a light-rail transit option for employees and patients would definitely make travel to our hospital easier.

We also support the updated light rail alignment between downtown Portland and Clackamas County that follows the Tillamook Branch rail line through Milwaukie, locates a station at Lake Road and terminates at Park Avenue.

Sincerely,

A handwritten signature in black ink, appearing to read "Theron Park". The signature is fluid and cursive.

Theron Park
Chief Executive
Providence Milwaukie Hospital



City of Milwaukie
2008
City Council

July 14th,

Good evening Mr. Mayor and Council members.

Tonight once again we find ourselves gathered to further discuss the on going saga of Light Rail. A project that has been a topic of discussion for a number of years. This again is another opportunity for each and every concerned citizen to register his or her opinion. How many of these public hearings have we had now and I still hear it being said that the vote should go out to the public. Well! I would say that is exactly what we're doing at these public meetings. The public after this week has had ample opportunity to air their ideas and opinions, it is now time for decision making.

Within the next two decades our area will experience a tremendous increase in population and with this growth comes additional vehicle traffic. Our roads and highways have not been designed to appropriately accommodate this high volume of traffic. Road Rage will ensue, Gas Prices will be exorbitant and the Cost of Parking will escalate to unacceptable prices. These are the inconveniences we have to look forward to. Much of this can be mitigated by the use of Light Rail. Speaking for myself I am satisfied that Light Rail is a perfect source of alternate transportation.

The big question, which hopefully will be resolved this week, is the route, the stations and the terminus location. I would recommend the Tillamook Line as the route, two stations in Milwaukie to best satisfy the current and future needs of the people and an extension of the Line to Park Avenue for the terminus. The terminus at Park Avenue will position the Line for further extension south when the time arrives for that to occur.

The first of the two stations should be on the north side of Harrison Street. This is a high-density area with numerous condos, apartments and other multiple dwellings with a large potential rider ship. In addition it has access within minutes to the HUB of the city. This stop offers far more than any other station option for the City of Milwaukie and should be given high priority consideration. The second station at lake road will adequately offer people access to businesses, schools and other points of interest in the south end of town.

It is of primary importance that proper and adequate consideration be extended to each of these options before casting your vote. Each one of you LEADERS are people of integrity, conviction and vision. You have all the information and facts you require to make the right decision and commitment.

THE PEOPLE OF MILWAUKIE ARE COUNTING ON YOU TO MAKE THE RIGHT DECISION. DO NOT DISAPPOINT THEM.

Respectfully submitted,

Arthur J. Ball
4960 S.E. Harvey St.
Milwaukie, Or. 97222

REGULAR SESSION

AGENDA

MILWAUKIE CITY COUNCIL JULY 15, 2008

MILWAUKIE CITY HALL
10722 SE Main Street

2034th MEETING

REGULAR SESSION – 7:00 p.m.

- | | Page # |
|---|--------|
| I. CALL TO ORDER
Pledge of Allegiance | |
| 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS | |
| 3. CONSENT AGENDA <i>(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)</i> | 1 |
| A. City Council Minutes June 3, 2008 Regular Session | 2 |
| B. Resolution Authorizing the City Manager to Sign an Intergovernmental Agreement Addendum with TriMet for Transit Police Reimbursement | 20 |
| C. Resolution Authorizing the City Manager to Sign an Amendment to the Oregon Department of Transportation (ODOT) Logus Road Appraisal Intergovernmental Agreement | 23 |
| D. Resolution Expressing Appreciation for Years of Service | |
| E. OLCC Application for Happy Baskets, 11097 SE 21st Avenue – Change of Ownership | 26 |
| 4. AUDIENCE PARTICIPATION <i>(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, "all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)</i> | |

5. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*

A. **2008 Locally Preferred Alternative for the South Corridor Phase 2 (Portland-Milwaukie) Light Rail Project – Resolution (Continued from July 14, 2008 Special Meeting)**

B. **Motion to Consider Continuation of Amendments to Milwaukie Municipal Code (MMC) Section 19.321.7 and 19.321.3 (Mike Swanson)**

6. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

Council Reports

7. **INFORMATION** **27**

A. **Riverfront Board Minutes of May 27, 2008** **28**

B. **Park and Recreation Board Minutes of May 27, 2008** **32**

8. **ADJOURNMENT**

Public Information

- Executive Session: The Milwaukie City Council may meet in executive session immediately following adjournment pursuant to ORS 192.660(2).
- 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.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

3.
CONSENT AGENDA

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
June 3, 2008**

CALL TO ORDER

Mayor Bernard called the 2031st meeting of the Milwaukie City Council to order at 7:01 p.m. in the City Hall Council Chambers.

Present: Mayor Jim Bernard, Council President Joe Loomis and Councilors Deborah Barnes, and Greg Chaimov. Councilor Stone was not present.

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Community Development and Public Works Director Kenny Asher, Planning Director Katie Mangle, Engineering Director Gary Parkin, and Assistant Planner Brett Kelder

PLEDGE OF ALLEGIANCE**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARD****Neighborhood Traffic Management and Pedestrian Safety Program**

Mr. Parkin reported on the progress of the Neighborhood Traffic Management and Pedestrian Safety Program.

CONSENT AGENDA**A. City Council Minutes**

1. April 1, 2008 Regular Session
2. April 15, 2008 Work Session
3. April 15, 2008 Regular Session;

B. Resolution 47-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Michael Sclar to the Citizens Utility Advisory Board;

C. Resolution 48-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Beth Kelland to the Citizens Utility Advisory Board;

D. Resolution 49-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the City Manager to sign an amendment to the existing dispatch service agreement with the City of Lake Oswego through Fiscal year 2012 - 2013;

E. Resolution 50-2008: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the Mayor to sign and renew the intergovernmental agreement with Clackamas County for a grant to maintain the Juvenile Diversion Program; and

F. OLCC Application for Save-a-Lot, 6100 SE King Road, Change of Ownership.

It was moved by Councilor Barnes and seconded by Councilor Chaimov to adopt the consent agenda. Motion passed unanimously among the members present.
[4:0]

AUDIENCE PARTICIPATION

None

PUBLIC HEARING

A. Amendments to MMC Title 18 – Flood Hazard Regulations and Title 19 -- Zoning

Mayor Bernard called the public hearing on the legislative Zoning Ordinance amendments initiated by the City to order at 7:09 p.m.

Mayor Bernard said this was be a legislative decision by the Council and was be based on the following standards state wide planning goals; applicable federal or state laws or rules; any applicable plans and rules adopted by Metro; applicable Comprehensive Plan policies; and applicable provisions for implementing ordinances.

Mr. Monahan reviewed the order of business. He explained The City Council decision would be the final decision of the City. All testimony and evidence must be directed toward the applicable substantive criteria. Failure to address a criterion or raise any issue with sufficient detail precluded an appeal based on that criterion or issue. Any party with standing may appeal the decision of the City Council to the State Land Use Board of Appeals according to the rules adopted by that Board. Persons with standing were those who submit written comments or testify and sign the City Council attendance sheet on the information table in the hall.

There were no actual or potential conflicts or interest declared. No member of the audience made any challenge to any Council member's ability to participate in the decision.

No additional correspondence on the matter was received after the Council packet was prepared.

Staff Report

Mr. Kelver said the purpose of the hearing was to consider an ordinance to adopt proposed amendments to the Milwaukie Municipal Code, which included amendments to Title 18, Flood Hazard Regulations, and Title 19, Zoning (File ZA-08-01) to comply with Federal Emergency Management Agency (FEMA) requirements and declaring an emergency.

FEMA had a National Flood Insurance Program, which was a mechanism that made flood insurance available and affordable for people who were in designated flood plain areas. FEMA maintained a system of maps that showed the flood plain areas, and the updated maps would become effective on June 17, 2008. FEMA and the Feds were conducting their own public process to make people aware of the updates. As part of the City's process they had notified the public by targeting those who had properties in the floodplain. The changes were largely housekeeping making sure the City Code was in line with the definitions and regulations that the Feds used to run the flood insurance program. They were referencing all flood hazard related issues back to Title 18, which was the zoning change. He pointed out the new areas on the map, and for the most part there had not been a great change. There were approximately 200 property owners with some portion of their property in the floodplain. All of those owners received a notice. He noted one area near Rowe Middle School that was not previously in flood plain and now was. For those owners in particular it was important to have access to flood insurance in the future. This was part of a federal process and the City really had no influence over the details of the maps. FEMA had an appeal process, and the City Council was only dealing with the code aspects. There were some serious

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consequences if not adopted. The City risked being suspended from the national insurance program. This was a legislative process, and there was criteria for Council to consider, which was could the proposed amendments conform to policies and plans. There was a policy in the Comp Plan that said the City shall participate in the Flood Insurance Program. The Planning Commission considered this matter on May 13, 2008 and recommended approval.

Public testimony in support of the application

None.

Neutral testimony

None.

Public Testimony in opposition to the application

None.

It was moved by Councilor Barnes and seconded by Councilor Chaimov to close the public hearing. Motion passed unanimously among the members present. [4:0]

Mayor Bernard closed the hearing at 7:19 p.m.

It was moved by Councilor Barnes and seconded by Councilor Chaimov for the first and second readings by title only and adoption of the ordinance amending Municipal Code Title 18, Flood Hazard Regulations and Title 19, Zoning and declaring an emergency. Motion passed unanimously among the members present. [4:0]

Mr. Swanson read the ordinance for the first and second times by title only.

Council was polled: Council President Loomis, Councilors Barnes and Chaimov, and Mayor Bernard voting ‘aye.’ Motion passed 4:0

ORDINANCE NO. 1983:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 18 FLOOD HAZARD REGULATIONS AND TITLE 19 ZONING, TO COMPLY WITH FEDERAL EMERGENCY MANAGEMENT REQUIREMENTS (FILE ZA-08-01) AND DECLARING AN EMERGENCY.

B. Staff Recommendation on the Location of downtown Light Rail Stations

Mayor Bernard called the public hearing on Milwaukie’s preferences for locating a light rail station or stations in downtown to order at 7:21 p.m.

The purpose of the hearing was to give the Council an opportunity to hear public comment on the station location preference stated in the proposed resolution. The resolution further directed the Mayor to forward those preferences to the South Corridor Steering Committee for consideration in the 2008 Portland-Milwaukie light rail Locally Preferred Alternative.

Mr. Monahan asked if there were any conflicts of interest as defined in ORS 244.

Mayor Bernard read a statement into the record.

“I am the owner of 2 properties that are in the general vicinity of some of the sites that are under consideration could be selected as a location for light rail station with the downtown. As a result I am declaring I have a potential conflict of interest as I believe that the action that is taken by this

Council could have a financial impact on me or the business that I am associated with. The properties I am referring to that are under my ownership are 2036 SE Washington Street and 11153 SE 21st Street. However, while the conflict.... Since the conflict I have identified is a potential conflict I do plan to participate Council discussion on this agenda item.”

There were no challenges to any member of Council's ability to participate in the decision.

Mr. Asher provided the staff report. The action was brought forth on behalf of community development, planning, community services, and engineering. The recommendation was crafted with considerable input from Mr. Campbell and Mr. Wheeler. The action was to adopt a resolution directing the Mayor to request the South Corridor Steering Committee to accept the following position regarding the City of Milwaukie's preference for locating light rail stations in downtown Milwaukie. He stated the 3 preferences: A. If the project terminates south of downtown of Milwaukie construct light rail stations at Monroe Street and Lake Road. B. If the project terminates in downtown Milwaukie construct light rail stations at Monroe Street and Lake Road. C. If downtown Milwaukie is to be served with a single station only, construct the light rail station at Washington Street. He reviewed the history and noted this was discussed in a work session on April 1 and talked about a process by which he said he wanted to bring this recommendation to Council for action at the second meeting in May. He and Councilor Chaimov talked about structuring the recommendation so it could accommodate different LPA decisions that were yet to come. The item was discussed in the Planning Commission work session on April 22, and at public meetings on March 19 and April 28. The reports from both of those meetings were appended to the staff report. He noted the issue of station location in downtown had been discussed for 2 years in meetings related to light rail. He said staff notified the neighborhood chairs and schools of this hearing.

He reviewed the underlying positions regarding the recommendation. Staff deliberated for some time to figure out what was important to the representatives, which were identified in the 7 principle recommendations. The recommendations were that downtown Milwaukie required at least 1 station. The station locations should help support the principles in the Downtown Plan. Consensus in Milwaukie about downtown station locations had not emerged over the last couple of years. Two stations in the downtown were preferable to 1. Downtown station choices have a negligible impact on downtown traffic. Station locations should take into account convenience for pedestrians, cyclists, and bus patrons, proximity to other uses including schools and redevelopment potential of nearby sites and those objectives should be balanced. Concerns about stations raised by Portland Waldorf School, and others are City of Milwaukie concerns also and should be addressed through station area design. Those 7 principles were really important in understanding how staff ended up with 2 stations and not 1 and the locations they were suggesting were optimal locations for light rail stations in the downtown. There was a long section in staff report that went through the strengths and weaknesses as they saw them for all 4 of the station locations he was talking about tonight. The choice was between Harrison, Monroe, Washington and Lake. There were 4 locations where conceivably you could place 1 or 2 stations to serve the downtown and were broken out from the alignment question. Southgate and Bluebird had other things related to the alignment itself, and they did not serve the downtown. Harrison, Monroe, Washington and Lake could be looked at as a grouping. Staff eliminated Harrison from the group of 4 because it had the least benefit for the downtown. He hoped Council and the community would consider not only ridership but also downtown benefits when considering the station locations. They looked at

ridership numbers and accessibility. It needed to have a certain number of ridership and benefits to justify it, but this part of the project was a local decision. He would say it was entirely local. The station placement would have a long and lasting impact on downtown development. Harrison was the farthest from the downtown core and south end. It was hidden behind the Portland Waldorf School and not much of that area was right for redevelopment, which placed it at a distant 4th. Of the 3 left, only 2 could be a pair, which were Monroe and Lake. They liked the idea of 2 stations downtown and saw good things happening. They knew there were concerns in the community and that staff needed to be concerned about bad things that could happen. They were paying close attention to that. Given the investment and change and improvement in the Downtown Plan they saw the stations as catalysts for more eyes on the downtown, more connections with other modes, and encouraged redevelopment. It was not an easy consensus, but they did have consensus around that pair of stations at Monroe and Lake. People liked Monroe mainly because of a connection to Riverfront Park, and it was elevated and easy to see and be seen. Lake Road was liked because it was closest to Main Street, and they were trying to activate the whole street with pedestrian traffic and retail. The third part of the action requested was that there were some people in the community who either stated or staff could tell would be more comfortable with 1 station rather than 2. When staff started thinking about the recommendation around 1 station they quickly recognized that neither Monroe nor Lake Road on its own was as good as Washington. Washington split the difference. It was not too far east or south, it was not far from City Hall and the Library so they built it into the recommendation that if the consensus was to not have 2 stations then Washington was the best location. Staff would continue to work with the community regardless of the action taken tonight. They would be meeting with St. John's tomorrow, had been talking to the Portland Waldorf School, and were going to meet with the new principal at the High School and continue to talk to the project partners. They would continue to talk to Council on how to integrate the stations, station design, and how to make them work with the community.

Mr. Swanson brought up 2 additional points of information as it was the appropriate time prior to public testimony. There was a proposed resolution that was circulated by Councilor Chaimov. The City Council had not met as an entire body or as a quorum to discuss it as it was just circulated. He distributed it and read the relevant portions, which was a substitute attachment 7, the staff's recommended resolution, which differed in the most important respect in the resolution clause that reads, 'Now therefore be it resolved that the City of Milwaukie hereby directs the mayor as representative to the South Corridor Steering Committee to seek the committee's acceptance of the following position regarding the City of Milwaukie's preference for light rail station locations in downtown Milwaukie. A. -- If the Portland to Milwaukie light rail project terminates south of Kellogg Lake construct a single light rail station in downtown Milwaukie at Washington Street. B. -- If the Portland to Milwaukie light rail project terminates north of Kellogg Lake construct a single light rail station at the projects point of termination'.

Mr. Swanson also had a statement from Councilor Stone because she could not be at the meeting tonight. He read Councilor Stone's statement into the record:

"As I am out-of-town and unable to be at the City Council meeting tonight, I have asked that this statement regarding the June 3, 2008 public hearing on station locations for light rail in Milwaukie be read into the record of tonight's meeting.

The question being asked, "What is the City's preference for locating light rail stations in downtown Milwaukie" is in my mind premature both from a planning and political point of view. Like my fellow councilors, I have received much correspondence from citizens opposing light rail and specifically opposing the Tillamook branch alignment that would place light

rail in the center of our small town, invading the peace, tranquility and safety of the surrounding neighborhood and schools. A petition with over 600 signatures opposing light rail on the Tillamook branch line and specifically requesting that a Main Street alignment be included in the SDEIS was presented to Milwaukie City Council months ago. The recently published SDEIS is not inclusive of this request. We continue to receive correspondence strongly opposing light rail & its proposed alignment, yet we are being asked to choose “our preference” for station locations in our downtown neighborhood. We have no idea what the design will be and where the powerhouses or terminus will be located, yet we are being asked to pick one or two locations. How can we realistically come to a decision if we don’t have all the details?

I am not an advocate of spending \$1.4 billion dollars of our transportation money on a six to seven mile long light rail project that does not relieve traffic congestion, that harbors criminal activity, and is completely disproportionate in scale and inappropriate to Milwaukie’s small downtown and neighborhood environment. Perhaps if I was, my position regarding the transportation dilemma in general and the placement of light rail stations overall would have some influence over those that plan our world and spend our money. I cannot and will not condone this or any other light rail project until the question of spending transportation dollars is brought before the people in a democratic vote at the ballot box. We go to the people to ask for their money to build their roads. Why would we not go to them to ask for their money to build light rail? We have done it before, it is the right thing to do and it needs to be done again now. If the tides have truly changed in support of light rail as some would like to believe, then put it to the litmus test and let the people vote.

What I *can* advocate for is a trolley line in Milwaukie’s downtown core that could some day be part of a broader regional network to connect us to our business districts at the Milwaukie Market Place, the Clackamas Town Center, Sellwood, Hawthorne, downtown Portland, the Pearl and south waterfront districts and perhaps even over to Lake Oswego. Many years ago, Portland had an extensive trolley line that serviced neighborhoods in the city. That is what I envision as an appropriate transportation project in our small downtown. Light rail is a **heavy** rail train that has no place in the heart of a quiet, unassuming neighborhood and a downtown only a few blocks in size. A trolley line running a loop through our downtown would be less expensive, less invasive overall, not need a dedicated right-of-way, share the roadway with all modes of transportation and overall fit into the theme of keeping our “small town feel” in Milwaukie. We need not sacrifice our community values of keeping that small town feel to satisfy a regional political agenda. Ask me about station locations for light rail in downtown Milwaukie and I will tell you there should be none. Ask me about station locations/stops for a trolley line and I will tell you there should be many.”

Mr. Swanson said Councilor’s Stone’s statement was not discussed as a whole or as a quorum, but the Council did possess the statement prior to the meeting so he thought it best to read it into the record as he had with Councilor Chaimov’s proposed resolution.

Testimony in support

- **Rob Kappa, Milwaukie**

Mr. Kappa's opening comment was, "build this thing". The challenges ahead would be to look at do we really need 2 stations in downtown Milwaukie. There was limited space in downtown Milwaukie for redevelopment. He would like to see 5-6 story buildings in downtown because it generated an interesting community. When you looked at the changes on Interstate and Mississippi some of the buildings there he questioned why they put them up, but there were other really attractive buildings along the line. He used light rail and the bus system 2 times each week. He did not drive to downtown Portland because it was too costly and too congested. It was a good amenity for our City and was needed because the reality was within a year we would be paying \$5 per gallon for gas.

Neutral Testimony

- **John Harrison, Portland Waldorf School Board of Trustees**

Mr. Harrison read his letter on behalf of the Portland Waldorf School Board of Trustees.

"Good evening. My name is John Harrison and I am a member of the Portland Waldorf School Board of Trustees. We would like to thank Council for the opportunity this evening to again share our thoughts regarding the South Corridor project.

Additionally, we would like to thank Councilors Loomis, Barnes, Chaimov, and Stone for recently visiting our school and experiencing the impact the project will have on our children. We hope the visit helped you have a better sense of the unique impacts this project will create for our school. Mr. Mayor we understand that scheduling conflicts have prevented your ability to visit the school, however, please know that our invitation for a tour of our facilities and an opportunity to engage in a deeper discussion regarding our concerns, remains open. We would be happy to host you this week, the next or the following.

In respect to this evening's discussion regarding station placement, we have several opinions regarding the topic.

Overall, we remain ardent supporters of mass transit and strong advocates for the study of additional alternative alignments through Milwaukie. After reviewing the published SDEIS we find no evidence that our chief concerns related to safety, security, noise, vibration, and the overall material financial impact on the school, have been addressed. This project will impact the delivery of our educational mission – our core asset; this creating material impact that has not been addressed. Further we are confused as to why the school or the City should have confidence in Metro's ability to address these concerns – given Metro's track record of keeping commitments made with the City.

It is past time for Metro to get specific regarding how our concerns as well as other affected property owners will actually be addressed. We are hopeful that the City and Council will play a leadership role in securing legal guarantees that all affected Milwaukie property owners concerns are fully addressed to a mutual level of satisfaction – not to Metro's sole satisfaction.

In respect to station placement, we remain adamantly opposed to a station at Harrison (north or south) or Monroe. A station at either of these locations creates grave safety and security concerns for the well being of PWS students, staff and families. While being respectful of the City staff's

recommendations for two stations in Milwaukie, we see no benefit with the creation of multiple stations.

Additionally, in the staff's recommendations to Council we'd like to clear up one item. In the recommendation it states; "The staff believes the outcome that would be most consistent with the position taken by representatives of these schools would be one station only, at the Lake Road location." To be clear, we have not at any time endorsed a Lake Road station location, nor have we endorsed the South Corridor project in its current form.

In respect to the staff's specific recommendation, three are offered:

"A. If the project terminates south of downtown Milwaukie, construct light rail stations at Monroe and Lake Road" This option creates grave safety and security concerns for the Portland Waldorf School and should not be considered.

"B. If the project terminates in downtown Milwaukie, construct light rail stations at Monroe and Lake Road." This option creates grave safety and security concerns for the PWS and should not be considered.

"C. If downtown Milwaukie is to be served with a single station only construct a light rail station at Washington Street." While not an endorsement of a Washington Street station placement given all of our previously stated concerns regarding the project, this option will have a lesser impact on the PWS than option A or B.

Given these options, we hope that Council will strongly evaluate and consider a 'no build' option – an option not presented by staff – but one that may be the only viable option worth of recommending given the commitments Metro has thus far made to the affected property owners in Milwaukie."

- **Ed Zumwalt, Milwaukie**

Mr. Zumwalt spoke representing the Historic Milwaukie Neighborhood Association and read his statement into the record.

"Staff's recommended light rail stations at Monroe and Lake combined with TriMet's proposed bus stops at 21st/Harrison and 21st/Washington will as stated in the staff document create a transit hub, which would connect thousands in downtown Milwaukie. This is exactly what TriMet has always wanted. To turn downtown Milwaukie into the transit hub for North Clackamas County, which is the underlying reason they pulled out of Southgate. Our downtown for all intensive purposes will be destroyed. The present transit center on 21st, which the City had tried in vein to have moved for years and which TriMet has promised them several times, will now be at least doubled and probably much more. Who in their right mind would want to have a business anywhere on 21st? Just visualize that mess. As for citizen participation on station siting, at the March 19 meeting 93 people or 42% selected Southgate and that site was completely ignored and sites with 15% and 19% were selected, so much for citizen involvement. In all fairness most of the 42% of people that voted many would have liked light rail to stop their and gone out to Hwy 224, Town Center, Oregon City, and Damascus instead of coming into Milwaukie. An observation, one-quarter mile is the minimal reasonable walking distance for stations and between stations. It should be noted that

it is the exact radius the Gresham Mayor opted to patrol because of heightened major crime. Think of incursion on our neighborhoods and schools. Six weeks ago he and a friend visited stations in Beaverton and Hillsboro. It was mid-day they found 2 transit police stations locked and unattended with debris in front of the doors so they had not been opened for days. At the Mark Hatfield station in Hillsboro, seemingly the main station, an emotionally disturbed young man was causing a major disturbance, which should have called for a police response but there were no police. Also, unless they missed something there were no cameras and evidence at any of the 4 stations they visited. They might be concealed, but he didn't know. There were signs indicating there were cameras aboard the trains, but he doesn't go on the trains so he could not verify that. All in all they feel the recent big hullabaloo about crime and security was just another in the 21 year history of TriMet's knee jerk reaction to crime. There has not been much heard about security lately. There didn't seem to be too much interest in what the two adjacent neighborhoods thought about stations or about light rail. Their neighborhood was the canary in the coalmine and if we die all of the neighborhoods will die. It is obvious staff feels economic development and rebuilding the downtown far outstrips the importance of neighborhoods and livability is far down the list. Remember a balance must be attained. As intelligent, able and hardworking as staff may be they did not have to live here. We must remember that Portland is the swizzle stick that stirs the drink in the region, but leadership should be weary in trying to emulate them. In our rush to Portlandization we probably won't become the South Pearl, but more like Rockwood on the cheap."

- **Bryan Dorr, 2755 SE Olsen St. Milwaukie**

Mr. Dorr was not too thrilled about having light rail in the City of Milwaukie. He agreed with Councilor Stone. A few years ago the Ardenwald neighborhood was ranked as the #1 neighborhood in the *Portland Monthly* because it had one of the lowest crime rates. When we get light rail we can probably see that reputation go bye-bye in Ardenwald, Historic Milwaukie and the other neighborhoods. Milwaukie was a nice, quiet small town and should not be a transportation hub. As Councilor Stone said those trains were big, and it was like a beast stomping through the neighborhood. It was a dinosaur. The other problem with light rail was that the construction cost was about \$1.4 billion. If anyone remembers the estimated cost of the Portland aerial tram was initially \$15 million and later ballooned to 4 times that amount. Light rail could possibly do the same. How can we afford that? If property taxes go through the roof and residents have to pay more for light rail, then residents might start moving out of town where it is a lot cheaper. Light rail would force people to leave.

- **Jerry Foy, St. John the Baptist**

Mr. Foy said that Mr. Asher was right in saying there was no consensus on one location for these stations. There was a lot of distress going on amongst the community. There were some in favor, some adamantly opposed, and some ready to rebel. If he understood correctly Council would make a decision tonight. He would implore Council to delay the decision. As mentioned earlier people in St. John's, the community, and maybe Waldorf would be meeting with TriMet and Metro tomorrow night at St. John's at 7 p.m. They had planned to ask some critical questions and had been in contact with Claudia from TriMet. He thought the meeting would be formatted in such a way that people were not walking around looking at boards and having no give and take with

TriMet and or Metro. It would be a much better and much more evolving meeting getting into actual dialogue between the parties that would have better results. There was a comment in the report about staff not seeing any major impact on traffic flow. He could not believe that a traffic engineer would indicate that there was no major impact on any of the streets. When he downloaded the staff report on his computer he did not get the attachments, so he did not have them until tonight about the proposed revised bus flow. As he understood it there was a huge number of buses that would be trafficking between Washington and Harrison going up and down 21st, which would only add to the congestion at those intersections. That was added distress to the project. He was at a meeting at Putnam and asked for the traffic report, but he had not seen it. He would like to see the report. He had been heavily involved in his career in traffic flows and he understood traffic reports. The cost was brought up again. A person boarding this light rail, with the numbers provided by TriMet had provided, was in excess of \$25 per trip. He understood TriMet agreed to that number. For all those reasons and even that staff had some major issues with determining location he asked again for Council to delay the decision on station locations.

- **Marilyn Wall, Clackamas County**

Ms. Wall was a member of St. John the Baptist congregation. Council was probably tired of hearing the same things from them, but the reason was that none of those issues had been resolved. Until they were resolved Council would continue to hear the same comments that were affected by the light rail. The matter before the City Council was station location. After pointing out something obvious there was no other city in this region that was being asked to forfeit its historic area for light rail. It did not happen in Hillsboro. The Hillsboro City Council specifically enacted rules that would protect its historic area. It did not run in the historic areas in Hillsboro, Beaverton, Gresham or old town Portland. Only in Milwaukie had we been asked to give up the historic town center and destroy the ambiance that was eloquently spoken to by Mr. Zumwalt. If Council is intent on having it here the staff had stated that stations were catalysts. That was a conclusion in which they produced no evidence that substantiated that fact or that stations produce anything other than crime. It was noted in using a 2 station configuration, where was the parking? How would people get to the station and where would they park cars? There was no proposal for a parking garage other than near the Lake Road. Therefore it seemed to her the most obvious solution was that if you were going to put a station there it should be at Lake Road where you were proposing the infrastructure to support the users. That was the urban amenity that people who travel on light rail were looking for, some place to park their cars. Redevelopment of Milwaukie was supposed to be down there and while it was true that the north end currently had the most development that did not mean that is where it all should be. The placement of the station at Monroe didn't get you much closer to the north end development. As the staff said the stations were proposed to be barely a ¼ mile apart. That was not enough distance and only in two places along the entire light rail system had that been a sufficient distance and therefore the conclusion that you need 2 stations in Milwaukie, in her opinion, were flawed. Mr. Asher drew a conclusion in balancing these on the balance you need to have 2 stations. That was not the balance. The balance was that there should be no stations, but if there must be a station it should be at Lake Road where there would be infrastructure. The visual connection and pedestrian experience would be enhanced by having a Lake Road station because it would encourage people to move along the new corridor proposed for Main Street. It would mitigate the effects to PWS and St. John the Baptist School directly. Stations did bring with them baggage irrespective of how people wish to ignore that. That had not been addressed nor has how the City would pay for it. It would be their request that if Council did wish to proceed with light rail and select stations that Lake Road be the only acceptable alternative.

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- **Ed Parecki, Milwaukie business owner**

Mr. Parecki dittoed Ms. Wall's comments. Her presentation was eloquent, and he agreed with everything she said. He thanked the Mayor for the first time since 2004 declaring his conflict of interest regarding light rail. He would also like to say that any light rail station location choice at this point or any point in the future was pointless. TriMet had told us at many meetings that no matter what the City chose they had the ability and flexibility to move a station to anywhere they wanted within that corridor. TriMet could come around later and move it to where they thought it would work for them. Last year over 600 people asked for an alternative to the one alignment to be included in the SDEIS and that was not included in SDEIS so he believed the whole process had become a very flawed and should not be even considered. There should be no choices made here about light rail stations. The only station that made sense should there be a light rail station was something along the lines of Washington and McLoughlin Boulevard on a highway. Another thing that had not been addressed was how would any of the stations be funded via tax money. He understood if light rail was on 99E there would be no way for citizens to be taxed for that alignment because that was on state highway. If it was on the Tillamook line it opened up the possibility for every resident to be taxed. They were looking at \$5 million minimum, which was a low ball. He had a real difficult time being told to make a decision he did not wish to make. He opposed any alignment through downtown Milwaukie. The Tillamook branch line was the only alignment that had been offered and it was not something they wanted to choose. You were telling us to make a choice. Say we were to ask for the City Council to be removed from office, he would give 2 choices. Would you rather resign or be recalled – make a choice. This was the feeling he was getting. They don't want to make a choice, but a choice was being forced upon them and it was not fair. He urged Council to go with the only other alternative available 'no build'.

- **John Robinson, Gladstone**

Mr. Robinson was a St. John's School Board Member. He thanked Councilors Chaimov and Loomis for their responses to his email. He had not heard from Councilor Barnes or the Mayor. He hoped to get one eventually because he was sure in the upcoming campaign he would be asked to make a donation. He liked light rail. He was here because he was opposed to this. It was in his back yard, and he did not like it. Light rail was not safe. He would not let his family ride light rail at night. He did not think any proximity to schools was a good idea. He felt TriMet was presented with a pretty good opportunity with a lot of safety issues around light rail, and they failed miserably. Mr. Hansen's response in particular was anemic. He hadn't heard a thing about it since. If this were put in the area of grade school children Council would be making a mistake. It was not a safe system. At least on a bus there was a driver. On a plane there were flight attendants and pilots. Here unless someone could show him differently he had never seen a security guard, and he had never been asked for a ticket. He did not know where the protection of our children was coming from. He agreed that Lake Road and the high school would be a good spot, but anywhere near an elementary school was a mistake.

Staff response:

Mr. Asher pointed out the alternatives that were listed in the staff report. He reminded Council that it need not pass the resolution or even vote on the resolution tonight and could postpone this decision to June 17, July 1, or July 15. They could ask staff to go back and do more work, which staff would be more than willing to do. They could seek additional input if Council would like. While they were asking that Council take action tonight and felt that they had done a goodly amount of outreach and analysis they could do more. Several people talked about the alignment issue. It was not the alignment

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that they want to see studied. He brought 2 studies from last summer that they spent a lot of time looking at, which were some of the alternatives that were talked about tonight. The McLoughlin alignment study was done almost a year ago, and a couple of months later a Main Street alignment study was done. He would be more than happy to share with Council the impacts that those alignments that were found to have on downtown Milwaukie. It was everything from parks impact, traffic impact, on street parking, traffic lights, etc. They were not part of this SDEIS and that was a decision made by the Project Steering Committee based in great part on the City Council recommendation from last summer. The EIS appendix outlined the history of the alignment options that had been studied in this corridor that went well beyond this one. There was a work session item on the June 17 agenda to hear about the LPA and in that presentation he had asked Metro to give Council information about the 'no build' alternative. He reminded everyone that the question being asked tonight was about station. It was not to ignore the other questions it was just to take them in an orderly fashion so getting through the downtown station discussion would move on to the LPA, which dealt with the entire alignment and the 'no build' was an option in the EIS and they intended to brief Council on it. There was a comment about the amount of bus traffic in the downtown. The appendix described in a diagrammatic way how new bus routes and the interaction of buses and light rail might occur in 2015 and into the future. He felt it was important to remind Council about the TSP that was just adopted. It was a citizen process with a great amount of care and attention and input and he worked on the transit chapter and affirmed with that group that downtown Milwaukie would continue to have bus service and a lot of it. Having a convenient and desirable bus service and public transit, potentially to include light rail, was seen in our policies as supporting the environment, housing, and job growth. What they didn't like was the facility that we had today. They did not like the layout and they did not like the shelters and the lack of seating and that all needs to be changed. It was never part of the City's policy to diminish the amount of bus service in downtown. That was important to keep separate and it was important for Council to keep that in mind. Indeed the citizens who had commented on bus routes in the downtown were reacting to something that was real. The difference was that it was policy supported and we need to be smart about how we did it. Safety and security issues were raised, and he would invite everyone to pay attention to the MOU that staff was working on with TriMet that dealt with safety and security and not in a general way. It dealt with it from a Milwaukie perspective in which they insist on cameras at all of the stations, and they continued to make the request for new patrols dedicated expressly to this line and to Milwaukie and for assistance in patrolling the existing transit facility currently downtown. They did not intend to let that rest. Mr. Unsworth was here from TriMet if Council wanted to ask questions about the cost issues that were raised. He also suggested that Mr. Swanson and Mr. Palacios could brief Council on funding. He said staff did not establish the evidence in the staff report that stations were catalysts for land use changes, but there was ample evidence out there for it. One place that it would be easy to look at for a quick answer on that and some sources that were cited would be on the City's website. He noted that Mr. Wheeler had been instrumental in setting up a Q&A area on the homepage. There was a question that dealt with land use changes that tend to occur around stations. It had not been his experience nor did he feel the record showed that the only thing that happened around stations was criminal activity. In fact, there was a lot that happened in and around stations and some of it was economic development and positive economic change.

Mr. Asher restated the recommendation and resolution.

It was moved by Councilor Barnes and seconded by Councilor Chaimov to close the hearing. Motion passed unanimously among the members present. [4:0]

Mayor Bernard closed the hearing at 8:26 p.m.

Mayor Bernard said he would like to make an amendment to Councilor Chaimov's proposed resolution. A. -- In the whereas if Portland to Milwaukie light rail project terminates south of Kellogg Lake construct a single light rail station in downtown Milwaukie at Lake Road. B. -- If Portland to Milwaukie Light rail project terminates north of Kellogg Lake construct a single light rail station at the project point of terminus. There were a couple of reasons he thought that would work. One was that he owned a business across the street from where the light rail would be located, and he had watched that spot probably since the day he was born. He thought it would have a major impact on Washington Street. Also, the distance between Monroe and Washington Street was fairly minimal and he could not see putting another station north of Monroe. If it was south of Monroe that would be such a short distance, and he could not see TriMet putting a station at those distances. That was his proposal. The only difference from Councilor Chaimov's proposal was a light rail station downtown Milwaukie at Lake Road. If it terminated north of Kellogg Lake that there was a single station at its terminus, which would be Lake Road.

Councilor Barnes said it had been an interesting couple of weeks, and she thanked Portland Waldorf School and specifically Walt Dimick. Going into the School did give her a different insight. Her concern was not the noise as much because as a schoolteacher kids would live with noise. If they were not prepared in the school to deal with noise, the real world would be a very big shock. For her the school situation was a safety concern. There had been a lot of discussion about safety and that had not been given up or that there had not been discussion lately about the safety issue. That was not true. If she did not believe as much as she did in Chief Kanzler then she would probably listen to that comment, but she knew that Chief Kanzler gave every indication that he would continue to stand up for Milwaukie. For people thinking that Milwaukie had given up on safety that was not true. She made it very clear to TriMet that she would not rest until the cameras were in the stations. That was the #1 issue for her, and she wanted them to be seen by someone on the other end. She would not sign anything until it was in writing. She understood the size of the stations and did not believe we needed more than 1 downtown because of their size. In 1998, when people voted, it concerned her today that we were having a repeat. In 1998, the cost of gas was \$1.20 per gallon and today it was \$4.15 per gallon. If we waited another 10 years there was not anyone in this room that would think that the cost of gas would be any cheaper. We will never see \$1.20 again. \$4.15 today will be our \$1.20 of 10 years ago. For those people in our community who do not have a lot of money, their only option was public transportation. Our growing elderly population needed as many alternatives as possible. Our population and our situation with economic instability needed as many options as possible. She would not be able to drive when she was 80 years old. Their jobs as Council members now and by the 1998 Council was to look ahead. If we had not argued and said the same things then as now, we would have had more transit possibilities for our residents, and we would not be facing only \$4.15 per gallon for gas. Somebody in our neighborhood including Historic Milwaukie could have gotten on another transit option and done their business and maybe met with their grandchildren in another part of town. She was not willing to step back now and be bullied by some who say they would do things to us like they did 10 years ago. It may have worked then, but she did not think it would work this time.

Mayor Bernard asked if she had an opinion on the proposal by Councilor Chaimov or his amendment?

Councilor Barnes said she did not know about Lake Road until tonight. She liked Councilor Chaimov's idea because she thought the lumberyard had redevelopment opportunities. It was close to Milwaukie High School, and a majority of people at MHS

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liked the notion of light rail for field trips. She was leaning toward the Washington site right now.

Councilor Loomis said a couple of things about the resolution. It was hard to come up with consensus about what it would do to the community. In reading through the staff report and the staff recommendation he was leaning toward Lake Road. He did not know if he was prepared tonight to move forward with that recommendation until it was discussed more. It sounded like there would be another meeting at St. John's, and he asked Mr. Asher if it would help them at all in the station location decision or would it be beneficial to wait until after that meeting.

Mr. Asher said he would be there. He felt it would have been great to have the meeting prior to tonight. They made several requests and he was glad that it was finally happening. It may help because he thought they would get a much finer grain sense of what that school was expecting, experiencing, and concerned about as Council did at the Portland Waldorf School. The school said they were opposed to Washington, and he had no doubt that tomorrow night they would hear that position more strongly. As a matter of good form if Council wanted to allow that meeting to happen before a decision was made that was fine. He did not want to rush the decision. It was good to make this decision. This was a massive project and he did wish to knock some things down in order, but they could wait for that meeting to occur.

Councilor Chaimov was happy to proceed tonight or wait until June 17 if that did not disadvantage the decision-making process. One major point from his perspective was this vote had nothing to do with if light rail should come to Milwaukie or not. It was where the station would be if light rail did come to Milwaukie. The no-build was still on the table. We need to plan for alternatives one of which was light rail would come to Milwaukie, and if we want to have a say in defining that alternative this was the vote that we needed to take. Whether it was tonight or on June 17, or whether it was Washington or Lake Road Milwaukie needed to make our views known.

Councilor Barnes asked why Councilor Loomis was leaning towards Lake Road?

Councilor Loomis replied it was closer to the park and high school and got away from the grade school.

Councilor Chaimov asked Mr. Asher if there were substantial pros and cons not wedded to Washington.

Mayor Bernard added he chose Lake Road because of the potential opportunities to leverage the dollars for that end of town. He thought of this similar to what they were looking at in the Downtown Plan as a catalyst at one end of town.

Mr. Asher focused on Lake Road, and it was an interesting option. Its strengths appealed to some people, but its weakness really caused worry for staff. In the work session tonight they talked about the key principles and the fundamental concepts in the Downtown Plan. One of the key principles was that there be anchors on both ends of Main Street. Of all the stations Lake would seem to do that the best because it would pull people all the way down to Lake Road. When the Center for Environmental Structure (CES) was here they asked him an interesting question. They said that we want to create magnet down here, but what was the magnet that would pull people down here. A plaza might not be able to do that all by itself. If we were going to have a light rail station somewhere in the downtown CES was in favor of that concept. They noted that it was distant from schools and was close to a proposed parking structure. If and when the Kellogg Lake work was done it would have access to Riverfront Park. Those were a lot of strengths and there was a lot of appeal in what he said. Weaknesses were that it was distant and quite far from the heart of things today. They noted in the staff report it felt farther than it really was. Today there was no reason to

go down there. It was not a destination point in the downtown today, and while we had great aspirations for south downtown the fact remained that most of the civic uses were to the north. Most of the recent investment had been from Monroe Street and north. Most of the activity, even in the future, may well happen north of Harrison. There was a lot of redevelopment that would happen north of Harrison and that was not thought about, but north of Harrison to Lake Road was quite a distance. The weakness with Lake Road was that if it was the only station we would be siting that one station at the end of downtown and the uses around it like the High School and Kellogg Creek were not uses that would intensify the use of the station over time. It would be an odd choice from a transit planning perspective to put it that far away with those adjacent land uses. He thought part of the reason he liked it with Monroe was that coupling it with Monroe addressed some of those weaknesses. Monroe took care of some of the things related to distance and that was why they ended on Washington.

Mayor Bernard commented people in other parts of the world were skinnier because they walked a couple more blocks than we were willing to walk. Two blocks would not be that big of a difference.

Mr. Asher said if the project gets built and terminates in Milwaukie it may turn out that this was the terminal station. If it was the terminal station, as they described in the staff report, the configuration of the station was different than if you were at any other station on the line. The reason for that was because where the line terminates is where you have a 3rd track for a layover train and there was usually an operator break room and a substation. The profile of the station got fatter and took up a little bit more land. He personally had a different feeling about Lake Road if it was a regular station compared to a terminal station. If it was a regular station it preserved more land for redevelopment and the station footprint was more slender than if it was a terminal station. If Lake Road did not have a lot going for it in terms of what is immediately around it now it would be handicapped by being the only station in town and being a terminal station as compared to Washington, which they knew would not be a terminal station or Lake Road if the project gets down to Park Avenue.

Mayor Bernard he would have a hard time if it ended in Milwaukie. He would fight that it did not end in Milwaukie.

Mr. Asher said the resolution drafted suggested that we could end up there.

Councilor Chaimov said ending in Milwaukie was unlikely to garner much support. He was happy to accept Lake Road as a friendly amendment in substitution of Washington and proceed with the vote.

Councilor Loomis was most comfortable with Lake Road. He was curious by what they might hear from the community. He thought he could support Lake Road tonight.

Councilor Barnes was concerned it might end at Lake and was not sure how they kept it from doing that. She did not want it to terminate there. How did we make sure it kept going?

Mayor Bernard said he would have difficulty ending in Milwaukie, and he had told them that. \$250 million was dependent, in his opinion, on Milwaukie satisfying its concerns in the MOU.

Councilor Chaimov was not aware of any member of the Council that was in favor of ending at Lake Road.

Mr. Asher said that decision was not in the hands of Council. The action Council would take in July would be to endorse or endorse and amend an LPA, which would be the project that was the region's intention to build. Whether we get it built depended on financing. While he appreciated the Mayor's great gusto and the City Council's

commitment to an LPA that did not terminate at Lake Road he suggested that the thing to do here tonight was if people were comfortable with Lake Road on an alignment that did not terminate in Milwaukie that Council could go ahead and make that statement and reserve the right to have more deliberation either amongst Council or with partners as to what to do if in fact you needed to hedge your bet.

Mayor Bernard said since no motion was really made there was no amendment. The proposal was "If Portland to Milwaukie light rail terminates south of Kellogg Lake construction of single light rail station in downtown Milwaukie at Lake Road."

Councilor Chaimov assuming that the line ended at Lake Road where else could there be a station? Could there be a terminus at Lake Road?

Mr. Asher replied it was unlikely. TriMet had looked at that kind of arrangement and was not optimistic that it could be done. His answer to that question was if it were to terminate at Lake Road there would likely be a station at Lake Road and staff thought a second station was part of the answer to that dilemma.

Councilor Chaimov said he would leave subsection B.

Mr. Asher said if you knew for certain that Lake Road was the terminal station was that still Council's preference? He was simply introducing the idea of Lake Road, as a terminal, was a different kind of station than Lake Road terminating at Park Avenue.

Councilor Chaimov was hearing from Mr. Asher was that if the station terminated at Lake Road the staff recommendation was to have second station at Monroe Street.

Mr. Asher said that was where staff ended up with its recommendation. Staff did not believe only having a Lake Road station as a terminal station at Lake Road was the way to go.

Councilor Chaimov appreciated the recommendation and the staff report was absolutely terrific. He got a lot of information out of but did not agree.

Mr. Swanson said if the Council's preference was for a single light rail station rather than having an A or B, the final paragraph could read, 'Now therefore be it resolved that the City of Milwaukie hereby directs the Mayor as representative to the South Corridor Steering Committee to seek the committee's acceptance of a single light rail station at Lake Road in downtown Milwaukie'. That simplified and incorporated some of what he was hearing. There was no consensus, and everyone on staff realized and struggled with every issue regarding light rail. He spent an inordinate amount of time thinking about it today and 40 years from now. In the sense the difficulty with this issue and many that they dealt with was that Council was really in two places simultaneously. They were here today and were also at 40 years from now. Today was pretty easy to hear, but tomorrow whispered. That was a very difficult thing because when you looked at the future everyone was correct because it was all opinion. He heard and understood the reasoning for 1 station. He just wanted to weigh in. When he looked at the present and then the future he was not a 20-mile a week walker. He saw a lot of people getting off of public transportation that for them a block was along way to walk not because they were in bad shape, but because they were disabled or had difficulty. Placing a single station and only at Lake Road he thought dealt with Main Street. He had heard loud and clear what Council was saying about a single station, but off in the distance he heard a whisper. The whisper said that there would be demands in the future and not everyone would be well served by 1 station. He wanted to make sure that he also took a position with respect to this. It was a difficult issue.

Mayor Bernard observed that Monroe Street was downhill one way and uphill the other. Washington and Lake Road were pretty flat. He could not imagine a structure except at the Milwaukie Lumber site ever being built that held a large number of citizens

on 21st, but he could see it on Main Street at Lake Road, which some day he could see a farmers' market mall there.

Councilor Chaimov asked Mr. Swanson to repeat his suggested language.

Mr. Swanson replied to delete A & B and the last paragraph would read, "Now therefore be it resolved that the City of Milwaukie hereby directs the Mayor as representative of the South Corridor Steering Committee to seek the committee's acceptance of a "single light rail station at Lake Road in the City of Milwaukie."

Councilor Chaimov said there needed to be something in the resolution that made light rail coming to downtown Milwaukie contingent. There had to be "if" in there.

Mr. Swanson suggested using the first clause in A & B.

Mr. Asher said this section with the exception of the terminal issue used the same alignment in all of the alternatives.

Councilor Chaimov asked did we want to say if the Portland to Milwaukie light rail project proceeds into downtown Milwaukie as the contingency?

Mr. Asher asked if the contingency was a contingency that if the project was built at all?

Councilor Chaimov replied yes.

Mr. Asher thought it was fine to say it that way.

Mr. Swanson said it would be stated, "if the Portland to Milwaukie Light Rail project continues into downtown Milwaukie that the City of Milwaukie hereby directs should the Portland to Milwaukie light rail continue into downtown Milwaukie directs the Mayor as representative on the South Corridor Steering Committee to seek the committee's acceptance of a single light rail station at Lake Road."

It was moved by Councilor Chaimov and seconded by Councilor Barnes to adopt the resolution as amended. Passed unanimously among the members present. [4:0]

OTHER BUSINESS

Council Reports

Councilor Chaimov reminded people of Kate Gray's poetry reading, the Poetry Picnic in conjunction with the Milwaukie Daze in Scott Park, and the Annual Library Book Sale. He would be speaking at the Ardenwald School Groundbreaking Ceremony.

Councilor Barnes congratulated the Milwaukie High School Class of 2008 who would be graduating Sunday at the Chiles Center. She invited people to attend the City Hall Birthday Celebration on July 11, 2008.

Councilor Loomis said the Board of Clackamas County Commissioners meeting on June 5 would have folks there in support of the library district.

Mayor Bernard said Blount would be receiving an EPA award. The Milwaukie and Putnam High School and Rowe Middle School groundbreaking ceremonies were on Thursday. He encouraged people to visit Farmers' Market every Sunday through October.

ADJOURNMENT

It was moved by Councilor Chaimov and seconded by Councilor Barnes to adjourn the meeting. Motion passed unanimously among the members present. [4:0]

Mayor Bernard adjourned the regular session at 9:04 p.m.

Pat DuVal, Recorder



3.B.

To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Larry R. Kanzler

Subject: Renew Intergovernmental Agreement – Tri Met Officer Program
Program

Date: July 2, 2008

Action Requested

Adopt a resolution authorizing the City Manager to sign and renew the Intergovernmental Agreement with TriMet, which provides reimbursement funding for the use of officers/sergeants assigned to TriMet's Police Division.

Background

The City of Milwaukie and TriMet currently operate under an intergovernmental agreement whereby the City of Milwaukie provides police officers and supervisors to TriMet in exchange for reimbursement of the personnel costs associated with these positions. This agreement has been in place for nearly 10-years and has worked very well with the exception that every time an officer is reassigned or added to the deployment scheme the agreement had to be rewritten to amend the number of personnel assigned to TriMet. This addendum (addendum number 1) modifies the IGA allowing TriMet the option of adding additional police personnel without rewriting the agreement each time an officer position is added.

This amended agreement will streamline the ability for both agencies to add personnel, when in agreement and funding becomes available, without having to rewrite the agreement. This amendment will reduce the administrative workload and provide a vehicle to quickly assign police and supervisors as funding and resources allows.

Concurrence

Milwaukie Police Department
City Attorney

Fiscal Impact

None Identified

Work Load Impacts

The need to rewrite the intergovernmental agreement that provides the flexibility to service this need will be eliminated.

Alternatives

None

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN AND RENEW THE INTERGOVERNMENTAL AGREEMENT (ADDENDUM NO. 1) WITH THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON TO PROVIDE POLICE SERVICES TO THE TRIMET POLICE DIVISION.

WHEREAS, the City of Milwaukie is developing strategies to provide high quality livable communities ; and

WHEREAS, the City Council has directed city staff to develop cost effective programs to improve community livability and safety; and

WHEREAS, TriMet and the City of Milwaukie cooperate to provide safety programs on TriMet conveyances and properties;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager to sign and renew the intergovernmental agreement with TriMet to receive reimbursement for personnel services.

Introduced and adopted by the City Council on July 15, 2008.

This resolution is effective on July 15, 2008.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis, PC

Pat DuVal, City Recorder

City Attorney



To: Mayor and City Council

**Through: Mike Swanson, City Manager, and
Kenneth Asher, Community Development and Public Works Director**

From: Alex Campbell, Resource & Economic Development Specialist

Subject: Revised ODOT Appraisal Logus Road Improvement Project IGA

Date: June 27 for July 15, 2008 Regular Session

Action Requested

Approve a Resolution authorizing the City Manager to sign an amendment of the City's IGA with ODOT for appraisal services for Right-of-Way acquisition for Logus Road Improvement Project; the amendment would increase the not-to-exceed amount from \$10,000 to \$30,000 and extend the termination date to June 30, 2009.

History of Prior Actions and Discussions

April 2008 – Council approved the original IGA for appraisal services (resolution 32-2008).

Background

The Logus Road Improvement project will construct a sidewalk along the south side of Logus Road between Stanley Ave. and 49th Avenue in the summer of 2008.

City Council approved an IGA with ODOT for ODOT appraisal services for any right-of-way dedications/easements that must be purchased for the project in April 2008.

This first phase of appraisal covered 7 easements or right-of-way acquisitions. Staff has since determined the need for 10 additional appraisals, some of which will be purchased, some of which will be donated, but appraisal is required for mortgage liens to be released to allow the placement of the easements.

All necessary funds were previously budgeted for within the Logus Road Improvement Project budget.

Concurrence

Community Development staff have been working closely with Engineering on all aspects of the project and consulting with Community Services on project outreach. ODOT provided the original IGA language and agreed to minor changes requested by the City.

Fiscal Impact

None. Funds for appraisal services are included in project budget.

Work Load Impacts

Engineering and Community Development staff are devoting substantial time to this project. The requested amendment will allow staff to carry out work as outlined in existing work plans.

Alternatives

Council may direct staff to seek private sector appraisal services or seek an IGA with another jurisdiction qualified to carry out this type of appraisal work.

Attachments

1. Resolution (ODOT IGA Amendment)

ATTACHMENT 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DIRECTING THE MAYOR TO APPROVE AN AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE PROVISION OF APPRAISAL SERVICES FOR THE LOGUS ROAD IMPROVEMENT PROJECT.

WHEREAS, The residents of the Lewelling Neighborhood have long sought the addition of sidewalk to Logus Road to improve pedestrian safety in the area; and

WHEREAS, The City, with the financial support of the Bike and Pedestrian program of the Oregon Department of Transportation and the Clackamas County Community Development Division, is undertaking a project to build a sidewalk on Logus Road between 49th Avenue and Stanley Avenue; and

WHEREAS, The State of Oregon is contributing grant funds to the project; and

WHEREAS, The City will comply with all State and Federal rules regarding property acquisition for public projects;

WHEREAS, ODOT is able to provide the City with the needed appraisal services in the most cost-effective manner; and

WHEREAS, The City Council expressed its approval for the original IGA via Resolution 32-2008; and

WHEREAS, City staff has determined the need to expand the number of appraisals needed to be completed for the project,

NOW, THEREFORE, BE IT RESOLVED that the Mayor is directed to approve and amendment to Local Agreement No. 24720 with ODOT to provide services to the City in the form of property appraisals for Right-of-Way Dedications and construction easements in return for compensation of such services; the amendment shall specify an increase to the maximum obligation for the City for such services from \$10,000 to \$30,000 and extends the duration of the agreement to June 30, 2009.

Introduced and adopted by the City Council on July 15, 2008.

This resolution is effective on July 16, 2008.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney
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To: Mayor Bernard and Milwaukie City Council
Through: Mike Swanson, City Manager
From: Larry R. Kanzler, Chief of Police
Date: June 25, 2008
Subject: **O.L.C.C. Application – Happy Baskets – 11097 SE 21st Avenue**

Action Requested:

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from Happy Baskets – 11097 S.E. 21st Avenue.

Background:

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

7. INFORMATION

Riverfront Board Meeting Minutes
May 27, 2008

Attendees: Dave Green, Michael Martin, Shane St.Clair, Gary Klein

Absent: Greg Seagler, Mitch Wall, Mike Stacey

Staff: JoAnn Herrigel

Minutes: Green motioned to approve the minutes from the April 22nd meeting, seconded by Klein. Motion passed 4-0.

Green – The board received the Raffle Award from the Johnson Creek Watershed Council for the board's support of the council and the watershed. The group asked that the award be posted in the conference room of City Hall.

Theme development for Riverfront Park

Green – The main theme that came from the last meeting was the industrial history of the riverfront. There was a little discussion of cultural history. There was not much mention of history in regard to Native Americans.

St. Clair – Would like to move ahead with industrial history, but there may be groups that would know more about the cultural history.

Martin – There are areas in Oregon City and Sellwood that have Native American history.

St. Clair – Are there national funds to research the history? There may be grants available for this type of research.

Martin – There may be archeological testing when the riverfront park is done. This would turn up information about cultural history.

Klein – It would be great to have some signage regarding cultural history.

Martin – So what is the history of the name Elk Rock Island?

St. Clair – The story is that it came from the way Native Americans hunted elk by running them off of the cliff.

St. Clair – I understand that the Willamette River had a previous name, the Manning River.

Martin – The purpose of these themes is not for naming the riverfront, they're for information on the kiosks and such.

Green – Would you like to check with the Grand Ronde tribe regarding their knowledge of cultural history?

St. Clair – Some sort of correspondence, a letter, would be good. Just to inform them of the Board's interest in cultural history.

Martin – As part of the Joint permit to DSL and the Corps of Engineers there's a 30-day comment period during which tribes and others can comment. We might want to contact the Warm Springs tribes also.

Klein – It might be good to do this ahead of the 30 days, to show good will.

Herrigel – Suggested including Carlotta Collette or cc her on the letter. She has connections with Native American groups.

Klein – Should we go to council with this before we send out letters?

Herrigel – This process may take a while if you ask permission from city council. The agendas are full and by the time it goes to council, the 30-day comment period might be up. Council could be informed in a less formal way.

St. Clair – Asking city council may not be a necessary step because it's just a letter informing and requesting information.

Herrigel – Will keep council informed of what's happening.

Green – Are there any other comments on the theme? My comment is the connection of the 3 waterways.

St. Clair – We should emphasize all history related to water.

Klein – As far as the permitting process, are there other groups that may need to be contacted?

Herrigel – The joint application will include contacting permitting agencies walking the site. We are also still in touch with the Oregon Marine Board, ODOT, the sewage treatment plant, & the Oregon Parks and Recreation department regarding this project.

St. Clair – There are some businesses that might be interested in sponsoring some portion of the park, like Bob's Red Mill. For example, they may want to sponsor a kiosk relating to the historic grist mill.

Green – There have been requests by the historical society & rotary club to be involved. The Portland Traction Line commemoration might be a good project for

them to sponsor. Do we want to lock in this theme so that when these groups approach the board there is an official response on where to start?

St. Clair – They need to work within the theme, work within the design, and fund the project.

Green – A sponsor will need to pick an element already in the design and fund that, not add on new structures or elements.

St. Clair – These are all naming opportunities. There should be a list of these projects and cost estimates that potential sponsors could choose from.

Project Updates

Herrigel – The June 3rd council meeting will be discussing Light Rail station locations. Staff has recommended specific locations. There have been two public meetings on this subject and there was no general consensus by the public. The reason I'm bringing this to the board's attention is because there has been interest by the board in the past and I would like to invite members to the Council meeting.

Green – I don't think that the board needs to necessarily take a position on the stations as long as there is a stop somewhere in Milwaukie that provides access to the park. Otherwise, light rail does not directly impact the park.

Herrigel – The OPRD grant presentation will be in Redmond. We submitted the grant request for \$450,000. OPRD replied asking for clarification and we sent what they were asking for. We have been warned that this grant was not very competitive. The board is invited to attend this presentation to help support the grant. Question to the board is what would wow the review committee. Staff suggested photo or video. The presentation only allows 20 minutes and 10 minutes of that is Q&A. Any input is welcome.

St. Clair – Suggested a big picture with lots of people at the waterfront. Certainly have vision of park and steps to get to that vision. Build on the fact that this is the first visible step toward the park.

Herrigel – Talked to Gil Williams about the joint application. Two of the land use applications we are required to submit were not in the original DEA scope of work. We are working on expanding the scope and moving the applications forward. Will try to submit before July 1. She also met with the Oregon Marine Board. Andy Jansky, of the DEA team accompanied her. They were interested in the current status of the park.

Herrigel – Met with PGE regarding utility pole movement at the Riverfront. To put the poles underground would be 1 million dollars to start, so the alternative would

be to move the poles up toward the sidewalk. PGE is working on generating an estimate for this. There are 7 or 8 of the poles that have to be moved.

St Clair – Did that discussion with OMB include launch ramp?

Herrigel – They build ramps, docks and parking lots, but no storm water or vegetation etc. There's a big discussion going on between DEA and the City planning department regarding where we can use pavers or asphalt.

St. Clair motioned to adjourn. Seconded by Martin. Meeting adjourned at 7:15.

**Park & Recreation Board
PARB
Tuesday, May 27, 2008
7:30AM
City Hall – Conference Room
10722 SE Main Street**

Minutes

Type of meeting: Regular

Attendees: Sherri Dow, Ray Harris, Val Hubbard, Christie Schaeffer

Absent: Mart Hughes, Bob Cooper, Katie MacCready

Staff: JoAnn Herrigel, Joan Young, Kevin Cayson

Minutes

April minutes were approved 4-0.

Introduce Christie Schaeffer

Herrigel introduced Christie Schaeffer as a recently appointed Parks Board member.

Draft IGA review and discussion

Herrigel noted that she'd only received comments on the draft IGA from Sherri Dow and most were editorial. She said that Hubbard and Cooper had declined to comment due to their relative newness to the Board. She also noted that Hughes had not submitted comments.

The group noted a few edits that should be made and recommended the draft be cleaned up a bit. Harris motioned to send the "cleaned up" version to the District Advisory Board (DAB) for review after Hughes' comments had been received and integrated. Hubbard seconded and the motion passed 4-0. Herrigel said she'd try to meet with Hughes and review the document with him.

Herrigel noted that the next DAB meeting was June 12.

City Updates

Riverfront Board Riffle Award:

Herrigel reported that the Riverfront Board had been awarded a Riffle Award by the Johnson Creek Watershed Council at their annual meeting. The award was for a government organization that supported the watershed Council's efforts to enhance Johnson Creek Watershed.

CIP funds for Riverfront from District:

Herrigel said she'd attended the last District Advisory Board meeting to request that the District place \$500,000 in the five year Capital Improvement Plan for Miwlaukie Riverfront Park.

CES south downtown plan process

Herrigel noted that the Center For Environmental Structures, a consulting firm, had been contracted by the City to work on the South Downtown Plan. She reported that the firm had been meeting with community members to get their input on what the south downtown area should look like and contain.

District Update

- May 16-18 was the biggest ball tournament so far at North Clackamas Park. Tournaments are scheduled now through mid-August
- \$400,000 has been allocated in the District's budget for 08-09 for the north side final design and installation for the north side of North Clackamas Park
- Century Park tennis court is done and the fence and basketball court is also completed.
- At Stringfield Park – restrooms, parking lot playground and bridges are being constructed. The house on the site is remaining on site. A caretaker will be using the bottom floor and the top floor will be available for meetings.
- Trolley Trail meetings are complete and design continues.
- Park District annexation of Molalla did not pass in Molalla (but did pass in District) – So Molalla will not join the District right now.

Other:

- Hubbard noted that there will be a Milwaukie parade (from Southgate to Waldorf School) on July 26th as well as fireworks that evening at the Riverfront
- Hubbard asked if there was a way to replace or “beautify” the barricades currently being used to keep cars out of the Town Center parking lot on Harrison.

Hubbard motioned to adjourn, Harris seconded and motion passed 4-0.