

**CITY OF MILWAUKIE
CITY COUNCIL SPECIAL SESSION
MAY 29, 2012**

CALL TO ORDER

Mayor Ferguson called the special meeting of the Milwaukie City Council to order at 7:05 p.m. in the City Hall Council Chambers.

Present: Council President Greg Chaimov, and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff present: City Manager Bill Monahan, Assistant to the City Manager Teri Bankhead, City Attorney Tim Ramis, City Recorder Pat DuVal

Media: Alex Blum, *Clackamas Review*

PLEDGE OF ALLEGIANCE

Mayor Ferguson announced he would recuse himself from the discussion based on what he believed was a conflict of interest as a TriMet employee.

Settlement Agreement with TriMet – Portland-Milwaukie Light Rail

Council President Chaimov presided over the meeting. He explained the City Council would not vote on the resolution and approval of the agreement at this meeting and would consider it at a future meeting after additional discussions. He asked if anyone wished to comment on the agreement.

Yvonne Lazarus, Clackamas County. She was concerned with \$4.1 million at 5% for 19 years to pay off light rail with \$390,000 due by September. There were budget cuts of 10% - 15% to get this money. Any budget cuts would cause more hardship. The City Council was also thinking about floating a bond measure. Moving back to Tacoma would save \$550 to \$600 million. The intergovernmental agreement (IGA) was a political agreement that could be undone just like the Lake Oswego streetcar. Politicians can change political agreements. TriMet has \$1 billion in unfunded liabilities. There was no evidence that TriMet was going to be able to keep its word. She was talking about upkeep and all the little cutbacks. It was time for the Councilors to all pull themselves up by their bootstraps and tell TriMet anything past Tacoma was impossible for you to be party to and that you were tired of being the whipping post for the previous Mayor Jim Bernard and a few others. The final land use order said if there was not enough money then you went back to Lake Road. Milwaukie did not want the tail end of the dragon any more than they did at Park Avenue. This was not progress. It was a disaster, and the Milwaukie City Council was giving it a helping hand.

Andrew Teitelman, Milwaukie Attorney. He discussed the alleged obligation with TriMet and had reviewed in depth the IGA. He had several questions about the validity of the agreement in its entirety. He referred to page 2 which spoke to the parties' obligations. Milwaukie was obligated to pay the \$5 million. TriMet's obligation had to do with committing funds to mitigation in the City of Milwaukie as defined in the Record of Decision (ROD). It was interesting to him that this agreement was signed in 2008. His review of the ROD indicated the document was not executed until 2010. How the parties could agree to terms that were not in effect was dumbfounding to him. The other issue was that the ROD specifically stated what the mitigation factors were and what needed to be done by TriMet. It said that TriMet and Metro would be responsible for all the mitigation. Nowhere did it say mitigation was reliant upon Milwaukie coming up with \$5 million. Even if Milwaukie did not come up with the \$5 million, TriMet was

still on the hook for mitigation that had been promised. For those reasons he did not see what benefit Milwaukie was getting in exchange for the \$5 million it was paying TriMet. A number of people he represented were concerned about the language in these agreements and if indeed the agreement between TriMet and the City of Milwaukie were valid. He understood there would be impacts on service provision no matter how the money was paid. Why was the City paying TriMet \$5 million when it was capable of getting the money elsewhere and was already on the hook to make the mitigation efforts as evidenced in the ROD? It seemed when Milwaukie entered into the agreement that it did not know what it was agreeing to. He asked that the citizens of Milwaukie get an itemized list of what they were actually getting for the \$5 million.

As there were no further public or City Council comments, Council President Chaimov asked for a motion to adjourn the special session.

AJDOURNMENT

It was moved by Councilor Hedges and seconded by Councilor Loomis to adjourn the special session. Motion passed with the following vote: Councilors Hedges, Loomis, and Miller and Council President Chaimov voting "aye." [4:0]

Council President Chaimov adjourned the meeting at 7:19 p.m.

Respectfully submitted,



Pat DuVal, Recorder

Date: 5/29/12

I wish to address City Council on Agenda Item # 2

Name: Andrew Teitelman

Organization: Law Office of Andrew E. Teitelman, PC

Address: 

Phone: 

E-mail: 

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

Comments:

Date: May 29, 2012

I wish to address City Council on Agenda Item # 2

Name: Yvonne LAZARUS

Organization: _____

Address: _____

Phone: _____

E-mail: _____

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

Comments:

STUDY SESSION

**MILWAUKIE CITY COUNCIL
STUDY SESSION
MAY 29, 2012**

MILWAUKIE CITY HALL

Conference Room
10722 SE Main Street

STUDY SESSION – 5:00 p.m.

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>	<u>Page #</u>
1.	5:00 p.m.	Discussion of Noise Ordinance	Bob Jordan & Rhett Bernstein	
2.	5:30 p.m.	Process to Determine Pursuit of Parking Program	JoAnn Herrigel	1
3.	6:00 p.m.	Fee Schedule Discussion	Casey Camors & Katie Mangle	
4.	6:30 p.m.	Interim Wastewater Rate Increase Discussion	Casey Camors	
5.	7:00 p.m.	Adjourn		

Information

Executive Session: The City Council may meet in executive session 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.

Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the one previous to it.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.
- The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities Act (ADA). If you need special accommodations, please call 503.786.7502 or email ocr@ci.milwaukie.or.us at least 48 hours prior to the meeting.



Agenda Item: Parking
Meeting Date: 5/29/12

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Discussion of Parking Enforcement

Prepared By: JoAnn Herrigel, Community Services Director

Dept. Head Approval: JoAnn Herrigel, Community Services Director

City Manager Approval:

Reviewed by City Manager:

ISSUES BEFORE THE COUNCIL

Community Services staff is seeking Council's input on how best to move forward with parking enforcement in the downtown area.

STAFF RECOMMENDATION

None.

KEY FACTS & INFORMATION SUMMARY

At the May 29th study session we will share with you the background and history of parking enforcement in Milwaukie. We will describe how parking enforcement is currently conducted, what motivates parking enforcement, and some of the additional impacts on parking we anticipate over the next few years.

At the June 19th work session, staff will return to discuss with Council alternatives available to the City for enforcing parking. Staff is researching methods used in other jurisdictions and will provide Council with costs and benefits of several options. Options we are exploring include:

- Discontinuing parking enforcement in downtown
- Rehiring half-time parking enforcement officer and functioning as we have for the past ten years
- Purchasing and installing parking meters and establishing a monitoring system

Following is a summary of the main Issues driving parking enforcement:

- Employees of downtown
 - Employees would rather not pay for permits (\$20/mo)
 - Employees avoid permits by "parking to evade", or, parking on street and moving their cars frequently to avoid getting tickets
- Customers of downtown businesses (short term – 15 mins – 4 hrs)
 - Customers of restaurants or retail businesses require short term spaces near their destination

- When short term spaces are used by longer term users – commerce suffers
- Residents of downtown businesses (over night or 24hours)
 - Downtown residential building is “transit oriented”
 - North Main, for instance, has one space per resident
 - Those with two cars use on street parking after hours
- Light Rail construction
 - During construction, some spaces may be impacted due to staging
 - Design for light rail will reduce downtown parking
 - Users of light rail may use surrounding residential neighborhoods as a park and ride
 - Historic Milwaukie NDA has indicated interest in residential permitting program (ASAP) to prevent potential park and ride activity on residential streets
- Schools in downtown
 - School employees need 8 hour parking – not all able to use school lots
 - Parents need spaces when visiting the school or picking up or dropping off kids
 - Students at High School need spaces when they drive to school

CURRENT PROCESS

The current parking enforcement system was established in 1992, after the Milwaukie Downtown Development Association formally requested that the City establish a consistent and enforceable parking enforcement system. The downtown businesses expressed great interest in maintaining on street parking for their customers. Without parking enforcement, employees and residents of downtown tend to use short term parking spots for longer term use. Before 1992, parking enforcement was done by the Police Department and only one or two days a week – as officers were available. Using trained and armed officers for parking enforcement was determined to be too costly and inefficient and in 1987, all parking enforcement was suspended in downtown.

Currently the City has .5 FTE dedicated (but vacant) to enforcement of parking in the downtown. In order to adequately fulfill their parking enforcement duties, this person must do four rounds of parking each day. (This involves walking a 3 mile route, inputting license data into the handheld monitor, then walking that again in two hours and determining which vehicles are over time and writing citations for violations. Then in the afternoon, they do that same thing again.) 20 hours a week are required to fulfill these parking duties. These duties are carried out in the field and therefore preclude any other office work while completing this task.