

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
September 4, 2007**

CALL TO ORDER

Mayor Bernard called the 2013th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Mayor James Bernard and Councilors Deborah Barnes, Carlotta Collette, and Susan Stone. Councilor Loomis excused.

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Community Development & Public Works Director Kenny Asher, Community Services Director JoAnn Herrigel, Police Chief Larry Kanzler, Civil Engineer George MacGregor

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

Mayor Bernard announced there was a misprint in *The Pilot*, and the quiet zone would not be discussed at this meeting.

Poetry Reading Series Grant

Greg Chaimov, Ledding Library Board Chair, announced through Tom Hogan's good work, the Clackamas County Cultural Coalition selected the Ledding Library to receive a grant that would allow it to conduct a monthly poetry reading series for the coming year. They hoped to continue to use it to market the Library as the City's cultural cornerstone. Mr. Hogan attended grant writing classes and doggedly pursued the matter until his efforts came to fruition.

Tom Hogan, Library Board member, reported the Arts Alliance fully funded the grant request that would sponsor the Milwaukie Poets Series featuring local poets reading their own works. With this grant the poets would be paid an honorarium and their works would be featured each month. The grant also involved sponsoring one writing workshop to fulfill the Library's cultural goals.

Mr. Chaimov announced the Celebrity Reading Series on cable access.

Councilor Collette would discuss a Milwaukie Arts Committee later in the meeting, and this was exactly the type of project or series on which she hoped the Committee would focus.

Mr. Hogan had to leave the meeting, but he was very supportive and hoped to collaborate.

South Corridor Security and Safety Task Force

Mr. Asher provided an update on the South Corridor Portland-Milwaukie light rail project. He received a copy of the Supplemental Draft Environmental Impact Statement (SDEIS) study which was currently underway and distributed a number of copies to the City Council. The technical work was either underway or would be soon. It was a study of the many environmental impacts that are desired to be understood including social, environmental, economic, traffic, financial, and others. The expectation was that this work would be done by the end of December. This may be sooner than some members

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of the public and City Council might be prepared for. Part of the reason for that was because this was a supplemental, so this was building on a lot of work that was already done. The first draft SDEIS was hoped to be finished by January 15, 2008, reviewed by multiple parties, and then published for general public review and partners in the project at the beginning of April. The expectation was a new locally preferred alternative (LPA) would be arrived at by July 1, 2008. He asked if the Council would like to hear a more complete report from Ms. Wieghart, Metro Project Manager at its next meeting.

Councilor Stone asked what information would be available at the September 18 meeting.

Mr. Asher replied he did not think it would be as much content driven but more an elaboration of the schedule. It would be more than just dates including more process and methodologies and answering questions about the timetable and various pieces of the study.

Councilor Collette suggested monthly updates between now and December. The first meeting in October would be a good opportunity to do that.

Councilor Stone was good with that too because she for instance would like to have some questions answered regarding financial, economic, traffic, and those kinds of impacts.

Mr. Asher thought it would be good for the project people to hear the questions and make sure the dialogue was open. In the spirit of over-communicating he would continue to bring things to the City Council to ensure it was in the loop. He would plan on giving an update at the first meeting in October. This update was about an element of the project which was a little bit outside of the SDEIS but was a component that was added by Metro and TriMet in part by the City's urging. That was the startup and formation of a Safety and Security Task Force which to his knowledge had not been designed into a project in this manner. Certainly not this early in a project. This was an innovation partly to be responsive to what was heard in Milwaukie which in a nutshell was that people were concerned about safety and security of the train, its operation, stations, and the whole experience. The decision was made to create a task force the intent of which was both to learn from the professionals who operate light rail transit systems and the jurisdictions which help to police them and provide input on such things as station design and lighting.

Ms. Herrigel said there were various concepts of what this task force should be and how it should function. She, Mr. Asher, Chief Kanzler, TriMet, and Metro have put together the public input heard to date to talk about how to go forward. Announcements would be put in *The Pilot*, interactive video bulletin board, e-mail lists, and the website. She also believed it was important to send out notices or letters directly to those entities along the alignment that expressed the most concern such as the Portland Waldorf School, St. John's, and the School District. It was important that people along the alignment were notified and able to participate if they wished. Anyone may attend the meetings to discuss safety and security issues, but too large a group might result in a not-too-cohesive list of recommendations. City staff and TriMet were discussing how to pare down the group yet make sure everyone got adequate information and participated while at the same time making decisions on a list of recommendations at the end. Chief Kanzler for example has said it was really important to get public input while moving forward. Advertising will be done soon with a deadline for submittals by those who were interested in participating.

Mr. Asher announced the first meeting was tentatively scheduled for later this month. It was important that people listening and watching understood there was an opportunity to participate in the project even during the study.

Karen Whitrow, Metro, said from the regional perspective the intent was to address the concerns heard in this community as well as similar issues along the rest of the alignment. The task force will have members from all along the alignment, so there will be members from downtown to Milwaukie and into Clackamas County. Similar outreach was occurring in Portland and connecting with people who had expressed concerns through their neighborhood associations. They were looking for a broad cross section of interests that included the business community, neighborhoods, property owners, residents, schools, and others. Staff was working on a submittal form that included contact information that should be on the website tomorrow. The goal was to include everyone, but that might create an unwieldy group. The applications would be reviewed, and staff would do its best to include people. The application and information would be found at www.metro-region.org/southcorridor. The first planning meeting was tentatively scheduled for September 25.

Councilor Barnes asked how members would be chosen.

Ms. Withrow replied they would be looking for people who have expressed concerns and representation along the corridor. They would look for a balanced membership along the alignment as well as a broad cross section of interests. She anticipated one meeting each month between September and February.

Councilor Stone understood the actual number of people on the committee was yet to be determined.

Ms. Withrow replied a particular number may not be set because they wanted to be as inclusive as possible. For example, 50 applicants would be an unwieldy group, but 20 would be fine.

Councilor Stone said Milwaukie had been vocal about its concerns. Along this alignment where else has there been these little hotspots of concern, or was it mostly situated in Milwaukie.

Ms. Withrow replied this project had been going on for a long time, and she had not been working on it since the beginning. She thought at various times concerns had been expressed at a variety of locations along the alignment. At 11th and 12th at Clinton there was a convolution of streets with a little triangle of cement in the middle. It was a terrible area for bikes and pedestrians now, and light rail tracks would be added. People have expressed concern about the ability for safe crossings with the train operating and where the station would be located. That was another example of a community issue along the alignment.

Councilor Stone agreed with Councilor Barnes in terms of wanting to make it fair for everyone. But she would also say from everything she heard and read about this project most of the contention seemed to be focused in the City of Milwaukie where many, many concerns were raised about safety and security and livability and going past schools. She hoped Milwaukie would be well represented on this committee. There were some e-mails floating around in the last couple of days about our Public Safety Advisory Committee (PSAC) looking to maybe help with this committee. She thought that might be good. She hoped some people would apply for that. She was not sure when she got the e-mail if this was going to be a broader regional committee, and that was what it was sounding like. She was thinking it probably would not have been a bad idea to just have the PSAC be this committee instead of reinventing the wheel, but it sounds like staff wants it to be a little more broad.

Ms. Withrow said it would be important. As Mr. Asher said, it was a little unusual to address these concerns at this time in the process, but she did learn it had been done before. It would be important to consider the whole alignment because as they moved

forward in final design and construction they have to know all of this. It would be useful to gather the input from the whole corridor.

Councilor Stone did not know if there would be an actual statement about what this committee's goals were and what its purpose was. She noted in the staff report it said in Milwaukie the task force should be charged specifically with contending with concerns raised by PWS, St. John's Catholic School about the presence of light rail in proximity to school children. She thought it should also be added with proximity to the adjoining neighborhood as well because that neighborhood would be impacted.

Councilor Collette thanked Metro and TriMet for coming forward at this time in the process. She thought there was certainly value in doing it alignment wide. She also read in Mr. Asher's report that there would be opportunities to have large group meetings and smaller localized meetings that would address specific issues. That was also a good way to address the Milwaukie portion of those concerns. It also occurred to her it might be useful for PSAC to have regular updates and be involved in the process.

Mayor Bernard observed starting at the front end of the process was the best.

Mr. Asher said the task force would educate stakeholders about basic safety and security requirements, practices, features, and facts associated with light rail operations. There was already a system in place and certain ways of doing things. The group would help ensure safety and security issues were well understood as one evaluation criteria in the decision-making process. As the project moved along, they wanted to this was not new he read the bullet points and making sure safety and security were established as a criterion whether it was an alignment selection or a station location selection or how the train would be operated. This would help solidify that. It would identify design principles that would improve safety and security at and near possible stations and provide input into community discussions about station design and location. The task force would help plan outreach and education efforts that can be implemented before, during, and after final design and construction. By doing it early and doing it now a group of people can be established who knew what was going on and broaden the discussion of how to do it and how to do it well.

Chief Kanzler saw this as a due diligence process. If we did diligence to the big picture, then there will be credibility at the end. There was one comment about what it would take from the law enforcement perspective to provide a safe and security environment today. He suggested 5 additional officers to continue the level of safety and security people in Milwaukie have grown to appreciate. When this came to fruition he had no crystal ball to tell what the environment would be or the percentage of police officers in the Milwaukie department at the time. If we keep the status quo with the ratio of police officers per population and we can keep crime rate at or below what it was today, then the concept of having an effective number of people would depend on the crime rate and projected problems. He had talked with his colleagues about the prospect of being involved in this process. The TriMet Police Commander thought it was very important that she or her representative be involved in this process along with precinct commanders. When you get someone by name with a commitment, it was much stronger. He wanted to see that commitment so the parties went into it with their eyes open and understand that barriers and burdens and what the staff tasks will be both from Milwaukie, TriMet, and the Portland Police bureau. This was not something Milwaukie could do alone. This should not be a burden on the community but rather a positive influence.

Councilor Stone heard Chief Kanzler throw out an arbitrary number of 5 police officers on the Milwaukie force.

Chief Kanzler replied he had in mind 5 more people dedicated to supervising the transit process in today's time. We want to own it when we first operate and ensure there was a viable police presence to dissuade poor conduct.

Councilor Stone understood people needed to work together, but she thought TriMet primarily had its own police force to deal with security issues on light rail and their buses, and most of them are on light rail. We would have to hire more officers to have light rail come through?

Chief Kanzler replied the TriMet police department was a collaboration of agencies that created the department. The officers were funded by TriMet. Milwaukie had Officer Wells assigned right now. Portland, Multnomah County, and Gresham did also. If there were 5 more officers in the mix, in today's time, assigned to this rail line, a level of security and safety could be assigned to the rail line. He recommended those officers be paid for by TriMet because this was TriMet's property.

Councilor Stone said that would be her recommendation too.

Chief Kanzler continued as long as the security element was there no matter who paid for it, it would be a safe operation. TriMet paid for it in other parts of the region, and this should not be any different.

Councilor Barnes noted there had been a discussion of security cameras, and she had not heard it on Chief Kanzler's list. She felt it was very important to have enough security cameras that go somewhere and are in focus. It seemed like Council heard about the crimes at the stops.

Chief Kanzler replied TriMet was aware of the commitment to the camera system. It was a federally mandated requirement to provide safety on rail lines and was part of the security and safety plan that TriMet integrated into all of its rail projects. It was part of the criteria to operate the system.

CONSENT AGENDA

- A. City Council Minutes of July 17, 2007 Work Session;
- B. City Council Minutes of August 7, 2007 Regular Session;
- C. Resolution 55-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Parker Fitzpatrick to the Milwaukie Design and Landmarks Committee;
- D. Resolution 56-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing David Hedges to the Public Safety Advisory Committee as a Member-at-Large; and
- E. OLCC Application for the Cha Cha Cha Mexican Taqueria, 11008 SE Main Street, New Outlet.

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

AUDIENCE PARTICIPATION

- Ed Zumwalt, Metro, Oregon

Mr. Zumwalt addressed the past, present and future. The "14 Points" were brought up a month ago when talking about light rail. It was about time just to get rid of those because they were used by people if it benefited the City or whoever was pushing light rail they waived the "14 Points" around like they were the Ten Commandments. Then when they don't want to look at it and say it's a good document, they say it was not a

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legal document. Had anyone ever heard of a gentleman's agreement. This was the time he would discuss the "14 Points." Point 9 said they were going to help us buy the school. The Mayor was there with him when they could not swing that deal. A Metro Councilor got in the room with the School Board and from all reports he made a wonderful presentation. When it came time to close the \$400,000 gap he rattled the change in his pocket and took a hike because he couldn't do anything else. And then getting across to the riverfront – it never happened. Mr. Zumwalt went in front of the Metro Council twice and discussed it because that was part of the "14 Points." Then a parking structure for Milwaukie alone – who knows what will happen there. Then we get to item #1 which was no impact on the neighborhoods – stay out of the neighborhoods. Right now that rail would come into the community. The only part of the City that was a community. Churches, schools, and homes. That was what made a community. Business was important; industrial was important. McLoughlin Boulevard and the Park were important. Churches, schools, neighborhood. You know who that was. The Council was protective of its neighborhoods and everything.

He switched to the future. He was very worried that PWS had no future. He fought Waldorf almost to the death to have a community center, but that did not work out. Now he thought there would be such impacts that its enrollment would be impacted, and they cannot financially make it. They will have a site committee pretty soon looking for another place to go. That school and the grounds will go over to a developer or Metro or something and be developed. He could see 8 to 10 story buildings there. He was talking about the future. He did not like it. If they knocked down that beautiful building which was the fifth rated historic site in the County we would all be unhappy. But you know you cannot stop development and progress, can you? The quality of life in the neighborhood will go down hill – down the tubes. Traffic and everything else. What came forward tonight with Mr. Asher, Ms. Whithrow, and Chief Kanzler. He had complete faith in the Chief; if anyone could do it he could. He would not be here forever. He would set up a good program, but then what was going to happen. Metro and TriMet have not been successful in controlling crime in Gresham, Gateway, Lloyd Center, Beaverton, and Hillsboro. Ms. Herrigel pointed out that a wonderful job was done on the Interstate line. That was probably true. He did not see how they could defeat the crime. There was an old saying that light rail was a conduit for crime. If they were on top of it, fine.

In the present, who was going to handle mitigation for the neighborhood? We feel in our neighborhood – he was not talking out of line because he and Dion Shepard had discussed it thoroughly and so had the whole NDA – who was going to handle mitigation for the neighborhood? Who was going to protect us? Up to now we have been listened to very little. That was the feeling anyway. Who was going to handle mitigation? Metro? Sure. TriMet? Sure. The City? He wanted to see it; we wanted to see it. He wanted promises that the quality of life and livability would not be trashed. They won two elections and would like to have something for the results and the fruits of the two elections they won before it was shoved down our throats.

Mayor Bernard had not heard a positive word out of Mr. Zumwalt's mouth.

Mr. Zumwalt replied this was not one of his positive nights.

Mayor Bernard asked about the fact that students from all over the region could come to PWS? What about job access to Portland and for Portland residents to Milwaukie? All he ever hears is that the sky is falling. What about redevelopment opportunities? The increased value in the community? The latest line, Interstate, was the newest line and the most secure line. That was because of years of experience. Milwaukie had the opportunity to take on some of those experiences which Metro, TriMet, and police departments have learned over the years. We had lots of positive things, and all he

heard were negative things. When he attended Portland State University he had to drive or take the bus. Now he could hop on light rail. If he wanted to take his children in the future to OMSI, he could hop on light rail. If he wanted to pick up people at the airport, he could hop on light rail. There were many positive things. For some communities like Interstate, the bars that were havens for crime were closed. Redevelopment was taking place, and there were a lot of positive things. All he ever heard from Mr. Zumwalt were negative things. He asked Mr. Zumwalt if he could think of anything positive.

Mr. Zumwalt positively despised light rail. There were hundreds and hundreds of people smarter than anyone in this room who studied light rail and came up with the fact that it was a complete boondoggle. It was expensive. It was inflexible. It was slow and did not do what it was said to do.

Mayor Bernard remarked the same thing could be said about global warming.

Mr. Zumwalt said that was not a comparison, and this could be argued for years. It was too big for this skinny little town. It would destroy this town.

Mayor Bernard would help protect the neighborhood. He was just as big a part of the Neighborhood as Mr. Zumwalt was.

Mr. Zumwalt did not think so. There was no way in the world anyone would convince him otherwise. Even the General Accountability Office said light rail was a boondoggle. He knew Mayor Bernard was right because he was mayor.

Councilor Stone appreciated Mr. Zumwalt's concerns and the "14 Points" being brought up. For her watching something like this come through the neighborhood she was concerned about the noise and frequency and gates coming down and the noise from that as well the crime. Mr. Zumwalt brought forward genuine concerns. She thought the Council needed to be respectful of those no matter who brings them forward. They are definite – it was a reality. We were dealing with reality. There will be those kinds of impacts. It was certainly one of the reasons she thought the train should not even come there. It should just stop at Southgate. Period.

Mayor Bernard asked about the reality of access to PSU and OMSI and economic development and investment in the community?

Councilor Stone replied light rail had not been shown to drive economic development. In terms of getting to OMSI or downtown Portland or PSU – she did it for years. She took public transit, the bus. Buses were a lot more flexible and took you to more places than the train would. They were less expensive. Light rail did not decrease traffic congestion; it increased it. That was the thing that people had bought into all these years saying that this was going to relieve traffic congestion. If we use light rail and kept our bus system intact and had it be an adjunct to our infrastructure that we have already in place rather than have it replace some of what we have maybe then she could get behind this mode of transportation that was costing upwards of \$1 billion.

- **John Otsyula, Milwaukie**

Mr. Otsyula discussed light rail. Two weeks ago he was here and requested that the City let him know if they were going to send his alternatives that had been suggested previously to Metro and reconsider them in the SDEIS. He got tired of holding his breath.

Councilor Barnes provided him a copy of the letter sent by the City on August 27, 2007 sent to Ms. Wieghart.

Mayor Bernard added the attachment had Mr. Otsyula's alternatives.

Mr. Otsyula said that was good. He was here to let Council know the Federal Transportation Administration (FTA) in Washington, D.C. acknowledged the scoping process was flawed by NEPA statutes. To the extent that both the City Council of the City of Milwaukie and Metro prematurely removed viable alternatives, the issue was ripe for litigation. The Federal Transportation Administration preferred to resolve issues at the local level. You, the City Council and Metro, have until this Friday to include the suggested alternatives. The Federal Transportation Administration was expecting his response on Monday, September 10, 2007, at which time the Federal Transportation Administration would take up the issue as they are responsible for writing the final environmental impact statement.

Councilor Barnes asked Mr. Otsyula to provide a copy of the correspondence which he must have had with the Federal Transportation Administration.

Mr. Otsyula said it was done by phone.

Councilor Barnes understood Mr. Otsyula had a conversation but there was nothing in writing from the FTA.

Mr. Otsyula said the City had until this Friday, and on Monday ...

Councilor Barnes wanted something in writing to give to the City Attorney, which would make sense prior to litigation.

Mr. Otsyula said they preferred the issues were resolved before going to them. They were going to write the final environmental impact statement. Normally, issues like this were addressed after the supplement draft environmental impact statement was published.

Councilor Barnes did not understand why a federal agency would not contact the city of record if there was potential litigation. She found that hard to believe.

Mr. Otsyula said there would be litigation if this did not work. The FTA would prefer to resolve our issues here and whatever concerns we had. If that did not work, they were willing to look at it. Normally this issue was not ripe until the supplemental draft environmental impact statement was published. To the extent that this prematurely removed alternatives, which was at the heart of NEPA, it was ripe for litigation. They would prefer to look at it but only after City Council and Metro, who were responsible for the flaws in the scoping process, had an opportunity to address it.

Mr. Swanson asked if the FTA had issued an order of some sort.

Mr. Otsyula replied 'no.' The FTA was waiting for his response. He was here to give the City and Metro an opportunity to let him know. He did not know the letter was already sent.

Mr. Swanson asked if they made a finding of some sort.

Mr. Otsyula replied this was not something that usually required a finding. It usually just required looking at NEPA and if they followed this process. He was saying the City Council and Metro did not follow the proper scoping process. They were willing to address it with him on Monday if City Council was not willing ...the alternatives. That was at the heart of NEPA. You cannot prematurely remove viable alternatives in favor of a locally preferred by Metro. He asked if there were any more questions.

Councilor Stone wondered if Council could hear something also from its staff. She would like to see something in writing as well. She did not know the process. It sounded like Mr. Otsyula knew the process. She was wondering why there was nothing in writing at this point. She would like to see something in writing. She wanted City

staff to address what Mr. Otsyula had said in terms of how viable this was -- that this was going to happen.

Mayor Bernard was not interested in having staff waste its time. Obviously, if the federal government had an issue, they would contact one of the agencies. TriMet that had been working with the Federal Transportation Administration and had not been told any of this. Mr. Otsyula seemed to have some special contact that did. He thought it was a waste of time. We were in the SDEIS and approved to continue. Someone gave that approval, and he was pretty sure it was coming from the FTA. We were in the process right now. Mr. Otsyula's information was submitted to TriMet, and we were ready to go.

Mr. Otsyula responded the FTA would normally not get involved in the process until they had to write the final environmental impact statement. He knew NEPA. To reject alternatives was flawed – it was a flawed scoping process. There was case law that addressed that.

Mayor Bernard said this was the supplement draft impact study meaning it had been studied before. We did not have to add every alternative that someone thought up. Burying it. Coming under the river. Flying over the City or anything like that. We had to give viable alternatives. Not any alternative. Mr. Otsyula's were not alternatives. It was a chart that gave specific things.

Mr. Otsyula said those were not alternatives. He hoped the alternatives were in this letter.

Mr. Swanson said without an order or some kind of explanation from the FTA – he had been under the impression the FTA had the same empowers as the Internal Revenue Service. Without an order or some kind of communication ... The process in our democracy was that a decision was not made until one was apprised of the issue and had a chance to respond. He also knew that the local agency Metro was in close contact with regional FTA officials. Mr. Swanson assumed if there had been any kind of required action on the City's part that the FTA probably talked to itself. That was as far as the City had to go rather than getting into the technical requirements. Metro has been through this process often and has successfully negotiated the NEPA process time and again. His advice at this point was that the City had nothing to respond to.

Mr. Otsyula said Rick (last name unintelligible) was in Washington, D.C., and he would be back on Monday.

Mayor Bernard suggested that Rick give the City a call.

Councilor Stone asked if there were any comments from City or Metro staff about that.

Councilor Collette noted Mr. Swanson's comments.

Councilor Stone wanted to know if this was all true.

Mr. Asher had been in at least one meeting with Metro and FTA at which this question was raised and put to rest. He had no reason to believe that there had been any flaws in the NEPA process to date, and that was from Metro. He said we should follow up as Mr. Otsyula has raised yet again new information that would not take a lot of time. He would make sure Metro followed up and communicated the results to the City Council.

Councilor Stone wanted that communicated to Mr. Otsyula as well.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. Proposed First Addendum to the Intergovernmental Agreement between the City and Local Jurisdictions Involved in Stormwater Litigation – Resolution

Mr. Monahan reported Milwaukie along with a number of other jurisdictions had been in a process of litigation for about one year with various claimants who contend that the Willamette Basin and Portland permits known as the Municipal Separate Storm Sewer System (MS4) permits were not properly issued. As a result environmental organizations filed suits claiming the MS4 permits were in violation of the Clean Water Act. Milwaukie was a co-permittee and one of the defendants. This group of organizations that had their permits challenged have cooperatively worked with the Cable Huston law firm to successfully defend these permits throughout the process. However, at this stage of the process there was continuing litigation as well as a recently re-energized LUBA appeal. Before the Council at this meeting was a request for the City's continued participation in the process and identification of potential responsibility for paying legal fees by the City in the range of \$6,174 to \$7,056. As indicated in the proposed agreement, the City of Portland was responsible for 51% of the total cost while the other jurisdictions together were responsible for 49%. He noted that with the recent renewal of the LUBA challenge there would likely be another addendum to this agreement for the mutual defense of the MS4 permits. The staff recommendation was for the Council to authorize the City's continued participation. So far the permittees have been successful in the defense of these permits.

It was moved by Councilor Barnes and seconded by Councilor Collette to adopt the resolution approving the first addendum to the IGA for joint counsel between the City of Milwaukie and other local MS4 permittees.

Councilor Stone noted the staff report showed Milwaukie's share of the increase was \$1,543 and assumed all parties would participate. She asked if the City was fairly certain all of the 10 entities would continue to participate.

Mr. Monahan was confident all would continue to participate. There was no indication any of the permittees who had been participating would drop out. In fact, it was likely 2 additional jurisdictions would join and further reduce the responsibilities of the parties.

Motion passed unanimously among the members present. [4:0]

RESOLUTION NO. 57-2007:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE FIRST ADDENDUM TO THE INTERGOVERNMENTAL AGREEMENT FOR JOINT COUNCIL BETWEEN THE CITY OF MILWAUKIE AND OTHER LOCAL MS4 PERMITTEES.

B. Council Reports

Councilor Collette discussed the feasibility of establishing an Arts Committee and its charter. She talked briefly with Mr. Asher and Ms. Mangle. The main reason to form an Arts Committee was to begin looking at ways to raise the City's cultural profile for local artists and musicians and poets and bringing artists here and raising the look of the community by having art as part of the development processes. Many art groups are looked at better when they go for grants if they are also part of a city arts committee. There were a number of reasons for forming an arts committee, and many cities had done so even in small towns. When this was first discussed in 2004, she looked at charters in other cities and did a 'cut and paste' of what seemed to be the most applicable elements. She thought the next steps would be to look at the charter, meet

with key people to determine interest in being on the committee, develop a contact group, publish an article in the next edition of *The Pilot*, and at some stage adopt an ordinance. She suggested something similar to the Design and Landmarks Committee and advisory to the Planning Commission. She was planning on having some very energized members and hoped most of the work would be done by volunteers. She hoped for an October kickoff meeting and soliciting membership.

Councilor Barnes supported the proposal and suggested it would be helpful to have a grant writer on committee. She suggested using the Bertman House for Arts Committee meetings.

Mayor Bernard thought Councilor Collette was doing a great job.

Councilor Stone asked Councilor Collette if she would bring back a second draft. She liked the sound of an Arts Commission rather than a committee. What did that mean in terms of state statutes.

Councilor Collette understood they were structurally different. She agreed with Councilor Stone, but a commission would have a different role. She suggested starting with a committee and upgrading it to an Arts Commission if there was enthusiasm in the community. Lake Oswego eventually converted it to a private, non-profit foundation that handled the Festival of the Arts. She saw a number of opportunities for an Arts Committee to be engaged in helping local artists and making connections with the schools.

Councilor Barnes though Councilor Collette could get some support from Dark Horse Comics.

Councilor Stone wondered about including St. John's School since the document identified PWS and North Clackamas School District.

Mayor Bernard suggested not naming schools specifically.

Councilor Collette included PWS because it had a space it let the community use, and it was also interested in sharing a performing arts space where PWS might participate. The Committee would look more broadly, and she suggested just referring to all schools.

Councilor Stone referred to vacancies and removal that said the Council would be responsible for declaring the position vacant. That was how it worked on current committees. She thought the chair and liaison were also involved in bringing it to the Council. It seemed unrealistic for the Committee to report to Council more than once or twice annually. The minutes of the meetings should be provided to Council in a timely manner. She liked the idea too.

Councilor Stone provided an update on the Site Steering Committee for wastewater treatment. It was down to looking at 3 sites, and she just received a packet in the mail last week. She had gone to all the sites and ranked them in terms of technical criteria, fair market costs for land, operating costs, presence of wetlands, and fault lines. One site was on SE Mailwell Drive, 82nd Drive at Hwy 224 on the K-Mart site, and Hwy 212 near Camp Whitycomb. The group would meet again on September 20 to discuss this in more detail. She asked the Council to give its input. This was a decision that would go to the Board of County Commissioners.

Mayor Bernard thought it was a waste of time since those options were twice the cost. He heard things might change quickly.

Councilor Barnes understood the site committee would be finished by October or November.

Mayor Bernard told a story about a Texaco that was about to close. He had received a lot of e-mails and letters. There was an offer on a piece of property, an inappropriate e-mail, and some votes that City Council took. He knew the Olson Family very well and had known them for many years. He was also in the gas business and dealt with the big Texacos and Chevrons. Basically, the owner of Olson Bros. Texaco was tired of dealing with them and wanted to sell the property. He had a buyer who wanted to put in a mini-mart, but Olson did not like that idea because they were Milwaukie people too. The family came to Mayor Bernard and asked if the City would be interested. He replied the City would be interested, but it did not have any money. He suggested the Olsons talk to Metro which they did. Metro said it did not have any money either but agreed to look at what could be done. Over a number of months while the Olson Family waited with the offer on the table, Metro decided to buy the property. Metro came to the City first, and in August 2005 the Council approved Resolution 39-2005 to jointly market that property along with the City property on Main Street. That was 10700 SE McLoughlin Boulevard and 10721 SE Main Street. There was an opportunity for Metro to invest in that property which it did and spent about \$750,000 plus a significant amount to remove the tanks and demolish the building. In August 2005 the Council voted unanimously to work with Metro to buy that property. Over time a lot of things had happened. There was a Farmers' Market group that talked about where it would be located in the future. They also talked about different plans. Three different proposals came to Council. On April 17, 2007 the City Council voted 5 – 0 to approve Resolution 29-2007 that directed the Project Management Team (PMG) to enter into exclusive negotiations for an MOU with Main Street Partners for the two above mentioned properties.

The City had been working on this since 2005. Recently on August 23, 2007 Mr. Dietrich put in a bid for \$250,001 to buy that piece of property. Staff sent letter back to Mr. Dietrich saying there was an agreement which Council voted unanimously to work with Main Street Partners and Metro in developing that piece of property. Mr. Dietrich offered \$250,001. The Council appreciated the offer. Mayor Bernard suggested that since Mr. Dietrich owned the next block if he was that generous maybe he would tear that down and build a park there. Mayor Bernard was very concerned about a number of letters that went out. When Mr. Asher replied to Mr. Dietrich's offer that Milwaukie already had an agreement, Councilor Stone sent an e-mail to Mr. Asher asking why this was not a public process. This issue was controversial and should be a Council discussion in a public forum – not a staff decision. Actually in Resolution 29-2007 which passed unanimously the Council directed the project and Mr. Asher to negotiate only with Main Street Partners. His concern was that he did not want to give citizens and taxpayers any reason to question the Council's integrity or ethics. He was a solid believer in contracts and agreements. When Council voted 5-0 two times to support redevelopment of that property and when someone throws in \$250,000 bid he was concerned that someone was saying this was unethical or questioned Council's integrity. He got a letter from an 84-year old lady the other day saying Mr. Dietrich's offer was good and asking why it should be developed. The story was for that for the rest of our lives there would be a gas station and mini-mart there. The Farmers' Market could not have expanded. Metro and the City gave the Market the opportunity to lease the property to expand it to what it was today. We would never have had the opportunity to move down to Main Street some day. He was getting tired of people suggesting that staff was unethical and questioning Council's integrity. He was disturbed by Councilor Stone's e-mail. She was one of the people who voted 5-0 on this resolution to support the MOU discussion. She was also one who voted to negotiate with TriMet and Metro on this piece of property. Why would Mr. Asher's reply to Mr. Dietrich be unethical? Councilor Stone commented it was important to draw on our community values. He wanted to hear specifically the community value to which the

Council was not adhering when it adopted the Downtown Plan and Design Guidelines which said this should be a 4-story building. What community value was the Council failing to adhere to. At the same time Councilor Stone could question the integrity of Mr. Asher when she actually voted for him to discuss it. He was really getting upset about this. The community sees the Council as being split apart, but the votes actually say it was supportive.

Councilor Stone asked to read the e-mail Mayor Bernard was upset about. She was e-mailing about the response to Howard Dietrich's offer to buy the Texaco site to be preserved as a green space with the trees and used for the Farmers' Market. It was a controversial issue. She put that in her e-mail. The reason she e-mailed this was because after Mr. Dietrich sent the letter to everyone this was put on e-mail. Three Councilors, not five, over e-mail, not publicly, gave staff the go-ahead to send Mr. Dietrich a letter to deny him to buy the property. Her concern had always been we needed to be doing business in public, in a public forum, not in e-mail. We have been cautioned not to do that, and it continues to happen. She asked why the rush in sending off a response letter. She would have liked to see this come before the City Council at this meeting and have a discussion about it. She did say in her e-mail that it placed the staff and the Council in an awkward position. She did not want to give the taxpaying citizens any reason to question the Council's integrity or its ethics. Every member of this Council should have had input, and only three did. They were the three sitting with her tonight. That was what she was upset about. She did not like that Council did not follow the process.

Mayor Bernard said they did not have input. He received the e-mail that this was the letter sent to Mr. Dietrich. He was never asked, and Councilors Barnes and Collette concurred they had not been asked.

Councilor Stone said they responded to the e-mail.

Councilor Barnes noted Councilor Stone had the right to respond to e-mails, but she did not attend Council meetings let alone respond to e-mail. Councilor Stone had not been here 50% of the time. If one looked back Councilor Stone was excused without asking permission to leave Council meetings on a regular basis. Anyone else who left their job 50% of the time would not have that job.

Councilor Stone was on vacation just so people would know.

Councilor Barnes asked how Councilor Stone could constantly be on vacation.

Councilor Stone sent everyone an e-mail to let them know she would not be at the City Council meeting. As far as the allegation that she was there less than 50% of the time please show her what was meant.

Councilor Barnes asked in the past month if Councilor Stone had been at one meeting or two.

Councilor Stone responded she had been on vacation twice this summer. It was summer break. Council was allowed to have vacations.

Councilor Barnes thought vacations could be arranged on non-meeting nights like the rest of the Council members.

Councilor Stone said she tried. It did not work.

Mayor Bernard said twice meetings were scheduled to talk about VHTA. There was a special meeting, but Councilor Stone called to say she was not coming. There was another meeting which was the last one, and Councilor Stone did not come.

Councilor Stone asked when the special meeting was. She did not believe there was a special meeting.

Mayor Bernard replied a person was scheduled to talk to the Council about the VHTA, and Councilor Stone called and did not come. That presentation was cancelled. It was rescheduled for the last meeting, but Councilor Stone did not come. Councilor Stone then talked about how she thought VHTA was a terrible thing, when she did not hear what it did. It actually increased taxes. He was concerned Councilor Stone was making these judgments without being educated on what a tax abatement was. It actually increased tax revenue from what it would be if it sat undeveloped. Almost 6 times if he remembered correctly. He was concerned there was a meeting, but Councilor Stone did not come. There was another meeting.

Councilor Stone asked him not to make it sound like she did not come because she did not want to be there. She was on vacation, and she had a right to be on vacation.

Mayor Bernard agreed. The 4-page letter came to the City Council. He did not intend to get into this a lot, but he was frustrated. The 4-page document came to City Council. Councilor Stone left town at 4:30 p.m. or 5:00 p.m. just before a Council meeting. He was sure she did not write this in last 5 minutes before she left. According to the Council agreement members were supposed to get this kind of thing.

Councilor Stone replied it was hot off the presses.

Mayor Bernard thought it looked like it took 2 or 3 days to write.

Councilor Stone said it might have taken Mayor Bernard 2 or 3 days, but it took her a couple of hours.

Mayor Bernard had a problem that Councilor Loomis came to the meeting with the letter. Another part of the agreement was that the other members of Council should have had copies ahead of time right before the City Council meeting instead of suddenly after going through a long night. Everyone was tired, and then there was a 4-page note.

Councilor Stone had asked that it be read into the record, and the Council did not allow it.

Councilor Barnes said if it had been important enough Councilor Stone would have been at the meeting.

Councilor Stone said that was not true. It was important enough she wrote it.

Councilor Barnes asked why she did not send it to all the members of Council.

Councilor Stone said she just got it done. This was not appropriate venue; it could be discussed after the Council meeting. She was upset that she had asked Councilor Loomis and he agreed to read it into the record. She was very disappointed it was not read into the record.

Mayor Bernard said the Council Communication Agreement, which Councilor Stone signed, was that information would be provided before the meeting started. He could have asked Councilor Loomis to have staff make copies.

Councilor Stone said it was just like the letter received tonight from Mr. Dietrich. She had not had time to read it. Are you going to say you are going to read through this whole thing during a meeting? Councilor Collette just got the letter tonight too.

Mr. Swanson explained it was a different letter from Mr. Dietrich.

Mayor Bernard said the City already replied to Mr. Dietrich on the issue.

Councilor Stone wanted to read her statement into the record.

Mayor Bernard was not interested in hearing it at this meeting. This was Council report. The letter was already in the record from the previous meeting.

Councilor Stone felt it was very disrespectful of Mayor Bernard not to let her read the letter into the record. Mayor Bernard had gone on and on for over 10 minutes. People listened to him talk.

Mayor Bernard replied the letter was already in the record. This was Council report time.

Councilor Stone said his comments did not sound like a Council report at all. It sounded like Council chastisement.

Councilor Barnes was proud of the Milwaukie police department. Last week she went on a ride along with one of the officers which she tried to do every summer to get a perspective of the police officers' work. Officer Danovich was very professional. She felt very safe. All of the officers on duty work very hard. They put in 10- and 12-hour shifts and protect the City. She was very proud of the police department and was glad she got to go on the ride along. She thought most members of Council should think about doing that because it gave one a different perspective. She attended the State of the City Address at the Rotary and thanked Grady Wheeler for putting together the PowerPoint presentation. School started tomorrow and she reminded people to watch for the school speed zones.

ADJOURNMENT

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

Mayor Bernard adjourned the regular session at 8:31 p.m.

Pat DuVal

Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL SEPTEMBER 4, 2007

MILWAUKIE CITY HALL

10722 SE Main Street

2013th MEETING

REGULAR SESSION – 7:00 p.m.

I. CALL TO ORDER
Pledge of Allegiance

2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Formation of a South Corridor Safety and Security Task Force (Kenny Asher)

3. CONSENT AGENDA *(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.)*

A. City Council Minutes of July 17, 2007 Work Session

B. City Council Minutes of August 7, 2007 Regular Session

C. Resolution Appointing Parker Fitzpatrick to Design and Landmarks Committee

D. Resolution Appointing David Hedges to Public Safety Advisory Committee

E. OLCC Application for Cha Cha Cha Mexican Taqueria, 11008 SE Main Street, New Outlet

4. AUDIENCE PARTICIPATION *(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.)*

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.)*

None scheduled

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.)*

- A. **Proposed First Addendum to the Intergovernmental Agreement between the City and Local Jurisdictions Involved in Stormwater Litigation – Resolution (George MacGregor)**
- B. **Council Reports**
 - **Feasibility of Establishing an Arts Committee (Councilor Collette)**

7. **INFORMATION**

- A. **Milwaukie Center/Community Advisory Board Minutes of July 13, 2007**
- B. **Citizens Utility Advisory Board Minutes of July 11, 2007**
- C. **Riverfront Board Minutes of June 4, 2007**

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.



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Kenneth Asher, Community Development & Public Works Director

Subject: Formation of a South Corridor Safety and Security Task Force

Date: August 24, 2007 for the September 4 Meeting

Action Requested

None. This is an informational update on the formation of a Safety and Security Task Force for the South Corridor Phase 2 Portland-Milwaukie light rail project.

Background

In several community discussions regarding Portland-Milwaukie light rail, Milwaukians have expressed concern about safety and security associated with the project, particularly as it relates to crime and criminal behavior.

In response, the South Corridor project team has committed to address safety and security issues during the Supplemental Draft Environmental Impact Statement (SDEIS) and conceptual design phases of the project rather than during preliminary engineering and final design (as in past projects). This is intended to allow community members and public safety officials to interact, become educated, and collectively provide input about alignments and station locations, in advance of final design.

The project partners are preparing to form and staff a Safety and Security Task Force to accomplish these objectives, the purpose of which would be to:

- Educate stakeholders (and task force members) about basic safety and security requirements, practices, features and facts associated with light rail operations
- Help ensure that safety and security issues are well understood as one evaluation criterion in the project's decision-making process
- Identify design principles that would improve safety and security at and near possible stations

- Provide input into community discussions about station design and location
- Help plan outreach and education efforts that can be implemented before, during and after final design and construction

The Task Force will be convened as part of the community outreach and decision-making structure for the SDEIS phase of the Portland to Milwaukie light rail project and will meet both as a large group (when considering project-wide issues) and in smaller groups (when considering local concerns and specific locations).

Results from the Task Force work will be shared with the South Corridor Project Management Group (PMG), South Corridor Policy Steering Committee and the Technical Advisory Committee (TAC). Additionally, it will provide input to TriMet's Fire, Life and Safety and Safety and Security Committees.

In Milwaukie, the Task Force should be charged with specifically contending with concerns raised by the Portland Waldorf School and St. John's Catholic school about the presence of light rail in proximity to school children. The Task Force should also help Milwaukie envision how possible station locations might be utilized, designed and integrated with surrounding uses.

Milwaukie staff has encouraged Metro and TriMet to allow as many Milwaukians to participate as possible, and to utilize Chief Kanzler's time and vast expertise in both the broader discussion and specific issues related to various Milwaukie alignment and station options.

Metro and TriMet staff are hopeful that the first Task Force meeting will occur in late September or early October. Milwaukie Community Services staff is prepared to immediately begin soliciting interest from community members interested in participating.

Concurrence

There is no action with which to concur, however the Community Development and Community Services departments are fully supportive of this effort and believe that it is an important aspect of the light rail project. At the time of this writing, the Milwaukie Police Department and specifically Chief Kanzler was being contacted by Community Services for concurrence. The Milwaukie Police Chief has previously indicated strong support for a Safety and Security Task Force (refer to Milwaukie City Council Work Session Meeting Minutes from June 5, 2007). Metro and TriMet concur with this concept and are dedicating staff and consultant budgets toward realizing the Task Force.

Fiscal Impact

None.

Work Load Impacts

The Police Chief, Community Services Director and Community Development/Public Works Director will each be required to commit some time to this effort. Indications from all departments are that this work can be absorbed into current workplans. The Planning Director may have minimal involvement, given her background and current responsibilities with light rail station area planning and downtown planning.

Alternatives

There are no alternatives to consider, as this is an update item only. However Council may use this opportunity to request that certain work program elements be included in the Task Force charge.

Attachments

None.

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION

July 17, 2007

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

Council Present: Councilors Barnes, Collette, Loomis, and Stone.

Staff Present: City Manager Mike Swanson, Community Services Director JoAnn Herrigel, Engineering Director Gary Parking, Transportation Liaison Gavin Hales, and Community Development/Public Works Director Kenny Asher

Intergovernmental Agreement with North Clackamas Parks and Recreation District

Ms. Herrigel and Park and Recreation Board (PARB) member Sherri Dow discussed the intergovernmental agreement (IGA). It was signed August 1992 and had not been modified since that time with one exception. The agreement transferred City staff and equipment to the District and established that the District would maintain and operate the City's park and recreation facilities listed in the attachment to the IGA. A lot of things had changed over the last 15 years not only in the District but also in the City. There had been a lot of input on how outdated the agreement was and that it should be modified. PARB and staff went through the agreement and came up with four major areas for renegotiation. She asked for approval to meet with the District to discuss outdated language; amend language regarding the Center/Community Advisory Board; expand the list of parks being maintained by the District including Riverfront Park, Lewelling Community Park, and Homewood Park; and amend the maintenance standards.

Mayor Bernard was concerned about financial impacts since no funds had been budgeted. He agreed the IGA needed a lot of work. One of the issues had always been maintenance, and he had not realized that there were different levels. He was also concerned about the condition of the tennis court at Century Park. A citizen had suggested converting it to a basketball court.

Ms. Herrigel said the District had budgeted \$50,000 to resurface the Century Park tennis court. She discussed the desire of the neighborhood to go pesticide free.

Councilor Collette did not see anything in the agreement about how complaints were handled, for example ballfield noise.

Ms. Herrigel said for that park specifically there was a neighbor agreement, and that was outside the City ordinances at this time. She might advise Council not to go that way since there were so many local parks. She believed parks were exempt from the noise ordinance but she would check the code.

Councilor Collette said that was the complaints that she was hearing that there was noise before 7:30 a.m. and after 10:00 p.m.

Councilor Stone was curious about changing the Center/Community Advisory Board membership to 12.

Ms. Herrigel said it was difficult to maintain membership of 18 members.

Councilor Stone was interested to know why Ms. Herrigel referred to a San Francisco template for maintenance.

Ms. Herrigel responded they could only find two templates. One was from San Francisco and the other was from a school.

Councilor Stone understood it was difficult to find a comparable community. She looked at the IGA and the land acquisition and their goals. Which were acquired and which were not. Aquatic and ballfields were done, but she believed there were still some to work on.

Ms. Herrigel said the District was asked for two multi-purpose fields. Most had been met but she was not sure if there were lighted soccer fields to date.

Councilor Loomis reported there was an agreement with Aldercreek Middle School, and artificial turf fields were slated for Milwaukie and Putnam High Schools.

Ms. Herrigel said there was money slated to be spent on Milwaukie parks between 1991-1996. The amount that was allotted for parks in the City was \$800,000 but they ended up spending over \$1 million.

Councilor Stone had questions on the levels of maintenance. She did not see Kellogg Lake Park listed.

Ms. Herrigel said that was one of the gaps that needed to be filled. Things needed to be more specific.

Councilor Stone understood signage would remain the same.

Ms. Herrigel replied PARB suggested that be done by having the signage read owned by the City of Milwaukie and maintained by NCPRD to be consistent. She anticipated reporting back by the end of the year. The Council may consider the financial implications at that time.

Councilor Stone suggested starting an adopt-a-park program.

Ms. Herrigel said that was raised by the PARB. The District has a program that covers all parks, but it might be feasible for the City to have one.

There was consensus that Ms. Herrigel move forward.

Harmony Road Environmental Impact Study

The agenda item was postponed to a future meeting.

Railroad Crossing Safety

Mr. Parkin and **Mr. Hales** discussed progress made in the past three months and safety improvements needed to establish a quiet zone. They asked for direction so they could return with a resolution to implement these improvements.

Mr. Hales described the existing railroad crossing safety project, rules governing quiet zones, the three impacts to the Union Pacific main line on Milwaukie, the specific improvements the project would undertake at each crossing and the impacts and benefits of those, the community response regarding train noise, the budget for these improvements and staffs recommendation regarding the proposal.

Mr. Parkin said they budgeted for 37th Avenue and Oak Street to be improved this year with Community Development Block Grant (CDBG) funds. This would be done regardless of the outcome on the quiet zone piece, but the project

included elements needed for a quiet zone. At 37th Avenue sidewalk improvements would cross at a right angle, and the sidewalk would be extended. The next crossing at Oak Street had sidewalks on both sides and connect to the curb return. It will also have the pedestrian and bike crossing improvements. Right now there was nothing at those intersections, so it was a needed improvement. The reason for promoting the quiet zone at this time was that there were some efficiencies of doing the projects together using CDBG grant funds. There is a lot of public sentiment in favor of doing this project.

Mr. Hales said the legislation governing quiet zones was authorized by the Federal Railroad Administration (FRA) after over 10 years of intense study. The purpose was to enhance safety at crossings, reduce noise impacts on communities, and to replace the train horns with Supplementary Safety Measures (SSM). The goal of SSMs is to prevent movement across the rail line when gate arms are lowered. All of the options listed accomplish that goal but the 5 options that were available to the City is a technology called four quadrant gates. Additional gate arms were added at each crossing, median barriers, one way streets with the existing gates fully blocking the lane of travel, temporary night time street closure and permanent street closure. The proposal presented relies on median barriers. The UP Main line has three main impacts on Milwaukie: safety, noise nuisance, and access constraints. Train horn noise affects approximately 82% of Milwaukie households above the level considered acceptable for normal residential land use by the Federal Railroad Administration. He pointed out the whistle points. The third impact was an access impact that primarily stems from safety concerns for pedestrian, cyclists, and handicapped. This project seeks to address elements of all three problems at three crossings of UP main line at 37th, Oak, and Harrison.

The 37th Avenue crossing proposal would construct a total of three median barriers. One extends in each direction from the rail crossing and one along Railroad Ave. with the purpose of channeling traffic away from the rail crossing. This project would also realign the intersection of 37th and Railroad to accommodate the presence of the median barriers and preserve passenger vehicle turns at that intersection.

He showed a slide of the current traffic patterns, and what it would look like by moving up the intersection and increasing the queue length. The result of the improvements would improve crossing safety for pedestrians, cyclists, and drivers. They would limit truck and bus access to Railroad Avenue; improve sight lines and geometry at the intersections of Railroad and 37th.

The Oak Street crossing turns were retained under original proposal. He pointed out the freight driveway. Under original proposal we would lose three turns at this intersection. The freight turn into the freight access way, the left turn from Campbell onto Oak, and the left run from Oak onto Campbell. They talked with the neighborhood associations and they were concerned about the loss of those turns. They determined they could regain one of those three turns by adding a curb section that channeled the existing left turn lane on Oak so vehicles could make the turn and allow the SSM. They expanded the end pieces to the median barrier to discourage people from cutting through. Freight access was significant in this area, and this proposal retained full freight access to the Milwaukie Marketplace by adjusting the existing freight driveway slightly towards Hwy 224 to allow for the continued egress and ingress for trucks from that point. They spoke to the representatives at the Milwaukie Marketplace, and they are in favor of this proposal. The existing crosswalk would be eliminated in this proposal.

The idea would be to move the crosswalk to a well-lit location, and it added some distance from the intersection.

Overall results of the improvements at Oak Street was crossing safety for pedestrians, cyclists, and drivers; improve access to the Marketplace and Gramor; loss of two left turns, and preserved others including freight access to the back of the Marketplace.

Mr. Parkin discussed the Harrison crossing. He explained that it is not part of the CDBG project so they would have to do the improved crosswalks and median barriers. He showed Council the existing turning motions, and said that 31st Avenue was a dead end that had many unsafe turning motions. With the new median one could not turn left from the car wash. A possible way to mitigate the loss of the left turning motion was to utilize the existing driveway to the east. Both properties were under common ownership with a left in and out termed east driveway. DKS looked at this area and suggested extending the median longer than needed to make sure that people couldn't make a left turn. Future development of the Murphy site would likely vacate the current access point. In the long term the loss of access at 31st Avenue was not an issue. That was right-of-way for a street. The results of these improvements would be improved crossing safety for pedestrians, cyclists, and drivers. It also improves pedestrian, bike, and handicapped access to Providence Milwaukie, downtown Milwaukie and nearby businesses; full movement access to carwash and provides internal circulation for Purdy's.

Mr. Hales explained the result of doing all 3 improvements would reduce noise to less than 65 decibels for 69% of Milwaukie households. He further explained that the community response on this issue was strong with 189 residents indicating an interest in the issue through self-selection. 165 of those were in favor of silencing; 17 were opposed, and 7 were neutral. They have contacted the affected businesses that were by in large in favor of the proposal with the exception of Purdy's that was opposed to the proposal. As a result of initial research he added a question about train horn noise to his survey and compiled a log of community concern. He reviewed the calendar of community outreach that began August 2006 through July 2007. Six NDA's were in favor of the proposal and one was neutral.

Mr. Parkin reviewed the budget. Total project cost was \$480,000. The funding in the current budget for CDBG was \$99,000, funds in lieu of (FILO) was \$15,000, gas tax \$64,700, and SDC \$37,500. The proposal would cost \$285,000 and they would look to fund it with FILO funds, gas tax contingency funds, and SDC funds. He gave an additional breakdown of the cost at each crossing.

Mr. Hales said improvements would make three key rail crossings substantially safer. The project had the added benefit of a quiet zone designation, which in addition to improving neighborhood livability had broad community support. Additionally, Milwaukie would be train horn free with the completion of the Harmony Road project. The result is reduced noise, improved access, reasonable alternatives to lost turns, efficiency, and cost effectiveness.

Mr. Parkin recommended establishing the quiet zone and was seeking Council direction on preparing a resolution implementing these improvements. The gas tax listed was from the state and not local.

Councilor Barnes asked about the comment regarding the need to sound horns 16 times. What happens when the train hits Harmony and Linwood? How far will

the train noise travel? She wanted people to realize there will still be train noise in Milwaukie until Linwood/Harmony was dealt with.

Mr. Parkin responded that the Linwood neighborhood would still be within the 65-decibel zone. He pointed out that it was a small area compared to the overall City.

Councilor Barnes wanted it clear that it would not eliminate train noise.

Mr. Hales explained the challenges at the Harmony Road Crossing. There were two key considerations. The rail crossing immediately abuts the intersection so median barriers were not an option. Second, whatever technology they looked at using, the Harmony Road project looked at making substantial changes to that intersection, and staff was concerned that any City effort to quiet train horn noise and install improvements would be removed by the project a few years later.

Councilor Collette said she wanted a considerable amount of signage at 37th Avenue so people knew there was a crossing. The crosswalk seemed out of the way for someone going from the Museum and neighborhood to the Marketplace.

Mayor Bernard asked why the crosswalk wouldn't be located where the signs were instead of moving it up.

Mr. Parkin replied the width of that intersection made it difficult to place it any closer, and the stop is for the side street not for 37th Ave.

Mayor Bernard said he had major concerns with the carwash. He was surprised that 31st Ave. was actually a public street. To have someone turn into a driveway and into a blank wall and then into a carwash seemed absurd. The carwash was dependent on vehicle access. Disallowing the left turn was an issue for him. He would like to know the cost of the four bars at that intersection.

Mr. Hales said it would at the least add an additional \$250,000 to the project because the four quadrant gate technology involved the existing Railroad circuitry and that work has to be done by the railroad, and the circuitry is expensive. The Railroad may ask the City to replace existing arms.

Mayor Bernard said he read about a bell or horn that could be used at the intersection.

Mr. Hales responded it was alternative #2 in staff report that involves putting a fixed horn at the crossing itself, which did not carry as far. At the actual approach noise level was still quite high. There is a complication with wayside horn systems in that they could make the City liable for any accident at that crossing that could be traced to the use of that horn system. There was a case pending in Sugarland, TX that resulted in abandoning the Wayside system and they ended up installing four quadrant gates at 8 crossings.

Councilor Loomis went back to the carwash question. For clarification he asked if one landowner owned the carwash and the vacant office space, and verified that the landowner would have to agree for that to work. He still wasn't clear how that would work.

Mr. Hales responded that the landowner would have to agree. He referred to the second page of the handout that showed right turns still coming in and out from 31st Ave. Both left turn motions moved to the east driveway. Cars coming out of the carwash that did not want to make a left on Harrison would go behind the office building and then make a left.

Mr. Parkin reiterated that this did make for a safer intersection and provided access to the property.

Mayor Bernard asked if the entire property was owned by Murphy. He said Purdy's has some interest in moving to the property it owned across the street, but current standards made it very expensive. He asked if the City could talk with Purdy's and negotiate. The carwash would likely lose 60% of their business with these changes.

Councilor Stone said she was also concerned but the changes still gave them an in and out option if the current owner allowed it. She asked about the accident history.

Mr. Parkin replied he did not have the exact numbers, but it did show up in the Transportation System Plan (TSP) as a high accident area.

Councilor Stone understood without the landowner's cooperation they could not go forward with it.

Mr. Parkin said that was not true and they could go further with it regardless, but it did make it harder for Purdy's if the property owner did not allow access via their driveway. The City can block off right of way for safety improvements regardless of what the owner allowed.

Councilor Stone asked if they have spoken with owner.

Mr. Parkin replied they spoke with owner who was not very supportive of the median because it would mess with the current conditions.

Councilor Stone asked about the double gates at that crossing

Mr. Parkin replied there would continue to be safety problems with that entryway even with the double gates but we would have a quiet zone.

Councilor Stone was interested in knowing the accident history.

Mayor Bernard had some serious concerns. Could we put in barriers on the west side of Harrison St. and eliminate a gate?

Mr. Parkin was starting to investigate that and may be able to have one gate instead of two. One of the issues was the possibility of having to buy new gates.

Mr. Hales said ODOT rail and UP were opposed to using more than one type of mitigation. They are proven to work, have been federally tested and known to be safe. The combination of them would not save the City that much money as the expense was in the circuitry.

Councilor Loomis was concerned about funding and using the gas tax after adopting the local gas tax.

Mr. Parkin could balance out some of the funding a little bit better with the new finance director. Some gas tax money would be used for this project and those monies would come from contingency.

Mr. Asher said they have gotten as creative with funding sources as possible. He was hearing from Council that they are already drawing too much gas tax and may need to go to a more expensive solution to preserve access to Purdy's.

Mr. Swanson added that two years ago they brought someone in to look at creating a safety zone. Cost from outside approached \$2 million. Staff had gone to great lengths to look at options that provided safety as well as reducing or eliminating a livability issue.

Mayor Bernard said two intersections that would be done and made safer were 37th Avenue and Oak Street. Those were relatively inexpensive and were on the way to creating the quiet zone.

Councilor Stone asked if it was \$250,000 for a double gate at each crossing.

Mr. Hales responded yes and Oak would be more expensive.

Councilor Stone asked if there has there been discussion with railroad. There seemed to be some discrepancy on the length of the horn. Have they been asked to minimize?

Mr. Hales replied operators were being nice to the community and sounding horns below level and fewer times. Those which were louder were probably adhering to the regulations.

Councilor Collette said we have an opportunity to look to the future. Murphy would benefit by a quiet zone for future development. She would like to encourage staff to go forward to negotiate with the owner of the Murphy site and look into signage. She thought it was best for the City to continue with this process as it affected 89% of the City in a positive way. Change would benefit the community.

Mr. Swanson did not wish to ignore the quiet zone situation and suggested taking a longer look. He heard some of the issues and wanted to give staff a chance to answer questions. He would like to stay with the concept of three as the goal.

Councilor Stone asked about closing the street at night.

Mr. Hales replied street closings occur where there are more crossings than needed, which was not the case in Milwaukie.

Mayor Bernard said the consensus was to consider the matter again in a couple of weeks. His main concern was with Purdy's. He thought Oak and 37th Avenue should be done and perhaps delay the third crossing.

Mr. Hales said there would not be a quiet zone unless all three crossings were done.

Design and Landmarks Committee Interview

The Mayor and Council interviewed Becky Ives for a vacant position on the Design and Landmarks Committee.

Adjournment

Mayor Bernard adjourned the work session at 6:55 p.m.

Pat DuVal, City Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
AUGUST 7, 2007**

CALL TO ORDER

Mayor Bernard called the 2011th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Council President Stone and Councilors Deborah Barnes, Carlotta Collette, and Joe Loomis

Staff present: City Manager Mike Swanson, Community Development & Public Works Director Kenny Asher, Operations Director Paul Shirey, Engineering Director Gary Parkin, Planning Director Katie Mangle

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

Mayor Bernard read a proclamation recognizing the week of September 17 through 23 as *Constitution Week*.

CONSENT AGENDA

- A. **City Council Minutes of July 3, 2007 Regular Session;**
- B. **Resolution 44-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Rebecca Ives to the Milwaukie Design and Landmarks Committee;**
- C. **Resolution 45-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager Project Purchasing Authority for Electronic Ticketing Equipment;**
- D. **Resolution 46-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, approving the Award of the Contract for Towing Services to Olson Brothers Services, Inc.;**
- E. **Resolution 47-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Approving the Award of Contract for Insurance Agent of Record for the City of Milwaukie;**
- F. **Resolution 48-2007: 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;**
- G. **Resolution 49-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Approving the Award of Contract for the Construction of 37th Ave. Waterline Replacement (King Road to Harvey St.);**
- H. **Resolution 50-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to sign Two Intergovernmental Agreements with Metro for Local Share Component of the Natural Areas, Parks, and Streams Bond Measure and land Acquisition and Due Diligence Services; and**

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I. OLCC Application for Hartwell's, 10608 SE Main Street, New Outlet.

It was moved by Councilor Barnes and seconded by Councilor Collette to adopt the consent agenda. Motion passed unanimously. [5:0]

AUDIENCE PARTICIPATION

- **David Helms, Milwaukie**

Mr. Helms read a letter he wrote dated August 7, 2007 to the Mayor and Council into the record regarding the Memorandum of Understanding (MOU) for the Texaco Site Development. "I am suggesting a statement should be added to the MOU that stipulates at the end of the construction a period of one week should be designed as an exterior inspection period for the general public to inspect the quality of workmanship and materials. A site for written comments would be at the Library or left at City Hall. No design changes would be considered. The comments would be passed on to the developer for corrective action if deemed necessary. Any comments should be made public at the next regular City Council session. Due to the worsening of the real estate situation, Main Street Properties should have to put up a bond to ensure completion of the project. The City should also be given the right of first refusal to buy back the site if things don't work out as planned due to future economic conditions.

- **Loretta Sharpe, Milwaukie**

Ms. Sharpe commented on the fact that the Farmers' Market would be removed and that the parking situation would be worsened by the light rail. It did not seem it would help that situation since she read the thing in the little Milwaukie paper about the problems with the parking. She did not see why the City wanted to take away a beautiful parking lot that had a lot of community development with people coming to the Sunday Market.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. Proposed Ordinance Repealing Milwaukie Municipal Code Chapter 15.12 and Proposed Resolution Approving the Fire Code as Adopted by the Clackamas County Fire District No. 1 Board of Directors – Ordinance and Resolution

Mr. Swanson reported there were two actions proposed in this item that he would address individually. The first was a proposed ordinance repealing Milwaukie Municipal Code Chapter 15.12 – Fire Code. The second was adoption of a resolution approving the Fire Code as adopted by the Clackamas County Fire District No. 1 Board of Directors. Chapter 15.12 was a section of the code that set out the process by which the Fire Code was adopted and provided the Council may do so by resolution. ORS 478.924 provided that the provisions of the Fire Prevention Code adopted by a district shall not apply within any city or county within a district unless the governing body of the city or county approved the Fire Code by resolution. The Municipal Code merely repeated state law. That section also contained a number of provisions regarding fees and standards that are included in the Fire Code that the District would ask the City to adopt. The section of the Municipal Code needed to be repealed first, and then state law would allow the Council to adopt the Fire Code by resolution. This was all necessitated by the City's annexation to the Fire District in 2005.

It was moved by Councilor Barnes and seconded by Councilor Loomis for the first and second readings by title only and adoption of the ordinance repealing Milwaukie Municipal Code Chapter 15.12 – Fire Code and declaring an emergency. Motion passed unanimously. [5:0]

Mr. Swanson read the ordinance two times by title only.

The City Recorder polled the Council: Councilors Loomis, Barnes, Collette, and Stone and Mayor Bernard voting ‘aye.’ Motion passed unanimously.

ORDINANCE NO. 1973:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REPEALING MILWAUKIE MUNICIPAL CODE CHAPTER 15.12 – FIRE CODE, AND DECLARING AN EMERGENCY

It was moved by Councilor Stone and seconded by Councilor Collette to adopt the resolution that adopted the Fire Code as adopted by the District Board of Directors. Motion passed unanimously. [5:0]

RESOLUTION NO. 51-2007:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE FIRE CODE OF CLACKAMAS COUNTY NO. 1 ADOPTED BY THE CLACKAMAS COUNTY FIRE DISTRICT NO. 1 BOARD OF DIRECTORS ON MAY 21, 2007 PURSUANT TO ITS ORDINANCE NO. 07-02.

B. Light Rail Main Street Option Discussion

Mayor Bernard said there was an issue raised at the last Council meeting namely about the possibility of the Mayor or Council might have a conflict of interest. He had asked Mr. Swanson to look into this matter and asked for his comments.

Mr. Swanson reviewed the history on this issue. State law recognized two types of conflicts. One was an actual conflict of interest which was defined in statutes as any action, decision, or recommendation by a person acting in a capacity as a public official the effect of which would be to the private pecuniary benefit or detriment of the person or person’s relative or any business with which the person or person’s relative was associated. A potential conflict of interest as opposed to an actual conflict of interest – there was really one big change. A potential conflict of interest could be to the private pecuniary benefit or detriment. An actual conflict used the word “would” while a potential conflict used the word “could.” In other words it was not a certainty. What happened if an elected public official believed he/she had potential conflict of interest. The statute further provided that when met with a potential conflict of interest the public official must announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official. In other words, they do go on to act but announce the potential conflict. The statute went on to say as Mr. Monahan stated that neither the declaration of a potential conflict 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. In other words, once it was announced in relation to the issue before the governing body, that was the last time it had to be – which did not mean it could not be time and time again – but legally that was the last it had to be. 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 that he had a potential conflict in that he was a downtown property owner. He described the block of land located at 21st and Washington, Main and Washington, and Adams and 21st. The transit center location being considered was not on his property but was near his property and there could be

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a potential benefit. It may offer some potential benefit in the future should light rail come by his property. He announced at the time according to the current plan light rail would be on the other side of the tracks from his property. There was a potential that would be far into the future and would be more likely be in increasing the potential value in the future. Technically Mr. Swanson wanted to mention that issue was brought up in the context of light rail. The Mayor did announce it on May 18, 2004, as part of a hearing on transit center and light rail alignment. It had been anticipated. He believed there might be one other potential conflict Councilor Collette wished to announce. The one the Mayor had was announced in May 2004.

Councilor Collette declared a slender potential. He husband worked for the consulting firm that was one of the subcontractors that will be performing the SDEIS. Her husband did not work on the project and did not work on projects in Oregon. He worked in Colorado, Utah, New Mexico, and Alaska these days. Nothing she said or did would have anything to do with him or the work that he did. She thought it was a potential but slender and very unlikely it would have any impact.

Councilor Stone asked if a potential or an actual conflict of interest was more in terms of what one would gain or lose. Was it more of a personal nature?

Councilor Collette understood it had to do with family and relatives also.

Mr. Swanson replied the statute said potential conflict of interest meant any action or recommendation by a person acting in the capacity as a public official the effect of which could be to the private pecuniary benefit or detriment of the person or person's relative or a business with which the person or person's relative was associated. That was pretty broad language. His advice to Councilor Collette was to go ahead and announce it. It was broad when talking about a person or person's relative and a business with which they might be associated. It was safer to announce it.

Councilor Stone said that brought another question to her mind. When you announce a potential or actual conflict of interest was there another step in terms of actually voting or did the person have to recuse himself/herself?

Mr. Swanson replied the statute spoke to that. It read an elected public official other than a member of the legislative assembly or an appointed public official serving on a board or commission shall when met with a potential conflict of interest announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official. One must announce a potential conflict. When met with an actual conflict of interest announce publicly the nature, refrain from participating in any discussion or debate, and if the vote were necessary to meet a requirement of a minimum number of votes that member was still even with an actual conflict eligible to vote but not participate in any discussion. Potential was probably where we were right now. The difference between "could" and "would." In this case potential was merely something announced prior to taking an action.

Councilor Stone said this was very confusing and had one last question. At the beginning of Planning Commission testimony over this issue one of our Planning Commission members recused himself, and he was asked or encouraged to do that by staff. He did not have a potential or actual conflict of interest.

Mr. Swanson recalled, though he would have to look at the Planning Commission minutes, he did not know if that recusal was so much based on a conflict of interest as already having taken a position before anything had been heard. He did not think it was in terms of a private pecuniary benefit or detriment but rather based on perhaps already having arrived at a decision or position. He did not believe it was in the statutory meaning of the definition.

Councilor Stone understood then it was done more so in the scope of a moral judgment on his part.

Mr. Swanson said that was his sense. He would have to read the minutes of the Planning Commission meeting to confirm that.

Mayor Bernard believed it was a decision made by the Planning Commission member, and the staff had suggested it but did not request it.

Mr. Swanson introduced the staff report. The actual report would be delivered by Mr. Asher. They had followed and been intimately involved with this particular process through the Planning Commission and two public meetings at which design options were developed. When staff first met one or two weeks ago to talk about a recommendation the intention was to take the various positions he thought might have been arrived at because this was not a staff that was afraid to disagree with each other. He was surprised to find out that everyone was indeed on the same page. What was before the City Council was a unanimous recommendation from staff that had been intimately involved in the project. Mr. Asher had participated at Metro and TriMet and others had participated in the public information process. This was a unanimous recommendation.

Mr. Asher explained there was no set staff recommendation or suggestion that any Planning Commissioners recuse themselves in June. Staff could pull out the record. The Planning Commission set some ground rules for itself one of which was can we remain open minded about the two questions the Mayor put before the Commission. Each got to determine whether or not they met that open-minded test. Staff did ask through the City Attorney about the plans going into it in order to prepare. There was more information if the Council wanted it. There were documents pertinent to tonight's discussion for anyone who wanted to do more reading. One was the staff report which he would summarize and was available on the City's website. The other document was the Metro report summarizing the review and analysis, including public input, for the Main Street option. That report would be on the Metro website.

This recommendation came from City Manager Mike Swanson, Planning Director Katie Mangle, Community Services Director JoAnn Herrigel, Engineering Director Gary Parkin, Resource and Economic Development Specialist Alex Campbell, and Operations Director Paul Shirey. The recommendation was arrived at through discussions with all of these departments, and there was agreement. The question before the Council was if the Mayor as the City's designated representative to the South Corridor Policy Steering Committee recommend a Main Street alignment be added to the SDEIS. This question had been circulating in the community for several weeks. Many people have formed opinions, and City staff now had an opinion. He pointed out it was only an opinion. Staff viewed the world differently from citizens, businesses, schools, and even Council. It tended to view reality through the lens of plans and policies and past practices and best practices. He offered it as a reminder that staff was just one more group that the Council needed to listen to before deliberating.

He reviewed the historical context. People were always arriving at these public discussions for the first time no matter how long they had been going on. Many discussions had already been held but for some he was sure this would come as news. Second a massive amount of work had been done on the question of downtown alternatives. He took the opportunity to thank Metro and TriMet staff and members of the Steering Committee to allow Milwaukie time to examine the options so thoroughly. On April 26 the SDEIS started up again to learn about and disclose environmental impacts from an alignment that was already chosen for light rail. There was one called the locally preferred alternative (LPA). Metro, TriMet, and City staff went back out to the Milwaukie community to ask questions about if people remembered the study and if

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anything had changed in their lives to make the agencies think about some thing different. There were already some ideas about options to consider like running the alignment along the Tillamook Branch in the north industrial part of the City. In 2004 which was after the adoption of the LPA, Milwaukie, through a long process decided that was one option it liked. Also extending the line farther south. Subsequent to the decision about using the Tillamook Branch in the north industrial area and using Kellogg Lake for a transit center, the Kellogg Lake site was learned to be unavailable, and there was no terminus then for that alignment. It was determined it would be a good idea to find another park-and-ride site. Park Avenue came up, so that was an option.

There was a meeting on April 26 at the Portland Waldorf School (PWS) where project staff learned that PWS in particular was very concerned about using the Tillamook Branch right-of-way that ran right behind the School for the light rail alignment. PWS cited noise, visual disruptions, safety, and many other reasons. The meeting was lengthy and a lot of concerned questions and testimony were taken in. It was suggested that the project ought to study McLoughlin Boulevard and/or Main Street. Mayor Bernard took that feedback and went back to the Steering Committee and requested time to study McLoughlin Boulevard and/or Main Street. That request was granted. That set up a process whereby they heard from stakeholders who appeared they would be most impacted by using McLoughlin Boulevard and/or Main Street. Mayor Bernard asked for input by name: the Riverfront Board, north and industrial and downtown businesses, and the Planning Commission where everyone was able to express their views. The Riverfront Board met in June and voted 6:1 against McLoughlin Boulevard and/or Main Street. The businesses did not take a formal position at that time. There was a public forum where the Planning Commission listened to the community. They were asked two questions about McLoughlin Boulevard and/or Main Street. After several hours of testimony on two nights the Commission split rather perfectly on the question of consensus. One of the questions the Mayor asked of the community through the Planning Commission was did a large cross-section of the community support the inclusion of a McLoughlin Boulevard and/or Main Street alignment. Two said "yes"; two said "no"; and two said, "I give up." The other question was if the McLoughlin Boulevard and/or Main Street alignment have merit with regard to downtown's future economic development, urban design, and revitalization. Here even though it was rather tortuous they did get to some clarity. No one on the Commission liked McLoughlin Boulevard. All of the Commissioners, 5 out of 6 were intrigued with the Main Street option. The Planning Commissioners raised several good questions about Main Street, and the City had a 450-page record of this event. Commissioners asked if past studies had been done for Main Street – had a professional analysis been done? Everyone seemed to remember it had been talked about, looked at, and rejected but could not put their hands on that report. How would light rail interact with traffic on Main Street? Would it benefit downtown businesses on Main Street? Would it increase ridership? Would the concept hold up under more analysis? This last point was very important, and he would return to it. The Planning Commission Chair in particular indicated the Main Street option was worth studying in the SDEIS because its viability needed to be examined. There were several others who made the same point. It may be a good idea; therefore, let's study it. That question was important in helping staff formulate its recommendation.

On July 3, 2007, the City Council met and upholding the sentiments of the Planning Commission, Riverfront Board, and others voted "no" to McLoughlin Boulevard and said instead to focus on Main Street and 21st Avenue. On July 9 the Mayor duly took that direction back to the Steering Committee where he stated the City did not like McLoughlin Boulevard as an option and that maybe there might be something to Main and 21st. He asked to have some time to continue along that path. The focus shifted to a Main Street possibility perhaps coupled with 21st Avenue. The Steering Committee

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again said, “sure, why not.” Milwaukie was slowing things down but not so much the project would not be able to move forward on any of its fronts. Metro and TriMet responded to the Mayor’s suggestion that there be two design workshops in July that would help understand what it would mean to have light rail on Main Street and also help the region understand if that was what Milwaukie wanted and what it was willing to trade off. It did not take a lot of study to understand that Main Street was an 80-foot right-of-way. Right now none of it was being used for light rail. If some of that 80-feet was used for light rail, then something would have to be given up. Those were not questions that any designers at TriMet or planners at Metro could figure out without community input. With great vigor and commitment Sean Batty, TriMet lead corridor designer, and Bridget Wieghart, Metro project manager, and their respective staff pulled together these two design workshops at Milwaukie High School. He invited Mr. Batty to discuss what was learned in the process of going through the design workshops when talking about light rail on Main Street.

Mr. Batty discussed what was learned in the two workshops and the two synthesized designs meant to capture the best good ideas added to what was learned technically about alignments from experience and applied to downtown Milwaukie. He would focus a bit on the inherent trade-offs in fitting a light rail project into an existing 80-foot right-of-way. They also looked at the suggestion of using two rights-of-way, Main Street and 21st Avenue which was a 60-foot public right-of-way. At the first workshop citizens were given scale drawings and maps, and they were encouraged to think about the right-of-way. The components of a project including track, stations, and park-and-rides with scale versions were provided so people could actually slide them around. People could talk about what was trying to be achieved in either of both of the rights-of-way. The other challenge was to remember the point of the exercise was to come up with an alignment that would be the most competitive with the previously selected LPA. Competitive in the sense of how it would stand up in the SDEIS analysis and federal funding process. It was an interesting dialogue and gave people a chance to roll up their sleeves and not only think about light rail but also their community and what it meant to preserve something while fitting in positive change including the 80-foot right-of-way. Each group did meet the assignment and produced a planned graphic with notes. There were examples of designs that used only Main Street both for north and southbound. There were some designs that used both Main Street and 21st Avenue in a couplet format. Summaries of the input gathered was compiled in a booklet. Staff took all the input and information and looked through the ideas and notes and used its judgment as light rail designers, planners, engineers, and urban designers and thought about the alignments. They found they really did express the two families of ideas – a couplet and a Main Street – and then tried to take all that input plus staff knowledge and experience and compress those into two designs that were called synthesized designs.

Mr. Batty referred to page 18 which summarized the second workshop that had a mix people who had and had not attended the first workshop. Staff presented the two synthesized designs and encouraged people to discuss them in a small group and discuss the notion of tradeoffs. He discussed aerial photographs looking down on Main Street. The first of the two options was a double track on Main Street meaning that there were two tracks side-by-side with one dedicated to moving trains north and the other to moving trains south. The plan view graphic was a scale drawing showing the aerial photo with the proposed project showed in colored lines and showing a series of sections as if one were standing on the street.

Mayor Bernard said the Council would consider whether or on the as the City representative to the South Corridor Policy Steering Committee should request another alternative downtown light rail alignment should be brought into the SDEIS. It was important to point out that the Councilors represent the City on various regional and

local committee and that Councilors often act on the City's behalf. The reason Mayor Bernard was bring this particular issue to Council was because it was such an important one. The South Corridor Policy Steering Committee's next meeting is Monday, August 13, 2007 at 8 a.m. in the Council Chambers at Metro. His intention for this meeting was to spend two hours on public testimony, followed by a discussion by the Council. Those wishing to provide testimony were asked to fill out one of the cards provided in the hallway and then submit them to the Mayor or City Recorder. That would ensure correct spellings for the record and ensure everyone wishing to speak had the opportunity.

Mr. Batty continued his presentation. The booklet contained similar graphic and format showing the previous LPA so people could start to understand and compare them. This was the document produced to support the McLoughlin Boulevard actions. He showed a slide of the group work performed at the first workshop and how people grappled with the tradeoffs in introducing this facility into an 80-foot right-of-way or the 80-foot and 60-foot combined. There were statements before the entire group and then some small group discussion. There was a good blend of different kinds of discussion and dialogue to evaluate. The work was summarized in the booklet.

Mr. Batty reviewed the design proposals. He reviewed the graphics that focused on the heart of the downtown business district. The first was the Main Street double track that included a 275-space surface park-and-ride with an opportunity for retail.

Councilor Stone asked if the magenta was an elevated structure.

Mr. Batty replied this particular one started at the north. It indicated to construct light rail on Main Street with a minimum amount of the existing Hwy 224 structure. They were looking for an opportunity to find a space between existing columns and bridge abutment on the westbound ramp to McLoughlin Boulevard. There was not enough space available between the existing span and its abutment to the north for light rail and Main Street. They were showing reconstructing the entire span of Hwy 224 to make space and pushing part of the abutment – the dirt holding the span – to the east in order to make space for Main Street and light rail. The basic concept to this point was to open up and do this significant structural work to create a home for both Main Street and the light rail track. There was an existing slip ramp or place for cars to access Main Street from McLoughlin Boulevard which needed to be preserved although light rail was introduced into the mix. This was done with a series of gates and signals. Automobiles needed a place to stop if they were trying to get from McLoughlin Boulevard to Main Street. In order to do that, cars needed time to slow down and to stack up behind the gate and signal. That resulted in the idea of needing to create a slip lane where cars could slow down and stack up behind the gate or signal outside of the existing McLoughlin Boulevard lanes. Two businesses were close enough to McLoughlin Boulevard that it was assumed they would be displaced and purchased by the project to construct that feature. At that point the light rail would move into the center of Main Street in the 80-foot right-of-way allowing for traffic both northbound and southbound. He noted on the graphic where light rail moved from the west side into the median. This section showed a typical configuration as it moved down Main Street toward Harrison Street and the implications of running in the center within the 80-foot right-of-way with traffic flows north and southbound. Even parallel parking could be introduced on one side of the street but not both sides without acquiring more right-of-way. At the Harrison Street intersection it was likely when they did a traffic impact analysis they would also need to have a dedicated left turn lane to allow vehicles to come down Main Street using the southbound lane to turn on Harrison and move onto McLoughlin Boulevard. That section actually showed two lanes in that position for traffic and showed it as an example of one of the tradeoffs to fit in 10-foot sidewalks in the immediate area. There would be no on-street parking for the length of that left turn. Those two sections

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described the typical conditions. There was more detail and nuance that could be addressed.

From Harrison south there was a previous suggestion and because there was no parking in front of City Hall there was an opportunity to do a station with minimum impact and a good notion for a position centrally located downtown. That section was shown with a center station with one lane of traffic southbound and likely difficult to fit parking in that block at all with a station. In order to fit this staff felt it was all right to just have one-way traffic southbound in order to fit this and still allow some opportunities for parking.

Mr. Batty showed a typical non-station section. It illustrated an eastside running light rail that allowed for a single through auto lane and some angle parking along the east side with 12-foot sidewalks. When traffic reached Washington Street the traffic analysis indicated both a right- and left-turn lane with some sidewalk width tradeoffs in that location. Taking a cue from the Downtown Public Area Plan and some dialogue, he suggested a closure of Main Street from this point to its interface with Lake Road and routing traffic back on to 21st Avenue. That would allow the creation of a transit plaza close to the 275-space park-and-ride and allowing the light rail to find its way under the Tillamook Branch alignment merging on the other side on a new structure that would allow for a grade separated crossing of McLoughlin Boulevard on this side. That was the general concept with a lot of detail behind it.

Councilor Barnes was concerned there were a lot of people wishing to testify and that perhaps Mr. Batty could provide a synopsis.

Mr. Batty agreed with the note there was a lot of information available. He showed a set of slides showing a double track on Main Street with traffic and other features on 21st Avenue. He showed the concept using the Main Street and 21st Avenue couplet. The idea of a couplet was to put less stuff in the right-of-way and leaving more for other features. This concept because of the constraints and what was trying to be achieved was nearly identical south of Harrison. The changes began at Harrison. Introducing the curves and some interesting ideas about transit-oriented development. It did limit the ability to a station near the curves, so they decided to show a single-station configuration. Single tracks ran on the east side of the street, and the west side respectively would turn back at this point. The parking structure was in the same position as the other option. There was a similar notion of having the least interface and reconstruction impacts of the Tillamook Branch freight rail. He showed several sections. On the City Hall block without the station there was some room to introduce parallel parking on that block. Some angle parking would be gained, but it was not creating enough space for double-loaded parking on both sides of the street. While there was more room available it was not quite enough to tip it to being another full lane or bay of parking on one side.

There was a higher level of tradeoffs for the couplet design on 60-foot right-of-way and positioning things to use the sidewalk. There was a single through lane and parallel parking in this configuration. There were three conditions that would be required. Two-way traffic needed to be preserved, so it was a tight squeeze for the first block. The station block relied on using a lot of the sidewalk but still allowed a single traffic lane northbound and some parallel parking on one side. One of the issues with the couplet or side running was the difficulty in preserving and reconfiguring parking and loading dock access. This was always a challenge in a CDB environment when trying to do side running. Typically they would not allow private crossing of the tracks at a non-signalized location. Mr. Batty ended his presentation in deference to the Council's concerns with time and would be available to answer questions as needed.

Mr. Asher reported the workshops were well-attended and productive, and over 100 people attended over the two nights. They heard light rail could fit on Main Street with tradeoffs. The double track on Main was preferred over the couplet. Business impacts were deemed mostly negative. There were no businesses there who said they liked the idea by and large. Some participants felt that using a portion of McLoughlin Boulevard would have improved the options. Of course McLoughlin Boulevard had been ruled out by the time we got into this. Some participants felt that at least one downtown alternative should be studied in the SDEIS. One group said both of the alternatives should be, and another group said neither alternative was necessary to study in the SDEIS. What was the point of all that process? He was sure there were some people at this meeting who felt like this was a good process and the start of something exciting. The point of all of that was threefold. Time was needed to study the options, to gather public input, and to consider larger issues such as how it would be carried out and if it would help the project overall – considerations that were happening even tonight. Those were to could, should, and would questions. There would have been no way to answer those questions without the work that everyone put in during the past five weeks including citizens.

Mr. Asher reviewed the staff recommendation and how it was formulated. A lot of the discussion had focused on the fact that this was just a study. Why would something not be studied that people were interested in seeing studied? The question was how much time and study was required to answer those three questions. Could they be answered now? Can they be answered only after completing the SDEIS? This was back to the Planning Commission's point about using the SDEIS to assess the viability or desirability of the Main Street option. Staff was comfortable that those questions could be answered "no." Most of them or enough of them based on the analysis that was done, widespread expression of public opinion received in various ways, existing plans, policies and past actions, and interdepartmental discussion and debate. This option could be done. Metro and TriMet have said if Milwaukie wanted light rail on Main Street that it could be made to work. Should it be done? Staff would say "no." Would it help the overall project? Staff would say "no" and an explanation was in order. It was important to communicate what this process was not. It was not viewed as a side-choosing decision, i.e., school versus businesses. In fact the staff recommendation looked past every interest group and tried to do right by the most Milwaukie interests using the most measures with the most dispassion that could be applied. He read the staff recommendation into the record, "due to the incompatibility with the adopted *Milwaukie Downtown and Riverfront Land Use Framework Plan*, risk to other functional requirements of Main Street, and prior local support for, and technical affirmatives of a non-Main Street option, the City staff holds that there does not exist a framework for selecting Main Street as a future locally preferred alternative and that the option should therefore not be studied in the SDEIS." The only alternatives that the City should ask to be studied are those that the City believes could be faithfully upheld if selected as the final, fully-constructed project. That was really important to staff, and Council may end up feeling differently about that as plans can and do change. Staff cannot change the plans. Its job was to uphold and implement plans, and when asked about actions that were inconsistent, staff would always fall back to the framework that prior community processes had put in place. In looking at what the City had and where it would be with an LPA decision a year from now after the SDEIS and not feeling there was a framework to support it then, staff did not see the need nor the desire to study it now. There were three parts to that: incompatibility with the plan, risk to other requirements, and prior local support for and technical affirmation of a non-Main Street option.

Mr. Asher revisited the Downtown Plan. There were many who knew more about the creation of the Downtown and Riverfront Framework Plan than he did. He did know more than 2,000 people participated in its creation, and the creation took almost two

years. It forged a consensus in the community that had been recently racked with political upheaval and community discord. The Plan was built on three main concepts: (1) that it build on existing assets; (2) that it strengthen the downtown economy; and (3) that it feature the River and natural amenities that Milwaukie was lucky to have downtown. Staff believed that Main Street was the heart that beat at the core of the Plan. Main Street supported the Plan goals by acting as an urban design organizer, an economic driver, and a unifier. On all three of those concepts, Main Street had a really important role to play. The Plan featured dozens of land use suggestions which supported those concepts none of which as land use suggestions were absolutely essential to realizing what the Plan aspired to. It talked about a new transit center, grocery store, riverfront restaurant, hotel, marina, and using the Tillamook Branch as a rail trail. Those were all wonderful and good things to do, but they were not in the same classification as the core concepts he described.

Main Street was an urban design organizer. He described the elements on a Main Street in the future that one would expect to see in a small town or city because Milwaukie said it would like that about its Main Street. It was intended to be a friendly environment – business friendly, pedestrian friendly, and transit friendly meeting the basic needs of all those group accounted for such as mixed use development that allowed people to live, work, and shop downtown and make short trips without cars and exercise. On-street parking would serve businesses and act as a buffer for pedestrians from traffic. Automobile circulation and lane widths that accommodated delivery trucks and buses. Transit service, typically buses, was very important so that young, elderly, and poor people can access services downtown along with sidewalk space for all those groups as the most important shared space. This Plan called for generous 13- to 15-foot sidewalks. The magic was in the formula which was to say it was in all of it. It was only realized when all the ingredients could come together. This was not an easy vision to realize at all because every part was important to the whole. The physical realm, the size of things, the availability, the development were all interdependent and carefully placed. This was the recipe the City had, and people liked it.

In addition, Main Street was supposed to be an economic driver of the City's economy. We did not want to lose sight of that. There was a mixture of uses so that it was not just housing and would not just become a bedroom community where people were sleeping here and going somewhere else to work and shop. Nor was it a convenience street for people who wanted to shop on their way home. It would need continuous retail on both sides of the street which most retailers would tell you requires convenient parking in front of the stores or at least the hope for parking. The ability for loading and unloading to occur along with access for businesses. Visibility was not just pedestrians walking by storefronts but also cars being able to drive along and see what is happening on Main Street and to check things out. The street needed successful businesses. Both existing businesses and start-up or expansions that have not come here yet. That raised another important point that Main Street was not yet a success retail street. It was just in the beginning of making the transition. The actions taken over the next several years would have an exaggerated effect on the Street's economy because of the herd mentality and the fact that success bred success. People would get more comfortable investing in the downtown. This was an important time in the history of Milwaukie's Main Street.

Last there was the issue of featuring the Riverfront and tying it all together. What did it mean for Main Street to be a unifier. Essentially, it meant that Riverfront Park, McLoughlin Boulevard, and Main Street which were the three big elements downtown were envisioned as a unified whole which was to say a shared and interwoven experience with strong physical and visual connections. The job of Main Street with the Riverfront much as it was with McLoughlin Boulevard was to open up views and routes

to the River. McLoughlin Boulevard recently achieved that, and the same principles would apply to Main Street. One would not want to do something to Main Street that would work against those goals. Toward the end of the Metro report there was a matrix that went through all the tradeoff issues between doing light rail on Main Street in the double track configuration versus the couplet as compared to the Tillamook Branch which was the one downtown alignment that would be studied in the SDEIS. Staff's assessment was that these considerations did not contribute to the aspirations of the Downtown Plan. Perhaps there was a way to do this, but this would radically change Main Street both in its look and feel and also in its use. The Downtown Plan would not have staff radically changing Main Street. It would have staff building upon what was already there.

The staff report addressed a Main Street alignment's posing risks to other requirements. One would not say those were impacts yet because not enough was known, but they were viewed as risks. Main Street was a street that was trying to move traffic in a congested part of town. There were not a lot of streets downtown. Main Street was a collector. The engineers would worry about changing traffic circulation patterns in a way that would lower levels of service at some sensitive intersections nearby. We know there are access and circulation issues on Main Street north of Hwy 224 even without light rail. If we use Main Street downtown for light rail it would be used north of Hwy 224 for light rail in order to make the connection. We need to think about Main Street in regard to infrastructure. The right-of-way under the street serviced as a principal trunkline for several of the large utility mains and particularly sanitary and storm sewers. All of those utilities would be relocated if we decided we wanted light rail on Main Street. Maintenance and repair would be more difficult if work needed to be done in a more constricted space and the utilities were all trying to share the same right-of-way. Right now there was plenty of room. Right now there was plenty of room, but in the light rail configuration there would be much less. There were costs associated.

Finally, staff would say there was prior local and technical support for a non-Main Street option. In 2003, the SDEIS was completed for this project which considered this segment and looked at all of the land uses in place and found no environmental impacts that could not be mitigated. There were people who would disagree with that based on their own standards of mitigation. From the federal perspective this was an alignment that could be done. There was technical work to back that up. The land uses have not changed in this section of the alignment since then including the schools. When this was studied the last time, it was studied for impacts to schools in those locations. Staff did not believe a contingency approach was necessary. Some had argued you might want to put this in the study in the event an impact was found that rendered this alignment unusable. Would you want to jeopardize the entire project because you did not have another alignment in place? Based on what was learned about this segment so far, staff saw no reason to do that. This Tillamook Branch alignment appeared to be perfectly usable, and that was not speculation. It was based on a lot of planning work and a recently completed SDEIS. Did it have local support? It was controversial for sure. Staff would point out that this first came up in 2000. It was conditionally supported in the Neighborhood 14-points memo in 2001. Some things had changed since then which were acknowledged. That was six years ago. Council adopted it as part of the LPA decision in 2003 and then later in 2004 during the Working Group process. It was not challenged in that discussion either. Over six years and one full DEIS study minimal community protests were heard. There was also the argument raised that Main Street would be better for redevelopment. As the community development voice in the City he would say there was such a thing as close enough which might be better than too close. He thought that was what was going on with this discussion. A Main Street alignment was not required to serve downtown light rail users. The Tillamook Branch line would be close enough; those stations would be close

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enough. It was not required to stimulate transit-oriented development (TOD). In fact some of the larger possible TOD sites were adjoined to the Tillamook Branch and not Main Street. That was not to say there could not also be TOD on Main Street as well. You do not need a Main Street alignment to stimulate downtown development. In fact there was a letter from Main Street Partners that argues that a Main Street alignment would hurt present day redevelopment efforts for the reasons he just named.

Mr. Asher reviewed the conclusions. The merits of a Main Street alignment did not require an EIS as they could be judged today on many scales. The impacts of a Main Street alignment to the downtown environment have now been studied in enough detail to demonstrate incompatibility with Milwaukie's adopted vision for its downtown. He did not believe that could have been said a couple of months ago. The report was not available that said Main Street would not work, but he believed they had it now. The Tillamook Branch alignment had not been rejected by the Milwaukie public despite a recent outpouring of concern by some of the most impacted property owners. There were certainly people who rejected it in this community, but staff was not sure it was ready to say it was rejected by the board public. A Main St alignment was inconsistent with the Downtown Plan because it would fundamentally change the character of the street, raise questions about the street's economic vitality, and obstruct important connections between the downtown and the riverfront. In comparison to a Main Street option, the Tillamook Branch alignment would disrupt fewer auto, bus, and pedestrian circulation routes, will eliminate less parking, provide an easier connection to the south, and cost less to build. The downtown alternative will not add to consensus in the City around the project. That went back the question the Mayor asked. Staff did not see consensus forming around anything here. It was a hard decision to make, and there was no silver bullet. The Tillamook Branch alignment will do more for downtown's revitalization than a Main Street alignment. Limited resources available to the SDEIS would be best spent on addressing concerns voiced by those who would be most directly impacted by the Tillamook Branch alignment. Staff did not want to see this study diluted by an additional option unless it was one the Council was sure it might want to see go forward. Those resources were limited, and there was a lot of work to do just to study the options in the SDEIS. The only alternatives the City should ask for inclusion in the SDEIS were those the City believed could be faithfully upheld if selected as the final, fully constructed project. Finally, which he felt was the most important to the City Manager and staff, we should recognize Milwaukie will not be defined by the location of this project or any other project but rather by its success in holding difficult discussion while progressing toward community wide goals. Mr. Asher felt the City was in the process of doing that and hoped to continue it.

Mr. Swanson noted he had sign-up forms for six people who opposed adding the Main Street alignment but did not wish to speak and one person supporting the addition of the Main Street alignment who did not wish to speak.

Mayor Bernard continued to review the testimony process for those wishing to support the addition of the Main Street alignment option, those wishing to oppose the addition of the Main Street alignment, and those wishing to offer neutral comments. Individual presentations would be limited to two minutes. This ensured all persons wishing to testify either for, against, or neutral received the same allotment of time

Speaking in support of adding Main Street alignment to SDEIS

- **Marilyn Denham, Damascus**

Ms. Denham represented a property that would be highly impacted by the Tillamook Branch. However, she had been going to the meetings since she found out they were occurring to find out what else was possible. She registered a little protest that they had

nearly 1-1/2 hour to put forth all their theories and so forth while others only had two minutes on an extremely important subject that was going to affect a lot of people. There were almost 300 people and many, many children in the property she was representing. They were right next to the Waldorf School. She had seen many children playing across the tracks. The tracks were going to be at street level where children will cross. It was only a matter of maybe 30-feet or less from the School and from the property she was discussing. In any case, she went to the meetings on the Main Street track and felt despite Mr. Asher's plan this was another time. Six years ago was a long time by today's standards any more. A lot had happened in America. Things had changed rapidly. That did not mean what might have occurred at that time was still current and should actually be put into action. She understood the position that Mr. Asher was taking and what had happened in the past. Now was now, and this was the present. She thought we had to make sure that our future was really the way we wanted it to look. Though he mentioned a lot of negatives to that particular plan, these were all negatives that had all been addressed in the past by TriMet and other rapid transit systems that had been overcome with great success. She felt it needed a chance to be looked at more thoroughly and certainly a few weeks was not enough.

- **Bert Hansen, Portland**

Mr. Hansen said it occurred to him that someone filled out a slip of paper that was the wrong color because both believed the Main Street alignment should be studied. He wanted to point out that he could not believe if they were talking about best practices that they would not consider an alignment that went down the middle of Milwaukie. He happened to live in North Portland right now closer to the Interstate Light Rail. Although he admitted he had a vested interest in this particular alignment because they had an offer accepted on a house in Clackamas County, so they were very interested in moving to this part of town. He knew on N. Interstate Avenue it made a dramatic impact on businesses. Some of the hotels have undergone incredible revitalization. It had also drawn in larger businesses such as Adidas. Kaiser has expanded greatly right on Interstate Avenue. He knew it came up that there was close and close enough, but he did not think coming down Main Street was too close. He thought the impact to the North Industrial area was very important. If the Tillamook spur were used, then the train would be a little too far east for those businesses to benefit as opposed to if it went down the middle of the industrial area. If it was on the Tillamook spur, the industrial area on the west side of McLoughlin Boulevard would be too far from the stops in order for those businesses to prosper.

- **Cyndia Ashkar, Oregon City**

Ms. Ashkar used to be a Milwaukie resident and was now a teacher of children. She really spoke on behalf of the children. She knew that was not being portrayed as businesses versus children event, but children were often not noticed because they did not come and speak to the Council. As a teacher at the School on April 26 when they were asked if they preferred the locally preferred alignment or do you want to go with the industrial's recommendation they were told more than once that the double tracks would go on the east side of the railroad track. They were being asked if they wanted a Harrison Street station or a Monroe Street station. Knowing about the railroad right-of-way she asked at the end of the meeting could the railroad track be moved? She was told someone would get back to her. On May 14 they learned the tracks would indeed come 15-feet closer with the Harrison Street station. That made her start wondering what else people did not know. We spent some time and learned what we can about Main Street or Main Street and 21st Avenue. We still do not know about the Tillamook option. That was sort of a blind spot that was existing right now. She enjoyed Mr. Batty's genuine enthusiasm in the process. It made it feel real. It was great to sit at a

table and talk with people who had very different concerns. Of course, those needed to be honored. One gentleman who was a partner with the North Main Village project stressed that the Downtown Plan would not be followed if light rail went on Main Street. In looking at the Plan, which had beautiful qualities, she noted that 21st Avenue was planned to go straight past the Library and go on and connect with Main Street. There was a place it was not being followed and made her wonder where else was it not being followed. In closing when the Minneapolis Bridge went out, the most heartening thing to see was the children who were spared harm. She was looking to spare the children harm.

- **Barbara Dimick, Milwaukie**

Ms. Dimick was a long time PWS parent instrumental in helping the School purchase the property here many years ago. It was obvious that it would be better for the School not to have it behind it. It was clear there were a lot of drawbacks and mitigation that needed to happen that may not be able to happen in order to maintain the program and viability and integrity of the School. She encouraged the Council to include the other study. After attending the two planning meetings, she saw a lot of earnest effort from a lot of citizens. She wanted to make it clear these were not all Waldorf parents. Sixty Waldorf families moved to Milwaukie since PWS moved here. There was dual citizenship. There were many more people than Waldorf parents at those meetings, and a lot of interest, effort, and desire was put into that. She felt that level of interest should be honored and included this in the study. It was a heartfelt group. We should be studying options. Only one option was not an option. It was only one choice, and if it blew up where would we go.

- **Ed Parecki, Milwaukie business owner**

Mr. Parecki said after going through this entire process over the past few months, he was at the point of giving up and agreeing with Mr. Asher how important it was to keep to the Downtown Plan and implement it as is and not sway. The problem with what he heard from Mr. Asher was that in order to implement the Downtown Plan it would be virtually impossible to do so. The Plan called for the Tillamook line to have a sidewalk. The Downtown Plan had a plaza that could not be constructed. The Downtown Plan had a grocery store that cannot be installed. The Downtown Plan had a transit center that was already impossible to build because the North Main Village project was built there instead. Code changes were made in order to implement that plan. He did not understand why there was such a marriage with the Downtown Plan when it was virtually impossible to implement. He would like to see the Downtown Plan implemented. He would like to see the pedestrian walkway on the Tillamook Branch line. That was what it called for. Let's do it and just end this whole game. Let's do everything else. Scott Street was supposed to be abandoned. Let's abandon Scott Street since that was the Downtown Plan. Let's bring back the transit center. Let's limit the size of buildings to three because that is what it called for. Why are we going up to five stories now? He could go on and on all night. It was very convenient to pick and chose what the City wanted. Who was the City? It was 3 to 2 – there's the City.

- **John Harrison, Portland Waldorf School**

Mr. Harrison represented the PWS Board of Trustees. They had submitted a prepared statement. The Board "thanked the Mayor, City of Milwaukie, Metro, and TriMet for hosting the recent workshop sessions discussing the Main Street or Main Street/ 21st Avenue alignment as an additional alignment to be discussed in Metro's upcoming SDEIS. The Board and PWS community appreciated the chance the process has afforded us to share our views, thoughts, and ideas regarding this momentous decision and how it can be shaped to best impact the City of Milwaukie businesses, schools,

churches, and families. Through recent workshops sessions they were encouraged by the number of people in attendance, the overall level of participation and the respect held for each respective view. The question before the City was actually pretty simple as was stated already of whether or not an additional alignment should be included. At the close of the last workshop session from their perspective it was evident that a double track running the full length of Main was not only technically viable but had broad support from a cross section of community participants in attendance. The City of Milwaukie had a unique opportunity to build upon this level of community involvement, consensus, and overall enthusiasm by strongly recommending a Main Street alignment be included. They also felt similar to Mr. Parecki that the concern regarding adherence to the Downtown Plan was somewhat misguided in that the Downtown Plan was fundamentally not being followed. There was a reference to a rail trail along the Tillamook Line. The Downtown Plan itself had no mention of light rail. It actually did not call for light rail anywhere in the City. The mere fact of light rail being included whether it ended up being on the Tillamook Line or in fact on Main Street was something that would frankly require the Downtown Plan to be updated regardless. The main concerns the school had regarding the Tillamook Line first and foremost was safety and security. There were recent statistics from the *Portland Tribune* regarding crime being up 25% in 2007. A lot of that crime was targeted and tied to teenagers. TriMet's Tim Garling had people that had a daily activity of watching closed-circuit TV to look for criminals. His opinion was that the greatest deterrent to crime in an around light rail was to locate stations in areas of greatest visibility where more people were and more eyes were watching. They believed strongly that an alignment down Main Street would accomplish that goal. Another key concern was noise and disruption. The Federal Railroad Administration (FRA) required that any light rail vehicle operating within the railway, i.e., by the freight train, would require essentially a horn that was similar in sound and decibel level to a freight train. With trains going every 7 to 15 minutes that would be a freight train noise every 7 to 15 minutes through every street grade crossing on that Tillamook Line.

- **Sara Genta, Portland**

Ms. Genta had three children who went to PWS. Her two oldest boys were going into 8th grade and 10th grade, and they take TriMet bus to school. Her 2nd grade daughter did not yet. She thought it was ridiculously premature to abort the option of having the SDEIS study not include the Main Street option. She thought it was foolhardy of us to limit ourselves. Mention was made by the gentleman who was presenting the staff recommendation about the monetary cost as if to imply that it would be on the burden of Milwaukie. That was not her understanding.

- **Jerry Foy, Oak Lodge**

Mr. Foy was disappointed in the staff report. He was very involved in both the Planning Commission meeting and two Council meetings and the two meetings at the High School. He thought the work that took place with the help of the staff was very focused. He thought that the two plans that came out of that were doable. He also realized it was only a study. It may turn out that if you include the Main Street study it may prove it was not the right choice as may the railroad line. He was there representing St. John's Catholic Church of 1,500 families. He assured Council that most of those families were totally opposed to the railroad line and for reasons he had given in letters to the Council. They had exactly the same reasons that PWS had. They were very concerned about safety and noise. When you talk about traffic circulation. Mr. Asher pointed out that they thought the Tualatin [sic] line would have the least impact on traffic. If you think about it, you have Harrison Street, Monroe, and Washington. All of those streets would have to have arms swinging down blocking traffic at the time the train went across. You

can image what that was going to do to traffic. Right now Washington Street backed up to Mr. Bernard's garage in almost any happenstance when the light changed on McLoughlin Boulevard. You can image if you do that on all three east/west corridors what kind of problems will occur in Milwaukie. His point was that he strongly believed an additional study ought to be performed. If nothing else take the \$900 million and fix the bridges.

Speaking in opposition to adding Main Street alignment to SDEIS

- **Peter Fry, Portland**

Mr. Fry was a professional consultant who had been working with downtown businesses and asked if someone would give up their time so he could have four minutes to get through his speech. Ed Shettig and Mark Hettervig offered to give up their time.

Mr. Fry had a PhD in urban and regional science. He worked with the downtown businesses, industrial businesses, and properties. He worked on light rail and streetcar from the very beginning as an advocate and consultant to them. He was deeply involved in the north end of the Milwaukie corridor. In fact, he helped the Carruthers Coalition which brought the light rail to OMSI because it desperately wanted the light rail. He strongly supported the staff report recommendation. He found it to be excellent. Main Street was the wrong location. It would be a mistake. Two questions were asked. Would a new alternative build consensus? In his view clearly not. Would Main Street alignment be good for Milwaukie? His response was 'no.' Light rail was a train; it was not a streetcar. The train does not move within traffic. The train was not designed to be slow. Light rail was designed as a long distance commuter train. The staff pointed out that light rail on Main Street would not be compatible with established Milwaukie policy. The loss of on-street parking which was as important to pedestrians as it was for accessibility, the curb-to-curb construction, the dramatic restriction of east/west pedestrian movement, the presence of heavy commuter vehicles with required track beds, fences, and large platforms would eliminate a Main Street. He looked at examples. He worked on Interstate Avenue, and it was deeply troubled. Beaverton had the struggling Round. Light rail did not go down Beaverton's main street nor did it go down Gresham's main street, nor did it go down Hillsboro's main street. Light rail required huge surface parking lots to bring commuters to rail. These park-and-rides were dead zones like Cleveland and Gateway. Portland did not support park-and-rides in its entire city limits. They had to make an exception for Gateway. A train down Main Street with the huge park-and-ride would in his opinion eliminate downtown Milwaukie. Finally Main Street would be bad for the regional system. A Main Street alignment would be more expensive to build than the LPA. It would be far slower defeating the commuter train's purpose making the project less competitive for federal and regional funds. Mr. Fry asked how long he took, and Mayor Bernard replied he still had three minutes.

- **Mary King, Milwaukie**

Ms. King said one of the most important votes this Council would cast was this evening's vote on whether to allow a second light rail alignment down Main Street to be added to the already chosen LPA. She asked the Council to support staff's recommendation and vote against this proposal. She was a member of the City Council when the School District decided to sell the Jr. High property. It was with a leaden heart she had to be part of the decision to give up the City's quest for the property. She was very supportive of the District's decision and actively spoke on behalf of the Waldorf School to her Council and citizens of the City of Milwaukie. While many saw Waldorf as a threat, she saw the School as a great opportunity for collaboration. She had been

delighted with Waldorf as new members of the community. The changes they have made have been a boon to the community. They have been excellent neighbors. That was why she was so appalled that they would propose to change the already established alignment at the expense of Milwaukie's long-existing Downtown Plan, Milwaukie existing Main Street businesses and residents, North Industrial businesses, and other things that would cause permanent traffic and parking problems for the citizens who live in Milwaukie just so the rail did not run behind their school. She was particularly upset with the proposed change because the Waldorf School was very aware of this light rail alignment when they bought the site. It had no history of Milwaukie as a City and was not part of an extensive planning effort for the last 10 years. She hoped the Council could look beyond the pressures of this evening to the irrefutable fact that a light rail on Main Street was a terrible idea. She asked those who do not agree to quell the rumors of recall or the ruining of future political careers if Council members voted against the alignment.

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

Mr. Horn said as someone attending these meetings and this process for the first time he wanted to thank the representatives of the development commission and TriMet who explained things with great professionalism and clarity. Although it might be detrimental to admit this, he moved here from California. He moved here specifically to work for a homegrown Milwaukie corporation that offered him a unique professional opportunity that was Dark Horse Comics. Comics and graphic novels were one of the most exciting growth areas in the entire national publishing sector. He worked for a subsegment and specifically Japanese properties. Certainly there was mobility at Dark Horse that could not be done elsewhere. There were literally only a handful of companies he could work for in the United States. It was exciting that one of them happened to be in Milwaukie. It was an institution in which people should take great pride. Often when we think of Japan we have an image of Tokyo but actually many Japanese come from small cities not too different from Milwaukie. He had the opportunity to talk with them here, and they were often quite surprised, pleased, and touched to see that a company like this was in a town like this. Those at Dark Horse Comics believed that a Main Street alignment would be very disruptive to operations, and may possibly even require the company to leave the community which was something it did not really want to do. Therefore, he spoke in opposition.

- **Goran Samojlovski, Active Group, Milwaukie**

Mr. Samojlovski was president of the Active Group on Main Street. It currently had over 100 employees, and had been in the City for 2-1/2 years. Prior to that he grew up in Milwaukie; his parents still lived on SE 32nd. He attended Milwaukie Jr. and Sr. High Schools. He was very familiar with the City. He submitted a written position which he submitted to the City Recorder. He touched on three points in his position of opposition to the Main Street alignment. The first was community. When he located the business to Milwaukie, they were attracted by the sense of community they felt and continue to feel along with the plans that were in place to grow and revitalize Milwaukie. Some of the plans he heard regarding the waterfront were very exciting. Many of his employees frequented the shops and restaurants. This was a major selling point in attracting employees. He had been looking forward to the new downtown Milwaukie coming over the next few years. His fear was that in the event the train went directly through the middle of town it would destroy the sense of community Milwaukie has attempted to create and would in effect divide the town in two. One side of the tracks versus the other. Further, although he was no expert, he could not imagine the construction of the rail and disruption the downtown as a whole would not have some significant economic impact on the community. In some past light rail construction, and he recalled the

Yamhill Market specifically, some businesses did not survive. If that should happen it could create a domino effect on other businesses as these local amenities were necessary and considered by employees who chose a place to work. He could see the downtown as a dead zone as it may not fully recover from the major constriction to its downtown thus becoming relegated to a mere stop and start point for people going everywhere but downtown Milwaukie. Parking was a big problem which he addressed in his letter. The cost would be money wasted to study something that no one intended to do. It seemed to him that the Main Street plan was not a good plan and that the existing plan seemed to be the best. He submitted a letter and a petition signed by 50 people.

- **Lee Holzman, Reliable Credit, Milwaukie**

Mr. Holzman directed operations for Reliable Credit Association. The company was located on the corner of Main and Harrison. It would be nice if there was an alignment that did not negatively impact anyone. Unfortunately, that has not been found yet. He was strongly opposed to the idea of running a train down of Main Street. There were only one or two streets in downtown Milwaukie. The idea of running a train right down the one street to him did not make a lot of sense. Parking in the City of Milwaukie was already a problem, and he definitely believed if the problem was added to by removing those parking spaces and changing Main Street to one-way in certain areas would be a problem. If there was no parking for business, the City would not have businesses. Mr. Samojlovski mentioned Active had 100 employees, and Reliable had 53. Businesses needed to be able to provide opportunities for employees to park. Those employees were also consumers that supported other businesses in the downtown. He strongly opposed running a train on Main Street.

- **David Nestelle, Oak Grove**

Mr. Nestelle was a light rail commuter for four years. He rode it from end to end from Gresham to the Galleria. It was a great train, and he loved riding it. It is a train. It was not a trolley that would go through downtown where people could jump on and off and go to businesses. From his experience people got on the train, opened their books, or put on their headphones, or booted up their laptops and went to their destinations. At least that was his experience for four years. He came to the Sunday Farmers' Market and enjoyed it a lot. He loved the atmosphere, and there were a lot of families. He would hate to see that ruined by a train going through downtown.

- **Jenn Ladd, Portland Mechanical** was called, but she had left the meeting.
- **Nancy Hale, Portland Mechanical** was called, but she had left the meeting.
- **Kari Bray, Portland Mechanical** was called, but she had left the meeting.
- **Mark Hettervig, Portland Mechanical, Milwaukie**

Mr. Hettervig owned Portland Mechanical located in the old Hanna building. Mr. Fry was involved because of his knowledge. He told the Council it would be a disaster. He had seen Interstate, and it was a disaster. New businesses were not going in there; that was false. Adidas and Kaiser were always there. He thought it would be a really stupid thing to have a train run down Main Street in Milwaukie. It would be a dead zone by what Mr. Fry said.

- **Edward Shettig, Oak Grove**

Mr. Shettig worked in downtown Portland at 5th and Stark where they were building the light rail right now. The building he worked in was a major business. Since they started working down there it was such a disruption with a lack of parking that two major

businesses, the Better Business Bureau and NW Staffing, had moved out to other parts of the City because there was no place to park. They had lost all their parking. Parking was not coming back downtown. He had seen what they do when tear up the streets and had been living through it since the beginning of the year. He had seen other small businesses that had gone out. If you ride up and down the streets, and he would invite anyone to ride light rail down there, and look at what was along the sides of the streets there were no big companies. You see the sides of buildings of other companies but not the storefronts. You see low-income housing when you get into the west part of Portland. Downtown you have Front Street and the waterfront. There was nothing down there really. You were not bringing stuff in; you were driving people out by putting light rail downtown. He was highly opposed to it.

- **Scott Allie, Dark Horse Comics, Milwaukie**

Mr. Allie had worked at Dark Horse Comics for 14 years and had seen downtown change a lot. A lot of businesses had gone, and it seemed like it was a struggle to keep good retail and restaurants downtown. He was looking forward to what would happen in the next few years to really bring it all back and create a great downtown. As Mr. Horn said earlier, people from all over the world come and visit Dark Horse Comics, and they all comment on what a great American old town this was. It seemed like that would be completely jeopardized if there was a one-way street or no traffic at all in front of Libbie's. How could Libbie's survive or flourish with that. People congregate at Libbie's and Windhorse, and he could not see how that would survive if there was a train going through. It would be a shame to lose that sort of downtown.

- **Candy Manzanares, Portland Mechanical** was called, but she had left the meeting.
- **Randy Stradley, Dark Horse, Milwaukie;**

Mr. Stradley was one of the founding members of Dark Horse Comics and spent a lot of his time in downtown Milwaukie. He was here virtually every day during business hours. He and his wife rent an artists studio across the street from Dark Horse Comics., so they were often there on weekends and after hours. He spent more time in Milwaukie than he did at home. He loved downtown Milwaukie and Main Street. He grew up in Scholls with Hillsboro the closest town. Milwaukie's downtown reminded him of Hillsboro which was a good thing. He could not imagine the changes that would take place to the businesses downtown and the community that has developed if the train ran through it. It made sense to use the existing right-of-way because there was already rail traffic there. It seemed foolish to him to consider destroying something with no guarantee of getting something better back.

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

Mr. Hankerson had sent the Council a few documents expressing his views already. He grew up in the Gladstone area and lived in the general vicinity his whole life. Along with Mr. Stradley and Mr. Richardson when they outgrew their facility in northeast Portland they chose Milwaukie for a variety of reasons. Dark Horse Comics was generally in favor of light rail but adamantly opposed to the idea of train coming down Main Street. There were three pretty good reasons he could think of. One was just the barrier nature of light rail, disruption of traffic on McLoughlin Boulevard, Main Street, and 21st Avenue if there was a couplet. Second the parking situation was terrible. With the redevelopment proceeding and adding to that the tracks coming down Main Street eliminating 60 – 70 parking spots, it gets increasingly worse for the businesses in downtown to adequately supply their businesses and/or to have places for employees to park. Dark Horse Comics has about 120 employees that needed to park downtown.

Twenty of them were Milwaukie residents. His concern about light rail coming down Main Street had to do with jobs. There were 500 – 600 people who worked along Main Street, and he was very concerned about the long-range implications to their employment.

- **Mike Richardson, Dark Horse Comics, Milwaukie**

Mr. Richardson was president of Dark Horse Comics. He started taking some notes while people were talking and ended up with a speech. Imagine his disappointment when he found out he only had two minutes to deliver it. He grew up in Milwaukie and has been part of this community in one capacity or another for over 50 years. In fact he knew the Mayor when he was ... He thought that he held it against him but was not sure. It was a conscious decision to locate Dark Horse Comics in the City he grew up in. He always loved this City. Dark Horse Comics had tried to be a great member of the community and not just a business. Because of his connection and history with Milwaukie they tried to be good citizens as well. The company contributed on an ongoing basis for the past 20 years to schools, kids teams, hospitals, and charities. Dark Horse Comics had shown an intention of being good citizens beyond just what was good for the company. With that in mind, he was a strong advocate of light rail. He had the opportunity to travel around the world and has seen what rail means to cities and the quality of life it helped attain in cities around the world and the positive effects of light rail. He had been on record for a long period of time through this process for light rail. He thought Milwaukie needed it. We needed to look at the studies of potential population growth in the area. He had yet to see a study that said by putting more cars on the road congestion was reduced. He thought there needed to be options for people who wanted to travel in Milwaukie and Clackamas County. With the support of light rail in mind, then it became which was the best route into the City. It seemed the impact to the community, not just to Dark Horse Comics was lessened. The economic impact to the cost of the choice that was made it seemed clear that the existing rail alignment was the one that was preferred. Dark Horse Comics was very much against the downtown option which could literally force the business to move from the place it wanted to be located. Dark Horse Comics was in favor of using the existing rail corridor for transportation in the future for this light rail.

- **Michael Martens, Dark Horse Comics, Portland resident**

Mr. Martens moved to Oregon from Wisconsin 14 years ago to work for Dark Horse Comics. Once he relearned how to spell Milwaukie, he began to enjoy the community. One of the best things about working here was after lunch taking a walk along the streets of the City and going down to the Park. The improvements at the waterfront were phenomenal. He never went to Vic's during his lunch hour but did think about it when he stood by the water today, and it was wonderful. He lived in NE Portland and would definitely be a light rail rider, but he did not think it belonged on Main Street. He wanted to stand up for a group. Some supporting the Main Street alignment said they were standing up for a group that could not speak for themselves. He wanted to put in something for the elderly who spend so much time on Main Street at the drycleaners and Libbie's. He did not think there was a time when he walked up and down the street where he did not see some people that because of their age were not able to get out to other places. The fact that there was a small vital downtown was very important to them.

- **Mike Richardson, Dark Horse Comics, Milwaukie**

Mr. Richardson added there were comments earlier about why the adherence to the Downtown Plan. As someone who was here and helped try to start downtown development in 1988 he wanted everyone to know it had been a long process to come

to that Plan. He was an advocate of the Downtown Plan and applauded it. It was great that the City was finally trying to stick to it and that there was direction.

- **Lia Ribacelli** was called, but she had left the meeting.
- **Rachel Edidin, Dark Horse Comic**

Ms. Edidin indicated she did not wish to speak but registered her opposition to the Main Street alignment on the sign-in sheet.

- **Cary Grazzini** was called but had left the meeting.
- **Tony Grazzini** was called but had left the meeting.
- **John Woods, CFO Portland Mechanical**

Mr. Woods stated Portland Mechanical came to Milwaukie through a development action. It had grown from 100 to 200 employees in the past year and planned to grow even more. This business depended on Main Street as its primary access. He felt if Main Street were used for light rail it would have significant negative impact on Portland Mechanical which thought it would continue to grow.

- **Chris Warner, Dark Horse Comics, Portland resident**

Mr. Warner grew up in the area of Linwood Avenue and King Road so a lot of his youth was spent in Milwaukie. It was amazing to him that he was working in a building that used to be the pharmacy where he bought books and comic books. There were three major issues which he thought had been covered in the presentation. One was the issue of disruption. No matter where it was built someone was going to be disrupted, and the key was what was the least disruptive. He thought the rail corridor was made for rail, and it would be far less disruptive than tearing up Main Street. Second was cost. Clearly these were federal tax dollars, and transportation money was hard to come by. Every extra dollar we spend was money that could not be spent somewhere else for other worthwhile projects. It was incumbent on the City to be as cost effective as possible with what was built. Third was the vision of what Milwaukie would be in the future. No matter where the project was built there would be a Milwaukie. His real concern was that whatever was done benefited the current residents and the current business people and not just some future potential development. He would hate to see Milwaukie become a transit center for downtown Portland. He was a huge advocate of public transportation and light rail. He thought Milwaukie could still have that without destroying the downtown and turning it into a bedroom community for downtown commuters or for people just to breeze through.

- **Ramsin Eiswazpour-Adeh, Libbie's,** was called but had left the meeting.
- **Cheryl Gaffney, Libbie's,** was called but did not wish to speak.
- **Ray Peck, Windhorse Coffee, Milwaukie**

Mr. Peck had been a retailer since 1992 in downtown Milwaukie and had been at his current location on Main Street as a coffee retailer since 1999. The Council did not want a study for light rail or a train downtown. With that Council would find the storefronts to continue to be open as they were today as he would not even consider opening a business in what was available until he knew exactly what was going to happen if in fact there was a study proposed. He suspected it would take some time. It would tend to stymie what was available now for continued growth. The other thing he recognized was the professional staff in the planning department and other departments that the City had hired to make the recommendations for what the City ought to be

taking a look at. It would be absurd not to support what its staff had to say and recommend. He recommended no study and absolutely no light rail in downtown Milwaukee.

- **Ralph Rigdon, Oak Grove**

Mr. Rigdon lived on the old streetcar track just south of town. He had been there for 44 years. He thought there was a mistake being made about light rail. He was in favor of stopping at the Southgate park-and-ride. A friend of his lived a block off Burnside, and everywhere light rail went by there was a swishing. He thought the Council should worry about the sound and noise. He was against light rail on downtown Main Street. Once this goes through the quiet days and nights will be gone forever.

Providing neutral comments of the proposal to add Main Street alignment to SDEIS

- **Ed Zumwalt, Milwaukee**

Mr. Zumwalt's written comment was no build – way out of scale.

- **Mike Miller, Milwaukee**

Mr. Miller's written comments was a no-build alternative should be considered. Mayor Bernard said a no-build alternative was being considered in the SDEIS.

- **John Otsyula, Milwaukee**

Mr. Otsyula provided information. He brought a list. When he did an environmental impact statement review he used that list to determine what alternatives worked and how Metro went about doing the alternatives. The first part of that could not be seen very well. He would like the public to have a copy of this – everyone in the public. This had a 'yes' or 'no' to determine what alignment will do what. This City Council had no authority to choose what went to Metro or not. The public did. The public was sitting here with an opinion there would be a decision on what went to Metro or not. He wanted the public to know it was still open to send in their requests for whatever alignment they wanted. It was up to Metro to use that list and determine if the alternatives met the purpose and need of the project. When reminded by the Mayor he said he would finish up. In looking at that he did his own little review. Tillamook failed hands down. It did not work. It had too much impact. No-build passed for the simple reason that it met the purpose and need to meet congestion on McLoughlin Boulevard

Mayor Bernard reminded Mr. Otsyula it was time to finish his comments.

Councilor Stone asked Mr. Otsyula if he had much more to say. People had been raising their hands. She wanted to finish hearing what he had to say. Was there anyone who would give up his or her time? Would it be just another minute or two? Other people gave their time. She asked the audience if anyone wanted to give up their time to let this man finish?

Councilor Loomis noted Mr. Richardson was given extra time.

Mayor Bernard said he had been given an additional 30 seconds so extended that amount of time to Mr. Otsyula.

Mr. Otsyula said with his 30 seconds he would ask the public when they got a copy from Council to look through it. If they did not understand something, then he was available to review it. An environmental impact statement – to produce the study did not cost \$500,000. He could do one for less than \$50,000. He would do one free for the City.

- **Scott Churchill, Milwaukie**

Mr. Churchill was present as a member of the Milwaukie Transportation Coalition to address one of the most important concerns of all city government in the State of Oregon. Ethics and integrity. This was important because no matter what the outcome of a decision an elected official made, it must be one that followed the rules and regulations of the State of Oregon which required the highest level of ethics and integrity. Without this high level of ethics and integrity there was no confidence in the elected officials by the people they are there to represent. The State of Oregon supported this position in the State House and Senate by doubling the staff of the State Ethics Commission now headed by Dr. Patrick Hearn, the Executive Director of the Oregon Government Standards and Practice Commission. This year alone he doubled the staff. Dr. Hearn was tasked with monitoring public officials who were bound by the rules and regulations found in 244.040 of the Oregon State Revised Statutes Code. In these statutes it described in extremely fine detail the necessary steps all public officials must take to avoid an actual or potential conflict of interest. These necessary steps were found in 244.040 – 244.120 of the Oregon State Revised Statutes regulations. Over the course of the past several months the MTC monitored the actions and steps taken by all public officials including the Planning Commission, City staff, and City Council as the potential light rail alignments have unfolded. It had become clear that the process and outcome of the process had become tainted from unethical due process. From early February 2007 when the Mayor was lobbying for the Tillamook alignment to present day when alternative alignments were asked for by more than 700 Milwaukie citizens. There had been no declaration by the Mayor of his conflict of interest as required by section 244 other than three years ago. The regulations require that the Mayor do the following at each hearing – at each hearing – that he declare this conflict of interest. The Mayor owned four parcels – more than half a city block -- that served to benefit from this alignment – the Tillamook alignment. He formally asked the Mayor to recuse himself from voting and ask the City Council to rescind its vote on McLoughlin Boulevard alignment.

- **Charmaine Coleman, Milwaukie**

Ms. Coleman was present in support of her City Council and whatever decision was made this evening. She lived within two blocks of the Tillamook alignment and just three blocks from Main Street so one could hardly get closer to this than she was. As such she had many opportunities to question other community members who would be intimately impacted by the current LPA. She talked to people on swing sets at a park, at a garage sale, a neighborhood garden, in a pew at her church, at the grocery store, on the street. She talked with a total of seven community members without soliciting the conversation. Five were heavily involved with a private school along the Tillamook alignment, four lived within one block of Tillamook, and all were in favor of light rail in general and none were opposed to either alignment option necessarily. One said the train horns did not bother them. One said they were unconcerned with the effects of light rail on their child's education, and it would be fine either way. A third said light rail near a school would be spectacular no matter where it was located. A fourth stated outright they would vote for light rail even if they decided to put it on their house. Ms. Coleman knew where they lived, and it could happen. This was not to say these community members favored a Tillamook alignment over a Main Street option. That was not what she was saying at all. Rather that brought to light the indisputable fact based upon the voting majority that Milwaukie wanted light rail to happen much to the chagrin of Mr. Zumwalt and the voting minority. The passion for the project was evident in the increasingly heated meetings she attended in recent months. The emotion she saw in this 11th hour reminded her of the fear and anger generated the last time Milwaukie voted in light rail and then got scared and voted it out again. She wondered

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for those community members adamantly opposed to light rail in Milwaukie at all whether that was actually the point. Will we relight our torches? Will we take up arms against one another? Main Street against Tillamook and still be fighting over this choice a year from now? Will we lose light rail altogether? Some hope so. She tended to think so. Please keep in mind that as a community they voted in light rail. She for one was in favor of whatever decision both arrives at that end goal and holds true to the vision Milwaukie created for its downtown over and above whatever effect any alignment had on those, herself included, with this train in the backyard. As City Council members she must believe the success of light rail in and through the town was the end goal as well. If she was wrong then shame on the City Council because it was not listening to the choices made already by the community it represented. In conclusion she supported the recommendation to TriMet as she supported light rail. She encouraged the rest of the community members to set aside torches and refocus energy on the positive potential for whatever alignment was ultimately chosen and certainly through all of this fuss TriMet heard the message loud and clear. Milwaukie cared about the quality of light rail, and it would be great.

- **Craig Flynn, Portland, Gateway District**

Mr. Flynn did not live here yet but bought a property on 27th Avenue next to the grade school and would be moving in soon. His son was living there now, and they were going to swap houses. He lived in the Gateway neighborhood and knew what light rail did to the neighborhood and what it did not do. First of all light rail did not reduce congestion. Gateway had two of the most congested intersections in the City of Portland, and they became that after light rail. Light rail did not save energy. It did not stimulate development. If you notice in Portland and along the light rail lines most of the development there was subsidized. Who will you tax more so other people can get a subsidy to build next to light rail? People were not attracted to light rail. Businesses were not. In fact he had light rail in his neighborhood for 10 years before businesses started to move in. They did that after the tax breaks came. He and his neighbors were told when light rail came through the neighborhood the single-family homes would still be there and nothing would be changed. The only thing would change was that there would be a train running up Burnside. The problem after the train ran up Burnside was very few people were using it. Most of the people who rode light rail used to ride the bus. To try to encourage more riders, they added density mandates along light rail. In fact at every light rail station the density mandates got even higher. The problem with that was of the people who lived next to light rail still did not use it. One percent of the people used it. It did not reduce congestion. It did not improve livability. If the Council wanted to bring business to Milwaukie, just give them the tax breaks.

Mr. Ramis clarified one point for the record. There was a statutory reference related to conflict disclosure. The relevant statute was 244.120(3) that said very clearly – this was the legislature’s statement of the law – that nothing in the statute required any public official to announce a conflict of interest more than once. That was the rule. As he read the record, that disclosure was in the minutes of the May 18, 2004 document.

Mayor Bernard added he had not been Mayor of Milwaukie since 1997. He asked for Council discussion.

Councilor Loomis thought Mayor Bernard should start the discussion since the process started with his questions. He wanted to figure out where the Council was going. From the testimony he heard he tried to look at the positives. There were a lot of people who were not saying they did not want light rail, but there were issues with it. How did the Council address those issues? When they talked about referring the two alternatives, he was the only one who supported McLoughlin Boulevard. As he listened tonight he wished, although the Mayor thought it was absurd, it had been included in the

working group process to answer those questions for him. It seemed to him if this project was to serve the people using that corridor that that was where one might want it. He did not know if all the testimony was accurate. It sounded like it would be a disruption wherever it went to traffic flow or it could be. The McLoughlin Boulevard alignment had some negatives but was not studied enough for him to come to the same decision as the Mayor so strongly. He saw possibilities of positives in the public benefits test. For years people had looked at ways to cross McLoughlin Boulevard. He thought in that sense there were some possibilities of doing that. The packet was full of well-done information, but he only had about five hours to review it since it came out on Monday. From the beginning he never cared for the Main Street option, but was that the question being answered tonight. Or was the Council going back to the original questions the Mayor asked.

Mayor Bernard said as a business owner when he put in a sidewalk he had to think about running a water pipe under it. He did not come along and tear it up in a few months and install a water pipe unless he made the mistake of thinking it was okay and not looking at it. \$4 million was invested in McLoughlin Boulevard and would be an injustice to tear it up again and start all over. Thanks to the McLoughlin Boulevard project the tavern and hotel were no longer there. Now there was a riverfront for the City to call its own. Investing in all that and tearing it all up again for light rail was not the right thing to do. He attended both community events as well as the Planning Commission meetings. When you hold a piece of track in your hand and lay it down on Main Street and visualize it or see what an engineer did – engineers know how a train turns. They lay that track down and it was obvious it took out 8 or 9 businesses on McLoughlin Boulevard before it even got across the street. It was a disaster and another separation of our community. He heard a couple of mis-statements. Interstate was not Main Street. It was a huge street with two lanes in each direction and a train down the middle. There was no comparison. It also had parking on both sides. They were just getting into the SDEIS where Waldorf parents were involved. According to the last letter, the Waldorf parents said if the Main Street alignment were not added they did not want to talk to the Council. It seemed at that point as if the City were being held hostage. The investment in the Downtown Plan was more than \$300,000. If you threw that alignment in and through out the Downtown Plan, then what about the two year investment and the time 2,000 people put into developing the Plan. It would have to be thrown out. When Electra Credit Union came to him before building they asked him if light rail was off Main Street. He told Electra it was finally off Main Street and was on the Tillamook Branch because that was the 2004 LPA. Electra started construction of its new building. There was an assumption that because people attended the two community workshops they supported looking at the Main Street alignment. Mr. Hankerson said that in one of his e-mails. There was an assumption if a person sat at a table and worked on the alignment, that meant they supported it. Mayor Bernard went to every table and heard people arguing against it – some angrily and some just wanting to find out if there was a solution even though it might be the least bad option. The downtown concept was a vision that flowed and was adjusted. Someone described it as a game; it was not a game. The City spent a lot of time coming up with that. It also disturbed him that everyone looked at the negative. What about the potential students that could come to PWS from all over the region? What about St. John's getting those people who cannot afford to drive a Cadillac, Mercedes, or BMW to church who instead could hop on light rail and go to a great church and school. No one ever mentions the positive things. There was nothing in the Plan that said the whole downtown was three stories. There were options on levels throughout the town. To say right now the Downtown Plan was three stories was false. It varied depending upon the block. There was nothing in federal regulations that required the same whistle at the same decibel level every time a light rail train came through, and it was possible to totally eliminate it

under the current rules. The Main Street alignment would hold up future development of downtown for years. First there needed to be an SDEIS, and it went beyond that no one was going to bother to move into the new buildings or the new project until that decision was made. In the past the claim was made that a majority of businesses supported the Main Street alignment. He thought one could see today that was false. A few businesses that employed 10 or fewer employees may have signed on, but a majority of the large businesses did not support a Main Street alignment at all. The Council never said it had the authority to throw out plans. When he went to Metro he would say Milwaukie recommended the Tillamook Branch alignment. Sometimes he asks for a little more time to study this or that, and Metro makes the decision. The important thing was years ago people thought Metro forced things down the City's throat. They didn't do it then – although some may think they did – and now they come and ask for the City's input. Milwaukie had been doing exactly that. He thought that was very important. In order to know retail was there you had to walk or drive by it. If you could not drive down Main Street but one way why would anyone even bother to turn down it? He had walked through the North Industrial area, and it was surprising how many businesses had been there and some for decades. Hydronics, Standard Gear, ZeePro, Holman, Trinity Carpet, PC Structural, Harder Mechanical, Rudie Wilhelm, WW Metal Fab, Museum Tour Catalogues, Northwest Doors, Certainteed, RKD, and many more businesses he felt would be negatively impacted by the Main Street alignment.

Councilor Collette said the two questions the Mayor asked the Council and City to consider were number one would a new alignment find consensus in the community among a broad cross section of interests? She thought the Council could settle at 'no' that adding a new alignment would not find any more consensus for light rail. She wanted people to remember the Tillamook Branch alignment – she had worked in the neighborhood at the time – had a consensus. All of the neighborhood leaders approved that line. When it was presented, the City Council adopted it after which Mr. Zumwalt recanted his support for it which one could expect Mr. Zumwalt to do. That did have a consensus of supporters in this community, and she felt it still did have a large majority of support in this community. The second question the Mayor asked was would a new alignment do more for the City's revitalization and economic growth than the existing alignment. She thought it was demonstrated through all the workshops and the process that 'no' adding a Main Street alignment to the study would not do any better for revitalizing Milwaukie than the Tillamook Branch alignment would do. They worked hard to come up with an alignment that had the fewest possible impacts on this community. She felt they came up with one that not only had the fewest impacts but added a number of benefits to this community. We can begin to grow downtown toward the Tillamook alignment and begin to build housing and still have a green link all around the City by having a walkway along the alignment. There was nothing that said there could not be a walking path and landscaping along the Tillamook Branch alignment. There would be Scott Park, Riverfront Park, and the others at the south end plus a parkway/walkway along the Tillamook alignment. She thought we could still have the vision in the Downtown Plan. She was very concerned about the issues raised by the PWS and St. John's parents. Those were issues that needed to be addressed. We needed to look at how light rail would affect the students in those schools as well as Historic Milwaukie Neighborhood residents, Lake Road, and others in the downtown. That was what an SDEIS did. It looked at those impacts and studied them deeply to come up with ways to make those impacts as minimal as possible. The City will need to demand of Metro and TriMet that they do mitigate those potential impacts such as noise, vibration, and everything else discovered during the study that needed to be mitigated. Light rail needed to benefit the City and would benefit the City if it were done right. She really hoped those who got involved with planning an alternate alignment and

sent all comments pro and con stayed involved and continued to work with the City through the many upcoming meetings. Come back to the table and make sure this was not the only time you commented in the City of Milwaukie. For those reasons she was going to vote not to include the Main Street alignment because she thought there was already a good alignment. She did not feel any more money should be spent or any more community resources going over an alignment that would not improve the downtown.

Mr. Swanson referred to MMC 2.04.180(b) – the Marshall Plan – that read in part, when the meeting agenda includes one or more public hearings the meeting may be adjourned no later than 11 p.m. If there are no public hearings scheduled which was the case at this meeting, meetings may be adjourned no later than 10 p.m. However, the adjournment time may be extended by majority vote. It looked as the Council might be passing that time, so it would be prudent to do that. He also recommended establishing some kind of time because the original code section established a time. This would keep the process clean.

It was moved by Mayor Bernard and seconded by Councilor Collette to extend the regular session by 30 minutes.

Councilor Stone suggested 30 to 45 minutes.

Mr. Zumwalt asked to speak.

Mayor Bernard replied the public comment period was over.

Mr. Zumwalt said cheap shots from Council should not be allowed. The Council did not show respect to the people. It was just proven.

The motion to continue the meeting to 10:30 p.m. passed unanimously. [5:0]

Councilor Stone understood Mr. Zumwalt was obviously upset by something he heard. Since the Council was not actually in a public hearing and not following a formality of a public hearing, could the Council give him time to say something.

Mayor Bernard said the time for audience comment was over and this was time for Council discussion on this item.

Councilor Stone wanted some clarification on questions – maybe from staff. The Council was being asked to deliberate on whether or not to include the light rail Main Street option in the recommendation to the South Corridor Policy Steering Committee. She had read NEPA documents and heard the gentleman who testified many times before Council say that it was not up to the City Council to determine what alternatives should be in a DEIS or SDEIS. The Council's responsibility was with forwarding all possible alternatives to the South Corridor Policy Steering Committee for that determination to be studied. How can the Council really make a decision on whether or not an alignment should be tossed out or tossed in without it being studied. That was not to say she was saying she was advocating for the Main Street alignment or the Tillamook Branch alignment. She just wanted some clarification on what authority the Council really had.

Mr. Asher said the answer had everything to do with where we were in the process. It was a long series of steps. Metro was the lead agency, and the Council had a subordinate role. The Council's role vis-à-vis Metro's role, the Steering Committee's role, and then where we are in the study process were all issues that made it more confusing than one would guess.

Ms. Wieghart said the Milwaukie City Council role in actually including an option in the SDEIS Councilor Stone was right that it did not have the authority to include it. Only the Steering Committee had that authority. The Federal Transit Administration (FTA) was

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ultimately the signer of the document. They looked, as did Metro, to the local jurisdictions to make a determination as to what impacts and benefits of a particular alignment were appropriate for the community. The FTA would look to the regional, local process. The community would be asked to look at what would and would not work. That was not to say at some time Metro might not disagree, but it wanted to hear from the local jurisdiction as to what specifics made sense.

Councilor Stone said from what she heard tonight and from the huge amount of e-mails that the City received from those who were for the Main Street alignment and those who were against it, it was coming down for her to maybe neither of them were right. Maybe we needed to be looking somewhere else. Maybe there needed to be more than one alternative in the SDEIS. Maybe this was a time to be creative and think it should not even come near Milwaukie. Maybe it should stop at Southgate. Maybe it should stop at ODOT. Maybe it should go down Hwy 224 and stop behind the Milwaukie MarketPlace. She did not know. What she was hearing tonight was that there were a lot of people not supporting the Main Street alignment and had good reasons not to support it. There were a lot of people who were not supporting the Tillamook Branch alignment, and they have good reasons. When she went to the two special meetings where they were looking at the topographical maps she thought to her self we need to be having this meeting on Main Street. You cannot really get a feel for what it was going to be like having this huge train going down Main Street. She had to wonder if we should really be coming any where near our downtown and our neighborhoods. The 14 points that were drafted to mitigate impacts to neighborhoods – light rail was not quiet. It was screechy. They have train sounds and horns and they carry. In the last meeting the Council was talking about a quiet zone about ½ a mile from where we were thinking about putting this train. She hoped people would think about what this was going to mean to their livability having this train that close to their neighborhood and to their schools not to mention all the crosswalks and horns. They really needed to think about that. She would like to see all options in the SDEIS and all ideas. She thought there needed to be some creativity here. She did not think either one of these was the answer. Coming from her – and she had always been very open about it – she was not a huge light rail fan. She did not think it really managed congestion as we wanted it to do. She did not like seeing bus services get displaced a little bit. It needed to be a complement to our transportation infrastructure and not displace it. She would like the people to vote on how they wanted their money spent. If you did all those things and did not allow for developers to have subsidies and vertical housing tax abatements, then she could buy into light rail. All these things that are going on right now and especially the fact we have voted it down twice in Clackamas County. She would like to see the local share funding come to a vote of the people. That was getting off track a little bit from what the Council was supposed to be talking about. All of these things were going through her mind, and she thought the SDEIS needed to be more inclusive. Things have changed. When the Tillamook Line was decided upon the terminus was at Kellogg Lake/Kronberg Park, but things had changed. She thought it needed to be re-looked at.

Councilor Collette did not believe that was the case.

Ms. Wieghart understood the other question was what was the range of alternatives that should be included in an SDEIS and has that requirement been met. Other people have also asked that question, so it was an important one to clarify. Metro has already met the reasonable alternatives requirement. There was an alternative analysis in 2000 – 2001. There was an SDEIS in 2002 and with the LPA in 2003. The point was that a range of modes were considered as well as a range of locations for that mode. Now they were looking at updating the previous SDEIS to see if anything had changed significantly enough to warrant design options in any particular location. They did not

originally identify downtown Milwaukie as an area that had seen that kind of change since the 2003 LPA. They were willing to consider if the community wanted it whether there was another option that should be looked at, but it was not a requirement. They had looked at the range of reasonable alternatives from the federal perspective. She wanted to be really clear about that. In terms of the Working Group alignment she clarified that was the one proposed to terminate at Kellogg Lake. The 2003 LPA terminated at Lake Road. Since 2001 really the Tillamook Branch had been the preferred location in downtown Milwaukie.

Councilor Stone said with all of the testimony and over 600 signatures that were on a petition to look at a different alignment which was how the Main Street and McLoughlin Boulevard ideas were birthed. She thought it behooved Council to make sure this was the best alignment. There was a dense neighborhood right near that light rail train. It was noisy. She heard it when she was at work, and the train was noisy. You have to sound horns. It's going by every 7 to 13 minutes. Not 24/7 but pretty close. People needed to realize how their livability would be disrupted with that noise. She thought that was a real issue. She wanted to see the ODOT site considered. We had that beautiful Columbia River basalt building that could be used for a transportation museum. We talked about it being used for an environmental learning center. It could be tied into a big transportation hub which was what she thought we were trying to do here. A hub that would include an Amtrak stop. We used to have a stop for Amtrak in Milwaukie. It could be a stop for buses that went out of state. It needed to be larger than what we were looking at. Milwaukie had a small footprint for the downtown. It was a small, little community. If the City were do something like this, it would destroy that neighborhood to the east and the downtown. As a policymaker she was obligated to put all ideas to Metro because it was the decision maker. That was not to say she was wild about either of them at all. We really need to ask ourselves if we have the right one.

Councilor Barnes read her comments into the record. Again, in Milwaukie, our Council must make a difficult decision. We must weigh the choices that will impact not only our friends, neighbors, and businesses of today but the City we all hold dear for future generations. With that in mind, I base my recommendation to the Mayor on the following: (1) Which proposal, plan or alternative will be the least disruptive, least costly, and will give Milwaukie a firm base for the future? (2) What have Milwaukie residents said clearly about parking in downtown Milwaukie for years? (3) When it comes to safety associated with light rail where can it be placed to keep our residents the most safe and secure?

In order to answer those questions, I have reviewed input from those who have sent email, letters, and participated in hearings and who shared their ideas with me while staffing the City Booth at the Farmer's Market. I have gathered input from City staff, TriMet staff, and by reviewing information on state and national websites.

The answer to question one regarding disruption and cost focuses on the proposal that follows the current rail lines. With an addition of a noise barrier, there may actually be less noise than what is currently heard from trains. The costs associated with building a light rail track through our downtown core would be more than just financial. It would impact Milwaukie's downtown on many levels. Our economics, our hometown feel, and our character and long-term vision for Milwaukie will be impacted negatively with what would happen if the Main Street alignment were chosen.

As for parking, this Council has heard for years that Milwaukie's downtown parking is a key issue. Folks from businesses and neighborhoods have come before this body to express their concerns that our downtown is not conducive to parking. As our City continues to experience development with new businesses, new homes, and new

growth, taking away any parking in our downtown (and in the process disrupting our downtown) would have severe impacts on our community.

As for safety, Chief Kanzler and his department have already proven to this City and its residents that they know what they are doing. Chief Kanzler tells me he will make sure the safety of our citizens will not be compromised with light rail coming into Milwaukie. It is up to all of us to remember the importance of station design as we move through the process. We need to make sure and get it in writing that we expect to have eyes on the stations so we can monitor all activity. We have received the commitment from TriMet managers, designers and security that this is going to be the safest line on the system. Our police department and our Council and staff will make sure that occurs.

Finally, I do appreciate the concerns raised by the teachers, parents, and others of Waldorf School. I made contact with the President of the Board of Trustees and asked the question: Why did Waldorf decide to purchase a building with rail running behind the property knowing that the LPA would also include a light rail alignment behind their structure?

Mr. Dimick informed me in an email today that those buying the building did know about the possibility... I will quote him... "Although my children were attending PWS at the time, I was not involved in the purchase of the present PWS site, my understanding is that the possibility of the Tillamook alignment was disclosed during the due diligence. At that time a station was proposed behind the school to serve a proposed community center on the same site that never came to pass. The school expressed our concerns regarding such a station and the safety and noise issues caused from a light rail line in such close proximity to the school, in a 2001 letter written by our then Business Manager, Reis Hoyt. You may have seen that letter. Awareness and unconditional support are two very different things. We have known about the possibility of a light rail line behind the school, but that was only in general terms as details were not available at that time."

When Waldorf bought Milwaukie Junior High they had freight trains running behind their building. Trains are noisy...we have learned that and are rectifying that in other sections of Milwaukie. Still, students at Waldorf (as well as Milwaukie High School) continue to become well-educated members of our community despite the noise from the railroad. Students with great curriculum, wonderful teachers, and nurturing parents can learn in even the most challenging environments. It is obvious students at Waldorf are exceptional learners even with trains running behind their school. Having a sound barrier as part of the mitigation will actually make their environment better.

There has been much discussion regarding the National Environmental Policy Act. My understanding, from Metro, our lead agency partner, is that this project has followed, and is following, the NEPA process. If we choose to add this option, it will be because Milwaukie, WANTS to add it -- not because the federal government requires that we add it. This is a local decision, and one that I expect our regional and federal partners will support. People need to remember that this is a supplemental DEIS study -- that means that a lot of options and alternatives have ALREADY been looked at. In fact, we already have a Locally Preferred Alternative. All we're doing now is updating it, and deciding if anything has changed locally that would compel us to look at any new options. There's absolutely no reason to believe that we HAVE to add options for NEPA purposes. That's not my understanding at all, and I'd encourage anyone with those concerns to contact Metro project staff for additional clarification.

Councilor Collette was correct. We are not going to make everyone happy with our recommendations. We have studied the Tillamook Branch and the SDEIS study was completed just four years ago. That study did not find any environmental impacts that

could not be mitigated. Our community leaders made the decision in 2004 to choose the Tillamook Branch as the Locally Preferred Alternative. Our downtown plan supports this alternative. With that said, Mr. Mayor, I am against adding the Main Street alignment in any form to the SDEIS study.”

Councilor Loomis did not disagree with what the Councilors said. It bothered him a little was what Mr. Dimick said about the effort people put into the workshops. It seemed to him in the beginning that the Main Street proposal was not viable. He did not know why that was forwarded. He understood the Mayor had told Advantis that it was off the table and would not work. He did not know why people including staff were put through that process. Most of the information showed why it would not work, and Council knew why it would not work. Having the train go down Main Street would be a big impact. Parking was an issue that was known, and he was not sure why Council voted to do that. He felt bad in the sense it was almost like a false hope to spend the time and effort. The photos showed that people were really engrossed in the process. He felt bad about that. He would not support the Main Street alignment.

Mayor Bernard commented there was misconception that those who were there supported the Main Street alignment. You had to find out whether it was something to consider. He would have considered it until he sat down at those meetings and put the track on the scale map. People had no idea about parking impacts. There were some real possibilities. All of those people got involved and walked away with the feeling they could impact it or learned that alignment would not work. It was a good event and well done. Some participants changed their minds because of the opportunity.

Mr. Asher reported Main Street got the reviews it had gotten because first PWS and others in the community asked. An important community partner wanted to find out if Main Street could work. The Planning Commission was united in its distaste for McLoughlin Boulevard but was united in being intrigued by Main Street. They thought Main Street was worth looking at. Main Street had been looked at and talked about, but it never made it far enough into a single EIS report or an alternatives analysis where it could be pulled out and identified all the things about Main Street that made it difficult. They wanted to create that report in fairness to the community.

Councilor Stone asked if that report was created and studied in depth as it would in an SDEIS.

Mr. Asher replied it was not in the same way as it would in an SDEIS. What the Council had in the Metro report gave a full flavor for what Main Street would be like with graphics and public testimony. They did not have that, and he thought the reason was because the idea was rejected so early in previous conversations that except for a portion of Main Street never got out of the talking stage.

Mayor Bernard added in the very beginning there was a survey about what was important, and downtown parking was low in importance. There were few businesses from downtown, so it was thought that parking was not that important. Bernard's had been in business since 1925. His dad was Mayor in 1962, and he never stopped hearing downtown Milwaukie parking complaints. The downtown businesses were clearly not represented. Mr. Hankerson was shocked. Mayor Bernard and Mr. Hankerson took the survey together and although they did not agree on everything parking was of great importance to the retail businesses. He heard the votes, and there were a couple of things he wanted to add. Over the years people said if you build light rail it would create another transportation division, another division, another bridge, another McLoughlin Boulevard, another Hwy 224. If you put it down Main Street it would create another new transportation corridor. If you put it in an existing corridor, it would share the corridor and reduce the impact. Every few years Milwaukie changes its mind. He thought it was time to stick with a decision and focus on getting it done like it

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did with the Downtown Plan. He and Mr. Eiswerth operate the Farmers' Market, and everyone says people will not walk from a park-and-ride structure to light rail. If people were willing to walk to the Sunday Market they would certainly be willing to get on light rail to Portland State, OMSI, OHSU, and all the other job opportunities in Portland. People offered their recommendations, and he felt he had direction.

Mayor Bernard asked Councilor Stone how if she never supported light rail ever why would she want to add an alternative to study? Why not just say she did not like light rail.

Councilor Stone replied she was thorough. She wanted to make sure the Council looked under every rock to find the right alternative. She said earlier at this meeting that she could be a light rail supporter if all those things she mentioned were met for her. The vote of the people to support this was a no-brainer. The Council needed that. Stop developers from building tax subsidized housing along TOD housing. She thought that would be great. She discussed stopping the train at Southgate or ODOT which would save money or have it run down behind the Milwaukie MarketPlace. There was the density right back there. That huge neighborhood. There were only two options -- no-build or build. That was only two things. It was very limiting. From all the testimony the Council heard tonight we did not exactly have the answer. She was skeptical about this train going through our town. She thought Milwaukie needed a trolley through the town, and that should be in the SDEIS. A trolley made a lot of sense. Hook it up to Sellwood. Hook it up to Lake Oswego. She thought people would be really surprised at the level of noise the train made and the sound of the horns and disruption to the neighborhood. She thought there needed to be more options SDEIS.

Mr. Zumwalt made comments from the audience which were not audible.

Councilor Collette suggested she and Mr. Zumwalt continue the discussion after adjournment.

ADJOURNMENT

It was moved by Councilor Barnes and seconded by Mayor Bernard to adjourn the meeting. Motion passed unanimously. [5:0]

Mayor Bernard adjourned the regular session at 10:21 p.m.

Pat DuVal, Recorder

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING PARKER FITZPATRICK TO THE MILWAUKIE DESIGN AND LANDMARKS COMMITTEE.

WHEREAS, a vacancy exists on the Milwaukie Design and Landmarks Committee; and

WHEREAS, Milwaukie Municipal Code Section 19.323.4(A) provides for appointment of members of the Milwaukie Design and Landmarks Committee "by the council;" and

WHEREAS, Parker Fitzpatrick possesses the necessary qualifications to serve on the Committee and has indicated his desire to serve.

Now, therefore, the City of Milwaukie, Oregon resolves as follows:

SECTION 1: That Parker Fitzpatrick is appointed to the Milwaukie Design and Landmarks Committee.

SECTION 2: That his term of appointment shall commence upon adoption of this resolution and shall expire on March 31, 2011.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on September 4, 2007.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew & Corrigan, LLP

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING DAVID HEDGES TO THE PUBLIC SAFETY ADVISORY COMMITTEE AS A MEMBER-AT-LARGE.

WHEREAS, a vacancy exists on the Public Safety Advisory Committee for a member-at-large; and

WHEREAS, Milwaukie Municipal Code Section 2.24.020(B) provides for appointment of members of the Milwaukie Public Safety Advisory Committee “by the council;” and

WHEREAS, David Hedges possesses the necessary qualifications to serve on the Committee and has indicated his desire to serve.

Now, therefore, the City of Milwaukie, Oregon resolves as follows:

SECTION 1: That David Hedges is appointed to the Milwaukie Public Safety Advisory Committee as a member-at-large.

SECTION 2: That his term of appointment shall commence upon adoption of this resolution and shall expire on September 7, 2009.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on September 4, 2007.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, & Corrigan, LLP

Pat DuVal, City Recorder

City Attorney



To: Mayor Bernard and Milwaukie City Council
Through: Mike Swanson, City Manager
From: Larry R. Kanzler, Chief of Police
Date: August 16, 2007
Subject: **O.L.C.C. Application – Cha Cha Cha Mexican Taqueria – 11008 SE Main Street**

Action Requested:

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from Cha Cha Cha Mexican Taqueria – 11008 SE Main Street.

Background:

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



To: Mayor and City Council

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

From: Gary Parkin, Engineering Director
George MacGregor, P.E., Civil Engineer

Subject: Proposed First Addendum to the Intergovernmental Agreement
between the City and Local Jurisdictions Involved in Stormwater
Litigation

Date: August 21, 2007 for September 4, 2007 Regular Session

Action Requested:

Authorize approval of the First Addendum to the Intergovernmental Agreement (Attachment 1) between the City of Milwaukie and other Municipal Separate Storm Sewer System (MS4) co-permittees for the purpose of jointly retaining legal counsel to defend the legal validity of the MS4 permits.

Purpose:

By the First Addendum to the Intergovernmental Agreement, the Parties intend to modify the proposed amount of the total costs and expenses payable to Cable Huston, the legal counsel retained to represent the MS4 co-permittees. The total fee estimate has increased from \$125,000 to \$160,000. The City's proposed share (4.41%) has increased from \$5,513 to \$7,056.

The reason for the fee increase is that earlier this year the Multnomah County Circuit Court ruled in favor of the defendant, DEQ. The plaintiffs, Tualatin Riverkeepers, et al, have filed an appeal. The fee increase will be used to defend the ruling.

Background:

To protect water quality, the nation's Clean Water Act regulates what can be discharged to waterways. The permit authorizing the City of Milwaukie to operate its stormwater system is called the **Phase I National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit**.

In the Lower Willamette River Basin, DEQ has issued several MS4 permits, including the "Portland Permit" and the "Clackamas Permit". The Portland Permit includes the City of Portland, Port of Portland, and parts of unincorporated Multnomah County. The Clackamas Permit includes CCSD No. 1, SWMACC, Oak Lodge Sanitary District, and the Cities of **Milwaukie**, Gladstone, Oregon City, Happy Valley, Lake Oswego, West Linn, and Wilsonville. The aforementioned jurisdictions are Parties to the IGA and the proposed First Addendum to the IGA.

Environmental organizations have filed suit against the Oregon Department of Environmental Quality (DEQ) for allegedly issuing MS4 permits in violation of the Clean Water Act. Milwaukie is a co-permittee under the permits in question, and is thus a co-defendant by proxy. The plaintiffs contend that DEQ should impose numerical limits on various pollutants. In fact, DEQ is imposing numerical limits by issuing "Total Maximum Daily Loads" (TMDLs), but this process has been extremely complicated due to the virtually infinite sources of stormwater pollution and the difficulty in controlling them. For example, E. coli bacteria is a pollutant of concern for Johnson Creek. However, genetic studies have determined that birds and other wildlife are by far the greatest sources of E. coli in surface water. Mercury is another troublesome pollutant that is thought to originate mainly from the burning of coal in Asia. DEQ is attempting to set realistic goals for stormwater cleanup, which has proven to be a long and involved process.

Although the co-permittees have not been sued directly, the co-permittees think it is in their interest to be involved in current and future legal proceedings that impact stormwater management practices. The City and the other co-permittees have already been coordinating our stormwater monitoring efforts and have been exchanging ideas for best stormwater practices. The IGA has allowed resources to be pooled for coordinated legal action.

Accordingly, in August 2006, by Resolution 36-2006 (Attachment 2), the City of Milwaukie entered into an IGA with the other local MS4 co-permittees to retain joint legal counsel. The co-permittees selected the law firm of Cable Huston to represent the group.

In the spring of 2007, the Multnomah County Circuit Court ruled in favor of DEQ by finding that DEQ did not issue MS4 permits in violation of its own rules. The plaintiffs, Tualatin Riverkeepers, et al, are appealing the decision. The appeal

process will require additional resources, hence the need for the First Addendum to the IGA. The First Addendum proposes Milwaukie's share will increase by \$1,543, assuming all Parties participate.

The Riverkeepers have also filed an appeal in a separate petition to the Land Use Board of Appeals (LUBA), again to challenge the validity of the MS4 permits. This action will likely require a second addendum to the IGA that would again increase Milwaukie's contribution to the joint counsel effort. Several co-permittees have already signed the First Addendum to the IGA, and a second addendum cannot be drafted until it is known which co-permittees plan to participate.

Additional co-permittees are expected to join the IGA in the near future. If so, a third addendum to the IGA would be drafted. In that case, the total amount of Milwaukie's contribution would likely decrease as legal fees would be distributed across more parties.

Recommendation:

Staff recommends Council adopt the Resolution (Attachment 1) approving the First Addendum to the Intergovernmental Agreement.

Concurrence:

The City Attorney has been involved in strategy meetings for several months and concurs with Staff recommendations.

Fiscal Impact:

By approving the First Addendum to the IGA, the City of Milwaukie agrees to provide an additional \$1,543 toward legal fees. This figure was determined as follows:

- Total counsel fee shall not exceed \$160,000, to be shared by the Portland and Clackamas co-permittees. This is an increase of \$35,000 from the \$125,000 authorized by the original IGA.
- Cost allocations were assigned proportional to the land area of each co-permittee, as in the original IGA.
- Clackamas MS4 co-permittees' total share is 49%, which equals \$78,400.
- Milwaukie's share of the Clackamas share is 9%, which equals \$7,056. This is an increase of \$1,543 from the \$5,513 authorized by the original IGA.

CCSD No. 1 shall provide a Statement of Payment to the Clackamas co-permittees. The City will be charged based upon the cost share figured above.

Funding source will be from the Professional Engineering Services budget.

Work Load Impacts:

Staff will continue to attend meetings with co-permittees to track the status of the lawsuits. Staff workload has been increasing, as anticipated, as the City develops and implements stricter stormwater standards.

Alternatives:

The City could decline to enter into the First Addendum to the IGA and go undefended. This course places the City in a weakened position without the support of the other co-permittees. The City has been cultivating a valuable partnership with the other co-permittees, especially in the arena of stormwater management and monitoring. Failure to support the First Addendum to the IGA will damage this relationship.

The City could decline to enter into the First Addendum to the IGA and hire its own Counsel. This course of action would undoubtedly be more expensive than entering into the First Addendum to the IGA.

Attachments:

- Attachment 1: Resolution Approving First Addendum to the IGA
- Attachment 2: Resolution 36-2006 Approving Original IGA

Attachment 1

RESOLUTION NO. ____-2007

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE FIRST ADDENDUM TO THE INTERGOVERNMENTAL AGREEMENT FOR JOINT COUNSEL BETWEEN THE CITY OF MILWAUKIE AND OTHER LOCAL MS4 PERMITTEES

WHEREAS, by Resolution 36-2006 the City entered into an IGA with other jurisdictions to retain joint legal counsel to defend the Phase I Municipal Separate Storm Sewer System Permit (MS4 Permit) issued by the Oregon Department of Environment Quality, which allows the City to operate that portion of its storm sewer system that discharges stormwater runoff to waters of the State of Oregon; and

WHEREAS, the City authorized the retention of Cable Huston, a law firm, and the expenditure of up to \$5,513 as the City's portion of the IGA, and those monies have been nearly expended; and

WHEREAS, the MS4 Permits have been successfully defended to this point but continue to be subject to legal challenge by various petitioners; and

WHEREAS, the City and the MS4 Permittees anticipate future challenges to their respective MS4 Permits and future addenda to complete the cost of litigation; and

WHEREAS, the City and the MS4 Permittees continue to have a common interest in defending their respective MS4 Permits jointly and are prepared to continue to retain the services of Cable Huston for such purpose; and

WHEREAS, the City is authorized to enter into this First Addendum to the IGA pursuant to ORS 190.010;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, as follows:

Section 1. The City of Milwaukie hereby approves the First Addendum to the IGA between the City of Milwaukie and the MS4 Permittees, attached as Exhibit A, which authorizes the expenditure of an additional \$1,543 toward legal fees and expenses.

Section 2. The City of Milwaukie authorizes the City Manager and City Attorney to sign said First Addendum on behalf of the City.

Introduced and adopted by the City Council on September 4, 2007.

This resolution is effective on September 4, 2007.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, & Corrigan, LLP

Pat DuVal, City Recorder

City Attorney

FIRST ADDENDUM TO INTERGOVERNMENTAL AGREEMENT

BETWEEN: The City of Portland, the Port of Portland, Clackamas County Service District No. 1, Clackamas County, Multnomah County, Oak Lodge Sanitary District, Surface Water Management Agency of Clackamas County, the City of Lake Oswego, the City of Gladstone, the City of Wilsonville, the City of Milwaukie, the City of Happy Valley, the City of Oregon City, and the City of West Linn (collectively, the "MS4 Permittees" or "Parties")

Effective Date: _____ (Date of last signature below).

This First Addendum to Intergovernmental Agreement is entered into by and between CITY OF PORTLAND, a municipal corporation of the State of Oregon ("Portland"); the PORT OF PORTLAND, a port district of the State of Oregon (the "Port"); the CLACKAMAS COUNTY SERVICE DISTRICT NO. 1, a county service district organized under ORS Chapter 451 ("CCSD No. 1"); CLACKAMAS COUNTY; MULTNOMAH COUNTY; OAK LODGE SANITARY SERVICE DISTRICT; SURFACE WATER MANAGEMENT AGENCY OF CLACKAMAS COUNTY ("SWMACC"); the CITY OF LAKE OSWEGO, a municipal corporation of the State of Oregon ("Lake Oswego"); the CITY OF GLADSTONE, a municipal corporation of the State of Oregon ("Gladstone"); the CITY OF WILSONVILLE, a municipal corporation of the State of Oregon ("Wilsonville"); the CITY OF MILWAUKIE, a municipal corporation of the State of Oregon ("Milwaukie"); the CITY OF HAPPY VALLEY, a municipal corporation of the State of Oregon ("Happy Valley"); the CITY OF OREGON CITY, a municipal corporation of the State of Oregon ("Oregon City"); and the CITY OF WEST LINN, a municipal corporation of the State of Oregon ("West Linn").

RECITALS

- A. On October 19, 2006 the Parties entered into an Intergovernmental Agreement ("IGA") setting out their retention of Cable Huston, a law firm, to provide representation to the Parties related to their joint defense of the challenges made concerning their Phase I municipal separate storm sewer system permits ("MS4 Permits").**
- B. The IGA sets out the Parties' Agreement to authorize allocation among themselves of the costs and fees payable to Cable Huston.**
- C. By this First Addendum to the IGA, the Parties intend to modify the authorized amount of the total costs and expenses payable to Cable Huston pursuant to Section 2.1 of the IGA.**

AGREEMENT

The Parties hereby agree to modify Section 2 of the IGA to read as follows:

2. Authorized Expenditures and Reimbursement

2.1 The total amount of costs and expenses shared pursuant to the IGA and First Addendum thereto shall not exceed \$160,000, unless the Parties agree to increase this amount by mutual written agreement signed by an authorized representative of each Party.

2.2 The Statement for Payment will be paid to Cable Huston based on the following percentages:

Party	Percentage
Portland	51%
CCSD No. 1	49%

2.3 The City of Portland will provide a Statement for Payment to the Port of Portland and Multnomah County. The Port of Portland and Multnomah County will reimburse the City of Portland within 30 days of receipt of the Statement for Payment based on the percentages in Attachment A. CCSD No. 1 will provide a Statement for Payment to Gladstone, Lake Oswego, Milwaukie, Oregon City, West Linn, Wilsonville, and Oak Lodge Sanitary District based on the percentages in Attachment A.

All other provisions of the IGA remain unchanged.

CITY OF PORTLAND

By: _____
Deputy City Attorney

By: _____

Title:

Dated: _____, 2007

PORT OF PORTLAND

By: _____
Counsel for the Port

By: _____

Title:

Dated: _____, 2007

CLACKAMAS COUNTY SERVICE DISTRICT NO. 1

By: _____
Counsel for CCSD No. 1

By: _____

Title:

Dated: _____, 2007

CLACKAMAS COUNTY

By: _____
Attorney for Clackamas County

By: _____

Title:

Dated: _____, 2007

MULTNOMAH COUNTY

By: _____
Attorney for Multnomah County

By: _____

Title:

Dated: _____, 2007

OAK LODGE SANITARY DISTRICT

By: _____
Attorney for Oak Lodge Sanitary District

By: _____

Title:

Dated: _____, 2007

**SURFACE WATER MANAGEMENT
AGENCY OF CLACKAMAS COUNTY**

By: _____
Attorney for SWMACC

By: _____
Title: _____
Dated: _____, 2007

CITY OF LAKE OSWEGO

By: _____
Attorney for City of Lake Oswego

By: _____

Title: _____
Dated: _____, 2007

CITY OF GLADSTONE

By: _____
Attorney for City of Gladstone

By: _____

Title: _____
Dated: _____, 2007

CITY OF WILSONVILLE

By: _____
Attorney for City of Wilsonville

By: _____

Title: _____
Dated: _____, 2007

CITY OF MILWAUKIE

By: _____
Attorney for City of Milwaukie

By: _____

Title:

Dated: _____, 2007

CITY OF HAPPY VALLEY

By: _____
Attorney for City of Happy Valley

By: _____

Title:

Dated: _____, 2007

CITY OF OREGON CITY

By: _____
Attorney for City of Oregon City

By: _____

Title:

Dated: _____, 2007

CITY OF WEST LINN

By: _____
Attorney for the City of West Linn

By: _____

Title:

Dated: _____, 2007

Permit/Permittee	Permit Area (in acres)	Share by Permit Area	Percentage Share	Low	High
Portland Permit	49,300	51.00%	51.00%	\$71,400	\$81,600
City of Portland			43.86%	\$61,404	\$70,176
Port of Portland			6.12%	\$8,568	\$9,792
Multnomah Co.			1.02%	\$1,428	\$1,632
Clackamas Permit	47,360	49.00%	49.00%	\$68,600	\$78,400
CCSD No. 1/SWMACC (incl. Happy Valley and Rivergrove)			27.00%	\$18,522	\$21,168
City of Gladstone			6.00%	\$4,116	\$4,704
City of Lake Oswego			17.00%	\$11,662	\$13,328
City of Milwaukie			9.00%	\$6,174	\$7,056
City of Oregon City			12.00%	\$8,232	\$9,408
City of West Linn			11.00%	\$7,546	\$8,624
City of Wilsonville			8.00%	\$5,488	\$6,272
Oak Lodge Sanitary District			10.00%	\$6,860	\$7,840
Totals	96,660		100%	\$140,000	\$160,000

Attachment 2

RESOLUTION NO. 36-2006

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR JOINT COUNSEL BETWEEN THE CITY OF MILWAUKIE AND OTHER LOCAL MS4 PERMITTEES

WHEREAS, the City has been issued a Phase I Municipal Separate Storm Sewer System Permit (MS4 Permit) by the Oregon Department of Environment Quality, which allows the City to operate that portion of its storm sewer system that discharges stormwater runoff to waters of the State of Oregon; and

WHEREAS, the purpose of the City's storm sewer system is to protect City residents and property from flooding and to protect water quality; and

WHEREAS, the other MS4 Permittees have been issued MS4 Permits similarly and for similar purposes; and

WHEREAS, the MS4 Permits have been subject to legal challenge by various petitioners, and the City and the MS4 Permittees anticipate future challenges to their respective MS4 Permits; and

WHEREAS, the City and the MS4 Permittees have a common interest in defending their respective MS4 Permits jointly and are prepared to retain the services of Cable Huston, a law firm, for such purpose; and


WHEREAS, the City acknowledges that it has the authority to enter into this Intergovernmental Agreement pursuant to ORS 190.010;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, as follows:

- Section 1.** The City of Milwaukie hereby approves the Intergovernmental Agreement between the City of Milwaukie and the MS4 Permittees, attached as Exhibit B.
- Section 2.** The City of Milwaukie authorizes the City Manager and City Attorney to sign said agreement on behalf of the City.
- Section 3.** The City of Milwaukie authorizes the City Attorney to sign a retention agreement with Cable Huston, a law firm, on behalf of the City, attached as Exhibit C.

Introduced and adopted by the City Council on August 1, 2006.

This resolution is effective on August 1, 2006.



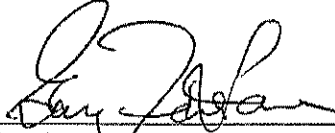
James Bernard, Mayor

ATTEST:



Pat DuVal, City Recorder

APPROVED AS TO FORM:
Ramis, Crew, & Corrigan, LLP



City Attorney

Document1 (Last revised 07/17/06)

North Clackamas Parks and Recreation District
MILWAUKIE CENTER/COMMUNITY ADVISORY BOARD
Minutes of July 13, 2007

MEMBERS PRESENT: Joan Staley, Charles Petersen, Kathi Schroeder, Molly Hanthorn, Joy Estes, Jane Hanno, Ben Tabler, Katie Rudfelt, Eleanor Johnson, Ben Horner-Johnson, Carolyn Mills.

MEMBERS EXCUSED: Jim McCreedy, Kim Buchholz.

GUESTS: None

CALL TO ORDER: Kathi Schroeder called the meeting to order at 9:35. Chuck Petersen moved to approve the minutes. Molly seconded and the motion passed unanimously. Chair person Joan Staley took over the meeting management.

CORRESPONDENCE: Joan Young had communication with Michelle Healy, the Senior Planner for the Parks District. Michelle would like to hear from the board any concerns, ideas or issues about the development of the north side of the park. Board members are encouraged to e-mail their individual ideas or concerns to Michelle. During the Center meeting on August 10, Michelle has offered to bring three concept plans for the board to discuss.

DISCUSSION ITEM: CleeAnn Hart gave the board an update on volunteerism which included: information on what the needs are, recruiting new volunteers and what to look for in a volunteer. She shared the annual volunteer report. CleeAnn asked for suggestions and answered questions from board members.

BOARD/COMMITTEE REPORTS

North Clackamas District Advisory Board: Molly reported that a group of Happy Valley parents and students spoke in support of creating a skate park within the Park District. The board asked the staff to do some research and come back and report. A proposed amendment to the Master Plan for East Happy Valley was presented. The amendment for planning purposes was approved by the board. An updated SDC and Capital Improvement Plan was presented and discussed. The plan will go to the County Commissioners. The new vendor for food service at the Aquatic Park is the same group who holds the contract for Stone Creek Golf Course. New officers were elected for the coming year. They are: Renee King as Chair and Kristen Mitchell as Vice Chair. Dan Zinzer has met with Molalla staff and they are moving ahead with a potential vote in May to join the Parks District. Mary Swanson has been retained to work on the process with Molalla and will be paid by the city. Dan and Michelle have applied for some grants to complete more of the Stringfield Park project.

North Clackamas Park Stewardship Committee: Eleanor reported that several items were discussed: The work on the horse arena, the hours of use of the ball fields, north side planning and the off-leash dog area.

Nutrition/Transportation: Ben T. reported that the new ovens and range are installed. Grants will be written for a new dishwasher and to refurbish the mixer.

Per meal Medicaid funding has increased from \$6.24 to \$6.73. Don reported that total receipts from various fundraisers this fiscal year are \$87,849. This total doesn't include money from the ball field concessions. Twilla will be moving to full time Social Services staff about September 1. Revenue from bus advertising was about \$10,000 for 06-07 and \$20,000 is in the budget for this year. A volunteer is needed as a representative on the county AAA Focal Point/Nutrition Committee.

Publicity Committee: Kathi reported that a discussion was held about redesigning and renaming the congregate meal donation box to make it more visible.

Future Planning Task Force: Brainstorming took place to consider what the Center will look like 10 years in the future. Ideas will come back to the Center board.

Building Review: Eleanor reported that the Center will have new and reupholstered furniture, the south wing will be earthquake proofed, new carpet will be laid throughout the Center, new counters will be installed in the women's bathroom and the inside of the building will be painted. Many of these upgrades will be done during the annual Maintenance Week from August 27-31. The Center will reopen Tuesday, September 4.

Program and Services: The Senior Prom and the weekly peer support program for diabetes were cancelled. A new safety seminar will be offered in the Fall.

OTHER REPORTS

Friends of the Milwaukie Center: Eleanor reported that a moonlight golf tournament will be held at Sah-Hah-Lee Golf Course on August 17, as a fundraiser. The Lumberjack Breakfast will be September 22. The Golden Wedding luncheon was very well attended.

Governor's Commission: Joan Staley reported that there will be a focus on the Baby Boomer Preparedness Project during the next session.

CENTER REPORT: Joan Young reported that Jan Wirtz will be taking a new position in Texas and July 20 will be her last day. Recruiting of a new person will take place. There is open recruiting for a part time person for the MOW program. Rentals of the Center and the Park raised \$71,000. Joan shared that 2006-2007 has been a successful year.

AGENDA FOR NEXT MEETING: Michele Healy, North Clackamas Park north side concept plans.

The meeting was adjourned at 11:15 am.

Carolyn Mills, Secretary

North Clackamas Parks and Recreation District
MILWAUKIE CENTER
Monthly Report for July, 2007

Programs & Services

The Milwaukie Center Transportation Program is part of a Metro-wide network of elderly and disabled transportation providers. This group, the Regional Transportation Coordinating Committee (RTCC), has members from transportation providers and transportation users from Multnomah, Washington, and Clackamas Counties. The RTCC works on improving transportation through networking, advocacy work and better metro-wide customer service. Marty Hanley, Milwaukie Center's Client Services & Transportation Coordinator, represents Clackamas County transportation providers on the Committee.

Summer term classes are in full swing. An evening Beginners Country Line Dance class was started this summer with more than 10 people signed up. In partnership with North Clackamas Art Guild, we provided an Explore the Arts Workshop on Pastels with ten people in attendance.

Family caregivers struggle with great emotional and physical stress as they cope with the needs of loved ones with memory impairment such as Alzheimer's disease. Last year the Milwaukie Center provided a much needed break and over 1,500 hours of respite for 18 unpaid, family caregivers during the weekly 'A Place at the Center' social respite program.

The Travel Program was busy this month, providing trips to Hoyt Arboretum, Typhoon and Gresham Station, Ft. Vancouver National Historic Site and Officer's Row, and a cruise on Belle of the Falls.

The Milwaukie Center Nutrition Program manages over three dozen blueberry plants that are located at Stringfield Family Park. Harvest of the blueberries began early July with the nutritious berries being frozen for future use in the Nutrition Program meals.

At completion of the 10 week walking program, we held a celebration serving healthy refreshments, and awarding certificates and pins to all who completed and turned in their log sheets. Another 10 week walking program will begin on September 25. There is no fee for this program and newcomers will receive a pedometer to help them keep track of their steps daily.

The July Matinee at the Center was *North by Northwest* with Cary Grant and Eva Saint Marie. This is a great way to enjoy an afternoon movie with a friend. We have comfortable recliners and couches and kettle-popped popcorn.

Fund-raising

Thursday evening Bingo attendance has increased considerably making it once again one of the top three fund-raisers for the Friends of the Milwaukie Center. Additionally, Bingo infuses \$2,000 in the Endowment Fund each year.

Coming Up

Shingles Workshop, Wed., Aug. 8, 2:30 pm at Milwaukie Center.

Ice Cream Social and Beach Bum Award, Fri., Aug. 10, 12:30 pm, \$2/banana split – YUM!

Moonlight Golf Tournament & BBQ, Fri., Aug. 17, 6:30 pm at Sah-Hah-Lee Golf Course. Contact Friends of the Milwaukie Center for an application.

CUAB MEETING MINUTES
Wednesday, July 11, 2007
Johnson Creek Facility Conference Room
6101 SE Johnson Creek Blvd.

Members Present

Bob Hatz, Chair
Charles Bird, Vice Chair
Ed Miller

Members Absent

Betty Chandler

Staff Present

Gary Parkin, Engineering Director

I. CALL TO ORDER

Chair Hatz called the meeting to order at 6:00 p.m.

II. INTRODUCTIONS

III. CONSENT AGENDA

Minutes from the last meeting (4-04-07) were approved by Bob on June 20, 2007.

IV. REPORTS

A. Service extension to unsewered areas adjacent to City

Gary provided information regarding the County's proposal to sewer all the unsewered properties in the NCRA (including those in the Dual Interest Area "A"). Milwaukie responded that we would not support a change in the Dual Interest Area "A" agreement, we will provide sewer service to this area. Challenge is to determine funding mechanism, gain the confidence of residents we will be asking to annex, and managing the process.

V. DISCUSSION

A. Wastewater Master Plan Update

Gary went over the provisions of the scope of work we are looking at. The CUAB agreed with the elements in the scope and suggested no additional elements.

VI. MATTERS FROM THE BOARD

Chairman Hatz suggested that the board show their support for annexation of the UGMA. The following motion was developed:

Motion: Board supports master planning for entire UGMA and aggressively pursuing extension of waste water service to the Dual Interest Area "A"

Passed unanimously

VII. OTHER

Charles asked about gas tax, is it being collected?

School SDC?

Fluoridation

Street Lighting (need to evaluate lights in place)

Bob asked about Elk Rock Island

VIII. INFORMATION SHARING

None.


IX. FUTURE MEETING DATE/AGENDA ITEMS

Wednesday, August 1, 2007 (if needed)


Review Work Plan

X. ADJOURN

The meeting adjourned at 8:00 p.m.



Bob Hatz, Chair



Gary Parkin, Scribe

June 4, 2007
Meeting of the Riverfront Board
Minutes

Members Present: Seagler, Wall, Green, Stacey, Martin, St.Clair, Klein
Guests: Councilors Stone and Collette and 30-40 visitors
Bridget Wieghart, Metro and Sean Batty, Tri Met

Minutes:

Martin motioned to approve the minutes from the May 8 meeting. Stacey seconded and motion passed 4-0-2 (two abstaining and St Clair not present when vote taken.)

South Corridor Phase II Alignment Discussion

Herrigel began by summarizing the meetings held in the City to date on the South Corridor Phase II. She noted that during and between the Open House and the three segment meetings, City staff and Council have received requests from members of the Waldorf School, Historic Milwaukie NDA, Lake Rd NDA and other schools in the downtown area that the project team consider an additional alignment in the SDEIS, which would go along McLoughlin and/or Main Street. The three alignments currently approved for evaluation in the SDEIS travel along the Tillamook rail line through the downtown area. As a result of these requests, the Mayor has asked for four groups to weigh in on whether this fourth alignment should be taken into the SDEIS. These groups include the Riverfront Board, the Planning Commission, the Downtown Businesses, and the North Industrial Businesses. She said that tonight's discussion was to focus on whether that fourth alignment should be included in the SDEIS so that the Board could deliver a recommendation to the Mayor on this question.

Green acknowledged that there was a large audience and asked the Board how they wanted the audience to participate at the meeting. Klein suggested that the Board hear the presentation, have some discussion, ask questions and then hear from the guests afterward. Green said he concurred with this approach and suggested that questions or comments from the audience, specific to the presentation, be taken after the Board had had a chance to ask questions. All Board members agreed to this approach.

Bridget Weighart, Project Manager from Metro, went over the history of the South Corridor project, noting that the Portland to Milwaukie line is Phase II and the I-205 line, currently under construction, is Phase I. She briefly described the three alignments already in the SDEIS, namely the Locally Preferred Alternative (LPA), the LPA with a tail running to Park Ave and the Working Group alignment with a tail to Park. She then introduced Sean Batty from Tri Met who would describe the potential Mcloughlin/Main alignment in more detail.

Batty went over a table of contents for a booklet Metro and Tri Met are developing on the Main/McLoughlin alignment. He said he would follow this format roughly for his presentation. He began by showing the Board concept plans of the LPA along the

Tillamook line. He then showed three concepts for possible and feasible alignments involving McLoughlin and Main: 1) McLoughlin (West side running), 2) McLoughlin (Center running) and 3) McLoughlin /Main Couplet. Following are some of the features described for each:

1) McLoughlin (West side running)

- Double tracks
- Bridge and abutment at 224 reconstructed
- 5 buildings displaced
- Signalized crossing on McLoughlin for track to cross McLoughlin from east side
- 29-40 feet of space removed from Riverfront Park (from back of sidewalk)
- Right turn pocket required for entering park
- 275 space Park and Ride at cash Spot
- Stations would be straddle entrance to Park
- 29 foot track only
- 40 foot station and turn lane

For tail to Park:

- Reconstruct rail road bridge south of Kellogg
 - Reconstruct bridge over Kellogg at 99E
- (noted that Tillamook alignment would not affect railroad bridge or Island Station intersections since rail touches down south of this area)

2) McLoughlin (Center running)

- From 224 to Harrison – same affect as West running
- Bridge and abutment at 224 reconstructed
- 5 buildings displaced
- Signalized crossing on McLoughlin for track to cross McLoughlin to center median
- Track would run along center median of McLoughlin
- Left turn lane onto 17th taken up by station at Monroe
- Reconstruct Kellogg Creek bridge at 99E
- Continue center run to Park
- Reconstruct rail road bridge south of Kellogg

Green noted that he'd participated in the CAC for the McLoughlin project and the left turn lane pocket length had been a very important issue to ODOT during that process. He said he was skeptical that ODOT would be of a different mind for this project. Batty acknowledged that they had not met with ODOT on any of these concept plans and he agreed that ODOT might have some issues with mitigation for this design. He noted that if this center running option was not feasible within ODOT's standards, then the side running options would need to be pursued.

Klein asked which option Batty thought affected traffic on Harrison the most. Batty said he thought the center running option did.

3)McLoughlin/Main Couplet

- Single track runs down McLoughlin on west side
- Turn left on Washington (southside)
- Turn left on Main St (east side)
- Terminus track would be in south part of Riverfront on McLoughlin
- 275 car Park and Ride at Cash Spot
- Access to P+R from Main only
- Grade steep on Washington
- Looked at a center and east side run on Main St
- All angled parking would be removed on Main
- 4 new stop lights would replace signed intersections
- Area between 12 and 21 feet of Riverfront to be displaced
- Double and single tracking actually uses similar amount of space since turning and other road elements must be accommodated
- 35 parking spaces would be lost on Main

Stacey asked to look at the overhead of the LPA. Batty noted that the Tillamook alignment had 100 feet of right of way available and three gated street crossings (at Harrison, Monroe and Washington)

Seagler asked if all alternatives have to stop at Lake Rd and then later be extended to Park. Weighart said that the SDEIS would look at either Lake or Park as a terminus but whichever was selected would be built all at once, they wouldn't be phased.

St. Clair asked why they were even looking at alternatives to the Tillamook alignments. Batty noted that community members had requested that Tri Met look at alignments on Main/McLoughlin.

St. Clair asked if an eastside option on McLoughlin was feasible. Batty responded that an eastside run would cause each turn from McLoughlin into downtown to cross two tracks. He said this was hard to reconcile with required mitigation. He said even with safety protections people tend to jump gates or lights to turn right. He also noted that with an east side run business accesses off of McLoughlin would have to be consolidated or closed.

Green noted that in addition to the amount of space taken up in the Park by each of these options, he had concerns about either single or double tracks along McLoughlin and Main causing additional barriers between downtown and the Riverfront. He noted that one of the Board's main goals was to connect the Park to downtown Milwaukie.

Seagler noted that when you compared the Tillamook alignment to the options presented tonight, the Main/McLoughlin options didn't seem worth it.

Wall said he felt that our resource (the Riverfront) continued to dwindle.

Green noted that we already lost some square footage from the Park with the McLoughlin enhancements.

Stacey said he felt they'd fought too long and hard for what we have to balance of parking and green space.

Klein asked if the train could run in the street and what about changing streets to one-way? Batty answered that the tracks can run in the street but that they are on tracks so they don't share lanes with cars. He also noted that making streets one-way is possible but the Milwaukie downtown movements would be complicated.

St Clair said he thought the Main/McLoughlin couplet would be okay but we really are tight on space right now.

Klein asked if there was a way to move the terminus track on the couplet option. Batty said that there might be a way to move it to Main St but they'd need more ROW on Main.

Klein noted that any extra wall near Johnson Creek would not be attractive and he noted that there is an outlet there for water from the creek at the Waldorf School.

St Clair suggested they could move the McLoughlin station in the couplet option toward the sewer plant site and that would save some Park space.

Green asked if Sean had looked at a Main/21st couplet. Batty said he had but that the ROW to the north on Main got very thin so the connection to the north was difficult.

Klein asked about using a single tracked system (trains running north and south on the same track). Batty said Tri Met has built this type of track but has always gone back and rebuilt double tracks later to reduce bottlenecks and run time delays.

Seagler asked if this single track idea would prevent extending to Oregon City. Batty noted that it wouldn't prevent it but they would ultimately have to come back and rebuild as a double track if they extended to Oregon City.

St Clair asked about the timeline for light rail. Weighart clarified that the SDEIS would be done in July 2008. Preliminary engineering and final design would then take place and construction would begin in 2011 at the earliest. The line would open in 2014-15.

Klein noted the requirements of the Oregon Marine Board to pay back funds for projects modified or removed and wondered if the light rail project would pay these funds back for the City if the Riverfront was modified. Batty said that this would be evaluated in the SDEIS if this alignment went forward.

Green said that many of the Riverfront Board members have spent the better part of a decade working on this Park and they were protective of every square foot of space. He

said one of their goals was to reconnect the downtown to the Riverfront and they wanted to increase that connection rather than decrease it.

Green then asked if there were people in the audience that had questions.

Jerry Foy of Westwood Construction and St. John the Baptist Church

- Your missing an opportunity if you don't think light rail would be an attraction
- If I was a business person in Milwaukie I wouldn't like the Tillamook alternative since it's too far away from downtown
- Seems like access issues to the Riverfront are just as bad when the light rail is on Main/McLoughlin as they are now
- Maybe you could use the sewer plant site as a turn around or storage area
- Noted that they had gathered 290 signatures opposing the Tillamook alignment without even trying last Sunday

Mark Gamba, a Gallery owner at the McLoughlin Building(and Waldorf parent?)

- Why not have both stations on Main with Couplet option? (Batty said this could be done but they'd still need a terminus site for dead trains)
- Why not extend south, it makes sense to. (Weighart said all options would be evaluated with a southern "tail" and without one.)

Dan Hoight, a Waldorf parent and TriMet employee from 12 years

- What elements do you look at in the SDEIS? (Batty went over the matrix of issues looked at for each option presented and briefly described what the SDEIS would cover. Weighart then clarified that tonight's presentation was a "quick blush" concept plan and that there was a great deal more evaluation that would have to be done)

Ed Zumwalt

- Batty says no to one track but we were looking at one track before the Waldorf School was purchased (Weighart said that she has been unable to find any evidence of this in the records of the past light rail processes in Milwaukie)

Brandon Eiswerth, Farmers Market Manager

- Noted that there is still discussion of moving the Framers Market to the Riverfront
- Light rail would bring folks from all over to the Riverfront for the Market
- They'd come from Sellwood and south Portland
- People could come to concerts at the Riverfront by light rail too

Carol Damm, Waldorf School Board

- Handed out a position statement on Public Transportation Systems in Downtown Milwaukie
- Asked why not make Main and 21st both one-way
(Batty said they did look at one-way traffic pattern but would need to do broader review if this option moved to SDEIS. He said they present more problems than they solve at first look)
 - Asked why not single track on McLoughlin?
(Batty noted that single track running down center of McLoughlin would take less width but there would still be all the other issues for turning etc he'd

described. He noted that a single track is not really half of a double track due to the infrastructure required for tracks)

Ed Pareki, owner of a potentially impacted building

- Noted that at this point we don't know what impacts there are on the Tillamook line either
- All we are asking is that the pros and cons of other options be included

Scott Churchill, citizen of the City and member of Historic Milwaukie NDA

- Noted he was not speaking as a Planning Commissioner
- Asked that we not jump to tactical solutions
- Noted that the request to consider the Main/McLoughlin alternative was only made 15 working days ago
- We ask that you please include this alternative in the SDEIS
- Highway 26 to Beaverton(congestion was mitigated...???)
- There is inconsistency with how much space we need. Ranges from 30 feet to 100 feet
- Seems that you are building a foundation for tactical solutions

(Batty noted that 34 feet is for track and 80 feet includes curb sidewalk etc.)

Weighart noted that the discussion of the Tillamook alignment uses 100 feet of ROW as what's available – not what will be used. In no case, she said are we shoving 70-80 feet into the neighborhoods)

Green closed the meeting to public comment and said he'd like the Board to spend time, now, discussing the question.

Wall asked what the timeline was for the SDEIS as it related to the Riverfront design.

Herrigel noted that she understood that the SDEIS would be completed in July of 2008. She said that the Riverfront design is underway now and would be complete in late summer or fall of 2008. She noted that if the Main/McLoughlin alignment went forward, the Riverfront design and permitting would have to be put on hold while the SDEIS went forward.

St Clair made a motion to add the McLoughlin/Main alignment to the SDEIS as long as it allowed the Riverfront design the Board had worked on to be achieved.

St Clair said he felt it would bring good things to the City and he would use it. He added that the light rail line should not be "in lieu of" our design for our park. He said he did not want to sacrifice what they'd worked on. He said if they could come up with an alternative that minimized the impact on the Park he thought we should consider it. If there was no way to do that, then he'd drop the idea.

Seagler stated that he thought our recommendation had to be about what we have seen tonight. (Batty said that there were certainly other options but that he couldn't speak to other design parameters)

St Clair said that the only way he could support any other option was if it didn't impact the park.

Green noted that St Clair is suggesting an option which the Board can't address tonight since the SDEIS is not done. Another option is to support only options that have no impact on the Park. He said he felt strongly that if we impact the Park at all that would be unacceptable. He said he was uncomfortable with additional lines separating Downtown from the Riverfront – that to him is as important an issue as how much space would be taken away from the park.

St Clair said he thinks it will bring people to the park rather than keeping them away.

Stacey said he felt that it would make McLoughlin even worse than it is now.

St Clair said that it could facilitate getting people to the River and wouldn't necessarily be a negative impact.

Seagler noted that there isn't really time to develop an alternative to what we've seen tonight. He said the best alternative shown would have taken more than 10 feet from the park.

Green asked if there was a second to St Clair's motion. Motion failed due to lack of second.

Wall said that based on the information from tonight's meeting he would **motion that the Riverfront Board recommend against including a McLoughlin/Main alignment in the South Corridor SDEIS based on the potential impact on the Riverfront park.**

Stacey seconded the motion. Motion passed 6-1 (St Clair voted no)

Carol Damm asked whether this meant any alternative or just those that impacted the Riverfront Park.

Green said that based on the alternatives they'd seen tonight the Board recommended against inclusion of any alignment in the SDEIS that ran on McLoughlin or Main Street.

Scott Churchill said they should not jump to tactical solutions.

Herrigel asked Weighart when the report on these options would be done. Weighart said she would get it to Herrigel to get to the Board within a few days.

The Board reinforced that they hoped that Council would get the message that this alternative has major impacts on our process and our Riverfront Park project.

Oregon Solutions Update

Green and Herrigel summarized the June 1 Oregon Solutions meeting. Green noted that there had been about 20 agencies and groups represented. He noted that the permitting folks are interested in working with us on the treatments near the Creek mouths and along the water. Herrigel said she'd accomplished her goals of bringing the Partners up to speed on the progress made over the past two years and in letting them know we'd be coming to them with permits soon. She said she felt confident that they would know who we were and what our project was now.

Motion to adjourn passed 6-0.