

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
September 18, 2007**

CALL TO ORDER

Mayor Bernard called the 2014th meeting of the Milwaukie City Council to order at 7:01 p.m. in the City Hall Council Chambers.

Present: Mayor James Bernard and Councilors Deborah Barnes, Carlotta Collette, and Joe Loomis

Excused: Councilor Stone

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Community Development & Public Works Director Kenny Asher, Community Services Director JoAnn Herrigel, and Operations Director Paul Shirey

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

Mayor Bernard announced the Downtown Cleanup event on September 22.

Mayor Bernard commented on the last City Council meeting and apologized to the citizens of Milwaukie that while he always took a positive stance on the community he expressed frustration and made negative comments. He was sorry for his negativity and will work on being less frustrated. He asked for forgiveness and hoped to move on with the positive things happening in Milwaukie.

CONSENT AGENDA

Resolution 58-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the Chief of Police to Sign a Purchase Order in the Amount of \$32,780.02 with Taser, International for the Purchase of "Less Lethal" Police Equipment

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 Parecki, Milwaukie business owner**

Mr. Parecki read a prepared statement for the record:

"Though I have been known to lend my support for the development of the Texaco site into a multi-story housing structure for 'a few' with retail on the bottom, I have also been known to question whether this was the best use of the park-like piece of property that is enjoyed 'by thousands' every week. I question it at this moment.

I am completely open to the idea of developing our downtown core for all the people of Milwaukie, not just for those who will dwell in the very heart of the a downtown that rightly belongs to every tax-paying citizen living within the boundaries of our city. I am open to development that will

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preserve our beautiful waterfront view for everyone, not just for those 'living' in a multi-story condominium. I am open to development that preserves trees and park-like settings. I am open to development that honors the documents we have created to ensure the vision of our downtown and waterfront if realized. For it is our vision, not the vision of a developer and not the vision of Metro that is at stake and of great importance to me and the citizens of Milwaukee.

I have nothing against development that honors our goals and our standards as spelled out in our Comprehensive Plan, Zoning Ordinances, and our Downtown and Riverfront Plan. I think it's important that we draw on our community values, philosophy and intent with which these documents were created. It was no accident that built into these documents are stated limits for building height and restrictions as to the type of exterior materials to be used. These documents are not out-of-date, nor were they developed haphazardly. The purpose for their existence has everything to do with what we envision our downtown core to become; what we envision our downtown to look like. We should hold fast to the foundation of these plans as we invite developers to come into our City. We have standards in place, and we should require developers to conform to them, not change them.

At the August 7 Council meeting several citizens testified against a suggested light rail alignment on Main Street referencing the Comprehensive Plan, the Riverfront Plan, and the Downtown and Land Use Framework Plans. If these documents provide a reasonable and viable enough reason to be used as a way to prevent light rail from encroaching onto Main Street, then they must certainly apply to any development that would go against a written standard or practice a design element or an ordinance. I would hope we would not settle for anything less.

I have several concerns with the Memorandum of Understanding (MOU) with Metro and Main Street Partners.

1. Main Street Partners wants to pursue zoning code amendments to build a taller structure currently not allowed in our downtown core. If we do not amend our zone code, Main Street Partners will proceed to build. However, as stated in the staff report for tonight's meeting, 'the project viability and quality will be reduced if the fifth story is not built.' I do not support amending our zoning code to allow any structure to go above the height restrictions as set forth in our code. First, development along McLoughlin should be low in height to allow river views for properties to the east. Secondly, I have reservations about any developer that would place the City in a position to change the code in order to get a quality project. If the City has to go against the ground rules of its written documents to get a quality built structure, red flags should be raised and we should be asking ourselves: Is this really the best project and the best use of this site in our downtown?
2. Main Street Partners wants to gain approval for the use of cementitious panels on part of the exterior of the building. I do not support the use of any exterior materials on this building that do not conform with the guidelines set forth in our documented plans for development in our downtown core. If the developer can't conform

to 'our' plans for 'our' downtown, then we once again need to ask the question, 'is this really the best project and the best use of this site in our downtown?'

3. Main Street Partners will apply for Vertical Housing Tax Abatement if the City pursues the creation of a Vertical Housing Tax Abatement Zoning Ordinance, Comp Plan, Sign Ordinance, and Subdivision Ordinance for the Texaco site. Though Main Street Partners did acknowledge at a recent Council meeting that they could build this development without utilizing Vertical Housing Tax Abatements, a letter from Main Street Partners dated August 7, 2007, states 'we assume that we will receive the Vertical Housing Tax Abatement on the project.' Tax breaks to developers at the expense of every tax-paying citizen in our City should not be allowed, especially in light of the recent 'road tax' the City has imposed. I will not support another development that utilizes Vertical Housing Tax Abatements.
4. Main Street Partners will participate in the City's TSP update process and develop the parking in accordance with 'best practices' and 'urban standards.' What does this mean? Attachment 5, Section 2.4 of the MOU states, 'in accordance with its intergovernmental agreement with Metro, Milwaukie will exert its best efforts to limit the required on-site parking ration to no more than one parking space per residential unit.' Parking was already at a premium and not adequate for retail in the downtown. We have witnessed it with North Main. If we truly want retail business to come into our downtown, we must allow for adequate parking. Developers need to be required to provide for on-site not on-street parking for their tenants. I do not agree with the parking ratio as it is unrealistic."

- **Ed Zumwalt, Milwaukie**

Mr. Zumwalt continued to read the prepared statement for the record as Mr. Parecki's 5 minutes for speaking had elapsed:

5. The idea of preserving some of the trees on the site was addressed with Main Street Partners at a recent Council meeting. A letter from Main Street Partners dated August 7, 2007 states they will not preserve trees on the site. Though they will provide second level courtyard greenery and street trees on the ground level consistent with the public area requirements that is no substitute for what is currently planted on the site. I would much prefer to leave the beautiful tree-lined parcel and incorporate it into a plaza area connecting to City Hall. It is much easier to 'grow' a development than to grow a City block of mature trees.
6. Section 4.1, Purchase and Sale Terms. What was the purchase price by Metro for the Texaco site: It seems that it was in the neighborhood of \$750,000. The purchase price of \$250,000, subject to the terms of a purchase and sale agreement between Main Street Partners and the agencies to include a 'look-back' clause that provides for the payment by Main Street Partners to the agencies of 25% of the project's net cash flow after deduction of operating expenses, reserves, and developer's 10% profit to be

distributed equally between the City and Metro. What is the projected amount the City will receive and when?

I am not against promoting a viable retail downtown core. What I am against is sacrificing our community values, our vision, and our beautiful trees and river view we all now enjoy to advance a political agenda in the name of progress. I'm against shaping our zoning, our design elements, and our plans we have in place to afford any developer to come into our town and construct an out-of-scale monstrosity to conform to regional rules. We all need to think long and hard about the amenities we have and the ones we will sacrifice and weigh them against gaining more density, exacerbating parking problems, and altering river views. What we let go of today is gone forever."

Mr. Parecki said those words were those of Councilor Stone who was not allowed to read them into the record a few City Council sessions ago. He did believe in almost everything she stated.

- **Ronn Palmer, Milwaukie**

Mr. Palmer read two documents into the record.

Dated September 18 to Milwaukie Mayor James Bernard, Milwaukie City Council, and Milwaukie City Manager: Please be advised that at the September 11 meeting of the Ardenwald – Johnson Creek Neighborhood Association those members in attendance unanimously passed a resolution to support the Railroad Quiet Zone and crossing upgrades project. We would like to add one suggestion for consideration as this project develops. Please consider adding bird signals as an alert to our blind citizens who may use these pedestrian crosswalks."

Dated September 18 to Milwaukie Mayor James Bernard, Milwaukie City Council, and Milwaukie City Manager: Please be advised that that at the September 11 meeting of the Ardenwald – Johnson Creek Neighborhood Association those in attendance passed a unanimous resolution for Metro to purchase and develop the Norm Scott Property into a park. We are presenting this petition to the Milwaukie City Council to contact Metro and support this effort. This property, which is located at the northeast corner of Ardenwald neighborhood abuts the Springwater Corridor Trail and continues south to the Roswell Pond area. It has both upland and wetland habitats along with diverse trees, shrubs, and ground covers. As a park this area could function as an outdoor classroom and a respite for Springwater Trail users. This park could provide a unique opportunity for public visitors and area schools desiring to explore how both built and natural environments can co-exist together in a single setting. We therefore encourage you, our City Council, to contact Metro, and support the purchase of this property for the purpose of expanding Milwaukie's park system."

Mr. Palmer said the property was approximately 1.5-acres.

- **Jerry Herrmann, Clackamas County**

Mr. Herrmann was not a Milwaukie resident but was very interested in the Riverfront and the beautiful things being done there and some things he would like to see happen related to bringing a large tour vessel to the site some day. He was there with Norm Scott who was the owner of the property the Council heard about tonight. Mr. Scott retained Mr. Herrmann to try to explain to Metro

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what could be done with this property. It was a couple of acres near 3 Bridges and the Springwater Trail. It was at one old hub of Southern Pacific which Ben Holladay owned at one time. He was a railroad magnate that had a lot to do with the settlement of Oregon City and Milwaukie. It was also at a crossroad of the Interurban Trolley that came from east Portland into this area. Mr. Scott understood people used to stop to rest and take on food and other stores so to speak on their journey. To him this was a wayside for the weary traveler shall we say. Then he saw this beautiful wetland. Mr. Herrmann had worked all of his life on environmental issues in a practical way by telling people not to cut this or take this but rather how to best steward the land. He saw a wetland the City built and a sign proclaiming that Metro was a partner on the Roswell wetlands in 1992. It was a very structured wetland area with revetments and steel and so forth and all done in such a nice tasteful way now that one cannot see those manmade attributes as strongly as one can see the function of the natural systems that take care of a huge amount of stormwater in the area. The two properties adjoin and together would comprise an area of almost 5 acres. Would it not be interesting to create a wayside for the weary travelers so to speak and the people that bicycle on the Springwater Trail and also a place for North Clackamas Schools and perhaps some from the Johnson Creek Corridor which has been well improved through community efforts to see how people really work together in a city along with a regional government to create a built environment that worked and then a property owner with additional land to connect to the Springwater Corridor and create a corridor. The proposals had been submitted to Metro. Jim Desmond, with whom Mr. Herrmann had known since his work on the Green Ribbon Committee to help Metro figure out what to do with its land, liked the proposal but wanted to see some letters of support from the community and especially the City that talked about Roswell being integral to this whole thing. That was why he and Mr. Scott had worked through the Ardenwald Neighborhood Association and other groups to solicit support. He was seeking a letter of support that at least stated the idea of combining the built environment with another piece of property that would provide access to the Springwater Trail might make a unique, unduplicated facility with the beautiful bridges, transportation linkage and heritage, and Ardenwald was the oldest neighborhood association and important to the City's history. It might make a nice statement for the area.

Mayor Bernard would like to visit the property, read the material, and visit the site. If Ms. Herrigel were interested the Council would consider it further in the future.

Mr. Scott had opened some trails and invited Councilors to call him and visit the property.

Mr. Herrmann said when he came to Milwaukie there was a wonderful fragrance. It was the amount of native and ornamental material in the landscape that made a very nice statement. He had been blind for the last couple of years, and now he can see but not clearly. Today was Newport day for him as everyone looked like they were in a fog. A month ago American West Cruise Lines that owned all the sternwheelers on the Mississippi River and the Queen of the West that was a vessel that transported people up and down the Columbia on 7- and 14-day journeys and also had Empress of the North and now owned a vessel in the Caribbean which was a tall ship they asked him to be their discovery guide and tell the passengers about what they were seeing on the Columbia and Willamette. The Portland Spirit had said Mr. Herrmann was one of the best guides it has had. They started out their journey of discovery from Swan Island which was historically significant but significantly different than it was a century ago when it started operations. They started their journey because they lost their dock on the Columbia River at the Doubletree Hotel. That dock was no longer available to them.

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The only dock available to them in the Portland area was Swan Island. He asked Capt. Ford who used to pick up loads at Milwaukie Sand and Gravel for 20-years; he knew this area by heart. This was a beautiful vessel 250-feet long and 4 stories high. It was like a hotel on water. Capt. Ford said he would not take the vessel to Oregon City because of the Clackamas rapids, but he said he would go to Milwaukie as he did go to Oswego Point. People paid \$4,000 to go on a 7-day journey, took on stores at Swan Island, and discharged people after the 7-day journey who did not need parking because they were shuttled in from the airport. Parking was not an issue, and as a matter of fact no one was allowed to park near the dock on Swan Island. Capt. Ford knew the Milwaukie channel by heart as did his fellow captain. It would be amazing to have Milwaukie be the embarking point for a 7- or 14-day journey of discovery. Every place that thing went people turned out to see it. Irrigon's mayor came, and goods were flowing through Stevenson's vendors' hands. Milwaukie would have a tremendous opportunity, and Mr. Herrmann would be glad to work with the City on that. He talked with Ms. Herrigel, and he believed she saw some potential. He believed Milwaukie was in the right place at the right time. This was the first port, and Portland was a concept that never got started until about 1860.

Mayor Bernard noted the City had been working with the Sternwheeler Rose.

Mr. Herrmann said the need for a dock could strongly be in the City's favor from the State Marine Board and federal funds. Lake Oswego and Oregon City had accessed those funds. The docks in Oregon City were sitting unused because the channel was so shallow a large vessel could not be relied upon to pick up and drop off passengers.

PUBLIC HEARING

Motion to Consider Continuation of Amendments to Milwaukie Municipal Code (MMC) Sections 19.321.7 and 19.321.3

Mr. Swanson said the City Council considered on a monthly basis since June 2006 when the City looked at amendments to both the Comprehensive Plan and the municipal code dealing with at the time the community services overlay and changes to the Comprehensive Plan and zone code regarding major utilities such as the Kellogg Wastewater Treatment Plant which would be non-conforming on December 31, 2015. He recommended continuing action of both of the amendment to the second meeting of November to act as a sword of Damocles over the whole process. He felt with Councilors Barnes and Stone sitting on committees that the communication was good with Clackamas County.

It was moved by Councilor Collette and seconded by Councilor Barnes to continue the hearing on the amendments to the Milwaukie Municipal Code Sections 19.321.7 and 19.321.3 to the regular City Council meeting of October 16, 2007. Motion passed unanimously among the members present. [4:0]

Councilor Collette asked for an update on rates at a subsequent meeting.

Mr. Swanson reported staff would meet with Mike Kuenzi, and he would provide information on the underlying issues.

Mayor Bernard explained to residents that Milwaukie was a customer of the District and could only negotiate rates, and most people understood.

Mr. Swanson commented this issue had been on the table for about 30 years without a resolution, and costs have increased over time. The subregion would need to come up with a solution to wastewater treatment that served people into the future. There have probably been 10 studies done over the 30-year period and all coming back to the same point.

OTHER BUSINESS

A. Clackamas River Water Contract Update

Mr. Shirey reported the Clackamas River Water (CRW) Board Chair assured him that the agreement with Milwaukie was taken seriously and apologized for the delay in responding. The general manager had changed, and they would meet this week to begin discussions. Mr. Shirey intended to conclude the discussion and have an agreement on the date to begin negotiations regarding the agreement itself. He and Mr. Monahan would represent the City of Milwaukie.

B. US Mayors Climate Protection Agreement – Resolution

Mr. Shirey recommended the City Council adopt a resolution endorsing the US Conference of Mayors Climate Protection Agreement. He wanted the Council to consider steps the City could take to reduce global warming, pollution, and adopt sustainable practices. The US Conference of Mayors recognizing the threat that global warming posed adopted a resolution in 2004 which urged Congress and the states to enact policies and programs to meet or beat the target of reducing global warming pollution. The Cities of Lake Oswego and Oregon City in this region adopted the agreement. Lake Oswego started an emissions inventory process. The resolution committed that cities would take actions in their communities to inventory global warming emissions; adopt and-use policies that reduced sprawl, preserved open space, and created compact walkable urban communities; promoted transportation options; increased the use of clean, alternative energy; made energy efficiency a priority through building codes and retrofitting City facilities; purchasing Energy Star equipment and appliances for City use; practiced and promoted sustainable building practices using the LEED program; increased fleet vehicle fuel efficiency by converting to biodiesel; evaluated opportunities to increase pump efficiency; increased recycling rates in City operations; maintained healthy urban forests; and helped educate the public, schools, businesses, and industry about reducing global warming pollution.

Mr. Shirey came to Council November 2006 and May 2007. A sustainability team studied the agreement and discussed steps Milwaukie could take in becoming a more sustainable City. Global warming was a symptom of larger problem that could be defined as making decision or taking actions that relied on systems that were not environmentally, economically, or socially sustainable. Continuing to rely on fossil fuels was not sustainable because the resource was not renewable, polluted the atmosphere in a way that contributed to global warming from greenhouse gas emissions. The City had the opportunity to join others in the region to support reductions in global warming emissions and adopt sustainable practices. It can also educate the public and influence changes throughout the community. When the Agreement was adopted, the City was eligible to receive at little cost technical assistance that would help with the inventory and put together a plan to meet the established goal.

Initially the City would direct its actions on how it did business. Over time the goal would be to develop a program that would seek to influence the actions of businesses and households in the community as well. The emission reduction plan was to conduct an inventory, adopting a reduction target, drafting a plan to achieve the target, implementing an action plan, and evaluating and reporting on progress. The adoption of the Agreement would provide the framework to take the steps necessary to make a difference in terms of how the City was doing business, and staff would report on the action plan and related costs. He hoped the Sustainability Team would come up with an action plan for the City that gave a sustainability filter on every action to determine its relative sustainability and balance the costs and benefits before a decision was made.

The City of Seattle adopted its resolution before the Council of Mayors, and the Mayor of Seattle was the major proponent at the US Conference and helped draft the resolution. He also provided a Newsweek article on *America's Greenest Mayors*. As of last April 435 mayors had signed on representing 461 million people. It talked about an array of approaches. For example, San Francisco budgeted \$20 million and had a staff of 70 people. Clackamas County was hiring its first Sustainability Director, and Mr. Shirey had been invited to be on the panel last week but was out of town. These measures save money, reduced demands on overstretched utilities, and made cities more pleasant places to live and work. Milwaukie would focus on energy efficiency and converting incandescent fixtures to LEDs that use 80% less energy and last 6-10 times longer. It did not take long to recover the cost of that kind of investment. In cities, big buildings accounted for 50% - 70% of energy consumption. Milwaukie had the Energy Trust of Oregon audit all of its facilities, and he was looking forward to reading that recommendation. The City was moving ahead already. Transportation was a huge area where actions could be taken that included alternative fuel vehicles, flexcar programs, and vibrant downtowns where people were able to walk and use transportation options. Trees were like big air conditioners, and Milwaukie was known for its urban forest. He recommended taking a good inventory and taking steps to maintain the tree canopy. If every household in America switched out one compact florescent bulb, it would reduce energy consumption as much as taking a million cars off the road. San Francisco banned non-biodegradable plastic bags which was costing the City \$8 million annually to remove from streets, storm drains, and recycling machines. Multnomah County banned Styrofoam 15 years ago.

Ms. Herrigel discussed an evaluation done in 1996/1997 with DEQ and Metro grant funds. Activities were implemented to reduce waste, but when the coordinator's grant was finished many of her efforts went by the wayside. She was glad after 13 years in this City to finally have some company with positive, beneficial projects. She saw this resolution as approving a larger policy umbrella, and the Sustainability Team was trying to put that policy into action.

It was moved by Councilor Collette and seconded by Councilor Barnes to adopt the resolution endorsing the US Mayors Climate Protection Agreement and direct the City Manager to join the Cities for Climate Protection Campaign.

Councilor Barnes asked to see data during the budget process showing citizens how much was being saved by doing this.

Councilor Collette said when she came onto City Council this was one of her top priorities, and as she got more involved with Clackamas County, it became a Clackamas County Coordinating Committee (C4) priority. She was excited that Milwaukie was one of the first cities in the County to adopt the resolution. She understood it would take work, but it would bring returns in terms of fiscal responsibility and livability. These steps would lead toward a vibrant community, and she appreciated the work.

Councilor Loomis asked how often the Sustainability Team would meet.

Mr. Shirey suggested there would likely be monthly meetings.

Councilor Loomis hoped to see Milwaukie have commingled recycling.

Councilor Collette thought the Neighborhood Associations would be anxious to participate as it was already a priority in Ardenwald.

Mayor Bernard announced today he had dedicated the first biodiesel station on King Road at Safeway.

Mr. Shirey plans to buy 3 bikes for people to travel between Johnson Creek and other City facilities.

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

RESOLUTION NO. 59-2007:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ENDORSING THE US MAYORS CLIMATE PROTECTION AGREEMENT AND DIRECTING THE CITY MANAGER TO JOIN THE CITIES FOR CLIMATE PROTECTION CAMPAIGN.

C. NEPA Update

Mr. Asher thanked Mayor Bernard for his apology because staff put a lot of energy into what it did, and negativity did not help. Staff needed the positive energy to keep it going, so for him the comment was meaningful.

He discussed the questions circulating around about the propriety of the process in figuring out the new alignment for light rail and more specifically allegations made repeatedly by John Otsyula who had been at the last several Council meetings as to conformance with that process. At the last meeting there was a request made that he follow up with Metro and share that point of view with the City Council and Mr. Otsyula. They were not quite there yet. The most important thing to say was that Metro was consulting with the Federal Transit Authority (FTA) on a regular basis and was taking all steps it deemed necessary to comply with NEPA. That was quite a different statement than heard from Mr. Otsyula who expressed on his communication with the The FTA that there were flaws and errors. Mr. Asher was not hearing that from Metro. He asked Metro for something in writing for the sake of the community more than anything else. Metro was in the process of deciding what to write and if they should write. That was not a simple slam-dunk for several reasons. Metro was not entirely clear on what it was being accused of. It was not entirely clear based on what Mr. Otsyula presented. Metro spoke with Mr. Otsyula and the the FTA, and both agencies would respond to Mr. Otsyula who were jointly implicated. Once they ascertained what Mr. Otsyula felt had not been considered when he talked about options and what those were. Another response which he communicated with Ms. Wieghart was a more generic response for the community about the propriety of the process. Some of the points she requested that Mr. Asher share with the City Council and community showed why the response was not simple. The project had been in a continuous NEPA process since the South North DEIS which started in 1996. This was one long process. Saying that it was not in conformance with NEPA when talking about 11 years was probably not specific enough. Metro did complete a comprehensive alternatives analysis in 2000 which considered a wide variety of modes including bus rapid transit, busway, high occupancy transit, high occupancy vehicle lanes, river transit, and radial and circumferential commuter rail. A lot of alternatives were considered. In 2002 the SDEIS studied bus rapid transit, busway, and light rail alternatives in great detail. In response to comments that arose this summer we were all well aware that Metro and TriMet completed an exhaustive review of potential design options through the City of Milwaukie. Indeed options through the City had been considered. They were wading through this to understand what the charge was. Ms. Wieghart reminded him that the FTA was a co-lead with Metro on these processes, and the FTA must certify that NEPA was followed before any process was considered complete. The FTA was not exactly a third party judge. Metro was actually THE FTA's agent in running this process. THE FTA was an interested party, so it was involved. Because of this Metro and THE FTA had multiple discussions both project staff to project staff and lawyers to lawyers. They were trying to understand how to respond. Metro has always met the provisions of NEPA and obtained this certification, so there was some track record. When Metro ran a project like this one, it

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knew the rules and had always followed them in the past. He had no reason to believe that Metro was trying to take any shortcuts or made any mistakes. They were not guessing at it. Metro was consulting with the FTA on a regular basis and was taking all steps it deemed necessary to comply with NEPA. She felt this would continue. Metro was still deciding on whether to write something and to whom. They were going to meet with Mr. Otsyula. Mr. Otsyula was meeting with interested groups including the Portland Waldorf School and Historic Milwaukie Neighborhood Association. He was active, and this continued to be an open issue.

D. Council Reports

Councilor Collette invited the community to attend the Harmony Road Visioning on behalf of Clackamas Community College. She met with pre-JPACT/MPAC on transportation and land use in the metropolitan region and reviewed transportation projects for Clackamas County. Milwaukie was well represented on the list for regional and state projects. She had been talking with people interested in being on the Arts Committee. She worked at the Farmers' Market booth and heard a lot of support in what was taking place downtown and interest in light rail.

Councilor Barnes congratulated Dennis McCarthy on his retirement from *The Oregonian*. The Harmony Road Project open house was on September 26 at OIT.

Councilor Loomis had been working on a senior seminar project to bring back spirit to community pride. He attended employee recognition picnic and volunteered in the concession stand at Clackamas Live! with proceeds going to Milwaukie Center nutrition program.

Mayor Bernard would host the State of the County Address as North Clackamas Chamber of Commerce Chair. He urged people to read Mike's Friday Memo for an update on community events. Volunteers were needed for the Farmers' Market Community Booth. A downtown cleanup was scheduled on September 22 sponsored by Historic Milwaukie Neighborhood. He would walk in the Portland Marathon and hoped people would pick him up if they saw him fall along the side of the road. He would be a presenter at the League of Oregon Cities Conference on a panel discussion about street maintenance funding programs.

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 8:40 p.m.



Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL SEPTEMBER 18, 2007

MILWAUKIE CITY HALL
10722 SE Main Street

2014th MEETING

REGULAR SESSION – 7:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance
2. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
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.)*

Milwaukie Police Department Purchase of Taser Equipment -- Resolution

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.)*

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

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

A. **US Mayors Climate Protection Agreement – Resolution (Paul Shirey / JoAnn Herrigel)**

B. **Council Reports**

7. **INFORMATION**

Design and Landmarks Committee Meeting Minutes of January 31, April 30, and July 11, 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.



MEMORANDUM

To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Larry R. Kanzler, Chief of Police

Subject: Single Source Vendor Purchase
Taser International

Date: August 31, 2007

City Council Action: September 18, 2007

Action Requested

Adopt a resolution authorizing the Police Chief to sign a purchase order in the amount of \$32,780.02 with Taser International for the purchase of "less lethal" police equipment. Taser International is the "single source" provider for this equipment.

Background

The FY 2007-08 Police Department Budget approved the purchase of "less lethal" Taser equipment. Currently, the Police Department deploys "less lethal" Taser equipment that has reached the end of its life cycle, and is being cannibalized for spare parts. The Police Department lacks a sufficient number of Tasers to deploy throughout the department and end of life cycle failures are reducing the number of deployable less lethal units. The purchase of this equipment will re-establish deployable less lethal equipment throughout the Police Department.

The Police Department first deployed Taser "less lethal" equipment more than six-years ago. The deployment strategy was to have a sufficient number of Tasers to provide three to four deployed per shift. However, over the years the equipment has suffered material/component failures and repairs are frequent.

The Department never had a sufficient number of Tasers to issue to all the staff thus, the equipment suffered from excessive use resulting in equipment fatigue and subsequent failure.

Currently, the Department's ability to deploy this equipment is not reliable due to constant repair problems and cannibalization of existing equipment for replacement parts. The technology supporting this equipment has evolved and the equipment we purchased more than six-years ago is obsolete making it more and more difficult to find replacement parts to repair existing equipment.

This purchase will deploy Taser less lethal equipment throughout the Police Department. Taser International is a single source specialty equipment company. There are no competitors.

Concurrence

Milwaukie Police Department firearms instructors, supervisors, and staff recommend the replacement of obsolete Taser equipment.

Fiscal Impact

This purchase was approved in the Police Department's FY 07-08 annual budget.

Work Load Impacts

Department personnel will be transition trained to meet the new less lethal standards.

Alternatives

1. Continue to deploy obsolete less lethal equipment to a limited number of officers. The ability to continue to deploy less lethal will be based on luck. Equipment failures by result in officers resorting to "lethal" or "impact" weapons to apprehend or arrest suspects whose threat may have been neutralized by the use of less lethal Taser equipment.
2. Approve the resolution authorizing the purchase of replacement "less lethal" equipment for deployment throughout the Police Department.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CHIEF OF POLICE TO SIGN A PURCHASE ORDER IN THE AMOUNT OF \$32,780.02 WITH TASER INTERNATIONAL FOR THE PURCHASE OF "LESS LETHAL" POLICE EQUIPMENT.

WHEREAS, Taser International is the "single source" provider for this equipment; and

WHEREAS, the FY 2007-08 Police Department Budget approved the purchase of "less lethal" Taser equipment; and

WHEREAS, currently the Police Department deploys "less lethal" equipment that has reached the end of its life cycle and the Police Department lacks a sufficient number of tasers to deploy throughout the Department and end of life cycle failures are reducing the number of functioning tasers;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Chief of Police to sign a purchase order with Taser International in the amount of \$32,780.02 for the purchase of "less lethal" police equipment.

Introduced and adopted by the City Council on September 18, 2007.

This resolution is effective on September 18, 2007.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, Corrigan LLP

Pat DuVal, City Recorder

City Attorney



To: Mayor and City Council

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

From: Paul Shirey, Operations Director
JoAnn Herrigel, Community Services Director

Subject: Adoption of the U.S. Mayors Climate Protection Agreement

Date: September 4, 2007 for the September 18, Council meeting

Action Requested

Adopt the Resolution endorsing the U.S. Conference of Mayors Climate Protection Agreement (MCPA) including steps the City of Milwaukie can take to reduce global warming pollution and adopt sustainable practices.

Background

The U.S. Conference of Mayors, recognizing the threat that global warming poses, adopted a Resolution in 2004, which among other things, urges Congress and the states to enact policies and programs to meet or beat the target of reducing global warming pollution to 7 percent below 1990 levels by 2012. The Cities of Lake Oswego and Oregon City have adopted the MCPA and Lake Oswego has started the emissions inventory process.

The Resolution further commits that cities will take actions in their communities to reduce global warming pollution by *(some of which Milwaukie has already implemented, as noted)*:

1. Inventory global warming emissions, setting reduction targets and creating action plans;
2. Adopt land-use policies that reduce sprawl, preserve open space and create compact, walkable urban communities *(pretty much in place in state land use law and local zoning code and policy)*;

3. Promote transportation options such as bikes and walking, promoting car-pooling and public transit (*alternative modes are central to TSP and incorporated in policy and code; City has purchased hybrid vehicle; City plans to purchase bikes for travel between City facilities*);
4. Increase the use of clean, alternative energy (*City has completed an energy audit of all facilities with a recommendation to convert to solar energy where practicable*);
5. Make energy efficiency a priority through building codes and retrofitting City facilities;
6. Purchase Energy Star equipment and appliances for City use (*current, though informal practice*);
7. Practice and promote sustainable building practices using the LEED program;
8. Increase fleet vehicle fuel efficiency; convert to bio-diesel (*all diesel vehicles in Milwaukie currently operate on "B20"- 20% bio-diesel fuel*);
9. Evaluate opportunities to increase pump efficiency in City utility operations (*analysis and recommendations for increased pump efficiency in place in 2005*);
10. Increase recycling rates in City operations (*existing plan to add options to increase recycling rate*);
11. Maintain healthy urban forests;
12. Help educate the public, schools, businesses and industry about reducing global warming pollution.

Local Governments for Sustainability, an international association of membership associations of local government, has created the Cities for Climate Protection campaign (CCP). Once a local government has adopted a resolution committing to reducing the pollution that causes global warming and joined the CCP, it becomes eligible for technical assistance, analysis software, training and publications to implement a local program.

At the recommendation of Council in November 2006 and again following a briefing on this subject in May this year, staff has studied the MCPA and assembled a Sustainability Committee to consider steps to becoming a sustainable city. Global warming is a symptom of a larger problem that can be defined as making decisions, taking actions and relying on systems that are not environmentally, economically or socially sustainable. Continuing to rely on fossil fuels, for example (oil and gas-extractive commodities) is not sustainable since these sources are not renewable and they pollute the atmosphere in a manner that contributes to the global warming phenomenon resulting from greenhouse gas emissions¹.

¹ Greenhouse gases (GHG) are components of the atmosphere that contribute to the greenhouse effect. Some greenhouse gases occur naturally in the atmosphere, while others result from human activities such as burning of fossil fuels such as coal.^[1] Greenhouse gases include water vapor, carbon dioxide, methane, nitrous oxide, and ozone.

Milwaukie could join other communities in the Pacific Northwest, Oregon and Portland by taking actions to adopt sustainable practices and reduce global warming emissions. There are also steps Milwaukie can take to measure its carbon footprint² and develop strategies to change business practices and reduce its contribution of greenhouse gases to the environment.

At the same time, the City can educate the public and influence change throughout the community. The City is eligible for no-cost technical assistance to assist in preparing a carbon emissions reduction program through the Conference of Mayors program.

A City Sustainability Team was convened to pursue the sustainable strategies that address reducing global warming pollutants. The Team includes: JoAnn Herrigel, Sarah Lander, Beth Ragel (Community Services), Andrea Villagrana (HR), Brett Kever (Planning), Larry Kanzler (Police), Annette Quinn, Ernie Roeger and Willie Miller (Fleet and Facilities), Joe Sandfort (Library), Gary Parkin (Engineering) and Paul Shirey (Operations Director).

A set of potential goals for a sustainable Milwaukie include:

- Continuously reduce the environmental impacts of the City's operations, facilities, and services;
- Better evaluate and integrate long-term economic, environmental, and social costs and benefits into City plans, actions, and expenditures; and
- Accelerate behavioral change to more sustainable practices by Milwaukie businesses, institutions, households, and citizens.

By adopting the MCPA the City can begin to change how it operates and makes decisions about how to do its work that is based on sustainability principles. Adopting the MCPA that would help direct the City's efforts toward implanting sustainable principles.

Initially the City would direct its efforts to internal operations. The ultimate goal would be to work on a community wide effort enlisting the support of local business and residents to adopt sustainable strategies and practices.

The program to reduce emissions and to plan, manage and execute City business in a sustainable manner could consist of five milestones:

1. Conduct a local emissions inventory and forecast of greenhouse gas emissions
2. Adopt an emissions reduction target
3. Draft an action plan to achieve the target

² A carbon footprint is the total amount of CO₂ and other greenhouse gases emitted over the full life cycle of a product or service.

4. Implement the action plan
5. Evaluate, report on progress, and update plans

Milwaukie will benefit from participation in the program by reducing global warming pollution, reducing traffic, saving tax dollars, cleaning the air and improving the quality of life in our community. With the help of the CCP technical assistance team, staff will return to City Council with an emission reduction target along specific goals for each action area.

Concurrence

Endorsement of the Sustainability Team, the Community Development and Public Works Director, and City Manager.

Fiscal Impact

No cost associated with the adoption of the MCPA. The annual fee to join the CCP program is \$650, based on population.

Work Load Impacts

The Operations Director will lead the Sustainability Team and work with CCP to conduct the emissions inventory. This will require about 10% of the Director's time, with assistance of the Sustainability Team members. Workload effort will be re-evaluated once Council has adopted the emissions target. Staff will regularly report to Council on project status and milestones.

Alternatives

Do not adopt the MCPA and continue business as usual.

Attachments

1. Resolution adopting the US Conference of Mayors Climate Protection Agreement
2. City of Seattle MCPA Resolution
3. Climate Protection Agreement Signature Page
4. Article regarding city mayor's leadership on climate change

ATTACHMENT 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON ENDORSING THE U.S. MAYORS CLIMATE PROTECTION AGREEMENT AND DIRECTING THE CITY MANAGER TO JOIN THE CITIES FOR CLIMATE PROTECTION CAMPAIGN.

WHEREAS, the U.S. Conference of Mayors has adopted a Climate Protection Agreement which urges the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to seven per cent below 1990 levels by 2012; and

WHEREAS, the City of Milwaukie is in step with the U.S. Conference of Mayors and wishes to applaud and endorse the U.S. Mayors Climate Protection Agreement as amended by the 73rd annual U.S Conference of Mayors Meeting, and urges the U.S. Conference of Mayors to continue work on this important issue; and

WHEREAS, the Cities of Lake Oswego and Oregon City have endorsed the U.S. Mayors Climate Protection Agreement, and Lake Oswego has started the emissions inventory process; and

WHEREAS, the City of Milwaukie would like to join with other communities in the Portland area, Oregon and throughout the Pacific Northwest in taking actions to adopt sustainable practices, reduce global warming emissions, measure the City's carbon footprint and develop strategies to change business practices and reduce the City's contribution of greenhouse gases to the environment; and

WHEREAS, by endorsing and following the direction of the U.S. Mayors Climate Protection Agreement, the City is adopting a policy direction that has an immediate opportunity to change how it operates and makes decisions about how to do its work that is based on sustainability principles; and

WHEREAS, the City is eligible for no-cost technical assistance to aid in the preparation of a carbon emissions reductions program through the Conference of Mayors program; and

WHEREAS, the City Sustainability Team, already convened to pursue sustainable strategies that address reducing global warming pollutants, is considering the following potential goals for a sustainable Milwaukie:

- Continuously reduce the environmental impacts of the City's operations, facilities and services;
- Better evaluate and integrate long-term economic, environmental, and social costs and benefits into City plans, actions and expenditures;
- Accelerate behavioral change to a more sustainable practices by Milwaukie businesses, institutions, households and citizens; and

ATTACHMENT 1

WHEREAS, the City of Milwaukee and its citizens will benefit from participation in the Cities Climate Protection campaign (CCP) by reducing global warming pollution, reducing traffic, saving tax dollars, cleaning the air and improving the quality of life in our community;

NOW, THEREFORE, BE IT RESOLVED that the City of Milwaukee endorses the U.S. Mayors Climate Protection Agreement, and that the City will continue to pursue the policies and actions outlined in the Agreement.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to take the necessary action to join the Cities for Climate Protection campaign, in order to pursue assistance in continuing to implement a local program.

Introduced and adopted by the City Council on September 18, 2007.

This resolution is effective on September 18, 2007.

James Bernard, Mayor

ATTEST:

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

Pat DuVal, City Recorder

City Attorney



City of Seattle Legislative Information Service

Information updated as of April 9, 2007 2:44 PM

Resolution Number: 30316

Supporting efforts to curb global warming, adopting greenhouse gas emission reduction goals for the city of Seattle, and calling for continuing and new actions toward achieving those goals.

Date introduced/referred: April 16, 2001

Date adopted: July 23, 2001

Status: Adopted

Vote: 9-0

Committee: Energy and Environmental Policy

Sponsor: WILLS

Index Terms: STATING-POLICY, ENVIRONMENTAL-PROTECTION, POLLUTION, ENVIRONMENTAL-PLANNING, AIR-POLLUTION, ENVIRONMENTAL-CLEANUP

References/Related Documents: Related: Res 30256, 30144

Note: Kyoto Protocol

Text

A RESOLUTION supporting efforts to curb global warming, adopting greenhouse gas emission reduction goals for the city of Seattle, and calling for continuing and new actions toward achieving those goals. WHEREAS, the world's leading climate scientists have documented a clear global warming trend and the unmistakable impact of human activities on that trend; and

WHEREAS, global warming of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world; and

WHEREAS, the University of Washington's Joint Institute for the Study of Atmosphere and Oceans projects significant harm to the Pacific Northwest due to changes in weather patterns attributable to global warming, including forest decline, deteriorating air quality, sea level rise, and most alarmingly, disruption of the water cycle on which the region's water, power, and agricultural systems depend; and

WHEREAS, the International Panel on Climate Change has determined that stabilizing concentrations of greenhouse gases in the atmosphere will require emission reductions in excess of 60% of

current emissions, and the Kyoto Protocol is a modest first step in the direction of those reductions;

WHEREAS, achieving greenhouse gas emission reductions required to protect the climate is of overriding importance not just to the community of nations but to the community of Seattle, which relies so heavily on the stability of the climate for our water and power supplies; and

WHEREAS, the federal government has demonstrated an alarming unwillingness to play a leadership role in climate protection; and

WHEREAS, local actions can help to pave the way for national leadership, by providing working models of greenhouse gas reduction initiatives that reinforce other high-priority policy objectives; and

WHEREAS, 96 cities in the United States and over 400 cities throughout the world are inventorying greenhouse gas emissions and adopting reduction targets; and

WHEREAS, 16 cities from around the world have agreed in the Toronto Declaration to send a communique to the Conference of the Parties meeting in Morocco in November 2001 declaring their intention to achieve much higher levels of greenhouse gas reduction than those called for in the Kyoto Protocol; and

WHEREAS, many of the critical components of a local action plan for climate protection are already in place or under development in Seattle, including the Green Building Program, the Municipal Conservation Program, the Climate Wise Partnerships program; the Environmentally Preferable Purchasing Program, the Green Fleet Program, the Urban Forest Strategic Plan, City Light's Strategic Resource Plan, and others; and

WHEREAS, King County and the Puget Sound Clean Air Agency are also developing climate protection plans, providing opportunities for a strong, coordinated regional approach to greenhouse gas emission reduction; and

WHEREAS, Resolution 30144 establishes Seattle City Light as a global leader in climate protection by committing the utility to an electric energy resource strategy that produces zero net greenhouse gas emissions; and

WHEREAS, Resolution 30256 affirms the above commitment by setting an ambitious timetable for securing greenhouse gas offsets sufficient to meet the goal of zero net greenhouse gas emissions; and

WHEREAS, greenhouse gas reduction activities contribute substantially to the achievement of many of the City's highest priority goals, including but not limited to: energy security and cost reduction; affordable housing; mobility and, transportation choices; solid waste reduction and recycling; salmon recovery; reliable, affordable water supply; urban and rural forest protection; sustainable economic development; and clean air; and

WHEREAS, the City's existing energy, solid waste, and transportation and air quality initiatives - all designed and

implemented to meet established City priorities - are expected to reduce greenhouse gas emissions by more than the reductions called for in the Kyoto Protocol while delivering tangible local economic and environmental benefits;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

1. The City of Seattle is committed to the long-range goal of stabilizing atmospheric concentrations of greenhouse gases, and will do its part to achieve that goal.

2. The Office of Sustainability and Environment is directed to coordinate the analysis and planning of greenhouse gas emission reduction activities. Specifically,

a. By January 1, 2002, working with appropriate City departments and the Puget Sound Clean Air Agency, complete and deliver an inventory of 1990 and 2000 greenhouse gas emissions, including as a first step, defining the scope of activities and geographic boundaries to be included in the inventory. The completed inventory should include:

i. an accounting of greenhouse gas reductions associated with City activities to date, particularly those undertaken since 1990;

ii. an accounting of greenhouse gas reductions undertaken since 1990 within Seattle but not associated with City operations;

iii. a description of Seattle City Light's progress to date in implementing Resolutions 30144 and 30256

iv. A projection of future emissions through at least the year 2010.

b. By June 1, 2002 present to the City Council a proposed plan for the City's role in achieving greenhouse gas emission reduction targets ranging from 7% below 1990 levels (the Kyoto target) to 40% below 1990 levels by the year 2010. The plan should be coordinated with planning activities of the Puget Sound Clean Air Agency. The plan should include but not be limited to:

i. an assessment of the most promising alternatives for greenhouse gas reductions, the approximate costs and benefits of those alternatives, and the estimated time and resources required to implement them;

ii. recommended combinations of measures to meet a range of potential emission reduction targets from 7% to 40% below 1990 levels by 2010;

iii. an assessment of which of those alternatives require actions that lie outside the City's control and what the City can do to influence those responsible for such actions;

iv. an assessment of the time and resources required for continuing coordination of the plan and to assure its successful implementation.

3. The City of Seattle calls upon national leaders to support a

strong, enforceable international greenhouse gas reduction treaty with targets and timetables at least as aggressive as those in the Kyoto Protocol.

4. The City of Seattle actively supports international efforts to reduce greenhouse gas emissions and will exceed its share of the greenhouse gas reduction requirements of the Kyoto Protocol by a significant margin. This commitment applies to emissions caused by City operations and emissions in the Seattle community as a whole.

5. The City of Seattle joins with the cities that have signed the Toronto Declaration in calling for strong national leadership and pledging to promote cooperation toward the ultimate goal of stabilizing greenhouse gas concentrations in the atmosphere.

6. In addition to the substantial reductions in greenhouse gas emissions it has already achieved, the City will continue to achieve steady progress in reducing greenhouse gas emissions throughout the period covered by the Kyoto Protocol and beyond.

Adopted by the City Council the ____ day of _____, 2001, and signed by me in open session in authentication of its adoption this ____ day of _____, 2001.

President of the City Council

THE MAYOR CONCURRING:

Paul Schell, Mayor

Filed by me this ____ day of _____, 2001.

City Clerk

07/19/01
version 2



ATTACHMENT 3



The U.S. Conference of Mayors Climate Protection Agreement – Signature Page

You have my support for the Mayors Climate Protection Agreement.

Date: _____

Mayor: _____

Signature: _____

Address: _____

City: _____ State: _____ Zip: _____

Mayor's e-mail: _____

Staff Contact Name: _____

Staff Contact Title: _____

Staff Phone: _____

Staff e-mail: _____

Please add my comments in support of the Mayors Climate Protection Agreement. We will add these to the Website (*optional*):

Please return completed form at your earliest convenience to:

**The U.S. Conference of Mayors
Climate Protection Center**

By Mail:
1620 I Street, NW
Washington, DC 20006

By Fax: (202) 429-0422

By e-mail: brosenberg@usmayors.org

For more information: (202) 861-6782

ATTACHMENT 4

ENDORISING THE U.S. MAYORS CLIMATE PROTECTION AGREEMENT

WHEREAS, the U.S. Conference of Mayors has previously adopted strong policy resolutions calling for cities, communities and the federal government to take actions to reduce global warming pollution; and

WHEREAS, the Inter-Governmental Panel on Climate Change (IPCC), the international community's most respected assemblage of scientists, has found that climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

WHEREAS, recent, well-documented impacts of climate disruption include average global sea level increases of four to eight inches during the 20th century; a 40 percent decline in Arctic sea-ice thickness; and nine of the ten hottest years on record occurring in the past decade; and

WHEREAS, climate disruption of the magnitude now predicted by the scientific community will cause extremely costly disruption of human and natural systems throughout the world including: increased risk of floods or droughts; sea-level rises that interact with coastal storms to erode beaches, inundate land, and damage structures; more frequent and extreme heat waves; more frequent and greater concentrations of smog; and

WHEREAS, on February 16, 2005, the Kyoto Protocol, an international agreement to address climate disruption, went into effect in the 141 countries that have ratified it to date; 38 of those countries are now legally required to reduce greenhouse gas emissions on average 5.2 percent below 1990 levels by 2012; and

WHEREAS, the United States of America, with less than five percent of the world's population, is responsible for producing approximately 25 percent of the world's global warming pollutants; and

WHEREAS, the Kyoto Protocol emissions reduction target for the U.S. would have been 7 percent below 1990 levels by 2012; and

WHEREAS, many leading US companies that have adopted greenhouse gas reduction programs to demonstrate corporate social responsibility have also publicly expressed preference for the US to adopt precise and mandatory emissions targets and timetables as a means by which to remain competitive in the international marketplace, to mitigate financial risk and to promote sound investment decisions; and

WHEREAS, state and local governments throughout the United States are adopting emission reduction targets and programs and that this leadership is bipartisan, coming from Republican and Democratic governors and mayors alike; and

WHEREAS, many cities throughout the nation, both large and small, are reducing global warming pollutants through programs that provide economic and quality of life benefits such as reduced energy bills, green space preservation, air quality improvements, reduced traffic congestion, improved transportation choices, and economic development and job creation through energy conservation and new energy technologies; and

WHEREAS, mayors from around the nation have signed the U.S. Mayors Climate Protection Agreement which, as amended at the 73rd Annual U.S. Conference of Mayors meeting, reads:

The U.S. Mayors Climate Protection Agreement

- A. We urge the federal government and state governments to enact policies and programs to meet or beat the target of reducing global warming pollution levels to 7 percent below 1990 levels by 2012, including efforts to: reduce the United States' dependence on fossil fuels and accelerate the development of clean, economical energy resources and fuel-efficient technologies such as conservation, methane recovery for energy generation, waste to energy, wind and solar energy, fuel cells, efficient motor vehicles, and biofuels;
- B. We urge the U.S. Congress to pass bipartisan greenhouse gas reduction legislation that includes 1) clear timetables and emissions limits and 2) a

flexible, market-based system of tradable allowances among emitting industries; and

- C. We will strive to meet or exceed Kyoto Protocol targets for reducing global warming pollution by taking actions in our own operations and communities such as:
1. Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.
 2. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities;
 3. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;
 4. Increase the use of clean, alternative energy by, for example, investing in "green tags", advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste to energy technology;
 5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
 6. Purchase only Energy Star equipment and appliances for City use;
 7. Practice and promote sustainable building practices using the U.S. Green Building Council's LEED program or a similar system;
 8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
 9. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;
 10. Increase recycling rates in City operations and in the community;
 11. Maintain healthy urban forests; promote tree planting to increase shading and to absorb CO₂; and

12. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

NOW, THEREFORE, BE IT RESOLVED that The U.S. Conference of Mayors endorses the U.S. Mayors Climate Protection Agreement as amended by the 73rd annual U.S. Conference of Mayors meeting and urges mayors from around the nation to join this effort.

BE IT FURTHER RESOLVED, The U.S. Conference of Mayors will work in conjunction with ICLEI Local Governments for Sustainability and other appropriate organizations to track progress and implementation of the U.S. Mayors Climate Protection Agreement as amended by the 73rd annual U.S. Conference of Mayors meeting.



America's Greenest Mayors

CITIES: The federal government has been dithering on climate change and energy conservation for years. Lucky for us, America's local leaders are filling the vacuum.

By Anne Underwood
Newsweek

April 16, 2007 issue - Sometimes great ideas are born of desperation. For Seattle Mayor Greg Nickels, that sense of urgency developed in the winter of 2004-05, when the annual snowfall failed to materialize in the neighboring Cascade Mountains. That's a serious issue in Seattle, where melting snow feeds the city's reservoirs in the springtime and swells the river that supplies its hydroelectric energy. Nickels's advisers were coming to him weekly with reports that the snow pack was just 1 percent of normal. "I don't think 'normal' exists anymore," Nickels remembers saying, having endured a succession of unusually warm winters. "Normal would be cause for popping champagne corks."

Nickels wasn't the only one who was starting to worry about climate change. In February 2005, 141 nations worldwide were preparing to put the Kyoto Protocol into effect—aiming to reduce global warming by cutting greenhouse-gas emissions 7 percent below 1990 levels by 2012. The United States was notably not one of them, so Nickels decided to "show the world there was intelligent life in the United States after all" by getting American cities to commit to Kyoto's targets. He drafted a document called the U.S. Mayors Climate Protection Agreement and presented it along with eight fellow mayors at the U.S. Conference of Mayors in March 2005. Their goal: to have 141 of their colleagues sign within a year, equaling the number of foreign countries that were party to Kyoto.

Two years later, a maverick idea has blossomed into a movement. To date, 435 mayors have signed on, Republican and Democratic, in Red States and Blue, from the crunchy coasts to the conservative heartland. Some of them govern cities with longstanding records of environmental activism, such as Chicago, San Francisco and Portland, Ore. But their ranks also include recent converts like conservative Republican Robert Cluck of Arlington, Texas, and Tom Barrett of Milwaukee, who just two years ago said it would be hard for him to join because of his city's commitment to promoting industry. Their combined efforts are now far more than symbolic. "These cities represent 61 million people," says Nickels. "That's equivalent to the population of France and larger than the United Kingdom."

The resources they bring to the task vary widely. In San Francisco, the city's Department of the Environment tackles sustainability with a staff of 70 people and a budget of \$20 million. In Fayetteville, Ark., Mayor Dan Coody just hired his city's first sustainability director. Still, a remarkable patchwork of programs is emerging, from the creation of car-sharing schemes on the West Coast to a new initiative in Cambridge, Mass., that aims to green at least half the buildings in town. In the process, city officials are discovering that these measures save money, reduce demands on overstretched utilities and make cities more pleasant places to live and work. "We're not talking about some broad international policy that doesn't trickle down," says Coody. "Cities are where the rubber meets the road." Here are some ways they're taking action:

Energy Efficiency

Embarking on an environmental program sounds like a great idea. But if you're a mayor trying to cut greenhouse gases, where do you begin? How do you even know how to measure your current levels? That's where an organization called ICLEI—Local Governments for Sustainability can help. Founded in 1991, ICLEI provides computer software that walks city officials through the calculation one step at a time, helping tote up emissions from buildings (based on energy-consumption data from utilities) and vehicles (based on volume of traffic—that's what those little black strips on roads are for). The software even takes into account emissions from landfills, which generate methane, a potent greenhouse gas. ICLEI presents officials with a menu of energy-saving measures and helps calculate the reductions they can achieve from each. "We show them the low-, medium- and high-hanging fruit," says executive director Michelle Wyman.

One of the easiest measures is also one of the most cost effective. That's converting stoplights from incandescent bulbs to LEDs. On the downside, the conversion demands a major investment upfront. "When I

found out the cost, it scared me," says Cluck in Arlington, Texas, noting that the new lights will cost his city \$1.35 million. But since LEDs use 80 percent less energy than standard lights—and last six to 10 times longer—they pay for themselves in several years. After that, cities reap the savings. For Arlington, that's a projected windfall of more than \$250,000 a year. In a larger city like New York, it's even more. The Big Apple—which has replaced 80,000 incandescent bulbs in 12,000 intersections—will realize savings of \$6.3 million a year once the initial investment of \$28 million is paid off.

There are dozens of other ways for a city government to cut its power use. Buildings themselves can be made more energy efficient with good insulation, tight ducts and efficient air-conditioning systems. "In cities, buildings account for 50 to 70 percent of energy consumption and, therefore, greenhouse-gas emissions," says Rob Pratt, head of the climate-change initiative at the Henry P. Kendall Foundation in Boston. Many municipalities now require that new government buildings meet the certification standards of the U.S. Green Building Council.

But to achieve ambitious energy-reduction targets, a city needs to get private developers and citizens onboard, too. One of the best examples is Austin, Texas, home to the nation's first green building program. A major citywide energy-conservation program in the 1990s allowed the city-owned utility to avoid construction of a new 500-megawatt power plant that would have been needed by 2000. Now Mayor Will Wynn has an even more ambitious program: to make all new homes in Austin "zero-energy-capable" by 2015. That means they will draw 65 percent less energy than a new home built today—so little that the rest of their energy needs could be supplied by solar panels on the roof, if the homeowners installed them. "Houses like this are possible today," says Roger Duncan, deputy general manager of Austin Energy. But they require every energy-saving trick in the green builder's book.

The city of Cambridge is hoping for a more immediate impact with a sweeping \$100 million initiative announced two weeks ago to cut the energy consumption of every neighborhood in town—municipal, university, commercial and residential alike. "Energy audits" of buildings will be provided free to those who want them, along with recommendations on how to cut energy use. To help owners make the suggested upgrades, low- or zero-interest loans will be available, to be repaid as savings accrue from the new efficiencies. Realistically, the organizers hope for a 50 percent participation rate, which would cut emissions an estimated 10 percent by 2012. The same program will soon roll out in Boston and four other Massachusetts cities.

Transportation

After buildings and lighting, the next obvious issue for a city to address is motor vehicles. As their fleets age, many towns are gradually converting their cars, garbage trucks, salt spreaders, tow trucks and fire engines to hybrids or alternative-fuel vehicles that use ethanol, compressed natural gas or biodiesel. In San Francisco, officials are going the extra mile, so to speak, and will soon use recaptured fat, oil and grease from restaurants to make biodiesel fuel for the city's garbage trucks. These fleet upgrades "aren't quite as cost effective as lighting changes," says Garrett Fitzgerald, director of programs at ICLEI. "But they're simple to do, and they provide a great opportunity to reduce emissions."

Many cities are also encouraging private individuals and taxi companies to switch to hybrids and other high-efficiency vehicles by offering a variety of incentives. In Salt Lake City, says Mayor Rocky Anderson, "the transportation department will put a decal in your rear window, and you can park at any city meters without ever having to pay." And in Boston the Massachusetts Port Authority, which runs Logan airport, is about to start giving hybrid taxis two passes per shift allowing them to cut to the front of the passenger-pickup line. But the very existence of a program for hybrid taxis in Boston is due at least in part to a private initiative by architect John Moore, who last year got permission to follow a standard cab around town for a day in a borrowed Ford Escape hybrid. At the end of the day, the hybrid had used just 3.5 gallons of gas, versus 10.2 for the cab—and with fewer emissions. Moore's experiment helped persuade the city to approve hybrid cabs, a shift that could ultimately translate into greater reductions of greenhouse gases than for most autos, since cabs are on the road all day.

Better yet are trips not taken at all—at least not in privately owned cars. Des Moines, Iowa, has installed bike racks on the front of buses to make longer, car-free commutes more practical, and it has sponsored contests to design artistic bike racks for public spaces. In addition, a growing number of cities have seen the arrival of car-sharing programs like Flexcar in Seattle. For a \$35 annual fee, you can go online and reserve cars parked

at convenient locations. "Like a cash machine, there should always be one within a couple blocks," says spokesman John Williams. You pay \$9 per hour, but the company covers gas, insurance and parking in designated spots. It's so convenient that about half the members end up selling an existing car or avoid buying a new one.

Vibrant Downtowns

New York is the most energy-efficient city in the nation, since millions of residents live in densely packed apartment buildings and rely on walking or public transit for most of their transportation needs. "New Yorkers use half the energy per capita as residents of other cities," says Deputy Mayor Dan Doctoroff.

No wonder cities across the country are trying to attract residents back downtown to live, not just work. In Miami, the city code and zoning laws are being overhauled for that very purpose. "Miami was developed haphazardly by engineers whose only interest was in making it easier for cars, so they built broad roads and narrow sidewalks," says Mayor Manny Diaz. "We want to change that, to have wide sidewalks, with shade trees and parks that create a pedestrian feel." Admittedly, the plan will take decades to implement, but Diaz seems committed to a broad range of shorter-term changes, too, including cleaning up city waterways and building green buildings. "We're on the front line of global climate change here," he says. "The water level doesn't have to rise too much for us to be riding around Miami in canoes."

The greening of city centers isn't just metaphorical. In Chicago, city officials have mapped the "heat islands," where asphalt and black roofs absorb heat and raise the city's overall temperature. These areas are then planted with trees—400,000 to date. "Trees are like big air conditioners," says Environment Commissioner Sadhu Johnston. They lower the temperature, filter air, remove carbon dioxide, absorb storm water and provide shade and beauty. (They even boost the economy. "Research has shown that people are willing to spend up to 12 percent more on a product if they're shopping in a district with mature trees," thanks to the pleasant ambience of the neighborhood, says Johnston.)

At Chicago's Center for Green Technology, the city also runs free programs on topics like planting green roofs, which are actual plots of grass on roofs. They absorb storm water, reduce heat loss in winter and help cool buildings in summer. "We run green-roof test plots to see how much they bring down the temperature," says Johnston. The verdict: a green roof can reduce the surface temperature of a summer-sun-drenched roof from 170 degrees to just 80 to 90 degrees. Chicago has 300 such roofs already built or under development.

The Small Things

Then there are the little things we can all do. "If every household in America switched out one compact fluorescent bulb, it would reduce energy consumption as much as taking a million cars off the road," says Des Moines Mayor Frank Cownie. We could also start drinking tap water rather than the bottled variety. "Production of the bottles alone consumes over 1.5 million barrels of oil a year," says Rocky Anderson in Salt Lake City. Even worse is the energy squandered on shipping water halfway around the world. As a result, he says, "you pay more for a bottle of water than an equivalent amount of gasoline." And we could carry our own mesh shopping bags. Two weeks ago, San Francisco grabbed headlines for banning nonbiodegradable plastic bags, which were costing the city \$8 million a year to clear from streets, storm drains and recycling machines.

In the future, there will no doubt be more amazing ways of contributing. San Francisco has major plans for renewable energy from solar, wind and even tidal power, which would be created by harnessing the tides flowing in and out through the narrow channel below the Golden Gate Bridge. Giant bi-directional blades would spin in the current, fueling generators. "And unlike solar and wind power, which are unpredictable, tidal power is incredibly reliable," says Jared Blumenfeld, director of the San Francisco Department of the Environment.

While the U.S. government continues to dither on climate change, foreign countries are sending representatives to San Francisco to study its green policies. "The Danish, Irish and French environment ministers have come to meet with us in the last six months," says Blumenfeld. "When we asked why, they said, 'Our governments are taking action at the federal level, but we have no idea what to do at the local level.'" America's green mayors could teach them a thing or two.

U.S. Mayors Take the Lead in Fighting Climate Change

LOS ANGELES, California, June 25, 2007 (ENS) - Cities throughout the country, regardless of size, have initiated a host of actions aimed at reducing greenhouse gas emissions, without significant support from their state and federal partners, finds a new survey released Friday during the U.S. Conference of Mayors' 75th anniversary meeting in Los Angeles.

As of June 21, 540 mayors had signed The U.S. Conference of Mayors Climate Protection Agreement, committing to reduce carbon emissions in cities below 1990 levels, in line with the United Nations Kyoto Protocol. The agreement is needed "due to an absence of federal leadership," the Conference says.

Of the 134 mayors who provided data for this first assessment of city climate protection efforts, more than four out of five said their cities now use renewable energy, or are considering beginning by next year.

"This survey clearly shows that mayors are acting decisively to curb global warming, helping fill the void left by federal inaction," said Conference President Mayor Douglas Palmer of Trenton, New Jersey. "Mayors are leading the way by implementing successful strategies to change human behavior and help protect the planet."



Mayor Douglas Palmer of Trenton, New Jersey heads the U.S. Conference of Mayors (Photo courtesy Office of the Mayor)

All but four of the survey cities, or 97 percent, are using more energy-efficient lighting technologies in public buildings, streetlights, parks, traffic signals, and other applications, or expect to by next year.

Seventy-two percent of the responding mayors said that their city fleets now run on alternative fuels and/or use hybrid-electric technology.

Nearly nine in 10 of the cities require, or anticipate requiring in the next year, that new city government buildings be more energy efficient and environmentally sustainable.

More than three out of four of the cities are undertaking efforts to encourage the private sector to construct buildings that are energy efficient and use sustainable building techniques.

During his address to the more than 200 mayors from across the nation gathered in Los Angeles, Governor Arnold Schwarzenegger today applauded them for their work to fight climate change.

"Whether it is Mayor Bloomberg using hybrids to create the largest and cleanest fleet of taxis in the world, or Mayor Villaraigosa transforming the L.A. Department of Water and Power to help reduce greenhouse gas emissions, your leadership is more important than ever," said the governor.

"By taking action to make sure the people in your communities are doing their part for the environment, you are sending a powerful message to the federal government and to the rest of the world. And that is exactly what we have been doing in California," said Schwarzenegger.

To fight climate change, California is party to Memorandums of Understanding with other states, nations and Canadian provinces, including Arizona, New Mexico, Oregon, Washington, Utah, the State of Victoria in Australia, British Columbia, Ontario and Manitoba. The governor said these agreements expand markets for clean fuels, cars and emissions credits across borders, allowing emission reductions at the lowest possible cost.



California Governor Arnold Schwarzenegger, center, shakes hands with Los Angeles Mayor Anthony Villaraigosa after his speech to the Conference of Mayors while Mayor Douglas Palmer, left, looks on. (Photo courtesy U.S. Conference of Mayors)

Governor Schwarzenegger introduced the Low Carbon Fuel Standard in January, which utilizes enforceable standards, market competition and flexible compliance to reduce emissions. By 2020, it will require a reduction in the carbon intensity of California's passenger vehicle fuels of at least 10 percent.

The survey of mayors also found that more than nine out of 10 cities

consider efforts to reduce greenhouse gas emissions to be part of their broader efforts to address public health concerns, such as improving air quality or encouraging active living.

In nearly three in four of the cities, mayors have reached out to other mayors, elected county officials, or other leaders in the region to encourage them to sign on to the U.S. Conference of Mayors Climate Protection Agreement and/or take action on climate protection.

Topping the Conference of Mayors' 10 Point Plan announced Friday by Mayor Palmer is the creation of an Energy and Environmental Block Grant to support mayors' efforts to reduce energy dependence, decrease carbon emissions, and improve the environment. The mayors are working with members of Congress to get this legislation enacted.

If the Energy and Environmental Block Grant now pending in Congress is adopted, half of the cities say they will use the funds provided through it to improve community energy efficiency.

Conference of Mayors Executive Director Tom Cochran said, "This survey demonstrates the high level of innovation and creativity that U.S. mayors are employing to create more sustainable communities. This is not a new phenomenon, since mayors are often at the forefront of positive change."

Mayors Martin Chavez of Albuquerque, New Mexico, and Dan Coody of Fayetteville, Arkansas have been awarded First Place honors in the 2007 Mayors' Climate Protection Awards Program. The awards, announced Saturday, recognize mayors for outstanding innovations to increase energy efficiency and to help curb global warming.

Albuquerque Mayor Chavez was selected to receive the first place award in the large city category for the AlbuquerqueGreen Program, a multifaceted, integrated approach with action-oriented solutions to reduce greenhouse gas emissions and its impacts on climate change.



Mayor Martin Chavez of Albuquerque, New Mexico took top honors for his climate change efforts. (Photo courtesy Office of the Mayor)

Under the AlbuquerqueGreen program the city has changed the way it operates, resulting in cutting natural gas by 42 percent, and refrigerants by 95 percent, and cutting greenhouse gas emissions by 67 percent since the program began in 2000.

AlbuquerqueGreen promotes the growth of green-tech companies, bicycle use, and pedestrian-friendly, mixed use urban village initiatives.

The city is now requiring all new buildings to be carbon neutral and powered from 100 percent renewable energy by 2030.

Fayetteville Mayor Dan Coody received first place award in the Small City category. Through his leadership, the city of Fayetteville's Alternative

Transportation and Trail Master Plan has created 129 miles of multi-use trails and 163 miles of on-street linkages to the city.

The goal of this program is to establish alternative modes of transportation and active recreation as an integral part of daily life.

Outstanding Achievement Awards were also bestowed on:

Austin Mayor Will Wynn for his program to make all city facilities, fleets and operations carbon neutral by 2020

Baltimore Mayor Sheila Dixon for her Energy Conservation Program, which serves as a strong city-wide model to reduce the City's cost and consumption of energy. This project also included incorporating an energy reduction project at 180 public school buildings in Baltimore, as well as in 33 city buildings.

Chicago Mayor Richard Daley for his "Smart Bulb Program," the first program in the nation that has distributed 500,000 free compact fluorescent light bulbs to residents.

**Design and Landmarks Committee
Minutes
Wednesday, January 31, 2007**

Members Present

Patty Wisner, Chair
Barb Cartmill
Charmaine Coleman
Andrew Tull

Staff Present

Katie Mangle, Planning Director
Brett Kelper, Assistant Planner

1. Call To Order

Chair Wisner called the meeting to order at approximately 6:30 p.m. Unadopted minutes from several recent meetings (June 2006 and August 2006) will be presented for review at a future meeting.

2. Historic Properties Photo Project

Assistant Planner Kelper explained the basic idea behind the photo project. Staff has been unable to locate the old set of existing slides of the properties on the City's historic resources list. A photo collection of these resources would be a useful educational tool for new DLC members as well as for the larger community, and an electronic format would be easier to store and work with. For these reasons it makes sense to re-shoot the historic resources. This task will be more easily done if shared by all DLC members.

Mr. Kelper handed out a packet of information including a Historic Resources map, a list of the Historic Resources, and a proposed division of the list into smaller groups for assignment to various DLC members. Chair Wisner explained more about the project idea, proposing a deadline of May 15th and offering to create a PowerPoint presentation with the photos by late August 2007. She reviewed a handout that outlined some directions for DLC members to follow in collecting the photos. (Chair Wisner asked for a copy of the entire list of the City's historic resources – Mr. Kelper promised to provide her a copy as soon as possible.)

There was a suggestion to put an article in The Pilot to explain the photo project, but after some discussion it was agreed that a Pilot article could wait until the presentation is closer to being final. Another suggestion was to send a simple postcard to all the owners of historic properties on the list by no later than the end of next week, in order to inform them of the project and give some warning that DLC members will be coming to take photos. Mr. Kelper agreed to do this and will send the postcard to DLC members as well. Mr. Kelper will send existing electronic photos of historic properties to Chair Wisner.

Mr. Kelter had prepared a sheet with suggested groupings of the historic properties based on geography and Committee members assigned themselves to each grouping. Chair Wisner took the Waverly group, Ms. Cartmill took the Ardenwald and Railroad Avenue groups, Ms. Coleman took the Downtown-2 group, and Mr. Tull took the Lake Road and Island Station groups. In his absence, Vice-Chair Welch was assigned the Downtown-1 group. Mr. Kelter distributed copies of the Cultural Resource information available for each property and agreed to provide missing information for two of the properties (property numbers 45 and 38 on the list).

3. Evaluating the “unrankable” resources

Director Mangle described a small project to have the six “unrankable” properties evaluated by a historic preservation expert. Since the City is finishing the designation process for one of the unranked properties (11022 SE 37th Ave., #44 on the list), she has decided to have the expert evaluate all of the unrankable properties. She made it clear that there is no plan to finish the designation process for any of the other properties, just that the information would be available for the future if any of the other owners should decide to act on it.

4. Other Business

Director Mangle reported that the Immoveable Foundation Church project (on the ESD site) still has no definitive timeline, though the DLC will be reviewing design elements for it once the project moves forward. She also noted that the Planning Commission is interested in expanding the downtown design guidelines beyond the downtown area (especially as relates to signs), though there is no set timeline for this project.


Director Mangle reminded the group of an earlier discussion about the DLC meeting with the Planning Commission one to two times per year. Ms. Cartmill noted interest in sitting in on the Commission’s next workplan session.

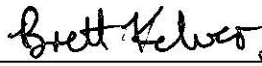
Chair Wisner wondered about how art could be more integrated into some of the new developments happening in Milwaukie, especially the waterfront/riverfront project. Citing her frustration with the Broken Arrow and Wunderland design review cases of 2006, Ms. Cartmill expressed concern that the City’s sign guidelines need to be more site-specific and not so generalized. Chair Wisner suggested that more visual examples of preferred signage might help. Director Mangle explained that this will be a big project needing significant research and photos.

There was a general question about the status of the Southgate Cinema site and a timeline for getting buses out of the downtown area. Director Mangle reported that the City’s decision to approve the TriMet Park & Ride facility was upheld by the Land Use Board of Appeals. However, TriMet does not have funding in its budget to do the project until the next fiscal year. Community Development Director Kenny Asher is continuing to work on the larger project of siting a transit center.

5. Adjourn

There were no further items. Chair Wisner adjourned the meeting at approximately 8:00 p.m.


Patty Wisner, Chair
8-29-07


Brett Kever, Scribe
8/30/07

Design and Landmarks Committee Minutes Monday, April 30, 2007

Members Present

Patty Wisner, Chair
Barb Cartmill
Andrew Tull

Staff Present

Katie Mangle, Planning Director
Brett Kelper, Assistant Planner

1. Call To Order

Chair Wisner called the meeting to order at 6:36 p.m.

2. DLC Workplan (2007-2008)

Director Mangle noted that the Design and Landmarks Committee (DLC) will have an opportunity to talk with City Council at the upcoming Council worksession on May 15th. The Council will be reviewing annual workplans for both the Planning Commission and DLC. It will be a chance for the DLC to have “face time” with the Council, to review recent accomplishments and talk about priorities for the coming year. Ms. Mangle went over some of the main points of the DLC workplan that she prepared for Council.

Recruiting new members is a high priority, as there are currently two open seats on the DLC. The community booth at the Milwaukie Farmers Market is one forum for advertising the openings, and staff is open to other suggestions.

Upcoming projects that will require some design review by the DLC are the Town Center project, Riverfront Park, the Immovable Foundation Church, and Ardenwald Elementary. With regard to the Immovable Foundation Church, the Planning Commission approval of that community service use involved some very specific design-related concerns for impacts on neighbors. Committee Member Cartmill asked whether the church had voluntarily accepted some of the conditions—Ms. Mangle indicated that yes, the church had agreed to address potential impacts and that she is looking to the DLC to advise her about the design with that in mind.

Ms. Mangle described several upcoming code-revision projects, including technical and design issues in the Sign Ordinance as well as changes to the Downtown Public Area Requirements to make them more fair, proportional, effective, and easier to implement. Committee Member Tull asked when a draft of the revised Public Area Requirements would be available for review—Ms. Mangle replied that revisions would be forthcoming in the next fiscal year, after the Transportation System Plan update project has been completed. Ms. Mangle noted that there is a question of how to better integrate the DLC

with the Planning Commission in these code-revision projects, since the DLC's role is to advise the Commission. We need to find ways to better link the two groups.

Ms. Mangle will send the Planning Commission workplan for 2007-08 to DLC members. After the TSP update, the next big project for the Planning Commission will be to create a master plan for the vacant commercial areas behind the Milwaukie Marketplace (SE 37th and Monroe). One big question there is how will that area's character be different from that of the downtown area? A final point from the DLC workplan is the suggestion to have the DLC meet more regularly, on a bi-monthly basis.

Ms. Mangle asked if there were questions or thoughts about the workplan. Chair Wisner wondered whether the DLC should establish criteria for the Planning Commission to meet prior to overturning a DLC recommendation. Ms. Cartmill noted that the Downtown Design Guidelines were developed by the DLC and that the DLC, not the Planning Commission, should decide if the guidelines are met.

Ms. Cartmill emphasized that the Planning Commission does not have time to do design review, which is why the DLC was formed in the first place. It is the DLC's job to use the Downtown Design Guidelines to form recommendations—she suggested that if the Planning Commission wants to take on the role of doing design review, they should go ahead with it and not go through the motions of having the DLC do it, too.

Ms. Mangle again wondered how best to have the DLC and Planning Commission work together in general. She likes the idea of the DLC presenting clear findings in their design review decisions, such that the findings could be incorporated directly into the Planning Commission's decision. Assistant Planner Kolver suggested that the DLC work on several fronts at once—recruit new members, hold regular meetings, and look at upcoming projects with an eye toward identifying the information and consideration that will be required for each (so that the group can prepare itself for them).

Ms. Cartmill noted that there used to be a better flow and connection between the DLC and Planning Commission—members used to know each other better and better understood the roles of each. Chair Wisner asked whether it would be possible to have a hearings reporter at DLC hearings to take down the notes—Ms. Mangle promised to make that arrangement. She wondered again how best to arrange and structure some joint meetings of the DLC and Planning Commission. Chair Wisner said it is important that both groups understand each other's role. Ms. Mangle suggested that they begin to work on this by scheduling regular joint meetings every six months. Mr. Kolver suggested that it might be more useful to fill the open seats on the DLC before scheduling a joint meeting. Chair Wisner offered to design a poster that can be used to help recruit new DLC members—it will highlight the DLC's role and recent accomplishments and ask for interested volunteers.

Chair Wisner introduced an idea to conduct a survey to see what the community wants to see the design face of downtown look like. With the Town Center project coming up and the potential for other redevelopment, she thinks it is important to be able to offer potential developers the community's vision of a consistent design for downtown. Ms.

Mangle suggested that it might be as helpful for the DLC to document what downtown used to look like, since many of the original facades have been covered over and most current residents have no idea what downtown buildings used to look like or what buildings have been lost.

Mr. Tull made a point that he would rather see good designers do their creative work and not hamstringing them with a visual preference. Chair Wisner expressed concern that modern architectural styles will erase the historical architecture of Milwaukie. She suggested that in the case of the Town Center project, there should be some commemoration of the historical significance of the site, which she said was the site of the Seth Lewelling house. Ms. Cartmill suggested that the Downtown Design Guidelines are set up to guide development, that we should be careful not to be too prescriptive with specific designs or requirements for historical designations. Ms. Mangle noted the difference between public projects and private ones, in that the city has far less authority over specific design requirements in cases of private development.

There was further discussion on this topic, about whether such a survey would be useful and what kind of effort would be required. Chair Wisner reiterated her desire to hear from local residents about what they think makes Milwaukie beautiful. The group agreed to continue talking about the idea, though there were no specific task assignments.

3. Past Meeting Minute Review

The group agreed to table this item until the next meeting, as most members had not yet had time to review the entire set of past-meeting minutes.

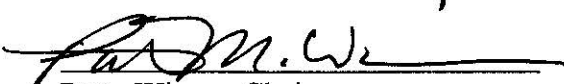
4. Other Business


Chair Wisner asked how DLC members were doing with their assignments for the Historic Photos project. Mr. Tull commented that it has been a good experience, noting that he has found lots of “little treasures” in town. He offered to take over former-Committee-Member (Charmaine) Coleman’s assignment list.

Mr. Kolver asked when the group wanted to meet again and there was some discussion about establishing a regular schedule. The group agreed to aim to meet regularly on the first Monday of every other month, starting in July 2007. Given that this schedule may conflict with the July 4th holiday, the committee set its next meeting date on the second Monday of that month, on **July 9th at 6:30pm** in the City Hall conference room.

5. Adjourn

There were no further items. Chair Wisner adjourned the meeting at 8:17 p.m.


Patty Wisner, Chair
8-29-07


Brett Kolver, Scribe
8/30/07

Design and Landmarks Committee Minutes Wednesday, July 11, 2007

Members Present

Barb Cartmill
Andrew Tull

Members Absent

Patty Wisner, Chair

Staff Present

Katie Mangle, Planning Director
Brett Kelper, Assistant Planner (DLC liaison)
Ryan Marquardt, Assistant Planner

Members of the Public in Attendance

Michael McLoughlin (Myhre Group Architects)
Tom Kemper (Main Street Partners, LLC)
Ron Skov (Main Street Partners, LLC)
Parker Fitzpatrick

1. Call To Order

As Chair Wisner was not present, **Committee Member Tull** agreed to act as Chair and called the meeting to order at 6:50 p.m.

2. Review and Approval of Past Minutes

In order to move ahead with the Town Center presentation, **Committee Member Cartmill** and **Mr. Tull** agreed to table this item until later in the meeting.

3. Town Center redevelopment project introduction

Michael McLoughlin of Myhre Group Architects, the firm working on the Town Center project design, introduced himself and began a presentation to explain the project, similar to a presentation made recently to the City Council. He noted that the Request for Proposals (RFP) for the project called for the creation of a distinctive landmark, and he explained how he kept coming back to that directive as he worked on the design. A list of notable aspects of the project follows:

- The project will consist of multiple buildings instead of a single, block-sized building.
- The buildings will have “three-dimensional” interest.
- There will be pedestrian activity on all four sides of the site, with retail use on the ground level.
- Residential use will be focused on the McLoughlin side in a 5-story building. The units will be mostly condos, with 4 penthouses on the 5th floor, which is pushed back to reduce the massing effect. A 3-story building on the Main Street side will be

smaller in scale, with residential townhouses above the ground-floor retail use. There will be 76 total dwelling units (21 townhouses and 55 condos, including the 4 penthouses) and 16,000 square feet of retail space on the ground level.

- Parking will be provided on the ground level, with the entrance/exit on Jackson Street. The building configuration screens the parking area from the ground level, with a second-floor courtyard on top that connects to pedestrian facilities on the street.
- There is a 1 space per unit (1:1) parking ratio for the condos and townhouses, with a 2:1 ratio for the penthouses. The current proposal is for some parallel parking along Main Street and angled parking on Jackson.
- Stormwater management includes public art pieces that will create cascades at mid-block on Harrison and Jackson.
- The Main Street elevation is symmetrical to match City Hall, with a recessed entryway mid-block. In general, the idea is for the buildings to be proud but not overbearing.
- The design attempts to capitalize on the views both toward the river and southward, as well as to the east.

Mr. Tull asked how the proposed design complements or contrasts with that of North Main Village. **Mr. McLoughlin** explained that the North Main project was designed to include various styles as if the buildings were built over time. He did not want the Town Center to duplicate North Main in style. In response to a question from **Mr. Tull** about what materials would be used, **Mr. McLoughlin** explained that high ceilings and large window areas are two elements that are currently very marketable. Some Hardi-Plank siding is proposed, as well as some “robust” metal siding on the accent features.

Mr. Tull commented that he would like to see a different treatment than the “cold” concrete finish on the ground level of some of the North Main Village buildings. In particular for the Town Center project, the McLoughlin and Harrison intersection and frontages form such an important gateway to the city that he would like to see something besides a concrete finish. **Mr. McLoughlin** acknowledged the concern and noted that many of the ground-floor spaces at North Main Village are still vacant, which lends a bit to the “cold” feeling—but he asked that concrete not be ruled out as an available tool.

Planning Director Mangle asked for more discussion of the McLoughlin elevation of the project. **Mr. McLoughlin** explained that the building face is cantilevered a bit along the southern end of the building to allow for more views of the river toward the south.

Mr. Tull and **Ms. Cartmill** asked whether the developers are considering LEED (Leadership in Energy and Environmental Design) certification. **Tom Kemper** of Main Street Partners responded that while the project involves a number of sustainable features (insulation, window glazing, efficient appliances, innovative stormwater management, etc.) it will not be LEED-certified. Engineering the project for LEED certification adds approximately \$75,000 to the design costs alone.

In response to a question from **Mr. Tull** about stormwater management, **Mr. Kemper** explained that the design involves keeping as much stormwater in the courtyard area as possible, with the excess going into an underground vault. **Mr. Tull** expressed

appreciation for the design's symmetry on the Main Street side. He asked how the space in the gap area across from City Hall would be used—will there be any public art? **Mr. McLoughlin** responded that the space would incorporate some public art, probably as part of the stormwater treatment.

Mr. Tull commented on the brickwork of City Hall and asked whether the developers have given any thought to using masonry on the Main Street side of the Town Center. **Mr. McLoughlin** said that none of the designs with brick seemed quite right to him, that brick in fact seemed to have a negative impact on the signature feeling of the new building. **Mr. Kemper** explained that materials will be a significant part of the dialogue and that the development team expects to discuss materials at some length with the DLC.

Mr. Tull noted the number of crosswalks in the area and expressed concern for the location of the parking area entrance/exit. He was relieved to understand that the ingress/egress will be on Jackson Street. **Ms. Cartmill** commented that she likes the design, though she figures that Chair Wisner will have some concerns about the modern design and flat roofs.

Responding to a question from **Mr. Tull** about the developer's experience and work on other projects, **Mr. Kemper** listed the various other mixed-use developments in Portland and Vancouver that his team has worked on. Several of the projects have won awards. He believes the team has plenty of experience and that the design is thoughtful and tasteful.

Ms. Mangle asked whether the team had looked at issues of glare and reflection with regard to the large windows. **Mr. McLoughlin** responded that they have not yet gotten into that level of detail. **Ms. Mangle** noted that a sector of the community would like to see an older style (c.1950s and before) of building instead of the modern look—that will be part of the discussion of design. **Ron Skov** of Main Street Partners commented that the question of who you are designing for is an interesting one—is it for this generation, 2-3 generations into the future, the whole community, etc.?

With that, the presentation of the Town Center design drew to an end. **Mr. Kelper** asked the group about scheduling a follow-up session in which the DLC will more actively evaluate the project in the context of the Downtown Design Guidelines. The group agreed to meet again on **Monday, September 10th**. **Mr. Kelper** agreed to check that date with Chair Wisner before confirming. The Town Center development team (**Mr. McLoughlin**, **Mr. Kemper**, **Mr. Skov**) packed up their materials and excused themselves.

4. **Town Center redevelopment project review process**

Ms. Mangle used a whiteboard to outline the various parts of the land use process. She explained that one of her goals is to set up the process so that the Planning Commission is positioned to take the DLC's recommendation regarding design review without needing to revisit it. Another is to make it very clear where the DLC is and is not a decision maker. She broke the Town Center land use process into the following components:

- **Design Review** – This land use application will involve working with the Downtown Design Guidelines as well as the Design Standards for Downtown zones. For this project, there will be a request to make modifications to the list of allowed materials (especially for siding) and for windows (regarding size and dimension). This is the

piece where the DLC will make a recommendation to the Planning Commission. **Ms. Mangle** figures that about a third of the issues involved will be easily resolved, a third will definitely need some problem solving, and a third she is unsure about.

- **Transportation Plan Review** – This application will address issues of traffic and access (driveways, etc.).
- **Zoning Amendment** – As the zoning ordinance currently stands, a 5th story is not permitted in the downtown zones, and buildings are supposed to extend all the way to the lot line (no setback) without gaps or recesses like the one proposed on the Main Street side of the development. Some amendment to the zoning ordinance will have to be made to allow the project as proposed. Such an amendment could be block-specific, it could be a special overlay, or it could take some other form.
- **Comprehensive Plan Amendment** – At the present time, any change to the Public Area Requirements (PAR—for such aspects as required sidewalks, parking, etc.) requires a change to the City’s Comprehensive Plan. First, the developers need to decide whether they want to propose modifications. If they do, then a process for making the needed amendment can be outlined in more detail.

The following table summarizes the DLC role in each of the above components:

	DLC	PC	City Council
Design Review (DR)	Recommendation	Decision	
Transportation Plan Review (TPR)	<i>Comment</i>	Decision	
Zoning Amendment (ZA)	<i>Comment</i>	Recommendation	Decision
Comp Plan Amendment (CPA)	<i>Comment</i>	Recommendation	Decision

Ms. Cartmill asked whether any preliminary traffic counts were taken conducted before the RFP went out. **Ms. Mangle** indicated that no formal counts have been taken for the Town Center project but that there are some numbers already out there from other projects (the Transportation System Plan update, McLoughlin improvements, etc.). **Mr. Tull** noted that parking will be a concern. **Ms. Mangle** explained that while the development code does not require auto parking there are requirements to provide bike parking, and the general emphasis is on making downtown Milwaukie more multi-modal.

Mr. Kelder asked for suggestions about how best to help the absent Chair Wisner get up to speed on the Town Center design. One idea was to procure a DVD or video copy of the presentation that Mr. McLoughlin recently made to the City Council, which was very similar to the one he gave today.

Ms. Mangle reported that the developers have indicated that they can do the project at only 4 stories instead of 5 if need be, though some of the finishing touches would then be lower in quality because of the lost revenue from the penthouse units. But the Zoning Amendment piece will be the first one done so that the height limit will not be an open question by the time the DLC needs to make a recommendation to the Planning Commission for Design Review.

Ms. Mangle also noted that the development team will be responding to several different parties: the City Council and RFP committee as well as the various regulatory bodies (DLC, Planning Commission). **Parker Fitzpatrick** asked whose role it is to note when/where any variances or special requests might be needed. **Ms. Mangle** answered that staff will identify whether the proposal meets all criteria.

Although the Design Guidelines do not apply to the residential aspects of the development, an applicant may volunteer to subject a whole building to design review. **Ms. Mangle** suggested that the DLC should ask to review the entire design package.

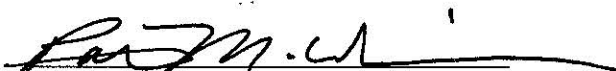
5. Other Business

Returning to Item #2 (Review and Approval of Past Minutes), **Mr. Kelper** suggested that the group defer this until the next meeting, as it is important to have Chair Wisner's input and comment. Those DLC members present agreed.

The next meeting is tentatively scheduled for the second Monday in September, **Sept. 10th**. Mr. Kelper will confirm the date, time, and location as soon as possible.

6. Adjourn

There were no further items. **Acting Chair Tull** adjourned the meeting at 8:17 p.m.


Patty Wisner, Chair


Brett Kelper, Scribe 8/30/07

8-29-07