

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

**CALL TO ORDER**

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

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

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

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

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

**CONSENT AGENDA**

- A. City Council Minutes of July 3, 2007 Regular Session;
- B. Resolution 44-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Rebecca Ives to the Milwaukie Design and Landmarks Committee;
- C. Resolution 45-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager Project Purchasing Authority for Electronic Ticketing Equipment;
- D. Resolution 46-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, approving the Award of the Contract for Towing Services to Olson Brothers Services, Inc.;
- E. Resolution 47-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Approving the Award of Contract for Insurance Agent of Record for the City of Milwaukie;
- F. Resolution 48-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the Mayor to Sign and Renew the Intergovernmental Agreement with Clackamas County for a Grant to Maintain the Juvenile Diversion Program;
- G. Resolution 49-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Approving the Award of Contract for the Construction of 37<sup>th</sup> Ave. Waterline Replacement (King Road to Harvey St.);
- H. Resolution 50-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to sign Two Intergovernmental Agreements with Metro for Local Share Component of the Natural Areas,

**Parks, and Streams Bond Measure and land Acquisition and Due Diligence Services; and**

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

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

**AUDIENCE PARTICIPATION**

- **David Helms, Milwaukie**

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

- **Loretta Sharpe, Milwaukie**

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

**PUBLIC HEARING**

None scheduled.

**OTHER BUSINESS**

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

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

law would allow the Council to adopt the Fire Code by resolution. This was all necessitated by the City's annexation to the Fire District in 2005.

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

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

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

**ORDINANCE NO. 1973:**

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

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

**RESOLUTION NO. 51-2007:**

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

**B. Light Rail Main Street Option Discussion**

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

**Mr. Swanson** reviewed the history on this issue. State law recognized two types of conflicts. One was an actual conflict of interest which was defined in statutes as any action, decision, or recommendation by a person acting in a capacity as a public official the effect of which would be to the private pecuniary benefit or detriment of the person or person's relative or any business with which the person or person's relative was associated. A potential conflict of interest as opposed to an actual conflict of interest – there was really one big change. A potential conflict of interest could be to the private pecuniary benefit or detriment. An actual conflict used the word "would" while a potential conflict used the word "could." In other words it was not a certainty. What happened if an elected public official believed he/she had potential conflict of interest. The statute further provided that when met with a potential conflict of interest the public official must announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official. In other words, they do go on to act but announce the potential conflict. The statute went on to say as Mr. Monahan stated that neither the declaration of a potential conflict or actual conflict required any public official to announce the conflict of interest more than once on the occasion which the matter out of which the conflict arose was discussed. In other words, once it was announced in relation to the issue before the governing body, that was the last time it had to be – which did not mean it could not be time and time again – but legally that was the last it had to be. On May 18, 2004, when the City was looking at a proposed recommendation regarding a transit center siting, light rail alignment, and station siting, the Mayor at that point announced that he had a potential conflict in that he was a

downtown property owner. He described the block of land located at 21<sup>st</sup> and Washington, Main and Washington, and Adams and 21<sup>st</sup>. The transit center location being considered was not on his property but was near his property and there could be a potential benefit. It may offer some potential benefit in the future should light rail come by his property. He announced at the time according to the current plan light rail would be on the other side of the tracks from his property. There was a potential that would be far into the future and would be more likely be in increasing the potential value in the future. Technically Mr. Swanson wanted to mention that issue was brought up in the context of light rail. The Mayor did announce it on May 18, 2004, as part of a hearing on transit center and light rail alignment. It had been anticipated. He believed there might be one other potential conflict Councilor Collette wished to announce. The one the Mayor had was announced in May 2004.

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

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

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

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

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

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

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

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

having arrived at a decision or position. He did not believe it was in the statutory meaning of the definition.

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

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

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

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

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

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

He reviewed the historical context. People were always arriving at these public discussions for the first time no matter how long they had been going on. Many discussions had already been held but for some he was sure this would come as news. Second a massive amount of work had been done on the question of downtown alternatives. He took the opportunity to thank Metro and TriMet staff and members of the Steering Committee to allow Milwaukie time to examine the options so thoroughly. On April 26 the SDEIS started up again to learn about and disclose environmental

impacts from an alignment that was already chosen for light rail. There was one called the locally preferred alternative (LPA). Metro, TriMet, and City staff went back out to the Milwaukie community to ask questions about if people remembered the study and if anything had changed in their lives to make the agencies think about some thing different. There were already some ideas about options to consider like running the alignment along the Tillamook Branch in the north industrial part of the City. In 2004 which was after the adoption of the LPA, Milwaukie, through a long process decided that was one option it liked. Also extending the line farther south. Subsequent to the decision about using the Tillamook Branch in the north industrial area and using Kellogg Lake for a transit center, the Kellogg Lake site was learned to be unavailable, and there was no terminus then for that alignment. It was determined it would be a good idea to find another park-and-ride site. Park Avenue came up, so that was an option.

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

On July 3, 2007, the City Council met and upholding the sentiments of the Planning Commission, Riverfront Board, and others voted "no" to McLoughlin Boulevard and said instead to focus on Main Street and 21<sup>st</sup> Avenue. On July 9 the Mayor duly took that direction back to the Steering Committee where he stated the City did not like

McLoughlin Boulevard as an option and that maybe there might be something to Main and 21<sup>st</sup>. He asked to have some time to continue along that path. The focus shifted to a Main Street possibility perhaps coupled with 21<sup>st</sup> Avenue. The Steering Committee again said, "sure, why not." Milwaukie was slowing things down but not so much the project would not be able to move forward on any of its fronts. Metro and TriMet responded to the Mayor's suggestion that there be two design workshops in July that would help understand what it would mean to have light rail on Main Street and also help the region understand if that was what Milwaukie wanted and what it was willing to trade off. It did not take a lot of study to understand that Main Street was an 80-foot right-of-way. Right now none of it was being used for light rail. If some of that 80-foot was used for light rail, then something would have to be given up. Those were not questions that any designers at TriMet or planners at Metro could figure out without community input. With great vigor and commitment Sean Batty, TriMet lead corridor designer, and Bridget Wiegart, Metro project manager, and their respective staff pulled together these two design workshops at Milwaukie High School. He invited Mr. Batty to discuss what was learned in the process of going through the design workshops when talking about light rail on Main Street.

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

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

**Mayor Bernard** said the Council would consider whether or on the as the City representative to the South Corridor Policy Steering Committee should request another alternative downtown light rail alignment should be brought into the SDEIS. It was important to point out that the Councilors represent the City on various regional and local committee and that Councilors often act on the City's behalf. The reason Mayor Bernard was bring this particular issue to Council was because it was such an important one. The South Corridor Policy Steering Committee's next meeting is Monday, August 13, 2007 at 8 a.m. in the Council Chambers at Metro. His intention for this meeting was to spend two hours on public testimony, followed by a discussion by the Council. Those wishing to provide testimony were asked to fill out one of the cards provided in the hallway and then submit them to the Mayor or City Recorder. That would ensure correct spellings for the record and ensure everyone wishing to speak had the opportunity.

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

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

**Councilor Stone** asked if the magenta was an elevated structure.

**Mr. Batty** replied this particular one started at the north. It indicated to construct light rail on Main Street with a minimum amount of the existing Hwy 224 structure. They were looking for an opportunity to find a space between existing columns and bridge abutment on the westbound ramp to McLoughlin Boulevard. There was not enough space available between the existing span and its abutment to the north for light rail and Main Street. They were showing reconstructing the entire span of Hwy 224 to make space and pushing part of the abutment – the dirt holding the span – to the east in order to make space for Main Street and light rail. The basic concept to this point was to open up and do this significant structural work to create a home for both Main Street and the light rail track. There was an existing slip ramp or place for cars to access Main Street from McLoughlin Boulevard which needed to be preserved although light rail was introduced into the mix. This was done with a series of gates and signals. Automobiles needed a place to stop if they were trying to get from McLoughlin Boulevard to Main Street. In order to do that, cars needed time to slow down and to stack up behind the gate and signal. That resulted in the idea of needing to create a slip lane where cars could slow down and stack up behind the gate or signal outside of the existing McLoughlin Boulevard lanes. Two businesses were close enough to McLoughlin Boulevard that it was assumed they would be displaced and purchased by the project to construct that feature. At that point the light rail would move into the center of Main Street in the 80-foot right-of-way allowing for traffic both northbound and southbound. He noted on the graphic where light rail moved from the west side into the median. This section showed a typical configuration as it moved down Main Street toward Harrison Street and the implications of running in the center within the 80-foot right-of-way with traffic flows north and southbound. Even parallel parking could be introduced on one side of the street but not both sides without acquiring more right-of-way. At the Harrison Street intersection it was likely when they did a traffic impact analysis they would also need to have a dedicated left turn lane to allow vehicles to come down Main Street

using the southbound lane to turn on Harrison and move onto McLoughlin Boulevard. That section actually showed two lanes in that position for traffic and showed it as an example of one of the tradeoffs to fit in 10-foot sidewalks in the immediate area. There would be no on-street parking for the length of that left turn. Those two sections described the typical conditions. There was more detail and nuance that could be addressed.

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

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

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

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

There was a higher level of tradeoffs for the couplet design on 60-foot right-of-way and positioning things to use the sidewalk. There was a single through lane and parallel parking in this configuration. There were three conditions that would be required. Two-way traffic needed to be preserved, so it was a tight squeeze for the first block. The station block relied on using a lot of the sidewalk but still allowed a single traffic lane northbound and some parallel parking on one side. One of the issues with the couplet or side running was the difficulty in preserving and reconfiguring parking and loading dock access. This was always a challenge in a CDB environment when trying to do

side running. Typically they would not allow private crossing of the tracks at a non-signalized location. Mr. Batty ended his presentation in deference to the Council's concerns with time and would be available to answer questions as needed.

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

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

**Mr. Asher** revisited the Downtown Plan. There were many who knew more about the creation of the Downtown and Riverfront Framework Plan than he did. He did know more than 2,000 people participated in its creation, and the creation took almost two years. It forged a consensus in the community that had been recently racked with political upheaval and community discord. The Plan was built on three main concepts: (1) that it build on existing assets; (2) that it strengthen the downtown economy; and (3) that it feature the River and natural amenities that Milwaukie was lucky to have downtown. Staff believed that Main Street was the heart that beat at the core of the Plan. Main Street supported the Plan goals by acting as an urban design organizer, an economic driver, and a unifier. On all three of those concepts, Main Street had a really important role to play. The Plan featured dozens of land use suggestions which supported those concepts none of which as land use suggestions were absolutely essential to realizing what the Plan aspired to. It talked about a new transit center, grocery store, riverfront restaurant, hotel, marina, and using the Tillamook Branch as a rail trail. Those were all wonderful and good things to do, but they were not in the same classification as the core concepts he described.

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

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

Last there was the issue of featuring the Riverfront and tying it all together. What did it mean for Main Street to be a unifier. Essentially, it meant that Riverfront Park, McLoughlin Boulevard, and Main Street which were the three big elements downtown

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

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

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

which might be better than too close. He thought that was what was going on with this discussion. A Main Street alignment was not required to serve downtown light rail users. The Tillamook Branch line would be close enough; those stations would be close enough. It was not required to stimulate transit-oriented development (TOD). In fact some of the larger possible TOD sites were adjoined to the Tillamook Branch and not Main Street. That was not to say there could not also be TOD on Main Street as well. You do not need a Main Street alignment to stimulate downtown development. In fact there was a letter from Main Street Partners that argues that a Main Street alignment would hurt present day redevelopment efforts for the reasons he just named.

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

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

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

#### **Speaking In support of adding Main Street alignment to SDEIS**

- **Marilyn Denham, Damascus**

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

- **Bert Hansen, Portland**

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

- **Cyndia Ashkar, Oregon City**

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

Main Street or Main Street and 21<sup>st</sup> Avenue. We still do not know about the Tillamook option. That was sort of a blind spot that was existing right now. She enjoyed Mr. Batty's genuine enthusiasm in the process. It made it feel real. It was great to sit at a table and talk with people who had very different concerns. Of course, those needed to be honored. One gentleman who was a partner with the North Main Village project stressed that the Downtown Plan would not be followed if light rail went on Main Street. In looking at the Plan, which had beautiful qualities, she noted that 21<sup>st</sup> Avenue was planned to go straight past the Library and go on and connect with Main Street. There was a place it was not being followed and made her wonder where else was it not being followed. In closing when the Minneapolis Bridge went out, the most heartening thing to see was the children who were spared harm. She was looking to spare the children harm.

- **Barbara Dimick, Milwaukie**

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

- **Ed Parecki, Milwaukie business owner**

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

- **John Harrison, Portland Waldorf School**

**Mr. Harrison** represented the PWS Board of Trustees. They had submitted a prepared statement. The Board "thanked the Mayor, City of Milwaukie, Metro, and TriMet for hosting the recent workshop sessions discussing the Main Street or Main Street/ 21<sup>st</sup> Avenue alignment as an additional alignment to be discussed in Metro's upcoming

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

- **Sara Genta, Portland**

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

- **Jerry Foy, Oak Lodge**

**Mr. Foy** was disappointed in the staff report. He was very involved in both the Planning Commission meeting and two Council meetings and the two meetings at the High School. He thought the work that took place with the help of the staff was very focused. He thought that the two plans that came out of that were doable. He also realized it was only a study. It may turn out that if you include the Main Street study it may prove it was not the right choice as may the railroad line. He was there representing St. John's Catholic Church of 1,500 families. He assured Council that most of those families were totally opposed to the railroad line and for reasons he had given in letters to the Council. They had exactly the same reasons that PWS had. They were very concerned about safety and noise. When you talk about traffic circulation. Mr. Asher pointed out that

they thought the Tualatin [sic] line would have the least impact on traffic. If you think about it, you have Harrison Street, Monroe, and Washington. All of those streets would have to have arms swinging down blocking traffic at the time the train went across. You can image what that was going to do to traffic. Right now Washington Street backed up to Mr. Bernard's garage in almost any happenstance when the light changed on McLoughlin Boulevard. You can image if you do that on all three east/west corridors what kind of problems will occur in Milwaukie. His point was that he strongly believed an additional study ought to be performed. If nothing else take the \$900 million and fix the bridges.

### **Speaking in opposition to adding Main Street alignment to SDEIS**

- **Peter Fry, Portland**

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

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

- **Mary King, Milwaukie**

**Ms. King** said one of the most important votes this Council would cast was this evening's vote on whether to allow a second light rail alignment down Main Street to be added to the already chosen LPA. She asked the Council to support staff's recommendation and vote against this proposal. She was a member of the City Council when the School District decided to sell the Jr. High property. It was with a leaden heart she had to be part of the decision to give up the City's quest for the property. She was

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

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

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

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

**Mr. Samojlovski** was president of the Active Group on Main Street. It currently had over 100 employees, and had been in the City for 2-1/2 years. Prior to that he grew up in Milwaukie; his parents still lived on SE 32<sup>nd</sup>. He attended Milwaukie Jr. and Sr. High Schools. He was very familiar with the City. He submitted a written position which he submitted to the City Recorder. He touched on three points in his position of opposition to the Main Street alignment. The first was community. When he located the business to Milwaukie, they were attracted by the sense of community they felt and continue to feel along with the plans that were in place to grow and revitalize Milwaukie. Some of the plans he heard regarding the waterfront were very exciting. Many of his employees frequented the shops and restaurants. This was a major selling point in attracting employees. He had been looking forward to the new downtown Milwaukie coming over the next few years. His fear was that in the event the train went directly through the middle of town it would destroy the sense of community Milwaukie has attempted to create and would in effect divide the town in two. One side of the tracks versus the

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

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

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

- **David Nestelle, Oak Grove**

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

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

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

- **Edward Shettig, Oak Grove**

**Mr. Shettig** worked in downtown Portland at 5<sup>th</sup> and Stark where they were building the light rail right now. The building he worked in was a major business. Since they started working down there it was such a disruption with a lack of parking that two major businesses, the Better Business Bureau and NW Staffing, had moved out to other parts of the City because there was no place to park. They had lost all their parking. Parking was not coming back downtown. He had seen what they do when tear up the streets and had been living through it since the beginning of the year. He had seen other small businesses that had gone out. If you ride up and down the streets, and he would invite anyone to ride light rail down there, and look at what was along the sides of the streets there were no big companies. You see the sides of buildings of other companies but not the storefronts. You see low-income housing when you get into the west part of Portland. Downtown you have Front Street and the waterfront. There was nothing down there really. You were not bringing stuff in; you were driving people out by putting light rail downtown. He was highly opposed to it.

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

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

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

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

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

**Mr. Hankerson** had sent the Council a few documents expressing his views already. He grew up in the Gladstone area and lived in the general vicinity his whole life. Along with Mr. Stradley and Mr. Richardson when they outgrew their facility in northeast Portland they chose Milwaukie for a variety of reasons. Dark Horse Comics was generally in favor of light rail but adamantly opposed to the idea of train coming down Main Street. There were three pretty good reasons he could think of. One was just the barrier nature of light rail, disruption of traffic on McLoughlin Boulevard, Main Street, and 21<sup>st</sup> Avenue if there was a couplet. Second the parking situation was terrible. With the redevelopment proceeding and adding to that the tracks coming down Main Street

eliminating 60 – 70 parking spots, it gets increasingly worse for the businesses in downtown to adequately supply their businesses and/or to have places for employees to park. Dark Horse Comics has about 120 employees that needed to park downtown. Twenty of them were Milwaukie residents. His concern about light rail coming down Main Street had to do with jobs. There were 500 – 600 people who worked along Main Street, and he was very concerned about the long-range implications to their employment.

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

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

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

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

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

**Mr. Richardson** added there were comments earlier about why the adherence to the Downtown Plan. As someone who was here and helped try to start downtown development in 1988 he wanted everyone to know it had been a long process to come to that Plan. He was an advocate of the Downtown Plan and applauded it. It was great that the City was finally trying to stick to it and that there was direction.

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

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

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

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

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

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

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

**Mr. Peck** had been a retailer since 1992 in downtown Milwaukie and had been at his current location on Main Street as a coffee retailer since 1999. The Council did not want a study for light rail or a train downtown. With that Council would find the storefronts to continue to be open as they were today as he would not even consider opening a business in what was available until he knew exactly what was going to happen if in fact there was a study proposed. He suspected it would take some time. It

would tend to stymie what was available now for continued growth. The other thing he recognized was the professional staff in the planning department and other departments that the City had hired to make the recommendations for what the City ought to be taking a look at. It would be absurd not to support what its staff had to say and recommend. He recommended no study and absolutely no light rail in downtown Milwaukie.

- **Ralph Rigdon, Oak Grove**

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

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

- **Ed Zumwalt, Milwaukie**

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

- **Mike Miller, Milwaukie**

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

- **John Otsyula, Milwaukie**

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

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

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

**Councilor Loomis** noted Mr. Richardson was given extra time.

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

**Mr. Otsyula** said with his 30 seconds he would ask the public when they got a copy from Council to look through it. If they did not understand something, then he was

available to review it. An environmental impact statement – to produce the study did not cost \$500,000. He could do one for less than \$50,000. He would do one free for the City.

- **Scott Churchill, Milwaukie**

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

- **Charmaine Coleman, Milwaukie**

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

chagrin of Mr. Zumwalt and the voting minority. The passion for the project was evident in the increasingly heated meetings she attended in recent months. The emotion she saw in this 11<sup>th</sup> hour reminded her of the fear and anger generated the last time Milwaukie voted in light rail and then got scared and voted it out again. She wondered for those community members adamantly opposed to light rail in Milwaukie at all whether that was actually the point. Will we relight our torches? Will we take up arms against one another? Main Street against Tillamook and still be fighting over this choice a year from now? Will we lose light rail altogether? Some hope so. She tended to think so. Please keep in mind that as a community they voted in light rail. She for one was in favor of whatever decision both arrives at that end goal and holds true to the vision Milwaukie created for its downtown over and above whatever effect any alignment had on those, herself included, with this train in the backyard. As City Council members she must believe the success of light rail in and through the town was the end goal as well. If she was wrong then shame on the City Council because it was not listening to the choices made already by the community it represented. In conclusion she supported the recommendation to TriMet as she supported light rail. She encouraged the rest of the community members to set aside torches and refocus energy on the positive potential for whatever alignment was ultimately chosen and certainly through all of this fuss TriMet heard the message loud and clear. Milwaukie cared about the quality of light rail, and it would be great.

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

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

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

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

**Councilor Loomis** thought Mayor Bernard should start the discussion since the process started with his questions. He wanted to figure out where the Council was going. From the testimony he heard he tried to look at the positives. There were a lot

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

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

stories. There were options on levels throughout the town. To say right now the Downtown Plan was three stories was false. It varied depending upon the block. There was nothing in federal regulations that required the same whistle at the same decibel level every time a light rail train came through, and it was possible to totally eliminate it under the current rules. The Main Street alignment would hold up future development of downtown for years. First there needed to be an SDEIS, and it went beyond that no one was going to bother to move into the new buildings or the new project until that decision was made. In the past the claim was made that a majority of businesses supported the Main Street alignment. He thought one could see today that was false. A few businesses that employed 10 or fewer employees may have signed on, but a majority of the large businesses did not support a Main Street alignment at all. The Council never said it had the authority to throw out plans. When he went to Metro he would say Milwaukie recommended the Tillamook Branch alignment. Sometimes he asks for a little more time to study this or that, and Metro makes the decision. The important thing was years ago people thought Metro forced things down the City's throat. They didn't do it then – although some may think they did – and now they come and ask for the City's input. Milwaukie had been doing exactly that. He thought that was very important. In order to know retail was there you had to walk or drive by it. If you could not drive down Main Street but one way why would anyone even bother to turn down it? He had walked through the North Industrial area, and it was surprising how many businesses had been there and some for decades. Hydronics, Standard Gear, ZeePro, Holman, Trinity Carpet, PC Structural, Harder Mechanical, Rudie Wilhelm, WW Metal Fab, Museum Tour Catalogues, Northwest Doors, Certainteed, RKD, and many more businesses he felt would be negatively impacted by the Main Street alignment.

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

demand of Metro and TriMet that they do mitigate those potential impacts such as noise, vibration, and everything else discovered during the study that needed to be mitigated. Light rail needed to benefit the City and would benefit the City if it were done right. She really hoped those who got involved with planning an alternate alignment and sent all comments pro and con stayed involved and continued to work with the City through the many upcoming meetings. Come back to the table and make sure this was not the only time you commented in the City of Milwaukie. For those reasons she was going to vote not to include the Main Street alignment because she thought there was already a good alignment. She did not feel any more money should be spent or any more community resources going over an alignment that would not improve the downtown.

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

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

**Councilor Stone** suggested 30 to 45 minutes.

**Mr. Zumwalt** asked to speak.

**Mayor Bernard** replied the public comment period was over.

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

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

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

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

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

**Mr. Asher** said the answer had everything to do with where we were in the process. It was a long series of steps. Metro was the lead agency, and the Council had a subordinate role. The Council's role vis-à-vis Metro's role, the Steering Committee's

role, and then where we are in the study process were all issues that made it more confusing than one would guess.

**Ms. Wieghart** said the Milwaukie City Council role in actually including an option in the SDEIS Councilor Stone was right that it did not have the authority to include it. Only the Steering Committee had that authority. The Federal Transit Administration (FTA) was ultimately the signer of the document. They looked, as did Metro, to the local jurisdictions to make a determination as to what impacts and benefits of a particular alignment were appropriate for the community. The FTA would look to the regional, local process. The community would be asked to look at what would and would not work. That was not to say at some time Metro might not disagree, but it wanted to hear from the local jurisdiction as to what specifics made sense.

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

**Councilor Collette** did not believe that was the case.

**Ms. Wieghart** understood the other question was what was the range of alternatives that should be included in an SDEIS and has that requirement been met. Other people have also asked that question, so it was an important one to clarify. Metro has already

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met the reasonable alternatives requirement. There was an alternative analysis in 2000 – 2001. There was an SDEIS in 2002 and with the LPA in 2003. The point was that a range of modes were considered as well as a range of locations for that mode. Now they were looking at updating the previous SDEIS to see if anything had changed significantly enough to warrant design options in any particular location. They did not originally identify downtown Milwaukie as an area that had seen that kind of change since the 2003 LPA. They were willing to consider if the community wanted it whether there was another option that should be looked at, but it was not a requirement. They had looked at the range of reasonable alternatives from the federal perspective. She wanted to be really clear about that. In terms of the Working Group alignment she clarified that was the one proposed to terminate at Kellogg Lake. The 2003 LPA terminated at Lake Road. Since 2001 really the Tillamook Branch had been the preferred location in downtown Milwaukie.

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

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

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

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

As for parking, this Council has heard for years that Milwaukie's downtown parking is a key issue. Folks from businesses and neighborhoods have come before this body to express their concerns that our downtown is not conducive to parking. As our City continues to experience development with new businesses, new homes, and new growth, taking away any parking in our downtown (and in the process disrupting our downtown) would have severe impacts on our community.

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

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

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

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

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

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Councilor Collette was correct. We are not going to make everyone happy with our recommendations. We have studied the Tillamook Branch and the SDEIS study was completed just four years ago. That study did not find any environmental impacts that could not be mitigated. Our community leaders made the decision in 2004 to choose the Tillamook Branch as the Locally Preferred Alternative. Our downtown plan supports this alternative. With that said, Mr. Mayor, I am against adding the Main Street alignment in any form to the SDEIS study.”

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

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

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

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

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

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

would create another new transportation corridor. If you put it in an existing corridor, it would share the corridor and reduce the impact. Every few years Milwaukie changes its mind. He thought it was time to stick with a decision and focus on getting it done like it did with the Downtown Plan. He and Mr. Eiswerth operate the Farmers' Market, and everyone says people will not walk from a park-and-ride structure to light rail. If people were willing to walk to the Sunday Market they would certainly be willing to get on light rail to Portland State, OMSI, OHSU, and all the other job opportunities in Portland. People offered their recommendations, and he felt he had direction.

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

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

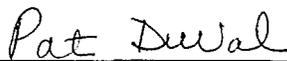
**Mr. Zumwalt** made comments from the audience which were not audible.

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

## ADJOURNMENT

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

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



Pat DuVal, Recorder