

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

CALL TO ORDER

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

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

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

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARD

Neighborhood Traffic Management and Pedestrian Safety Program

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

CONSENT AGENDA

- A. City Council Minutes
 - 1. April 1, 2008 Regular Session
 - 2. April 15, 2008 Work Session
 - 3. April 15, 2008 Regular Session;
- B. **Resolution 47-2008**: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Michael Sclar to the Citizens Utility Advisory Board;
- C. **Resolution 48-2008**: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Beth Kelland to the Citizens Utility Advisory Board;
- D. **Resolution 49-2008**: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the City Manager to sign an amendment to the existing dispatch service agreement with the City of Lake Oswego through Fiscal year 2012 - 2013;
- E. **Resolution 50-2008**: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the Mayor to sign and renew the intergovernmental agreement with Clackamas County for a grant to maintain the Juvenile Diversion Program; and
- F. OLCC Application for Save-a-Lot, 6100 SE King Road, Change of Ownership.

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

AUDIENCE PARTICIPATION

None

PUBLIC HEARING

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

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

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

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

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

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

Staff Report

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

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

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

Public testimony in support of the application

None.

Neutral testimony

None.

Public Testimony in opposition to the application

None.

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

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

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

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

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

ORDINANCE NO. 1983:

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

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

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

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

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

Mayor Bernard read a statement into the record.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Testimony in support

- **Rob Kappa, Milwaukie**

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

Neutral Testimony

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- **Ed Zumwalt, Milwaukie**

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

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

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

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

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

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

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

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

- **Marilyn Wall, Clackamas County**

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

- **Ed Parecki, Milwaukie business owner**

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

- **John Robinson, Gladstone**

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

Staff response:

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

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

Mr. Asher restated the recommendation and resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilor Chaimov said he would leave subsection B.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilor Chaimov replied yes.

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

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

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

OTHER BUSINESS

Council Reports

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

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

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

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

ADJOURNMENT

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

7084

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

Pat DuVal

Pat DuVal, Recorder