

MINUTES**MILWAUKIE CITY COUNCIL WORK SESSION****March 18, 2008**

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

Council Present: Mayor Bernard and Councilors Barnes, Chaimov, Loomis, and Stone

Staff Present: City Manager Mike Swanson, Community Development and Public Works Director Kenny Asher, Community Services Director JoAnn Herrigel, and Information Coordinator Grady Wheeler

Board and Commission Interviews

The City Council interviewed applicants for board and commission vacancies including Leslie Schockner, David Aschenbrenner, Andrew Tull, Bob Hatz, Tom Hogan, Ron Rasch and Charles Bird.

South Downtown Concept Plan – Request for Qualifications

Mr. Asher provided an update on the South Downtown Concept Plan Request for Qualifications (RFQ) for urban design services to test and advance the Plan. An objective of this discussion was to remind everyone where they had been. At the next meeting he hoped to have a contract for approval with a firm to help with the next phase of work. Before he goes through contract negotiations with the firms he would like input from Council to inform that the scope of work would be beneficial. This was a great opportunity for Council to share their thoughts.

Mr. Asher said as a review the South Downtown Concept Plan was prompted by extenuating circumstances and his vision for the opportunities that exist at the south end of downtown. They were working on the Kellogg Lake bridge replacement and dam removal. He and the Mayor were able to talk about that in Washington D.C. with our congress people. They got a call from Blumenauer this week and learned they were going to try and include it on their list for appropriations so we have their attention. They want to restore the creek. The design and development was coming along with Riverfront Park. Council would be hearing about some zone changes on that project soon. Ms. Herrigel and the planning dept. have been making great progress and there are some implications at the south end. Robert Kronberg Park was on hold because staff felt it might be able to become part of a larger park system. They want to see Robert Kronberg Park developed as part of something that had more connectivity than what there is today. They were still trying to figure out what to do with the Cash Spot site. Light rail planning had implications at the south end that might include a station. There was a big public meeting scheduled for tomorrow at 6pm to learn more about station locations. They had talked about the need for a future home for the Milwaukie Farmers' Market, and decommissioning the Kellogg

Treatment Plant and continued revitalization on Main Street. All of those things were in progress and for those reasons he engaged on a very small contract with an urban design firm to help staff prepare a concept that centered on the public plaza and began to tie together the parks, Main Street and all of the features including the schools that we want to see tied together there.

Mr. Asher said based on the last presentation in November what he heard from this group was that it had promise and he had clear direction to share it with other people. He had done that and had been working on that since November. He managed to get around to the PARB, Riverfront Board, Planning Commission, NDA chairs, and there were some articles in The Pilot. Having done all that he sensed there was a lot of interest and support for the concept of doing something like it for the south end. It was not unanimous and he did not intend to gloss over the voices of dissent. He provided copies of public comment on the plans to date from last November to present. There were some emails from citizens filled with praise, City Council and Planning Commission minutes and joint PARB and Riverfront Board session minutes. Some who were not in support of the project or planning process wanted to be heard. One Planning Commissioner was not necessarily in support of going down this path. The Planning Commission did not vote and did not provide formal direction. In the Planning Commission minutes he saw a lot of discussion of all the elements and people were engaged. There was a sense there was promise but no vote taken. The Historic Milwaukie NDA had a lot of questions about the merits and he was asked to convey a message to Council of why not revisit the entire downtown plan. He did not attend that meeting, but the sense he got from Ms. Herrigel was that Historic Milwaukie NDA did not support the plan and would prefer to see something more comprehensive.

Mr. Asher said this was not an arbitrary decision to re-plan a part of the downtown. He did not support a re-plan of the entire downtown. This plan was consistent with the principles of the downtown plan. This concept was trying to anticipate forces that would act on the south end so that when we were successful in any of the endeavors we would have an idea and be able to raise money and have buy-in.

He had solicited qualifications for help in the next phase. The scope of work centered on the questions of validation. One of the things that he heard in the community even from those supportive was whether this plaza was in the right place all the way at the south end. Councilor Stone and others had thought it might be too far south and it might be better to have it more centrally located. He thought the size of the plaza was about 20,000 feet. That raised the point, was it conducive to a public plaza with noise and trains and malingering? He was seeking validation from a consultant if he/she thought it could work as imagined in the drawing. The other kind of validation that we need to get to now is do we have deep buy-in from the community. He wants a process through which Milwaukie could actually more universally embrace a plan. That required another set of skills to bring people into a process that had room for all opinions but was also effective at educating, feeding back, and dialogue. The City received 11

proposals and kind of an A-List. Mr. Asher was comfortable in moving forward in getting it down to 2 or 3, bringing a contract back to the City Council, and moving forward with the process. He wanted to hear if he should continue to move down this path, which he heard from most but not all groups. If Council had an interest in how the next phase of work was conducted he should know that to ensure anything important was in the contract work and took City Council direction into account.

Mayor Bernard noted this was close to his property and he was concerned that this study included his property. If it did he would probably not be able to vote. He walked to Oregon City and thought a bridge would be good at Dogwood Park.

Mr. Asher said the plan would include Mayor Bernard's property. He did not believe there was an issue of conflict in the Mayor providing input.

Councilor Barnes said she still supported the idea. Her key issue was that the Cash Spot was prime property overlooking the river, and she did not want it just to be a parking structure on Main Street. She would like to see parking at or below street level. She liked the idea of a connection to somehow bring art in that area. She viewed that part of town as for the fine arts, music and theatre. She would like the Arts Committee on board and to get their thoughts and ideas.

Councilor Chaimov said he would appreciate going along as outlined and more information on making the community better is good. He hoped in the process that the consultants wouldn't be limited to telling Council what would or would not work from their ideas, but will also be free to give ideas for opportunities that they hadn't seen themselves and that particular attention will be paid in the process to the Historic Milwaukie NDA in which it was located.

Councilor Stone said she was not wild about what was going on in the south end of town. She was wondering in terms of the consultant how long would it take for them to do the work, and realistically when would recommendations be implemented.

Mr. Asher said that he did not put out an RFP but rather an RFQ. He did that because it depended on what the consultant thought and the budget. To know how fast the work could be done they would have to know what the work actually was.

Mr. Asher said there was a need to pull in more stakeholders including the Historic NDA. The process should be designed so voices were accommodated. If they were talking about a future home for the farmers market it would be wise to have one of the market vendors. When he thought about that kind of process the timeline stretched out because there were more people to be heard. He saw this as a phased project. If they could get started in April after about 8-12 weeks they could hear back from the consultant and everyone participating if they should continue in this direction based on urban design and what was heard in community. If it were obvious that they should be doing plaza planning but not in the south end he would like to go in that direction.

Councilor Stone said she was feeling like this might be a little premature and rushing in to fast. They had talked about reviewing the Downtown Plan in its entirety. It was a good opportunity for everyone to sit down and examine how they want to see this developed. It seemed like the south end hinged on light rail. She is feeling like there is no funding for light rail and she knows that we need to plan and anticipate for the future, but she would like to just put the brakes on and sit back and look at the Downtown Plan. Get some community input. The plaza looked inadequate in terms of size. There was the concern with noise. She envisioned a plaza more central to the City. She thought they needed to re-examine it before delving in. Would you be willing to put the brakes on and look at the Downtown Plan together?

Mr. Asher said that was why he was here and will follow the Council's direction. That was not his recommendation.

Councilor Stone asked her fellow council members if they would be willing to sit down and do that. They had talked about re-examining the Downtown Plan and getting input. If they need a consultant for something she wanted to be sure they were examining an idea that really did have deep community support. There was not a lot of deep community support. There were both sides of the fence. There were 7 separate citizens, NDA Chairs and the Planning Commission, but she did not see the need to rush doing this in April.

Councilor Barnes said she did not see it as rushing by asking questions and getting information. She didn't see us as rushing through on anything concrete. They need to start planning now and at least look at things. One thing that would make it happen for the City was if they had plans ready to go. If they did not bring on a consultant now to at least look things over those are months that go by where it might not happen at all. She would rather have information at their disposal now so that we could move forward. 7 people may have said no but there were 20,000 other people that hadn't been reached yet. It was better to have plans that they could share with those 20,000 additional people. They would have something better to share with them. She wanted something to start with so they could share what they saw as a team, as a vision to share with others and get input.

Councilor Stone said she was all for sitting down as a team. She did not see where waiting on making a decision about spending money on a consultant and getting them on board by April was going to harm anything. They had never as a City Council sat down and brainstormed ideas, and she would like to do that.

Councilor Loomis said they should look at the Downtown Plan. What he saw here was just exploratory. This was a project they should have buy-in from everyone. They were going to get information from the consultant hired. He was not at the November meeting but he wanted to see the connection to the parks. He did see that Cash Spot area as crucial for parking for Riverfront Park events. This would give us information and tell us what we need in a plaza and Council could use that information in review of Downtown Plan. Councilor Stone was

concerned about not rushing, but he did not see reason for not moving forward. This was just informational.

Councilor Stone asked Mr. Asher if she was correct in thinking that the development hinged on light rail.

Mr. Asher replied that he did not see it that way. Light Rail had an influence so if light rail came it would have an influence on what happened and if there was a station located there then it would have an influence. If light rail did not come he did not think the concept was invalidated. If light rail was not a part of Milwaukee's future he still thought and it was said as a community that they want a plaza, open space and connectivity. Light rail could make it happen more quickly.

Councilor Stone asked about the parking structure. That would not come without light rail.

Mr. Asher said the concept did not hinge on the parking structure. The only thing that the concept hinged on was the location of the plaza. If there was a consultant that said triangles were difficult to work with and they determined it had to move then he thought they would need to rethink whether all of those connections and the concept worked. That was pencil and paper work.

Councilor Stone said she remembered when Jerry spoke he talked about areas of downtowns that were underutilized. The grounds around city hall were very nice and she envisioned the plaza and parking garage central. She saw parking structures moved back and hidden and not located on prime pieces of property.

Mr. Asher said the reason he thought they needed a consultant was because he heard that from the Riverfront Board, neighborhoods and City Council. Everyone had opinions. How do we make any more progress in bringing our opinions together? We need more expertise than any of us had in place making and someone who is very skilled at facilitating public process. That was why he had hoped they would be able to go forward. They would not all agree at the outset or probably when it was done.

Mayor Bernard said one thing they talked about on JPACT was about developed and developing. Things that were visions, developed and that were developing. Developed plans get funding. You have to be ahead of the other groups or they wouldn't talk to us. He said they had the first Farmers' Market meeting and they would be starting a Vendor Advisory Council (VAC). He talked to them about future planning for the market and he was sure there were people interested in doing that. The Cash Spot was in the floodplain so there were limits to what could be done. The Riverfront Board talked about using it for a parking structure for riverfront activities. All of those things needed to be looked at and he was interested in forwarding it.

Councilor Chaimov said he thought this work could be a catalyst for looking at the Downtown Plan and would teach everyone. He would like to have that information as soon as possible.

Councilor Loomis thought there were parts that everyone could agree on and should stay focused on those. People want to see the parks and the Cash Spot

developed. We might not agree on what is developed there, but he thought that everyone agreed that they want to develop. As Councilor Stone said light rail was getting mixed in and that needed to be put aside. He still liked the design even without light rail.

Councilor Stone said light rail was very much in there and we did not know for sure if light rail was coming.

Councilor Loomis said he was not passionate either way and he thought it was coming and wanted to utilize funds for the best of the community.

Mayor Bernard said when they looked at the Cash Spot property for a future Farmers' Market location the market was in the street so the space was larger than the diamond because there was also street access. A concern from vendors was about shade and trees take a while to grow. It would be nice if they had a plan so they would be able to plant trees in the near future to help provide shade. Some vendors liked natural gas, others electricity, and others shade.

Mr. Asher said he would like to get going and report back to Council once there was something to report. In the interim if there were additional thoughts about how they were involving people, who was being involved or who Council worried might be left out etc., please let him know. He would like to be able to put this on the consent agenda when it came up because this was the discussion that he was looking for. If Council would like it to be on the regular agenda for more discussion he would like to know ahead of time so he could be prepared.

Metro Commercial Recycling Ordinance

Ms. Herrigel discussed the anticipated adoption by Metro Council of a Business Recycling Requirement Program Ordinance. She wanted to convey that she, Metro Staff, garbage haulers and processors had worked together on the regional level to see if we could get to a 64% goal of recovery by 2009. It was really hard and she wanted to emphasize that they were working on this together. City staff and Metro were working together and saying that we had a problem and we had people asking them to help get to a 64% recovery rate. As she noted, 64% was a state statute. The region as of 2006 was at about 55.5%. They knew that 100,000 tons of recyclables on an annual basis was disposed of by commercial businesses in the region. They believe that in order to achieve the 64% goal they need to take about 80,000 tons of recovered material out of the waste stream on an annual basis. They were trying to come up with a way to do that. One of the ways they thought they could get closer to that goal was a program called Business Recycling Requirements. Metro was proposing that their council would adopt an ordinance in May or June, which would require local governments to take action by setting requirements on commercial businesses. The program would consist of education and technical assistance. There would be requirements on all local commercial businesses to recycle all paper and containers or at least 90% to achieve a 90% recovery level. A compliance or enforcement program would be put in place. Compliance would mean that businesses would provide all of their employees with recycling containers internally and externally, and provide signage and educational materials to all

employees and people in the building and that they would maintain 10% or less recycling in their garbage. The trick would be to check on a regular basis to see if they were achieving that. The schedule for the proposed program would be that Metro would adopt something or discuss it in May-June 2008 and that by January 2009 the cities and local governments would be required to adopt the ordinance on a local level and by July 2009 enforcement of compliance would begin. In July 2010 the program would be evaluated to see if changes were needed. In anticipation, Ms. Herrigel has met with Clackamas County staff to talk to them and Metro about how she could get the information out to the 600-800 business in Milwaukie. They County and Metro have said they would do anything they could to help. One of the issues was when they call a business and tell them they would like to come and talk to them about recycling it was very benign. She was working on getting voluntary compliance. Metro would like to know Council's general reaction to the Metro ordinance, which would then put requirements on local governments. Ms. Herrigel asked for direction from Council on what staff should be doing in addition to what she was planning to do to get ready for the passage of the ordinance.

Mayor Bernard asked if we would need to hire additional staff?

Ms. Herrigel said there were 2 options from Metro. If the City prefers Metro to conduct the enforcement inspections they were prepared to do that or we would use solid waste staff from the County or our staff to do it.

Mayor Bernard said he could use some training, but he also knew it was profitable to recycle because containers were smaller. He asked what were we suppose to do with containers?

Mike Hoglund, Metro Director of Solid Waste and Recycling Department

Mr. Hoglund said one of the benefits of this program was that there would be a lot of education and phase in through warnings. Metro had 2 FTE to deal with 90,000 businesses around the region so they would go after the larger companies to make sure they were in compliance first. They might not ever get to the smaller business.

Mayor Bernard said the chamber would probably want to have a forum.

Councilor Chaimov said it was discussed at the public policy meeting. They received a presentation. His response was he did not like Metro telling local governments what to do or not to do. If the City thought it was a good idea to have 90% or 100% recycling requirement that should be our decision, and not Metro imposing it on us. If it were our decision he would be happier seeing more aggressive economic incentives and disincentives before moving to impose requirements. Smart businesses know that it was profitable to recycle. To the extent that the incentives for recycling were improved and the disincentives were increased that would get more businesses to recycle.

Councilor Barnes said her first instinct was that she did not want Metro to say to the City this is a have to. She asked how were local businesses were doing on recycling now and if this was something they could do. They need to ask the

businesses if this was something they could work with before any requirements were imposed.

Councilor Chaimov pointed out that the representatives of the businesses who heard the proposal were nearly unanimously in favor of it.

Mr. Swanson said the number cited was 14% of businesses did not recycle. There were 86% that did some level of recycling.

Mr. Hogle said there were 2 numbers they looked at. There was a capture of those who recycle and then the rate of those business that recycle. Part of the problem was that a lot of people recycled a few things. It was trying to get the capture rate up, and also to get the actual recycling rate within those businesses higher.

Councilor Loomis what was the biggest hurdle?

Mr. Hogle replied they had been trying to do incentives, education and outreach by providing boxes and infrastructure for the business. The biggest hang up right now was that they could not communicate with those businesses and get them to listen. They had hit a plateau in recycling.

Councilor Stone had a question about the recovery rate. Metro wants businesses to maintain 10% or less volume of paper and containers in their waste containers?

Ms. Herrigel said it would give that particular business a 90% recovery rate.

Councilor Stone said we were currently at a 55.5% recovery rate so there was way less than 10% going in?

Mr. Hogle said the 55% was the overall waste stream throughout the region.

Councilor Stone said in terms of the funds to local jurisdictions how much would Milwaukie get and how would it be used?

Ms. Herrigel replied there were 2 ways that she had seen money handed out from Metro to local jurisdictions, through a competitive grant basis or based on population. They worked closely with Clackamas County and they not only got County money, but they also got City money as a pass through to help us implement our program. She had solidified the dedication of 1 FTE to go out and meet with all of the City businesses. That was how she would use the funds. That person would go out to the businesses and hand out recycling information, talk to people and then go out and implement the collection. They would not only put out the collection boxes, but they would interact with the garbage haulers who provided the service. This would be a per capita program.

Councilor Stone was a recycling advocate and had been for many years. She thought it was interesting that she had heard from a couple of councilors how they did not like Metro to mandate that businesses should have to do this when they mandate other things like density and light rail. Just had to get that in. She would hope that there would be broad support from businesses to do this. She thought it was a good thing for the environment and she would support it.

Ms. Herrigel said the ordinance would go before the Metro Council in May-June and MPAC.

Councilor Loomis asked if there costs to the businesses?

Ms. Herrigel replied that recycling was included in the garbage rate so as far as recycling costs there would not be any and it is not anticipated that it would cost them.

Councilor Loomis asked if they would need more containers?

Ms. Herrigel said they would need more containers, but they were not charged for recycling containers.

Mr. Hogle said there would be a cost for infrastructure and potentially more trucks on the street that would be spread out over the entire system. That was relatively a few pennies a month on the typical garbage bill. For businesses that didn't recycle and start to recycle, by volume or weight their garbage bill could go down.

Councilor Loomis asked about space.

Ms. Herrigel said space was an issue for some. She hadn't seen space be that big of an issue in the City. She had seen it more in Portland.

Mr. Hogle said they had an exception process for those that did not have the space and they could apply for that, which would be built into the ordinance.

Mr. Swanson asked in defense of what Metro was proposing. Was the 64% recovery by 2009; it seemed maybe the quickest way to get there was a mandatory program. That may be part of the motive for coming up with a program mandated by Metro otherwise how would you get to 64% in a year.

Mr. Hogle said 64% was calculated in 1990's based on an estimate of how much they could combine from the recycling system and how many markets were out there to use the particular materials. It was actually a little bit lower than 64%, but a couple of percentage points were added for aspirational purposes. We could get to 64% now, but they were revising the plan from 2009 because they did an analysis and they probably would not get there until 2011 or 2012. The system had always been set up that people should have the opportunity to recycle and that we shouldn't force people to recycle. They saw that they would fall short because they had hit a plateau in a number of areas. IT was important to get the construction/demolition debris out and to get more of the food waste out of the garbage and composted.

Councilor Loomis asked if the City of Milwaukie and Metro would be required to follow the guidelines.

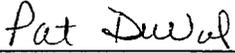
Mr. Hogle replied yes.

Online Light Rail Information Resource

Mr. Wheeler introduced and wanted feedback on a new information resource that the City had been working on. Staff hoped people would use it to get a better understanding of the Portland-Milwaukie Light Rail project. He clarified

that this portion of site had not been launched yet. He had been working on it for about 3 weeks and it was nearly ready to go but staff wanted to check in before going live. The basic idea behind the initiative was to create a section of our website where people could go and learn more about Portland-Milwaukie Light Rail. The site would have a basic statement and response format. The intent was to provide factual information and not editorial comment. It was not staff's objective to persuade or convince but to inform. He had been generating a list of questions and comments that had been raised at Council Meetings and at neighborhood meetings in the last couple months and had been researching answers to those questions. He currently had a list of about 25 questions and comments, but the idea was to keep the site updated with new information as questions arise. Staff was finding that there were certain themes and questions that kept coming up. The site would allow them to keep a record of those questions and concerns and also the responses so Council and staff would have a place to direct public. A good example was a discussion that had come up in the last week about density. Staff was preparing a memo explaining how density worked and how the light rail project didn't change Milwaukie's density provisions. Rather than having a report on the information that people might not hear or know how to access on our website we would have a central and easy to find place where we could summarize and post that information. The site would also provide the opportunity for people to submit questions and further clarify responses. He had been working with City staff, Metro and TriMet to get facts and figures, but he wanted to point out that this was a City initiative and the City would control the site. He planned on printing up-to-date versions of the site to set out for handouts for the public at Council meetings and to have at our City facilities. He would also have the section linked to Mike's Friday Memo and in the community services weekly email update. They hope to have this section up by the end of the week and the section would be posted on the home page underneath the projects logo at the top of the other transportation projects. He hoped that City Council and the community would consult that portion of the website as the light rail conversation unfolded.

Mayor Bernard adjourned the work session at 6:50 p.m.



Pat DuVal, City Recorder