REGULAR SESSION

AGENDA

MILWAUKIE CITY COUNCIL
January 20, 2009

MILWAUKIE CITY HALL **2046th MEETING**
10722 SE Main Street

REGULAR SESSION – 7:00 p.m.

1. CALL TO ORDER **Page #**
Pledge of Allegiance

2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS **1**

A. Big Brother Big Sister Month Proclamation **2**
B. Milwaukie Snow Routes (Paul Shirey)

3. CONSENT AGENDA *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*

A. City Council Work Session Minutes October 7, 2008 **4**
B. City Council Regular Session Minutes December 2, 2008 **12**

4. AUDIENCE PARTICIPATION *(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, "all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)*

5. PUBLIC HEARING *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*

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

6.	**OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*	**33**
	A. Selection of City Council President (Mayor Ferguson)	
	B. Regional Committee Assignments (Mayor Ferguson)	**34**
	C. Board and Commission Appointments (Mayor Ferguson)	
	D. Council Reports	
7.	**INFORMATION**	**54**
	A. Center/Community Advisory Board Minutes, December 12, 2008	**55**
8.	**ADJOURNMENT**	

Public Information

- Executive Session: The Milwaukie City Council may meet in executive session immediately following adjournment pursuant to ORS 192.660(2).
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

2.
PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

PROCLAMATION

WHEREAS, the City of Milwaukie draws its strength from the diversity of cultures, traditions, and experiences of its employees; and Big Brothers Big Sisters is open and inclusive with their children, families and volunteers; and

WHEREAS, the City of Milwaukie is fortunate to be the employer of valued and remarkable employees who recognize the need for positive interaction between our communities' youths and adults; and Big Brothers Big Sisters is creating one-to-one relationships between caring adults and youth; and

WHEREAS, the worth of such interaction has been documented as an effective strategy to reduce crime and the fear of crime, reduce the high school drop out rate, reduce the use of alcohol and illegal drugs by youth, and reduce the overrepresentation of youth and especially minority youth in the criminal justice system; and

WHEREAS, Big Brothers Big Sisters Columbia Northwest represents a local organization that can facilitate increased involvement between the large potential cohort of adult volunteers employed by the City of Milwaukie; and

WHEREAS, Big Brothers Big Sisters Columbia Northwest has extended an opportunity to the Milwaukie Police and all City employees for volunteer activities that their workforce may participate in to enhance their lives and the lives of youth in their communities; and

WHEREAS, January 2009 Big Brothers Big Sisters Columbia Northwest will acknowledge these efforts publicly; and

NOW, THEREFORE*, I*, Jeremy Ferguson, Mayor of the City of Milwaukie, Oregon, do hereby proclaim the month of January 2009 as:

Big Brothers Big Sisters Month

in the City of Milwaukie and encourage all residents to observe this month.

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Mayor

3.
CONSENT AGENDA

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION

October 7, 2008

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

Council Present: Mayor Jim Bernard and Councilors Deborah Barnes, Greg Chaimov, Joe Loomis, and Susan Stone.

Staff Present: City Manager Mike Swanson, Library Director Joe Sandfort, Community Development & Public Works Director Kenny Asher, Senior Planner Susan Shanks.

Library Board Work Plan

Ledding Library Board Chair Colleen Schacht and members of the Board discussed the 2008 – 2009 Work Plan. Accomplishments for 2007 – 2008 included formation of the Ledding Library Foundation, the William Stafford Birthday Celebration, support of Library operations, and outreach to Neighborhood Associations and other groups. Priorities for 2008 – 2009 are dissemination of information about the proposed Library District, funding, and regional library issues. Pond House priorities included opening of the Booktique, promoting ongoing facility improvements to encourage City and Library-related gatherings, continue the Poetry Series, and encourage involvement in the Friends of the Library projects.

The Mayor and Council expressed appreciation for the Board's ongoing support of the City's Library.

Funding and Preliminary Engineering Service Intergovernmental Agreement with TriMet for the Portland-Milwaukie Light Rail Project

Mr. Asher was joined by Dave Unsworth to discuss 2 IGA's that followed on the decisions made during the summer to adopt the updated locally preferred alternative for the Portland-Milwaukie Light Rail Project along with the adopted umbrella agreement. The first was the funding IGA, which defined Milwaukie's financial commitment to the Light Rail project of $5 million and the second was payment coming to the City in the form of a FTE, project engineer/planner to bring on staff to take care of the day to day project management. These were draft agreements and they would be back at the November 4 meeting with the final.

Mr. Unsworth gave an update on what TriMet had been working on since the Locally Preferred Alternative (LPA) adoption. On July 31, they submitted a substantial application to the federal partners to get into preliminary engineering that would allow moving forward with a couple of important steps. First was going from very conceptual engineering into preliminary, which was important because all of the dollars spent once in prelimary engineering started counting as local match. This was a substantial step for the federal partners. Second was when they go into final design done after the preliminary engineering, which was 30% of design. They were set and expect to get approval. A group of 10 from the Federal Transit Authority (FTA) come to Milwaukie and toured the downtown,

and Mr. Asher helped explain why this project was important. TriMet expected to get 60% of the funding from the FTA. They anticipated getting into the preliminary engineering in November or December. At that point they would hopefully ink an agreement and TriMet would have someone from the City of Milwaukie on board to help the City. That person would be looking out for the City's interest as well as TriMet. They want to be coordinated and saw this as a team effort, being successful and moving forward. There were many issues that they needed to get accustomed to in how the City applied the code from an environmental standpoint. They wanted to make sure they were in sync and did not lose track of that. They were starting a new series of meetings and they would be inviting folks from Milwaukie to participate on the technical advisory committee as they started moving forward.

Mr. Asher followed that up by saying up until now not just in the last SDEIS process, but on every light rail planning process in Milwaukie they had been planning processes in a sense of alternatives and environmental review. This was now an engineering and construction process. From staff prospective it felt very different. TriMet was in the lead as this is a capital project for TriMet. This was now really about getting the project design, getting questions resolved, getting a cost that was not just based on something conceptual. It now felt like they were in new water.

Mr. Unsworth said they would be introducing their project director for the segment. She was a Milwaukie resident and she was very familiar with design. They were moving forward on the financing front. They knew they had $250 million from the state lottery bond, $72 million from MTIP funds, $100 million in interest and they were in conversations with the City of Portland about what its contribution would be. They were also talking with property owners who would see a clear advantage, which were OHSU and OMSI. There were other opportunities with Clackamas County as well as in-kind donations. First, they were going back to the state legislature and second, as they moved on the EIS and as it was published, they needed a financing plan. They wanted to look out for both TriMet and the City's interest to make sure the City had the staff to participate in the level it needed and to make sure they were doing things. The reason for the umbrella agreement was to hold TriMet's feet to the fire to make sure it was doing everything right and part of that was funding an engineering position at the City.

Councilor Barnes asked what the total local match TriMet was seeking?

Mr. Unsworth replied the total local share was around $600 million. They did not have all the final commitments and would generally look for more money from those who had not already signed. Most of the alignment was in Portland.

Councilor Barnes asked how it was decided what each segment should contribute.

Mr. Unsworth responded that a good portion of it was in the City of Milwaukie, but asking Milwaukie for $30-$40 million dollars given its budget and size did not seem right. There was no magic about it. They were trying to get to the project to Park Avenue. They were trying to look under every stone to get it there.

Mr. Asher said it was a negotiation. Council should know that they hit on the number $5 million early on and they thought it was the most that he and Mr. Swanson could conceivably come up with for the project. He agreed that the project would not get less expensive. Regardless of where people ended up the pressures would not decrease and there were timing issues. In the umbrella

agreement they wanted to, for state purposes, to get this done by the end of the year if possible. They also saw the project starting to take off in January and wanted to have this position in place. To get an engineer on board took a couple of months. It was important to take action in the next month or so because the pressures from OHSU and Portland would only keep mounting as the project went through preliminary engineering.

Councilor Chaimov asked where we would come up with $5 million.

Mr. Swanson said he started wrestling with this in 2000 – 2001 and went through a number of different scenarios. He wanted to look for a scenario that did not require a tax increase because he knew light rail was a sensitive subject in the City. Mr. Palacios came on board 6 months ago and they began talking about what was achievable. The City was relatively debt free and the cost of funding $5 million in debt was achievable out of the general fund. Currently, we were paying $192,000 to the water fund to pay off the loan to purchase the riverfront property. He would be proposing a borrowing that would either complete or substantially complete the Riverfront Park project because he thought that both projects would go hand in hand and were both achievable. He had been fairly protective of that fund. Staff had been good about accomplishing a lot, but not going overboard in terms of asking for the sky. He did admit that in the last couple of weeks he did not know how the market would look at this. On one hand he would guess there would be some folks out there that would be looking for government securities to invest in, but there had been a couple that had been advertised recently in this area for which there had been no takers. He had been thinking about this for 6 years and in the last couple of weeks he didn't know what the effect of the federal level would have. One of the impacts if the Library District passed was that the County would provide $1 million dollars in capital for each library. The City would receive more funding and would have a broader base of people to serve including those in the unincorporated areas. He could see us beginning to put aside a portion of the money that the Library was currently getting out of the general fund and establishing a capital reserve account and hopefully fairly soon look at a Library expansion. He would also look at a couple of other minor projects such as the courtroom remodel and JCB where space was not workable for professionals. PSB would be paid off, but that was funded from a separate existing property tax. It was fair to say we talked with TriMet early. Milwaukie was a small City that had not invested $5 million in anything. He wanted to get on board early because it would only get more expensive. This had been bounced around for years, and he thought we could do it. We would be investing a substantial amount in the City simultaneously, but the thought they were good projects. The Riverfront was an expensive one. The last number he saw for undergrounding the utilities was $3.5 million. They could do the Riverfront incrementally with grants over time, or we can do it. He was concerned but thought that we could invest and really make a difference in the City and do some projects that covered a broad base of people.

Mr. Asher said this obligation would be due under the terms of this agreement in June 2012. When they put forward the staff report in July there was an attachment that made the economic argument for this investment and what return the City might see. There were good reasons why the City would see returns for making investments in large capital improvements.

Mayor Bernard commented it was a 3:1 return on the dollar.

Mr. Unsworth said there was a commitment now. Money would be much further down the road if we were to get to an agreement. The funding IGA for the FTE

would be in the near term. Once they got into preliminary engineering that person would be on board hopefully through final design and construction as a 7-year position.

Mr. Swanson said this person was a City employee whose loyalty was to the City.

Mr. Unsworth said found having someone represent the City and understanding what the project was doing helped TriMet get through the City process and helped the City to be well represented.

Councilor Chaimov commented that the reason for asking Mr. Asher for the word version of the proposed IGA was to try wordsmithing the portion of the agreement that discussed TriMet's applying the $5 million from the City. We were likely to get more community support for that expenditure if we could designate in some way in which those funds were to be expended. He would try to put together some suggestions for where that $5 million might go. He had not finished thinking on that yet but would share those as soon as he had a chance.

Mr. Asher understood the concept but asked if it was doable right now. If tied to something he didn't know beyond a shadow of doubt what would be built and not in the gray area.

Mr. Unsworth said there were some other changes as things unfolded.

Councilor Stone asked how we arrived at that figure of $5 million, and in the current economy what was to say that the figure would be more for Milwaukie? If we borrowed money for Riverfront Park we would borrow for this also? Why $5 million and where was the guarantee that it would not be more?

Mr. Asher said the $5 million was negotiated. TriMet had a finance consultant responsible for pulling all the pieces together. Over a year ago he had a conversation with the consultant and that consultant suggested $10 million. He told the consultant it was just not there. $5 million represented an amount that was important for the project and it was less than half a percent of the project. Every dollar counted and they were trying to get to Park Avenue and $5 million from Milwaukie was money that didn't need to come from one of the other local partners. It was a large enough amount to make a difference and small enough for Milwaukie to achieve. The IGA was the assurance that it would only be $5 million. When they did the MOU on the umbrella agreement one of the complaints from the community was that none of it was binding. That MOU was a framework that would set up the enforceable agreement through the IGA's. This was an example of that. They would sign the agreement with TriMet and it would seal the City's commitment at $5 million and regardless of what happened in the project from that point forward the City contribution would be fixed. People could come back and ask, but it was not incumbent on the City to agree.

Councilor Stone had questions about the funding components and how they all added up to the grand total project cost. She wanted to know about the $100 million in interest. Where did that come from and what did that mean.

Mr. Unsworth said they secured $250 million from state and $72 million MTIP dollars. Both the State and Metro would bond that. There were bonding costs associated with that. The federal government required that any bonding that went in would accrue those interest dollars and that would be part of the local match. It was included in the overall project cost so any borrowing that had to take place either for cash flow or to provide hard dollars get counted towards to project. They had to count them in on the cost, but they get 60% of that back

from the federal government those earnings netted out to about $100 million. There was a lot of unknowns in the current bond market and a lot of unknowns about when the federal dollars come in so they hoped to sign a full fund grant agreement, which was TriMet's contract with the Federal government but there was no promise they would get $100 million. It depended on how much was allocated each year. TriMet had to make some guesses way up front about dollars about what dollars would be coming in the year 2012-2017. They end up borrowing because the cost of inflation and any delay in the project costs so much it was better to borrow dollars up front to keep the project moving and it turns out to save money in the end. The cost of borrowing is counted in the overall project cost and is reimbursed at 60%.

Councilor Stone questioned the time frame in the IGA on pages 10 and 11 about the full funding grant agreement for the project from FTA approval.

Mr. Unsworth said the hope and intent was to have a fully-funded grant agreement in the summer of 2012.. If the project failed to move forward the City would want to get out of the $5 million commitment, but it was only after 30 days.

Councilor Stone said June 2012 was a tentative date, and the final date was June 2014.

Mr. Asher explained June 2014 was the project deadline. It was allowing for 2 years.

Councilor Stone was curious when the FTA group visited Milwaukie were they told where the terminus would be?

Mr. Unsworth replied it was Park Avenue. The application to the federal government was all the way to Park Avenue. The application was based on that, and they were moving forward with that.

Councilor Loomis said he thought the FTE was a great idea since he knew the City did not have the staff to do that. He was still not convinced the City needed to donate money to the project or where it would come from. There were a lot of issues and he thought the Budget Committee should have some input since the money was coming from the general fund. He thought the Riverfront Park was more important the light rail. He would not guarantee he would support the $5 million, but he would listen.

Mr. Asher asked if there was anything they could do to convince him about the merit of the investment of the contribution.

Councilor Loomis replied as already stated, Mr. Campbell provided that information, but it was a matter of opinion on certain things of what he personally felt an investment would bring. To him investment in the Riverfront Park would bring more economic resources to the City, and the City would be more accepting of doing that. He needed move convincing that light rail would be a big boom for us as far as borrowing the money.

Mr. Asher said he would do a pretty quick run down of what staff believed was the economic argument. Unfortunately, for someone in a Councilor's position they didn't really compare it to other hypothetical stuff because it was hypothetical. They would pull that out and see if they could convince Councilor Loomis.

Councilor Loomis said with the wordsmithing that Councilor Chaimov had said he was concerned that when you throw the money it funneled it to start and then when you get to the end there is no money left.

Councilor Chaimov said that was exactly what he was working on.

Councilor Barnes wanted to let Mr. Asher know that she and Councilor Chaimov will not be at the November 4 meeting.

Mr. Asher thought that maybe they could get it done in 2 weeks.

Mayor Bernard attended the Board of County Commissioners (BCC) work session and they supported funding to Park Avenue and were currently negotiating with TriMet.

Councilor Stone asked about attachment 2 on page 17 items 4 and 5. To support something like that especially in this economic time it was real important to send these kinds of things to the voters. It is a huge project and it was important that people get a chance to vote. They had consistently voted light rail down, and if it truly has changed then let it be known at the ballot box and she could support what he constituents say.

Progress Update on Transportation Code Amendment Project & Downtown Public Area Requirements

Mr. Swanson mentioned that Ms. Mangle was on maternity leave and it was always challenging when a Department Head had to be gone for a while. He wanted to recognize Ms. Shanks and the admirable job she had done as not only interim director but also continuing with her own work.

Mr. Asher said this was Ms. Shanks' project from the beginning and she had received help from engineering and other departments. She had also been processing annexations. She had been doing triple duty and Mr. Asher thanked Ms. Shanks.

Ms. Shanks said Council would be seeing more code amendment projects in the future. Staff was currently working on Title 13 amendments as well as parking lot/parking space standards. She expected to come back to Council either in December or January with actual recommended new code language. The umbrella project was the Transportation Code amendment project and within that was the Public Area Requirements Code section update that Council learned a lot about in the January appeal. She referenced a diagram in attachment 2 of the staff report. When projects came into the City they are evaluated against the current code to determine whether or not they trigger 19.1400, which was the City's main regulatory document for transportation improvement. Currently, whether it was a downtown project or a non-downtown project the trigger related to the permit value. They proposed that trigger was changed to an impacts based trigger. That was more in keeping with constitutional law and only exacting improvements when there were impacts to the transportation system, and the improvements that the City asks for are proportional. By changing to an impacts based trigger they would be cleaning up a mess that they had been dealing with their in the current code. They were proposing that if there were no impacts the project should not trigger any improvements. Currently, the applicability language that they were working on in the new code would leave it somewhat open so if a project potentially had additional trips or added additional square footage it would trigger the code but that wouldn't mean improvements would be required because they would still need to evaluate it for proportionality. They would not be excluding everything. They would be looking at everything that had an impact. If there were impacts there would potentially be improvements. They would be keeping separate street improvement standards for the downtown area. The downtown plan was a different streetscape than

seen in other cross sections for the rest of the City streets. They were not proposing to change that. City streets that are not in the downtown would be subject to the cross sections that would be provided in Chapter 1400. They were going to make them and view them with a little more flexibility. Right now they had a table that basically listed each type of street classification with little range and it didn't always work. They wanted to build in more flexibility with more ranges and they wanted to give engineering more discretion to look at the existing conditions and determine what was necessary for the area and build the cross sections from the ground up as opposed to taking an out of the box approach and applying it. They would propose that construct or FILO be an option in the downtown, which currently it was not. Other than the standards for downtown and non-downtown everything else would be the same including the option to have FILO and that gave a lot more flexibility to pull some money together to build a whole block face instead of portion. Engineering would also be making that determination for the guidelines as to when it was appropriate to request FILO versus build. Currently they were pulling projects into the whole process that potentially did not have impacts and staff struggled with requiring projects to do this. When they felt it is inappropriate they advised applicants that they could opt out because the code did not give staff that authority, so they would need to get variances and exceptions in order to move forward with their projects. That happened in a case that she handled a couple of years ago with a single family major remodel. The house was on an unimproved street so they had to go to planning commission to knock off all of the requirements through the variance adjustment exception process. It used a lot of staff time and resources. It took a lot of money and time from the property. That situation was extreme, but they ran across that kind of situation a lot with single family, small additions and tenant improvements. They had found the way the code currently exists for smaller type projects it placed more of a burden or process when it was unnecessary and inappropriate.

Ms. Shanks moved on to the Public Area Requirements. She knew that Council directed staff to look at changing that section of the code. She reviewed attachment 1 with the existing PAR language. Council had directed staff to look at that section of the code and make it more constitutional, balanced and consistent with the other code sections that pertain to public improvements. They had been wrestling with that in the context of this project, and it fit nicely. They were deleting a lot of language. They were taking away the trigger that pertained to the building permit value. They felt that would go a long way towards being more constitutional. They would be looking at only exacting improvements when a project had impacts. Even before they adopted any new code language they had to apply a proportionality analysis that would apply to downtown and non-downtown projects. With the addition of the proportionality analysis and the deletion of the value based triggers the code would be more constitutional and fair. Only the projects that had impacts would be looked at to potentially get improvements. Regarding consistency they would treat downtown the same and non-downtown with regards to the triggers, processes, and options for the standards that would be the only thing that would remain different. Right now that same project if it was outside of downtown may not trigger the code so that would help level the playing field. Regarding balance currently the burden is placed on the developer or private property owners to shoulder the building of other improvements the City has deemed proportional. Staff as well as Council recognized that there were more standards for downtown and they had more expensive elements. Medallions and ornate street lamps did not exist for any other cross sections other than in the downtown. Staff looked hard at how can

they could balance that and put less of a burden on property owners and developers. Staff talked about reducing the standards and asked themselves if that was the direction they wanted to go. Based on the direction from the downtown plans and staff's understanding from the community's investment in the plan that was created for downtown they found that was not the direction they wanted to go. The other option to balancing the scale would mean that the City would contribute public dollars for improvement in the downtown to create the vision that is detailed in the downtown plan. Right now in that regard she had been having discussions with Mr. Campbell and Mr. Asher about would that could mean. The one thing that was brought forward and that they would be asking Council about was urban renewal. They felt that was the one way they could balance the scales without reducing the standards. She knew that Mr. Campbell would be talking about that at a future work session.

Councilor Barnes would not want to see our standards dropped in any way. They had fought long and hard to get the beautification that was happening in downtown now. It would be detrimental to strip that back. She was glad to hear about urban renewal so it could be debated.

Ms. Shanks clarified if Council was comfortable and wanted to proceed with urban renewal it would not be part of the code section. The code amendments that staff brought to Council would not be a component because it was not a code fix. It was a different fix, and she wanted to make that clear.

Councilor Chaimov thanked Ms. Shanks and appreciated what had been done. He looked forward to the urban renewal discussion.

Councilor Stone was glad to see they were leaning in a new direction in terms of having the code be more impact based. She felt that was more fair. It was frustrating for Council to have appeals come before them and they could not do anything because of the way the code was written. She thought this made a lot more sense. Each project needed to be treated individually and not harp on the value of the project itself. She thought it would be good.

Councilor Loomis felt staff had done a great job and he was happy with it. He thanked Ms. Shanks for her work.

Mayor Bernard commented that they worked really hard on the downtown plan and the standards were very important at that time and they continued to be. In the neighborhoods sometimes there were issues with preserving trees, and he hoped that would be addressed with similar flexibility.

Ms. Shanks said they were very aware of that issue.

Mr. Asher said most of the applications that came in were outside of the downtown. Very few come in for the downtown. Ms. Mangle told him a couple of years ago that the entire code needed to be worked on, but section 1400 caused more grief for more people who were doing small projects.

Mayor Bernard adjourned the work session at 6:40 p.m.

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Pat DuVal, City Recorder

CITY OF MILWAUKIE
CITY COUNCIL MEETING
December 2, 2008

CALL TO ORDER

Mayor Bernard called the 2043rd meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Council President Joe Loomis and Councilors Deborah Barnes, Greg Chaimov, and Susan Stone.

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Resource and Economic Development Specialist Alex Campbell, Engineering Director Gary Parkin, and Operations Director Paul Shirey

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

2008 Christmas Ship Proclamation

Mr. Swanson read a proclamation naming December 10 through December 21, 2008 as *Christmas Ships Parade Weeks*. He noted on December 12 was the Milwaukie Solstice Celebration. Neal and Linda Penland were present from the Christmas Ship organization and accepted a check in the amount of $500 from Celebrate Milwaukie, Inc.

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Stone to adopt the consent agenda.

A. City Council Work Session Minutes, September 16, 2008
B. City Council Regular Session Minutes, November 4, 2008

Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Bernard voting 'aye.' [5:0]

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

City Initiated Street Right-of-Way Vacation of Kellogg Creek Drive in North Clackamas Park

Mayor Bernard called the public hearing to order at 7:06 p.m. The purpose of the hearing was to consider an ordinance vacating a portion of Kellogg Creek Drive in North Clackamas Park.

Mr. Parkin provided the staff report and explained the right-of-way dedication process governed by Oregon Revised Statute (ORS) 271.130. He discussed the Milwaukie Center sign proposal and stated the right-of-way would be dedicated for public use.

Mayor Bernard called for public testimony.

Lisa Batey, Milwaukie, spoke as an individual and not on behalf of the Planning Commission. How high the sign would be? She understood it could be as high as 35-feet. Say it was in the same reasonable area as the Milwaukie High School sign which was 25-feet. A 25-foot sign that was 25- or 30-feet away from the roadway, the amount of looking up was far less than the 25-foot sign that was right next to the roadway. All of those safety issues to her mind were not fully vetted with the Milwaukie High School sign, and here we were about to go down this road again. We have not had studies about the safety of pole signs. We have not had studies about the safety of electronic reader board signs. We have not had studies about the impact this could have on wildlife. There was about half of the year that the ballfields were not used that much. Is there any disruption to the wildlife? She thought the community needed to have an opportunity to come forward. Maybe the decision would be the same after that happened. To her all of these points came down to one question. Why? Why were we doing this? The only reason being given for vacating the street at this point was to let the Parks District put up a sign without being in compliance with the sign code. The parking strip could have a sign without vacating the street but probably could not have a readerboard sign because of the zoning. It might even be possible for it to have a readerboard sign if it went through the process. She thought this was premature. The decision might be the same down the line, but she did not think it should be taken without giving the neighbors and community a chance to weigh in.

Councilor Chaimov asked assuming the right-of-way was vacated who ultimately decided whether a sign went up and for what the sign would be? Was it the Board of County Commissioners?

Mr. Swanson started this process at the request of the Parks District. If the right-of-way were vacated then the sign would be permitted in that area. The Parks District, of which the Board of County Commissioners sits as the governing body, would be responsible for determining the nature of the sign placed there.

Mr. Parkin added a sign permit to the building department was required. There were structural issues, orientation, and things of that nature. That was another process in which the City would be involved.

Councilor Stone had a question about the property owners in the surrounding area and how many would be possibly affected by the electronic readerboard that was up in the air. She thought it was a good idea to notify them if something would impact them.

Mr. Parkin explained the notification followed Oregon Revised Statutes (ORS) regarding street vacations. The part about the sign did not generate any kind of notification.

Councilor Stone understood the reason for the street vacation was so the sign could be allowed. Were the property owners aware of that being the reason for the street vacation?

Mr. Parkin responded the site was posted and there was a notice in the newspaper, but they were not notified specifically.

Mr. Monahan noted the issue Councilor Stone might be concerned about was if the sign would be visible to the adjoining properties. In order to be exempt and to be permitted as an exempt sign under the building permit, it had to comply with Title 14 as was noted in the staff report. To be exempt it must not be oriented toward or intended to be legible from a right-of-way or other property. The height and the visibility of the sign would be controlled by that provision. Otherwise, it would not be an exempt sign and would not be permitted.

Mayor Bernard observed this sign was a long distance from the road and on the other side of the gate within the Park. Who would be the audience except people coming into the Park?

Mr. Parkin replied it would be oriented toward the Milwaukie Center not toward the remaining right-of-way outside the gate.

Mayor Bernard did not see how that would affect the neighbors.

Councilor Chaimov asked if there was any reason not to vacate the right-of-way. Putting aside the sign issue, did the City need the right-of-way?

Mr. Parkin said the part under the ballfied was for clarity. The remaining part at the gate – there would have to be an easement if vacated or make the utilities in that area get an easement. It was from a public agency, so it was not a big hassle as it might normally be. If the City did not vacate that portion, it would not have to worry about getting an easement. The sign permit was a matter of going to the building department and following the provisions. It could not be oriented toward private property.

Mr. Swanson was not sure the Council could add conditions like height to a right-of-way vacation. The new sign would replace an existing sign that was broken. He believed it was used to announce activities at the Milwaukie Center.

Councilor Loomis would abstain from voting from the standpoint he was an employee of the Parks District, and one of his main functions was to oversee the ballfield complex. The money raised for the sign was from the Friends of the Milwaukie Center. The sign had always been used to advertise events at the Center such as the quilt show and bake sale. The volunteers from the Milwaukie Center would change the sign, so there was a safety issue as some of the folks were older. As far as notification of neighbors, the Stewardship Committee did hold its meeting with those signs posted. He guaranteed the others that the Shooks who were very active in the neighborhood had seen those signs. Councilor Loomis had not spoken with them but could guarantee they had seen the signs. If there were an issue the Council would know about it. You cannot see the sign except when you are coming out from the Park itself. You cannot see the roadway. You cannot see it from the Church. You cannot see it from assisted living center. It was replacing an existing sign that was damaged during the construction of the ballfields. The only difference was that it was a readerboard. His understanding was the light trespass would be less than that from the existing previous sign if that helped the decision-making. He would abstain not that he had a conflict of interest or would benefit from it but he did oversee the ballpark. He guessed it would be about 20-feet. A truck hit it, so it was the height of a semi.

Mayor Bernard closed the public testimony portion of the hearing at 7:27 p.m.

Councilor Barnes appreciated Ms. Batey's comments and the concerns over public input. She knew the Shooks, and if they were concerned they would be here tonight with groups of people. She thought the neighborhood had been told or at least had an opportunity to know what was going on. From what she could see from this sign she did not think it would harm anything in the area and would actually be helpful for the Center. She was in favor of moving forward.

Councilor Stone appreciated Ms. Batey's comments as well because it was definitely something to think about and make sure people were aware of. She also appreciated Councilor Loomis' comments which helped her to go forward with the decision. She was going to support it because she felt there did not seem to be any properties affected by the placement of this sign. She knew those living in the area were very active, and they would come forward if there was an issue. She would support it.

Councilor Chaimov did not see this as an issue about the sign. It was whether the City needed the right-of-way or not. Given the reconfiguration of the Park, the City did not need it. Ms. Batey brought up good points about needing public participation and notice. He was hopeful that would take place if and when the issue of what sign should be there came up for the Parks District. He would support the vacation of the right-of-way.

Councilor Loomis also agreed with Ms. Batey that it would be a good procedure to send out notice to neighbors whether it was required or not. He did not believe the Parks District was aware this was on the agenda tonight.

Mayor Bernard observed the notification requirements were not in the code and would be an expense the City would have had to incur.

Councilor Loomis said the Stewardship Committee would have been a good group to notify. He assumed it was not notified.

It was moved by Councilor Barnes and seconded by Councilor Stone for the first and second readings by title only and adoption of the ordinance initiating the Right-of-Way Vacation of Kellogg Creek Drive in North Clackamas Park. Motion passed with the following vote: Councilors Barnes, Chaimov, and Stone and Mayor Bernard voting 'aye' and Councilor Loomis abstaining. [4:0:1]

Mr. Swanson read the ordinance for the first time.

Mayor Bernard announced since the vote was not unanimous the second reading of the ordinance would be December 16, 2008.

OTHER BUSINESS

A. Funding and Engineering Service Intergovernmental Agreements with TriMet for the Portland-Milwaukie Light Rail Project – Resolution

Mr. Swanson provided the staff report. This was one resolution requesting two actions. One of the agreements on pages 42 – 49 of the Council packet was an intergovernmental agreement between TriMet and the City of Milwaukie for engineering services for the Portland – Milwaukie Light Rail Project. The second on page 30 – 34 was an intergovernmental funding agreement between TriMet and the City of Milwaukie for the South Corridor Phase 2 Portland – Milwaukie Light Rail Project.

He addressed the funding agreement first. It provided for the $5 million City contribution toward the project. He stressed several things. The purpose of this agreement was to start the Finance Director and himself to seriously begin a search and development of a plan to come up with the contribution. Secondly it was needed by TriMet at this point because it would be developing the financial plan that will be used in various submittals to the federal government. This agreement cannot and does not appropriate money. At such time as the City was called upon to come up with $5 million, it would have to go through the normal City budget process that would require the Budget Committee and eventually an appropriation by the City Council. The rough date right now was 2012. He and the Finance Director had talked about this. At this point in time the City was not heavily in debt. It was good because it gave the City the ability to do some things. It was not so good because it demonstrated the City had not invested a lot in terms of the City. What we were looking at coming back with was two major projects. One would be the light rail project, and the second would be sufficient funds to complete Riverfront Park. One of the reasons for doing that was that as Milwaukie dealt with the region $5 million out of $1.4 billion was a drop in the bucket. $5 million meant a lot to Milwaukie because he did not believe the City had ever spent $5 million on anything. Mr. Swanson did not want to create a situation where the City agreed at this point in time to

$5 million to only find itself being asked for additional money in the future. He would rather establish a broader financial plan that looked at both completion of the light rail project as well as completion of our own local project. Can we do that project with grants? We could but not as fast. The City had been 35 years waiting for the decision. The Riverfront Board made a decision, and now we were two years down the road. He thought it would be great to be able to put that project together and finish it. We would be looking at doing something out of the general fund. In other words borrowing money and paying it back with an annual appropriation from the general fund thus avoiding an increase in taxes. He knew people were very sensitive to that. The City was paying off the water fund for purchase of the property that Riverfront Park was destined for. That would be paid off in a couple of years. That was about $200,000. He was confident he could come up with a proposal that would handle both of those projects within the general fund. Again, this was not nor can it be an appropriation of money. This was merely a tool that would start him and the Finance Director on the search. It would also provide direction to TriMet in terms of developing the financial scenario it would have to present to the federal government.

Mr. Swanson noted both agreements were addressed in the umbrella agreement approved in the summer. As the City went through the process of engineering, it would need, as it did not currently have, a staff person who could be freed up to do the work of reviewing the proposals and the plans. As part of the umbrella agreement the City asked for funds from TriMet to hire an engineer who would be a City employee who would advise the City and focus on its interests during preliminary engineering. The City did not have sufficient staff to devote to that. A bigger entity like Portland might, but Milwaukie simply did not. That was anticipated in the umbrella agreement. There was a resolution adopting both with sufficient information in the title to form a motion. Mr. Unsworth was present to answer additional questions.

Mayor Bernard called for public comment.

Ed Zumwalt, Milwaukie, said several years ago, about ’97 or ’98, the City leased the old Safeway property for $90,000 a year for five years or $450,000 holding it for TriMet to use as a transit center. This was where North Main Village was now. He did not know if that folded into the North Main Village project or what. Nevertheless, the City spent the $450,000.

Mr. Swanson clarified the City paid lease payments totaling $300,000 to $450,000 without any return.

Mr. Zumwalt continued. In 2000 or 2001 TriMet and Metro and reps and almost every politician in the area came to Milwaukie on a cold, windy day and on the Library steps presented Milwaukie with a billboard-style check for $5 million to build our transit center. What a photo op. Now the question: what happened to that $5 million? He discussed it several times with Mayor Bernard. The original thought was that it went to the Town Center for the I-205 line. More realistically, possibly $2.1 million to buy Southgate. Then he saw a figure where the money spent on razing the theater and other activities brought it up to about $3.7 million. Whatever. They had already been given $5 million of our transit center money plus the $450,000 for the Safeway. Enough. In first place this was our domain, our dominion, the City of Milwaukie. It was really our right-of-way, our air, and our space. They should pay us millions to bring that out-of-scale beast into town. What were we thinking? Pay them to ravage our City? To bring in crime and congestion? To destroy livability and take away our vision of our City instead of Metro’s? Almost everything in that staff report about light rail performance has been refuted by experts for years. It was still the old light rail company line. In 1998 during the North-South rail election an engineering and economic paper was presented and verified. Twenty-six light rail lines were started in the US and Europe, and 21 were

operating far below standards and expectations. The staff report stated that some citizens were trying to hold the town back and preventing us from attaining our larger vision. Whose vision? Metro's? Mr. Zumwalt knew of no one in the City who did not want a beautiful, viable, vibrant city, but just not on the scale Metro and Portland wanted. They were doing their best to turn our old downtown into the north county transit center, bus and train layover, switching center, and park-and-ride. Downtown Milwaukie would be nothing but light rail and TriMet. Frankly, he was a little fed up with some staff members no matter what nice people they were and how well-intentioned they might be or how much more knowledgeable and better educated than he of telling us how much better the City would be if we just did it their way. That was what the three elections were about. Telling Metro, and TriMet, and the City Council and staff. We do not want to do it their way. Their way would be disastrous for us as a city. Our small town feel and ambiance would be gone. It was interesting to note that when the City said 'yes' to MAX in July, even though Council took issue with the possible terminus at Lake Road, TriMet and City staff said the endorsement gave the project the momentum to push ahead. The TriMet rep said the vote absolutely gave Metro and TriMet the momentum to go out for funding. If you were having negotiations with a neighbor over a fence line and he was bigger and known to be a little bit of a bully, it was not too bright to invite him into the house to finish talking. The furniture might get broke. That was what you did. Invited them in without any hard and fast rules, and we were all going to suffer for it in the long run. Tom Walsh used to be the director of TriMet and before that was head of Walsh Construction a large local developer involved in numerous fat TriMet projects. After the 1997 recall a reporter asked Mr. Walsh how that would affect light rail to Milwaukie in 1998. His answer, "Don't worry. I have it under control. Milwaukie was nothing but a blip on our radar screen." Famous last words. Take a stand for the citizens, the schools, and livability. We never hear livability mentioned any more. Quit telling everybody including the press that everyone in Milwaukie wanted light rail. Better yet take it to the ballot. Give the citizens a chance to say something about our City's future. Prove them wrong. Show them we are not just a blip on their screen.

Mr. Swanson said far be it from him to disagree with Mr. Zumwalt. The check presented by Senator Smith was in his office and in the amount of $1.5 million and not $5 million. The $300,000 to $450,000 were actually payments to Safeway Corporation for rent which the City did not recoup. The lease/purchase agreement did not provide for any credit back. It did not go to TriMet; it went to Safeway Corporation. It was wasted. Part of that was that we did not follow up on the transit center. It was a deal constructed between Safeway and the City, so the City cannot get the money back. It was not a good deal. That money by the time North Main Village was started was lost because it was paid to Safeway in lease payments, and we did not provide for any payback.

Councilor Stone thought the intent of leasing the Safeway building for almost $100,000 a year for five years was that TriMet was going to use that site for their transit center and possible park-and-ride.

Mr. Swanson replied the assumption was that it would be an immediate turnaround and that we were going to lease the Safeway building with an option to purchase and that there would be an instantaneous turnaround. He thought that was, knowing how we all work and that it takes time to construct agreements, he did not think in negotiating the agreement with Safeway that the City was very reasonable in assuming we would enter into the agreement, purchase it, and them immediately turn it around to TriMet. Milwaukie bore some of the burden of that bad decision.

Councilor Stone wanted clarification on if the agreement was just between Safeway and the City of Milwaukie. Was TriMet part of it in terms of a legal agreement?

Mr. Swanson replied the agreement was just between the City and Safeway Corporation. It was basically purchase of the building and property from Safeway Corporation or its holding company. It did not include TriMet as a party.

Councilor Stone understood it would give the City of Milwaukie credit for money already invested in a project TriMet was spearheading.

Mr. Swanson responded the agreement did not speak to that. He would have to research to see if there was even an agreement with TriMet at the time. He thought it was more of a discussion.

Mayor Bernard added although he was not here at the time he had always heard there was a taxidermist and a coffin shop that wanted to buy Safeway. The purpose was to buy it before someone else did to do something like that. He felt a taxidermist and coffin shop was not something we wanted in the City of Milwaukie. The purpose was to hold it before someone did something like that. Also for clarification, the check for $1.5 million was not deposited in the bank. Milwaukie did not actually receive the check, and the money did not go through the City's coffers. In appropriations as the project moved forward the money was contributed to the project. The City did not ever actually receive a check for $1.5 million. Some of the money was used to purchase the Southgate property, but that was a decision by TriMet using its money. He was there to receive the check on that cold day. Mr. Zumwalt was also there suggesting that the site was too small. It was decided the site was too small and was why they moved forward. The City decided at that time that the contract with Safeway was terrible. Mr. Swanson and the Budget Committee purchased it for a very reasonable price. The sad part was we were not here to negotiate that contract in the first place. It was indeed a lousy contract but was great to be able to purchase the property. A number of organizations did use it for a year or two with grant money and helped pay some of those costs.

Craig Flynn, Portland, was glad Milwaukie could throw away $.5 million on the hope that a taxidermy or coffin shop did not move in there. He would be concerned if a garage wanted to move next door to him. If that happened maybe the City could step in to make sure it did not happen next door to him. He would soon live in Milwaukie. He was working on his house now. He and his son traded houses. His son bought his house, so he was officially a renter right now. His son was officially a renter, and they were living in each other's houses right now. The son allowed him to work on his house because he had a different lifestyle since he was only in his 20's. Officially Mr. Flynn did not live in Milwaukie, but he would soon. He was glad the City was only looking for the money for the Milwaukie light rail. He was surprised they had come this far because he had gone to a lot of meetings in the last year or so. Every time he had gone to the meetings he was told, "we are not going to build – we were just talking about the possibilities of what we might do on the future." Now it seemed like we had crossed from what we might do with light rail or not, and we were going to move and build light rail despite, as Mr. Zumwalt said, we had voted against it numerous times. He kept hearing about the polls and how the citizens of Milwaukie now wanted light rail. The real poll was when people went to the ballot. That was why Mayor Bernard was going to be a County Commissioner now. That was the real poll. The real poll was not the one you took before being elected to the job. The real poll was when the voters got out and voted because sometimes those polls before you are elected or before a measure was passed were not the same as after the people really had to make a decision about what they really wanted. Before taking the big step and appropriating money or looking for a way to fund it, we really should have a real poll which was another vote of the people if Council really thought the citizens of Milwaukie wanted this. He was interested that Mr. Swanson was talking about the waterfront. If you had $5 million to throw at a light rail system that would not relieve congestion, would not improve transit, would not really improve anything other than spending $1 billion and building a train so that

Portland can have more access of Milwaukie people coming through Milwaukie to get to Portland. They do call it the Portland-Milwaukie Light Rail alignment. It is not the Milwaukie line. It is the Portland-Milwaukie line. Milwaukie's head planner was pushing it. Mr. Asher – a Portland planner. We have a Portland planner pushing the Portland-Milwaukie line so that we can have not real benefit. Our congestion will not be less. It will not be more livable. We have a park the City was talking about fixing for years. Where are you going to get the money for these projects? He was glad Milwaukie was not in debt. That was a good thing because the economy was hurting right now. For us to even to go Washington, DC and say we want money for a light rail line that was really not going to relieve congestion, improve transit, or do anything other than spend $1 billion he was surprised we were even considering that. He had gone to the meetings over and over and asked what benefit we would get out of it. Would it reduce congestion? The only thing he was told was that in the future congestion will not be as bad as it would be if we did not build it. If it did not reduce congestion from what we had now then it did not make any sense to build something that will do nothing. Until we have some real concrete reasons and examples of what it really will do, Mr. Flynn thought we were wasting our time even talking about it. As he had told Council numerous times, he lived in the Gateway area. They had light rail in the Gateway area. One of the first lines. They had express buses which will be lost here when light rail is built. They had express buses that would get them into downtown in about 10 – 12 minutes. Now you take the bus to light rail and take all the stops all the way in. That takes 35-minutes. That was the kind of progress Milwaukie would get for its transit system. It would slow it down. Most people were not going to downtown Portland. Most of the Council did not go to downtown Portland every day. If you only used transit on an evening night to the movies, not during rush hour, you were not going to relieve congestion. If you do not ride it every day at rush hour, it is not going to help our condition out here in any way. Now that he was working out here on his house he could say Milwaukie had some serious congestion problems that would only get worse. This will not help it at all.

Mr. Swanson commented we got personal which we have done a number of times in his time here he was not going to let it get by. Mr. Asher was not a planner but in architecture. He did live in Portland, but it was possible for one to live one place and to fiercely defend the place in which he worked which he believed Mr. Asher did do. To characterize him as "a Portland Planner who was pushing a Portland project" was incorrect and personal. It was not something Mr. Swanson would let go by.

Mr. Flynn made comments from the audience which were inaudible.

Councilor Loomis supported the FTE but not the $5 million. His opinion had not changed on that, but he was willing to listen to what other folks thought before he said his reasons why.

Councilor Barnes had questions for Mr. Unsworth. This was the same question she asked the economic development person listed in the staff report. We were in a deep economic situation right now, and we really did not know how things were going to go. She believed with the new President the emphasis would be infrastructure because that was what he said. With new jobs we were going to work on all forms of infrastructure. If you had a crystal ball she asked Mr. Unsworth what he saw with this project and its costs. Were we out of the ballpark completely because of the way things had changed in terms of costs? Where were we?

Mr. Unsworth said today and tomorrow he had the opportunity to spend time in a windowless meeting room with what they called the project management oversight consultant. These were experts brought in from all over the country who were looking at the schedule, scope, and budget since the application was submitted in July. They

were going through a risk assessment right now and comparing this project with others across the country and how long it would take and if all the costs and scope were included. That was in the process of being done and should be ready by December with hopefully permission to get into preliminary engineering in January. The crystal ball was tough. We were seeing that construction prices were going down. The prices were based on what was seen over the past 5 or 6 years. There had been a spike on construction costs. Certainly in the past year there was $4.50 gasoline, and it also hit diesel. We saw a big spike in costs, but they could not redo their costs. When we go out and bid the contract the issue was where the economy would be at that point. No one had foreseen the recent economic downturn. These projects took many years to plan and construct. Crystal ball – things are looking fine if we can get to construction. The hard part was the local match, so we would be looking under rocks trying to find dollars. That would be a difficult thing in this economy. We do know the next administration and the current administration see that with infrastructure there was not only a bonus of building things but also the jobs that come to the economies.

Councilor Barnes said with an administration that has said clearly that infrastructure was a major issue for him she asked Mr. Unsworth if the federal government might look at this differently and want to put in a little more money as this was a top priority.

Mr. Unsworth replied the project was asking for 60% federal funding. Many projects across the country because they have sales tax, including Seattle which just raised $16 billion for its project in the last election, were looking at 40% federal and 60% local. They were going to continue pushing the curve and ask for the money on the federal side. He thought there was a recognition from the federal government that infrastructure was really smart. TriMet had done a good job of putting projects out there that worked for the federal partners. They would not spend that much time and effort looking at a project if they were not serious about it.

Councilor Barnes' last question had to do with the agreement and TriMet obligations. She asked about TriMet's agreeing to apply Milwaukie's $5 million to the mitigation of effects to Milwaukie residents and schools as identified in the Record of Decision.

Mr. Unsworth explained after the environmental impact statement (EIS) was finished there was a document called the Record of Decision that identified things to which mitigation was committed. If this was an impact, then this was what we were committing to mitigation for. There may be some places where there were noise impacts. There were traffic issues they might look at mitigation for. The Waldorf School had asked for a wall between the track and the School. Things like that. Things like mitigation to natural resources would be identified. Under the umbrella agreement they had talked about funding and having the City of Milwaukie apply for what they called supplemental safety measures for train horn noise waivers and issues like that. They would want to use that $5 million on those issues first.

Councilor Stone had a follow up question on the $5 million. Something just did not seem right about having the project come through Milwaukie and having the citizens bear the brunt of mitigating the negative impacts it would bring to this City. That seemed like it should be borne by TriMet. She thought very strongly this was a Portland project. Milwaukie was just at its terminus. It was a Portland project and always had been a Portland project and was driven by Portland. She thought Portland needed to pay for it. She did not think it was right that we should have to figure out how to come up with a significant amount of money like $5 million just so that we can absorb the negative impacts of the Portland train. It was not right.

Mr. Unsworth appreciated that $5 million was a lot of money for the City of Milwaukie. They were also asking for money from the City of Portland. TriMet would put money into this. There were also some regional funds going into it. The cost of going through

downtown from the Springwater Trail to Park Avenue was significantly more than $5 million in local match that was being participated in by others outside the City of Milwaukie. In the umbrella language there was recognition that there were issues people had raised about mitigation, so let's make sure those were addressed. There was a thought of linking what was in that umbrella agreement to the funding agreement. It was trying to make that linkage, and maybe it was not done as eloquently as it should have been.

Mr. Swanson also thought the linkage of the $5 million to mitigation within the City was at Milwaukie's request. It was probably done to indicate the $5 million was going to be spent locally for issues of importance to the City. He also pointed out 6% of the track was in Milwaukie so 6% of $1.4 billion was significantly more than the $5 million Milwaukie agreed to pay.

Mayor Bernard thought it was $70 million being spent in Milwaukie.

Mr. Swanson said the point was that $5 million was very little.

Councilor Stone commented on the IGA attachment 3 on page 44 of the staff report in the fourth paragraph: Participate with Milwaukie staff in providing the Milwaukie community appropriate opportunities to comment and influence the design of Milwaukie's station and park-and-ride (if needed). Councilor Stone thought we had agreed we were not going to have a park-and-ride in downtown Milwaukie. She thought the park-and-ride was going to be on Park Avenue. She did not want this language in there that gave some wiggle room to putting a park-and-ride at the south end of our downtown. Milwaukie was not supposed to be a train depot and a park-and-ride. It was not appropriate. She believed that was what all the Council agreed on. That they wanted the terminus to be at Park. This led her to believe that putting that language in there could allow park-and-ride to be built in downtown Milwaukie. It should say "…and influence the design of Milwaukie's station and park-and-ride at Park Avenue." To be very clear about it.

Mr. Monahan said the question was if that was in fact a limitation that the City Council made? If the Council made that limitation in an earlier agreement this agreement should reflect what that was. Maybe there was some historical context that Mr. Unsworth could explain.

Mr. Unsworth thought the intent was that TriMet would provide services and a person who could represent the City of Milwaukie's issues. That was what it was fundamentally trying to do. Secondly, in July of this year, he asked for the City Council's support of the locally preferred alternative. The Environmental Impact Statement (EIS) about which TriMet was very clear will study two things: an alignment all the way to Park Avenue and an alignment that would study a minimal operable segment to Lake Road. The submittal to the federal government for funding was for a project all the way to Park Avenue. That was TriMet's focus. The purpose of having an EIS with both those options was in case TriMet did not find all the resources to get to Park Avenue to have a fall back solution for the EIS. It was for the purpose of the EIS. As they were looking at designs the focus was on going to Park Avenue. The project was focused on Park Avenue. The fallback option for the EIS was to look at Lake Road. All this was saying was this person was to help with designs as the project moved through the process.

Mr. Swanson felt it was made abundantly clear in July that the Council was adamant about a Park Avenue terminus as opposed to a Lake Road terminus. Everybody associated with the project from the staff level to the policy makers – everyone was aware of the City of Milwaukie's position in terms of the terminus of this project. They would have a tough time if the terminus ended up being at Lake, and they would have a very difficult time with the City of Milwaukie.

Councilor Stone thought in any agreement it needed to be stated very clearly where this project needed to go and where it did not need to go. She did not agree, and she did not believe the Council was in agreement that a fallback Plan B should not be the southern portion of Milwaukie. That was not at all what the Council asked for. It needed to be very clearly spelled out in these agreements that this was the project, and we needed a fall back clause, if you will, to terminate this agreement if, indeed, we did not get funding to go up to Park Avenue. It was inappropriate to put the train in Milwaukie to begin with because of its size. It was enormous let alone to make a terminus at the end of our City. We do not have that much square footage. We cannot afford to have a train depot at the end of our City.

Councilor Barnes understood Councilor Stone's comments. She asked if that could be written into the IGA.

Mr. Monahan replied that was not the agreement before Council. The agreement under consideration tonight had to do with engineering services. The specific one of which Councilor Stone spoke. The fourth item on page 44 was just one of a number of identified tasks that the agreement said the engineer would perform certain duties that may include but not be limited to. That was one of the various tasks identified. It might be helpful to clarify that the City Council wanted to make sure if there was a park-and-ride that the person was commenting on or providing some assistance in getting community comment that it was only a park-and-ride at Park Avenue. That clarification could be made without changing the intent of the agreement. It made a stronger statement of where the City wanted its employee to be devoting his or her time.

Councilor Stone for one liked clarity when she signed on the dotted line. She wanted to know what she was signing. She wanted to know how much money it was going to cost her and where that money was going to be spent. What it really meant. She did not feel very comfortable with an agreement that sort of left that to chance at all. That was not the intention of the City. We did not want to see a terminus happen in our town. It needed to be a park. She wanted it clearly spelled out in the agreement. She did not think until we knew that for sure that we should be going forward with any of this in terms of hiring an FTE and going forward unless we had absolute clear knowledge about the route and this was where it was going to be or it was not going to be at all.

Mayor Bernard asked if she meant she would sign the agreement should we agree it ended at Park when she always said she disagreed with having light rail because it was too big. Would she sign it if we made that agreement?

Mr. Swanson said Councilor Chaimov heard Councilor Stone's objection and may have language that would satisfy. It might be good to listen to that.

Councilor Chaimov said his proposal at the appropriate time would be to amend the proposed resolution by adding after the word "project" in the second of the "resolved" clauses on page 51 that excluded the words "and park-and-ride (if needed)"g from the second and fourth paragraphs of the third page of the proposed intergovernmental agreement for engineering services.

Mr. Swanson suggested on page 44 "participate with Milwaukie staff in providing the Milwaukie community appropriate opportunities to comment and influence the design of Milwaukie's station and a park-and-ride at Park Avenue."

Councilor Chaimov accepted the suggestion.

Councilor Stone said there were actually two paragraphs on page 44 that had "(if needed)" when talking about the park-and-ride, so both of them should be changed.

Mayor Bernard commented this was one half of one percent investment. He believed $70 million would be spent in Milwaukie. The purpose of adding the mitigation to

Milwaukie was to satisfy some on Council who had concerns that the money be spent in Milwaukie. TriMet had been very successful. We stated clearly that we would not be comfortable with the project ending on Lake Road. We would make every effort to bring it to Park Avenue. He believed that the County would consider $30 - $40 million to support the project coming to Park Avenue. He knew that was on the agenda for tomorrow. He had been attending all of the daily County Commissioner business meetings to get caught up. It was the same argument. One of the purposes of getting it to Park was to look at a bigger project, McLoughlin Boulevard redevelopment. He heard constantly there were a lot of businesses to save. Years ago we started a project looking at McLoughlin Boulevard for bus stops, and people were so worried about the businesses going away. He asked people to drive down McLoughlin Boulevard today and take a look at what exists. We have never voted against light rail. We have never had a vote against light rail. He suggested there were three votes in support of light rail. He was elected three times and always supported light rail. Twice no one ran against him. One time he ran against two councilors; one opposed light rail, and they still voted for him overwhelmingly. He also was elected County Commissioner last month supposedly by the people who hated him for brining light rail to Park Avenue. They overwhelmingly voted for him. Also the same people who hated him for talking about a sewer pipeline, but they overwhelmingly supported him. You hear a small group of people who come to this Council meeting. There were three tonight even though we were talking about $5 million. The biggest investment Milwaukie has ever made. Three people came to oppose the $5 million. Milwaukie had 22,000 residents. This was on the agenda, on the website, and on television right now. More importantly this was about jobs. This was about an economy that was failing. The present administration has driven us into bankruptcy. We need to get people back to work. $1.4 billion will put people back to work. He wished he had the statistics but he believed it was a $3 return on every $1 investment. That was important. These were dollars we paid in taxes that went to Washington, DC and would go somewhere else if they did not come here. That meant jobs would be created somewhere else and not here because people opposed it. This was an important project for the City of Milwaukie. This was an important project for the region. Mayor Bernard's vision was that someday people would ride light rail from Portland to Milwaukie to go to jobs. He thought this vision would happen. This was a bedroom community that was growing in job opportunities. There was a 25% increase in jobs in the 8 years while he had been Mayor in jobs in the City of Milwaukie, and he anticipated it would continue. He expected it to continue to grow particularly with the change in warehousing and job opportunities. He knew he would probably not convince Councilor Loomis that $5 million was a good investment. Some bad investments were made in the past like paying $450,000 to lease a building that should have been purchased the day it went up for sale. The Kellogg Treatment Plant where we let people run over us for a lot of years, and we have an opportunity not so far in the future to change. We need to grab hold, move forward, and not be afraid of the future. The big boys at Metro and TriMet have not been big boys. They sit down with us and listen to us and heard us. Mayor Bernard had told them many times at the regional table, at which one of the Council will sit, that the City of Milwaukie supported the project to Park Avenue and would have a very tough time supporting a project any less than that. He would vote in favor of this with the amendments.

Councilor Loomis appreciated Councilor Chaimov's work on making sure the money in this resolution stayed in Milwaukie. Philosophically he did not think Milwaukie should have to pay $5 million. It was regional transportation. It was their job, and they should pay. That was his own personal opinion. He appreciated staff's attachment, but it was all presumptions and opinions. It was like when they were talking about it earlier. A lot of the testimony was that gas was $5 a gallon, and we have to build it now. He did not base his opinion on the gas prices because that was your opinion. That was people's

opinion. We really do not know. He tried to base his opinions on the facts and the benefits to Milwaukie. If he saw some real benefit to Milwaukie as far as McLoughlin Boulevard. He wanted McLoughlin Boulevard studied because in that scenario if it was passed and approved that we would get parking we always needed in the City of Milwaukie for years. We would get a pedestrian bridge to cross over McLoughlin Boulevard which we had been trying to get for 30 years. Then he could say that was a fact that those were benefits the citizens of Milwaukie had always wanted. He could see chipping in on that. He did not see where we would allow a private business or even another public entity come into our town and if their project did impose a negative impact on it that they were not required to pay for that mitigation. He did appreciate our money staying here and doing that. The project will start in Portland and finish here. If they run out of money you know where they will try to stop. In looking in the staff report he noticed the only cities in the past that had contributed were Portland because it was directed to keep the engine moving, keeping people going to Portland because it was very important not just to the region but also the state. It was important to keep it strong. They did need to invest heavily in it. He did not see Gresham in the report. He did not see Hillsboro. He did not see Beaverton. He did see counties. He did not think any of the counties took out loans to finance their portion. They were probably out of urban renewal areas. Clackamas County's was out of urban renewal areas. Specifically probably the Town Center area. A portion we had always been interested in annexing but could not afford to. There was a cost to that money not being there. Cost to schools. To him, and he would think harder about if he thought Milwaukie's $5 million would stop the project. It will not stop the project. In talking with some of the Councilors it was a show of support. The support the City showed was voting in favor of what was asked. There were times we had voted against but not the alignment. We supported the staff on that, and we supported the project. Whether it relieved congestion or not his feeling was that we will be happy that we have it 20 years from now with the aging society of the majority of people. If he had his druthers he would invest in infrastructure himself, but that was not the way this region had voted and supported. He really thought the majority of people in Milwaukie would support light rail as long as they did not have to write a check. If we were borrowing $5 million, they were writing a check. In his heart he did not think that the majority of people in Milwaukie would support us doing that. The other problem he had was that there was no financial plan out there to tell us how we were going to borrow it and how we were going to pay it back. That was a lot of the problem we had in the country today. Buy this house, interest only, five years, variable rate, take care of it then. Five years later who knows where we will be. It was a big chunk of money for Milwaukie, and he did not see any added benefit besides what light rail was supposed to do which he saw as moving people back and forth. All the other stuff was gravy. If it happened, he did not think it was going to turn our town into a slum. He did not think it was going to turn into Nirvana. It was somewhere in between. There was good and bad in all of it. He had to see some real factual impacts that he believed were positive for Milwaukie that were not just opinion or presumed. He could not support it.

Councilor Barnes noted Councilor Loomis brought up a lot of good points. The one thing that popped into her mind was that the North Clackamas School District was facing a huge economic situation right now. Budgets were going to be cut right now, and next year would probably be worse. She thought of the hundreds of school-age children who every year went on field trips. Those buses would not be available. This was not just a short term thing. For her light rail would allow a lot of kids an opportunity to venture outside of Milwaukie. A lot of kids in our community have not been able to do that for various reasons. She met some of those kids. For them to get on a bus or in our case light rail they will have a chance to go to OMSI, because TriMet said they would make arrangements for teachers in the District to provide field trips. For her that

was a benefit not only as a teacher but a mother and grandmother that someday our kids in Milwaukie will have a field trip to OMSI, to Portland State, to the art museums that they may never ever get to see because they did not get to go otherwise. Economic development. Someone did not highly regard our economic development specialist. Mr. Campbell was brought on our staff for a reason, and she truly believed in the staff report he wrote. It was not all solid. We were not dealing with the solid. That was the same thing she asked the TriMet representative. We were looking in a crystal ball. What was life going to be like for our residents 12 years from now? We did not know for sure. If we denied them one opportunity today and made the wrong choice today we would be in the same position as we were over the Kellogg Plant and the Safeway building. Those were mistakes that we were taking care of now. She sat across the table over this Kellogg thing, and she heard from somebody this week the City of Milwaukie was not thinking when it made the decision to build this wastewater treatment plant. It was not about today. What legacy were we leaving our children and grandchildren 50 years from now? Maybe we cannot see the picture as clearly as we wanted to. For her it was just one more opportunity for that kid in the classroom at Wichita or Lot Whitcomb or Milwaukie to get on light rail with the rest of their class and see something they may never ever get to see because their family cannot afford it. She wanted to remember that kid 50 years from now.

Mr. Swanson wanted to comment on Councilor Loomis's statement that this was part of the regional transportation plan so they should pay for it. The problem was that our "*partners*" the federal government has in its infinite wisdom made the determination, or the bureaucrats in the Federal Transit Administration (FTA) who report eventually to the President made the determination, that the federal match was 60%. The 40% needed to come from somewhere because the federal government would not fund it. One of the reasons other cities were not hit up for money was because when the first line was built the match was at about 80% and a lot different from what this project was facing. The fact was that if we asked for it from the regional transit agency we were still going to be paying for it indirectly rather than directly. It would be great if our partners in DC would fund the entire project, but they do not. The regional agency still received its money from us the taxpayers. If they were footing the bill for the whole thing in the end the taxpayers were still going to pay for it. He reiterated a comment from Councilor Barnes. All of us were looking with a crystal ball. His opinion was that if someone had an opportunity to be a part of the system today, they would be making a mistake not to do that. Councilor Stone had an opinion that was probably different from that. Neither one was right until 40 years from now. He imagined Mr. Zumwalt's opinion was different from his, and neither of them was right until 40 years from now. We can just do in good faith what we can today and make the best judgment. It was a guess, but we cannot say because it was a guess we were going to forget about it. We all take the position we feel is justified. He feared what the decisions we made might cause because he was sweeping up a lot of things today. He would wager he could find any number of consultants who for the right price would give him the data he wanted to prove something. It was our best judgment today. He reiterated, he saw two members of the Budget Committee in the audience, that this was not and could not be an appropriation. This still had to go through a process in a couple of years. A state-mandated process we went through every year. It sent a message to Mr. Palacios and the City Manager that they had to come up with a plan. We were now going to be doing it in the face of a recession and worldwide economic trouble. If we had done it before, it probably would have been inoperable because interest rates that were once 3% in the local government sector could be as much as 6% or 7%. If this was adopted they would immediately begin to look, and TriMet would use this as part of its calculations in its financial planning. He felt there would be calls for Milwaukie to contribute more which was why he included the park because that was all we could afford. We were going to get the

park, and that would not be taken from us to fund this. We were always it seemed at the beginning of a 40-year process. Unfortunately, he would not live to see the report card. His desire was that the report card be good even though he was not going to experience it.

Mayor Bernard added one benefit was a quiet zone. His business had been across the street from this property since 1925. His dad had pulled two people off of those tracks. Where would one add lanes on McLoughlin Boulevard to Portland? There was no room on either side to accommodate this traffic. That was why. There will be increased traffic, but the impact would be less because there was no place to build additional lanes on McLoughlin Boulevard. Secondly, the price of gas had gone down, but he noted the numbers of cars abandoned along the freeway. People could not pay to get their cars fixed.

Councilor Stone suggested perhaps they were stolen.

Councilor Loomis thought it was part of drive less save more.

Mayor Bernard stated there were a lot of people could not afford to fix their cars any more. Bus ridership was still high even though the price of gas was going down. He felt use of public transportation would continue to increase or at least be stable.

Councilor Loomis did not say he did not support the project. He voted for the project. He always stated from the beginning that he did not support the $5 million. He asked Mayor Bernard if he thought the $5 million would stop a $1.4 billion project.

Mayor Bernard replied he thought it would. It sent the message that the region was willing to invest $70 million in Milwaukie in a $1.4 billion project so why was Milwaukie not willing to step up and do something?

Councilor Loomis asked if the other partners had already committed to how much they would pay.

Mr. Swanson replied one of the things he tried to do was to be early. For example, Milwaukie was the first one to commit to funding of the Draft Environmental Impact Statement (DEIS). He was early in terms of having this discussion because he knew he would get a much better deal. $5 million in the total cost was a much better deal than the other partners were being looking at.

Mr. Unsworth responded TriMet was having discussions with the Portland Development Commission (PDC), OMSI, OHSU, donation of property, and Clackamas County. $72 million has come into the project in regional dollars and $250 million from state lottery-backed bonds. They were trying to put together the project financing. The Milwaukie City Council had been very strong in telling the project to get to Park Avenue. This Council said build light rail but build it to Park Avenue. TriMet in all of its projects looked to its partners to help fund it. When going out to the Westside they looked at Washington County's paying a portion. The City of Hillsboro paid a portion of the project. There were others who asked if the project had to go to Park Avenue, and TriMet responded 'yes.' To a degree it might not send the right message to others who were ponying up a lot of money. They were hearing the same thing from the City of Portland that it did not have a lot of money. Things were slim from urban renewal. How do we get through this and get to Park Avenue. It would be sending part of a wrong message in his humble opinion. The other votes had not been scheduled. This was the first other than Metro putting $72 million in and the State Legislature sending $250 million.

Councilor Loomis asked how they were financing their project.

Mr. Unsworth thought it was a combination, and Mayor Bernard could probably talk more about Clackamas County. The City of Portland would be looking at urban renewal dollars, parking, local improvement district funding, and donation of right-of-way. There was a combination of efforts being considered to provide the local funding.

Mayor Bernard added Clackamas County was looking at urban renewal on McLoughlin Boulevard and an enhancement project.

Councilor Stone referred to a comment from Councilor Loomis about other cities that had light rail projects through them did not contribute. Was that true? Maybe Hillsboro or Gresham where they did not contribute a match.

Mr. Unsworth worked on the Hillsboro project in 1991 and recalled the City of Hillsboro and Washington County participated financially for the funding of the Environmental Impact Statement (EIS) along with the City of Beaverton in order to get the local match for the study, and he would check on the construction portion.

Mayor Bernard noted it was different in 1991 when the federal government contributed 80%, and MTIP was adding regional dollars. He assumed ODOT had also participated at the regional table. It was a lot different when it was 80%. Milwaukie's sewer system was totally funded by the federal government when it was built. Now it pays nothing.

Mr. Unsworth said the federal government was trying to spread the amount of transit money around the country. TriMet asked for 60%, and the feds came back and said they would like to fund 50%. TriMet will continue to push to get that up to 60% which would help the project get to Park Avenue more easily. Having a local match in hand of 40% helps the project's case when it goes back to the Federal Transit Administration (FTA) and argue strongly and forcefully that the 60% federal funding was needed to secure getting to Park Avenue.

Mayor Bernard understood the risk assessment was very complicated and without that insurance policy the project was over.

Councilor Stone commented she was not sure when Mayor Bernard spoke about never voting down light rail because she distinctly remembered County votes a couple of times where funding was voted down for the project. Not this particular project but funding and where people wanted their money used. To her that spoke loud and clear about putting this back on the ballot again because we need to ask people how they wanted their transportation dollars spent. Especially in this time of economic uncertainty. She thought it was a very reasonable thing to do. If people were so sure that everybody wanted this then let's put it to the litmus test and see. Just put it on the ballot. That was always something she had spoken loud and clear about that she cannot support a project without this vote. That would solve everything. Another thing Mayor Bernard commented there were only three people here that spoke in opposition and asked where they all were. She would ask him where were the people supporting this. It was three to nothing. It was a majority. She was just looking that three people came out. They actually came out and spoke against it. You cannot really tell, and someone brought it up this evening in testimony about polls. Did that represent an accurate poll? No. But we also heard days of testimony over this issue. It was neck and neck. There were as many if not more people opposing it than were for it. She would like to refrain from generalizing things. Councilor Barnes brought up a good point about what kind of a legacy we would be leaving. There would be impacts long after we were gone. She prepared something to read tonight based on the Council packet. She was going read it but prefaced to Councilor Barnes and Mayor Bernard what she was going to speak about she was not going to put them on the spot. She was extrapolating from the work session minutes from September 16. She wanted to show to them and everybody that even though they had differences of opinions we had

a lot of commonality of thought about things. She was talking about the similarities of thought when we compare the Harmony Road project that was talked about in the September 16 meeting with the light rail project. She was thinking about this during the time she was listening to the work session discussion. The same issues were really being championed and passionately spoken about both Mayor Bernard and Councilor Barnes. It was really interesting to her because what they were saying about Harmony Road was very much aligned with the issues that surround the great debate and debacle over light rail. She asked herself what was the reason behind supporting one project or not supporting that project but yet supporting light rail when they both had impacts to neighborhoods and livability and schools and businesses? She went through and looked and thought, well Mayor Bernard did not support the Harmony Road project because traffic he thought needed to move to Hwy. 224. She thought was that right; it did need to move to Hwy. 224. Just like light rail needed to move to McLoughlin Boulevard. There was that parallel. Councilor Barnes said this was not what they voted on in the meeting. They did not like any of the alternatives and wanted to go back to the drawing board. Yet, when we were faced with this light rail decision and wanted to go back to the drawing board we cannot do that. Not all alternatives were getting out there in the open for discussion and debate. One thing that really struck here was the amount of testimony that you get at these meetings and hundreds of people and lots and lots of email. Yet, we had people petitioning us over light rail. There were over 600 signatures on a petition to change the alignment. We were listening to the people speaking out against the Harmony Road project, but we were not listening to the people speaking out about the light rail project and the alignment. What was the difference? She had to ask herself what was the difference. Everybody seems to think or she has heard it said that our economic development was tied to light rail yet Mayor Bernard believed the Harmony Road project did not need to happen in order for the community college expansion to happen. There was a disparity there. She thought we needed to really re-examine how we were looking at this project in terms of how we were looking at the light rail project because they both had profound effects on neighborhoods and citizenry and businesses and schools. They were very much aligned in that manner. You even said you would dig a tunnel if you could for the Harmony Road project. Councilor Stone believed that years ago about light rail. Just sink that sucker underneath McLoughlin Boulevard. She would actually rather sink the traffic and put the train on McLoughlin Boulevard where it needed to be. These ideas were not pie in the sky. These were creative ideas. Councilor Barnes was right. Why do we want to encourage more traffic coming through our neighborhoods and our town? We do not, but yet this was going to happen if we were not careful and did not look out for our City. She was throwing it out there. Not to put you guys in an awkward position but just to help you and all of us to realize that these projects, even though they were different projects, had a lot of similarities. We were supporting citizens in this area of Milwaukie but we were not fully supporting them over here. She did not think that was right. She needed to throw that out there because she thought we all wanted what was best for Milwaukie. If we do not stand up for Milwaukie she was here to tell them that Portland was not going to do it, and TriMet was not going to do it. We needed to stand up for Milwaukie.

Mayor Bernard had never met anyone who supported Harmony Road. He spent all summer at the Farmers' Market where hundreds of people supported light rail. He felt he had been listening. He did not feel a comparison could be made between light rail and Harmony Road.

Councilor Stone was not comparing the projects. She was comparing the comments in terms of what he thought. Like the traffic should not go in this neighborhood. It should go on Hwy. 224. The light rail project should not go through a neighborhood – Historic Milwaukie.

Mayor Bernard said light rail was not going through a neighborhood like Harmony Road was. He did not support light rail going up Monroe Street. It was not the same comparison.

Councilor Stone thought the comparison was that Mayor Bernard was sticking up for livability in this neighborhood because he did not want it to be negatively impacted by this project and what it meant. She was sticking up for the people who were going to be affected by the light rail project.

Mayor Bernard and Councilor Barnes said they all were.

Councilor Stone asked how we could allow this elephant in our kitchen. How can we allow this monstrosity?

Councilor Barnes did not think of it as a monstrosity. Milwaukie was in the driver's seat where it was letting TriMet know, and we have that in writing, as Councilor Stone agreed to, that Milwaukie would be in charge of how this was set up in our City.

Councilor Stone stated Milwaukie was not in charge of the size and enormity of the infrastructure. Go out to I-205 at Johnson Creek and take a look and just imagine, if you will, taking that and transplanting it to downtown Milwaukie and the Historic Milwaukie Neighborhood. Now you tell me that that was appropriate and would fit. It would not. It was absolutely out of the question. Huge. It just did not belong here. She was a rail advocate. She loved rail. She loved all kinds of rail. She traveled by train. She traveled abroad by train. She traveled locally by train. We need appropriate infrastructure and appropriate projects for Milwaukie. What would be more appropriate in Milwaukie was a streetcar that linked up to light rail at some point. These were the things we needed to think about. When we were looking at this agreement she thought the cart was in front of the horse and we needed to turn that around.

It was moved by Councilor Barnes and seconded by Mayor Bernard to adopt the resolution authorizing the execution of two intergovernmental agreements with TriMet for Portland-Milwaukie Light Rail funding and project planning/engineering services.

Councilor Chaimov asked if Councilor Barnes would accept a brief amendment. He proposed, subject to her approval, to add to the proposed resolution on pages 50 and 51 of the packet on page 51 after the word "project" the phrase "with the referenced park-and-ride being at Park Avenue." Councilor Barnes and Mayor Bernard agreed to the amendment.

Motion passed with the following vote: Councilors Barnes and Chaimov and Mayor Bernard voting 'aye' and Councilors Loomis and Stone voting 'no.'

> **RESOLUTION NO. 87-2008:**
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> **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING EXECUTION OF TWO INTERGOVERNMENTAL AGREEMENTS WITH TRIMET FOR PORTLAND-TO-MILWAUKIE LIGHT RAIL FUNDING AND PROJECT PLANNING/ENGINEERING SERVICES.**

Mayor Bernard called for a 10-minutes recess.

B. Amend Milwaukie Municipal Code Chapter 13.12.063, Fat, Oil, and Grease (FOG) – Ordinance

Mr. Shirey provided the staff report. The proposed amendment would add a set of best management practices (BMP) as adopted by the Association of Clean Water Agencies. It was recommended that food service facilities become familiar with and implement

BMP. The City would not enforce these practices on businesses. He commented on the history of this Chapter of the code and briefly discussed the exception program. Existing businesses submitted 19 applications, and staff inspected all of them and created a set of findings. Staff granted 8 exceptions and denied the remaining 11. The City Manager reviewed the staff decision and to date has reviewed two appeals and reversed staff's decision. Staff would distribute a pamphlet produced by the Water Environment Federation on how to prevent fats, oils, and grease from damaging homes and the environment. The City would also supply plastic lids for cans so people could collect their grease rather than pouring it down the sink. The action is to adopt the BMP by reference.

Councilor Loomis asked if homeowners could recycle grease or if Ms. Herrigel could look into it.

Mr. Shirey replied unfortunately not. Only oils used in a frying process such as a fast food restaurant could be recycled.

Mayor Bernard noted his garage did accept recycled motor oils.

Councilor Stone asked if other jurisdictions enforced BMP or was it impossible.

Mr. Shirey was not aware of any in Oregon. Jurisdictions did require food service facilities to trap FOG and keep it from going into the drain. The intent of the BMP was to help manage the system and keep it clean.

Councilor Stone asked how many were inspected.

Mr. Shirey replied the City received 19 applications, and one came in past the due date. Staff approved an exception for 8 of them.

Councilor Stone asked if all the coffee houses were on the approval list. She asked who was not on there. She thought Café Bonjour was going to get an exception.

Mr. Shirey replied they were not. Café Bonjour and Spring Creek did not get exceptions. Wind Horse did get an exception as did Purdy's Pit stop.

Mr. Swanson added Spring Creek appealed, and he granted the request. He still had an appeal from Zappo's Pizza and Bonjour.

Councilor Stone happened to be in Spring Creek the day Mr. Shirey walked in for the inspection. She was just leaving. She asked Mr. Shirey what he had found.

Mr. Shirey mentioned in the staff report that they used certain criteria since there was no measure. They looked at the number of meals and drinks on average that were served, the hours of operation, the amount of seating, the amount of take-out business versus eat-in, awareness and implementation of BMP to control the introduction of FOG, and the types and amounts of FOG producing items prepared and served, the dishware that was used, the serving equipment, and all those things that had to be washed rather than thrown away which contributed most of the FOG to the system.

Councilor Stone said not if it was washed in the dishwasher.

Mr. Shirey said that was correct but much of it was not.

Councilor Stone understood that dry scraping would eliminate most of it.

Mr. Shirey said the volume of food and drinks served, the amount of consumption in house, the type of preparation, and those kinds of things were all taken into consideration.

Councilor Stone asked what was actually found in the grease interceptor.

Mr. Shirey responded no one had one except Great American Video, and they were collecting enough to require cleaning every six months. He felt that was evidence that they were producing more than a minimal amount of FOG.

Councilor Stone thought this was a really nice addition to the policy to include BMP. She also liked the idea of the brochure being distributed for households. Education was a big piece of it.

Mr. Parecki, Milwaukie business owner, testified in opposition. Mr. Shirey did not grant him an exception, and he needed to and did appeal to someone who had a lot more commonsense. He appreciated what Mr. Swanson did in granting the exception.

Councilor Chaimov asked Mr. Parecki to keep his comments to the issue at hand and not denigrate the City staff.

Mr. Parecki apologized and said it was not very nice of him. Staff found "more than a minimal amount of grease" apparently in his coffee house. None of the additions to the existing code said anything about minimal. If one looked at paragraph 3 it said an establishment had to contribute an excessive amount of grease. He was trying to think why any of this came up. He boiled it down to something really simple. If a facility used fat, oil, or grease in the preparation of any item that was when a grease trap was required. Not when fat, oil, or grease was a byproduct of things that were being served. If we just had kept it to that very basic, simple statement we would not have spent as much time as we had on this small issue compared to what we just heard about light rail. That was where he was getting to as far as commonsense. He served a lot of food, but it was eaten and not thrown away and not pushed down a drain and did not create any grease. The amendments being proposed today were fine. Best management practices were good. He was not opposing the amendment. He thought it was a good thing for people to be aware. The exceptions should have been and still need to be granted to any coffee house that did not use fat, oil, or grease in the production of any items. He did not add grease to his coffee. He did not add grease to anything. He did not have a storage container of grease or oil. Neither did any of the coffee houses. He was befuddled as to how Wind Horse and Purdy's were granted exceptions, but he was not. That was where the rub came in. They did the same kind of practices although one of those did actually use fat and grease in the production of food and was granted an exception. His problem was how the criteria was used and was it adequately and fairly used when the exceptions were granted. The BMPs were a great idea. Every household and restaurant should apply them whenever feasible. He did scrape before washing, and we avoid doing anything that might contribute to the system. We serve a lot of coffee, but it only goes down the drain at the end of the day. It was only one air pot so it did not really matter if he had 10 or 500 air pots a day. It was always the last one that got thrown out. Everything else got used up during the day. Commonsense and logic have to rule the day. That was all he was asking for. He appreciated Mr. Swanson's granting the exception one more time.

Mayor Bernard understood Mr. Parecki was granted the exception on appeal. That was the whole purpose of the appeal process. He thought there were just exceptions for the coffee shops.

Mr. Swanson replied that was a misconception. When the exception process was created if he had placed a bet on how many he would process he would not have guessed. There would be as many as would attempt to submit an application under the exception process.

Mayor Bernard said in the future when someone built a coffee shop or restaurant then they had to install a trap.

Mr. Swanson said the exception process was limited to a specific time period. Many of those who applied already had grease traps.

It was moved by Councilor Chaimov and seconded by Councilor Stone to read the ordinance for the first and second times by title only and adoption of the ordinance amending Milwaukie Municipal Code Chapter 13.12.063, Fat, Oil, and Grease. Motion passed with the following vote: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Bernard voting 'aye.'

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

The City Recorder polled the Council: Councilors Loomis, Barnes, Chaimov, and Stone and Mayor Bernard voting 'aye.' [5:0]

> **ORDINANCE NO. 1990:**
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> **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 13.12.063, FAT, OIL, AND GREASE CONTROL.**

C. Council Reports

Councilor Chaimov attended the Historical Society Holiday Potluck.

Councilor Stone looked forward to attending the Umbrella Parade and Tree Lighting, the Solstice Event, and the Ardenwald Neighborhood Holiday Potluck.

Councilor Loomis announced the Winter Solstice on December 12.

Councilor Barnes announced the Community Solutions Wastewater Group meeting. She would attend the Chamber elected officials gathering, the Ardenwald Neighborhood Holiday Party, and the Winter Solstice.

Mayor Bernard had only one more City Council meeting, and he thanked Milwaukie voters for their support in his campaign for County Commissioner. Milwaukie had a lot of challenges in the future and encouraged Councilors to work as he had to have a seat at the table. He encouraged a smooth transition with someone who could move the City Council forward. He suggested appointing Councilor Barnes to the Mayor's position so she could work with regional partners. He believed Mayor would be the highest title he ever achieved. That was where you really influenced everyone's lives, and he thought seriously about how decisions would affect Milwaukie in the future. That was why Milwaukie bought Safeway and why McLoughlin Boulevard was finished. That was because Milwaukie had a seat at those tables. It was going to take time and the commitment of those with whom you worked to give that time.

ADJOURNMENT

It was moved by Councilor Barnes and seconded by Councilor Stone to adjourn the meeting. Motion passed with Councilors Stone, Loomis, Barnes, and Chaimov and Mayor Bernard voting 'aye." [5:0]

Mayor Bernard adjourned the regular session at 9:35 p.m.

_____

Pat DuVal, Recorder

6.
OTHER BUSINESS

Regional Committee Assignments

COMMITTEE	MEMBER/TERM	APPOINTMENT PROCESS/AUTHORITY	ELECTED REPRESENTATIVE REQUIRED?
Metro Joint Policy Advisory Committee on Transportation (JPACT)	Jim Bernard was the member and Donna Jordan (Lake Oswego) alternate	Section 2.19.090(b) of the Metro Code and Article IV of the JPACT By-Laws establish the JPACT membership. There are 17 members. There is one city representative and one alternate from Clackamas County. The member and alternate must be from different cities. Selection of the member and alternate is by the cities within the county. The term of appointment is for two years. (Att. 1)	Yes
Metro Policy Advisory Committee (MPAC)	No appointee from the Milwaukie City Council. Mayor Lehan (Wilsonville) was the member and Mayor King (West Linn) is the alternate.	Section 26 of the Metro Charter establishes the MPAC membership. There are 28 members. There is one member and an alternate from the largest city in Clackamas County. That member is selected by that jurisdiction. There is an additional member selected by the remaining cities within Metro's boundaries in Clackamas County. That member and alternate are selected by those cities. (Att. 2)	Yes
Portland-Milwaukie Light Rail Steering Committee	Jim Bernard was the Milwaukie representative	The Steering Committee was created by the Metro Council for a specific purpose/project. It therefore does not have by-laws or a term of office. The Mayor has been the City's appointee. (Att. 3)	Yes
Clackamas County Coordinating Committee (C-4)	Jim Bernard was the Milwaukie representative	Section 2 of the By-Laws of the C-4 provide that the "voting membership" be an "elected representative or an alternate appointed by the City Council . . .."	Yes
Harmony Road Project	Councilor Deborah Barnes		

Regional Committee Assignments

Community Wastewater Solutions	Councilor Deborah Barnes		
Sellwood Bridge Policy Advisory Group	Councilor Greg Chaimov		
North Clackamas Parks and Recreation District Urban Parks Advisory Board (UPAB)	Mart Hughes	Section E(2) of the May 1, 1990 Agreement between Clackamas County and the City provide for the UPAB. The City Council appoints the UPAB member. With the exception of the Milwaukie representative, UPAB members are appointed for 3 year terms. The term for a Milwaukie appointee is up to the City Council. The current appointee has served for 6 years.	No

ATTACHMENT 1

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Joint Policy Advisory Committee on Transportation

ABOUT METRO › COMMITTEES AND PUBLIC PARTICIPATION › METRO ADVISORY COMMITTEES › JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION

This 17-member committee provides a forum of elected officials and representatives of agencies involved in transportation needs in the region. Committee makes recommendations to the Metro Council related to transportation policy.

The Joint Policy Advisory Committee on Transportation (JPACT) is a 17-member committee that provides a forum for elected officials and representatives of agencies involved in transportation to evaluate transportation needs in the region and to make recommendations to the Metro Council.

Metro is the federally mandated metropolitan planning organization designated by the governor to develop an overall transportation plan and to allocate federal funds through the Transportation Priorities program. JPACT recommends priorities and develops the transportation plan for the region based on input from the Transportation Policy Alternatives Committee. This plan is forwarded to the Metro Council, which must adopt JPACT's recommendations before they become the transportation policies of the metropolitan region.

The established decision making process assures a well balanced regional transportation system and involves local elected officials directly in decisions that help the Metro Council develop regional transportation policies, including allocating transportation funds.

2008 meeting schedule

The Joint Policy Advisory Committee on Transportation usually meets from 7:30 to 9 a.m. on the second Thursday of each month. Additional meetings may be held as needed. Meetings and other related events are posted on Metro's online calendar.

View the online transportation planning calendar

NEED ASSISTANCE?

Kelsey Newell
503-797-1916
kelsey.newell@oregonmetro.gov

JPACT Bylaws
28K Adobe Acrobat PDF | Published April 7, 2008

Transportation planning decision-making process
44K Adobe Acrobat PDF | Published October 20, 2004

To view PDF files, download free Adobe Reader. To translate PDF files into text to assist visually-impaired users, visit Access.Adobe.com.

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JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION
2009 JPACT AGENDAS, MINUTES AND MEETING PACKETS
2008 JPACT AGENDAS, MINUTES AND PACKETS
JPACT REPRESENTATIVES
HIGH CAPACITY TRANSIT SUBCOMMITTEE
TRANSPORTATION POLICY ALTERNATIVES COMMITTEE
REGIONAL TRAVEL OPTIONS SUBCOMMITTEE
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JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION (JPACT)

BYLAWS

ARTICLE I

This committee shall be known as the JOINT POLICY ADVISORY COMMITTEE ON TRANSPORTATION (JPACT).

ARTICLE II
MISSION

It is the mission of JPACT to coordinate the development of plans defining required regional transportation improvements, to develop a consensus of governments on the prioritization of required improvements and to promote and facilitate the implementation of identified priorities.

ARTICLE III
PURPOSE

Section 1. The purpose of JPACT is as follows:

a. To provide the forum of general purpose local governments and transportation agencies required for designation of Metro as the metropolitan planning organization for the Oregon portion of the Portland metropolitan area, defined as the Metro jurisdictional boundary or the Metro urban growth boundary whichever is greater, and to provide a mechanism for coordination and consensus on regional transportation priorities and to advocate for their implementation.

b. To provide recommendations to the Metro Council under state land use requirements for the purpose of adopting and enforcing the Regional Transportation Plan.

c. To coordinate on transportation issues of bi-state significance with the Clark County, Washington metropolitan planning organization and elected officials.

ARTICLE IV
COMMITTEE MEMBERSHIP

Section 1. Membership

a. The Committee will be made up of representatives of the following voting jurisdictions and agencies:

	Members	Votes
Multnomah County.....	1	1
Washington County.....	1	1
Clackamas County.....	1	1
City of Portland.....	1	1
Cities of Multnomah County.....	1	1
Cities of Washington County.....	1	1
Cities of Clackamas County.....	1	1
Oregon Department of Transportation...	1	1
TriMet.....	1	1
Port of Portland.....	1	1
Department of Environmental Quality....	1	1
Metro.....	3	3
State of Washington.....	3	3
TOTAL	17	17

b. Alternates may be appointed to serve in the absence of the regular members.

c. Members and alternates will be individuals in a position to represent the policy interests of their jurisdiction.

Section 2. Appointment of Members and Alternates

a. Members and alternates from the City of Portland and the Counties of Multnomah, Washington and Clackamas will be elected officials from those jurisdictions and will be appointed by the chief elected official of the jurisdiction. The member and alternate will serve until removed by the appointing jurisdiction. The Clackamas County seat shall represent the regional transit service providers Sandy Area Metro (SAM), South Clackamas Transit District (SCTD) or City of Molalla, and Canby Area Transit (CAT) that provide services within the MPO boundary.

b. Members and alternates from the Cities of Multnomah, Washington and Clackamas Counties will be elected officials from the cities represented by these positions of each county (except Portland) and will be appointed through the use of a mail ballot of all represented cities based upon a consensus field of candidates developed through a forum convened by the largest city being represented. The member and alternate will be from different jurisdictions, one of which will be from the city of largest population if that city's population constitutes the majority of the population of all the cities represented for that county. The member and alternate will

serve for two-year terms. In the event the member's position is vacated, the alternate will automatically become member and complete the original term of office. The member and alternate will periodically consult with the appropriate transportation coordinating committees for their area. The Cities of Clackamas County seat represents the City of Wilsonville, which as the governing body represents South Metro Area Rapid Transit (SMART).

c. Members and alternates from the two statewide agencies (Oregon Department of Environmental Quality and Oregon Department of Transportation) will be a principal staff representative of the agency and will be appointed by the director of the agency. The member and alternate will serve until removed by the appointing agency.

d. Members and alternates from the two tri-county agencies (TriMet and the Port of Portland) will be appointed by the chief board member of the agency. The member and alternate will serve until removed by the appointing agency. As the regional transit representative, TriMet will periodically coordinate with the South Metro Area Rapid Transit (SMART).

e. Members and alternates from the Metro Council will be elected officials and will be appointed by the Metro Council President and confirmed by the Metro Council and will represent a broad cross-section of geographic areas. The members and alternate will serve until removed by the Metro Council President.

f. Members and alternates from the State of Washington will be either elected officials or principal staff representatives from Clark County, the City of Vancouver, the Washington Department of Transportation, the Southwest Washington Regional Transportation Council and C-TRAN. The members will be nominated by Clark County, the City of Vancouver, the Washington Department of Transportation and C-TRAN and will serve until removed by the nominating agency. The three Washington State members will be selected by the Southwest Washington Regional Transportation Council.

h. Terms for all members and alternates listed above commence on January 1 of each year.

ARTICLE V
MEETINGS, CONDUCT OF MEETINGS, QUORUM

a. Regular meetings of the Committee will be held monthly at a time and place established by the chairperson. Special or emergency meetings may be called by the chairperson or a majority of the membership. In the absence of a quorum at a regular monthly meeting or a special meeting, the chairperson may call a special or emergency meeting, including membership participation and vote by telephone, for deliberation and action on any matters requiring consideration prior to the next meeting. The minutes shall describe the circumstances justifying membership participation by telephone and the actual emergency for any meeting called on less than 24 hours' notice.

b. A majority of the voting members (or designated alternates) of the full

Committee (9 of 17 members) shall constitute a quorum for the conduct of business. The act of a majority of those present at meetings at which a quorum is present shall be the act of the Committee.

c. Subcommittees to develop recommendations for JPACT can be appointed by the Chair. The Chair will consult on subcommittee membership and charge with the full membership at a regularly scheduled meeting. Subcommittee members can include JPACT members, JPACT alternates and/or outside experts.

d. All meetings shall be conducted in accordance with Robert's Rules of Order, Newly Revised.

e. The Committee may establish other rules of procedure as deemed necessary for the conduct of business.

f. Each member shall be entitled to one (1) vote on all issues presented at regular and special meetings of the Committee. In the absence of the member, the alternate shall be entitled to vote.

g. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the chairperson to notify the appointing agency with a request for remedial action. In the case of the representative for the "cities" of Multnomah, Washington and Clackamas Counties, the chairperson will contact the largest city being represented to convene a forum of represented cities to take remedial action.

h. The Committee shall make its reports and findings public and available to the Metro Council.

i. Metro shall provide staff, as necessary, to record the actions of the Committee and to handle Committee business, correspondence and public information.

ARTICLE VI
OFFICERS AND DUTIES

a. The chairperson and vice-chairperson of the Committee shall be appointed by the Metro Council President and confirmed by the Metro Council.

b. The chairperson shall preside at all meetings he/she attends and shall be responsible for the expeditious conduct of the Committee's business.

c. The chairperson shall vote only in the case of a tie.

d. In the absence of the chairperson, the vice-chairperson shall assume the duties of the chairperson.

ARTICLE VII
RECOGNITION OF TPAC

a. The Committee will take into consideration the alternatives and recommendations of the Transportation Policy Alternatives Committee (TPAC) in the conduct of its business.

ARTICLE VIII
AMENDMENTS

a. These bylaws may be amended or repealed only by a two-thirds vote of the full membership of the Committee and a majority vote of the Metro Council.

b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend or repeal Bylaws.

Metro Facts

Regional transportation:
The decision-making process

Metro, the regional government that serves the 1.3 million people living in Clackamas, Multnomah and Washington counties and the 24 cities in the Portland metropolitan area, provides regional services that guide growth and help ensure that livable communities are created for the future.

Metro is responsible for growth management, transportation and land-use planning; solid waste management; operation of the Oregon Zoo; regional parks and greenspaces programs; and technical services to local governments. Through the Metropolitan Exposition-Recreation Commission, Metro manages the Oregon Convention Center, the Portland Center for the Performing Arts and the Portland Metropolitan Exposition Center (Expo).

Metro is the federally mandated metropolitan planning organization designated by the governor to develop an overall transportation plan and to program federal funds.

Metro is responsible for approving the expenditure of all federal transportation funds in this region. The established decision-making process assures a well-balanced regional transportation system and involves local elected officials directly in decisions that help the Metro Council allocate transportation funds.

The Metro Council

The Metro Council is composed of six members elected from districts throughout the metropolitan region (urban areas of Clackamas, Multnomah and Washington counties) and a council president elected regionwide. The council approves transportation plans, projects and programs recommended by the Joint Policy Advisory Committee on Transportation.

Joint Policy Advisory Committee on Transportation (JPACT)

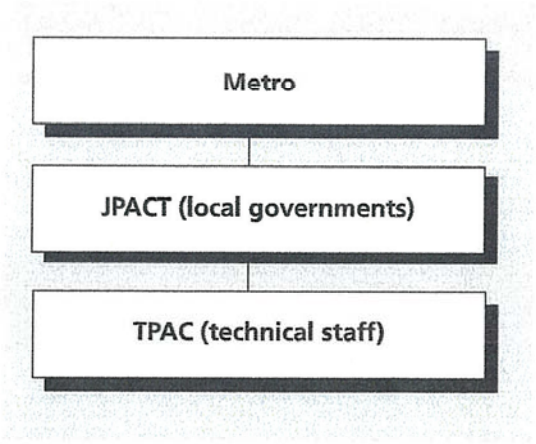
JPACT provides a forum for elected officials and representatives of agencies involved in transportation to evaluate all transportation needs in this region and to make recommendations to the Metro Council.

The 17-member committee is composed of:

- three members of the Metro Council
- a commissioner from the city of Portland
- a county commissioner from Clackamas, Multnomah and Washington counties
- an elected official from each county representing cities
- a representative of the Oregon Department of Transportation
- a Tri-Met representative
- a representative of the Port of Portland
- a representative of the Oregon Department of Environmental Quality
- an elected representative from Vancouver and one from Clark County, Wash.
- a representative of the Washington Department of Transportation
- an alternate representative from C-Tran, the public transit system in Clark County, Wash.

Transportation Policy Alternatives Committee (TPAC)

While JPACT provides a forum for recommendations on transportation issues at the policy level, the Transportation Policy Alternatives Committee (TPAC) provides input from the technical level.



JPACT recommends priorities and develops the transportation plan for the region. This plan is forwarded to the Metro Council, which must adopt JPACT's recommendations before they become the transportation policies of the metropolitan region.

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TPAC's membership includes technical staff from the same governments and agencies as JPACT, plus representatives of the Federal Highway Administration and the Southwest Washington Regional Transportation Council. There are also six citizen representatives appointed by the Metro Council.

For more information

For more information on forums, special events and regular meetings of JPACT, contact the Metro Planning Department, 600 NE Grand Ave., Portland, OR 97232-2736 or call the transportation hotline, (503) 797-1900.

Metro
People places • open spaces

Metro serves 1.3 million people who live in Clackamas, Multnomah and Washington counties and the 24 cities in the Portland metropolitan area. The regional government provides transportation and land-use planning services and oversees regional garbage disposal and recycling and waste reduction programs.

Metro manages regional parks and greenspaces and owns the Oregon Zoo. It also oversees operation of the Oregon Convention Center, the Portland Center for the Performing Arts and the Portland Metropolitan Exposition (Expo) Center, all managed by the Metropolitan Exposition Recreation Commission.

Your Metro representatives
Metro Council President – David Bragdon
Metro Councilors – Rod Park, District 1; Brian Newman, District 2; Carl Hosticka, District 3; Susan McLain, District 4; Rex Burkholder, District 5; Rod Monroe, District 6.
Auditor – Alexis Dow, CPA

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Metro Policy Advisory Committee

ABOUT METRO › COMMITTEES AND PUBLIC PARTICIPATION › METRO ADVISORY COMMITTEES › METRO POLICY ADVISORY COMMITTEE

A charter-mandated committee of local government representatives and citizens, the Metro Policy Advisory Committee advises the Metro Council on policy issues.

Metro Policy Advisory Committee (MPAC) is a 27 member charter-mandated committee of local government representatives and citizens that consults on policy issues, especially those related to services provided by local governments. It has three citizen members.

The meeting packet contains materials pertaining to agenda items. To jump to specific agenda items using Adobe Reader, click on the bookmarks tab located to the left of the PDF document. If you experience difficulty accessing the meeting packet electronically, a printed version is available upon request.

Below is the MPAC meeting material for the 2008 calendar year. The files available here are PDFs.

Dec. 17, 2008 (Canceled)

- Agenda (62 KB)

Dec. 10, 2008 (Joint MPAC/JPACT Meeting)

- Agenda (59 KB)
- Packet (1 MB)
- Minutes

Nov. 12, 2008 (Joint MPAC/JPACT Meeting)

- Agenda (60 KB)
- Packet (2 MB)
- Minutes

Oct. 22, 2008 (Joint MPAC/JPACT Meeting)

- Agenda (164 KB)
- Packet (Discussion Guide revised 10-24-08; includes updated data) (7.42 MB)

Sept. 24, 2008

- Agenda (143 KB)
- Packet (167 KB)

Sept. 10, 2008

- Agenda (333 KB)
- Packet (4 MB)
- Regional Infrastructure: Comparative Costs presentation (877 MB)

Aug. 27, 2008 (canceled)

August 13, 2008

- Agenda (48 KB)
- Packet (1.4 MB)
- Packet agenda item #7: Innovative Design and Development Codes Toolkit (14 MB)

July 23, 2008 (canceled)

July 9, 2008

- Agenda (37 KB)
- Packet (2.3 MB)

June 25, 2008 (canceled)

June 11, 2008

- Agenda (37 KB)
- Packet (2 MB)

May 28, 2008 (canceled)

May 14, 2008

- Agenda (39 KB)
- Packet (1 MB)

April 23, 2008 (canceled)

- Agenda (18 KB)

April 9, 2008

- Agenda (38 KB)
- Packet (2.7 MB)

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- Minutes (44 KB)

March 26, 2008 (canceled)

- Agenda (18 KB)

March 12, 2008

- Agenda (38 KB)
- Packet (3 MB)
- Minutes (49 KB)

Feb. 27, 2008

- Agenda (37 KB)
- Packet (437 KB)
- Minutes (31 KB)

Feb. 13, 2008

- Agenda (41 KB)
- Packet (1.2 MB)
- Minutes (37 KB)

Jan. 23, 2008

- Agenda (37 KB)
- Packet (472 KB)
- Minutes (43 KB)

Jan. 9, 2008

- Agenda (38 KB)
- Packet (686 KB)
- Minutes (47 KB)

Minutes are posted after MPAC approval.

NEED ASSISTANCE?

Kelsey Newell
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RELATED LINKS

Metro Technical Advisory Committee

MTAC is a 37-member committee of planners, citizens and business representatives that provides detailed technical support to the Metro Policy Advisory Committee.

Map to Metro Regional Center

Download map showing bus routes to and parking for Metro Regional Center, 600 NE Grand Ave., Portland, Ore. Find links to public transit routes and driving directions to Metro Regional Center.

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METRO POLICY ADVISORY COMMITTEE (MPAC) BY-LAWS

Approved March 13, 1996; Revised March 26, 1997; May 1998; September, 1999; October, 2000; November, 2000; June, 2001; March 12, 2003; April 25, 2007

ARTICLE I

This Committee shall be known as the METRO POLICY ADVISORY COMMITTEE ("MPAC") created by Section 27 of the 1992 Metro Charter.

ARTICLE II
MISSION AND PURPOSE

Section 1. The MPAC shall perform the duties assigned to it by the 1992 Metro Charter and any other duties the Metro Council prescribes.

Section 2. The purposes of MPAC are as follows:

a. MPAC shall perform those duties required by the Charter, including:

1. Providing consultation and advice to the Council on the Regional Framework Plan (Section 5 (2));

2. Providing consultation and advice to the Council on the possible inclusion in the Regional Framework Plan of other growth management and land use planning matters, determined by the Council to be of metropolitan concern, which will benefit from regional planning, other than those specifically identified in Charter Section 5 (2) (b);

3. Providing consultation and advice to the Council on any amendments to the Regional Framework Plan (Section 5 (2) (d);

4. Approve or disapprove the authorization for Metro to provide or regulate a local government service, as defined in Charter Section 7 (2), in those cases in which Metro does not seek or secure such approval directly from the voters;

5. Providing advice to the Council before it adopts an ordinance authorizing provision or regulation by Metro of a service which is not a local government service as defined by the Charter (Section 7 (3)); and

6. Providing advice to the Council on a study of the Portland Metropolitan Area Local Government Boundary Commission (Section 7 (5)).

b. Other duties prescribed by the Council.

ARTICLE III
COMMITTEE MEMBERSHIP

Section 1. Membership

a. The Committee will be made up of representative of the following voting and non-voting members:

1. Voting Members:

Multnomah County Commission	1
Second Largest City in Multnomah County	1
Other Cities in Multnomah County	1
Special Districts in Multnomah County	1
Citizen of Multnomah County	1
City of Portland	2
Clackamas County Commission	1
Largest City in Clackamas County	1
Second Largest City in Clackamas County	1
Other Cities in Clackamas County	1
Special Districts in Clackamas County	1
Citizen of Clackamas County	1
Washington County Commission	1
Largest City in Washington County	1
Second Largest City in Washington County	1
Other Cities in Washington County	1
Special Districts in Washington County	1
Citizen of Washington County	1
Tri-Met	1
Governing Body of a School District	1
Total	21

2. Non-voting members:

Oregon Dept of Land Conservation and Development	1
Clark County	1
City of Vancouver	1
Port of Portland	1
City in Clackamas County outside UGB	1
City in Washington County outside UGB	1
Total	**6**

b. Except as provided in Section 2 voting members and alternates representing jurisdictions shall be appointed from among members of the governing body. All voting jurisdictions represented by members, including cities within each county, shall have territory within Metro boundaries.

c. Non-voting members or alternates may either be members of the governing body of a jurisdiction or serve as a Chief Operating Office or Planning Director or equivalent.

d. Alternates shall serve in the absence of the regular members.

e. Metro Councilors will participate with the Committee membership with three non-voting liaison delegates appointed by the Metro Council.

f. The composition of the MPAC may be changed at any time by a vote of both a majority of the MPAC members and a majority of all Metro Councilors (Metro Charter, Section 27 (2)).

Section 2. Appointment of Members and Alternates

a. Members and alternates from the City of Portland, the counties of Multnomah, Clackamas, and Washington, the largest cities of Multnomah, Clackamas, and Washington Counties, excluding Portland, and the second largest cities of Clackamas and Washington counties shall be appointed by the jurisdiction.

b. Members and alternates from the cities of Multnomah, Clackamas, and Washington Counties, other than those directly entitled to membership, will be appointed jointly by the governing bodies of those cities represented. The member and alternate will be from different jurisdictions. The member and alternate will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. The member and alternate may be reappointed. Terms of the member and alternate will be staggered to ensure continuity. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.

c. Members and alternates from the special districts with territory in Multnomah, Clackamas, and Washington Counties will be appointed by special district caucus. The member and alternate will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. The member and alternate may be reappointed. Terms of the member and alternate will be staggered to ensure continuity. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.

d. Metro Council delegates will be appointed by the Metro Council President and will represent each county in the region. The delegates may be removed by the Council President at any time.

e. Members and alternates representing citizens will be appointed by the Metro Council President and confirmed by the Metro Council consistent with Section 27(1)(m) of the 1992 Metro Charter and will represent each county in the region. Members and alternates will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. Members and alternates may be reappointed. Terms of the members and alternates will be staggered to ensure continuity. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.

f. Members and alternates from the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) will be appointed by the governing body of that District. The member and alternate will serve until removed by the governing body.

g. Members and alternates from the Land Conservation and Development Commission will be chosen by the Chairperson of that body. The member and alternate may be removed by the Chairperson at any time.

h. Members and alternates from the Port of Portland will be appointed by the governing body of that organization. The member and alternate will serve until removed by the governing body.

i. The member and alternate from the school boards in the Metro Region will be appointed by a caucus or organization of school boards from districts within the Metro region. If there is no caucus or organization of school boards within the region, the Executive Officer will facilitate the appointment by the school boards. The member and alternate will be appointed to designated terms of a length to be determined by the appointing authority, but for a period of not less than two years. The member and alternate may be reappointed. Terms of the member and alternate will be staggered to ensure continuity. The member and alternate will be from different school districts in the Metro Region. In the event the member's position is vacated, the alternate will automatically become the member and complete the original term of office.

j. Appointments of all members and alternates shall become effective upon the appointing authority giving written notice addressed to the Chair of MPAC and filing the notice with the Clerk of the Metro Council. The determination of the relative size of cities shall be based on the official population estimates for Oregon issued by the Center for Population Research and Census, School of Urban and Public Affairs, Portland State University. If the official population estimates result in a change in the relative population of a city entitled to membership, then the term of membership of the affected city or cities shall terminate 90 days after the release of the official estimate and new member(s) shall be appointed as provided by these by-laws. Members and alternates may be removed by the appointing authority at any time.

ARTICLE IV
MEETINGS, CONDUCT OF MEETINGS, AND QUORUM

a. A regular meeting date, time and place of MPAC shall be established by the MPAC Chair. Special or emergency meetings may be called by the Chair or a third of the members of MPAC.

b. A majority of the members (or designated alternates) shall constitute a quorum for the conduct of business. The act of a majority of those voting members present at meetings at which a quorum is present shall be the act of MPAC, except in exercising the duty of authorizing Metro to provide or regulate a local government service as described in Section 7 (2) of the 1992 Metro Charter. In these cases a majority vote of all voting MPAC members is required.

c. Subcommittees or advisory committees to develop recommendations for MPAC may be appointed by the Chair and ratified by MPAC. At a regularly scheduled meeting MPAC shall approve subcommittee membership and MPAC members and/or alternates and outside experts. The Chair of any citizen advisory committee shall neither be the Chair of MPAC nor be an MPAC member, except upon the agreement of a majority of the advisory committee membership. MPAC members of any citizen advisory committee of MPAC shall participate on a nonvoting basis.

The Metro Technical Advisory Committee ("MTAC") is an advisory committee to MPAC. Its purpose shall be to provide MPAC with technical recommendations on growth management subjects as directed by MPAC. MTAC shall have the following representation:

Each county government	1
City of Portland	1
Largest city in each county (not including Portland)	1
Second largest city in Clackamas County	1
Second largest city in Washington County	1
Other cities in each county	1
Citizen representative from each county to be represented by the respective county's Committee for Citizen Involvement	1
Tri-Met	1
Oregon Department of Land Conservation and Development	1
Oregon Department of Transportation	1
Port of Portland	1
A commercial and industrial contractor association ("AGC")	1
A residential contractor association ("HBA")	1
A private economic development association	1
A public economic development association	1
A land use advocacy organization	1
An environmental organization	1
A school district	1
Water Resource Policy Advisory Committee ("WRPAC")	1
A sanitary sewer and/or storm drainage agency ("WRPAC")	1
An architect association ("AIA")	1
A landscape architect association ("ASLA")	1
Electric utilities	1
Natural gas utilities	1
Telecommunication utilities	1
Metro representative from the Planning Dept who shall serve as chair (non-voting)	1
An affordable housing advocacy organization	1
Clark County, Washington	1
Vancouver, Washington	1

Each jurisdiction or organization named shall annually notify MPAC of their nomination. MPAC may approve or reject any nomination. Revision of the membership of MTAC may occur consistent with MPAC bylaw amendment procedures. If any membership category (member and alternate) is absent for three (3) consecutive MTAC meetings, the representatives shall lose their voting privilege. MTAC members who

acquire non-voting status may regain their voting status after attending three (3) consecutive MTAC meetings. A quorum for MTAC meetings shall be a simple majority of voting MTAC members. MTAC shall provide MPAC with observations concerning technical, policy, legal and process issues along with implementation effects of proposed growth management issues, including differing opinions, with an emphasis on providing the broad range of views and likely positive and negative outcomes of alternative courses of action. MTAC may adopt its own bylaws provided they are consistent with MPAC bylaws and are approved by a majority vote of MTAC members.

d. All meetings shall be conducted in accordance with ROBERT'S RULES OF ORDER, Newly Revised.

e. MPAC may establish other rules of procedure as deemed necessary for the conduct of business.

f. Unexcused absence from regularly scheduled meetings for three (3) consecutive months shall require the Chair to notify the appointing body with a request for remedial action.

g. MPAC shall make its reports and findings, including minority reports, public and shall forward them to the Metro Council.

h. MPAC may receive information and analysis on issues before it from a variety of sources.

i. MPAC shall provide an opportunity for the public and the Metro Committee for Citizen Involvement ("Metro CCI") to provide comment on relevant issues at each of its regularly scheduled meetings.

j. MPAC shall provide a minimum of seven days notice to members of any regular or special meetings.

k. MPAC shall abide by ORS Chapter 192, which provides for public records and meetings.

ARTICLE V
OFFICERS AND DUTIES

a. A Chair, 1st Vice-Chair, and 2nd Vice-Chair shall be elected by a majority of the voting members for a one year term of office ending in January of each year. A vacancy in any of these offices shall be filled by a majority vote of MPAC, for the remainder of the unexpired term.

1. Nominations shall be received at the first meeting in January for chair, first vice chair and second vice chair.

2. The first Vice-Chair shall become Chair following the completion of the Chair's term.

3. The second vice chair shall be a rotating position to keep balance for a) county/geographic representation; and/or b) city/county/special district representation after the previous year's first vice chair moves up to chair and the first vice chair is selected.

b. The Chair shall set the agenda of and preside at all meetings, and shall be responsible for the expeditious conduct of MPAC's business. Three members can cause a special meeting to be called with a minimum of seven days notice.

c. In the absence of the Chair, the 1st Vice-Chair, and then the 2nd Vice-Chair shall assume the duties of the Chair.

ARTICLE VI
AMENDMENTS

a. These by-laws may be amended by a majority vote of the MPAC membership, except that Article III related to the MPAC membership may not be amended without the concurrence of the majority of the Metro Council.

b. Written notice must be delivered to all members and alternates at least 30 days prior to any proposed action to amend the by-laws.

ATTACHMENT 3

Metro | *People places. Open spaces.*

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Portland-Milwaukie Light Rail Project steering committee

PLANNING AND CONSERVATION › TRANSPORTATION › PORTLAND-MILWAUKIE LIGHT RAIL › PARTICIPATION AND DECISION MAKING › STEERING COMMITTEE

The committee makes final recommendations to Metro Council and to jurisdictions along the alignment.

The steering committee is comprised of elected officials from Portland City Council, Milwaukie City Council, Oregon City Commission, Multnomah County Commission, Clackamas County Commission, executives from TriMet and the Oregon Department of Transportation, and the Citizen Advisory Committee chair.
Download the latest meeting summaries below

Committee members

- Carlotta Collette, chair; Metro Councilor District 2
- Robert Liberty, Metro Councilor District 6
- Jim Bernard, City of Milwaukie Mayor
- Alice Norris, City of Oregon City Mayor
- Sam Adams, City of Portland Commissioner
- Lynn Peterson, Clackamas County Commissioner
- Maria Rojo DeSteffey, Multnomah County Commissioner
- Fred Hansen, TriMet general manager
- Jason Tell, Oregon Department of Transportation Region 1 director
- Rick Williams, Citizen Advisory Committee chair

NEED ASSISTANCE?

Metro transportation planning
503-797-1756
trans@oregonmetro.gov

FILES AND RELATED MATERIALS

- Steering committee meeting: Aug. 13, 2007
  44K Adobe Acrobat PDF | Published January 3, 2008
- Steering committee meeting: July 9, 2007
  136K Adobe Acrobat PDF | Published December 28, 2007
- Steering committee meeting: May 14, 2007
  139K Adobe Acrobat PDF | Published July 3, 2007

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PORTLAND-MILWAUKIE LIGHT RAIL
SOUTH CORRIDOR PROJECT HISTORY
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT
PARTICIPATION AND DECISION MAKING
LAND USE FINAL ORDER
CITIZEN ADVISORY COMMITTEE
STEERING COMMITTEE
ALIGNMENT OVERVIEW
STATION AREA PLANNING
LAKE OSWEGO TO PORTLAND TRANSIT
PORTLAND STREETCAR LOOP
TRANSPORTATION PROJECTS
ADVISORY COMMITTEES

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7.
INFORMATION

North Clackamas Parks and Recreation District
MILWAUKIE CENTER/COMMUNITY ADVISORY BOARD
Minutes of Dec 12, 2008

MEMBERS PRESENT: Katie Rudfelt, Joan Staley, Ben Tabler, Ben Horner-Johnson, Eleanor Johnson, Jane Hanno, Molly Hanthorn, Joy Estes, Chuck Petersen

STAFF PRESENT: Joan Young, Donna Lugibihl

MEMBERS EXCUSED: Kim Buchholz, Carolyn Mills

CALL TO ORDER: Joan S. called the meeting to order at 9:30 am. Chuck made a motion to accept the minutes as printed and Ben Horner-Johnson seconded the motion. The minutes were approved unanimously.

GUESTS: Elizabeth Young, Rocky Tuomi
Elizabeth and Rocky are potentially interested in serving on the board. Elizabeth is a realtor and lives in Milwaukie. She's been a participant in the Diabetes Support Group. Rocky volunteers as a Meals on Wheels driver and is presently employed as a dental assistant.

CORRESPONDENCE
BOARD MEMBER REAPPLICATIONS:
Joan reported that both Kim Buchholz and Ben Tabler had reapplied to serve on the board. Eleanor made a motion to accept their applications and Jane seconded the motion. It was approved unanimously.
Joan mentioned that on Dec 18th, after 2 ½ years, the Intergovernmental Agreement with the City of Milwaukie will be going to the Board of County Commissioners for approval. In the Agreement there are changes affecting the C/CAB including reducing the board to 12 members.

BOARD/COMMITTEE REPORTS

NC DISTRICT ADVISORY BOARD MEETING
Eleanor said the board had their annual Christmas Party. She also mentioned that Elton Storment and Don Trotter are resigning from the Board. Dan Zinzer reported that the 162nd Park bids were in and the basic work, including roads, was complete. A tour was given of the new office building, which include room motion sensors, a water retention tank for irrigation and beautiful artwork.

NC PARK STEWARDSHIP COMMITTEE
Still need a representative from the Board. Joan said she would continue to try and get a report from them. If anyone is interested in attending, they meet once a month, the 4th Wednesday, at 4 pm at the Center.

PROGRAM/SERVICES COMMITTEE
No report – will meet in January.

Joan also informed the board of Phase 1 of the north side of North Clackamas Park. Improvements include: bridging a damaged culvert, putting in walking paths and improving the dog area, breaking it into 2 parts (one for larger dogs and one for smaller dogs).

AGENDA FOR NEXT MEETING
Cheryl Nally will report on the Future Vision task and staff update.

ADJOURN –The board meeting was adjourned by Chair Joan Staley at 10:30 am

Minutes prepared by: Donna Lugibihl

North Clackamas Parks and Recreation District

Milwaukie Center

Monthly Report for December 2008

Programs/Services

Over 150 participants enjoyed the annual Winterfest adult holiday party, with entertainment from the Milwaukie Center Singers and Fireside Carolers and lots of door prizes from local supporters. Santa and Mrs. Claus handed out candy canes while participants enjoyed cookies, fruit and punch.

Tai Chi instructor, James Lusk conducted a Tai Chi demonstration attended by 20 people. In the past four years, the Center has expanded from one Tai Chi class to five classes.

The declining economy and extreme weather are causing hardship for seniors nationwide. Social Services staff is dealing with multiple new referrals for Meals on Wheels, and addressing many and complex needs of our clients. Emergency requests for energy assistance, prescription drug purchase and food have increased. Partnerships with two local churches provide resources for delivery of food boxes for our seniors.

The Center's reputation for providing meals in any type of weather remains untarnished. Many thanks and kudos to Pam Girtman and Tom Heider, who executed a media release requesting Meals on Wheels drivers during our severe weather. The response was overwhelming, allowing every route to be covered each day. In anticipation of the poor weather, 230 emergency meals were delivered to our clients at an expense of $1,265.

The Friends of the Milwaukie Center participated in the North Clackamas Chamber of Commerce Non-Profit Showcase in December. The Friends displayed and distributed information about the Milwaukie Center to attendees at this annual event.

Fundraising

Rosie Steenson, the new Resource Development Manager for the Friends, has been meeting with Chamber members and other local businesses to help build awareness about the Milwaukie Center in our community and to develop potential sponsorship opportunities.

Coming Up

Powerful Tools for Care Giving Class, Tue, Jan. 6, - Feb. 10, 12:30-3pm. The classes focus on self-care, communicating effectively with others and making tough care giving decisions. This series will be taught by Mary Ann Hard, Clackamas County Social Services, Lifespan Respite Care and Family Caregiver Support Program Coordinator.

Special Needs Trust workshop, Tue, Jan 13, 1-2 pm. Geoff Bernhardt, Attorney at law, will provide valuable information about planning for the future with a special needs child.

See's Valentine Candy Sale, Tue, Jan 20 - Feb 13. Buy delicious See's Candy for someone special and help seniors and people with disabilities with transportation assistance. Candy is available at the Center, North Clackamas Aquatic Park or Clackamas Federal Credit Union in Milwaukie.

Tax Aide Program, Feb 2 - April 15. Volunteers, trained by the IRS and the State Department of Revenue, will prepare state and federal tax returns for older adults, low income and disabled persons.

Fall Prevention Workshop, Tue, Feb 10, 1-2 pm. Janie Campbell and Nancy Wolske, Providence Lifeline, will be speaking on preventing falls and what measures to take to make your home safer to avoid falling.