

MINUTES OF THE METRO COUNCIL MEETING

Thursday, July 24, 2008
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Kathryn Harrington, Robert Liberty, Rex Burkholder, Rod Park, Carl Hosticka, Carlotta Collette

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

1. INTRODUCTIONS

There were none.

2. CITIZEN COMMUNICATIONS

There were none.

3. INTEGRATING HABITAT PEOPLE'S CHOICE AWARD VIDEO

Councilor Collette said the Integrating Habitats People's Choice Award student winner in Category 3-Residential infill and oak woodland habitat was: "Symbiotic existence through transactional awareness" from Georgia Institute of Technology, Atlanta, Georgia. She congratulated the team members: Shraddha Srivastav, Amanda Cook and Katherine Creason. Corie Harlan, Nature in Neighborhood Program, provided an update on the Integrating Habitat series.

4. PROSPERITY INDEX FOR GREATER PORTLAND

Council President Bragdon introduced Mr. Tim Priest President and Chief Executive Officer (CEO) of Greenlight Greater Portland and Steven Pedigo, Vice President. He noted collaboration efforts with Greenlight Greater Portland on Connecting Green. Mr. Priest explained Greenlight Greater Portland and provided a power point presentation on *Pursing the Future: The outlook for greater Portland*. He spoke to 2008 key objectives. He then briefed Council on forecasting for the region such as jobs, Leadership in Energy and Environmental Design (LEEDs) certified buildings, computer software, and alternative energy. He spoke to quality of life in Portland including bookstores, wineries, brewpubs, and transportation infrastructure. Greater Portland was well positioned. He acknowledged their forecast was more optimistic than Metro's forecast.

Councilor Harrington said she attended the West Side Economic Alliance this morning where this information was presented. This was an effort to market the attributes of the region including economic opportunity and development. She appreciated the marketing efforts of the private sector. She thanked Greenlight Greater Portland for working collaboratively with both the private and public sector. Councilor Park asked if being the cheapest on the west coast was a positive. Mr. Priest said they were looking at the economic case for the region. When you were trying to attract solar companies, they were big land users. It was a challenge in the region since there was a limit of land. He talked about the size of the chip manufactures in the area and their intent to downsize. Mr. Pedigo said that access to human capital in the region was just as important as cost. Councilor Park asked them to speak about comparables to other cities and how that helped

the region in terms of competitiveness. Mr. Priest talked about the number of individuals in the region that had college degrees. There was no presence of a major university in the region. They also found the per capita income was lower than other cities. We needed to make sure we created prosperity for the region. Council President Bragdon appreciated their factual presentation on long-term regional prosperity.

5. CONSENT AGENDA

- 5.1 Consideration of Minutes for the July 17, 2008 Metro Council Regular Meeting.
- 5.2 **Resolution No. 08-3913**, For the Purpose of Amending the 2008-11 Metropolitan Transportation Improvement Program (MTIP) to Reduce the ODOT Region 1 Modernization Program
- 5.3 **Resolution No. 08-3962**, For the Purpose of Amending the 2008-11 Metropolitan Transportation Improvement Program (MTIP) to Add the Sundial Road Swigert Way Project.
- 5.4 **Resolution No. 08-3963**, Amending the Natural Areas Implementation Work Plan to Authorize the Chief Operating Officer to Acquire Certain Properties When the Purchase Price is Equal to or Less than \$5,000.

Motion:

Councilor Harrington moved to adopt the meeting minutes of the July 17, 2008 Regular Metro Council and Resolution Nos. 08-3913, 08-3962, 08-3963.

Vote:

Councilors Burkholder, Harrington, Liberty, Park, Collette, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

6. ORDINANCES – SECOND READING

- 6.1 **Ordinance No. 07-1162A**, For the Purpose of Adopting the Regional Solid Waste Management Plan, 2008-2018 Update.

Motion:	Councilor Harrington moved to adopt Ordinance No. 07-1162A.
Seconded:	Councilor Park seconded the motion.

Councilor Harrington provided a brief overview of the Regional Solid Waste Management Plan (RSWMP). Metro had a longstanding role in regional solid waste planning, with the earliest solid waste management plan for the region produced back in 1974. Like its predecessors, the Plan before Council provided long term policy and program direction to Metro and its partners in the region's solid waste system. The Plan also satisfied state requirements in ORS 459 for a regional waste reduction program. The following issue areas were addressed in the draft updated Regional Solid Waste Management Plan: 1) Reducing the amount and toxicity of solid waste generated and disposed, 2) Applying sustainability practices to solid waste operations, and 3) Continuing disposal system planning and improvements.

The Metro Council contributed to the development of this Plan in several ways, primarily, through disposal system planning, in which the Council determined the transfer system would

continue to be a public/private hybrid. The outcome of this two-year process shaped RSWMP regional policies on Facility Ownership and New Facilities. In addition, the Rate Policy Subcommittee, chaired by Councilor Park, considered rate issues and provided recommendations that shaped regional policies on Disposal Pricing. Finally, the Council reviewed and approved the waste reduction portion of this Plan in 2006.

This final draft Plan was shaped by four phases of public involvement, five regional workgroups, Metro's Solid Waste Advisory Committee (SWAC), local government staff, Department of Environmental Quality (DEQ), and Metro staff and Council. Members of the Regional Solid Waste Advisory Committee voted 12-0, with two abstentions, to recommend approval of the updated RSWMP to the Metro Council.

In lieu of a presentation at Metro Policy Advisory Committee (MPAC), local elected officials throughout the region were provided briefings on the Plan in late 2007/early 2008. A total of ten jurisdictions requested briefings after receiving Councilor Harrington's October 2007 letter, which offered these briefings. Councilor Harrington said this was the final draft of the RSWMP for Council adoption.

Council President Bragdon opened a public hearing on Ordinance No. 07-1162A. No one came forward. Council President Bragdon closed the public hearing.

Councilor Burkholder commented on the accomplishments of the plan, what we did well and what we could do better. He talked about Denmark's accomplishments in the solid waste arena. This plan set the framework to do a better job of reducing waste. He was very supportive of this plan. He acknowledged Councilor Harrington's efforts. Councilor Collette seconded Councilor Burkholder's comments. She spoke of her trip to Scandinavia and what she had learned about recycling and solid waste. She talked about our landfill and that we needed to be more responsible to reuse everything we possibly could. Councilor Park said this was a start. He acknowledged both staff and councilors efforts on this plan. His hope was that we would recycle more and use less. He would be supporting the plan. He felt it was a good piece of work. Councilor Liberty said he was delighted to vote for this plan. It was worth recognizing that they were having discussions about moving forward on other efforts, which will take us closer to that goal. He said the big challenge ahead was to move from the idea of affluence as being measured by consumption, the quantity of stuff to the quality of experience. He noted the agenda packet, which was very large for this meeting. Some of these issues could be addressed by technology but other changes will be more personal, how we live and how we measure our experience. There was a mountain of challenges ahead of us.

Council President Bragdon said he would support this plan as well. This plan didn't take in to account the enormous increases in energy costs and price. He talked about our transport contract for solid waste. He spoke to his hopes for solid waste and recycling.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

6.2 **Ordinance No. 08-1183A**, For the Purpose of Amending Metro Code Title V, Solid Waste, to Add Chapter 5.10, Regional Solid Waste Management Plan, to Implement the Requirements of the 2008-2018 Regional Solid Waste Management Plan.

Motion:	Councilor Harrington moved to adopt Ordinance No. 08-1183A.
Seconded:	Councilor Liberty seconded the motion.

Councilor Harrington said the purpose of 08-1183A was to implement required elements of the 2008-2018 Regional Solid Waste Management Plan or "RSWMP." This measure was a companion ordinance to 07-1162A, the RSWMP adoption ordinance.

On March 27th this Council tabled consideration of both ordinances after receiving letters of opposition to 08-1183 from several local governments. Council directed staff to meet with those concerned local governments and also to take the ordinance before the Metro Policy Advisory Committee for review and recommendation. In May and June staff provided briefings on the ordinance to elected officials in the cities of Durham and Hillsboro and to Washington County. The ordinance was revised based on discussions with these and other local governments. On June 11th MPAC members recommended approval of 08-1183, as revised, by a vote of twelve to one.

The "A" version now before the Council still ensured that required elements of the RSWMP were clear and precise; local governments had notice and a clear process to certify RSWMP compliance or come into compliance; and required elements of the RSMWP were enforceable.

Primary revisions in this A-version were: 1) An added definition for "substantial compliance," where "comply" or "compliance" appeared in the ordinance, these terms now carried the same meaning as "substantial compliance," 2) a deleted section on Penalties for Violations. Financial penalties had been removed, but the ordinance still provided for Council to issue an order and direct changes in local government action if a violation of RSWMP requirements had occurred, and 3) added Performance Standard language. This new language clarified that Metro's approval of proposed local alternatives to the Regional Service Standard was performance-based, and not subjective. In other words, approved alternatives would have the same or higher level of performance as the service standard requirement.

In conclusion, this amended ordinance was better understood and accepted by local governments. Its provisions would provide an efficient method for local governments to establish compliance with RSWMP requirements, and would satisfy DEQ concerns about Plan enforceability.

Council President Bragdon opened a public hearing on Ordinance No. 08-1183A. No one came forward. Council President Bragdon closed the public hearing.

Councilor Hosticka appreciated the changes that had been made particularly in the realm of performance measures. It was a good thing to do. Councilor Harrington urged support.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

7. RESOLUTIONS

- 7.1 **Resolution No. 08-3959**, For the Purpose of Approving Portland Milwaukie Light Rail Project Locally Preferred Alternative and Amending the Metro 2035 Regional Transportation Plan (RTP).

Motion:	Councilor Liberty moved to adopt Resolution No. 08-3959.
Seconded:	Councilor Collette seconded the motion

Councilor Liberty said it had been his pleasure to chair the Milwaukie to Portland Light Rail Steering Committee. He said they were looking at the Locally Preferred Alternative (LPA) in this resolution. He further explained the project including a new bridge crossing the Willamette River. They had had very substantial public participation on this project. He noted the types of public involvement that had occurred on the project. It was a big project. He noted potential funding. They were confident that the partners could meet the total funding goal.

Richard Brandman, Deputy Planning Director, explained the resolution before Council. This concluded a two-year process that produced a Supplemental Draft Environmental Impact Statement (SDEIS). He spoke to the history of the project. He noted a variety of routes and alignments that had been studied. He noted the enormous public output on the project. He spoke to benefits and impacts of the project. Joint Policy Advisory Committee on Transportation (JPACT) had unanimously approved the resolution. He read the “resolves” in the resolution. Bridget Wieghart, Planning Department, described the LPA, including timesavings of the light rail and the increase in transit ridership. She outlined the major elements that were different from the 2003 LPA. She noted Park Avenue was the LPA recommendation. She also talked about the different stations along the light rail.

Karen Withrow, Public Affairs Department, provided details of public involvement that took place for the project. She summarized comments that had been received during the comment period. Metro will continue to coordinate with other agencies as the project moved forward.

Fred Hansen, TriMet General Manager and Project Sponsor, talked about the history of the project as well as the history of light rail in the region. He noted that Metro Council and JPACT were to be commended for their efforts to bring all of the partners along. He acknowledged Councilor Liberty’s efforts particularly. He shared details on travel timesavings. He said the proposed bridge was for the 21st century because it was an alternative mode bridge only. It also provided great opportunities for pedestrian and bicycle. He stressed the innovation quadrant (IQ) to help that area come together and help develop the South Waterfront. He urged support for both the LPA and the Land Use Final Order (LUFO). Councilor Liberty talked about additional access for bicycles and pedestrian. He noted current volumes on the Hawthorne Bridge.

Council President Bragdon opened a public hearing on Resolution No. 08-3959.

Jim Bernard, Mayor of Milwaukie, 10722 SE Main Street, Milwaukie, OR 97220 talked about the founders in Milwaukie and their desire to be in competition with the City of Portland, having Milwaukie as the hub of transportation. He talked about the impacts to the neighborhoods and the community. He noted discussions at the City of Milwaukie including access, crossings, and stations. He was a strong supporter of alternative transportation. He urged Metro Council support getting this project to Park Avenue. He urged supporting the LPA.

Roger Martin, Oregon Transit Association, 900 Atwater, Lake Oswego, OR 97034 said this was a vital program and he urged Council’s support. He talked about the need for this kind of transportation. He provided some details of other cities where commute times were up to two hours. It was vital that we have this kind of transportation to meet the economic growth in our region. He said light rail ran on electricity and was far more efficient.

Robert Price, 12901 SE 97th Suite 180, Clackamas OR 97015 said he was a consultant working for Portland General Electric (PGE). PGE supported light rail and the alignment that was under consideration. He said they found there were significant impacts of this project on their service center. There were significant operational aspects at this site. They planned to complete their evaluation and would be contacting project staff about these impacts. He talked about solutions and mitigation for these impacts.

Ralph Rigdon, St. John's Catholic Church and school, 2417 SE Silver Springs Road, Milwaukie, OR 97222 said he was opposed to light rail coming into Milwaukie. They were against the project because it came so close to the school and church. He talked about the safety issues. He wanted to know why Metro wanted to push light rail into downtown Milwaukie. He felt light rail ruined the neighborhood.

Ed Zumwalt, 10888 SE 29th, Milwaukie, OR 97202 said Milwaukie was a small town. Two major rails slashed through Milwaukie. He provided further details of transportation disconnects in Milwaukie. He was concerned how close light rail was to four schools. He noted crime on the light rail lines. He said there had to be a better way to come into Milwaukie. He said everyone was forgetting that the town had a heart and soul. There had to be a better way.

Paul Carlson, OMSI, 1945 SE Water Avenue, Portland, OR provided his letter for the record.

Michael Powell. Portland Streetcar Ind, 7 NW 9th Portland OR 97209 supported the alignment and the project. He knew a good deal about transportation in the community. The region had the history to support public transportation. He said this brought vitality to the downtown. This was about building a transportation system. Councilor Park asked about crime and the streetcar. Mr. Powell said to his knowledge there had been no reported crime on the streetcar in the past six years. He understood TriMet's safety challenges. In downtown they welcomed light rail.

Gail and Chris Bach, Stor-room Mini Storage, 4534 SE 17th Ave Portland OR 97202 said they were located on Holgate. They had owned their property since 1992. They had provided a needed service to the community. They were in favor of the Portland Milwaukie Light Rail but were concerned with the impact on their business. Mr. Bach talked about the impacts to customers of retail businesses in the area. He urged careful review of traffic patterns. Second, was the issue of rezoning opportunities that were presented in the Plan. He urged immediate rezoning and explained why. Councilor Burkholder said City of Portland controlled zoning, he wondered if there was an effort to rezone. Mr. Bach said the effort had been to condemn their property. Councilor Liberty said they had discussed some of these issues. Ms. Bach said they had been threatened with condemnation for several years. She asked how they raised issues at this time. She wanted to be placed on the mailing list. They were concerned about the impact to 500 storage unit individuals. They were in favor of light rail. Council President Bragdon said their concerns had been heard and they would continue to be informed. Councilor Park clarified that they were asking for a density increase land use issue. Mr. Bach said they agreed that the carbon footprint had to be reduced but there were also impacts to this industrial area. The only thing that made sense was to look at this area as the City of Portland had looked at the Pearl District. He hoped the light rail was the beginning of that process. They would need Metro's support to get this area rezoned (He provided a copy of their letter which summed up issues he addressed in his testimony.)

Les Poole, N. Clackamas Property Owner, 15115 SE Lee Milwaukie OR 97267 said he lived south of the proposed terminus. He mentioned that this had been a tough process. As we move

through this process he was hopeful that we could stay with the issues. He questioned the Mayor's participation in the process because he felt he had a conflict of interest because of where his property was in respect to the proposed light rail. He talked about the cost to extend the light rail to Park Avenue. He said 70% of the money must be obtained to proceed. He provided his testimony for the record.

Lloyd Lindley, Chair Portland Design Commission, 1900 SW 4th Portland OR 97205 provided his testimony for the record. Councilor Burkholder asked about the design of the bridge. Mr. Lindley said the Design Commission had not yet seen the design but they would invite TriMet to provide details.

Margaret Gunn, 5344 SE 34th Portland OR 97202 provided her comments for the record.

Mark Williams, Oregon Health Science University (OHSU), 3181 SW Sam Jackson Park Rd Portland OR 97239 said they were here to support the resolution before Council. They looked to the future to carry on their mission further in a more sustainability manner. They were not graduating enough health care professions so that was why they were planning to build a health care education center on the waterfront. He said they were pleased to support the alignment. They thought there was an opportunity for a science corridor in the area. He explained further the vision for a science corridor. He talked about a proposal to locate a collaborative building close to the light rail station. Councilor Park asked Mr. Williams about the vision of that area if the light rail didn't happen, what was their Plan B. Mr. Williams said they would look to the streetcar. They strongly supported the effort to get people out of their cars. We must have other kinds of transportation modes.

Craig Flynn, 11294 SE 27th Milwaukie OR said he was opposed to unsustainable low capacity light rail to Milwaukie. He said they were building Milwaukie into congestion. He said the transit system didn't go where it should go. Most people don't go downtown. The majority of the jobs were in the suburbs. He suggested using these funds for better projects. He noted that people didn't vote on these projects anymore. He talked about the real cost of transit.

Stephen Klein, PO Box 1709 Clackamas OR 97015 said he had a home in Milwaukie. He was in opposition to the light rail. The public didn't want the planned stations. He felt he had been left out of the loop on the proposed stations. He felt they needed a new way of thinking about the light rail. With light rail they saw density, crime and congestion. He talked about past opposition in Milwaukie to the light rail. He noted environmental carbon footprint with density.

Council President Bragdon closed the public hearing.

Councilor Liberty asked staff about discussions of condemnation of the Bach's property as well as the 17th Avenue plan. Dave Unsworth, TriMet, explained that they didn't see condemnation of the property. He explained further their plan for alignment. The current impacts were on the west side of the street. The street remained two ways. The Bach's property was on the east side of the street. Councilor Harrington asked if this information was part of the LPA document. Mr. Unsworth said it was part of the LPA drawings. Councilor Liberty asked about the required public vote. Mr. Brandman said there was no requirement for a public vote on the project. Councilor Burkholder asked about rezoning along that stretch. Ms. Wieghart said there were no current plans to rezone but there were some ideas that had been proposed. Mauricio Leclerc, City of Portland, said when they looked at the comprehensive plan they would consider a stationary process. Councilor Liberty said there had been some rezoning, which had already occurred. He

felt it was necessary to have this planning go hand in hand. Councilor Park asked about the station plans and access to business. Mr. Unsworth responded to his question. Council President Bragdon asked about 17th and Holgate and what the process for moving forward to support property owners. Mr. Unsworth said in the design as they moved forward they looked for impacts to the property owners.

Councilor Hosticka commented that this had been a long and interesting process. The first thing he encountered was the Banfield Light Rail. He was happy to see that we had a process where issues could get resolved at a local level. He said this had been a long time coming.

Councilor Burkholder said he was disappointed that the people who had spoken in opposition to this project had left the chamber. He talked about the impacts of the light rail in his neighborhood. He explained the history of the Interstate Light Rail. The neighborhoods had been rejuvenated. There were schools and businesses close to light rail. He felt their fears weren't justified. As every leg of light rail was added, the areas became more useful. As the system developed they saw more connections. It was a more functional system now. In his neighborhood it had made a big difference.

Councilor Harrington said her district was out in Washington County. She supported this project. The constituents in her district supported transit. This was a regional system. This was a project that was needed to keep the regional parts working. She was please to see that the LPA included parking space solutions. It was important to have this as part of solutions. Many will walk, take the bus and bike but it was important to have a parking solution as well. Metro Councilors and multiple agencies had been very inclusive. There had been much involvement to come up with the best project.

Councilor Park iterated Councilor Burkholder's comments about community impacts. He talked about the Gresham station with newer development. The Center for Advanced Learning had deliberately placed their campus close to light rail. It was creating an activity level that was creating jobs, housing, and businesses. He was hopeful the Milwaukie light rail would create that same kind of synergy. We needed to tip our hat to those who had gone before them. Times were changing. He acknowledged former Councilor Newman for his efforts on this project.

Councilor Liberty thanked those who had worked on this project. Thirty years ago this region took a different direction by committing itself to light rail. He doubted that 30 years ago anyone would have believed that there would be 50 miles of light rail in the region. He said his neighbors had looked forward to light rail and there had been a changed in attitude about light rail. We were able to build a bridge that would speak to the future.

Councilor Collette closed by thanking those who had led the project. In addition she thanked City of Milwaukie staff and councilors for their leadership. There was also a long list of neighborhood leaders who supported this project. Milwaukie supported this project. She particularly thanked Dave Unsworth and other TriMet staff. She also acknowledged other regional partners. She shared her vision of those who would take light rail to and from Milwaukie. She was very happy to help make this decision.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

Council President Bragdon read the application language for the Land Use Final Order (LUFO) (a copy of these remarks are included in the record). Dan Cooper, Metro Attorney, explained House Bill 3478 requirements (a copy of his explanation is included in the record). Council President Bragdon provided an overview of the hearing (a copy of the proceedings is included in the record).

7.2 **Resolution No. 08-3964**, For the Purpose of Adopting a 2008 South/North Land Use Final Order, to Modify the Proposed Route of the Portland-Milwaukie Segment of the South/North Light Rail Corridor, Relocate Proposed Light Rail Stations, Establish the Light Rail Route Between SE Tacoma Street and SE Park Avenue in Clackamas County, and Establish New Station Locations, Park and Ride Lots, Maintenance Facilities, and Highway Improvements.

Motion:	Councilor Liberty moved to adopt Resolution No. 08-3964.
Seconded:	Councilor Collette seconded the motion

Councilor Liberty introduced the resolution, this provided for the adoption of LUFO and the adoption of land use findings that could support the LUFO amendment. He had asked staff to explain the evidentiary relationship between the LPA, the SDEIS and LUFO. Mark Turpel, Planning Department, present the required elements of the LUFO (a copy of these elements were included in the staff report in the Council packet). Findings were prepared by looking at all of the letters that were provided. The way they were proposing to provide this staff report and the way it had been structured was that there was an Exhibit A which was the map which was what was being proposed as this land use final order which showed the boundaries of the project and were identical to those proposed by TriMet which were also identical to those approved by the LUFO Steering Committee and those recommended by ODOT. They suggested that TriMet, as the applicant provide an overview of the maps. The other requirement for the staff report had to do with going over the criteria and demonstrating that the project met the criteria. The criteria included procedural criteria, impacts that were identified and the measures to resolve those impacts (from the SDEIS), and a number of alternatives, which the criteria urged that they consider such as going to Clackamas Town Center and a light rail extension to Oregon City. The findings were also prepared by looking at all of the letters in the public record received to date and identifying issues, concerns and trying to address those in the proposed findings.

Council President Bragdon opened a public hearing on Resolution No. 08-3964.

Dave Unsworth, TriMet, talked about two next steps. The first next step was moving into preliminary engineering. Next Thursday they would be submitting an application to the Federal Transit Administration as to why this project made sense. They would review it for a number of things including risk. At risk was schedule and making sure that TriMet adhered to schedule and they weren't delayed was an important component. That played into the LUFO. The LUFO was an implementing measure of the LPA that provided certainty to the project and what can be appealed and timelines in which it could happen. He walked Council through what the LUFO was. He said the LUFO Steering Committee met and submitted the LUFO to TriMet for adoption by the Board. The Board adopted the LUFO and asked TriMet staff to submit this for the Metro Council's consideration. This was not the first time they had done this. He provided examples of other LUFO's that had been adopted after an LPA on every one of those occasions. There were two areas on the drawing from downtown Portland to downtown Milwaukie and second, was out in Gresham, the maintenance facility. This element was to define the route, the stations, parking lots for park and ride, highway improvements and a maintenance facility in Gresham. He

reviewed the alignment on the map and the changes to the LUFO that was adopted in 2003. He noted amendments to the alignment from 2003 as well as general locations of stations. He said at Holgate they had widened the area to include a bike lane. He noted Mr. And Mrs. Bach's property and where the station was located in front of their property. He also talked about the proposed Harold Station. He shared other station proposals.

Mark Greenfield provided a brief overview of the LUFO process. SB 573 established this process in 1991 for the west side corridor project. It created an expedited and consolidated land use process for decision-making that involved multiple jurisdictions. There were 10 criteria that required identification of adverse impacts and identification of mitigation measure to mitigate those impacts. The process worked very well. This same process had been applied to other alignments as well. He talked about the steps that were followed. He shared the findings must be made available seven days before the hearing and were based on the SDEIS document. He also read every comment to make sure every comment, which was relevant to the criterion, was addressed. The findings before Council completely considered all of the issues addressed. He acknowledged staff's assistance.

Councilor Hosticka asked about the Lincoln Harbor station. Mr. Unsworth the LPA deleted the station but would go through a process this Fall to get the best bang for their buck.

Council President Bragdon opened a public hearing on Resolution No. 08-3964 for the general public. No general public came forward to testify. Council President Bragdon closed the public hearing.

Staff heard nothing that they needed to rebut.

Councilor Collette said she wanted to talk about getting to Park Avenue. She said it was essential. We should be building park and rides as far as possible from the center. She provided benefits to the Park Avenue station. She was still totally supportive of the project.

Councilor Liberty added his thanks to the attorneys involved.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Liberty, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

7.3 **Resolution No. 08-3957A**, For the Purpose of Entering Orders Relating to the Velma Pauline Povey and Lila and Kenneth Saxon Claims For Compensation Under Section 9 of Chapter 424 Oregon Laws 2007 (Measure 49) and Metro Code Chapter 2.21.

Ted Reid, Planning Department, explained the claim for Ms Povey, which was substantially incomplete. He explained what was incomplete about the claim. Council President Bragdon asked about enacted and applied. Staff recommends denial of the claim.

Mr. Reid provided details of the Saxon claim. He said this claim had some fundamental short-comings. He provided details of these short-comings such as the appraisal. Staff recommended denial of the claim. Council President Bragdon asked about the issue of appraisal. He understood that Mr. Cox's claimant did not provide an appraisal whereas the Saxon claimant provided an

appraisal. Councilor Burkholder asked about the relationship of the Council's decision today on the Measure 37 claim. Dick Benner, Senior Metro Attorney, explained the details of Measure 37 and Measure 49. He provided a recommendation to the Council to deny the claims.

Motion:	Councilor Burkholder moved to adopt Resolution No. 08-3957A.
Seconded:	Councilor Harrington seconded the motion

Council President Bragdon opened a public hearing on Resolution No. 08-3957A. Keith Marshall, 19062 SE White Crest Ct Damascus OR 97089 did not come forward. Council President Bragdon closed the public hearing.

Councilor Burkholder said he felt the staff report was clear and that the applicants failed to meet the Measure 49 claims. Council President Bragdon said he would be voting yes on the Chief Operating Officer's recommendation and explained further his vote. Councilor Park commented on the difficulty in dealing with Urban Growth Boundary expansions and the archaic laws they had to deal with in making those decisions.

Vote:

Councilors Park, Burkholder, Collette, Harrington, Hosticka and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed with Councilor Liberty absent from the vote.
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8. CHIEF OPERATING OFFICER (COO) COMMUNICATION

Scott Robinson, Deputy COO, thanked the Solid Waste and Recycling staff for their efforts to step up because of the leadership shortfall. The COO had scheduled meetings with council individually before August 8th.

9. COUNCIL COMMUNICATION

Council President Bragdon said he had been compiling questions to be addressed at the retreat.

Councilor Harrington said Council had asked the COO to do quarter updates for programs policy development results happening given objectives that had been agreed upon. She was looking forward to hearing some information on Metro's sustainability efforts. Also Council had conversations about the agency moving from having one primary tool of the budget to having other management tools in play and in practice. Second, City of Cornelius had sent a survey about Metro to Councilors. They had no information about the audience. She was interested in getting support from Metro staff to coordinate a response.

Councilor Park said there was a ground breaking for the Gresham Performing Arts. He also talked about a site that was being developed in that area.

Councilor Burkholder said the Regional Transportation Council of Southwest Washington adopted the Columbia River Crossing resolution last Tuesday night. He would be out of town at the American Public Association on Sustainability Conference next week.

Council President Bragdon said they received word from National Recreation and Park Association that Metro had won an award for leadership and innovation. He also noted that there would be no Council meeting on July 31st.

10. ADJOURN

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:45 p.m.

Prepared by

A handwritten signature in black ink, appearing to read "Chris Billington". The signature is fluid and cursive, with a large initial "C" and "B".

Chris Billington
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF
JULY 24, 2008**

Item	Topic	Doc. Date	Document Description	Doc. Number
7.1	Letter	06/24/2008	TO: Metro Council FROM: Preston Pulliams, District President, Portland Community College RE: Portland-Milwaukie Light Rail	072408c-01
7.1	Letter	06/20/2008	TO: Metro Council FROM: R.J. McEwen, Vice President, Portland Community College RE: Portland-Milwaukie Light Rail	072408c-02
7.1	Letter	06/23/2008	TO: Metro Council FROM: Christopher Mattaliano, General Director, Portland Opera RE: Portland-Milwaukie Light Rail	072408c-03
7.1	Letter	06/10/2008	TO: Metro Council FROM: Ralph Rigdon RE: Portland-Milwaukie Light Rail	072408c-04
7.1	Letter	06/24/2008	TO: Metro Council FROM: Colin S. Diver, President, Reed Collete RE: Portland-Milwaukie Light Rail	072408c-05
7.1	Letter	07/09/2008	TO: JPACT, c/o Rex Burkholder, JPACT Chair FROM: Ted Wheeler, Chair, Multnomah County RE: Portland-Milwaukie Light Rail	072408c-06
7.1	Letter	07/09/2008	TO: Metro Council FROM: Lloyd Lindley II, FASLA, Chair, Portland Design Commission RE: Portland-Milwaukie Light Rail	072408c-07
7.1	Letter, correcting date of same letter, dated 02/05/1008	07/08/2008	TO: Metro Council FROM: Wilda Parks, ACE, President/CEO, North Clackamas Chamber of Commerce RE: Portland-Milwaukie Light Rail	072408c-08
7.1	E-mail	06/20/2008	TO: Robert Liberty & Metro Council FROM: Margaret Gunn RE: Portland-Milwaukie Light Rail	072408c-09
7.1	Cover letter to comment letter dated 06/18/2008 from Carol Howe	07/23/2008	TO: Metro Council FROM: Bridget Wieghart, Transit Project Manager, Metro Staff RE: Portland-Milwaukie Light Rail	072408c-10
7.1	Cover letter to 8 citizen comments	07/23/2008	TO: Metro Council FROM: Bridget Wieghart, Transit Project Manager, Metro Staff - Dean	072408c-11

	with various dates		Scrutton (2), Janet Banks (via Kelly Runnion), Norma McLeod (via Joseph Ossi), Preston Pulliam (see 072408c-01), Tony Keagbine (via Kelly Runnion), Rachel Nolan RE: Portland-Milwaukie Light Rail	
4.0		2008	TO: Metro Council FROM: Tim Priest, President and CEO of Greenlight Greater Portland RE: 2008 Greater Portland Prosperity A Regional Outlook	072408c-12
7.1	Email	7/24/08	To: Christina Billington, Clerk of the Council From: Margaret Gunn Re: Milwaukie Light Rail South Corridor Project	072408c-13
7.3	Attachments to the record	11/27/06	To: Michael Jordan, COO From: Donald Bowerman, Bowerman and Boutin From: Attachment 4 to COO Report	072408c-14
7.3	Attachments to the record	11/22/06	TO Metro Council From: Velma Pauline Povey Re: Resolution No. 07-3776 Attachment to the COO Report	072408c-15
5.1	Minutes	7/17/08	Metro Council Meeting Minutes of July 17, 2008	072408c-16
7.3	"A" version	7/24/08	Resolution No. 08-3957A , For the Purpose of Entering Orders Relating to the Velma Pauline Povey and Lila and Kenneth Saxon Claims For Compensation Under Section 9 of Chapter 424 Oregon Laws 2007 (Measure 49) and Metro Code Chapter 2.21.	072408c-17
7.1	Testimony	7/24/08	To: Metro Council From: Paul Carlson, OMSI Re: Portland-Milwaukie Light Rail	072408c-18
7.1	Testimony	7/23/08	To: Metro Council From: Gail and Chris Bach, Holgate Stor-Room LLC Re: Portland-Milwaukie Light Rail	072408c-19
7.2	Council President and Metro Attorney Statements of Procedure	7/24/08	To: Metro Council From: Dick Benner, Senior Metro Attorney Re: South/North Light Rail Project LUFO Hearing	072408c-20
7.1	Letter	6/19/08 and	To: Mark Turpel, Planning Department and Richard Krochalis, Regional	072408c-21

		10/12/07	Administrator for Region 10 Federal Transportation Authority From: Douglas DuPriest, Hutchinson, Cox, Coons, DuPriest, ORR and Sherlock representing Milwaukie Transportation Coalition and Amagin Consulting Re: NEPA Process for SDEIS for the South Corridor Portland-Milwaukie Light Rail Project Comments on SDEIS	
7.1	Letter	10/16/07	To: Mayor Bernards and Milwaukie City Council Members From: Ross Roberts, Planning Department Re: Portland to Milwaukie LRT project's compliance with the National Environmental Policy Act (NEPA)	072408c-22
7.1	Letter	10/15/07	To: Richard Krochalis, Regional Administrator for Region 10 FTA Re: NEPA Process for SDEIS for the South Corridor Portland-Milwaukie Light Rail Project – Scoping and Alternatives	072408c-23
7.1	Public Involvement Outreach	7/24/08	To: Metro Council From: Karen Withrow, Public Involvement Manager Re: Public Involvement Outreach – 2007 & 2008 for Portland Milwaukie Light Rail Project	072408c-24
7.2	Exhibit A to Resolution 08-3964	7/24/08	To: Metro Council From: Dick Benner, Senior Metro Attorney Re: 2008 South/North Land Use Final Order Amendment	072408c-25
7.2	LUFO Criteria	7/24/08	To: Metro Council From: Dick Benner, Senior Metro Attorney Re: South/North Project Land Use Final Order Criteria	072408c-26
7.1	Testimony and attachment	7/24/08	To: Metro Council From: Les Poole Re: Milwaukie-Portland Light Rail alignments and rendition of Mass Tram America	072408c-27
7.1	SDEIS Public Comment Report	June 2008	To: Metro Council From: Karen Withrow, Public Involvement Manager Re: South Corridor Portland-Milwaukie Light Rail Project SDEIS Public Comment Report	072408c-28

