



Regular Session

RS

Milwaukie City Council



**MILWAUKIE CITY COUNCIL
REGULAR SESSION**

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

**AGENDA
NOVEMBER 15, 2016**

2,234th Meeting

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

- 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
 - A. Milwaukie High School (MHS) Outstanding Student Achievement Award for November 2016 presented to Douglas Craig**
Staff: Mark Pinder, MHS Principal

- 3. CONSENT AGENDA**

These items are considered routine, and therefore, will not be allotted discussion time on the agenda; these items may be passed by the Council in one blanket motion; any Councilor may remove an item from the "Consent" agenda for discussion by requesting such action prior to consideration of that part of the agenda.

 - A. City Council Meeting Minutes** **2**
 - 1. October 18, 2016, Work Session;**
 - 2. October 18, 2016, Regular Session; and**
 - 3. October 20, 2016, Study Session.**
 - B. Oregon Liquor Control Commission (OLCC) Application for Zappo's** **12**
Pizza, 6114 SE King Road – Change of Ownership

- 4. AUDIENCE PARTICIPATION**

The presiding officer will call for citizen statements regarding City business. Pursuant to Milwaukie Municipal Code (MMC) Section 2.04.140, 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 submit it to the City Recorder. Pursuant to MMC Section 2.04.360, "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 under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.

 - A. Adopt Findings in Support of Alternative Contracting – Resolution** **14**
Staff: Charles Eaton, Engineering Director

- 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.

 - A. Amendment Submittal to Change the Boundary of the North Urban** **28**
Clackamas County Enterprise Zone – Resolution
Staff: Amy Koski, Economic Development and Resource Coordinator

6. OTHER BUSINESS (continued)

B. Intergovernmental Agreement (IGA) with Clackamas County for Behavioral Health Unit Services – Resolution

Staff: Steven Bartol, Police Chief

C. Council Reports

7. INFORMATION

8. ADJOURNMENT

Americans with Disabilities Act (ADA) Notice

The City of Milwaukie is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). Milwaukie City Hall is wheelchair accessible and equipped with Assisted Listening Devices; if you require any service that furthers inclusivity please contact the Office of the City Recorder at least 48 hours prior to the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502 or 503-786-7555. Most Council meetings are streamed live on the City's website and cable-cast on Comcast Channel 30 within Milwaukie City Limits.

Executive Sessions

The City Council may meet in Executive Session pursuant to ORS 192.660(2); all discussions are confidential and may not be disclosed; news media representatives may attend but may not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and are closed to the public.

Meeting Information

Times listed for each Agenda Item are approximate; actual times for each item may vary. Council may not take formal action in Study or Work Sessions. Please silence mobile devices during the meeting.



**Regular Session
Agenda Item No.**

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Consent Agenda



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WORK SESSION
OCTOBER 18, 2016
City Hall Conference Room

Mayor Mark Gamba called the Work Session to order at 4:14 p.m.

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Bill Monahan, Co-City Recorder Pat DuVal, Co-City Recorder Scott Stauffer, Assistant to the City Manager Mitch Nieman, Sustainability Director Clare Fuchs, Planning Director Denny Egner, Civil Engineer Rick Buen, and Engineering Director Charles Eaton

Park and Recreation Board (PARB) Bylaws Review

Ms. Fuchs introduced PARB Chair **Lisa Gunion-Rinker** who introduced PARB members Ben Johnson and Andrew Craig.

Ms. Fuchs discussed PARB's bylaws review process. She noted the different terms of service lengths for different Board, Commission, and Committee (BCC) appointments. The group talked about the term lengths for all BCCs and for PARB specifically. **Ms. Fuchs** agreed to have staff work on revising appointments to 4 year terms for all BCCs.

Council President Batey and **Ms. Fuchs** further discussed PARB's bylaws, including quorum requirements.

PARB members Linda Blue, Lynn Sharp, and Vice-Chair Lisa Lashbrook arrived and introduced themselves. **Ms. Sharp** noted the status of the Tree City USA application.

PARB Work Plan Update

Ms. Fuchs provided background information on PARB's activities in the past year and previewed upcoming projects.

Ms. Gunion-Rinker talked about Tree City USA and the existence of a Tree Board. **Ms. Fuchs** explained there was a heritage tree program in the works. The group discussed obtaining Tree City USA status and creating a heritage tree stewardship program.

Council President Batey asked about creating a non-profit parks foundation. **Ms. Gunion-Rinker** explained that a non-profit foundation would work closely with the City but be a separate entity. She discussed the progress in forming the foundation.

Councilor Parks noted she was the North Clackamas Parks and Recreation District (NCPRD) District Advisory Board (DAB) Chair, and talked about NCPRD's governance structure. NCPRD was looking at bringing forward a ballot measure regarding its governance structure in November 2017. **Mayor Gamba** and **Councilor Parks** talked about System Development Charges (SDCs) and the City of Happy Valley's concerns related to parks and funding.

Council President Batey discussed the word "recreation" in PARB's name, and **Ms. Blue** agreed more work needed to be done concerning recreation.

Councilor Parks asked if PARB's work plan items could be prioritized, and **Ms. Fuchs** talked about her priorities. **Ms. Lashbrook** discussed how PARB had broken out into subcommittees to get work done, and the group discussed the role of a Friends group.

Councilor Parks noted the upcoming Milwaukie Center dedication for new senior play equipment, and **Council President Batey** noted the No Ivy Day at Homewood Park.

Mayor Gamba discussed the PARB mission/vision statement and asked if PARB wanted to be a sustainability committee. The group noted PARB's workload and discussed the idea to have a bigger overarching sustainability committee with representatives from each BCC.

Interim Planting Plan for Riverfront Park

Ms. Gunion-Rinker asked if PARB's plan was what Council had in mind, and **Mayor Gamba** said it was what he had envisioned. **Mr. Johnson** stressed it was more of a concept than a plan at this point, and discussed the approach.

The group talked about use of space in the park and the presence of geese. The group discussed PARB's planting plan, and **Councilor Power** expressed her support. **Council President Batey** noted the importance of scheduling a discussion to prioritize finishing the park.

Mr. Buen explained the erosion control plan and the impact it would have on the winter events that take place at the riverfront. **Mayor Gamba** asked if Engineering could attend the next PARB meeting to help coordinate plans. The group discussed the planting plan and **Mr. Johnson** explained the design concept.

Mayor Gamba noted this was a bigger discussion and wanted to get PARB and the Riverfront Task Force (RTF) back to a Study Session soon. He noted that the members of RTF had all resigned except for Gary Klein. **Ms. Fuchs** suggested scheduling a Council discussion once a more refined Park concept was ready. **Ms. Sharp** noted NCPRD needed to be involved in the park discussion.

Mayor Gamba summarized that PARB would talk with Engineering and return to Council soon. **Council President Batey** observed that the Geese Guys work would continue for the time being.

Planning Commission (PC) Update and Bylaws Review

PC Chair Shane Abma and Commissioners Shannah Anderson, Adam Argo and Greg Hemer introduced themselves. It was noted that Vice-Chair Scott Barbur was absent and the PC was down two members. **Mayor Gamba** noted applications had been received for new PC members.

Mr. Egner noted that the goals and bylaws had been reviewed recently. He discussed upcoming PC items and reported the PC had made bylaw change recommendations to accurately reflect the work of the commission, including decision making.

Mr. Abma noted the large and exciting amount of upcoming work. He noted items for upcoming PC agendas, including a tree protection strategy and home demolition issues related to protecting historic homes. **Mayor Gamba** thought both ideas were great and should be looked at soon. **Mr. Hemer** and the group discussed historic homes. The group noted the Design and Landmarks Committee (DLC) and PC could work together.

Mr. Egner said the housekeeping items and the visioning process were moving forward.

Councilor Churchill asked about potential ethical conflicts of interest, and **Mr. Egner** believed the City's requirements were the same as the State's.

Mayor Gamba adjourned the Work Session at 5:39 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II



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REGULAR SESSION
OCTOBER 18, 2016
City Hall Council Chambers

Mayor Mark Gamba called the 2,232nd meeting of the Council to order at 6:04 p.m.

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Ann Ober, Co-City Recorder Pat DuVal, Co-City Recorder Scott Stauffer, City Attorney Peter Watts, Assistant to the City Manager Mitch Nieman, Community Development Director Alma Flores, and Planning Director Denny Egner

CALL TO ORDER

Pledge of Allegiance.

INTRODUCTION OF NEW CITY MANAGER ANN OBER

Mayor Gamba introduced Ms. Ober, **Ms. Ober** introduced herself, and Council welcomed her to Milwaukie.

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Milwaukie High School (MHS) Outstanding Student Achievement Award for October 2016 presented to Dillon Coville

Mark Pinder, MHS Principal, introduced Mr. Coville and Council congratulated him on his academic and extra-curricular achievements.

B. Clackamas Fire District No. 1 (CFD#1) Update on Annexation of Boring Fire District No. 59 (BFD#59)

Fred Charlton, CFD#1 Fire Chief, noted the history of mergers that resulted in the current CFD#1 and explained that the proposed ballot measures would result in the merger of CFD#1 with BFD#59. He reported that CFD#1 and BFD#59 had entered into a service agreement in 2014 and joint operations had been smooth.

Councilor Power and **Chief Charlton** commented on the visibility of yard signs in support of the annexation measures.

Councilor Parks and **Chief Charlton** noted that BFD#59 employees had been transferred to CFD#1 in 2014, that the annexation would not cause any rate increases for residents of CFD#1, and that the Damascus Station would be open 24-hours-a-day.

Don Trotter, CFD#1 Board Director, reported that the BFD#59 and CFD#1 boards supported the annexation measures and the only negative comments had been from residents of BDF#59. He encouraged Milwaukie residents to support the annexation measures. **Mayor Gamba** remarked that he had not heard any negative comments on annexation and **Chief Charlton** commented that annexation would benefit both districts.

ACKNOWLEDGEMENT OF RETIRING CITY RECORDER PAT DUVAL

Council recognized Ms. DuVal for her years of service to the City and **Ms. DuVal** thanked Council for the opportunity to serve Milwaukie.

Mayor Gamba recessed the Regular Session at 6:40 p.m. and reconvened the Regular Session at 6:55 p.m.

CONSENT AGENDA

It was moved by Councilor Power and seconded by Council President Batey to approve the consent agenda as presented.

A. City Council Meeting Minutes:

1. September 20, 2016, Regular Session;
2. September 22, 2016, Study Session; and
3. October 4, 2016, Work Session.

B. Resolution 111-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, Approving the Award of Contract for the Construction of 2016 Sidewalk and Americans with Disabilities Act (ADA) Ramp Enhancement to Brown Contracting, Inc.

C. Oregon Liquor Control Commission (OLCC) Application for Enchante, 10883 SE Main Street – New Outlet

Motion passed with the following vote: Councilors Power, Churchill, Batey, and Parks, and Mayor Gamba voting “aye.” [5:0]

AUDIENCE PARTICIPATION

Mayor Gamba reviewed the Audience Participation procedures and Ms. Ober reported that there was no follow-up from the October 4, 2016, Audience Participation.

Sherry Morisch, Marketing and Outreach Director at Willamette Falls Media Center (WFMC), announced that October 20, 2016, was Community Media Day and noted WFMC’s history of providing public access broadcasting services. Councilor Parks and Mayor Gamba thanked WFMC for the community services they provide.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

B. Milwaukie-Portland Sunday Parkways 2016 Event Debrief [moved up agenda]

Mr. Nieman introduced Linda Ginenthal, Sunday Parkways Manager for the City of Portland Bureau of Transportation (PBOT), and thanked the City of Portland for partnering with Milwaukie to organize the event. He provided an overview of the route and activities, and reported that an estimated 13,000 people had attended and 235 people had served as volunteers. He reviewed the marketing and outreach plan, noted the event sponsors and partners, and shared public feedback about the event.

Ms. Ginenthal discussed the development of Portland Sunday Parkways events and thanked the City of Milwaukie for collaborating with PBOT. She expressed appreciation to Mayor Gamba for serving as a mobile superhero during the event, reported that PBOT would be taking Sunday Parkways to other communities, and announced that the next Milwaukie-Portland Sunday Parkways event would be on September 24, 2017.

Mr. Nieman thanked Council for supporting the event and remarked that he was looking forward to working with PBOT on next year’s Sunday Parkways event. Council President Batey and Mr. Nieman thanked Milwaukie residents and groups that had helped coordinate and run the event.

Mr. Nieman and Ms. Ginenthal explained that the cities of Portland and Milwaukie would work together on the 2017 Sunday Parkways event and in 2018 the City of Milwaukie would coordinate a Sunday Parkways event alone.

Councilor Power and **Councilor Parks** shared their observations of the event at the intersection of 29th Avenue and Sherrett Street.

Council President Batey and **Ms. Ginenthal** noted that the Milwaukie section of the event had the highest percentage of walkers and that the Milwaukie-Portland Sunday Parkway event saw more walkers participate than any previous Sunday Parkway event. **Ms. Ginenthal** remarked on the bicycle-centric culture of Portland and expressed gratitude for the opportunity to work with the Milwaukie Council, residents, and staff.

The group thanked various community members, partner organizations, and staff for their support of the Sunday Parkways event.

Councilor Parks and **Mr. Nieman** commented on the need to get more local sponsors to participate in the next year's Sunday Parkways event.

A. Street Surface Maintenance Program (SSMP) Ordinance Amendment – Ordinance [moved down agenda]

Mr. Eaton explained that staff was proposing amendments to the SSMP section of the Milwaukie Municipal Code (MMC) that would remove restrictions on receiving outside funding and other housekeeping items. He noted previous Council discussions on the proposed amendments and reported that a staff analysis of the proposed Clackamas County gas tax had found that the estimated additional funding would negate increases in deferred maintenance costs.

Council President Batey, **Mr. Eaton**, and **Councilor Power** discussed the types of streets that could be covered by additional County gas tax funds and the impact of using pavement condition index (PCI) software to rate and rank streets. They noted the estimated financial costs associated with maintaining the City's street network.

Council President Batey, **Councilor Parks**, and **Mr. Watts** remarked on the ability of members of Council to advocate for the proposed County gas tax and of staff to provide information about the use of gas tax funding. **Mr. Watts** provided a brief overview of how gas tax funds could be used per State Law.

Mayor Gamba remarked on the value of having a list of streets that need attention and the group discussed visible differences between streets rated differently by the PCI.

Council President Batey and **Mr. Eaton** noted the impact of Federal rules that require ramps and sidewalks to be built when paving streets and the possibility of prioritizing and coordinating ramp and sidewalk work with paving projects.

The group commented on the outreach effort for the proposed County gas tax.

Mr. Eaton summarized that Council was asked to approve an Ordinance that would amend MMC Chapter 3.25 by removing the provision that prohibits the SSMP from receiving outside funding. He reported that Council was scheduled to discuss the SSMP in more detail in December 2016. **Mr. Watts** noted that the proposed amendments to MMC Chapter 3.25 would not affect the City's gas tax and were not in conflict with the Oregon Revised Statutes (ORS).

It was moved by Councilor Power and seconded by Councilor Parks to approve the first and second reading by title only and adoption of the Ordinance Amending Chapter 3.25 of the Municipal Code. Motion passed with the following vote: Councilors Power Churchill, Batey, and Parks, and Mayor Gamba voting "aye." [5:0]

Ms. Ober read the Ordinance two times by title only.

Mr. Stauffer polled the Council with **Councilors Power, Churchill, Batey, and Parks, and Mayor Gamba voting "aye." [5:0]**

ORDINANCE No. 2135:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING
CHAPTER 3.25 OF THE MUNICIPAL CODE.**

B. Council Reports

Council President Batey noted that the Milwaukie Sunday Farmers' Market season was almost over and that there would be a special pre-Thanksgiving Farmers Market.

Mayor Gamba announced that the Annual City Hall Scarecrow Contest was underway; he thanked those who had attended the Safe Access for Everyone (SAFE) Open House, the Resilience United Ostomy Association of America run, and the Precision Castparts Community Meeting regarding air quality. He reviewed upcoming events including the North Milwaukie Industrial Area (NMIA) Workshop, the No Ivy Day event at Homewood Park, the ongoing Davis Graveyard event, and the City's Visioning Town Hall event on November 2, 2016.

The group noted the upcoming Ledding Library Cultural Forum event and the status of the ongoing repair work at the Pond House.

ADJOURNMENT

It was moved by Councilor Power and seconded by Council President Batey to adjourn the Regular Session. Motion passed with the following vote: Councilors Power, Churchill, Batey, and Parks, and Mayor Gamba voting "aye." [5:0]

Mayor Gamba moved to adjourn the regular session at 7:49 p.m.

Respectfully submitted,

Scott S. Stauffer, City Recorder



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STUDY SESSION
OCTOBER 20, 2016
City Hall Conference Room

Mayor Mark Gamba called the Study Session to order at 6:00 p.m.

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

Staff Present: City Manager Ann Ober, City Recorder Scott Stauffer, Finance Director Haley Fish, Municipal Court Judge Kimberly Graves, Senior Planner David Levitan, and Associate Planner Vera Kolias

Municipal Court Judge Update

Ms. Fish introduced Judge Graves. **Judge Graves** reported that Truancy Court had been renamed Attendance Court and that she had worked with Milwaukie High School (MHS), Rowe Middle School (RMS), and neighboring attendance courts to compare caseload and repeat violator statistics. She noted that the number of Attendance Court cases had been increasing and that RMS had not participated until recently. She discussed why families become repeat violators and differences in resources at MHS and Clackamas High School (CHS).

Councilor Parks and **Judge Graves** remarked on the ability of Saturday School to keep students attending school and demographic differences between MHS and CHS.

Judge Graves discussed the impact of housing issues on the student population at MHS and suggested that parenting classes are a way to reach families that repeatedly violate attendance rules. She reviewed parenting classes and support offered by Northwest Family Services (NWFS) and the North Clackamas School District (NCSD).

Mayor Gamba and **Judge Graves** noted the negative impact on attendance when parents leave for work before the children leave for school. **Judge Graves** reported that she and the City's new Municipal Court Judge Pro Tem would be looking at holding separate high school and middle school court nights.

Councilor Power asked what children do when they skip school. **Judge Graves** reported that some students work and some are dealing with anxiety issues. She noted that MHS had an on-campus health clinic that is able to deal with mental health issues.

Councilor Parks asked if there were services not currently provided that could help families. **Judge Graves** remarked that besides Saturday School she had not identified any services at CHS not offered at MHS. **Councilor Parks** and **Council President Batey** remarked on the impact of youth councils on attendance issues.

The group discussed the benefits of offering Saturday School as a way to ensure students remain engaged. **Judge Graves** explained her preference for not fining parents, especially if the student's attendance improved.

Councilor Power, **Judge Graves**, and **Council President Batey** noted benefits and concerns of offering community service as a penalty for attendance violations. **Judge Graves** explained that parents are responsible for their children attending school and are the ones penalized. She reported that NCSD was looking to fund additional parenting classes and remarked on the rewarding aspects of Attendance Court.

The group agreed that Judge Graves would check-in with Council on a quarterly basis.

Community Vision Status Update

Mr. Levitan provided an update on the Community Visioning process, noted that staff had been working on Phase I outreach and theme development, and reviewed the draft agenda for the upcoming Town Hall event scheduled for November 2, 2016. Following the event, staff would begin working on Phase II, creating a vision narrative, with another Town Hall event in February 2017. This would then be followed by Phase III, the development of an action plan. He suggested Phase III could be coordinated with the Council goal setting process. **Mayor Gamba** and **Mr. Levitan** remarked on the participation of the Visioning Advisory Committee (VAC) in the process to-date.

Mr. Levitan reviewed the quadruple bottom-line concept used in the visioning process and reported that a Youth Vision Action Team (YVAT) had been formed to collect data.

The group discussed the use of an online survey to collect input on the vision, noted the low response rate, and talked about offering incentives to increase the response rate.

Council President Batey, Councilor Parks, and Mr. Levitan reported on the visioning conversations held with community groups, neighborhood district associations (NDAs), City boards, commissions, and committees (BCCs), and at MHS.

Mr. Levitan noted the City's efforts to reach out to different ethnic groups and the role of the YVAT in conducting outreach work. He encouraged Council and the public to attend the upcoming Town Hall event and reported that there would be refreshments, a musical performance, and childcare provided by Portland Waldorf School staff.

The group reviewed the community profile document and draft agenda for the Town Hall event. They discussed the inclusion of light rail as a goal in the last visioning process done in the mid-1990s, and noted how Council could assist staff at the Town Hall event.

Mr. Levitan reported that staff was working to have the Town Hall recorded and provided background information on the keynote speaker. The group discussed the need to provide translation services for non-English speakers.

Mr. Levitan reviewed the Phase II vision statement work to be done by staff and the VAC following the Town Hall event. He asked for Council to consider how the visioning action plan could fit into the Council goal setting process, and **Ms. Ober** suggested that Council would work on goal setting with the visioning process in March 2017.

The group discussed the approach Council should take to the strategic long-term goal setting and short-term action planning process in 2017.

Councilor Power and Mr. Levitan noted that childcare would be available at the Town Hall event for those parents who wished to use it.

Housekeeping Code Amendments

Ms. Koliass reviewed previous discussions on the proposed housekeeping amendments to Milwaukie Municipal Code (MMC) Chapter 19 sections 702 and 706. She explained that the amendments would revise the applicability section for replat applications and remove duplicate sections related to the Fee in Lieu of Construction (FILOC).

Mayor Gamba, Ms. Koliass, and Council President Batey discussed the number of lots being added on King Road and the differences between partitions and subdivisions.

Ms. Koliass reported that based on previous Council discussions, the amendments would create a Type II fence variance process with a Type II fee and a 75% height variance. She confirmed that all variance types would have the same cost.

Council President Batey and Ms. Koliass discussed the existing and proposed fee schedule for variance types and processes, and remarked on the possibility of creating major and minor Type II processes.

The group talked about setting the fee at a rate that reflected the staff time required to process a Type II application and **Ms. Kolias** noted that not all applications required the same staff involvement.

Ms. Kolias, Mayor Gamba, and Council President Batey discussed the current process and criteria for fence height variances and the proposal to create a standard numerical range for variances. **Councilor Parks** and **Mayor Gamba** noted the impact of sloped yards on the need for fence height variances.

Ms. Kolias noted that Council had raised questions about restaurants and parking in the Limited Commercial (C-L) Zone and reported that the MMC already included automatic reductions for parking. The group noted changes made by Council to the parking reduction zone around the light rail station.

Ms. Kolias reviewed proposed changes that would affect the Willamette Greenway (WG) Zone which included a list of exempted activities and a new Type II. She suggested that staff would like to have an annual schedule for proposing housekeeping amendments in the fall and policy changes in the spring.

Mayor Gamba, Councilor Power, and Council President Batey expressed concern about including driveways on the list of exempted activities in the WG. **Ms. Kolias** confirmed that the exemptions list would only apply for new construction and explained the current process for building a driveway in the WG.

The group reviewed resource overlay and zoning maps and noted the view aspects of State Planning Goal 15 on the WG. **Mayor Gamba** and **Councilor Power** remarked that because of the review processes already required, they were less concerned about exempting driveways in the WG.

Council President Batey expressed support for a size cap for new developments in the WG. The group discussed the impact of certain developments on neighborhood views, and whether or not the water quality resource overlay should be expanded.

Ms. Kolias explained how staff had addressed questions raised by Council President Batey regarding accessory structures in the proposed amendments, and noted differences between an accessory structure and an addition. **Council President Batey, Mayor Gamba, and Councilor Parks** discussed the benefits and impacts of building an addition onto a house and current shared wall requirements for accessory structures and additions.

The group noted examples of home additions in the Island Station neighborhood and discussed hallway and connecting wall length requirements for an addition.

Mayor Gamba, Council President Batey, and Ms. Kolias discussed general standards for required mitigation plantings.

Council President Batey asked why there was interest in amending the City's wireless communications facility requirements, and **Ms. Kolias** reported that the proposed changes to the type of review process for these facilities was in response to a 2014 Federal Communications Commission (FCC) ruling affecting cell phone towers. She confirmed that larger and denser cell phone towers would require a Type II process and remarked that the City had not seen many cell phone tower applications.

Council President Batey, Mayor Gamba, and Councilor Churchill suggested that Council disagree with the Planning Commission's decision regarding billboards on properties with multiple street frontages.

The group discussed how multiple street frontages were used to increase signage size. It was the Council consensus to limit the size of a sign based on the length of a single street frontage.

Ms. Kolias noted that staff would take the housekeeping MMC amendments to the Planning Commission for consideration before Council would consider approving them.

Lighting the Big Tree at Riverfront Park

Council President Batey announced that she had been working with staff to investigate the feasibility of lighting the big tree at Riverfront Park for the holidays. She reported that the initial cost estimate for bulbs with a 5-to-7 year warranty would range between \$16,000 and \$24,000.

Councilor Power and **Council President Batey** noted groups that may be interested in helping fund the project.

Council President Batey suggested a fundraising campaign could be launched at this year's Winter Solstice event to light the tree by next year's holiday season.

Mayor Gamba suggested that additional bids be solicited to see if the price changes.

Mayor Gamba adjourned the Study Session at 8:24 p.m.

Respectfully submitted,

Scott S. Stauffer, City Recorder



To: Mayor Gamba and Milwaukie City Council
Through: Ann Ober, City Manager
From: Steve Bartol, Chief of Police 
Date: October 26, 2016
Subject: O.L.C.C. Application – SEP LLC – 6114 SE King Rd.

Action Requested:

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from SEP LLC – 6114 SE King Rd.

Background:

We have conducted a background investigation and find no reason to deny the request for liquor license.



**Regular Session
Agenda Item No.**

5

Public Hearing



MILWAUKIE CITY COUNCIL
STAFF REPORT

To: Mayor and City Council
Through: Ann Ober, City Manager
Alma Flores, Community Development Director
Subject: **Resolution to Adopt Findings in support of
Alternative Contracting**
From: Chuck Eaton, Engineering Director
Date: October 28, 2016

ACTION REQUESTED

Adopt a resolution with findings to allow the use of Design/Build (DB) alternative contracting method for the Kronberg Creek Bridge replacement project in Riverfront Park.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Staff reported on the investigation into the extent of the damage to the access bridge and roadway and the boat dock area of Riverfront Park on December 15, 2015, January 5, 2016, January 19, 2016, and February 2, 2016.

At the February 2nd meeting it was approved by council to proceed with the replacement of the bridge under an emergency declaration. Council also authorized use of the Design-Build (DB) alternative contracting procedure for the project to assist with the complexities of maintaining access to Riverfront Park and the boat dock while constructing the new bridge, reinforcing the existing sewer line, and stabilizing the streambanks.

BACKGROUND

Staff discovered serious erosion around and under the southerly approach to the access bridge to the boat dock area of Riverfront Park on December 7, 2015 during a severe storm event and closed the bridge to traffic. During follow-up observations the erosion had increased in size and severity requiring the closure of the bridge to both pedestrian and vehicular traffic on December 15, 2015 permanently closing the boat ramp at Riverfront Park.

Following the February City Council meeting staff has been working with FEMA to obtain the "notice to proceed" with the emergency bridge replacement. The status of the project as of October 28, 2016 is that we have verbal approval with final approval pending FEMA environmental review. The structure had temporary repairs that were completed on May 23, 2016 and the bridge was reopened to traffic. These repairs were not designed for prolonged use or severe storms. The Design/Build (DB) process is a unique method used to accelerate project delivery. In the DB process the project owner hires a construction team to perform both the design and construction for a guaranteed maximum price.

In order to proceed with this process, City Council is asked to adopt the findings in support of the alternative contracting method Design-Build (DB) for the Kellogg Creek Bridge (#22142) Replacement Project.

CONCURRENCE

The Engineering Director, Community Development Director and Finance Director concur with the adoption of these findings.

FISCAL IMPACTS

This project has been included in the current budget.

WORK LOAD IMPACTS

Staff will need to utilize private consultants and manage the construction contract for this project. We would hire private construction management and inspection services to assist the additional staff resource needed.

ALTERNATIVES

Do not adopt findings and proceed with traditional Design, Bid, Build process.

ATTACHMENTS

1. Resolution



CITY OF MILWAUKIE

"Dogwood City of the West"

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, ADOPTING FINDINGS TO ALLOW ALTERNATIVE CONTRACTING FOR THE KELLOGG CREEK BRIDGE (#22142) REPLACEMENT PROJECT.

WHEREAS, the City of Milwaukie adopted Public Contracting Rules by Resolution 101-2011 and amended by Resolution 82-2013; and

WHEREAS, the Construction Manager/General Contractor form of alternative contracting is allowed per Public Contracting Rule 10.105.A; and

WHEREAS, the use of Design-Build for the Kellogg Creek Bridge (#22142) Replacement Project complies with Public Contracting Rule 10.105.A; and

WHEREAS, pursuant to ORS 279C.335(1) and Public Contracting Rule 10.110, a local contract review board may exempt specific contracts from traditional, competitive bidding by showing that an alternative contracting process is unlikely to encourage favoritism or diminish competition and will result in cost savings and other substantial benefits to the public agency; and

WHEREAS, pursuant to ORS 279C.335(2), a local contract review board must adopt certain findings in order to exempt the public improvement contract from competitive bidding; and

WHEREAS, a public hearing has been noticed, pursuant to Public Contracting Rule 10.110.D and ORS 279C.335(5), and held wherein an opportunity was offered for any interested party to appear and comment on the draft findings,

Now, Therefore, be it Resolved that the City Council, acting as the Local Contract Review Board for the City of Milwaukie hereby adopts findings attached as Exhibit A, pursuant to the authority granted the Board by Milwaukie Municipal Code Chapter 3.05, Local Contract Review Board, to allow the use of the Design-Build alternative contracting method for the Kellogg Creek Bridge (#22142) Replacement project.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark Gamba, Mayor

APPROVED AS TO FORM:
Jordan Ramis PC

ATTEST:

Scott S. Stauffer, City Recorder

City Attorney

EXHIBIT A
FINDINGS FOR AN EXEMPTION FROM COMPETITIVE BIDDING
CITY OF MILWAUKIE, OREGON
KELLOGG BRIDGE REPLACEMENT

Oregon Revised Statute (ORS) 279C.300 requires competitive bidding of public works improvement contracts unless specifically excepted or exempted from competitive bidding under Oregon Revised Statute (ORS) 279C.335. The City of Milwaukie Local Contract Review Board may exempt a contract from competitive bidding under ORS 279C.335 based on two findings:

1. The exemption is unlikely to encourage favoritism in the awarding of the public improvement contract or substantially diminish competition for the public improvement contract.
2. Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the City of Milwaukie.

Under City of Milwaukie Public Contracting Rule (Rule) 10.110, the City may exempt a particular contract from formal competitive requirements and shall consider:

1. The nature of the project.
2. Estimated cost of the project, if applicable.
3. Narrative description of the cost saving anticipated and reasons formal competitive would be inappropriate.
4. Alternative contracting practice to be employed.
5. Estimated date by which it would be necessary to let the contract, if applicable.

In exempting the public works improvement from competitive bidding under ORS 279C.335(2)(b), the Local Contract Review Board must consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract, all 14 items under ORS 279C.335(2)(b)(A-N).

This document presents information the City of Milwaukie Local Contract Review Board will consider in its finding to exempt the Kellogg Bridge Replacement Project (Project) from competitive bidding and to use a Design-Build (DB) method of delivery.

I. BACKGROUND / NATURE OF THE PROJECT

In November and December 2015, weather events caused severe damage to the existing Kellogg Bridge. Heavy rain caused damage to the footings of the bridge. The bridge, under an emergency exemption, was temporarily fixed to allow traffic. The bridge acts as the exit for the nearby waste treatment plant. The Milwaukie Riverfront Park, including the local boat ramp, was temporarily closed due to flood damage to the footing of the bridge. While temporary repairs have been made, the bridge cannot be repaired in a manner that makes economic sense. The bridge at the southern approach suffered major damage in the undermining of the wing walls and approach structures. The bridge that was built in the 1950's had no support other than spread footings, and an ODOT report indicated up to 31 inches of scour putting the footings 31 inches

above the streambed. The bridge was not designed to seismic standards and the soil is sensitive to seismic events. Bridges typically are designed for a 75 year life and a limited in-water-work-window exists.

The old bridge will be replaced. The construction will need to be coordinated with the main sewage line transporting sewage to the Kellogg sewage treatment facility due to its proximate location. The South bank of the river needs to be stabilized. The Project is currently permitted and those permits require a removal/fill permit to remove the existing bridge and temporary riprap within a 2-year period of which 18 months remains to complete all of the required work. To achieve this deadline will require the project to be fast tracked in order that plans are in place to allow the necessary in-water work to occur during the allowed in-water work window.

The Project is scheduled for completion in the next 18 months, has an estimated construction cost of \$2,550,000, and generally includes the following work:

1. Build a new Kellogg Bridge.
2. Stabilize the South bank.
3. Demolition of the old bridge
4. Removal of all temporary stabilization materials.
5. Reconstruction of the sewer facility within the area.

Pursuant to City of Milwaukie Public Contracting Rule 10.105B, a design-build contract is one in which a single entity designs and constructs a public improvement. Design-build contracts shall only be used if City staff has the expertise and experience to administer a design-build contract. It is believed that City staff and its consultants have the necessary experience and expertise to successfully utilize this contracting method. The design-build process is used to:

- a. Obtain through a design-build team, engineering design, plan preparation, value engineering, construction engineering, construction, quality control and required documentation as a fully integrated function with a single point of responsibility.
- b. Integrate value engineering suggestions into the design phase, as the construction contractor joins the project team early with design responsibilities under a team approach, with the potential of reducing contract changes.
- c. Reduce the risk of design flaws, misunderstandings and conflicts inherent in construction contractors building from designs in which they have had no opportunity for input, with the potential of reducing contract claims.
- d. Shorten project time as construction activity (early submittals, mobilization, subcontracting and advance work) commences prior to completion of a "biddable" design, or where a design solution is still required (as in complex projects); or
- e. Obtain innovative design solutions through the collaboration of the contractor and design team, which would not otherwise be possible if the contractor had not yet been selected.

The City plans to select a Design-Builder for the Project through a two-step process, consisting of reviewing responses to a Request for Proposals (RFP) followed by interviews of top ranked Proposers.

The City plans to advertise the RFP for selection of a DB firm in late 2016 with the Design-Builder being under contract by the end of January 2017. This is a public improvement project and, as such, design-builders must be a licensed Contractor in good standing in the state of Oregon.

II. SUMMARY OF FINDINGS

With regard to ORS 279C.335, the City of Milwaukie Local Contract Review Board has considered the following in its decision to exempt the Project from competitive bidding and use the DB method of delivery:

1. The exemption is unlikely to encourage favoritism in the awarding of the public improvement contract or substantially diminish competition for the public improvement contract.

Analysis: The City will select the Design-Builder through a competitive process that fosters competition and focuses on qualifications and delivering best value to the City with disregard to favoritism. The City will issue a RFP in a manner that will attract competition from qualified firms through advertisement in the Daily Journal of Commerce and local newspaper, and posting on the City's web site.

The RFP will attract Proposers having the specialized knowledge, capacity, and skills for the Project from within the state and Pacific Northwest. A sufficient number of design-build firms are available to respond to the RFP.

With respect to favoritism, the City will take prescriptive measures to assure an open competition. Strict adherence to pre-defined scoring criteria that are included in the RFP will be followed. Scoring criteria will be based on experience of the design-build firm and project personnel; understanding of the technical and work requirements for the Project; approach for managing and minimizing Project risks; approach to safety; and consideration of professional design and construction costs or fees. Review of proposals and scoring will be performed by City staff with an outside reviewer sitting on the panel. All reviewers shall follow the pre-defined scoring criteria.

Finding: The process used by the City to select the Design-Builder and the availability of multiple firms to propose makes the exemption unlikely to encourage favoritism in the awarding of the public improvement project or substantially diminish competition for the public improvement contract.

2. Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the City of Milwaukie.

Analysis: The Project includes construction of a new bridge during a narrow in-water work window, under a tight budget, all while working in proximity to the main sewer line into the treatment facility and maintain a critical access to the treatment facility and boat launch. A reduction in design costs and a reduction in construction costs are likely and

the exemption provides other substantial benefits to the City in regard to meeting the 18 month schedule and completing necessary work within the narrow in-water work window.

Awarding the Project under the exemption allows the construction team members of the Design-Builder to participate during design to conduct exploratory investigations required, embed construction work and sequencing into the documents, and develop contingency plans that adequately address risks. The work can be conducted in collaboration with the designer and City staff to assure the City's interests are addressed. Work by the contractor during design may have similar costs to the additional engineering effort required under competitive bidding. However, the benefits to the City are substantially greater under the DB delivery method the exemption provides. The benefits include reduced changed condition claims, reduced risk of sewage treatment disruption, and lower construction cost contingencies.

The exemption from competitive bidding and use of the DB delivery method allows the City to have the contractor identify logistics and costs for staging and sequencing for the evaluation, and the benefit of real-time construction costing. The DB method promotes better collaboration with the contractor during design that will result in increased public and City staff safety through increased vetting of construction means and methods. This will also reduce the risk of treatment plant disruptions that could result in discharge permit violations that endanger public health, significant fines, and economic losses to the business community if closing a reach of the river to recreation and fishing is required. While the cost of these benefits was not quantified, they are considered to be substantial.

Use of design-build delivery has not only substantially reduced the overall project implementation schedules, which provides cost savings under escalating market conditions, but it also provides cost savings related to overall professional engineering services. Historically, engineering design services for a similar type project as that of the City's ranges from 10 to 11% of the construction cost. In a design-build delivery, final bidding documents and bidding support services are not required, and the levels of design details and specifications are greatly reduced as a result of close coordination between the designer and contractor. As a result, design-build projects have realized engineering design services in the range of 7 to 9% of the construction cost.

Finding: Awarding the project under the exemption provides opportunity for cost savings and provides other substantial benefits to the City. The exemption provides a collaborative work approach under the DB delivery method to be used with the contractor involved in the Project design. This provides opportunity to prepare well-planned work sequences that reduce the risk of treatment plant and/or park disruptions. This benefit could result in substantial cost savings associated with economic losses to the business community if a disruption due to construction work resulted in a treatment plant disruption or closing a reach of the river to recreation and fishing. In addition, the DB delivery method will facilitate meeting the aggressive scheduling constraints created by the permits and the in-water work window.

Additionally, substantial benefits of using the DB delivery method include increased safety of the public and City staff and better ability to control the impact that current market conditions have on construction costs.

III. RESPONSE TO ITEMS UNDER ORS 279C.335(2)(b)

In approving the finding under ORS 279C.335(2)(b), the Local Contracting Review Board must consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract 14 items outlined in ORS 279C.335(2)(b)(A-N). Information considered by the Local Contract Review Board related to each of these requirements follows:

(A) How many persons are available to bid:

Information considered by the Local Contract Review Board: The RFP will attract Design-Builders having the specialized knowledge, capacity, and skills for the Project from within the state, and the Pacific Northwest. A sufficient number of DB firms are available to respond to the RFP.

(B) The construction budget and the projected operating costs for the completed public improvement:

Information considered by the Local Contract Review Board: The estimated construction cost for the project is \$2.55 million.

(C) Public benefits that may result from granting the exemption:

Information considered by the Local Contract Review Board: Benefits to the public will result from the collaborative work approach under the DB delivery method. The project is expected to cost less due to value engineering. It will be safer in that the DB firm will address the best manner in working near the main sewage line, and, since wastewater treatment plays a significant role in protecting public health and aquatic life in the Kellogg Creek and the Willamette River, it will protect these resources of the City, thereby maintaining significant public benefits as a source of recreation and fishery.

The collaborative approach to design and construction under the DB delivery method better assures that uninterrupted treatment is provided throughout construction. This better assures that the benefits to the public provided by reliable wastewater treatment are maintained.

(D) Whether value engineering techniques may decrease the cost of the public improvement:

Information considered by the Local Contract Review Board: The DB delivery method builds in innovation, constructability, and real-time cost estimating during development of the design; all of which are core parts of value engineering techniques. In an effort to decrease cost of the Project, value engineering will be conducted at the point of about

30% design development. The review will be led by City staff, outside experts (as needed), and with the DB firm participating. The DB team can provide realistic determination of costs and constructability issues that will allow cost-benefit decisions to be made by a team of City staff, design engineer, and contractor working in a partnership to decrease the cost of the project.

(E) The cost and availability of specialized expertise that is necessary for the public improvement

Information considered by the Local Contract Review Board: Construction of the Project requires specialized designers and contractors who have experience designing and building bridges and who understand the importance of minimizing disruptions to the treatment plant process and compliance with all existing permits. Construction firms and subcontractors with this expertise are highly available in the Pacific Northwest.

The cost and availability of specialized expertise necessary for public improvement is not impacted by an exemption from competitive bidding and use of the DB method of delivery. However, procurement of the DB firm based on qualifications, understanding of the project, and approach leads to the City retaining the most qualified firm for the project.

(F) Any likely increases in public safety

Information considered by the Local Contract Review Board: It is important to construct the Project in a manner to ensure safe working conditions for the contractor, neighbors, and public that could be affected by the Project.

The DB procurement method allows historical safety performance and commissioning work on similar projects to be considered as a selection criteria. It also permits the City to work closely with the contractor to ensure that the design and work sequences include appropriate safety measures, that the contractor understands the City's safety concerns, and that the contractor will take appropriate steps to address them. The DB method promotes better collaboration with the Contractor during design to result in increased public and City staff safety through increased vetting of construction means and methods, and reduced risk of discharge permit violations that could endanger public health.

(G) Whether granting the exemption may reduce risks to the contracting agency or the public that are related to the public improvement

Information considered by the Local Contract Review Board: In a traditional design-bid-build approach, the engineer develops the work plan, however, communicating the information to the contractors during the bid phase can be challenging due to the level of detail needed. However, the use of the DB method enables the contractor to fully understand the project during the design phase, develop a work plan with the engineer and City staff, and mitigate risk associated with bridge building while avoiding plant interruption when implementing the improvements. Furthermore, the reduction in project

uncertainty with having the contractor involved during design translates into cost savings to the City in the form of reduced contingency.

The partnering relationship provided through DB delivery will provide opportunity for the City to work with the Contractor to ensure safety measures are followed and revised if needed to reduce risks to the public.

(H) Whether granting the exemption will affect project funding sources

Information considered by the Local Contract Review Board: The Project funding source will not be impacted by an exemption from competitive bidding and use of the DB method of delivery.

(I) Whether granting the exemption will better enable the City to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement

Information considered by the Local Contract Review Board: Recently, the bidding market for public works projects has been impacted significantly as a result of increased commercial construction across the country and specifically in the Pacific Northwest. A shortage of skilled craftsmen and laborers and a demand for building materials has equated to a substantial (30% to 40%) rise in construction costs. Even when historical cost data and reliable sources are used, engineering and pre-construction cost estimates for building trades and labor have proven to be inaccurate in a traditional delivery method without real time construction pricing. Using a DB method, benefit-cost decisions can be made using real-time construction costs to keep the Project within budget. Both suppliers and sub-trade work can be procured early to eliminate price uncertainty and lessen the impact of price escalation during the construction period. In addition, under DB an owner is afforded the flexibility of awarding early construction work packages (e.g., site/civil work, foundation work, etc.) prior to design completion of the overall project. Furthermore, DB affords the ability and time to adjust the project budget during design when true pricing is understood such that the Project is designed at or below budget.

The DB method provides flexibility to reduce the impact of market conditions, specifically through schedule acceleration. This savings in time lessens the impact of the price increases occurring in the current market conditions. For these reasons, granting an exemption to competitive bidding will better enable the City to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement.

(J) Whether granting the exemption will better enable the City to address the size and technical complexity of the public improvement

Information considered by the Local Contract Review Board: At least four characteristics of the project lead to its technical complexity and the requirement for a Design-Builder with adequate capacity: 1) building a new bridge across Kellogg Creek, 2) working in proximity to the existing main sewage line into the plant 3) the limited 18 months

available to complete the work 4) the limited access and staging area available 5) the limited availability of access to existing facilities and the need to maintain those accesses 6) and the limited in-water work window.

The technical complexity of the project requires a Design-Builder that can manage all aspects of work. The DB process will allow the City to acquire a highly qualified contractor with adequate staffing for the site supervision needed as opposed to a minimally staffed contractor secured through award to the lowest responsive, responsible competitive bidder. As a result, it is more likely that the DB firm can address the technical complexities and schedule limitations of the project more effectively, in part because of its qualifications and in part because it will have the opportunity to propose a project approach with adequate staff.

(K) Whether the public improvement involves new construction or renovates or remodels an existing structure

Information considered by the Local Contract Review Board: The Project involves construction of a new bridge near existing City infrastructure. Using a DB method, the construction contractor is part of the Project team early on, involved in field investigation and design coordination; thereby reducing the risk of discovering unknown conditions and damaging existing infrastructure.

(L) Whether the public improvement will be occupied or unoccupied during construction

Information considered by the Local Contract Review Board: During construction the nearby facilities will be occupied. The DB method provides adequate time to plan the work and staging areas for construction to avoid issues with work in the nearby facility.

(M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions

Information considered by the Local Contract Review Board: Construction will most likely be completed in a single phase. However, the work involves several elements, which will require well-planned work sequences, including the in-water work. The DB delivery method facilitates selection of these key team members early in the process and allows the contractor an opportunity to develop a work plan that provides the best value to the City.

(N) Whether the City has, or has retained under contract, and will use city personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the City will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract

Information considered by the Local Contract Review Board: The City has experience using design-build delivery, will use specialized advisor services when necessary and the law firm of Jordan Ramis for legal counsel support for the Project.

Possible areas where specialized advisors with specific expertise may be hired or utilized include for exempting the Project from competitive bidding, for preparing the RFP, for securing the DB firm through a competitive process, for overseeing the work of the DB firm during initial design and guaranteed maximum price development, and for providing assistance during negotiation of the terms, conditions, scope, and pricing for final design, permitting, and construction.

In addition, Jordan Ramis, PC's attorneys act as general and special counsel for local governments (counties, cities, and special purpose districts) throughout Oregon. They provide advice on public contracting, design and construction litigation, property issues (including negotiation, acquisition, and condemnation), insurance coverage and defense, public meetings, public records, finance, system development charges, utility ratemaking, telecommunications, environmental and natural resources, energy, government ethics for public officials, franchise fees and privilege taxes, and other matters associated with conducting government affairs. They have provided legal counsel to municipal clients on a number alternative delivery projects including the use of design-build and CM/GC.

II. SUMMARY OF DESIGN-BUILD BENEFITS TO THE CITY

The City is seeking to utilize the DB delivery model to realize cost savings and other project delivery benefits as stated within this findings document. These savings and benefits are expected to be significant. The use of DB will promulgate the following benefits for the City:

- Will allow the City a simple and inexpensive procurement process that can be completed in a relatively short timeframe, thus allowing the City to expedite contracting with both a designer and contractor to immediately begin project implementation.
- Will allow schedule acceleration while leveraging the collaboration advantages (e.g., early contractor involvement, value engineering and value construction) provided by DB, thereby reducing project costs.
- Will allow the City to more effectively manage the Project through one contract administration with the Design-Builder.
- Will allow the City to allocate errors, omissions, and performance risks to one entity (i.e., the Design-Builder) rather than incurring risk responsibility through traditional design-bid-build.
- Will allow the City to remain directly involved in both the design and construction processes for enhanced coordination.
- Will allow the City more effective input into scope, features, and operational aspects of the design.
- Will allow the City flexibility to complete the Project at or below the City's budget (i.e., design and construct to-budget).

- Will allow the City to utilize both negotiated and competitive selection of key suppliers and subcontractors through “open book” GMP to deliver best-value for the City (both in terms of Project construction costs and long-term operating costs).



**Regular Session
Agenda Item No.**

6

Other Business



MILWAUKIE CITY COUNCIL
STAFF REPORT

Agenda Item: **RS 6. A.**
Meeting Date: **11/15/16**

To: Mayor and City Council

Through: Ann Ober, City Manager
Alma Flores, Community Development Director

Subject: **Adopt Resolution to Change the Boundary of the North Urban Clackamas County Enterprise Zone to Authorize Submittal of Amendment to the State**

From: Amy Koski, Economic Development and Resource Coordinator

Date: October 21, 2016

ACTION REQUESTED

Adopt a resolution expanding the boundary of the North Urban Clackamas County Enterprise Zone (NUCCEZ), located within the City of Milwaukie, City of Happy Valley, Clackamas County, and Port or Portland jurisdictions, which authorizes submittal of amendment to Business Oregon.

Staff is proposing an expansion of the NUCCEZ boundary to include an additional 0.27 square miles for a total area of 5.36 square miles, under the maximum allowed 12 square miles as required by Business Oregon, as shown in the enclosed map. The proposed change would result in the expansion of eligible areas that are industrially and commercially zoned. As required by Business Oregon, the added areas are within the maximum allowable distance of five miles from other areas of the Zone. The proposed boundary changes are located within the City of Happy Valley (0.032 square miles), City of Milwaukie (0.23 square miles), and Unincorporated Clackamas County (0.009 square miles).

Additional approvals will be sought from the governing bodies of all co-sponsors of the NUCCEZ including Clackamas County Board of Commission, Happy Valley City Council, and the Port of Portland Commission.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The NUCCEZ was originally established in 1997 as the Milwaukie/North Clackamas Enterprise Zone. It was later re-designated and expanded in 2008. In 2011, the Zone was expanded to include Happy Valley and was renamed the NUCCEZ.

At the April 4, 2016 City Council work session the Community Development Director and the Clackamas County Business and Economic Development Department co-presented background information on the enterprise zone program and a request to expand the NUCCEZ to include Central Milwaukie and Downtown. The feedback was to proceed with the process to expand the Zone to these areas.

BACKGROUND

Enterprise Zones are part of a State-initiated tax-abatement program available to businesses looking to locate or expand in a designated zone. Qualified businesses may be eligible to

receive exemption from local property taxes on new investments including building construction and improvements, machinery, and equipment, for a period of three to five years.

Standard Incentives available to eligible businesses:

- Construction-in-Process Enterprise Zone Exemption - For up to two years before qualified property is placed in service, it can be exempt from local taxes.
- Three to five consecutive years of full relief from property taxes on qualified property after it is in service.
- Additional local incentives may be available.

To receive the three-year exemption, the location must:

- Increase full-time, permanent employment by 10% pay employees at least 150% of the State minimum wage (benefits may be used to reach pay level);
- maintain minimum employment level during exemption period;
- enter into a first-source agreement with local job training providers; and
- pay an application fee of 0.1% of the proposed total investment.

To receive the five-year exemption:

Businesses should meet the three-year exemption criteria as well as:

- compensation of new workers must be at or above 150% of the County average wage(benefits may be used to reach this pay level); and
- local approval by written agreement with the local zone sponsor (City of Milwaukie).

Since its creation in 1997, the NUCCEZ has seen a total investment of \$200,616,075 resulting in the creation of 4,294 jobs. In the 2014-2015 property tax year, the assessed value of investments by businesses in the program was \$37,753,905. These investments were made by Milwaukie businesses such as Alpine Food Distributing, Inc. and Pacific Scientific OECO, LLC and Clackamas County businesses such as Boydston Equipment Manufacturing, S A Piazza & Associates LLC, and PECO Astronic.

The primary beneficiaries of Enterprise Zone benefits are manufacturing and other more industrially-oriented facilities serving other businesses. Most commercial and retail-type operations are ineligible. Enterprise Zones provide up to 100 percent property tax abatement on a company's new investment in facilities, equipment and machinery over a three- to five- year period if a job threshold is met (a minimum 110 percent of the average level from the time of the authorization application over the past 12 months). Land, existing machinery and equipment are not tax exempt.

CONCURRENCE

The City Manager and Community Development Director concur with this recommendation.

FISCAL IMPACTS

The fiscal impact would be limited to abatement of property taxes on the new investment portion of an Enterprise Zone application, and only for the eligible portion of the new investment, up to five years.

WORK LOAD IMPACTS

Administration of the Enterprise Zone program is handled by the Enterprise Zone Manager at Clackamas County, through the Business and Economic Development Department; however, each city is responsible for assistance with the application process and working with the local business. The work impact could include five to 10 hours when an application is received and if

the expansion occurs, it could be an additional five to 10 hours a week of dedicated time over approximately two months per new participant.

As part of the proposed boundary change, staff has gathered all of the necessary components required by the State to apply for an amendment. The following timeline is currently underway to expand the NUCCEZ boundary:

City of Milwaukie Council Work Session on EZone Overview	April 19, 2016
Send notice to all affected taxing districts	November 2, 2016
Port of Portland Commission Meeting for Consent Resolution	November 9, 2016
City of Happy Valley Council Meeting for Consent Resolution	November 15, 2016
City of Milwaukie Council Meeting for Consent Resolution	November 15, 2016
Clackamas County Board of Commission Policy Session	November 22, 2016
Clackamas County Board of Commission Business Meeting	December 1, 2016
Submit boundary change documentation to Business Oregon	December 2016
Business Oregon reviews documentation and makes decision	January 2017

ALTERNATIVES

If no action is taken, the NUCCEZ continues to operate as usual; however, there is a missed opportunity to offer increased incentives to Milwaukie businesses located within the expansion area.

ATTACHMENTS

1. Resolution
2. Exhibit A: Map



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
CHANGING THE BOUNDARY OF THE NORTH URBAN CLACKAMAS COUNTY
ENTERPRISE ZONE**

WHEREAS, Business Oregon, the State of Oregon's economic development department, re-designated an urban enterprise zone for Clackamas County, City of Happy Valley, and City of Milwaukie (Co-sponsors) on July 1, 2008, the Co-sponsors shall fulfill its duties and implement provisions under ORS 285C.105 or elsewhere in ORS Chapter 285C and related parts of Oregon Law, and the Co-sponsors will apply all state and local requirements as adopted by the Clackamas County Commission in Resolution No. 98-71 for the original North Urban Clackamas County Enterprise Zone (NUCCEZ) boundary; and

WHEREAS, the Co-sponsors want to expand the NUCCEZ from a total area of 5.10 square miles to 5.36 square miles with the addition of 0.27 square miles of eligible industrial and commercial zoned parcels, as amended, it meets other statutory limitations on size and configuration, and it is depicted here on a drawn-to-scale map (Exhibit A); in order to continue the encouragement of new business investment, job creation, higher incomes for local residents, and greater diversity of economic activity; and

WHEREAS, all affected taxing districts that receive operating revenue through the levying of *ad valorem* taxes on real and personal property in any area of the NUCCEZ, as amended, were sent notice regarding this boundary change; and

WHEREAS, the NUCCEZ does not grant or imply permission to develop land within the Zone without complying with prevailing zoning, regulatory and permitting processes and restrictions for applicable jurisdictions; nor does it indicate any intent to modify those processes or restrictions, except as otherwise in accordance with Comprehensive Plans as acknowledged by the State of Oregon Land Conservation and Development Commission.

Now, Therefore, be it Resolved that by the Council of the City of Milwaukie, Oregon:

1. Under ORS 285C.115, the City of Milwaukie does hereby change the boundary of the NUCCEZ as shown in the attached map.
2. The NUCCEZ manager is authorized to submit documentation of this boundary change to Business Oregon for purposes of a positive determination under section 18, chapter 648, Oregon Laws 2015 (Enrolled House Bill 2643) on behalf of the City of Milwaukie.
3. This change of the NUCCEZ boundary takes effect on the date that this resolution is adopted (or later, as so stipulated by Business Oregon in its determination following any revision or resubmission of documentation).

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott Stauffer, City Recorder

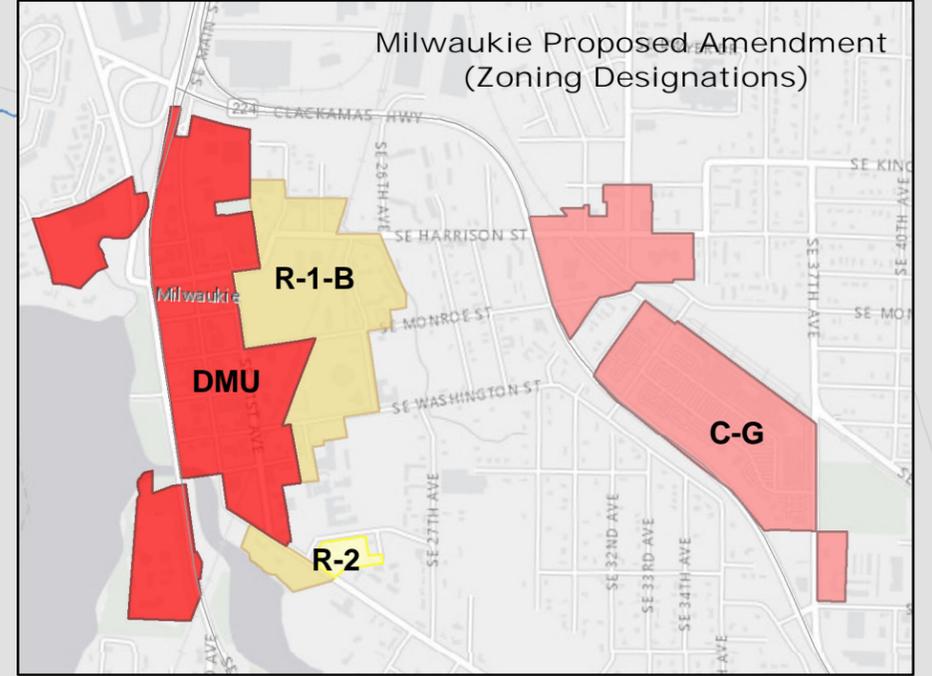
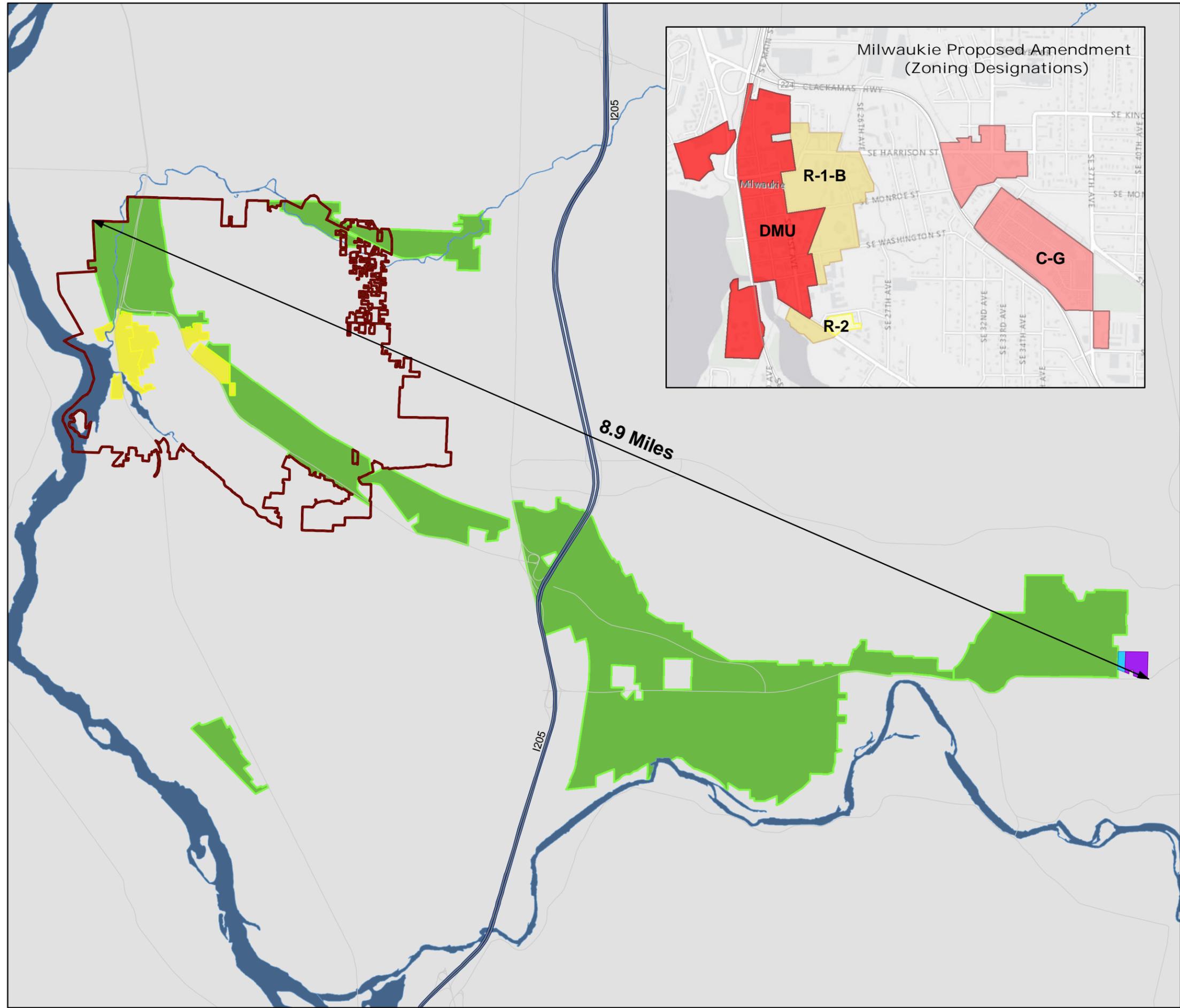
City Attorney



Proposed Enterprise Zone Expansion Size and Dimensions

- Milwaukie City Limits
- Unincorporated Clackamas County Proposed Amendment 0.009 sq ml
- Happy Valley Proposed Amendment .032 sq ml
- Milwaukie Proposed Amendment 0.23 sq ml
- North Clackamas Ezone 5.09 sq ml

New Total Area = 5.36 Square Miles



Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center, 2014 ACS 5 Year Estimates

Date: Monday, October 10, 2016

The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

GIS Coordinator
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206
(503) 786-7498





MILWAUKIE CITY COUNCIL
STAFF REPORT

Agenda Item: **RS 6. B.**
Meeting Date: **11/15/16**

To: Mayor and City Council

Through: Ann Ober, City Manager

Subject: **IGA with H3s to expand Behavioral Health Unit Services to City of Milwaukie**

From: Chief Steven Bartol

Date: 11-15-16

ACTION REQUESTED

Authorize the City Manager to sign an IGA with Clackamas County Health, Housing and Human Services (H3s) to expand services of the Behavioral Health Unit (BHU) to the City of Milwaukie.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

N/A.

BACKGROUND

In response to the growing concern about the number of people with mental illnesses that police encounter, the Clackamas County Chiefs of Police have been looking for alternative ways to respond to those with mental illness with the goal to reduce the number of unsafe encounters between police and people in mental health crises. Additionally, we have been looking for opportunities to best support those in crisis. To that end, we have worked over the last year with the BHU at Clackamas County H3s to expand the services currently utilized by the Sheriff's Office to the municipal agencies within Clackamas County.

Currently, the BHU embeds masters-level clinicians within the Sherriff's Office Patrol division. The purpose of the team is to -

1. Divert county residents with mental illness or dual diagnosis (MH/Addictions) from using Clackamas County Sheriff's Office (CCSO) resources by linking them to resources best suited for their needs;
2. Divert low-level offenders with mental illness from incarceration;
3. Reduce deputy risk by enhancing staff skills by:
 - o Provision of formal and informal training and education through participation in Crisis Intervention Training;
 - o Provision of on-site consultation;
 - o Participation in shift report (roll call);
4. Reduce the number of Police Officer Hold (POH) transports;
5. Reduce overall liability to CCSO and County.

With the expansion of this program, these services (and benefits) would be more readily available to the Milwaukie Police Department. BHU Mental Health practitioners will respond to the scene of an incident involving a person in mental health crises when requested by a Milwaukie Police Officer. The BHU practitioner will work alongside the officer to provide care,

both in criminal and non-criminal cases, with the goal to resolve the incident without harm to the individual in crises, to the public, or the officers.

Additionally, a BHU practitioner may be called upon by an officer for assistance with those who are not necessarily in crises, but in need of an assessment. This type of referral may be generated as a result of frequent interactions wherein the officer believes the BHU practitioner may be helpful in resolving issues related to ongoing mental health issues.

The Milwaukie Police Department has already had two very successful deployments of BHU practitioners. In one case, BHU responded to assist our officers with a suicidal subject who had climbed up tall tree and was threatening to commit suicide. BHU practitioners were able to successfully talk the subject in to climbing down the tree so that officers were able to safely take the subject in to custody. In another event, BHU practitioners were able to help facilitate the placement of a person who was experiencing frequent mental health crises, but otherwise may not have met the criteria for a Police Officer hold (POH).

Goals of this program include:

1. Providing the best care for people in mental health crisis that come to the attention of police.
2. Diverting people in mental health crisis from physical custody (arrest or mental health hold).
3. Reducing the risk posed to the individual in mental health crisis, the public, and officers by utilizing the training and experience of mental health professionals at the scene of an incident.
4. Reducing the frequency of police responses to people in mental health crisis by utilizing the experience and training of mental health professionals for preventative care for individuals with mental illness.

FISCAL IMPACTS

In order to extend these services to the municipalities, Clackamas County needs to add additional case managers/practitioners. After contributions from CCSO and BHU, the remaining amount needed is \$73,000. The balance was divided by pro-rating the various cities based on population. The City of Milwaukie's portion based on population would be \$3,766.79 which will be paid out of the Police Department's current professional services budget (see attachment 2).

WORK LOAD IMPACTS

Potential to reduce police interaction with those experiencing on-going mental health issues.

ALTERNATIVES

Status quo.

ATTACHMENTS

1. IGA
2. Prorated Costs allocation sheet
3. Resolution

INTERGOVERNMENTAL AGREEMENT

BEHAVIORAL HEALTH SERVICES

**BETWEEN THE CITY OF MILWAUKIE, THROUGH ITS POLICE DEPARTMENT,
AND CLACKAMAS COUNTY, THROUGH ITS HEALTH, HOUSING AND HUMAN SERVICES
BEHAVIORAL HEALTH DIVISION**

- I. **Purpose.** This Agreement ("Agreement") provides the basis for a cooperative relationship between the City of Milwaukie, acting through its Police Department ("LE AGENCY") and Clackamas County, acting through its Health, Housing and Human Services, Behavioral Health Division ("BHD").

The purpose of this Agreement is to implement the parties' desire to partner in the delivery of behavioral health crisis assessment and diversion services to citizens experiencing mental health crises when involved with the LE AGENCY.

- II. **Provisions.** BHD and LE AGENCY agree to jointly oversee the LE AGENCY Behavioral Health Unit (BHU), comprised of Mental Health Specialists, Case Managers and Peer Specialist staff assigned through the BHD Crisis Services to work with the LE AGENCY Patrol Division and provide crisis assessment, diversion intervention, case management, support and referral services to citizens in need who are identified through the LE AGENCY as frequently accessing LE services due to mental illness.

BHD will be responsible for the compensation, professional standards and general conduct of the Mental Health Specialists, Case Management and Peer Specialist staff, who will remain employees of BHD under BHD's supervision and control. LE AGENCY will provide the training that LE AGENCY determines is necessary to enable BHD staff to safely work with LE AGENCY staff while in the field.

- III. **BHD/BHU Functions.** The primary functions of the BHD/BHU staff under this Agreement are to:

1. Engage with county residents with perceived mental illness and link them to appropriate resources, in order to divert them from incarceration, hospitalization, or unnecessary reliance on LE AGENCY resources; and
2. Enhance LE AGENCY staff skills by providing formal and informal training and education through participation in Critical Incident Training ("CIT"), and in-person consultation.

IV. **Roles.**

1. LE AGENCY staff will generate referrals for BHD/BHU follow-up. If either BHU or LE AGENCY perceives risk to the follow up, the LE AGENCY will provide an officer to accompany BHU staff on the follow-up visit.
2. BHD/BHU staff will have assigned County vehicles in which they are authorized to transport county residents provided that the transport is voluntary and the individual is in behavioral control.

3. BHD/BHU staff will not be expected to physically participate in what LE AGENCY determines to be an unsecured scene, however, they may be asked to be available telephonically or via radio to consult with LE AGENCY staff in live negotiation situations.
4. Occasionally BHD/BHU staff may be requested to assist with the assessment of a Peace Officer or Director's Designee Custody assessment in the field. The BHD/BHU staff cannot accept custody from LE AGENCY staff and cannot provide involuntary transportation.
5. On rare occasions the BHD/BHU staff may have the ability to accompany the allegedly mentally ill person and the LE AGENCY staff to the hospital to communicate the clinical information to the hospital staff, but will not be expected to provide this service with any frequency
6. BHD/BHU staff will not be expected to leave an intervention to attend to another intervention prior to completing their first assignment.
7. BHD/BHU current shifts are as follows: Staff 1: Monday through Friday, 8:30 a.m. - 5:00 p.m.; Staff 2: Sunday through Wednesday, 9:00 a.m. - 6:30 p.m.; Staff 3: Wednesday through Saturday, 10:00 a.m. - 7:30 p.m. As the team is expanded, the shift times will be mutually agreed to by BHD/BHU and the LE AGENCY.
8. Outside of BHD/BHU covered shifts, in the event of a mental health crisis, LE AGENCY will have access to 24/7 Crisis Support by calling 503-655-8585. Determination will be made with the 24/7 Crisis Support and on-call supervisor if mobile crisis response is needed. LE AGENCY will provide an officer to accompany BHU staff.

V. Communication.

1. BHU staff will attend LE AGENCY roll call shifts as scheduling permits.
2. LE AGENCY will appoint a liaison to help BHD/BHU staff navigate LE AGENCY, address the needs of their working conditions and successfully perform their duties while working with LE AGENCY.
3. The BHD/BHU staff will be responding to requests from multiple LE Agencies. In the event of conflicting time-sensitive requests, the LE Agencies will negotiate with each other the priority of requests and will communicate the decision to the BHD/BHU staff.
4. LE AGENCY, Clackamas County Sheriff's Office ("CCSO") and BHD supervisory staff will meet periodically to address concerns and systems issues. Additional meetings may be scheduled if needed as determined by LE AGENCY or BHD.

VI. Training. LE AGENCY will attempt to train all LE AGENCY's patrol officers through CCSO's semi-annual CIT program, which includes a three-year certification on Mental Health First Aid.

LE AGENCY will participate with CCSO in the development of an Advanced CIT training for select regional LE AGENCY staff, with the goal of developing a regional CIT response team. The advanced CIT training will include, at a minimum, ASIST (Applied Suicide Intervention Skills Training) and Psychological First Aid.

- VII. **Compensation – Attachment A.** In the first year of this Agreement, or as otherwise determined by mutual agreement, the LE AGENCY will provide a percentage reimbursement to the BHD using the following formula, as detailed on the attached Exhibit A, as its contribution to the expansion of the Behavioral Health Unit, which includes an additional mental health clinician to be added to the three-person team.

The compensation detailed in Exhibit A is calculated based upon each city's total population as a percentage of County population

By September 1, 2017, and by September 1st of each year thereafter, BHD will provide a statement to LE AGENCY showing LE AGENCY's percentage reimbursement for the following year of the Agreement (October 1 to September 30), using the above formula. LE AGENCY by October 1, 2017, and by October 1 of each year thereafter, shall either pay BHD the stated percentage reimbursement or may, at LE AGENCY's discretion, terminate LE AGENCY's this Agreement effective immediately.

The current cost-sharing agreement is prorated with BHD subsidizing most of the current cost. It is the goal of the parties to collaborate on identifying a cost model that creates a sustainable program. Any change in the cost model will require the mutual agreement of the parties.

All LE Agencies currently operating in Clackamas County will be encouraged to participate as this allows for greater cost sharing across all participants.

- VIII. **Liaison Responsibility.** The BHD Crisis Services Manager or designee will act as liaison to LE AGENCY. The LE AGENCY Patrol Captain or designee will act as liaison to BHD.
- IX. **Confidentiality.** Unless otherwise permitted by law, parties agree that the LE AGENCY, its agents and employees shall maintain the confidentiality of any participant records or other participant identifying information, written or otherwise, with which they may come in contact, to the extent required by all applicable provisions of state and federal statutes, rules and regulations, and shall comply with the same in the event of requests for information by any person or federal, state or local agency. In addition, parties acknowledge the Health Insurance Portability and Accountability Act of 1996 (HIPAA), PL 104-191, 45 CFR Parts 160-164, and agree that the party, its agents and employees will comply with any applicable requirements of HIPAA and state law related to the confidentiality of participant records or other participant identifying information.
- X. **Amendments.** This Agreement may be amended at any time with the concurrence of both parties. Amendments become a part of this Agreement only after the written amendment has been signed by the Clackamas County Health, Housing and Human Services Department Director and the Lake Oswego Chief of Police, or by their authorized designees.
- XI. **Term of Agreement.** This Agreement is effective October 1, 2016, until terminated by mutual agreement of the parties, or as provided elsewhere in this Agreement.
- XII. **Termination.** In addition to the termination provisions in Section IV and VII above, this Agreement may be terminated or suspended by either party upon the material non-compliance by the other party with any of its obligations under this Agreement. Termination shall be effected by written notice from one party to the other, and shall be effective

immediately upon notice, or at a later date specified in the notice.
This Agreement may also be terminated at the discretion of either party upon 30 days' written notice to the other party.

XIII. Indemnification. Within the liability limits stated in the Oregon Tort Claims Act, each party to this Agreement shall defend, indemnify and hold the other party harmless against all liability, loss, or expenses, including reasonable attorney's fees, and against all claims, actions or judgments based upon or arising out of damage or injury (including death) to persons or property to the extent caused by or resulting from any act, error or omission by the indemnifying party or its agents and employees in connection with the performance of this Agreement.

**CITY OF MILWAUKIE, an Oregon
municipal corporation**

**CLACKAMAS COUNTY BEHAVIORAL
HEALTH**

Ann Ober, City Manager

Mary Rumbaugh, Director

DATE: _____, 2016

DATE: _____, 2016

**CLACKAMAS BOARD OF COUNTY
COMMISSIONERS, HEALTH, HOUSING &
HUMAN SERVICES DEPARTMENT**

Richard Swift, Director

DATE: _____, 2016

Prorated Costs for each City for Additional Behavioral Health Resources					
County Population‡	397,385	Total Non-contract City Population*	167,285	Total CCSO*	230,100
				Case Manager Cost	
				Less CCDA Contribution 10K	Less CCBHU Contribution 50K
				Total City Contribution	
					\$73,000
Incorporated City/Town	All Cities % of Total Population	Population % of non contract cities	Cost for each city based on Total Pop		
Canby	16,010	4.03%	9.57%	\$2,941.05	
Damascus*	10,625	2.67%	0.00%	\$1,951.82	
Estacada	3085	0.78%	1.84%	\$566.72	
Gladstone	11,505	2.90%	6.88%	\$2,113.48	
Happy Valley*	17,510	4.41%	0.00%	\$3,216.60	
Lake Oswego	37,300	9.39%	22.30%	\$6,852.05	
Milwaukie	20,505	5.16%	12.26%	\$3,766.79	
Molalla	8,940	2.25%	5.34%	\$1,642.29	
Oregon City	33,940	8.54%	20.29%	\$6,234.81	
Sandy	10,395	2.62%	6.21%	\$1,909.57	
West Linn	25,605	6.44%	15.31%	\$4,703.66	
Wilsonville*	22,870	5.76%	0.00%	\$4,201.24	
Unincorporated	179,095				

‡Certified Estimate
July 1, 2015

*Contract City

Total non-contract	167,285
Total CCSO	230,100

‡Prepared by Population Research Center College of Urban and Public Affairs For Portland State University, 12/15/2015



CITY OF MILWAUKIE

"Dogwood City of the West"

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH CLACKAMAS COUNTY FOR MENTAL HEALTH PRACTITIONER SERVICES.

WHEREAS, There is a growing concern regarding the number of people with mental illness that police encounter on a daily basis; and

WHEREAS, it is in the best interest of both law enforcement and the community as a whole to reduce the number of unsafe encounters between police and people with mental illnesses through alternative response strategies; and

WHEREAS, the Behavior Health Unit with the Clackamas County Health, Housing and Human Services (H3s) is willing to extend services provided by their mental health practitioners to assist officers with the Milwaukie Police Department in such circumstances;

Now, Therefore, be it Resolved that the City Manager is hereby authorized to sign the IGA between the City of Milwaukie and H3s giving Milwaukie Police Officers dealing with persons in mental health crises the ability to access the assistance of H3s Mental Health Practitioners.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott S. Stauffer, City Recorder

City Attorney