



**Work Session**

**WS**

**Milwaukie City Council**



## MILWAUKIE CITY COUNCIL WORK SESSION

City Hall Conference Room  
10722 SE Main Street  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

## AGENDA FEBRUARY 2, 2016

A light dinner will be served.

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- |    |           |   |   |
|----|-----------|---|---|
| 1. | 4:00 p.m. | <b>Fee in Lieu of Construction (FILOC) Policy Statement</b><br>Staff: Chuck Eaton, Engineering Director | 1 |
| 2. | 4:30 p.m. | <b>Public Safety Advisory Committee (PSAC) Update</b><br>Staff: Chuck Eaton, Engineering Director       | 5 |
| 3. | 5:00 p.m. | <b>Management Market Pay Results</b><br>Staff: Gary Rebello, Human Resources Director                   |   |
| 4. | 5:45 p.m. | <b>Adjourn</b>  |   |

### Meeting Information

- The time listed for each item is approximate; the actual time each item is considered may change due to the length of time devoted to the previous item. The Council may vote in Work Session on non-legislative issues.
- Executive Sessions: The Milwaukie City Council may meet in executive session immediately following adjournment pursuant to ORS 192.660(2).
  - All Executive Session discussions are confidential and those present may disclose nothing.
  - Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed.
  - Executive Sessions may not be held for the purpose of taking final actions or making final decisions.
  - Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503-786-7555. During meetings the Council asks that all pagers and cell phones be set on silent mode or turned off.



MILWAUKIE CITY COUNCIL  
STAFF REPORT

Agenda Item: **WS 1.**  
Meeting Date: **Feb. 2, 2016**

To: Mayor and City Council  
Through: Bill Monahan, City Manager  
Subject: **Fee in lieu of Construction (FILOC) Policy Statement**  
From: Charles Eaton, Engineering Director  
Date: January 25, 2016

**ACTION REQUESTED**

Concurrence with staff policy on use of FILOC funds as defined in Milwaukie Municipal Code (MMC) 19.706.

**BACKGROUND**

FILOC funds have been allowed only on a limited basis as outlined in MMC 19.706.1 and are restricted for use within the NDA they are received. As a result the available amounts of FILOC funds are limited and require additional funding to provide sufficient funds to construct an identified improvement. FILOC funds have thereby been substantially used to provide the needed matching funds for other grants and programs.

This has resulted in FILOC funds being set aside for grants that have been received by the City of Milwaukie but are still pending expenditure due to the length of time to get one of these projects to construction. Projects such as the Lake Rd Multi-modal Improvements, the 17<sup>th</sup> Avenue Multi-Use Path, the TriMet Light Rail and the CDBG ADA projects all have very long time frames from conception to construction. As a result several funds are approaching the 10 year mark even though they have been set aside to guarantee the funds received. The 10 year time frame is established in MMC 19.706.4B which states:

*Fees shall be used within 10 years of the date on which they were collected. Fees that have not been used within the 10 years of collection will be returned to the owner of the development property at the time the refund is issued.*

Staff therefore is considering that the FILOC funds are ~~used~~ once they have been obligated for the matching project funds identified and thereby satisfying the requirement of MMC 19.706.4B that ~~fees~~ shall be used within 10 years of the date on which they were collected. This is a clarification of the current code that ~~fees~~ shall be used within 10 years of the date on which they were collected. (MMC 19.706.4B)

**CONCURRENCE**

Administration and Finance departments concur with this policy.

**FISCAL IMPACTS**

None

**WORK LOAD IMPACTS**

None

**ALTERNATIVES**

Refund FILOC fees when they have reached the 10 year timeframe and allocate alternative funding to replace the FILOC funds to satisfy the matching requirements of the grants received.

**ATTACHMENTS**

1. MMC 19.706

**Attachment 1**

<b>Milwaukie Municipal Code</b>							
<a href="#">Up</a>	<a href="#">Previous</a>	<a href="#">Next</a>	<a href="#">Main</a>		<a href="#">Search</a>	<a href="#">Print</a>	<a href="#">No Frames</a>
<a href="#">TITLE 19 ZONING</a>							
<a href="#">CHAPTER 19.700 PUBLIC FACILITY IMPROVEMENTS</a>							

**19.706 FEE IN LIEU OF CONSTRUCTION**

If transportation facility improvements are required and determined to be proportional, the City will require construction of the improvements at the time of development. However, the applicant may request to pay a fee in lieu of constructing the required transportation facility improvements. The fee in lieu of construction (FILOC) program ensures that opportunities to improve public transportation facilities are maximized and that the goals and requirements of this chapter are met. This section provides criteria for making FILOC determinations and administering the FILOC program.

**19.706.1 FILOC Criteria**

The City may accept a fee in lieu of construction of required transportation facility improvements if one or more of the following conditions exist.

- A. Required improvements are not feasible due to the inability to achieve proper design standards.
- B. Required improvements would create a safety hazard.
- C. Required improvements are part of a larger approved capital improvement project that is listed as a funded project in the City's Capital Improvement Program (CIP) and is scheduled for construction within 3 years of the City's approval of the proposed development.

**19.706.2 FILOC Findings**

If the Engineering Director determines that a fee in lieu of construction satisfies one of the criteria in Subsection 19.706.1 above, the City will accept a fee upon the Engineering Director finding that deferring construction of transportation facility improvements will not result in any safety hazards. If the Engineering Director cannot make such a finding, then the City will not accept a fee and will require construction of the improvements.

**19.706.3 FILOC Fees**

If determined by the Engineering Director that required transportation facility improvements are eligible for FILOC, the applicant shall pay to the City an amount equal to the estimated cost to construct the required improvements. The amount of the fee shall be determined by the Engineering Director and shall be based on the average cost of the most recent capital improvement project itemized bid prices. All fees shall be paid to the City prior to the issuance of any development permits.

- A. If full transportation facility improvements have been assessed with previous development (s) on the development property and the proposed development has additional impacts, the City may only assess additional FILOC fees when there has been a change to the City's street design standards.
- B. If partial transportation facility improvements have been assessed with previous development(s) on the development property and the proposed development has additional impacts, the City may assess additional FILOC fees for the balance of the improvements.

**19.706.4 FILOC Administration****WS3**

Fees collected by the City may be used to construct public transportation facility improvements or to leverage additional grant money for larger transportation facility improvement projects. An accounting of fees collected and expended will be made available by the City to the public on an annual basis at the end of the fiscal year. Expenditure of fees is subject to the following

- A. Fees shall be used for construction of public transportation facility improvement projects that benefit the development site and that are within the same Neighborhood District Association (NDA) boundary as the development site, with the following two exceptions.
    1. For development within a downtown zone, fees shall be used for construction of transportation facility improvements that benefit the development site and are within one or more of the downtown zones.
    2. For development within the Historic Milwaukie NDA and not within a downtown zone, fees shall be used for construction of transportation facility improvements that benefit the development site and that are within the Historic Milwaukie NDA and not within a downtown zone. Fees collected in the Historic Milwaukie NDA may be spent in one or more of the downtown zones with the approval of the Historic Milwaukie NDA.
  - B. Fees shall be used within 10 years of the date on which they were collected. Fees that have not been used within 10 years of collection will be returned to the owner of the development property at the time the refund is issued.
  - C. Staff shall identify the transportation facility improvement projects that meet the requirement of benefiting the development site per Subsection 19.706.4.A and that can be constructed within the 10-year time period per Subsection 19.706.4.B. Staff shall coordinate with the neighborhood district associations to prioritize the project lists for each neighborhood. (Ord. 20 2, 2011)
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MILWAUKIE CITY COUNCIL  
**STAFF REPORT**

Agenda Item: **WS 2.**  
Meeting Date: **Feb. 2, 2016**

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **Public Safety Advisory Committee (PSAC)**

From: Charles Eaton, Engineering Director

Date: January 26, 2016

### **ACTION REQUESTED**

This is an opportunity for the PSAC committee to present the upcoming years work plan and discuss the changing role of the committee. Staff is proposing to change the official liaison from the Police Chief to the Engineering Director

### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

PSAC met with the City Council at the September 17<sup>th</sup> work session to discuss the committees changing roles and taking on the responsibility as the Community Planning Advisory Council for the ADA Transition Plan.

### **BACKGROUND**

PSAC has been expanding the role of the committee from public safety revolving around police to a broad vision that includes public safety within the right-of-way. This encompasses safe routes to schools, the ADA transition Plan, and pedestrian and bicycle safety, in general. As a result the committee has begun to interface far more with engineering than it has in the past. The proposal is to switch the city liaison from the Police Chief to the Engineering Director to help facilitate this additional scope. The Police Chief would remain a resource to the committee and be an active member regarding the traditional public safety role.

### **CONCURRENCE**

The police Chief concurs with this action

### **FISCAL IMPACTS**

None

### **WORK LOAD IMPACTS**

A Milwaukie Municipal Code update will be required to make the official change in the city liaison.

### **ALTERNATIVES**

Leave the Police Chief as the liaison

### **ATTACHMENTS**

1.Draft 2016-2017 Work Plan

## Milwaukie Public Safety Advisory Committee

### [DRAFT] Work Plan

2016-2017

#### ***Fall/Winter 2015-2016***

##### ADA/Bicycle/Pedestrian Accessibility Program

Council has designated PSAC as the Community Planning Advisory Council for the federally mandated Americans with Disabilities Act Accessibility Plan. In addition to ADA accessibility, the community has a strong desire to address Milwaukie's lack of pedestrian and bicycle infrastructure in general, as was made clear in this year's goal-setting process. On the advice of the Engineering Department, and to save limited resources, PSAC intends to address ADA/pedestrian/bicycle accessibility in an "All Access" Plan rather than focusing only on ADA projects. PSAC is well suited as the only committee with members from all Neighborhood District Associations, and in this role PSAC will assist the City Manager's office, Engineering, Planning, and Community Development Departments with the following activities:

1. Identifying and prioritizing facilities, routes, obstacles and solutions;
2. Public outreach, identifying and facilitating communication with community groups and other partners so all interested parties have an opportunity to participate in the development of the plan; and
3. Make a recommendation to City Council at the completion of the plan.

#### ***Winter 2016***

##### Greenways/Alternative Street Design Standards

PSAC will work with the city's Engineering Department regarding the design of alternative standards for greenways and other low-volume, low-speed streets. Currently, the city does not have an official plan or design standards for greenways, and as a result, they trigger the same requirements for street improvements as on any other local street (i.e. wide car lanes, traditional curbs and sidewalks). Many residents who live on these quiet streets have expressed strong preference for improving the streets only in ways that preserve the streets' current function as shared spaces (similar to Dutch *woonerfs*). PSAC will designate volunteer(s) to attend the design workshops and report back to the committee and NDAs for input.

## ***Spring 2016, Fall 2016-Spring 2017***

### Safe Routes to School Action Plans

Automobile congestion and a lack of safe routes are creating unsafe conditions around schools. Many children are not walking or biking to school, and this lack of exercise negatively impacts classroom performance and contributes to long-term health problems. PSAC will spearhead or support the creation of SRTS Action Plans for all of Milwaukie's public elementary and middle schools. PSAC members will work with parent-teacher organizations, NDAs, regional SRTS and community partners, police, city staff and the principals of each of the neighborhoods' schools:

- Ardenwald Elementary (planning in progress) - Kim Travis
- El Puente/Milwaukie Elementary - Ray Bryan
- Lewelling Elementary - Tam Guy
- Linwood/Sojourner Elementary (already complete) - Nicole Perry, Regis Niggeman
- Rowe Middle School - Kit Donnelly, Ben Rousseau
- Wichita Center - Nicole Perry, Regis Niggeman

### ***Continued/Ongoing***

#### Milwaukie Police, Clackamas Fire, CERT, MPSF

PSAC recognizes and appreciates the ongoing work of our police force, fire and rescue, as well as the important contributions of the volunteers of Community Emergency Response Team and Milwaukie Public Safety Foundation. PSAC will continue to respond to neighborhood concerns and act as the liaison between Police/Fire and the NDAs. PSAC will work to maintain the strong relationships it has built with these organizations by inviting a member from one of these groups to each meeting and by promoting important events throughout the year and/or designating volunteers to assist as our schedules allow:

- Shred Day/Prescription Drug Drop Off Day - Each year in/around April
- 9K for K9 - Each year in around July
- Bike Giveaway - Each year in/around April
- Officer of the Year Dinner - Each year in/around February
- CERT Dinner - Each year in/around October
- Bike Rodeo - First Wed in May, First Friday (possibly adding others to promote SRTS)