



**Work Session**

**WS**

**Milwaukie City Council**



**MILWAUKIE CITY COUNCIL  
WORK SESSION**

**AGENDA  
MAY 3, 2016**

City Hall Conference Room  
10722 SE Main Street  
www.milwaukieoregon.gov

A light dinner will be served.

**Page #**

- |           |                  |   |          |
|-----------|------------------|---|----------|
| <b>1.</b> | <b>4:00 p.m.</b> | <b>Introduction to Rights of Way (ROW)</b>  | <b>1</b> |
|           |                  | Staff: Reba Crocker, ROW and Contract Coordinator   |          |
| <b>2.</b> | <b>4:30 p.m.</b> | <b>Intergovernmental Agreement (IGA) with Clackamas County for Solid Waste Rate Setting</b> | <b>2</b> |
|           |                  | Staff: Reba Crocker, ROW and Contract Coordinator   |          |
| <b>3.</b> | <b>4:45 p.m.</b> | <b>Economic Opportunities Analysis</b>  | <b>7</b> |
|           |                  | Staff: Alma Flores, Community Development Director  |          |
| <b>4.</b> | <b>5:45 p.m.</b> | <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: May 3, 2016

To: Mayor and City Council

Through: Casey Camors, Finance Director

Subject: **Introduction to Rights of Way**

From: Reba Crocker

Date: May 3, 2016

**ACTION REQUESTED**

None. Information on Rights of Way management and discussion on the future needs of the City.

**BACKGROUND**

The City has recently filled the position of Rights of Way Contract Coordinator. Previously the duties were distributed among staff members in different departments.

**DISCUSSION**

In order for the City to plan for future use and oversight of the Rights of Way, changes in the current code are necessary. Changing the codes and the way utility providers are managed is necessary to streamline the process. A change in the City's code will also ensure the City is resilient and adaptive to future changes.

Under the current code, payments are received at different intervals, different amounts and tracked by different staff members. Users of the City's Rights of Way are treated differently depending on the agreements, thus increasing staff labor to correctly manage the Rights of Way. In addition the current process cost a significant amount of staff time and attorney fees to negotiate individual franchise agreements.

Staff requests the support of City Council in updating the City's Codes.

**CONCURRENCE**

City Council approved the creation of the position with the intention of streamlining the process of managing the City's Rights of Way.

**FISCAL IMPACTS**

Modification to the City's code will increase the City's revenue by collecting Rights of Way usage fee from anyone that uses the City's Rights of Way. This modification will also reduce the labor costs associated with the current procedures.

**ALTERNATIVES**

N/A

**ATTACHMENTS**

1. None



**MILWAUKIE CITY COUNCIL  
STAFF REPORT**

Agenda Item: **WS 2.**  
Meeting Date: May 3, 2015

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **IGA with Clackamas County for Solid Waste Rate Setting**

From: Casey Camors, Finance Director

Date: May 3, 2016

**ACTION REQUESTED**

Discussion of an IGA (intergovernmental agreement) with Clackamas County for assisting the City in its annual review and adoption of solid waste and recycling collection fees.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

**May 2016**

Rick Winterhalter (County staff) assisted the City with annual solid waste rate setting. During City rate setting meetings, staff and the City Council discussed the approaching need to pay the County for rate setting assistance provided by the County.

**BACKGROUND**

The City has utilized and appreciated the assistance of County personnel for annual production review and rate development. These services have been provided at no cost to the City.

**CONCURRENCE**

The City desires continued assistance from the County on the annual production review of the solid waste rate setting. The review includes the services of the County staff, a CPA, staff report with findings and recommendations. The County, if requested, will attend and present City specific recommendations at City Council meetings.

**FISCAL IMPACTS**

The IGA will cost \$3,500 per fiscal year. Contracting with a CPA for garbage rate analysis would be a direct cost to the City estimated to be around \$7,000, in addition to additional staff hours (approx. 100 hrs).

**WORK LOAD IMPACTS**

Executing the IGA will add no additional work load to City staff.

**ALTERNATIVES**

City staff with additional professional services could perform the solid waste rate review.

**ATTACHMENTS**

1. Resolution
2. Draft IGA



**CITY OF MILWAUKIE**  
*"Dogwood City of the West"*

**Resolution No.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MILWAUKIE AND CLACKAMAS COUNTY FOR ASSISTING THE CITY IN ITS ANNUAL REVIEW AND ADOPTION OF SOLID WASTE AND RECYCLING COLLECTIONS FEES.**

**WHEREAS**, ORS Chapter 190 allows for units of local government to enter into agreements for the performance of any or all functions and activities which such units have authority to perform; and

**WHEREAS**, Clackamas County has adopted a Solid Waste and Waste Management Ordinance on June 10, 1970; and

**WHEREAS**, Clackamas County has franchised the collection of solid waste and collects certain fees from the collection of such solid waste; and

**WHEREAS**, the City desires a contractual relationship with the County whereby the County will be responsible for assisting the City in its annual review and adoption of solid waste and recycling collection fees; and

**Now, Therefore, be it Resolved** that the City Council of the City of Milwaukie authorizes the Mayor to sign an Intergovernmental Agreement with Clackamas County to assist the City of Milwaukie with annual production and rate review for solid waste franchises.

Introduced and adopted by the City Council on \_\_\_\_\_.

This resolution is effective on \_\_\_\_\_.

\_\_\_\_\_  
Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

**INTERGOVERNMENTAL AGREEMENT**

**Between the City of Milwaukie and Clackamas County**

This agreement is entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, between the City of Milwaukie (“City”), a municipal corporation of the State of Oregon, and Clackamas County (“County”), a political subdivision of the State of Oregon.

WHEREAS, ORS Chapter 190 allows for units of local government to enter into agreements for the performance of any or all functions and activities which such units have authority to perform; and

WHEREAS, Clackamas County has adopted a Solid Waste and Waste Management Ordinance on June 10, 1970; and

WHEREAS, Clackamas County has franchised the collection of solid waste and collects certain fees from the collection of such solid waste; and

WHEREAS, the City desires a contractual relationship with the County whereby the County will be responsible for assisting the City in its annual review and adoption of solid waste and recycling collection fees; and

NOW THEREFORE, Clackamas County and the City of Milwaukie hereby agree to the following:

**A. Effective Date and Termination**

Upon execution by both parties this agreement shall have an effective date of February 19, 2016 and shall apply retroactively to that date, and shall continue in full force and effect until terminated by either party.

A party may terminate the Agreement without cause upon 90 days prior written notice, or upon 30 days prior written notice for failure to perform as required by this Agreement, including failure to pay amounts appropriately due.

**B. The County Shall:**

1. Perform an annual production record review of the City’s solid waste collection franchisees in coordination with the County’s annual review. The review includes the services of County staff, the contracted services of a CPA, and a staff report with findings and recommendations from the review.

2. If requested by the City, attend and present at City of Milwaukie Council work sessions and public meetings.

**C. The City shall:**

Collaborate with the County on the annual production record review.

**D. Compensation**

County shall provide the annual review of financial and production records and fee setting services for the annual sum of \$3,500.

**E. Amendment**

This Agreement may be amended upon signed, written agreement between the City and the County.

**F. Indemnity**

Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, the City shall hold harmless and indemnify County, its officers, employees, and agents against any and all claims, damages, losses and expenses (including attorney(s) fees and costs), arising out of, or resulting from the performance of this Agreement when the loss or claim is attributable to the acts or omissions of the City.

**G. Severability**

County and City agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the agreement did not contain the particular term or provisions held to be invalid.

**H. Other Terms**

1. Compliance with Laws. County and City agree to comply with all applicable local, state, and federal ordinances, statutes, laws and regulations.
2. No Assignment. This agreement may not be subcontracted, assigned or transferred by either party without the express written consent of the other party.
3. Entire Agreement. This agreement constitutes the entire agreement between the parties, and may be modified only in writing signed by both parties as indicated in section E above.

**I. Liaison and Contact Person**

Liaison and Contact Person from City for the Agreement will be:

Rebecca Crocker, 10722 SE Main St., Milwaukie, OR 97222  
503-786-7516, CrockerR@milwaukieoregon.gov

Liaison and Contact Person from County for the Agreement will be:

Rick Winterhalter, 150 Beaver Creek Rd., Oregon City 97045  
503-742-4466, rickw@clackamas.us

CITY of Milwaukie

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
City Recorder

Approved as to Form:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
City Attorney

CLACKAMAS COUNTY

By: \_\_\_\_\_ Date: \_\_\_\_\_  
County Administrator

Approved as to Form:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
County Counsel

ATTEST:

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Recording Secretary



MILWAUKIE CITY COUNCIL  
**STAFF REPORT**

Agenda Item: **WS 3.**  
Meeting Date: May 3, 2016

To: Mayor and City Council  
Through: Bill Monahan, City Manager

Subject: **Economic Trends and Analysis—Economic Opportunities Analysis**

From: Alma Flores, Community Development Director  
Jerry Johnson, Johnson Economics

Date: April 13, 2016

### **ACTION REQUESTED**

Listen to a presentation given by Johnson Economics, the city’s consultants on the development of the Economic Opportunities Analysis (EOA)—a supply and demand analysis of employment lands, industry typologies, target industries, and economic development strategy.

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

There have been no historic discussions or analysis on the state mandated employment land analysis (EOA) for the city. In fact, this is the first time the city has embarked on such a study to help inform the comprehensive planning update by meeting the guidelines listed in Statewide Planning Goal 9—Economic Development.

### **BACKGROUND**

The Oregon Department of Land Conservation and Development (DLCD) oversees the development of the Economic Opportunities Analysis (EOA), which is a study that identifies and analyzes the supply of land for industrial and other employment uses in communities. The EOA is the first step in understanding the trends (which will speak to the demand for employment land by industry type), the land supply, and preliminary policy recommendations to address a possible shortage in employment lands. The EOA is used to serve as a background report to the development of, or update to, the Comprehensive Plan, and must follow the guidelines in Statewide Planning Goal 9 to provide a 20-year outlook of supply and demand for the economy element of the Comprehensive Plan. Below is a summary of the Goal 9 requirements (per the DLCD guidebook):

#### **I. Economic Opportunities Analysis (OAR 660-009-0015)**

Compares the demand for land for industrial and other employment uses with the existing supply of such land and includes:

- Review of national, state, regional, county, and local trends
- Identification of site characteristics
- Inventory of industrial and other employment lands
- Assessment of community economic development potential

#### **II. Industrial and Other Employment Development Policies (OAR 660-009-0020)**

Comprehensive plans must include:

- Community economic development objectives
- Commitment to provide a competitive short-term supply for jurisdictions within metropolitan planning organizations
- Commitment to provide adequate sites and facilities
- Detailed strategies for preparing the total lands supply for development and replacing the short-term supply as it is developed for jurisdictions within metropolitan planning organizations.

In addition, cities and counties are encouraged to adopt plan policies relating to:

- Brownfield redevelopment and maintaining industrial lands in industrial use
- Expansion, retention and increased productivity from existing industries and firms
- Protection of prime industrial lands
- Additional approaches to achieving local objectives

### **III. Designation of Lands for Industrial and Other Employment Uses (OAR 660-009-0025)**

Cities and counties must adopt measures adequate to implement policies, including:

- Identification of needed sites
- Total land supply
- Short-term supply of land
- Uses with special siting characteristics

According to the Goal 9 administrative rule, local jurisdictions must adopt comprehensive plan policies to implement local economic development objectives. These policies and associated strategies should be revised and updated regularly, at least when land supply, economic, or demographic conditions change. The city's Goal 9—Economy Element (Economic Base and Industrial/Commercial Land Use Element) was adopted in 1989 and has only been updated to reflect the Moving Forward Milwaukie project in 2015. .

Goal 9 requires cities and counties to provide an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and other employment uses. The EOA contains four elements: trend analysis, identifying site characteristics, land inventory and assessment of community economic development potential.

An adequate land supply provides sites suitable for the 20-year planning period as well as for the short-term to meet development opportunities as they occur. This is necessary to accommodate a varied range of small, medium and large employers, for new and expanding businesses and to ensure land is available for immediate development.

Land qualifies as short-term if it is ready for development within one year of a permit application or request for service extension. A 20-year land supply where 25 percent of the land is available short-term is considered competitive. This means there is a sufficient range of site sizes and locations to respond to economic development opportunities as they arise. Under the Goal 9 administrative rule, jurisdictions may participate in the industrial site certification program or set targets other than 25 percent for their short-term supply of land.

The objective of the EOA is to match expected demand for industrial and other employment lands with the supply and to provide a basis for local governments to accommodate identified needs.

**CONCURRENCE**

Community Development Director, Planning Director, Senior Planner, and the City Manager concur.

**FISCAL IMPACTS**

The contract is underway so there is no further budget request or additional fiscal impact.

**WORK LOAD IMPACTS**

Typical contract project management work currently being done by the Community Development Director and an associate planner.

**ALTERNATIVES**

None.

**ATTACHMENTS**

1. Economic Trends Analysis (pending as of 4/26/16)
2. Target Industry Report (pending as of 4/26/16)