

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
July 5, 2011**

**CALL TO ORDER**

**Mayor Ferguson** called the 2105<sup>th</sup> meeting of the Milwaukie City Council to order at 7:18 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Greg Chaimov and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, Engineering Director Gary Parkin, Facilities Maintenance Coordinator Willie Miller, and Public Affairs Coordinator Grady Wheeler

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**CONSENT AGENDA**

It was moved by Councilor Chaimov and seconded by Councilor Hedges to approve the consent agenda consisting of:

- A. Resolution No. 64-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Execute a Contract with Diversified Abilities to Extend Janitorial Services for Five Years for an Amount Not to Exceed \$625,000;
- B. Resolution No. 65-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Adopting Bylaws for the Milwaukie Park and Recreation Board;
- C. City Council Minutes:
  - 1. March 29, 2011 Study Session;
  - 2. May 3, 2011 Work Session;
  - 3. May 17, 2011 Work Session;
  - 4. May 17, 2011 Regular Session;
  - 5. June 7, 2011 Work Session;
  - 6. June 7, 2011 Regular Session; and
  - 7. June 21, 2011 Regular Session
- D. Resolution No. 66-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Don Wiley to the Public Safety Advisory Committee as the Linwood Neighborhood District Association Representative;
- E. Resolution No. 67-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Appointing Sue Richardson to the Public Safety Advisory Committee as the Lake Road Neighborhood District Association Representative; and
- F. Resolution 68-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Nominating Siri Bernard as the City of Milwaukie Representative to the Center/Community Advisory Board.

Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting "aye." [5:0]

**AUDIENCE PARTICIPATION**

None.

## **PUBLIC HEARING**

None scheduled.

## **OTHER BUSINESS**

### **A. Renewal and Extension of the Public Area Requirement Grant Program – Resolution**

Mr. Monahan provided the staff report on the grant program initiated by City Council in May to stimulate economic activity in the downtown. One party took advantage of the program, and of the initial \$20,000 in grant funds a little over \$6,000 remained. At the June 28, 2011, City Council study session, a downtown property owner, Dark Horse Comics, expressed interest in applying for the additional grant funds but needed additional time to do so. Staff recommended that the program be renewed and extended through June 30, 2012.

It was moved by Councilor Miller and seconded by Councilor Loomis to adopt the resolution renewing and extending the temporary economic development grant program created by Resolution 57-2011 through June 30, 2012. Motion passed with the following vote: Councilors Miller, Hedges, Chaimov, and Loomis and Mayor Ferguson voting “aye.” [5:0]

#### **RESOLUTION NO. 69-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, RENEWING AND EXTENDING THE TEMPORARY ECONOMIC DEVELOPMENT GRANT PROGRAM CREATED BY RESOLUTION 57-2011 THROUGH JUNE 30, 2012.**

### **B. Council Reports**


Mayor Ferguson and Councilors provided an update on meetings they attended on behalf of the City and announced upcoming community events.

## **ADJOURNMENT**

It was moved by Mayor Ferguson and seconded by Councilor Chaimov to adjourn the meeting. Motion passed with the following vote: Councilors Miller, Chaimov, Hedges, and Loomis and Mayor Ferguson voting “aye.” [5:0].

Mayor Ferguson adjourned the regular session at 7:32 p.m.

Respectfully submitted,

  
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Pat DuVal, Recorder

# **REGULAR SESSION**

**REVISED**

**AGENDA**

**MILWAUKIE CITY COUNCIL  
JULY 5, 2011**

**MILWAUKIE CITY HALL**  
10722 SE Main Street

**2105<sup>th</sup> MEETING**

**REGULAR SESSION – 7:00 p.m.**

- |   | <b>Page<br/>No.</b> |
|---|---------------------|
| <b>1. CALL TO ORDER</b><br>Pledge of Allegiance   |                     |
| <b>2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS</b>   |                     |
| <b>3. CONSENT AGENDA</b> <i>(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)</i>   | <b>1</b>            |
| <b>A. Janitorial Services Contract Renewal – Resolution</b>   | <b>2</b>            |
| <b>B. Approval of Park and Recreation Board Bylaws – Resolution</b>   | <b>43</b>           |
| <b>C. City Council Meeting Minutes:</b>   | <b>46</b>           |
| 1. March 29, 2011 Study Session   |                     |
| 2. May 3, 2011 Work Session   |                     |
| 3. May 17, 2011 Work Session  |                     |
| 4. May 17, 2011 Regular Session   |                     |
| 5. June 7, 2011 Work Session  |                     |
| 6. June 7, 2011 Regular Session   |                     |
| 7. June 21, 2011 Regular Session  |                     |
| <b>D. Reappoint Don Wiley to the Public Safety Advisory Committee as the Linwood Neighborhood District Association Representative – Resolution</b>  |                     |
| <b>E. Appoint Sue Richardson to the Public Safety Advisory Committee as the Lake Road Neighborhood District Association Representative – Resolution</b>   |                     |
| <b>F. Nominate Siri Bernard as the City of Milwaukie Representative to the Center/Community Advisory Board – Resolution</b>   |                     |
| <b>4. AUDIENCE PARTICIPATION</b> <i>(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, "all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)</i> |                     |

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

**None scheduled**

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.)* **74**

**A. Renewal and Extension of the Public Area Requirement Grant 75**  
**Program– Resolution**  
**Staff: Bill Monahan, City Manager**

**B. Council Reports**

7. **INFORMATION**

8. **ADJOURNMENT**

### **Public Information**

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

**3.**

# **CONSENT AGENDA**



3.A.

**To:** Mayor and City Council

**Through:** Bill Monahan, City Manager  
Kenneth Asher, Community Development & Public Works Director

**From:** Mike Clark, Facilities Supervisor  
Willie Miller, Facilities Coordinator

**Date:** June 23, 2011 for the July 5, 2011 Regular Session Meeting

**Subject:** Renewal of Janitorial Services Contract

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### **ACTION REQUESTED**

Authorize the City Manager to sign a contract with Diversified Abilities for janitorial services for City owned buildings, in the amount of \$115,000 per year for five years, with an annual adjustment for inflation. The total value of this contract, factoring in a maximum 3% increase for years two through five, is not to exceed \$624,000. The value could be less if the Portland CPI is under 3 percent.

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

**July 2006:** City Council approved a five year contract with Diversified Abilities, a State of Oregon certified QRF (Qualified Rehabilitation Facility) by Resolution 25-2006.

### **BACKGROUND**

In 1977, the State of Oregon legislature passed the “Products of Disabled Individuals Act”, which provides that public agencies shall procure certain products or services (including janitorial services) from qualified nonprofit agencies for disabled individuals in accordance with Oregon Department of Administrative Services rules and procedures.

Diversified Abilities is a non-profit agency that empowers disabled individuals to gain independence through vocational placement. The agency provides long-term employment opportunities for disabled employees. Diversified Abilities has performed janitorial services for the City of Milwaukie for the past five years under a contract that expired on June 30, 2011. This agency, located in Clackamas County and certified by the State of Oregon as a QRF, provides an important contribution to the local community.

Diversified Abilities is seeking a new contract with the City for janitorial services under the Products of Disabled Individual's Law, which statutorily exempts Qualified Rehabilitation Facilities (QRF's) from the competitive bid process. ORS 279.835-.855 outlines the purpose and process under which the law operates.

The contract for janitorial services in the City is managed by the Facilities Department. There are five facilities throughout the City that receive janitorial services under this contract, including City Hall, the Library, the Public Safety Building, and the JCB campus (which houses two buildings). The City requires janitorial services for approximately 60,200 square feet of office and library space.

Under the new contract, these facilities will receive cleaning five to seven days a week (depending on hours of operation) and according to the Cleaning Performance Standards (Section 1.35) in the Scope of Work (see Attachment 2). The service for these facilities is monitored and routinely inspected by the Facilities Department staff for adherence to the Contract and Scope of Work specifications.

## CONCURRENCE

The Community Development & Public Works Director, Facilities Supervisor, and the Facilities Maintenance Coordinator recommend authorization for signing of this contract.

## FISCAL IMPACT

The Facility Maintenance budget includes funding for this contract. For each subsequent year of this contract the necessary funds will be requested in the annual budget. At the beginning of the next four fiscal years (after adoption of the budget), a purchase order will be created to renew Diversified Abilities contract for the year to follow. Compensation will be adjusted each anniversary beginning July 1, 2012, by a percentage point, equal to each percent in excess of 2% of the Portland, Oregon CPI (Consumer Price Index), with a maximum adjustment of 3% in any one year.

In the first year of the expiring contract, the City paid \$112,243.67, which included emergency call backs. The City is charged 1.5% the normal rate for time spent on emergency call-backs. In the final year (year 5), the City will have paid approximately \$126,055.32. Included in this final year's cost were additional recycling duties in all City buildings.

Recycling is an integral part of the city's Sustainability Plan and encourages recycling city wide. To encourage staff to participate in recycling all employees are provided a recycling receptacle in their individual work areas. When staff do their own recycling they become an integral part of the sustainability plan laid out by the Sustainability Committee. The City began paying Diversified in the last year of the expired contract for recycling duties, which included collecting recycling from individual work spaces and common area receptacles. The cost for this service was approximately \$15,000. The proposed contract excludes recycling from individual work spaces and will continue to have cleaning staff empty common area recycle bins. To continue to have cleaning staff empty recycling containers in individual work spaces would cost an additional \$15,000 for the first year and with CPI increases for subsequent years it would be approximately \$17,000 by year five. Under the terms of the proposed contract, staff will be responsible for emptying their individual recycling container beginning July 1, 2011. Recycle bins will continue to be provided in each office common area for staff use.

## **WORK LOAD IMPACTS**

The Facilities Department oversees the janitorial service within its work program. The call-backs Facilities has experienced during the expired contract did not have a significant impact on the department work load. Call-backs consisted mainly of phone calls to request Diversified staff provide janitorial services during emergency situations.

## **ALTERNATIVES**

1. Approved as requested – this will allow the continuation of janitorial services at present levels, less recycling duties.
2. Reject recommendation – solicit interest from other QRF's

## **ATTACHMENTS**

1. QRF description
2. Scope of Work
3. Janitorial Services Proposal
4. Resolution

## Qualified Rehabilitation Facilities

### How to do Business with QRF

#### **Q: What is a Qualified Rehabilitation Facility "QRF" and what do they do?**

A: A Qualified Rehabilitation Facility "QRF" is a non-profit organization that puts Oregonians with disabilities to work. It is a place of business and a training facility; with workshops, equipment, class and meeting rooms, offices and other business necessities. Many QRFs have other business locations as well, such as a downtown office, bakery or mailroom.

The mission of a QRF is to help people with disabilities achieve self-confidence and self-sufficiency by working in the community in which they live and becoming productive citizens. A QRF often has a variety of programs to help people with disabilities achieve maximum economic and personal independence through vocational development. It is "qualified" because its programs are registered and reviewed on a regular basis by the Oregon Department of Administrative Services (DAS).

#### **Q: What are the reasons to do business with a QRF?**

A: As a purchasing agent or buyer for a taxpayer-supported political subdivision, such as a city, county, school district, or an agency of the state of Oregon, there are several reasons to do business with a QRF:

1. It is the right thing to do. People who work in a QRF business need your help; jobs depend on business orders. There are thousands of Oregonians who are out of work because of a disability. As a public purchasing agent, you can make a difference. Your cooperation and willingness to buy goods and services from QRF businesses puts disabled people to work.
2. It is the smart thing to do. Oregonians with a disability who earn a wage require less taxpayer money. Your participation makes a difference to all Oregon taxpayers.
3. It puts you in the driver's seat. A negotiated contract process can allow you to tailor specifications to get exactly the product/service or performance you want. The long-term relationship with a QRF makes contract renewals a breeze. It also reduces the time to establish a contract.
4. It is the necessary thing to do. In 1977, the Oregon legislature passed the "Products of Disabled Individuals" act. This law obliges all state and local governments, school districts, and other tax-supported political bodies in Oregon to purchase goods and services from QRFs when the product or service is listed on the DAS Procurement List and meets the agency's requirements.

The details of this act are contained in Chapter 279.835-855 of the [Oregon Revised Statutes \(ORS 279\)](#). This Chapter, "Public Contracts and Purchasing," spells out to all tax-supported state and local agencies how they are to spend the taxpayers' money on needed goods and services.

#### **Q: When should you do business with a QRF?**

A: Anytime you plan to make a purchase of the types of goods or services listed in the DAS Directory of Qualified Rehabilitation Facilities ([Procurement List](#)), you are obliged to procure it from the listed QRF if it meets your specifications and is available when you need to have it.

#### **Q: Who's in charge of this program?**

A: The State Procurement Office (SPO) of the Oregon Department of Administrative Services (DAS) manages the Products of the Disabled program. SPO approves each QRF in Oregon, and manages the list of those goods and services determined suitable for procurement by state and local governments, school districts and other taxpayer-supported agencies. It is the duty of SPO to work cooperatively with the QRF and the agency.

#### **Q: Why doesn't a QRF have to compete with other businesses for Government Contracts?**

A: Taxpayer-supported state and local political subdivisions do business with QRFs on a non-competitive basis. This means a QRF is not required to bid for your purchases in competition with for-profit contractors. Some of the reasons for this special treatment of QRF business enterprises are:

1. QRFs are non-profit enterprises. They have a mission to provide employment services to disabled members of the community.
2. QRFs provide special employment support to people with disabilities that cost time and money. Workers with disabilities require accommodations such as special training and job modifications that go far beyond what a commercial business could be required to provide.
3. The investment in the disabled worker is high, but in terms of public benefit it is returned many times over when long-term employment can be provided. Stable employment is critical to the success of these programs.
4. QRF businesses are self-supporting. Their prices for goods and services have to recover all the costs necessary to train, equip and supervise their workers. They are required by law to pay the prevailing wage in their area for the type and quality of work being done. Plus, the QRF pays for liability and workers' compensation insurance, and all the other overhead expenses any business has.

The purpose of the state "Products of Disabled Individuals" law is to encourage and assist disabled people to work, and to achieve gainful employment. Employment enhances the ability to be as self-supporting as they can be. They will be less dependent on welfare and costly institutionalization.

**Q: How to get started?**

A: Once you have established the need to procure a product or service go to the [Procurement List](#), published on SPO's website, to see if the product or service is provided by a QRF. If there is a QRF on the Procurement List, contact the QRF to see if they can meet your specifications and delivery timelines. If they are able to meet your specifications and timelines you may begin negotiating a contract with them.

When looking to procure a product, ask the QRF representative to provide you with samples so you can make sure the products are right for you. Talk with the QRF representative if you need some minor adjustment or changes to suit your particular use of the product. You will find that QRFs have a can-do attitude and are eager to meet your needs.

When looking to procure a service you may find more than one QRF available. Contact as many of those QRFs as you wish. Inquire which QRF is interested in servicing your needs. Invite those interested QRFs to meet with you and tour your facility. Provide them with your specification draft. You may narrow down your candidates through references, training they provide their employees, and/or by an interview process with the QRF representatives. Price may be used to determine your choice but the final price is determined by DAS/SPO.

If no source is located on the Procurement List for your specific needs, you may move forward with your agency's procurement process.

**Q: How to negotiate the deal?**

A: If you are purchasing a product, such as plastic bags or blankets, and you are an ORCPP member you may simply make your purchase from the DAS Price Agreement. Nothing could be simpler. If you are purchasing a product or service from a QRF and DAS does not have an established contract for that product or service you may work directly with the QRF to negotiate your own contract. DAS must determine the price of that contract before the contract is initiated.

If the initial price exceeds your budget estimate, let the QRF know and give them a chance to work through the numbers with you a second time. There could be a misunderstanding about your requirements or a mistake somewhere in the figures. It could be that your specifications exceed your budget. make the deal. When the price submitted by the QRF meets the agency's budget the QRF and the Agency may submit that price to DAS on an approved form for final determination.

Sometimes, after both sides have negotiated in good faith, the deal just won't work. Usually, it will be price or specification that will get in the way. As the public purchasing agent, you should know what the limits of the program budget or specification tolerance will be. The QRF can drop the project or perhaps try again later. There have been cases where the agency was able to split up the work into smaller pieces in order to have partial QRF participation.

The point here is to act in good faith towards the QRF. Be open and fair in your dealings with them. QRFs are looking for long-term business partnerships, not advantages.

**Q: How to deal with quality assurance and performance problems?**

A: One of the biggest advantages of doing business with a QRF is that it is a relationship, not just a one-time competitive bidding arrangement. QRF businesses are there to provide permanent jobs for

disabled Oregonians, not to make money by cutting corners. They have a different outlook on your business than the commercial sector. They are in for the long haul. You should expect quality services and products.

As a purchasing agent, you have the capability to make your agency's QRF contract successful. It just takes communication and cooperation. Talk to your QRF counterpart. Make sure your program people are introduced to the QRF representative and that everyone involved in the contract administration process knows what's expected of them. For example, if you have a QRF doing custodial services, plan a joint walk-through on a weekly basis from the beginning of the contract. Spend time talking about performance expectations at the beginning of your relationship and you will each get to know and understand the other.

As your contract relationship settles into a routine, you can cut down on the frequency with which you meet with the QRF contractor. But still plan on regular meetings with the QRF representative to talk about their performance and to make adjustments in the contract as needed. Together, write down any changes you and the QRF agree to make. Amend your contract to reflect the mutually agreed upon changes. This bit of routine "housekeeping" will keep your mutual understanding of what's to be done fresh and current.

If a problem does surface, however, you must tell the QRF management immediately. Don't wait, hoping things will get better. They can't fix the problem if they don't know about it. If you have taken the time to get to know each other at the start of the contract, any issue will be easier to solve.

Again, document any needed changes or complaints and share them with the QRF. Remember the old adage is true; take care of the little things before they get to be big things!

If, after making these efforts, you cannot resolve your problems, remember that you have authority to terminate the contract just as you would with any commercial business. If there seems to be no other way, talk candidly with the QRF about termination. It may be in the best interests of everyone involved.

**Q:What is the process for contract renewal with a QRF?**

A: Here are a few points to consider when preparing for the renewal process:

- Plan your annual renewal process well in advance of the ending date of the contract period. For a large custodial contract, for example, three or four months is not too early to start working with the QRF on the renewal process.
- Revise and update your specifications to show any changes made during the contract period. At renewal, the QRF will review its pricing structure, which is to your advantage. Often, they are able to work with the agency to cut prices or costs as they gain experience with you and understand the fine points of the work to be performed.
- A quality service or product can potentially be provided to your agency for many years to come, resulting in long-term benefits for disabled Oregonians and taxpayers alike.
- Remember that DAS must approve any price changes in the renewal process.

**Q: Who can you call for more information or help?**

A: **QRF Coordinators**

Patty Beans  
Tel: (503) 373-0975  
E-mail: [patty.beans@state.or.us](mailto:patty.beans@state.or.us)

Darvin Pierce  
Tel: (503) 378-4690  
E-mail: [darvin.pierce@state.or.us](mailto:darvin.pierce@state.or.us)

State Procurement Office  
1225 Ferry St. SE  
Salem, OR 97031  
FAX: (503) 373-1626

## Chapter 279 — Public Contracting - Miscellaneous Provisions

2009 EDITION

## PUBLIC CONTRACTING - MISCELLANEOUS PROVISIONS

## PUBLIC FACILITIES, CONTRACTING &amp; INSURANCE

- 279.835 Definitions for ORS 279.835 to 279.855
- 279.840 Purpose
- 279.845 Duties of Oregon Department of Administrative Services; prices for products and services of nonprofit agency for individuals with disabilities; sources of products and services; rules
- 279.850 Procurement of product or service; agreements for procurement
- 279.855 Entities that may obtain goods and services through Oregon Department of Administrative Services

**279.005** [1993 c.724 §19; repealed by 2003 c.794 §332]

**279.007** [1993 c.724 §20; repealed by 2003 c.794 §332]

**279.008** [Repealed by 1975 c.771 §33]

**279.009** [1993 c.724 §39; repealed by 2003 c.794 §332]

**279.010** [Repealed by 1975 c.771 §33]

**279.011** [1975 c.771 §1; 1979 c.196 §1; 1979 c.869 §1a; 1981 c.54 §1; 1983 c.690 §2; 1991 c.20 §1; 1993 c.500 §29; 1997 c.685 §1; 2003 c.562 §1; repealed by 2003 c.794 §332]

**279.012** [Repealed by 1975 c.771 §33]

**279.013** [1975 c.771 §2; 1977 c.456 §1; 1979 c.195 §1; 1981 c.466 §1; 1981 c.528 §5; 1981 c.712 §1; repealed by 1983 c.690 §28]

**279.014** [Amended by 1967 c.202 §1; 1973 c.42 §1; repealed by 1975 c.771 §33]

**279.015** [1975 c.771 §3; 1977 c.304 §6; 1983 c.244 §1; 1983 c.590 §10; 1983 c.690 §3a; 1987 c.538 §1; 1987 c.777 §1; 1989 c.224 §40; 1989 c.454 §1; 1993 c.724 §21; 1995 c.612 §17; 1997 c.685 §2; 1997 c.802 §8a; 1999 c.59 §72; 2001 c.113 §1; 2002 s.s.1 c.3 §5; 2003 c.562 §2; 2005 c.625 §57; repealed by 2003 c.794 §332]

**279.016** [Amended by 1971 c.481 §1; repealed by 1975 c.771 §33]

**279.017** [1975 c.771 §4; 1983 c.690 §4; 1997 c.802 §9; repealed by 2003 c.794 §332]

**279.018** [Repealed by 1975 c.771 §33]

**279.019** [1975 c.771 §6; 1983 c.690 §5; 2002 s.s.1 c.3 §6; repealed by 2003 c.794 §332]

**279.020** [Repealed by 1975 c.771 §33]

**279.021** [1975 c.771 §5; repealed by 2003 c.794 §332]

**279.022** [Repealed by 1975 c.771 §33]

**279.023** [1975 c.771 §7; 1979 c.869 §2; 1981 c.281 §1; 1987 c.776 §2; 1997 c.239 §1; repealed by 2003 c.794 §332]

**279.024** [Repealed by 1975 c.771 §33]

**279.025** [Formerly 279.065; 1977 c.289 §1; 1979 c.282 §1; 1983 c.690 §6; 1985 c.724 §1; 1987 c.741 §18; 1987 c.776 §1; 1987 c.865 §2; 1991 c.197 §1; 1997 c.239 §2; 1997 c.802 §11; 1999 c.88 §1; repealed by 2003 c.794 §332]

**279.026** [Repealed by 1975 c.771 §33]

**279.027** [Formerly 279.070; 1997 c.351 §2; 1999 c.88 §2; 1999 c.689 §3; 2001 c.104 §86; 2001 c.507 §1; 2003 c.14 §139; 2003 c.535 §1; 2003 c.794 §229a; repealed by 2003 c.794 §332]

**279.028** [Repealed by 1975 c.771 §33]

**279.029** [Formerly 279.075; 1981 c.466 §2; 1987 c.865 §1; 1999 c.462 §1; 1999 c.647 §§1,1a; repealed by 2003 c.794 §332]

**279.030** [Amended by 1971 c.659 §1; repealed by 1975 c.771 §33]

**279.031** [Formerly 279.080; 1981 c.712 §2; repealed by 2003 c.794 §332]

**279.032** [Repealed by 1975 c.771 §33]

**279.033** [1975 c.771 §11; 1983 c.690 §7; 2003 c.618 §33; repealed by 2003 c.794 §332]

**279.034** [Repealed by 1975 c.771 §33]

**279.035** [1975 c.771 §12; 1985 c.724 §2; repealed by 2003 c.794 §332]

**279.036** [Amended by 1969 c.607 §1; repealed by 1975 c.771 §33]

**279.037** [1975 c.771 §13; 1977 c.289 §7; 1999 c.647 §2; 2001 c.546 §1; repealed by 2003 c.794 §332]

**279.038** [Repealed by 1975 c.771 §33]

**279.039** [1975 c.771 §14; 1977 c.289 §2; 1981 c.712 §3; 1983 c.690 §8; 1999 c.647 §3; repealed by 2003 c.794 §332]

**279.040** [Repealed by 1975 c.771 §33]

**279.041** [1975 c.771 §15; 1977 c.289 §3; 1981 c.712 §4; 1983 c.690 §9; 1999 c.647 §4; repealed by 2003 c.794 §332]

**279.042** [Repealed by 1975 c.771 §33]

**279.043** [1975 c.771 §17; 1977 c.289 §4; 1983 c.690 §10; repealed by 2003 c.794 §332]

**279.044** [Repealed by 1975 c.771 §33]

**279.045** [1975 c.771 §18; 1977 c.289 §5; 1983 c.690 §11; 1985 c.757 §6; 1997 c.802 §12; 1999 c.448 §8; 1999 c.647 §5; 1999 c.849 §§60,61; 2001 c.104 §§87,88; 2003 c.75 §32; repealed by 2003 c.794 §332]

**279.046** [Repealed by 1975 c.771 §33]

**279.047** [1975 c.771 §16; 1977 c.289 §6; 2001 c.712 §1; repealed by 2003 c.794 §332]

**279.048** [Repealed by 1975 c.771 §33]

**279.049** [1975 c.771 §26; 1983 c.690 §12; 1991 c.414 §1; 1999 c.29 §1; 2001 c.712 §2; repealed by 2003 c.794 §332]

**279.050** [Amended by 1969 c.349 §1; 1971 c.180 §1; repealed by 1975 c.771 §33]

**279.051** [1975 c.771 §27; 1979 c.196 §2; 1981 c.766 §1; 1983 c.690 §13; 1997 c.802 §1; repealed by 2003 c.794 §332]

**279.052** [Repealed by 1975 c.771 §33]

**279.053** [1975 c.771 §32; 1981 c.325 §4; 1985 c.724 §3; 1989 c.224 §41; repealed by 2003 c.794 §332]

**279.054** [Repealed by 1975 c.771 §33]

**279.055** [1975 c.771 §34(2); 1979 c.647 §1; 1979 c.804 §6; 1983 c.690 §14; repealed by 2003 c.794 §332]

**279.056** [1979 c.504 §2; repealed by 2003 c.794 §332]

**279.057** [1997 c.861 §2; 1999 c.59 §73; 2001 c.712 §3; 2001 c.948 §§1,3; repealed by 2003 c.794 §332]

**279.058** [2001 c.712 §5; repealed by 2003 c.794 §332]

**279.059** [1985 c.769 §§2,3; 1987 c.893 §6; 1989 c.1043 §7; repealed by 2003 c.794 §332]

**279.060** [1969 c.522 §2; repealed by 1975 c.771 §33]

**279.061** [1981 c.281 §2; repealed by 2003 c.794 §332]

**279.063** [1985 c.285 §2; repealed by 2003 c.794 §332]

**279.065** [1969 c.522 §3; 1975 c.771 §8; renumbered 279.025]

**279.067** [1983 c.690 §27; 1990 c.6 §1; 1997 c.685 §6; 1997 c.861 §3; 2001 c.104 §89; repealed by 2003 c.794 §332]

**279.070** [1969 c.522 §4; 1971 c.659 §2; 1975 c.771 §9; renumbered 279.027]

**279.073** [1991 c.323 §1; repealed by 2003 c.794 §332]

**279.075** [1969 c.522 §5; 1975 c.771 §10; renumbered 279.029]

**279.080** [1969 c.522 §6; renumbered 279.031]

**279.085** [1969 c.522 §7; repealed by 1975 c.771 §33]

**279.090** [1969 c.522 §8; repealed by 1975 c.771 §33]

**279.095** [1987 c.777 §2; repealed by 2003 c.794 §332]

**279.101** [1989 c.407 §§1,2; 1995 c.333 §26; repealed by 2003 c.794 §332]

**279.103** [1997 c.685 §4; 2002 s.s.1 c.3 §7; repealed by 2003 c.794 §332]

**279.106** [1989 c.1043 §9; repealed by 2003 c.794 §332]

**279.111** [1989 c.1043 §11; repealed by 2003 c.794 §332]

**279.116** [1995 c.375 §2; repealed by 2003 c.794 §332]

**279.310** [Amended by 1953 c.131 §3; 1973 c.523 §1; 1983 c.740 §76; 2001 c.104 §90; repealed by 2003 c.794 §332]

**279.312** [Amended by 1953 c.131 §3; 1957 c.586 §14; 1965 c.26 §1; 1969 c.493 §76; 1999 c.588 §1; repealed by 2003 c.794 §332]

**279.313** [1997 c.552 §20; repealed by 2003 c.794 §332]

**279.314** [Amended by 1981 c.712 §5; 1999 c.689 §1; repealed by 2003 c.794 §332]

**279.315** [Formerly 653.767; repealed by 1995 c.286 §34]

**279.316** [Amended by 1967 c.167 §1; 1979 c.5 §1; 1989 c.572 §1; 1993 c.279 §1; 1995 c.739 §2; 1997 c.265 §1; 1997 c.793 §1; 2001 c.104 §91; 2003 c.14 §140; repealed by 2003 c.794 §332]

**279.318** [Amended by 1973 c.523 §2; 1975 c.771 §19; 1991 c.638 §1; repealed by 2003 c.794 §332]

**279.319** [1989 c.1092 §5; repealed by 2003 c.794 §332]

**279.320** [Amended by 1967 c.359 §687; 1981 c.712 §6; subsection (2) enacted as 1989 c.684 §3; 2001 c.104 §92; 2001 c.190 §1; repealed by 2003 c.794 §332]

**279.321** [1997 c.828 §2; repealed by 2003 c.794 §332]

**279.322** [1999 c.689 §6; 2001 c.104 §93; 2001 c.507 §2; repealed by 2003 c.794 §332]

**279.323** [2001 c.507 §4; repealed by 2003 c.794 §332]

**279.324** [Amended by 1973 c.738 §1; 1975 c.771 §20; repealed by 2003 c.794 §332]

**279.326** [Amended by 1973 c.738 §2; repealed by 2003 c.794 §332]

**279.328** [Amended by 1973 c.738 §3; repealed by 2003 c.794 §332]

**279.330** [Amended by 1973 c.738 §4; repealed by 2003 c.794 §332]

**279.332** [Amended by 1973 c.738 §5; repealed by 2003 c.794 §332]

**279.333** [1973 c.738 §6; repealed by 2003 c.794 §332]

**279.334** [Amended by 1963 c.241 §1; 1967 c.167 §2; 1979 c.5 §2; 1981 c.281 §4; 1983 c.264 §1; 1989 c.572 §2; 1993 c.279 §2; 1995 c.739 §1; 1997 c.265 §2; 1997 c.793 §2; 2003 c.14 §141; repealed by 2003 c.794 §332]

**279.335** [1993 c.394 §2; 1997 c.631 §432; repealed by 2003 c.794 §332]

**279.336** [Amended by 1981 c.712 §7; repealed by 2003 c.794 §332]

**279.338** [Amended by 1981 c.712 §8; repealed by 2003 c.794 §332]

**279.340** [Amended by 1973 c.418 §1; 1995 c.286 §26; renumbered 653.268 in 2003]

**279.342** [Amended by 1953 c.579 §3; 1955 c.510 §1; 1967 c.67 §1; 1973 c.460 §1; 1975 c.770 §1; 1977 c.388 §1; 1981 c.361 §3; 1983 c.699 §4; 1995 c.286 §27; 1995 c.635 §2; 1997 c.793 §3; renumbered 653.269 in 2003]

**279.344** [Repealed by 1953 c.577 §2]

**279.346** [Repealed by 1953 c.577 §2]

**279.348** [1959 c.627 §1; 1969 c.369 §1; subsection (4) enacted as 1969 c.369 §3; subsection (5) enacted as 1969 c.369 §4; 1977 c.797 §1; 1979 c.282 §2; 1981 c.712 §9; 1983 c.710 §1; 1989 c.752 §1; 1997 c.810 §1; repealed by 2003 c.794 §332]

**279.349** [1995 c.594 §2; repealed by 2003 c.794 §332]

**279.350** [1959 c.627 §2; 1977 c.797 §2; 1981 c.712 §19; 1983 c.264 §2; 1983 c.710 §2; 1989 c.286 §1; 1995 c.594 §10; repealed by 2003 c.794 §332]

**279.352** [1959 c.627 §§3, 4; 1965 c.449 §1; 1977 c.797 §3; 1979 c.282 §3; 1983 c.710 §3; 1995 c.594 §15; repealed by 2003 c.794 §332]

**279.354** [1959 c.627 §5; 1967 c.207 §1; 1977 c.797 §4; 1981 c.712 §12; 1983 c.710 §4; 1995 c.594 §16; 2001 c.337 §1; repealed by 2003 c.794 §332]

**279.355** [1969 c.369 §5; 1981 c.712 §13; repealed by 2003 c.794 §332]

**279.356** [1959 c.627 §§6,7; 1969 c.369 §6; 1981 c.712 §14; 1983 c.264 §4; 1983 c.711 §3; 1997 c.255 §1; repealed by 2003 c.794 §332]

**279.357** [1977 c.797 §8; 1981 c.712 §15; 1983 c.710 §5; 1985 c.766 §1; 1995 c.594 §3; 2001 c.628 §1; repealed by 2003 c.794 §332]

**279.358** [1975 c.772 §5; renumbered 279.400]

**279.359** [1977 c.797 §7; 1983 c.710 §6; 1995 c.594 §8; 1997 c.810 §2; repealed by 2003 c.794 §332]

**279.360** [1955 c.563 §1; 1963 c.136 §2; 1963 c.482 §1; 1971 c.743 §349; repealed by 1975 c.771 §33]

**279.361** [1977 c.797 §6; 1983 c.710 §7; 1995 c.594 §9; repealed by 2003 c.794 §332]

**279.362** [1955 c.563 §2; 1959 c.414 §1; repealed by 1975 c.773 §1]

**279.363** [1981 c.712 §11; 2001 c.746 §1; repealed by 2003 c.794 §332]

**279.365** [1983 c.711 §2; repealed by 2003 c.794 §332]

**279.370** [1995 c.594 §14; repealed by 2003 c.794 §332]

**279.375** [1995 c.594 §5; 1999 c.152 §1; repealed by 2003 c.794 §332]

**279.380** [1995 c.594 §12; repealed by 2003 c.794 §332]

**279.400** [Formerly 279.358; 1979 c.196 §3; repealed by 2003 c.794 §332]

**279.410** [1977 c.727 §3; repealed by 2003 c.794 §332]

**279.420** [1977 c.727 §4; 1983 c.690 §15; 1989 c.106 §1; 1991 c.516 §3; 1999 c.689 §11; repealed by 2003 c.794 §332]

**279.430** [1977 c.727 §5; repealed by 2003 c.794 §332]

**279.435** [Formerly 279.575; 1991 c.516 §1; 1999 c.689 §2; repealed by 2003 c.794 §332]

**279.445** [1991 c.516 §2; 1999 c.689 §2a; repealed by 2003 c.794 §332]

**279.502** [1957 c.650 §1; 1969 c.607 §2; repealed by 1975 c.771 §33]

**279.510** [Amended by 1955 c.526 §1; 1957 c.650 §2; 1965 c.26 §2; 1969 c.493 §77; repealed by 1975 c.771 §33]

**279.512** [Amended by 1957 c.650 §3; repealed by 1975 c.771 §33]

**279.514** [Amended by 1957 c.650 §4; repealed by 1975 c.771 §33]

**279.515** [1957 c.650 §5; repealed by 1975 c.771 §33]

**279.516** [Repealed by 1957 c.650 §15]

**279.518** [Amended by 1957 c.650 §9; renumbered 279.538]

**279.520** [Amended by 1953 c.131 §3; 1955 c.526 §2; repealed by 1957 c.650 §15]

**279.522** [Repealed by 1957 c.650 §15]

**279.524** [Repealed by 1957 c.650 §15]

**279.526** [Amended by 1953 c.131 §3; 1957 c.650 §6; 1969 c.689 §1; 1975 c.771 §21; 1981 c.712 §16; 1983 c.264 §3; 1985 c.526 §1; 1993 c.98 §6; 1999 c.521 §1; repealed by 2003 c.794 §332]

**279.528** [Amended by 1957 c.650 §7; 1969 c.689 §2; 1975 c.771 §22; 1985 c.526 §2; 1993 c.98 §7; 1999 c.521 §2; repealed by 2003 c.794 §332]

**279.530** [Amended by 1957 c.650 §10; renumbered 279.540]

**279.532** [Amended by 1953 c.131 §3; 1955 c.526 §3; 1957 c.650 §11; renumbered 279.542]

**279.534** [Amended by 1953 c.131 §3; 1957 c.650 §12; renumbered 279.544]

**279.536** [1957 c.650 §8; 1969 c.689 §3; 1975 c.771 §23; 1981 c.712 §17; 1985 c.526 §3; 1999 c.521 §3; repealed by 2003 c.794 §332]

**279.538** [Formerly 279.518; repealed by 2003 c.794 §332]

**279.540** [Formerly 279.530; repealed by 2003 c.794 §332]

**279.542** [Formerly 279.532; 1975 c.771 §23a; 2001 c.104 §94; repealed by 2003 c.794 §332]

**279.544** [Formerly 279.534; repealed by 1975 c.771 §33]

**279.545** [Formerly 279.731; 1997 c.552 §24; 2003 c.449 §34; repealed by 2003 c.794 §332]

**279.550** [1991 c.385 §63; repealed by 2003 c.794 §332]

**279.555** [Formerly 279.733; 1997 c.552 §25; repealed by 2003 c.794 §332]

**279.560** [Formerly 279.735; repealed by 2003 c.794 §332]

**279.562** [1997 c.552 §23; repealed by 2003 c.794 §332]

**279.565** [Formerly 279.737; repealed by 2003 c.794 §332]

**279.567** [1997 c.552 §22; repealed by 2003 c.794 §332]

**279.570** [Formerly 279.739; repealed by 2003 c.794 §332]

**279.573** [1991 c.385 §81; 1995 c.612 §18; 1997 c.552 §26; 2001 c.104 §95; 2003 c.55 §4; repealed by 2003 c.794 §332]

**279.575** [1969 c.423 §1; 1971 c.746 §1; 1973 c.384 §1; 1975 c.771 §28; 1975 c.772 §8; 1977 c.727 §1; 1979 c.406 §3; 1981 c.712 §18; 1985 c.435 §1; renumbered 279.435 in 1989]

**279.580** [1991 c.385 §64; repealed by 2003 c.794 §332]

**279.585** [1991 c.385 §65; repealed by 2003 c.794 §332]

**279.590** [1991 c.385 §66; repealed by 2003 c.794 §332]

**279.595** [1991 c.385 §67; repealed by 2003 c.794 §332]

**279.605** [1991 c.385 §68; repealed by 2003 c.794 §332]

**279.610** [Amended by 1957 c.418 §1; repealed by 1975 c.771 §33]

**279.612** [Amended by 1957 c.418 §2; 1969 c.415 §1; repealed by 1975 c.771 §33]

**279.614** [Repealed by 1975 c.771 §33]

**279.615** [1991 c.385 §71; repealed by 2003 c.794 §332]

**279.616** [Repealed by 1975 c.771 §33]

**279.617** [1991 c.385 §70; repealed by 2003 c.794 §332]

**279.618** [Amended by 1971 c.659 §3; repealed by 1975 c.771 §33]

**279.620** [Amended by 1955 c.693 §1; repealed by 1975 c.771 §33]

**279.621** [1991 c.385 §72; 2003 c.55 §5; repealed by 2003 c.794 §332]

**279.622** [Amended by 1963 c.28 §1; repealed by 1975 c.771 §33]

**279.624** [Repealed by 1975 c.771 §33]

**279.625** [1991 c.385 §73; renumbered 282.045 in 2003]

**279.626** [Repealed by 1975 c.771 §33]

**279.628** [Repealed by 1975 c.771 §33]

**279.630** [1991 c.385 §74; 2003 c.55 §6; repealed by 2003 c.794 §332]

**279.635** [1991 c.385 §75; 2003 c.55 §1; repealed by 2003 c.794 §332]

**279.640** [1991 c.385 §§76,77; 1997 c.552 §27; repealed by 2003 c.55 §2 and 2003 c.794 §332]

**279.645** [1991 c.385 §78; repealed by 2003 c.55 §2 and 2003 c.794 §332]

**279.650** [1991 c.385 §79; repealed by 2003 c.794 §332]

**279.710** [Amended by 1957 c.660 §1; 1977 c.598 §30; 1993 c.500 §30; 1997 c.802 §2; 2003 c.449 §20; repealed by 2003 c.794 §332]

**279.711** [Formerly 273.005; repealed by 2003 c.794 §332]

**279.712** [Amended by 1957 c.660 §2; 1973 c.84 §3; 1977 c.598 §31; 1983 c.590 §11; 1991 c.95 §2; 1993 c.500 §31; 1995 c.776 §1; 1997 c.802 §3; 1999 c.264 §3; 2001 c.300 §75; repealed by 2003 c.794 §332]

**279.714** [Amended by 1969 c.349 §2; 1969 c.607 §3; 1971 c.180 §2; repealed by 1975 c.771 §33]

**279.716** [Amended by 1969 c.607 §4; repealed by 1975 c.771 §33]

**279.717** [1977 c.314 §2; repealed by 2003 c.794 §332]

**279.718** [Repealed by 1975 c.771 §33]

**279.720** [Amended by 1969 c.607 §5; repealed by 1975 c.771 §33]

**279.722** [Amended by 1955 c.57 §1; 1971 c.743 §350; 1981 c.106 §3; 1997 c.802 §13; 2001 c.507 §5; repealed by 2003 c.794 §332]

**279.723** [Formerly 279.732; 1997 c.802 §4; repealed by 2003 c.794 §332]

**279.724** [Amended by 1953 c.11 §3; 1955 c.194 §1; repealed by 1975 c.771 §33]

**279.725** [Formerly 279.734; 1997 c.802 §5; repealed by 2003 c.794 §332]

**279.726** [Repealed by 1975 c.771 §33]

**279.727** [Formerly 279.738; 1995 c.776 §2; 1997 c.802 §6; repealed by 2003 c.794 §332]

**279.728** [Amended by 1955 c.45 §1; repealed by 1975 c.771 §33]

**279.729** [Formerly 279.740; 2001 c.683 §4; 2003 c.186 §14; repealed by 2003 c.794 §332]

**279.730** [Amended by 1969 c.597 §56; repealed by 1975 c.771 §33]

**279.731** [1975 c.240 §2; 1991 c.385 §59; renumbered 279.545 in 1991]

**279.732** [Renumbered 279.723]

**279.733** [1975 c.240 §3; 1991 c.385 §60; renumbered 279.555 in 1991]

**279.734** [Amended by 1953 c.11 §3; renumbered 279.725]

**279.735** [1975 c.240 §4; renumbered 279.560 in 1991]

**279.736** [Repealed by 1975 c.771 §33]

**279.737** [1975 c.240 §5; renumbered 279.565 in 1991]

**279.738** [Renumbered 279.727]

**279.739** [1975 c.240 §6; 1991 c.385 §61; renumbered 279.570 in 1991]

**279.740** [Amended by 1975 c.240 §7; renumbered 279.729]

**279.742** [Amended by 1959 c.662 §1; 1965 c.365 §6; 1967 c.419 §41; 1977 c.91 §1; 1981 c.106 §1; repealed by 2003 c.794 §332]

**279.744** [Repealed by 2003 c.794 §332]

**279.746** [Amended by 1997 c.802 §14; repealed by 2003 c.794 §332]

**279.748** [Repealed by 2003 c.794 §332]

**279.791** [1953 c.474 §5; 1981 c.106 §14; repealed by 1997 c.802 §22]

**279.795** [1969 c.263 §1; renumbered 177.190 in 2003]

**279.800** [1991 c.176 §2; 1993 c.500 §32; 1999 c.316 §10; repealed by 2003 c.794 §332]

**279.805** [Formerly 291.652 and then 283.210; repealed by 2003 c.794 §332]

**279.810** [Amended by 1955 c.47 §1; repealed by 1975 c.771 §33]

**279.812** [Repealed by 1975 c.771 §33]

**279.814** [Amended by 1955 c.47 §2; repealed by 1975 c.771 §33]

**279.816** [Amended by 1967 c.419 §28; repealed by 1975 c.771 §33]

**279.818** [Repealed by 1975 c.771 §33]

**279.820** [Amended by 1957 c.42 §1; 1959 c.662 §15; 1961 c.128 §1; 1975 c.771 §29; 1991 c.176 §3; repealed by 2003 c.794 §332]

**279.822** [Amended by 1957 c.42 §2; 1959 c.662 §14; 1975 c.771 §30; 1981 c.106 §15; 1983 c.740 §77; 1993 c.500 §33; repealed by 2003 c.794 §332]

**279.824** [Amended by 1975 c.771 §31; repealed by 2003 c.794 §332]

**279.826** [Formerly 291.654 and then 283.220; repealed by 2003 c.794 §332]

**279.828** [Formerly 283.230; 1997 c.379 §1; 2003 c.449 §35; repealed by 2003 c.794 §332]

**279.830** [Formerly 283.235; repealed by 2003 c.794 §332]

**279.831** [Formerly 291.666 and then 283.240; repealed by 2003 c.794 §332]

**279.833** [Formerly 291.678 and then 283.250; 2003 c.18 §5; repealed by 2003 c.794 §332]

**279.835 Definitions for ORS 279.835 to 279.855.** As used in ORS 279.835 to 279.855:

(1) “Department” means the Oregon Department of Administrative Services.

(2) “Direct labor” includes all work required for preparation, processing and packing, but not supervision, administration, inspection and shipping.

(3) “Individual with a disability” means an individual who, because of the nature of disabilities, is not able to participate fully in competitive employment, and for whom specialized employment opportunities must be provided.

(4) “Public agency” or “public contracting agency” means any agency of the State of Oregon or any political subdivision thereof authorized by law to enter into public contracts and any public body created by intergovernmental agreement.

(5) “Qualified nonprofit agency for individuals with disabilities” means a nonprofit activity center or rehabilitation facility:

(a) Organized under the laws of the United States or of this state and operated in the interest of individuals with disabilities, and the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;

(b) That complies with any applicable occupational health and safety standard required by the laws of the United States or of this state; and

(c) That in the manufacture of products and in the provision of services, whether or not the products or services are procured under ORS 279.835 to 279.855, during the fiscal year employs individuals with disabilities for not less than 75 percent of the work hours of direct labor required for the manufacture or provision of the products or services. [1977 c.304 §3; 1983 c.690 §17; 1989 c.224 §42; 1991 c.93 §1; 1993 c.500 §34; 2001 c.104 §96; 2003 c.794 §229b; 2007 c.70 §62]

**279.840 Purpose.** The purpose of ORS 279.835 to 279.855, 279A.025 (4) and 279C.335 is to further the policy of this state to encourage and assist individuals with disabilities to achieve maximum personal independence through useful and productive gainful employment by assuring an expanded and constant market for sheltered workshop and activity center products and services, thereby enhancing their dignity and capacity for self-support and minimizing their dependence on welfare and need for costly institutionalization. [1977 c.304 §2; 1989 c.224 §43; 2003 c.794 §229c; 2007 c.70 §63]

**279.845 Duties of Oregon Department of Administrative Services; prices for products and services of nonprofit agency for individuals with disabilities; sources of products and services; rules.** (1) It is the duty of the Oregon Department of Administrative Services to:

(a) Determine the price of all products manufactured and services offered for sale to the various public agencies by any qualified nonprofit agency for individuals with disabilities. The price shall recover for the workshops the cost of raw materials, labor, overhead, delivery costs and a margin held in reserve for inventory and equipment replacement;

(b) To revise such prices from time to time in accordance with changing cost factors; and

(c) To make such rules regarding specifications, time of delivery and other relevant matters of procedure as shall be necessary to carry out the purposes of ORS 279.835 to 279.855, 279A.025 (4) and 279C.335.

(2) The department shall establish and publish a list of sources or potential sources of products produced by any qualified nonprofit agency for individuals with disabilities and the services provided by

any such agency, which the department determines are suitable for procurement by public agencies pursuant to ORS 279.835 to 279.855, 279A.025 (4) and 279C.335. This procurement list and revisions thereof shall be distributed to all public purchasing officers.

(3) The department may not delegate any duty imposed under this section to any person or public agency outside of the department. [1977 c.304 §4; 1989 c.224 §44; 2003 c.794 §229d; 2007 c.70 §64]

**279.850 Procurement of product or service; agreements for procurement.** (1) If any public agency intends to procure any product or service on the procurement list, that public agency shall, in accordance with rules of the Oregon Department of Administrative Services, procure such product or service, at the price established by the department, from a qualified nonprofit agency for individuals with disabilities, provided the product or service is of the appropriate specifications and is available within the period required by that public agency.

(2) In furthering the purposes of ORS 279.835 to 279.855, 279A.025 (4) and 279C.335, it is the intent of the Legislative Assembly that there be close cooperation between the department, public contracting agencies and qualified nonprofit agencies for individuals with disabilities. The department on behalf of public contracting agencies and qualified nonprofit agencies for individuals with disabilities is authorized to enter into such contractual agreements, cooperative working relationships or other arrangements as may be determined to be necessary for effective coordination and efficient realization of the objectives of ORS 279.835 to 279.855, 279A.025 (4) and 279C.335 and any other law requiring procurement of products or services. [1977 c.304 §5; 1989 c.224 §45; 2003 c.794 §229e; 2007 c.70 §65]

**279.855 Entities that may obtain goods and services through Oregon Department of Administrative Services.** The following may purchase equipment, materials, supplies and services through the Oregon Department of Administrative Services in the same manner as state agencies as provided in ORS 279A.140 to 279A.155 and 279A.250 to 279A.290:

(1) Qualified nonprofit agencies for individuals with disabilities participating in the program set forth in ORS 279.835 to 279.855, 279A.025 (4) and 279C.335.

(2) Residential programs when under contract with the Department of Human Services to provide services to youth in the custody of the state.

(3) Public benefit corporations, as defined in ORS 65.001, that provide public services either under contract with a state agency, as defined in ORS 171.133, or under contract with a unit of local government, as defined in ORS 190.003, that funds the contract, in whole or in part, with state funds. [1977 c.304 §7; 1989 c.224 §46; 1991 c.419 §1; 2001 c.900 §51; 2003 c.794 §229f; 2007 c.70 §66]

**279.990** [Amended by 1953 c.577 §2; subsection (4) (1979 Replacement Part) enacted as 1955 c.563 §3; 1969 c.369 §7; 1971 c.743 §351; repealed by 2003 c.794 §332]

ATTACHMENT 2  
SCOPE OF WORK

**CITY OF MILWAUKIE**  
**JANITORIAL SERVICES**

June 21, 2011

STANDARD SPECIFICATIONS

AND

CONDITIONS

**Area 1**

**Facility**

**City Hall**

10722 SE Main St  
Milwaukie, OR 97222  
**7,000 Square Feet**

**Ledding Library**

10660 SE 21<sup>st</sup> Ave  
Milwaukie, OR 97222  
**12,400 Square Feet**

**Area 1 = 19,400 Square Feet**

**Area 2**

**Public Safety Building**

3200 SE Harrison St  
Milwaukie, OR 97222  
**22,000 Square Feet**

**Area 2 = 22,000 Square Feet**

**Area 3**

**Public Service Bldg. (JCB)**

6101 SE Johnson Creek Blvd  
Milwaukie, OR 97206  
**5,200 Square Feet Office Space**  
**8,000 Square Feet Shop Space**

**PW Operations Bldg.**

**5,600 Square Feet Office Space**

**Area 3 = 18,800 Square Feet**

**STANDARD SPECIFICATIONS AND CONDITIONS**

## **1.1 GENERAL**

City of Milwaukie Facilities Management is seeking a Contractor to provide custodial services for the City of Milwaukie facilities. Contractor shall have custodial experience related to office facilities.

The Contractor shall furnish all **equipment, materials and services** necessary to perform the janitorial duties specified in a satisfactory manner and at not less than the frequencies set forth in the following specifications. The premises shall be maintained in a neat, clean, and orderly condition according to Cleaning Performance Standards (Section 1.35) contained in this package.

## **1.2 SCOPE OF WORK**

There are five (5) City of Milwaukie facilities included in this specification, which are located at various locations throughout the City. City spaces in this specification total approximately 60,200 square feet of offices, and libraries, as listed under "Facility Descriptions". These facilities are divided into three (3) areas. City of Milwaukie Facilities Management shall administer the Contract for all areas. These facilities operate five (5) to seven (7) days a week, eight (8) to twenty-four (24) hours a day. Custodial service for all facilities shall be scheduled as called for in this specification.

These facilities will receive cleaning five (5) to seven (7) days a week. These facilities shall be cleaned according to the Cleaning Performance Standards (Section 1.35). The service for these facilities is monitored on a daily basis by building staff and routinely inspected by Facilities Management for adherence to specifications. Custodial staff working in these facilities shall have office related experience, as well as specialized training in the handling of infectious waste, contaminated sharps, communicable diseases and TB training and testing.

## **1.3 QUESTIONS ON TECHNICAL INFORMATION**

Questions relating to materials in these Standard Specifications and Conditions shall be addressed to:

Willie Miller  
Facility Maintenance Coordinator  
Ph: 503-786-7621  
6101 SE Johnson Creek Blvd.,  
Milwaukie, OR 97206

## **1.4 QUESTIONS ON LEGAL INFORMATION**

Legal questions relating to these Standard Specifications and Conditions shall be addressed to:

City Attorney  
Ph: 503-786-7555  
10722 SE Main St.  
Milwaukie, OR 97222

## **1.5 NATURE AND EXTENT OF SERVICES**

The City of Milwaukie facilities serve the public in varying degrees depending on the function of each facility. Custodial services in these facilities are required on a regularly scheduled basis coinciding with the days of operation and shall be completed during the times specified by the Contract Administrator. Days of operation shall be noted by each facility, while hours of operation vary at each building according to its use. All cleaning is to be accomplished during closed hours at each location, with the exception of facilities that operate 24-hours per day. Specific schedules shall be approved by Facilities Management prior to starting Contract.

The highest standards of cleanliness shall be maintained. It is the intent of these specifications that all facilities present a consistently clean condition. The services outlined in these specifications are to be considered as minimum requirements but in no instance are they to limit the level of cleanliness in buildings.

City of Milwaukie Cleaning Performance Standards are included in this specification in Section 1.35. Contractor shall include at a **minimum** the cleaning standards set forth in this specification and all additional requirements as detailed.

**Mandatory special qualifications and training required for Contractors working in these facilities include:**

- 1. Blood borne Pathogens/HIV Training and Written Program.**
- 2. Hazardous Communications Program.**
- 3. Tuberculosis (TB) Training and Optional Testing.**

#### **1.6 EMERGENCY RESPONSE**

The Custodial Contractor shall provide seven-day a week emergency coverage to the City facilities included in this specification. Emergency corrections called in before or after the regularly scheduled custodial hours shall be considered emergency **after-hours calls**. After-hours calls shall be submitted on a separate invoice designating the number of hours and the facility requiring such service. **After-hours calls will be charged at \$15.00 per hour as noted on DAS Project Costing Workbook.** During normal custodial hours, emergency custodial corrections shall be taken care of at no additional charge. **NOTE: Exception cleaning** such as major floods or contamination by body fluids shall be billed separately. Justifiable emergency calls are defined as follows:

- 1. Floods related to plumbing, roof leaks or other sources, when flooded area cannot be isolated (closed) or continuing damage is occurring due to flood remaining overnight.**
- 2. Blood spills, vomit, urine or other human body fluids that cannot be isolated or blocked off.**

**Emergency after-hours calls** shall be made directly to the Contractor. Emergency requests shall require Contractor to call within thirty (30) minutes after placing the first call and work started within two (2) hours.

**Emergency correction needed during normal custodial working hours** shall be available by calling emergency numbers.

**Non-emergency corrections** shall be registered in the daily logbook for custodial complaints. Non-emergency corrections shall be completed within twenty-four (24) hours. Examples of non-emergency corrections include such items as:

1. Trash can full.
2. Liquid spill presenting no safety hazard.
3. Toilet paper or other dispensers empty (when other rest rooms are stocked and available).

## **1.7 FACILITY DESCRIPTIONS**

**ALL SQUARE FOOTAGES ARE APPROXIMATE AND CONTRACTOR SHALL VERIFY DIMENSIONS TO THEIR SATISFACTION.**

### **AREA 1**

1. City Hall – Contains approximately 7000 Sq. Ft. of carpeted and hard surface floors. Custodial services shall be performed 5 Days per week. Days of operation are Monday through Friday, 7:00 AM to 6:00 PM. Some evening meetings are scheduled during the week. This schedule will be available to the custodial service provider. No janitorial work will be performed during meeting hours.

2. Ledding Library – Contains approximately 12,400 Sq. Ft. of carpeted and hard surface floors. Custodial services shall be performed 7 Days per week. Days of operation are 7 days per week. Monday through Thursday 10:00 AM through 9:00 PM, Friday and Saturday 10:00 AM through 6:00 PM, Sunday 12:00 PM through 6:00 PM. Staff arrives generally by 8:30 AM on all days except Sunday; on Sunday they arrive at 10:00 AM in the morning. No janitorial work will be performed during hours opened to the public.

### **AREA 2**

1. Public Safety Building – Contains approximately 22,000 Sq. Ft. of carpeted and hard surface floors. Custodial services shall be performed 6 Days per week. Days of operation are 7 days per week, 24 hours per day. The office and reception area is open from 8:00 AM to 5:00 PM, Monday through Friday. The community room is used during the day from 8:00 AM to as late as 10:00 PM. Cleaning of these areas will have to be done after hours.

### **AREA 3**

1. Public Service Buildings – Contains approximately 10,800 Sq. Ft. of office space consisting of carpeted and hard surface floors. The shop area contains 8000 Sq. Ft. of concrete floors. Custodial services shall be performed 5 days per week on the office space area. The

shop floor shall be cleaned 2 times per month. The office is open from 8:00 AM to 5:00 PM, Monday through Friday. The shop and PW Operations Building are open from 6:00 AM to 4:30 PM, Monday through Friday. Cleaning of these areas shall be done after hours and on weekends.

### **1.8 DAILY/PERIODIC SERVICES SCHEDULE**

Contractor shall provide City of Milwaukie Facilities Management with specific dates and times for items designated in the Building Cleaning/Task Schedule, Section 1.36.

Such dates and times are subject to the approval of Facilities Management. The unique operations conducted in some City facilities require that all areas be serviced according to the needs of the facility.

**All services scheduled to be performed quarterly, semiannually and annually shall be performed and scheduled at appropriate intervals during the term of the Contract.**

### **1.9 SUPERVISION**

The Contractor shall be responsible for the direct on-site inspection of the custodians through its supervisor(s), and the supervisor(s) shall be available at reasonable times to report to and confer with the Facilities Management Contract Administrator with respect to services. **The telephone number of the responsible supervisor shall be provided to the City for daily, emergency, and/or non-routine service.**

**The Contractor shall provide an on-site supervisor whose primary task is to see to it that all of the Contractor's employees, in all buildings, understand and carry out what is required to satisfy the specifications of the Contract.**

The on-site supervisor shall also schedule and coordinate the maintaining/restoring of all resilient/hard surface floor finishes and carpet cleaning. All floor restoration projects shall be scheduled seven days in advance with the Contract Administrator.

### **1.10 QUARTERLY CITY STAFF & CONTRACTOR MEETING**

The Contractor will regularly schedule a quarterly meeting with a City representative. The location of the meeting will be determined by the City representative. The purpose of the meeting will be to discuss janitorial services during the previous quarter.

### **1.11 EXCEPTION CLEANING SERVICE**

The Contractor may occasionally be required to perform cleaning services on an exception basis for items or areas not covered by the cleaning schedule. Such services shall be requested by the Contract Administrator on an individual basis and shall be billed separately on a monthly basis as applicable.

### **1.12 CONTRACTOR SUPPLIED ITEMS**

**All labor, janitorial tools, equipment, machines and supplies necessary for the performance of daily janitorial services shall be furnished by the Contractor at no expense or further cost to the City.**

City of Milwaukie requires current material safety data sheets (MSDS) for all chemicals being used on-site in all City facilities. The Contractor shall provide MSDS and product labels to the Contract Administrator prior to the use of any chemicals.

### **1.13 CITY SUPPLIED ITEMS**

The City will furnish soap, seat covers, toilet tissue, garbage bags/can liners, and paper towels for use in restrooms and other areas within the City's facilities. City provided supplies will be available for pickup at the Johnson Creek site.

### **1.14 JANITORIAL LOG**

The **Contractor** shall furnish a janitorial log for each facility and/or work site as designated by the City Facilities Management Department. The log will be reviewed daily by the contractor's personnel. Contractor's personnel shall acknowledge in writing any entry made by City personnel. This log shall remain in City designated areas of each facility.

### **1.15 GENERAL NOTATION**

Contractor shall not operate or adjust the setting of any of the heating, ventilating or air conditioning systems in facilities without written approval of Facilities Management.

Contractor shall leave only designated lights on and shall check windows and doors for security upon completion of custodial work.

Contractor shall learn and carefully operate building security systems according to instructions.

Contractor shall report any damaged or broken plumbing, glass, light fixtures, furniture, paint, floor, lavatory fixtures, etc., to Facilities Management.

Contractor shall order needed supplies through Facilities Management, allowing seven (7) days lead-time.

Contractor shall report any unusual security problems to Facilities Management.

Contractor shall use designated janitorial closets and areas for storage of equipment and supplies. **Janitorial closet areas shall be kept clean and orderly.**

**Contractor shall not permit visitors and children inside buildings at any time.**

Contractor shall check the Logbook daily/nightly for instructions and cleaning problems.

Contractor shall repair/replace, at Contractor's cost, any furnishings or fixtures damaged by Contractor's employees.

The Contractor shall turn in lost and found articles to Facilities Management within twenty-four (24) hours.

**1.16 IDENTIFICATION OF EMPLOYEES**

**Contractor shall provide uniforms and identification of its employees. All employees shall wear uniforms at all times while in City facilities so that each employee is readily identifiable. All Contractors' personnel shall be clean and neat at all times. Minimum requirement of a uniform shall be a shirt with company name, logo and employee name permanently attached. City supplied picture ID badges shall also be worn and displayed at all times Contractor's employees are in City facilities.**

**1.17 CERTIFIED PAYROLL**

The Contractor shall provide monthly-certified payroll verification for all Contractors' employees used in the performance of this Contract, if requested by City.

**1.18 MINIMUM QUALIFICATIONS**

**Contractor shall completely meet the following minimum qualifications.**

**1. Contractor Experience**

Contractor and Contractor's key personnel who will have supervisory roles in this Contract shall have a minimum of three (3) years of recent and continuous, comparable experience.

**2. 24-Hour Response**

**Contractor shall have 24-hour, 7-day emergency response capability. Contractor will provide a complete description of response system, e.g., pagers, mobile phone, answering service, etc.**

**1.19 INSURANCE**

The Contractor shall obtain, at Contractor's expense, and keep in effect during the term of this Contract, insurance for not less than the dollar limits contained in the "Agreement Form Section" of this package.

**1.20 SECURITY CLEARANCES**

The Contractor shall provide names and other requested information to Facilities Management on **all** principals and employees being used in the execution of this Contract for the purpose of obtaining a Security Clearance. No principal or employee shall be allowed to enter any City facility for work purposes until a Security Clearance is completed. The Contractor shall allow a minimum of two (2) weeks for Security Clearance.

**1.21 MSDS**

The Contractor shall supply Material Safety Data Sheets for all products supplied by the Contractor for use in performance of this Contract. No products shall be approved for use, which contain lasting fragrance. These Data Sheets, along with the products, shall be kept up-to-date and properly labeled. No product shall be used in City Facilities until MSDS have been reviewed and approved by Facilities Management.

### **1.22 REQUIRED TRAINING**

The Contractor shall provide copies of all required programs as listed below. The programs shall be complete and include the names of all employees to be used in the performance of this Contract. **Note: All employees shall be trained prior to beginning work in City facilities.**

1. Certified HIV/Hepatitis training and vaccination program per OR-OSHA regulations OAR 437, Division 2, General Occupational Safety and Health Rules (29 CFR 1910.1030) blood-borne pathogens.
2. Hazardous Communications Program. (MSDS)
3. Tuberculosis (TB) training and optional testing program. (OSHA)
4. Custodial/Housekeeping training program on proper techniques and cleaning methods including training on the use of non-fragranced supplies complete with all related safety warnings.

### **1.23 GENERAL CONTRACT CONDITIONS**

#### **A. Prices to Cover Entire Work**

Contractor shall include in the DAS workbook's proposal, the entire cost of the work set forth in these specifications. It is understood and agreed that there is included in the total cost of this proposal, the entire cost of equipment, all materials/cleaning supplies not covered by the City Section 1.13 of this bid and all Contractor's labor to the City for completion of the work specified.

#### **B. Addition or Termination of Services**

1. This Contract may be terminated by mutual consent of both parties, or by either party upon sixty (60) days' notice, in writing, and delivered by mail or in person.
2. The City, by written notice of default, may terminate this Contract if Contractor fails to provide any part of the services described herein within the time specified for completion of that part or any extension thereof.
3. Upon termination before completion of the services, payment to the Contractor shall be prorated to include payment for all hours actually worked and include the day of termination and shall be in

full satisfaction of all claims by Contractor against the City under this Contract.

4. Termination under provision of this paragraph shall not affect any right, obligation or liability of Contractor or liability of Contractor or City, which accrued prior to termination.
5. The City may terminate at any location that may be closed down or moved. The City reserves the right to terminate service to individual buildings due to inconsistent or inadequate service. The City may add any facility or portion thereof (or location), which may be acquired by the City. The City may, at its discretion, delete or add provided services at any location(s) as it may deem necessary. Contract pricing shall be renegotiated with current Contractor in event of addition or deletion of facilities/services. In the event that the parties cannot agree upon a rate for said increase or decrease in the service, the Contract may be terminated by either party upon sixty (60) days written notice. Any partial termination shall not affect the obligation of the Contractor to fulfill the Contract at other locations. Failure to comply with the specifications shall be considered good and sufficient cause for termination.

#### **1.24 SUBCONTRACTING OF SERVICES**

The Contractor is prohibited from subcontracting or franchising any Contracted services without obtaining, in advance, the written consent of the City.

#### **1.25 COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS**

The Contractor shall keep informed about and comply with any and all applicable local, state and federal laws.

#### **1.26 NONPERFORMANCE**

In the event of nonperformance under the resulting Contract, the City, after twenty-four (24) hours' written notice to the Contractor, shall have the right to accomplish the work not performed, and it is agreed that the cost for said work or goods shall be borne by the Contractor.

For purposes of this section, nonperformance shall be defined as failure to appear and perform work and/or deliver goods as specified and scheduled.

#### **1.27 DISPUTES**

In case of any doubt or differences of opinions as to the items or service to be furnished hereunder, or the interpretation of the provisions of the specifications, the decision of the City of Milwaukie shall be final and binding upon all parties.

## 1.28 TERM OF CONTRACT

The Contract term shall be for a five (5) year period.

In the event the Contractor fails to comply with the terms and conditions of the Contract, the City reserves the right to demand remedy of any failure or any fault within seven (7) days, and if the Contractor fails to remedy the fault or failure within seven (7) days, the City shall have the right to cancel and terminate the Contract without additional notification.

## 1.29 NOTICES

Notices by Contractor to the City regarding this agreement shall be made in writing to: City of Milwaukie Facilities Management, 6101 SE Johnson Creek Blvd., Milwaukie, OR 97206.

Notice by the City to Contractor shall be made in writing to the Contractor at the mailing address shown on the agreement.

## 1.30 EMPLOYMENT STANDARDS

The Contractor is expected to use prudent judgment in the selection of a work force. Proven judgment, integrity, work habits and skill proficiency of employees are essential employee requirements.

All custodial personnel must have a security clearance. There will be no exceptions and no substitutions of personnel without prior security clearance checks.

The Contractor shall not assign to the facilities any employees who have been convicted of any felonies, or misdemeanors, which reflect negatively upon the honesty, reliability, general trustworthiness, or prudent judgment of the employees.

All Contractors' employees shall be bonded.

The Contractor is expected to adhere to "Equal Opportunity" principles and practices in relationships with his/her employees.

Employees of Contractor **shall not be accompanied or assisted by non-employees during work shifts (including their own children).**

Contractor shall provide the City Facilities Management Department an accurate, typed roster of all management and janitorial work force personnel who have any relationship with the work to be performed at the City's facilities. Roster data must include full names, home addresses and home telephone numbers. The roster shall be continuously updated to reflect any personnel changes.

**In the interest of safety, Contractor's employees must be able to communicate in English both orally and in writing, or be accompanied at all times by an employee of Contractor who is able to do so.**

### **1.31 SECURITY**

Any disclosure or removal of any matter and/or property from City facilities on the part of the Contractor shall be cause for immediate cancellation of the Contract. Any liability, including, but not limited to, attorney's fees, resulting from any such action or suit brought against the City as a result of the Contractor's willful or negligent release of information, documents or property contained in the building shall be borne by the Contractor. **All information, documents and property contained within these facilities shall be considered privileged and confidential and should be treated as such.**

### **1.32 ASSIGNMENT**

Neither the resultant Contract nor any of the requirements, rights or privileges demanded by it may be sold, assigned, Contracted or transferred by the Contractor without express written consent of the City of Milwaukie.

### **1.33 METHOD OF PAYMENT**

Payment shall be reviewed and approved by Facilities Management upon submission of two copies of invoices at the end of each month to: City of Milwaukie Facilities Management, 6101 SE Johnson Creek Blvd., Milwaukie, OR 97206. Services will not be prepaid.

### **1.34 NON-APPROPRIATION**

In recognizing that this is a five (5) year contract, and the City can only receive budget approval for one (1) fiscal year at a time, non-appropriation would be considered a legitimate release from the agreement providing thirty (30) days' written notice was given; and no other funds were appropriated for the same fiscal period that would provide essentially the same or similar service as is outlined in this agreement.

The Contractor agrees that if payment for the Contract extends into the City's next fiscal year, it is made subject to future appropriations by the City Council of the City of Milwaukie, Oregon, to fund its provisions, and may be canceled by the City upon thirty (30) days' written notice to Contractor of any such failure.

### **1.35 CLEANING PERFORMANCE STANDARDS**

**The following standards shall apply to all facilities.**

#### **I. INSPECTIONS**

##### **A. CONTRACTOR'S ON-SITE SUPERVISION**

Contractor's performance shall be maintained by continuing **on-site supervision** of work performed to ensure that standards of cleanliness and preservation are being attained by janitorial crews.

The following standards represent a high level of cleanliness, which defines the **minimum** level of service. If portions of this attachment appear to reduce the service level required by another portion, Contractors shall use the higher standard.

**B. INSPECTION BY CITY REPRESENTATIVE**

All services required to be performed under this Contract shall be subject to inspection at any time by a representative of the City. If any such services are found to be unsatisfactory and not in accordance with the Task Schedule, the City shall notify the Contractor and the Contractor shall take immediate steps for corrective action at no additional cost to the City.

Written notices of unsatisfactory conditions or need for corrections shall be transmitted to the Contractor as described in "CUSTODIAL SERVICE AND COMPLAINT CORRECTIVE ACTION PROCEDURE", listed below. Notices for corrections sent by Facilities Management shall be considered official notices.

**C. CUSTODIAL SERVICE COMPLAINT AND CORRECTIVE ACTION PROCEDURE FOR USE IN ALL CITY FACILITIES**

This procedure has been developed to assist Facilities Management in properly resolving janitorial complaints and documenting Contract variations. Action shall be taken against the Contractor should problems persist and not be corrected as required by the Contract. Your help in monitoring the service provided is essential to the success of the Contractor's adherence to janitorial specifications. Thank you for your time and assistance.

**1. Should a problem with the cleaning occur:**

All facilities shall have a logbook located in a designated area. This logbook shall be read by the Contractor each night. Log the complaint with the date and area of the problem. The Contractor shall check the log each night, take corrective action and sign the logbook.

**2. If the problem is not corrected by the next working day:**

Call 503-786-7621, 503-786-7663 or 503-786-7603 and speak to one of the facility representatives or leave specific information about the complaint, and give your name and number where you can be reached.

**3. If the problem is corrected but consistently reoccurs:**

Always log the complaint in the logbook. Call Facilities Management at 503-786-7621, 503-786-7663, or 503-786-7603 and a work order will be processed with the information you give. Please be specific with the complaint, and give your name and phone number where you can be reached. You will be contacted regarding your complaint.

**4. If you are requested for emergency response for clean up:**

Call 503-786-7621, 503-786-7663, or 503-786-7603 during regular office hours. An emergency contact number will be provided for after-hours calls.

**II. CLEANING QUALITY DEFINITIONS**

**A. FLOOR MAINTENANCE:**

Vacuum **thoroughly** all carpeted areas, using professionally appropriate vacuuming equipment. This shall include all areas of each facility, under desks, chairs and tables.

Edge all carpeted areas.

Spot clean all carpeted areas.

Vinyl tile in all buildings shall be dusted with treated dust mops. Spills and spots shall be removed.

Damp mop all resilient flooring with appropriate cleaning agents.

Sweep, **wet mop** and disinfect all kitchen/dining room, restroom/locker room and shower room floors.

Vacuum entrance mats and all other separate mats as may be required throughout the building. Clean under entrance mats.

Sweep or vacuum stairways.

**B. WASTE & RECYCLING MATERIALS:**

Empty all trash containers into central collection containers located outside each building. Empty the centrally located recycling bins at each facility, as needed, into the recycle container located outside of each building. Clean trash containers as necessary to maintain clean, odor-free containers. Replace can liners as necessary. All liners in restrooms and kitchen/dining areas shall be replaced daily.

Empty and clean all outside ashtrays and trash receptacles.

**C. DUSTING:**

Dust all desks, tops of partitions, tops of doorways, tops of vending machines, legs on bottom of chairs, filing cabinets, bookcases, other furniture, counter tops, window sills, and window ledges, from floor to a height of seventy-two (72) inches. Note: paperwork spread out on desks or other surfaces is not to be disturbed or moved.

Dust high (over 72 inches) moldings, shelves, bookcases, door casings, window casings, hanging light fixtures, partition tops, ledges, etc. There shall be no cobwebs visible in any areas.

**D. RESTROOMS:**

Clean and disinfect all urinals and toilets using appropriate cleanser for the removal of stains.

Wash and disinfect partitions, sheetrock, tile walls and showers. Remove all graffiti.

Clean and disinfect all sinks and counter tops.

Service all soap, towel, toilet tissue and seat cover dispensers.

Clean mirrors, and empty trash. Service as required to maintain high standards of cleanliness.

**E. DOORS, DOOR KNOBS, DOOR JAMBS, WALLS, FINISH MOLDINGS, CEILINGS, AND ELEVATORS:**

Remove all fingerprints and other smudges from all doors, doorknobs, doorjambes, walls (especially around switch and electrical outlet cover plates), finish moldings and ceilings.

Clean and polish chrome and bright metal, entrance doors and kick and push plates.

Vacuum or wet mop elevator floors, wipe down walls. Remove graffiti.

Elevator floor tracks shall be clean and free of all foreign materials and dirt.

Clean/polish elevator doors, control panels and floor indicator plates where applicable.

Remove vacuum cord marks from doorjambs and outside corners of walls and partitions.

**F. FURNITURE:**

Vacuum all upholstery and fabric partitions.

Clean leather, plastic, vinyl and Naugahyde furniture and furniture covers.

**G. GLASS:**

Clean mirrors, reception counter glass, and door relites.

The interior and exterior sides of all facility windows shall be cleaned as needed or requested by facilities management.

**H. INCIDENTALS:**

Check and acknowledge entries in janitorial logs.

Advise Facilities Management of any irregularities noted during servicing (i.e. defective plumbing fixtures, burned-out lights, graffiti which cannot be removed, etc.).

Spot check employee work stations and perform any incidental cleaning supplementary to regular waste removal, dusting and vacuuming necessary to ensure clean, neat appearing work areas.

In kitchen areas, clean exteriors of cooking appliances and kitchen fixtures and counter tops.

Wipe and thoroughly clean lunch and conference room tables with appropriate cleaning agents.

Check entry areas and clean as necessary both sides of all entry related glass doors and associated interior glass panels and frames.

Spot-check and clean high traffic and heavy soilage areas. Spot shampoo carpeted areas.

Clean and disinfect all drinking fountains.

Turn off all lights except those required to be left on.

Close and lock all entrance doors and windows.

Reset alarm system in each building as necessary.

BUILDING CLEANING/TASK SCHEDULE

LOBBIES, PUBLIC CORRIDORS, STAIRWELLS, AND ELEVATOR CABS	Daily	Weekly	Monthly	Quarterly	Semi-Annual	Annual
Empty and damp wipe all waste receptacles, replace liners as needed	X					
Dust mop all areas using a treated mop	X					
Spot clean all vertical surfaces	X					
Dust all horizontal surfaces within 72" in height		3X				
Clean all horizontal surfaces within 72" in height		X				
Sanitize and polish all drinking fountains	X					
Clean and polish all metal bright work		3X				
Spot clean all walls, doors, light switches, control panels, thresholds and elevators	X					
Clean elevator door tracks on each floor	X					
Dust all high reach areas (above 72")		X				
Vacuum all carpeted areas	X					
Vacuum all upholstered furniture		X				
Dust all low reach areas including baseboards and ledges		X				
Detail vacuum/edge all areas		X				
Vacuum all ceiling and wall air grills			X			
Wash all ceiling and wall air grills				X		
Spot mop all resilient floor surfaces	X					
Complete mop all resilient floor surfaces		3X				
Dust blinds and drapes			X			
Spot clean with extractor or spotting agent all carpet spots and spills	X					
Spot clean all upholstered furniture and fabric partitions		X				
Clean door glass and relite glass, reception/counter glass	X					
Dust all office furniture and equipment within 72" height		X				
Clean window sills and ledges		X				
Wipe down countertops, tables	X					
Wipe down non-upholstered lobby furniture with disinfectant	X					

Clean visible marks/prints from interior of windows	X					
Dust lamps, side tables	X					
Clean washable furniture and equipment with disinfectant cleaner			X			

<b>REST ROOMS, LOCKER ROOMS, SHOWER ROOMS, WORK OUT AREA(PSB)</b>	<b>Daily</b>	<b>Weekly</b>	<b>Monthly</b>	<b>Quarterly</b>	<b>Semi-Annual</b>	<b>Annual</b>
Empty trash, replace liners and clean outside of containers	X					
Vacuum all carpeted areas	X					
Clean, disinfect all rest room, locker room fixtures (i.e. toilet, urinals, sinks,)	X					
Clean, disinfect all restroom partitions, walls and doors	X					
Clean and sanitize all showers	X					
Clean and fill all dispensers	X					
Sweep all floors	X					
Spot clean all walls	X					
Clean and sanitize all floors	X					
Polish all metal brightwork		3X				
Dust all blinds			X			
Clean all glass and mirrors	X					
Clean and disinfect exercise equipment	X					

<b>OFFICES, MEETING ROOMS AND COMMON/GENERAL USE AREAS</b>	<b>Daily</b>	<b>Weekly</b>	<b>Monthly</b>	<b>Quarterly</b>	<b>Semi-Annual</b>	<b>Annual</b>
Empty all trash	X					
Wipe down countertops, tables with a disinfectant cleaner	X					
Clean and sanitize all telephones		X				
Dust all furniture, equipment and accessories		X				
Vacuum all carpeted areas	X					
Detail vacuum/edge all carpeted areas		X				
Spot clean all vertical surfaces	X					

Vacuum all ceiling and wall air grills			X			
Wash all ceiling and wall air grills				X		
Dust all blinds and drapes			X			
High dust all surfaces over 72"			X			
Low dust all surfaces including baseboard and ledges		X				
Spot clean with extractor or spotting agent all carpet spots and spills		3 X				
Spot clean all upholstery furniture and fabric partitions			X			
Empty central recycling containers as needed	X					
<b>FLOOR CARE</b>	<b>Daily</b>	<b>Weekly</b>	<b>Monthly</b>	<b>Quarterly</b>	<b>Semi-Annual</b>	<b>Annual</b>
Spot clean all carpeted areas	X					
Maintain high gloss finish on vinyl and tile floors			X			
Steam extract carpets in lobbies, meeting rooms, hallways and high traffic areas			X			
Complete strip and wax all resilient floors				X		
Steam extract carpets in offices				X		

<b>EATING AREAS</b>	<b>Daily</b>	<b>Weekly</b>	<b>Monthly</b>	<b>Quarterly</b>	<b>Semi-Annual</b>	<b>Annual</b>
Damp clean and sanitize tables, counters, appliance exteriors	X					
Empty all containers and disposals. Wash and sanitize interior and exterior of all containers	X					
Clean, disinfect sinks	X					
Mop with disinfectant cleaner	X					
Vacuum carpeted areas	X					
Clean and fill dispensers	X					
Low dust all surfaces below 72"	X					
High dust all surfaces above 72"		X				

MISCELLANEOUS	Daily	Weekly	Monthly	Quarterly	Semi-Annual	Annual
Empty and clean exterior ashtrays and trash receptacles in or near exterior doors	X					
Check logbook and make corrections	X					
Wash all windows, interior & exterior, of entire building as needed or requested						
Notify Facilities Management of any irregularities (defective plumbing, lights out, unlocked doors)	X					
Turn off all lights except those to be left on, close and latch windows and lock all doors	X					
Sweep all outside sidewalks	X					
*Remove Leaf debris from City Hall outside stairwells, and drains at bottom of stairwells ( <b>*daily during autumn season</b> )	X	X				

1.37

**Public Service (JCB) and Public Safety Facilities**

**Locker Room Cleaning**

**Showers**

1. Clean all paper, clothing, etc. from area
2. Spray with appropriate cleaner, use hose end sprayer
3. Scrub walls with scrub brush (cover every tile top to bottom)
4. Scrub floors with scrub brush (cover every tile)
5. Rinse with hose and remove all debris from floor (spray every tile)
6. Clean floor drains out (hair, etc.)

**Benches**

1. Clean all paper, clothing, etc. from area
2. Spray with appropriate cleaner, use hose end sprayer
3. Scrub benches with scrub brush (cover every tile top to bottom)
4. Rinse with hose and remove all debris from floor (spray every tile)
5. Clean floor drains out (hair, etc.)

**Floors**

1. Clean all paper, clothing, etc. from area
2. Spray with appropriate cleaner, use hose end sprayer
3. Scrub floor with scrub brush (cover all concrete)
4. Rinse with hose and remove all debris from floor (spray every tile)
5. Clean floor drains out (hair, etc.)

**After entire locker room has been scrubbed out using appropriate cleaner, use hose end sprayer and spray entire locker room with approved “green” sanitizer product.**

**Once scrubbing has been done, clean mirrors and counter tops. Make sure everything is clean and stocked.**

ATTACHMENT 3

**BLAIR VESTIGO & HAMILTON**

**ATTORNEYS AT LAW**

WILLAMETTE 205 CORPORATE CENTER  
1800 BLANKENSHIP ROAD, SUITE 475  
WEST LINN, OREGON 97068-4248  
PHONE: (503) 655-7199  
FACSIMILE: (503) 655-7169

DAVID M. BLAIR  
JAMES R. VESTIGO  
RYAN P. HAMILTON

*Legal Assistant*  
**MONA LIGHT BEING**  
*Paralegal*  
**KAREN A. RUSSELL, RP**

June 23, 2011

**Via Electronic Mail Only**

To [millerw@ci.milwaukie.or.us](mailto:millerw@ci.milwaukie.or.us)

Mr. Willy Miller  
Facilities Management  
City of Milwaukie

RE: Our Client: Diversified Abilities  
JANITORIAL SERVICE CONTRACT ("Agreement")

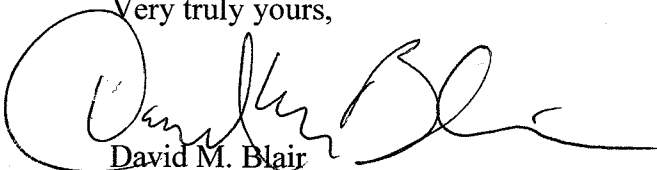
Dear Mr. Miller:

This office represents Diversified Abilities (hereinafter "our Client") in all corporate matters surrounding their vendor contracts with various public subdivisions. Inasmuch as our Client's Agreement with the City of Milwaukie is quickly drawing to a close, our Client proposes the following for the City's consideration should the parties wish to continue their relationship for an additional five (5) year period beginning July 1, 2011.

PROPOSAL

1. Maintain all existing contract provisions for the period July 1, 2011 through June 30, 2016, except as provided herein.
2. Compensation to be \$115,000.00 per year beginning July 1, 2011.
3. Compensation to be adjusted each anniversary beginning July 1, 2012, by a percentage point equal to each percent in excess of two percent (2%) of the Portland, Oregon Consumer Price Index, Urban Wage Earners and Clerical Workers (CPI-W), May to May (1982-84=100), with a maximum adjustment of three percent (3%) in any one year.
4. Our Client to continue same scope of services, except the City will be responsible for its own recycling at each of its individual work stations, while our Client will properly dispose of all recycling from all common areas.

Very truly yours,



David M. Blair

DMB/  
c: Client

ATTACHMENT 4  
RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH DIVERSIFIED ABILITIES TO EXTEND JANITORIAL SERVICES FOR FIVE YEARS FOR AN AMOUNT NOT TO EXCEED \$625,000.**

**WHEREAS,** The City is not equipped or sufficiently staffed to provide in-house janitorial services; and

**WHEREAS,** The City has five (5) major building sites that require janitorial services, and

**WHEREAS,** Diversified Abilities meets State requirements for employing disabled individuals to provide janitorial services; and

**WHEREAS,** The City has contracted with Diversified Abilities for the last five years; and

**WHEREAS,** Diversified Abilities performance has been satisfactory; and

**WHEREAS,** Funds are included in the Facilities Department budget for FY 2011-2012, and

**WHEREAS,** Funds for years two through five will be requested in the annual budget,

**NOW, THEREFORE, BE IT RESOLVED** that the City of Milwaukie authorizes the City Manager to execute a five year contract with Diversified Abilities in the amount of \$115,000 for Fiscal Year 2011-2012; and necessary funds for subsequent years of the contract for a total not to exceed \$625,000 factoring in an inflation cost of up to 3% in years two through five.

Introduced and adopted by the City Council on June 21, 2011.

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

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

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

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



3.B.

To: Mayor and City Council  
Through: Bill Monahan, City Manager  
From: JoAnn Herrigel, Community Services Director  
Subject: Park and Recreation Board Bylaws  
Date: June 24, 2011

Action Requested

Approve a resolution adopting proposed by laws for the Park and Recreation Board.

History of Prior Actions and Discussions

Section **2.10.050** A of the Milwaukie Municipal Code states that Council “shall adopt bylaws for each board, commission, and committee’s meetings and the performance of its duties. These bylaws shall be reviewed and updated annually by each board, commission, or committee. Bylaws and bylaw revisions shall be reviewed and accepted by Council and approved by Council resolution”.

The Park Board drafted the attached bylaws at their March and April 2011 meetings. The Board shared these bylaws with Council in a May staff report and then discussed them with Council at the June 7, 2011 work session.

The Board proposes that Council now approve the bylaws as written.

Concurrence

The Park Board members and the Community Services Director support the adoption of the attached by laws.

Attachments

Resolution with bylaws attached

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,  
ADOPTING BYLAWS FOR THE MILWAUKIE PARK AND RECREATION BOARD.**

**WHEREAS**, Section 2.10.050 (A) of the Milwaukie Municipal Code states that Council shall adopt bylaws for each board, commission, and committee's meetings and the performance of its duties; and

**WHEREAS**, the Milwaukie Park and Recreation Board developed the attached bylaws at their March and April 2011 monthly meetings; and

**WHEREAS**, the Park Board met with Council in June 2011 to discuss these bylaws and their annual work plan;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby adopts the bylaws drafted by the Park and Recreation Board and recommends that the board adhere to these bylaws.

Introduced and adopted by the City Council on July 5, 2011.

This resolution is effective immediately.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jordan Schrader Ramis PC

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

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

**By Laws  
Park and Recreation Board**

Article I

This Board was established by ordinance # 1696, a copy of which is attached.

Article II

1) Membership consists of seven regular members

2) Members must attend all meetings or notify the Board Chair or staff of absence prior to next regularly scheduled meeting. Frequent absences by a member will be reviewed by the Board and brought to Council's attention when deemed necessary.

3) Four members must be present, for motions to be voted on

Article III

- 1) Officers are Chairman and Vice Chairman
- 2) Chairman presides over the meetings following informal parliamentary procedure outlined in Roberts Rules
- 3) The Chairman works with the staff liaison to develop meeting agendas
- 4) The Vice Chair presides over the meeting in the absence of the Chairman
- 5) Staff liaison takes and prepares minutes of each meeting, keeps attendance records and posts minutes and agendas on the City's web site.
- 6) Meeting agendas shall be distributed to the Board 3 days before the meeting.
- 7) Meeting minutes shall be distributed to Board members within 7 days after a meeting.

Article IV

1) Elections will be held previous to the annual work session with City Council, which will be scheduled for June. Candidates will be nominated from the floor. If there is more than one candidate, a vote will be taken by secret ballot. The candidate receiving the highest number of votes wins.

2) Each successful candidate assumes office on the first day of the month following the election. He/she serves until successor is installed.

3) In the event an officer vacates an office before the end of his/her term, an emergency election will be held to complete the term.

Article V

- 1) Regular meetings will be held each month.
- 2) Special meetings may be called by the Chairman or two members
- 3) Regular meetings may be cancelled if approved by four or more Board members.

**CITY OF MILWAUKIE  
CITY COUNCIL STUDY SESSION  
MARCH 29, 2011**

**Mayor Ferguson** called the Milwaukie City Council study session to order at 5:05 p.m. in the City Hall Conference Room.

Present: Mayor Ferguson, Council President Greg Chaimov and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff present: City Manager Bill Monahan, City Recorder Pat DuVal, Finance Director Richard Seals, Associate Planner Ryan Marquardt, Community Services Director JoAnn Herrigel, and Program Specialist Beth Ragel

**Garbage Rates 101**

**Ms. Herrigel** reviewed the garbage franchise history in the City of Milwaukie and waste collection system types. In 2002 City Council requested a report on solid waste collection alternatives and decided to stay with the franchising model. When a random satisfaction phone survey was done the ratings were very high for all of the haulers. The review goals were to ensure the cost of providing service was reflected in the rate, ensure expenses allowed under the Municipal Code were reasonable, compare cost/revenue to previous year, and determine the rate of return was healthy. She reviewed the rate setting schedule. Milwaukie Municipal Code Chapter 13.24 recognized the Administrative Rules and identified allowable costs. Ms. Herrigel will bring data and a recommendation to the City Council in June for a possible rate increase.

**Councilor Chaimov** appreciated the level of information and found the presentation helpful. He asked if a group such as the Citizens Utility Advisory Board (CUAB) reviewed the rate requests.

**Ms. Herrigel** replied Milwaukie had not had a Solid Waste Commission for 17 years; however the CUAB could be involved in the process which might be very helpful.

**Councilor Miller** asked if each hauler charged the same rate, and how it was decided who served whom.

**Ms. Herrigel** responded that each hauler charged the same rate for each level of service. She discussed the solid waste franchise service areas that were established and mapped in 1990. The only changes since that time were related to annexations. Surveys showed people liked the sense of having small service providers and easy access to the haulers. These haulers also provided collection in other areas in addition to Milwaukie. She anticipated the next question for the Portland area will be curbside collection of organics. She will follow up with the CUAB review question.

**Milwaukie Mural Arts Program**

Arts Committee members present: Dizzy Lavery and Lynn Kelland with staff comments by Ms. Ragel and Mr. Marquardt.

**Mr. Kelland** discussed the program in general, and **Ms. Ragel** commented on the estimated amount of staff time that could go into a program and the potential for grants. Few jurisdictions had formalized a permitting and review process such as Portland and Beaverton.

**Mr. Marquardt** touched on issues related to the mural/not mural question and cautioned that decision cannot be made on the basis of content. The municipal code would have to be amended and criteria established. He saw two options: allowance for murals without a review process or to have more control.

**Ms. Mangle** noted review of the sign code was in the Planning Commission work plan but did not include murals. A number of businesses had inquired about murals, so it was a policy question for City Council as to how much control it wanted.

**Mr. Lavery** discussed the feasibility of a mural project in the industrial area along Rail Road Avenue.

**Councilor Miller** was concerned about putting a great deal of work on staff when there were so many other City goals but did want a system of checks and balances. He felt neighbors should have some kind of control and was curious why the mural had not gone back up on the north side of the Chopsticks building.

**Ms. Mangle** replied that mural was considered a nonconforming sign.

**Councilor Hedges** discussed issues related to art and political statements. He was also concerned that the Neighborhood District Associations (NDA) had not been consulted. The group discussed generally when the time would be right to go to the NDAs with proposals while not putting a lot of work on staff.

Staff present agreed that drafting a program, taking it to the Neighborhoods, and preparing code provisions would be time consuming.

### **Planning and Revitalizing Core Commercial Areas**

**Mr. Asher** provided context for the projects that focused on areas where business was transacted and best served the City Council's goals. These would be the downtown area, 32<sup>nd</sup> Avenue, and the Murphy and McFarland sites. The three touchpoints were the City Council goals, Comprehensive Plan, and the Milwaukie Vision Statement.

The group discussed housing density and diversity, jobs, and the importance of fitting with the existing lifestyle and character of the neighborhoods.

**Mr. Campbell** gave a brief Economic 101.

The group discussed urban renewal, and Councilor Miller expressed his reluctance to place an extra burden on taxpayers.

**Mr. Seals** gave a brief overview of recent legislation setting certain limitations.

**Councilor Loomis** was not embedded in voting against urban renewal but did have questions.

**Councilor Hedges** urged re-use of the old buildings in the downtown area and commented on Safeway's veto power on businesses going into that site.

**Mr. Asher** reviewed the work plan element and discussed Metro's construction excise tax (CET) program and pending litigation. He suggested using Metro funds for planning. The group discussed budget implications of the CET grant program and possible budget implications.

**Mr. Monahan** discussed the proposed resolution before the City Council next week related to public area requirements. The group discussed those budget implications.

**Communication Plan and Retreat**

The City Council discussed how items were placed on the agenda and the need to be aware of possible budget implications when using staff time. The group discussed potential times for a retreat.

The study session ended at 8:20 p.m.

Respectfully submitted,

---

Pat DuVal, Recorder

**MINUTES  
MILWAUKIE CITY COUNCIL WORK SESSION  
MAY 3, 2011**

**Mayor Ferguson** called the work session to order at 6:00 p.m. in the City Hall Council Chambers.

Council Present: Mayor Jeremy Ferguson, Council President Greg Chaimov, and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff Present: Acting City Manager Pat DuVal and Engineering Director Gary Parkin

Board Members Present: Charles Bird, Chair, Bob Hatz, Vice-Chair, Mike Sclar, and Beth Kelland

**Annual Work Session with Citizens Utility Advisory Board**

**Mr. Parkin** said per Council's, the Board's focus was to make sure the utility rate structure was, to review transportation needs particularly the Street Surface Maintenance Program (SSMP), and to review the capital improvement plans (CIP).

**Mr. Bird** discussed adding street surface to the work plan and portfolio. The engineering staff took the unique approach of building from a zero base to find what was really needed. He noted the impact of light rail and how it skewed the City's capital planning.

Master plans focused the engineering department on long term thinking. Mr. Parkin brought forward the North East Sewer Extension (NESE) for Board consideration. The Board would like to have the Street Surface Maintenance Program (SSMP) included in its work plan to ensure it was accumulating appropriate amount of money as the program developed. Wastewater treatment could not be divorced from the treatment issue because it impacts rates in a great and unknown way. The Board wanted to continue to focus on assets which were the pipes and integrate that with the sewer rates. The Board put together a recommendation for the rates. The recommendation was for one year, but the Board was also thinking about multiple years in terms of annual rates.

**Mr. Parkin** asked Council for direction on what role it saw the CUAB playing in wastewater treatment rates.

The group discussed meeting with County Commission Savas on wastewater treatment issues.

**Mr. Parkin** added the Board had background on issues that might benefit the City Council.

**Mr. Bird** agreed the Board hoped to be useful in that capacity. They had looked at elements such as a gray water policy and water treatment as those issues had an impact on utilities. The CUAB was interested in conservation while maintaining the level of service

**Councilor Miller** asked how the Board came up with the rate increases. Water for example was 15.5% and wastewater and storm were about 7%. What was the analysis.

**Ms. Kelland** looked at what was most critically needed plus the increases adopted in the previous five years. Some of the automatic increases had tapered off over the last few years.

**Mr. Bird** observed the focus had been on wastewater which diverted attention from other areas.

**Mr. Parkin** explained from the staff side each of the utilities brought forward a schedule of improvements to ensure the integrity of infrastructure. In water, for example, they looked at unlined cast iron pipes which were an issue of water quality and needed to be replaced on a certain schedule. When staff brought that information to the table plus projects that needed immediate attention, the CUAB worked to level out the rate increases. In wastewater the old clay pipes were particularly affected by light rail.

**Councilor Miller** asked if there was any involvement with the Neighborhood District Associations (NDA) before a formal recommendation was formed.

**Ms. Kelland** replied unfortunately not, and no one attended the Board meetings either.

**Mr. Bird** added many Board members were active in their NDAs.

**Ms. Kelland** also attends the NDA leadership meetings.

**Councilor Hedges** was interested in the gray water aspect as it will come up in the Water Providers Consortium.

**Mr. Bird** defined it locally as water that has been used for an application such as laundry and is different from black water. Black water was water used in a bathroom lavatory to flush the toilet. There are systems for example that use water from the bathroom sink to flush the toilet. Basically it was water used twice. Another use might be water from the treatment plant for irrigation. These systems need to be closely regulated, controlled, and managed. He recommended the City of Milwaukie's taking a proactive approach to the matter.

**Councilor Loomis** appreciated the Board input on the monthly utility bill. It was easier to read and contained more information. On the SSMP, his concern was that the money went to what it should be used for.

**Mr. Bird** assured the City Council that the CUAB felt strongly about that. Each street had been evaluated and they looked to how to fund them. There were old streets in this city, so they were more expensive to maintain. Monies coming in were a great draw to create matching opportunities which was what responsible cities did. Roads are improving but we need to keep the program going.

**Councilor Chaimov** thanked the Board for its good work on tough issues. He suggested that Commissioner Savas talk with the CUAB so everyone had the same information. He encouraged the Board to take the initiative to bring programs, such as gray water, to the City Council for consideration.

**Councilor Loomis** looked forward to the CUAB's work with Commissioner Savas and reach a solution.

**Mayor Ferguson** adjourned the work session at 6:45 p.m.

Respectfully submitted,

---

Pat DuVal, Recorder

**MINUTES  
MILWAUKIE CITY COUNCIL WORK SESSION  
MAY 17, 2011**

**Mayor Ferguson** called the work session to order at 5:00 p.m. in the City Hall Council Chambers.

Council Present: Mayor Jeremy Ferguson, Council President Greg Chaimov, and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff Present: City Manager Bill Monahan and Police Chief Bob Jordan

**City Manager's Report**

**Mr. Monahan** provided a City Manager's update.

**Mayor Ferguson** recessed the work session at 5:08 p.m. to go into executive session pursuant to ORS 192.660(2)(h) to consult with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

The work session was reconvened at 5:18 p.m.

**Photo Radar Contract**

**Mayor Ferguson** discussed his feelings on why he does not like photo radar. He had issues with the way the law was written. He talked about outreach possibilities and wanted to determine what the perception of photo radar was. He discussed the idea of a Safety Awareness Campaign.

**Mr. Monahan** reviewed deployment of the radar van in neighborhoods. Although he did not wish to commit to certain percentage of time, but it will be used in neighborhoods and in areas where there were reports of high speeds and issues of safety

**Chief Jordan** proposed over the last year to use a fixed percentage of the proceeds from photo radar for mobile signs in the neighborhoods and to target those areas with motor officers as well as the photo radar van. He asked the Public Safety Advisory Committee (PSAC) and the Neighborhood District Associations (NDA) what other traffic safety programs were wanted and needed. He discussed signage and other changes that could occur. He proposed a part of the net income from photo radar be used for traffic safety programs that are based on data and feedback from the mobile speed signs.

**Mayor Ferguson** did not recall that being part of the presentation. The majority of his issue had to do with how the money was being used.

**Chief Jordan** said a certain portion was delegated to police training, but it ended up in the general fund if not used at the end of the fiscal year. He was not opposed to marketing, but he had no expertise in that area.

**Mayor Ferguson** was thinking Grady Wheeler could assist. He liked Portland's "I Share the Road" program and bumper sticker campaign. He liked the idea of a neighborhood bumper sticker campaign to bring awareness to speed issues. He also suggested signage committed to safety.

**Don Wiley**, PSAC Chair, said the NDA's support the photo radar van and were open to an education program to get people to slow down. He would like to know how many of the tickets were issued to Milwaukie citizens. He suggested a link

on the City website that people could go to learn more about photo radar to limit calls to Council.

**Councilor Miller** was not a fan of photo radar but thought the plan could work as long as it was in conjunction of other types of neighborhood enforcement. Photo radar was impersonal and invasive. Could the length of time it takes a person to get a ticket be shortened? He was not opposed to having it in school zones. If the City developed an educational plan, with different facets of controlling speeds, he would accept photo radar as a total package. He wanted to see the money diverted to safety which would make him feel better about photo radar.

**Councilor Loomis** asked why the van can only be in a spot for 4 hours.

**Chief Jordan** replied it was statutory to prevent a speed trap. Digital signs are not permitted on highways because it is not the City's road. He can ask the Oregon Department of Transportation (ODOT), but it was up to them.

**Councilor Loomis** had a problem with the photo radar van. The data did not support that speeds were reduced. The van did not deter anything other than speeders. He believed it is an awareness issue on highways. It seemed to him it was about the money.

**Mayor Ferguson** hoped to start a public awareness campaign that would reduce photo radar revenue. The money should not just go into the general fund.

**Councilor Hedges** supported the Chief's request to not put limitations on how they used the equipment.

**Mayor Ferguson** would like to see traffic engineering harmonics.

**Mr. Monahan** said during discussions on the photo radar contract he heard commitment to work with PSAC to develop a program for higher awareness for safety within their discretion.

**Chief Jordan** queried the police report system and provided a summary of calls related to the Sunny Corner market. The owner is calling as many times as others to report accidents, vandalism, and things of that nature. The police participate in an alcohol and cigarette sting once per year using cadets, and there have been no problems.

**Councilor Hedges** was concerned that the market was selling to adults who passed on alcohol to minors.

**Chief Jordan** acknowledged there had been such calls.

**Councilor Loomis** said the person breaking the law was the adult not the store owner.

**Mr. Ramis** advised that the Council can participate by making its point known, but it was an OLCC decision.

**Councilor Miller** asked what responsibility the owner had once he sold the alcohol and it left the building.

**Mr. Ramis** said they have to have intent.

**Ms. Weaver** said there had been a beverage recalled that should have been removed, but it was still on the shelves long after the recall.

### **Monthly Neighborhood District Association Dialogue**

In attendance: Dion Shepard - Historic Milwaukie, Mary Weaver - Hector Campbell, Beth Kelland - Linwood, Linda Hedges - Hector Campbell, Ray Bryan

**CITY COUNCIL WORK SESSION - MAY 17 2011**

**DRAFT MINUTES**

Page 2 of 3

– Historic Milwaukie, JoAnne Bird - Island Station, Jeff Davis - Ardenwald, Pepi Anderson - Lewelling, Bryan Dorr - Ardenwald, Matt Rinker - Ardenwald

**Ms. Bird** was surprised the photo radar van came up as a negative issue since the NDAs had voted twice in support. She liked the LED signs, which reduced speeders from 66% to 6%. Island Station was trying to create a safe passage for kids and hoped to see the radar van continue.

**Mr. Rinker** appreciated the email from Mayor Ferguson. The worry was the perception of a speed trap and there are other ways to nurture traffic safety. He did not think they are mutually exclusive approaches. The van serves as a reminder to people, and he encouraged keeping it. People who got tickets deserve them.

**Ms. Shepard** was supportive of the photo radar van. She noticed a change in traffic behavior since it had been gone. When she drives the speed limit people pass her. The behavior needs to change again. She urged photo radar education and LED lights in school zones. Her neighborhood had talked about decoy vehicles.

**Ms. Kelland** was disappointed this issue came up again. The NDA's, PSAC, and the Chief unanimously supported it. They did not care about perception. Linwood supported keeping the van.

**Ms. Anderson** reiterated that the Lewelling Neighborhood supported continuing the van. She like the safety aspect, but the Chief should not be told how to use the tool. She noted the speed sign made a huge difference on Stanley Avenue. People watch for the van and it does not lower speeds

**Ms. Weaver** hoped the information she provided was helpful. She requested that any time Council had gotten so much feedback from citizens but changed course that they needed to go back to the public to discuss it.

**Councilor Loomis** said the point of the LED sign was to change behavior and that is what he supports. He thought it was an awareness issue and alternatives that were not punitive.

**Ms. Kelland** commented on related insurance premium increases.

**Ms. Anderson** would like a mechanism to send warnings to citizens that are habitual problems.

**Mr. Dorr** discussed the issue of where to park the van. Occasionally the motorcycle parked on the sidewalk because there is no place on the street.

**Councilor Hedges** added the van was on the highways which left officers free to police the neighborhoods.

**Ms. Shepard** commented the van had not been in place long enough to change behavior. She was surprised that the revenue piece is a big issue. Safety was the main issue for everyone.

**Mayor Ferguson** adjourned the work session at 6:47 p.m.

Respectfully submitted,

---

Juli Howard, Recorder

CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
MAY 17, 2011

3.C.4.

**CALL TO ORDER**

**Mayor Ferguson** called the 2102<sup>nd</sup> meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Greg Chaimov and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, Deputy City Recorder Juli Howard, Police Chief Bob Jordan, Finance Director Casey Camors, and Engineering Director Gary Parkin

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**A. Final Payment of 20-Year Public Safety Building Bonds**

**Ms. Camors** announced the final payment of the 20-year Public Safety Building bonds, and **Mr. Monahan** invited the public to an open house celebrating this event at the Public Safety Building.

**CONSENT AGENDA**

Item D was pulled for discussion due to public comment on item.

It was moved by Councilor Hedges and seconded by Councilor Miller to approve the consent agenda consisting of Items A, B, C, E and F:

- A. Resolution 52-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Adopting Bylaws for the Milwaukie Citizens Utility Advisory Board;
- B. Resolution 53-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Michael Sclar to the Milwaukie Citizens Utility Advisory Board
- C. Resolution 54-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Approving Two Amendments to the Cooperative Intergovernmental Agreement between the Library District of Clackamas County and Member Cities and Authorizing the City Manager to Execute the Same.
- E. City Council Minutes:
  - 1. March 15, 2011 Regular Session
  - 2. April 5, 2011 Regular Session
  - 3. April 19, 2011 Regular Session
- F. OLCC Application for Sunny Corner Market, 5010 SE Monroe Street, change of ownership

Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting "aye." [5:0]

**Mr. Monahan** understood there would be comments regarding the award of contract for the decant facility and suggested the City Council make its decision after hearing those comments.

## **AUDIENCE PARTICIPATION**

**Kirin Das Bala**, Milwaukie, discussed issues with her water bill and low income application which she wished to submit without providing her social security number.

**Les Poole**, Clackamas County, discussed light rail issues and remarked on the lack of response related to the Trolley Trail and park land.

**Mike Vitello**, Moore Underground, Inc. spoke about the Decant Facility Bid Award. Although the low bidder, Moore Underground, was not awarded the contract. Moore Underground was pre-qualified, but due to an oversight they were not qualified at the time the bid was submitted. The company was on the City's small contractor roster and had done work for the City in the past.

**Mr. Parkin** explained the City had been told by the Oregon Department of Transportation (ODOT) that Moore was not pre-qualified which according to the City's purchasing policy was grounds for disqualification. The Engineering Department did not wish to set a precedent by waiving the pre-qualification, so staff recommended the second lowest bidder who was pre-qualified. He discussed the bid challenge process. He recommended the contract be awarded to Nutter Corporation.

**Mr. Ramis** added the City's rule was clear that pre-qualification was required.

**Mr. Monahan** stated it was difficult to issue such a letter of pre-qualified after the fact. Any notice had to state correctly the facts of the matter. In this case the pre-qualification did not exist at the time of the bid opening.

**It was moved by Mayor Ferguson and seconded by Councilor Chaimov to approve the resolution authorizing the City Manager to sign a contract with Nutter Corporation for the Construction of Decant Facility Phase II. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting "aye." [5:0]**

### **RESOLUTION 55-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH NUTTER CORPORATION FOR THE CONSTRUCTION OF PHASE II OF THE DECANT FACILITY PROJECT.**

## **PUBLIC HEARING**

None scheduled

## **OTHER BUSINESS**

### **A. Agent of Record for Worker's Compensation Plan**

**It was moved by Councilor Chaimov and seconded by Councilor Loomis to adopt the resolution designating Beecher Carlson as the Agent of Record for the City's Worker's Compensation Plan. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, Miller and Mayor Ferguson voting "aye." [5:0]**

### **RESOLUTION 56-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DESIGNATING BEECHER CARLSON AS THE AGENT OF RECORD FOR ITS WORKER'S COMPENSATION PLAN.**

### **B. Photo Radar Contract Authorization**

**Mr. Monahan** briefly reviewed the background on the proposed contract between the Milwaukie Police Department and ACS and discussions that had taken place since the May 3, 2011, City Council meeting. He recommended the City Council approve the contract with ACS and while the van was being upgraded to digital that Chief Jordan and the Public Safety Advisory Committee (PSAC) develop a traffic safety strategy.

**Lisa Batey**, Milwaukie Island Station Neighborhood, reaffirmed her support for the photo radar van and said the Island Station Neighborhood supported its continued use. She noted when the electronic speed signs were set to capture data statistically on River Road 66% of the cars were going 36 mph or 11 mph over the speed limit and 33% were going 46 mph. She thought speeding had increased noticeably without the van's being present. When the LED signs were set to show speeds roughly 30% of the drivers were still going 10-11 mph over the speed limit.

**It was moved by Councilor Chaimov and seconded by Councilor Hedges to authorize the City Manager to sign a contract with ACS for photo radar enforcement.**

The group discussed the Chief's commitment to developing a traffic safety strategy with PSAC.

**Motion passed with the following vote: Councilors Chaimov, Hedges, and Miller and Mayor Ferguson voting "aye" and Councilor Loomis voting "no." [4:1]**

### **C. Establish Public Area Requirement Grant Program**

**Mr. Monahan** referred to the staff report and resolution that reflected the City Council's May 3, 2011, discussion of establishing a grant program where the City would provide funding for a limited number of private development efforts in the downtown area. Staff would review the public area requirements (PAR) and return to City Council with recommendations.

**Mayor Ferguson** requested a brief recess so the City Council members could review the staff report and proposed resolution.

**Mr. Monahan** continued the City Attorney prepared the proposed resolution based on the City Council's discussions.

**Councilor Miller** asked if the grant program covered transportation costs.

**Mr. Monahan** replied it only covered PARs and not system development charges (SDC). A property owner interested in the grant program had communicated with staff, and based on the building permit application staff was able to calculate the PAR amount. SDCs were a different section of the municipal code and not covered by this proposed grant program. There is direction to staff to review the PARs and return to the City Council to discuss its findings and provide a recommendation.

**It was moved by Councilor Miller and seconded by Councilor Loomis to approve the resolution establishing a temporary economic development grant for offsetting part of the public area requirements of Milwaukie Municipal Code Section 19.312.5 for the period May 17, 2011 to July 1, 2011. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting "aye." [5:0]**

#### **RESOLUTION 57-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING A TEMPORARY ECONOMIC DEVELOPMENT GRANT FOR OFFSETTING PART OF THE PUBLIC**

CITY COUNCIL REGULAR SESSION – MAY 17, 2011

DRAFT MINUTES

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**AREA REQUIREMENTS OF MMC 19.312.5 FOR THE PERIOD OF MAY 17, 2011, TO JULY 1, 2011.**

**D. Council Reports**

The Mayor and Councilors reported on meetings they had attended on behalf of the City and announced upcoming community events.

**Mr. Monahan** announced the City Council retreat would take place in a study session on June 4, 2011.

**ADJOURNMENT**

**It was moved by Mayor Ferguson and seconded by Councilor Hedges to adjourn the meeting. Motion passed with the following vote: Councilors Chaimov, Hedges, Loomis, and Miller and Mayor Ferguson voting “aye.” [5:0]**

**Mayor Ferguson** adjourned the regular session at 8:07 p.m.

Respectfully submitted,

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Juli Howard, Deputy Recorder

**MINUTES  
MILWAUKIE CITY COUNCIL WORK SESSION  
JUNE 7, 2011**

**Mayor Ferguson** called the work session to order at 5:00 p.m. in the City Hall Conference Room.

Council Present: Mayor Jeremy Ferguson, Council President Greg Chaimov, and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff Present: City Manager Bill Monahan, Community Development and Public Works Director Kenny Asher, Planning Director Katie Mangle, Community Services Director JoAnn Herrigel

**City Manager's Report**

**Mr. Monahan** gave an agenda update including budget items. City Council members indicated no concerns. He talked about the community booth sign-up sheet. He updated the City Council on the Happy Valley annexation proposal and reported that Providence requested continuance to August. Damien Hall attending the Happy Valley hearing for standing. The meeting with Paul Savas on wastewater was still pending. Tim Salyers sent a code enforcement letter to a 42<sup>nd</sup> Avenue resident for planting inappropriate trees in the public right-of-way.

**Update on Community Development Projects**

**Mr. Asher** provided a memo summarizing the active projects. Ms. Mangle reviewed planning projects including the Natural Resources Code and Map Amendment, residential development standards, and land use and development review. She noted the public area requirements and commercial core enhancement project (CCEP) with more detail in about a month.

**Mayor Ferguson** discussed the City logo on clothing.

**Mayor Ferguson** recessed the work session at 5:28 p.m. to meet in executive session pursuant to ORS 192.660(2)(h) to consult with legal counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed. The work session resumed at 6:02 p.m.

**South Downtown Plan**

South Downtown Steering Committee members present: Dave Aschenbrenner and Mark Gamba

**Mr. Asher** and **Ms. Mangle** reviewed the actions related to the downtown, beginning with the Downtown Framework Plan. It is now really timely and bordering on urgent for the City Council to provide some direction.

**Ms. Mangle** said through design of the light rail project she and Mr. Asher have been representing the City at TriMet as being sensitive with Pattern Language as guiding light. The project will rebuild 21<sup>st</sup> Avenue and likely Lake Road. She discussed property owners interested in making changes to their properties and the need to determine the vision.

**Mr. Gamba** was a member of the Group of 9 who work with Christopher Alexander on developing the Pattern Language for the South Downtown area through interviews with Milwaukie citizens. More citizens were involved in the subsequent process with Walker Macy. He felt this was the right direction for Milwaukie. Light rail will be there and it is a fact of life and a huge economic

**CITY COUNCIL WORK SESSION – JUNE 7, 2011**

**DRAFT MINUTES**

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engine with potential to do something good. Right now the South Downtown was kind of a wasteland but had a lot of potential. He believed the City was on the right track.

**Mr. Aschenbrenner** thought this was an interesting plan with unique elements. It was a good plan and layout that needed to be implemented. He was anxious to see it move forward.

**Councilor Miller** observed the Plan was not without discussion and differences of opinion.

**Councilor Hedges** thought it was a was a nice dream and that the concept was a good one. It did not have his support if the City had to foot the bill because of the other street and sidewalk needs in Milwaukie. He did not see the point in building something else the City cannot maintain. He would support private development. There was already too much outstanding in the City.

**Councilor Loomis** liked this concept which brought more creativity over the Downtown Framework.

**Councilor Chaimov** would support what Mr. Gamba and Mr. Miller could agree upon.

**Ms. Mangle** will address public area requirements and Commercial Core Enhancement Plan.

**Mr. Asher** thought that was a separate question. Someone, namely TriMet, would have to build something in that area, probably a break that changed the concept but did not commit the City to paying for any portion of it.

**Mayor Ferguson** liked the concept.

**Councilor Hedges** found the guidelines very acceptable but was not agreeable to spending the money to build it. It incorporated some of the great attributes of the downtown. The Downtown Framework was done before light rail, and that was the problem.

**Mr. Asher** responded TriMet has not been precluded from doing something because of the Plan. It was possible with the light rail project and South Downtown work that this was the public living room of the future. He felt it had a positive effect on the light rail project.

**Ms. Mangle** will return in August or September with this as the City's vision of that area.

#### **Joint Work Session with Park and Recreation Board**

Park and Recreation Board members present: Bob Cooper, Mart Hughes, and Sherri Dow.

**Ms. Herrigel** reported the Board meets on a monthly basis rather than identifying specific day. She discussed the work plan that included NDA visits, park visits, and events including the recent Arbor Day Event. The local share funding remaining from the 2005 ballot measure was \$76,000 for a park to be identified and purchased south of Lake Road. They need to target that again. When the Park District updates its master plan, Milwaukie will want to be a part of that.

**Mr. Hughes** spent a lot of time in developing the work plan and what had been accomplished and addition of new elements. He discussed the importance of the master plan and that taxpayers should get fair share.

**Mr. Cooper** was enthusiastic about the Board's sharing its knowledge with the neighborhoods.

**Ms. Dow** agreed. She thought it was interesting to walk to some of the parks and find out how they were being used. She liked the activities and getting other people involved.

**Councilor Miller** attended the Board's meetings and found members to be very dedicated. He was sure the Board would follow through on direction and valued the input to the District Board and District.

**Councilor Hedges** was pleased that the Board would attend the NDA meetings.

**Councilor Loomis** thought the Board did a lot to make a better community and appreciated involvement with the District Advisory Board.

**Councilor Chaimov** appreciated the Board's good work and recognition of the importance of Milwaukie's getting its fair share.

**Mayor Ferguson** agreed and appreciated the Board's dedication to the community. They lead by example by going to the NDA meetings.

**Ms. Herrigel** noted Ms. Dow, as a Clackamas County employee, had coordinated the Down to Earth Day event.

**Metropolitan Area Communications Commission Intergovernmental Agreement (IGA) Discussion**

This item was postponed to a future agenda.

**Mayor Ferguson** adjourned the work session at 6:54 p.m.

Respectfully submitted,

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Pat DuVal, Recorder

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
JUNE 7, 2011**

**3.C.6.**

**CALL TO ORDER**

**Mayor Ferguson** called the 2103<sup>rd</sup> meeting of the Milwaukie City Council to order at 7:07 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Greg Chaimov and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, Finance Director Richard Seals, Finance Director Casey Camors, Code Compliance Assistant Sarah Lander, Planning Director Katie Mangle, and IST Director Esther Gartner

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**A. Community Emergency Response Team (CERT) Graduates**

Mayor Ferguson and Councilors honored recent Community Emergency Response Team (CERT) graduates David Aschenbrenner, Jean Baker, Joe Nonne, Chris Pease, Tracy Pease, Vicki Robbins, Jo Anne Bird, and Milwaukie CERT Coordinator Linda Hedges. Not able to attend were: Pepi Anderson, Richard Baker, Charles Bird, Tyler Franzen, Laura Hansen, Nick Harris, Heidi Owens, Sonja Souder, Tiffany Warren and Toni Cline.

**B. Truancy Court and School Resource Officer (SRO) Programs**

**Mark Pinder**, Milwaukie High School Principal, discussed the Truancy Court and School Resource Officer (SRO) Programs. He reviewed the truancy intervention numbers and was pleased to note a 91.97% average daily membership. Mr. Pinder provided a brief overview of the attendance process. The School Resource Officer was in that line of work to help people through their issues, and he was an excellent ambassador. He commented that marijuana was a major issue at Milwaukie High School.

The Mayor and Councilors expressed their appreciation of Mr. Pinder's work at Milwaukie High School and commented on the value of the relationship between the City and the High School.

**C. Parking Update**

**Ms. Lander** updated the City Council on the recently-implemented block rule, signage, and outreach efforts. Enforcement officially began April 1 and began with warnings. To date no citations had been issued, but there has been substantial effort put toward education. She anticipated the number of parking permit applications would increase over time. The final implementation element would be maintenance or clarification of pavement markers that would be done during the summer.

**Councilor Hedges** asked if implementation if the block rule had freed up many parking spaces.

**Ms. Lander** replied there appeared to be more spaces available but some drivers may be opting for other modes of transportation. Staff plans to do a full parking update in September.

## **CONSENT AGENDA**

It was moved by Councilor Hedges and seconded by Councilor Loomis to approve the consent agenda as presented:

- A. Resolution 58-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Establishing Authority to Enter into an Agreement with Clackamas County Service District #1 (District) Regarding Construction Costs and Future Ownership and Maintenance of Two Sanitary Sewer Lines that Are Elements of the NE Sewer Extension Project; and**
- B. City Council Minutes of the March 15, 2011 Work Session.**

Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting “aye.” [5:0]

## **AUDIENCE PARTICIPATION**

**Kirin Das Bala**, Milwaukie, submitted her utility billing information to Mr. Monahan.

**Melissa Mattern**, Milwaukie, asked if there would there be a discussion of the medical marijuana dispensary being proposed in the Island Station Neighborhood. Mayor Ferguson replied the City Council would comment on the matter later in the meeting.

**Les Poole**, Clackamas County, did not believe the proposed elevated light rail structure would survive any kind of a process. He advised the City it was obvious the whole extension needed to be reconfigured regardless of the cost. He had spoken with those who understood land use laws, and the need to follow the locally preferred alternative (LPA). This was a regional issue, and it was ironic the structure would be in the Island Station Neighborhood which was part of the City of Milwaukie. It was time to talk about a minimum operating segment (MOS) because the project was probably short \$50 - \$60 million.

**Mayor Ferguson** said in regard to the business being proposed on River Road, the City was in ongoing conversations with the business owner to determine conformance with the municipal code. More information will be provided to the community as matters were clarified.

## **PUBLIC HEARING**

### **A. State Revenue Sharing**

**Mayor Ferguson** called the public hearing on the City’s election and qualifications to receive State Revenue Sharing to order at 7:46 p.m. The purpose of the hearing was to consider resolutions which effected the City’s receipt of its share of State revenues during fiscal year 2012 and to hear public comment.

**Mr. Seals** and **Ms. Camors** provided the staff report. These were general monies of the State requiring hearings at the Budget Committee level and the City Council. Milwaukie was eligible to receive approximately \$180,000.

**Mayor Ferguson** reviewed the conduct of the hearing.

Correspondence: None.

Audience Testimony: None.

Staff Comments: No further comments needed.

Questions of Clarification: None.

**Mayor Ferguson** closed the public testimony portion of the hearing at 7:49 p.m.

**It was moved by Councilor Miller and seconded by Councilor Loomis to adopt the resolution declaring the City's election to receive State Revenue Sharing funds (general funds of the State) for fiscal year 2012. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov, and Mayor Ferguson voting "aye." [5:0]**

**RESOLUTION NO. 59-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE CITY OF MILWAUKIE'S ELECTION TO RECEIVE STATE REVENUE SHARING FUNDS (GENERAL FUNDS OF THE STATE) FOR THE FISCAL YEAR 2012.**

**It was moved by Councilor Miller and seconded by Councilor Hedges to adopt the resolution certifying the City was eligible to receive State Shared Revenues (cigarette, liquor, 911, and highway gas taxes) because it provides four or more municipal services. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov, and Mayor Ferguson voting "aye." [5:0]**

**RESOLUTION NO. 60-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IS ELIGIBLE TO RECEIVE STATE SHARED REVENUES (CIGARETTE, LIQUOR, 911, AND HIGHWAY GAS TAXES) BECAUSE IT PROVIDES FOUR OR MORE MUNICIPAL SERVICES.**

**B. BUDGET HEARING – FISCAL YEAR 2012**

**Mayor Ferguson** called the public hearing on the fiscal year 2012 budget and fees and charges for fiscal year 2012 to order at 7:51 p.m. The purpose of the hearing was to consider public comment on the proposed resolution adopting the budget, making appropriations, and declaring and categorizing taxes for fiscal year 2012 and setting fees and charges for fiscal year 2012.

**Mr. Seals** and **Ms. Camors** provided the staff report and described the fund reorganization process. Mr. Seals provided a breakdown of the budget based on fund percentages and described the City's progress in meeting adopted financial policy goals. The Milwaukie Budget Committee approved the FY 2012 Budget on April 28, 2011, in the amount of \$44 million. He noted the approved budget included utility rate adjustments that would increase residents monthly bills by approximately \$5.70.

**Mayor Ferguson** reviewed the conduct of the hearing

Correspondence: None.

Audience Testimony: **Joseph Kelly**, Milwaukie, expressed his opposition to the utility rate increases effective July 1. These were very difficult economic times, and he felt it was a bad time to increase any fees. There seemed to be a disconnect with the community.

**Sherry Kelly**, Milwaukie, spoke in opposition to the utility rate increases and asked why the citizens had not voted on this matter. She requested an amendment or delay on these rate increases.

**David Aschenbrenner**, Milwaukie, Budget Committee Chair, expressed his appreciation for the Finance Department team. It was a challenging process, but he felt the approved budget addressed the City's needs in order to keep the facilities and services from faltering.

Staff Comments: **Mr. Seals** explained historically cities were not required to put fees out to a vote as citywide infrastructure needs were considered fundamental services and not conducive to that requirement. Citizens Utility Advisory Board (CUAB) reviewed the rates and its recommendation was incorporated into the Budget. He noted that Board members, as well as the Mayor and Councilors, were all Milwaukie residents. Some increases were mitigated down in order to achieve a system of smooth incremental increases.

Correspondence: None.

Questions of Clarification: None.

**Mayor Ferguson** closed the public testimony portion of the hearing at 8:05 p.m.

**Councilor Loomis** understood the Kelly's comments and encouraged them to apply for a position on the CUAB. He added it was important to maintain the integrity of the City's infrastructure.

**Councilor Miller** understood the Kelly's concerns and added the City Council and CUAB members got the same rate increases as did all City residents. It was important to maintain the infrastructure and not have to pay more later if there were problems. Although few attended this hearing many people had emailed him about the rate increases.

**Councilor Hedges** understood the Kelly's concerns as he too lived on a fixed income. He had been persuaded the increases were needed. The water rate had not increased for 3 years, and repairs needed to be funded. The Clackamas County Fire District #1 required a certain level of hydrant maintenance, and the proposed increase would help the City comply with those standards. Next year, however, he would not support increasing fees and charges without making cuts in other areas of the City's budget.

**Councilor Chaimov** thanked staff and citizens for their work on putting together a difficult budget.

**Mayor Ferguson** added that the CUAB reviewed infrastructure conditions and funding needs. He believed the rate proposal was the best decision for the City and its residents.

**It was moved by Councilor Hedges and seconded by Councilor Chaimov to adopt the resolution adopting the City budget, capital improvement plan, and master fees and charges schedule for the fiscal year commencing July 1, 2011, making appropriations, levying ad valorem taxes, and classifying the levy pursuant to Section 11b, Article XI of the Oregon Constitution with the following change that on page 48, in regards to the \$100,000 line-item for Economic Development Initiatives, that the underlying uses making up this appropriation line-item are all brought back for Council discussion and approval prior to being spent. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov, and Mayor Ferguson voting "aye." [5:0]**

**RESOLUTION 61-2011:**

**A RESOLUTION ADOPTING THE CITY OF MILWAUKIE BUDGET, CAPITAL IMPROVEMENT PLAN (CIP), AND MASTER FEES AND CHARGES SCHEDULE FOR THE FISCAL YEAR COMMENCING JULY 1, 2011, MAKING APPROPRIATIONS, LEVYING AD VALOREM**

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**TAXES, AND CLASSIFYING THE LEVY PURSUANT TO SECTION 11b,  
ARTICLE XI OF THE OREGON CONSTITUTION.**

**OTHER BUSINESS**

**A. Northeast Sewer Extension Project Area Expedited Annexations (Annexation Assistance Batch #2) – Ordinance**

**Ms. Mangle** provided the staff report. She indicated the properties on a map and reviewed the elements of the NE Sewer Extension Project. The annexation of these 18 properties was accomplished through the City’s assistance program. The properties would retain their current low density residential designation and be withdrawn from certain service districts. The proposed annexation met all State and local requirements.

**Councilor Miller** asked if annexation of the properties represented a major expense to the City.

**Mr. Parkin** replied those property owners connecting to sewer would be responsible for those costs. Further the properties would be added to the City tax rolls.

**It was moved by Councilor Chaimov and seconded by Councilor Loomis for the first and second readings by title only and adoption of the ordinance annexing multiple tracts of land into the City limits of the City of Milwaukie and withdrawing them from several service districts. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov, and Mayor Ferguson voting “aye.” [5:0].**

**Mr. Monahan** read the ordinance two times by title only.

**Ms. DuVal** polled the City Council with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov, and Mayor Ferguson voting “aye.” [5:0].

**ORDINANCE NO. 2030:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE ANNEXING MULTIPLE TRACTS OF LAND INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THEM FROM SEVERAL SERVICE DISTRICTS AS DESCRIBED BELOW (FILE #A-10-04)**

**B. Contract Award for Voice over Internet Protocol (VoIP) Telephone System – Resolution**

**Ms. Gartner** provided the staff report. The telephone system was a critical element of City’s infrastructure. The current phone system was obsolete and not serviceable. She reviewed the process for the replacement of the 17-year old system currently being used. After going through the bid process, KRP had the highest rating among those who evaluated the bids and also came in as the lowest bidder. At this time the VoIP system was only internal because at this point in time most providers were not sophisticated enough to also go external. She estimated the system would be operating in August. She described the ability for staff to quickly make changes because the system was software based.

**It was moved by Councilor Chaimov and seconded by Councilor Hedges to adopt the resolution authorizing the City Manager to sign a contract with KRP Communications for the purchase and implementation of a voice over internet protocol telephone replacement system. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov, and Mayor Ferguson voting “aye.” [5:0]**

**RESOLUTION NO. 62-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH KRP COMMUNICATIONS FOR THE PURCHASE AND IMPLEMENTATION OF A VOICE OVER INTERNET PROTOCOL TELEPHONE REPLACEMENT SYSTEM.**

**C. Council Reports**

The Mayor and Council reported on meetings they had attended on behalf of the City and announced upcoming community events.

**ADJOURNMENT**

**It was moved by Councilor Chaimov and seconded by Councilor Miller to adjourn the meeting. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov, and Mayor Ferguson voting “aye.” [5:0]**

**Mayor Ferguson** adjourned the regular session at 8:43 p.m.

Respectfully submitted,

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Pat DuVal, Recorder

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
JUNE 21, 2011**

**3.C.7.**

**CALL TO ORDER**

**Council President Chaimov** called the 2104<sup>th</sup> meeting of the Milwaukie City Council to order at 7:07 p.m. in the City Hall Council Chambers.

Present: Council President Greg Chaimov and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Excused: Mayor Ferguson

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, Community Services Director JoAnn Herrigel, Milwaukie Police Chief Bob Jordan, Civil Engineer Jason Rice, Civil Engineer Brad Albert, Nicole West, Associate Planner Ryan Marquardt, Engineering Director Gary Parkin

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**A. Board and Commission and Neighborhood District Association Leadership Recognition**

**Council President Chaimov** and Councilors recognized Neighborhood District Association (NDA) leaders and Board and Commission Officers stepping down from office. These were Jeff Klein who served as the Lewelling NDA Chair since 2006 as well as the Planning Commission Chair; Wanda Drendel who served as the Linwood NDA Secretary since 2006; Eric Perkins who serviced as the Island Station NDA Chair from March 2010 to March 2011; Luke Viera who served as the Island Station NDA Secretary from March 2010 to March 2011, Elise Azevedo who served as the Island Station Secretary from March 2010 to March 2011; and Kathy Buss who served as the Lake Road Treasurer for the last six years.

**B. Milwaukie Bikes for Kids Program Recognition**

**Chief Jordan** presented Milwaukie Police Officer Billy Wells with the Meritorious Service Medal for his work in the community and particularly for the effort he applied to initiating the Milwaukie Bike for Kids Program.

Eric Deady, owner of the Bike Commuter in Sellwood, was awarded the Distinguished Citizen Service Award for voluntarily rehabilitating and fitting the bikes given away in the program.

**CONSENT AGENDA**

It was moved by Councilor Hedges and seconded by Councilor Miller to approve the consent agenda consisting of:

- A. City Council Minutes of:**
1. February 22, 2011 Study Session;
  2. April 5, 2011 Work Session;
  3. April 19, 2011 Work Session; and

#### 4. May 3, 2011 Regular Session.

**Motion passed with the following vote: Councilors Loomis, Miller, Hedges, and Council President Chaimov voting “aye.” [4:0]**

### **AUDIENCE PARTICIPATION**

**Vincent Alvarez**, Milwaukie, noted the statewide ban on plastic bags had not been successful in the 2011 Legislature. He encouraged to the Milwaukie City Council to take the lead along with the City of Portland to look for options for single-use plastic bags.

**Greg Bowman** urged that the Milwaukie City Council move forward with a ban on single use plastic bags and possibly expand that ban to include Styrofoam carryout containers.

**Mark Gamba**, Milwaukie, spoke in support of Milwaukie’s joining the City of Portland in banning the bag locally. He felt the biggest issue was that plastic bags ended up in the ocean. He also supported looking at Styrofoam containers and urged Milwaukie to do its part.

The group discussed having this matter as a work session agenda item in August. Council President Chaimov suggested it would be helpful to address loopholes identified in the proposed State bill.

### **PUBLIC HEARING**

#### **A. Milwaukie Municipal Code Amendments 19.321.7 and 19.321.3**

**Mr. Monahan** reviewed the history of the proposed amendments and recommended continuing the hearing to a date certain of July 19, 2011.

**Council President Chaimov** said based on the discussions in this evening’s work session he felt it might be more the City Council’s pleasure to discontinue the amendment as a demonstration of good faith in its talks with Clackamas County regarding wastewater treatment.

**It was moved by Council President Chaimov and seconded by Councilor Hedges to discontinue consideration of Milwaukie Municipal Code Amendments 19.321.7 and 19.321.3.**

**Councilor Hedges** felt this action would help smooth the waters for sewer negotiations and show good faith in discussions with Clackamas County related to Riverfront Park access.

There was no public comment on this agenda item.

**Council President Chaimov** closed the public testimony portion of the hearing at 7:28 p.m.

**Ms. DuVal** polled the City Council with the following vote: Councilors Loomis, Miller, and Hedges and Council President Chaimov voting “aye.” [4:0]

**Mr. Monahan** would convey this message to Clackamas County and resume discussions of Riverfront Park access.

#### **A. Wastewater Master Plan, File CPA-10-02 -- Ordinance**

**Council President Chaimov** called the public hearing to order at 7:30 p.m.

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The purpose of the hearing was to consider an ordinance to adopt proposed amendments to the Comprehensive Plan which included adopting the 2010 Wastewater Master Plan as an ancillary document and amending Chapters 3, 4, and 5. Council President Chaimov reviewed the hearing procedure.

No potential or actual conflicts of interest were declared. No member of the audience made any challenge to any Council member's ability to participate in the decision.

**Mr. Rice** and **Mr. Marquardt** provided the staff report. This was an update of the adopted 1994 and draft 2005 Wastewater Master Plans although some uncertainty remained regarding future treatment agreements with Clackamas County. Key topics of the Plan included a summary of intergovernmental agreements, an analysis of how Waverly Heights might be better served, and staffing plans for the future.

**Mr. Marquardt** discussed adoption of the Master Plan as an ancillary document to the Comprehensive Plan and amended Plan language. The purpose for these amendments was to address land use and development goals as well as including updated factual language related to the NE Sewer Extension. The effort was to make the Comprehensive Plan text somewhat less specific by addressing broad policy matters and contain less about operational specifics. The Planning Commission recommended the City Council move forward with adoption of the Master Plan and associated amendments. The Commission also deferred financial matters to the Citizens Utility Advisory Board (CUAB) and the Finance Department.

**Mr. Rice** noted the Planning Commissioner requested that the Plan address scenarios of what steps would be taken if a power outage resulted in a system-wide failure of lift stations. The City has one generator, and he reviewed the possible scenarios for backup power. He added there would likely be a follow-up meeting to discuss system development charge increases.

There was no public testimony on this matter.

**It was moved by Councilor Hedges and seconded by Councilor Loomis to close the public hearing. Motion passed with the following vote: Councilors Loomis, Miller, and Hedges and Council President Chaimov voting "aye." Council President Chaimov closed the public hearing at 7:41 p.m.**

**Councilor Loomis** asked how one began the process for updating a Master Plan adopted in 1994.

**Mr. Rice** replied some time had certainly elapsed, but a lot of good work had gone into the 1994 Master Plan making it adaptable to updating. He added that staff intended in the future to review the document every 5 years.

**Councilor Miller** referred to staff report page 28 and asked how the findings were determined.

**Mr. Ramis** replied the staff proposed these findings based on the Planning Commission hearing but were not actually findings until adopted by the City Council.

**Councilor Hedges** was interested in the backup power piece and asked if the entire City was on one grid. He felt it was important to have a viable backup plan.

**Mr. Parkin** replied different grids were very expensive and was something typically done for a treatment plant.

**Council President Chaimov** asked if resolution of a potential backup power problem could be done separate from adoption of the Wastewater Master Plan.

**Mr. Monahan** responded solutions could be evaluated and addressed through a supplemental budget.

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It was moved by Councilor Hedges and seconded by Councilor Miller for the first and second readings by title only and adoption of the ordinance adopting the 2010 Wastewater Master Plan as an ancillary document to the Milwaukie Comprehensive Plan and amending chapters 3, 4, and 5 (Land Use File CPA-10-02) with the addition of attachment #2, Backup Power for the Wastewater Pump Stations. Motion passed with the following vote: Councilors Loomis, Miller, and Hedges and Council President Chaimov voting “aye.” [4:0].

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

Ms. DuVal polled the City Council with the following vote: Councilors Loomis, Miller, and Hedges and Council President Chaimov voting “aye.” [4:0].

**ORDINANCE NO. 2031:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE 2010 WASTEWATER MASTER PLAN AS AN ANCILLARY DOCUMENT TO THE MILWAUKIE COMPREHENSIVE PLAN, AND AMENDING THE MILWAUKIE COMPREHENSIVE PLAN, CHAPTERS 3, 4, AND 5 (LAND USE FILE #CPA-10-02)**

**OTHER BUSINESS**

**A. Walk Safely Milwaukie Funding Recommendations – Resolution**

Ms. West and Mr. Albert provided the staff report. She gave an overview of the program and its mission and goals. She discussed the funding available in the first two fiscal years of the program totaling \$147,000. To date \$4,000 was spent including \$3,500 set aside by Public Safety Advisory Committee (PSAC) for funding neighborhood education efforts. She summarized outreach and neighborhood involvement efforts, technical workshops, and submittal of 12 project proposals from the Neighborhood District Associations (NDA). On May 24 staff presented a list of recommended projects to PSAC, and on June 16 PSAC met to develop a list of funding recommendations. She reviewed the rankings with three being recommended for funding. These projects would exhaust available funding. Once City Council approved the recommendations, the Engineering Department would begin the survey, design, bid, and construction of the funded projects. Staff also sought City Council direction on unfunded projects and consideration of year three program modifications based what was learned in this first round.

Councilor Hedges noted the project that staff scored most highly would have used all the available funds. There was a suggestion it would be funded by grants. He proposed taking \$2,500 each in fees in lieu of (FILO) in the Island Station and Hector Campbell neighborhood to help fund the Walk Safely Milwaukie Program projects and putting \$5,000 into planning the Linwood sidewalk project.

Ms. West noted there were \$15,000 in matching funds from the neighborhoods, so it may not necessary be to dip into FILO.

Mr. Monahan understood that if the three projects plus the Linwood sidewalk design came in within the available funds then that was acceptable. If not, then Councilor Hedges’ suggestion was to explore the use of the FILO concept he just outlined.

Councilor Hedges thanked all involved as he felt the concept had worked well.

Linda Hedges, PSAC member at-large and Hector Campbell Secretary, commented on the Committee’s discussion of the \$5,000 funding for design of the Linwood Project. It was felt the \$5,000 would be wasted unless there were a guarantee from staff that it would find the money to do the project.

**Ms. West** explained the \$5,000 expenditure would help position the Linwood Project for larger grant funding such as the Oregon Department of Transportation's Safe Routes to Schools Program.

**Mr. Asher** clarified the Linwood project was a large half-street improvement, and the best the City could do with its program was to heighten the chances by doing the design and looking for grant funds.

**Councilor Hedges** would like to see the remaining projects go into the funding for next year rather than doing the additional work of submitting other projects next year.

**Mary Weaver**, Hector Campbell Neighborhood Chair and PSAC member, wanted to make sure the City Council understood that certain events such as the closure of Campbell Elementary may impact projects which had been submitted. She felt some projects that were carried needed additional review in the next round of funding.

**Pepi Anderson**, Lewelling Neighborhood Chair and PSAC member, understood since the Program was being adjusted as it matured that it should be up to the neighborhoods. The main goal was that the City Council would listen to what the neighborhoods felt was important.

**Councilor Miller** would like to see the grants balanced out so all neighborhoods would get their fair shares.

All Council members were pleased with the work all had done to coordinate what had begun as a controversial program.

**It was moved by Council President Chaimov and seconded by Councilor Loomis to adopt the resolution approving the projects to be funded in the first round of the Walk Safely Milwaukie Program to improve pedestrian safety and livability in the City of Milwaukie. Motion passed with the following vote: Councilors Loomis, Miller, Hedges and Council President Chaimov voting "aye." [4:0]**

**RESOLUTION NO. 63-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE PROJECTS TO BE FUNDED IN THE FIRST ROUND OF THE WALK SAFELY MILWAUKIE PROGRAM TO IMPROVE PEDESTRIAN SAFETY AND LIVABILITY IN MILWAUKIE NEIGHBORHOODS**

**B. Council Reports**

Council President Chaimov and Councilors provided an update on meetings they attended on behalf of the City and announced upcoming community events.

**ADJOURNMENT**

**It was moved by Councilor Hedges and seconded by Councilor Miller to adjourn the meeting. Motion passed with the following vote: Councilors Loomis, Miller, and Hedges and Council President Chaimov voting "aye." [4:0].**

Council President Chaimov **adjourned the regular session at 8:23 p.m.**

Respectfully submitted,

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Pat DuVal, Recorder

**TAXES, AND CLASSIFYING THE LEVY PURSUANT TO SECTION 11b,  
ARTICLE XI OF THE OREGON CONSTITUTION.**

**OTHER BUSINESS**

**A. Northeast Sewer Extension Project Area Expedited Annexations (Annexation Assistance Batch #2) – Ordinance**

**Ms. Mangle** provided the staff report. She indicated the properties on a map and reviewed the elements of the NE Sewer Extension Project. The annexation of these 18 properties was accomplished through the City's assistance program. The properties would retain their current low density residential designation and be withdrawn from certain service districts. The proposed annexation met all State and local requirements.

**Councilor Miller** asked if annexation of the properties represented a major expense to the City.

**Mr. Parkin** replied those property owners connecting to sewer would be responsible for those costs. Further the properties would be added to the City tax rolls.

**It was moved by Councilor Chaimov and seconded by Councilor Loomis for the first and second readings by title only and adoption of the ordinance annexing multiple tracts of land into the City limits of the City of Milwaukie and withdrawing them from several service districts. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov, and Mayor Ferguson voting "aye." [5:0].**

**Mr. Monahan** read the ordinance two times by title only.

**Ms. DuVal** polled the City Council with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov, and Mayor Ferguson voting "aye." [5:0].

**ORDINANCE NO. 2030:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE ANNEXING MULTIPLE TRACTS OF LAND INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THEM FROM SEVERAL SERVICE DISTRICTS AS DESCRIBED BELOW (FILE #A-10-04)**

**B. Contract Award for Voice over Internet Protocol (VoIP) Telephone System – Resolution**

**Ms. Gartner** provided the staff report. The telephone system was a critical element of City's infrastructure. The current phone system was obsolete and not serviceable. She reviewed the process for the replacement of the 17-year old system currently being used. After going through the bid process, KRP had the highest rating among those who evaluated the bids and also came in as the lowest bidder. At this time the VoIP system was only internal because at this point in time most providers were not sophisticated enough to also go external. She estimated the system would be operating in August. She described the ability for staff to quickly make changes because the system was software based.

**It was moved by Councilor Chaimov and seconded by Councilor Hedges to adopt the resolution authorizing the City Manager to sign a contract with KRP Communications for the purchase and implementation of a voice over internet protocol telephone replacement system. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov, and Mayor Ferguson voting "aye." [5:0]**

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**RESOLUTION NO. 62-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH KRP COMMUNICATIONS FOR THE PURCHASE AND IMPLEMENTATION OF A VOICE OVER INTERNET PROTOCOL TELEPHONE REPLACEMENT SYSTEM.**

**C. Council Reports**

The Mayor and Council reported on meetings they had attended on behalf of the City and announced upcoming community events.

**ADJOURNMENT**

**It was moved by Councilor Chaimov and seconded by Councilor Miller to adjourn the meeting. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov, and Mayor Ferguson voting “aye.” [5:0]**

**Mayor Ferguson** adjourned the regular session at 8:43 p.m.

Respectfully submitted,

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Pat DuVal, Recorder

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REAPPOINTING DON WILEY TO THE PUBLIC SAFETY ADVISORY COMMITTEE AS THE LINWOOD NEIGHBORHOOD DISTRICT ASSOCIATION REPRESENTATIVE.**

**WHEREAS**, a vacancy exists on the Public Safety Advisory Committee for a Linwood Neighborhood Association member; and

**WHEREAS**, Milwaukie Municipal Code Section 2.24.020(B) provides for appointment of members of the Milwaukie Public Safety Advisory Committee "by the council;" and

**WHEREAS**, Don Wiley possesses the necessary qualifications to serve on the Committee and has indicated his desire to serve.

**Now, therefore, the City of Milwaukie, Oregon resolves as follows:**

**SECTION 1:** That Don Wiley is reappointed to the Milwaukie Public Safety Advisory Committee as the Linwood Neighborhood District Association representative.

**SECTION 2:** That his term of appointment shall commence immediately and shall extend through June 30, 2013.

**SECTION 3:** This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on July 5, 2011.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING SUE RICHARDSON TO THE PUBLIC SAFETY ADVISORY COMMITTEE AS THE LAKE ROAD NEIGHBORHOOD DISTRICT ASSOCIATION REPRESENTATIVE.**

**WHEREAS**, a vacancy exists on the Public Safety Advisory Committee for a Lake Road Neighborhood Association member; and

**WHEREAS**, Milwaukie Municipal Code Section 2.24.020(B) provides for appointment of members of the Milwaukie Public Safety Advisory Committee "by the council;" and

**WHEREAS**, Sue Richardson possesses the necessary qualifications to serve on the Committee and has indicated her desire to serve.

**Now, therefore, the City of Milwaukie, Oregon resolves as follows:**

**SECTION 1:** That Sue Richardson is appointed to the Milwaukie Public Safety Advisory Committee as the Lake Road Neighborhood District Association representative.

**SECTION 2:** That her term of appointment shall commence immediately and shall extend through June 30, 2013.

**SECTION 3:** This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on July 5, 2011.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, NOMINATING SIRI BERNARD AS THE CITY OF MILWAUKIE REPRESENTATIVE TO THE CENTER/COMMUNITY ADVISORY BOARD.**

**WHEREAS**, Milwaukie Municipal Code Section 2.20.020(B) states that one of the twelve members of the Board shall be nominated by the Milwaukie City Council; and

**WHEREAS**, a vacancy exists on the Center/Community Advisory Board (C/CAB) for one member representing the City of Milwaukie; and

**WHEREAS**, the Code further states that the nominee shall be recommended by the C/CAB and the North Clackamas Parks and Recreation Board to the Board of County Commissioners; and

**WHEREAS**, the Center/Community Advisory Board interviewed Ms. Bernard and voted unanimously at its June 10, 2011, Board meeting to recommend that the City of Milwaukie nominate her to the vacant City of Milwaukie representative position on the Board; and

**Now, therefore, the City of Milwaukie, Oregon resolves as follows:**

**SECTION 1:** That Siri Bernard is nominated by the Milwaukie City Council for appointment by the Clackamas County Board of Commissioners as the City of Milwaukie representative to Center/Community Advisory Board.

**SECTION 2:** That her term of appointment shall commence immediately and shall extend through October 2014.

**SECTION 3:** This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on April 5, 2011.

\_\_\_\_\_  
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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

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

**6.**  
**OTHER BUSINESS**



**To: Mayor and City Council**

**From: Bill Monahan, City Manager**

**Subject: Renewal and Extension of the Public Area Requirement Grant Program**

**Date: July 1, 2011**

**Action Requested**

Approve the attached resolution renewing and extending the grant program that provided funding for a limited number of private development efforts in the downtown area.

**Background**

Council held a discussion in May, 2011 of the question of providing some assistance to downtown property owners required to build Public Area Requirements when renovating first floor retail space. Council discussed the creation of a limited duration grant program. Council directed staff to prepare a resolution for Council consideration at the May 17, 2011 meeting that would provide \$20,000 to be available to those property owners that receive certificates of occupancy when new first floor retail tenants sign leases by July 1, 2011 to locate in the downtown area.

The program was created by resolution and implemented. To date, one application has been process and awarded a grant of \$13,857.69. As a result, \$6,142.31 remains of the original grant funds.

During the study session of June 28, 2011, Council heard that at least one property owner in the downtown is interested in applying for the remaining grant funds but needs additional time to do so. An extension until July 1, 2012 was suggested.

Attached is a resolution to renew and extend the temporary economic development grant for offsetting part of the PAR of MMC 19.312.5 for the period from July 5, 2011 to July 1, 2012.

**Concurrence**

The City Manager has reviewed the resolution and concurs that it conforms to the direction given by Council on June 28, 2011..

**Fiscal Impact**

If implemented, up to \$6,142.31 in grants could be awarded from general funds monies.

**Work Load Impacts**

If the grant program is established, staff will develop a grant application program. Once the criteria and the review process are created, the amount of staff time committed to the grant program will be better known. Given the limited duration of the program and the amount of grant funds available, the impact should be minimal.

**Alternatives**

1. Accept the attached resolution renewing and extending the temporary grant program.
2. Direct staff to modify the attached resolution.
3. Deny approval of the attached resolution and direct staff on further action.
4. Take no action.

**Attachments**

1. Adopting resolution

# Attachment 1

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, RENEWING AND EXTENDING THE TEMPORARY ECONOMIC DEVELOPMENT GRANT PROGRAM CREATED BY RESOLUTION NO. 57- 2011 THROUGH JUNE 30, 2012.**

**WHEREAS**, on May 17, 2011 the City Council of the City of Milwaukie approved Resolution No, 57-2011 creating a grant program to assist those property owners in the downtown district that made application to develop or redevelop property in the Milwaukie downtown and were required under Section 19.312.5 of the Milwaukie Municipal Code to make certain public area requirement improvements within the public right-of-way, and

**WHEREAS**, the grant program was of limited duration through July 1, 2011, and

**WHEREAS**, the original grant program funds have not been fully exhausted, with \$6,142.31 available from the original allocation of \$20,000 after the approval of one grant application, and

**WHEREAS**, the City Council has been advised that at least one additional property owner in the downtown district could have an interest in planning for first floor retail renovations and applying for a grant if the program is extended beyond July 1, 2011, and

**WHEREAS**, the redevelopment of the Milwaukie downtown continues to be a high priority of the City; and

**WHEREAS**, the City Council desires to provide opportunity for the full benefit of the original \$20,000 grant program to be available to downtown district property owners, and

**WHEREAS**, Section 4 of Resolution No. 57- 2011 provides that the City Council may renew the grant program.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Milwaukie, Oregon, that:

**Section 1.** That the City Council renews and extends the opportunity of Downtown property owners to apply for the remaining \$6,142.31 of the original grant funds created by resolution 57- 2011 under the terms as established by that Resolution.

**Section 2.** The grant program is available to property owners in the downtown district who are required to pay for the provision of Public Area Requirements under new certificates of occupancy triggered by new first-floor retail tenants signing leases by July 1, 2012 to locate in the downtown district.

**Section 3.** That the grant program extended by this Resolution will end automatically on July 1, 2012, after the grant has been disbursed, and may not be renewed without Council approval.

**Section 4.** This resolution is effective immediately.

Introduced and adopted by the City Council on July 5, 2011.

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Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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Pat DuVal, City Recorder

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City Attorney

Document1 (Last revised 09/18/07)