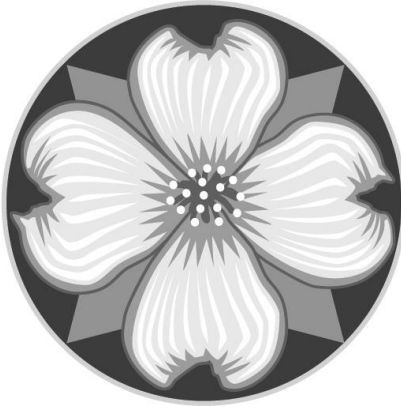




Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

2309th Meeting**REVISED AGENDA****FEBRUARY 18, 2020****(Revised February 14, 2020)**

Note: times are estimates and are provided to help those attending meetings know when an agenda item will be discussed. Times are subject to change based on Council discussion. **Page #**

1. CALL TO ORDER (6:00 p.m.)**A. Pledge of Allegiance****2. PROCLAMATIONS AND SPECIAL REPORTS****A. Milwaukie High School (MHS) Outstanding Student Achievement for January and February – Awards (6:01 p.m.)**

Presenter: Carmen Gelman, MHS Principal

B. Long-Term Care Ombudsman (LTCO) Training – Report (6:10 p.m.) 2

Presenter: Fred Steele, Office of the LTCO

3. CONSENT AGENDA (6:30 p.m.)

Consent items are routine matters that are not discussed during the meeting; they may be approved in one blanket motion and any Councilor may remove an item from the Consent Agenda for separate consideration.

A. Approval of Council Meeting Minutes of: 5

1. January 21, 2020, Work Session; and
2. January 21, 2020, Regular Session.

B. Authorization of a Contract for the McBrod Avenue Improvements Project – Resolution 18**4. AUDIENCE PARTICIPATION (6:35 p.m.)**

To address Council, complete a comment card and submit it to staff. The Mayor will call for comments regarding City business. Per the Milwaukie Municipal Code (MMC) only issues that are “not on the agenda” may be raised; issues that await a Council decision and for which the record is closed may not be discussed; “all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition.” The presiding officer may limit the time permitted for comments and may request that a spokesperson be selected for a group of persons wishing to speak. **The public is also invited to make comments in writing and may submit comments before the meeting, by mail, e-mail, or in person to City staff.**

5. PUBLIC HEARING

Public Comment will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.

A. None Scheduled.

6. OTHER BUSINESS

These items will be presented by staff or other individuals. A synopsis of each item together with a brief statement of the action requested shall be made by those appearing on behalf of an agenda item.

A. Initiation of a Right-of-Way Vacation on 51st Ave – Resolution (6:40 p.m.) 23

Staff: Brett Kelter, Associate Planner

B. TriMet Remnant Lot (Sparrow Site) – Update (6:50 p.m.) 29

Staff: Leila Aman, Community Development Director,
Christina Fadenrecht, Housing and Econ. Dev. Associate, and
Alison Wicks, Development Project Manager

C. New City Hall (10501 SE Main Street) – Update (7:20 p.m.) 32

Staff: Leila Aman, Community Development Director, and
Alison Wicks, Development Project Manager

D. Council Input on Legislative and Regional Issues – Discussion (7:50 p.m.)

Staff: Kelly Brooks, Assistant City Manager

7. INFORMATION (8:05 p.m.)

The Council and City Manager will provide reports on City events, projects, and programs.

8. ADJOURNMENT (8:10 p.m.)

Americans with Disabilities Act (ADA) Notice

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

Executive Sessions

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

Meeting Information

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



COUNCIL REGULAR SESSION

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

2309th Meeting

MINUTES

FEBRUARY 18, 2020

Mayor Mark Gamba called the Council meeting to order at 6:10 p.m.

Present: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Staff: Assistant City Manager Kelly Brooks
Associate Planner Brett Kelter
City Attorney Justin Gericke
City Manager Ann Ober

City Recorder Scott Stauffer
Community Development Director Leila Aman
Development Project Manager Alison Wicks
Finance Director Bonnie Dennis

1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

A. Milwaukie High School (MHS) Outstanding Student Achievement – Award

Carmen Gelman, MHS Principal, introduced Alileyon Ford the outstanding MHS student for February and Council congratulated him on his accomplishments.

Ms. Gelman provided an update on the achievements of the MHS basketball teams, the academic growth of the ninth-grade class, and the building construction project.

B. Long-Term Care Ombudsman (LTCO) Training – Report

Fred Steele, State LTCO, introduced Deputy LTCO Stephanie Delage. He provided an overview of the office's work to advocate on behalf of residents of long-term adult care facilities. He explained that the LTCO had volunteers across the state and was looking for more. He and **Councilor Batey** noted an upcoming LTCO training in the area.

Mr. Steele and **Ms. Delage** explained the volunteer background check and training process. The group suggested ways the LTCO might recruit volunteers in the area.

Mayor Gamba asked Mr. Steele to describe what it means to volunteer for the LTCO, and **Mr. Steele** explained the types of things LTCO volunteers do on behalf of others.

3. CONSENT AGENDA

It was moved by Councilor Batey and seconded by Councilor Hyzy to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. January 21, 2020, Work Session; and
2. January 21, 2020, Regular Session.

B. Resolution 11-2020: A Resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, approving the award of a contract for the construction of the 2020 McBrod Avenue improvements project (CIP-2015-W2&) to Interlake, Inc.

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

4. AUDIENCE PARTICIPATION

Mayor Gamba reviewed the public comment procedures and **Ms. Ober** reported that there was no follow-up report from the February 4 audience participation.

Kiran Das Bala, Milwaukie resident, commented on the status of her outstanding auto loan payments and asked for assistance in dealing with a loan company. **Mr. Gericke** gave her contact information for the state consumer protection services office.

AJ Waters, Stronger Skatepark owner, discussed her support for a proposal to allow skateboarding in downtown Milwaukie. She reported that teenagers had told her they had received tickets in Milwaukie for skateboarding. She, **Mayor Gamba**, and **Ms. Ober** commented on the tickets issued. **Ms. Ober** noted she would follow-up on the matter.

Sara Reynolds, Milwaukie resident, spoke in support of Stronger Skatepark and a proposal to allow skateboarding in downtown Milwaukie. The group thanked her for speaking and bringing her children to the meeting.

Laura Chapman, Milwaukie resident, expressed concern about aspects of the Milwaukie Police Employee Association (MPEA) contract related to waiting times for accusations and officer behavior investigations. She encouraged Council to look at those parts of the contract during MPEA negotiations. **Ms. Ober** noted she would follow-up with Ms. Chapman.

5. PUBLIC HEARING

A. None Scheduled.

6. OTHER BUSINESS

A. Initiation of a Right-of-Way (ROW) Vacation on 51st Avenue – Resolution

Mr. Kelter provided an overview of the request that Council begin a ROW vacation on 51st Avenue. He explained that the property to be vacated had been part of the Mission Park development and would allow the city to swap for adjacent property on King Road that could be used for planned sidewalk improvements. He reported that the property the city would acquire in the swap was part of the 5084 SE King Road lot, whose owner had recently received permission to subdivide it for development. He remarked on the benefits of swapping properties and reported that all parties agreed to the proposal.

The group noted that a new fence had been built in the 51st Avenue ROW as a part of the Mission Park development project.

Mayor Gamba expressed support for the property swap and asked if the new subdivided lots would meet the city’s vegetation requirements. **Mr. Kelter** explained that the property owner intended to remove existing pavement to meet the requirement.

The group reviewed a map of the property and noted where the lot would be divided and where the fence was located. It was noted that the property owner would be required to plant street trees in the ROW.

Councilors Parks and Hyzy expressed support for the property swap.

Mr. Kelter summarized next steps in the street vacation process and confirmed that the Council approval process would happen simultaneously with the property owners signing the necessary property agreements.

It was moved by Councilor Parks and seconded by Councilor Batey to approve the resolution authorizing the city-initiated vacation of a portion of the public street right-of-way on the west side of 51st Avenue south of King Road. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 12-2020:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY-INITIATED VACATION OF A PORTION OF THE PUBLIC STREET RIGHT-OF-WAY ON THE WEST SIDE OF 51ST AVENUE SOUTH OF KING ROAD.

B. TriMet Remnant Lot (Sparrow Site) – Update

Ms. Aman provided an overview of the city’s acquisition of the Sparrow Site, noting the city’s interest in the property. She discussed the Oregon Department of Environmental Quality (DEQ) remedial action plan for cleaning up the site. She noted challenges for building on the site, the city’s intention of seeking a development partner, and the planned public engagement strategy. She asked for Council feedback and Council expressed support for the proposed public engagement strategy.

Councilor Batey and **Ms. Aman** noted that the intent of the request for proposal (RFP) process was to find a partner who could be the project designer, builder, and possibly future owner of the site.

Mayor Gamba remarked on his previous statements that the site would be used to support homeless students. He hoped the site could be used to support low-income individuals and families and provide support services. He expressed concern that seeking a designer/builder/owner partner may limit the pool of developers. **Council President Falconer** suggested that supporting low income families be made a project goal. She and **Ms. Wicks** referenced housing implementation strategies that prioritized low-income tenants and contracting with minority and disabled businesses. The group remarked on the size of housing that families with school-age children need.

Ms. Aman summarized that Council expressed support for the site housing low-income families who made 0-30% of the area median income (AMI). The group discussed what the target income level should be for the housing built on the site. They noted the need for low-income housing in the area and the costs and benefits of targeting different income levels for affordable housing developments.

Ms. Aman explained the city’s options of retaining ownership or selling the site. She remarked on the benefits of owning and leasing the property or selling it to a land trust group or a developer. **Councilor Hyzy** expressed support for developing a project that would help people build equity.

Councilor Hyzy asked if there were concerns about setting a specific income range and creating an isolated community. She wondered if the site should include a mix of residents with different income levels. The group discussed the size of the site, the number of units that could be built, the need to change the site’s zoning, and how the number of units

could be included in the RFP goals. **Ms. Aman** suggested Council wanted to prioritize income ranges of 0-30% of AMI but would be okay going to 60%.

Councilor Hyzy remarked on the need to consider the environmental impacts of developing the site. **Council President Falconer** remarked that development would likely occur on the gravel part of the site and the natural areas would be protected or enhanced. The group agreed that the project should have goals to support the city's tree canopy goals and protect the site's natural areas. **Ms. Aman** noted that environmental protection goals can be included in the RFP. The group remarked on which parts of the site and adjacent properties included habitat conservation and/or water quality resource areas.

Mayor Gamba and **Ms. Aman** noted the site's current zoning and nearby zoning. **Councilors Batey and Hyzy** thought the site's zoning should be left open to allow for different project densities to be considered.

Ms. Aman summarized that Council wanted to develop family-sized housing on the site for families that made from 0-30% or up to 60% of AMI. **Councilor Batey** expressed support for seeking an ownership model or working with a land trust. The group noted the increasing popularity of land trusts in the region.

Ms. Aman added that additional project goals included preserving the site's natural landscaping, building green and energy efficient buildings, and delivering the project on time using public financing. **Council President Falconer** noted that Council wanted the project to support businesses owned by minorities, women, and disabled people.

Ms. Aman noted next steps and the group noted that seeking public financing meant limiting the funds the city would use on the project.

C. New City Hall (10501 SE Main Street) – Update

Ms. Wicks provided an update on the purchase of a new city hall building, noting the project timeline and ongoing repair work at the building. **Ms. Aman** reviewed the city's plan to hire an architect and pursue a contract manager / general contractor (CM/GC) process. She reported that the purchase would be done by June.

Ms. Wicks discussed how the building is currently used and what space changes the city would need to make. The group discussed the challenges of the ground floor layout and its possible use as a community space.

Ms. Wicks presented layouts of the building's second and third floors, noting anticipated demolition work to be done depending on how the floors would be used. She presented price options for placing council chambers and public service desks on the second or third floors, remodeling the ground floor entryway, and enhancing the ground floor for light food service. She noted that the presented costs were only for floor improvements. She asked which floor remodeling option Council preferred.

Councilor Parks expressed support for placing chambers on the third floor, which would cost less than placing it on the second floor.

The group discussed placing public service desks on the third floor instead of the ground floor, noting the limited space available for public services on the ground floor.

Councilor Batey asked how a public elevator would work with a public third floor and staff-only second floors. **Ms. Ober** noted that the same elevator situation existed at the current city hall with the public services on the second floor and a staff-only basement.

She added that staff was asking for Council input on these floor options now to better understand the overall cost of the project.

Council President Falconer asked about the use of the third floor balconies. **Ms. Ober** noted that the balconies exist because the city had required them when the building was originally built. **Ms. Wicks** remarked that the balconies could be used by staff or for events held in the adjacent chambers. The group noted potential balcony uses.

Mayor Gamba expressed support for placing council chambers on the third floor.

Councilor Batey noted the building had one elevator and staff and the public would have to climb two flights of stairs if it was out of service. **Ms. Ober** noted the current city hall had one elevator. She and **Councilor Batey** remarked on ground floor meeting spaces that could be used if an elevator was broken in the current and new city hall buildings.

Ms. Ober discussed staff's consideration of how to use the ground floor. She noted the challenges of the layout and the possibility of making it an active community space.

Mayor Gamba suggested Council consensus was to place council chambers and the public service desks on the third floor. **Councilor Batey** agreed but noted that she was ambivalent.

Mayor Gamba asked for Council feedback on the stairwell improvements. The group agreed the current stairwell needed to be improved.

Mayor Gamba expressed interest in adding ground floor light food service amenities so city hall could have a café or coffee shop. **Council President Falconer** disagreed with the mayor and thought adding a café would create competition with existing coffee shops and discourage staff from leaving city hall. **Councilor Parks** noted the lack of meeting space in the area. **Mayor Gamba** suggested there was a need for food service at meeting spaces. The group discussed how the building's ground floor could be used as a meeting or community space. **Councilor Parks** did not support adding ground floor food amenities.

Ms. Ober commented that the ground floor would not be actively staffed which would limit the amount of time it could be used by the public. The group remarked on using the ground floor as an activated community space.

Councilor Hyzy and **Ms. Wicks** noted that most of the ground floor was in a floodplain and that the flood maps for the site were likely outdated. **Ms. Ober** reported that staff had consulted an architect who had confirmed that the floodplain included the outside parts of the ground floor. The group discussed how to activate the ground floor with art displays when it would be closed to the public. **Councilor Parks** and **Ms. Ober** noted that food service amenities could be added later.

Councilor Batey asked about potential rental rates for leasing the ground floor as a coffee shop. **Ms. Wicks** suggested the city could get around \$18 per square foot which would cover the costs of the amenities in ten years.

Ms. Ober noted the price for improving the stairwell only covered the ground and second floors. The group remarked on safety concerns of enhancing the stairwell with glass.

Mayor Gamba asked for confirmation that the city couldn't add the cost of food service amenities to the bond in the future. **Ms. Aman** explained that a tenant could finance the amenities too. She explained staff saw the amenities as a chance to activate a Main Street space and wanted Council to weigh-in on the option. She added that the city could potentially use urban renewal funding to enhance the space in the future.

Mayor Gamba asked if the necessary restaurant venting went through the building and **Ms. Aman** said she would look into it.

Ms. Ober summarized that Council supported improving the entrance, building chambers and public service desks on the third floor, and did not want to add light food service amenities on the ground floor at this time. **Mayor Gamba** noted that he disagreed with not adding food service amenities now.

D. Council Input on Legislative and Regional Issues – Discussion

Ms. Brooks distributed and discussed a draft Council letter to Metro Councilor Christine Lewis regarding the city's support of including the Kellogg Dam removal project in Metro's transportation 2020 (T2020) bond measure. She explained how the letter would be delivered and asked for feedback. The group noted the status of projects being considered for inclusion in the T2020 bond and agreed that the letter would be finalized and delivered as outlined by staff. **Councilor Batey** suggested a couple minor revisions to the letter and the group discussed the use of the word "temporal."

Councilor Batey, Ms. Brooks, and Mayor Gamba remarked on recent North Clackamas Watershed Council efforts to include the Kellogg Dam project in the T2020 bond.

Ms. Brooks provided an update on bills the city was tracking during the state legislature's short session. The group discussed bills addressing climate change, gun control, zoning, emergency shelters, trash incinerators getting renewable energy credits, electric vehicle charging stations, and the City of Happy Valley's departure from the North Clackamas Parks and Recreation District. They noted the possibility that Republican lawmakers would leave the capitol to stop legislative business.

Ms. Brooks discussed a request from the Clackamas County Coordinating Committee to add the city's logo to a regional letter supporting the widening of Interstate 205. The group discussed whether the city supported the widening project.

Ms. Ober suggested Council send a letter opposing the proposal to grant renewable energy credits to trash incinerator plants.

7. INFORMATION

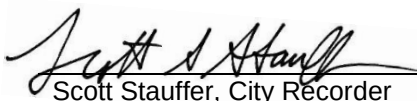
Mayor Gamba announced upcoming events, including a planting event at the 3-Creeks Nature Area, a black history month lecture, and a talk examining personal experiences and community connections. **Councilor Batey** noted an upcoming Lake Road Safe Access for Everyone (SAFE) project open house and a LTCO training.

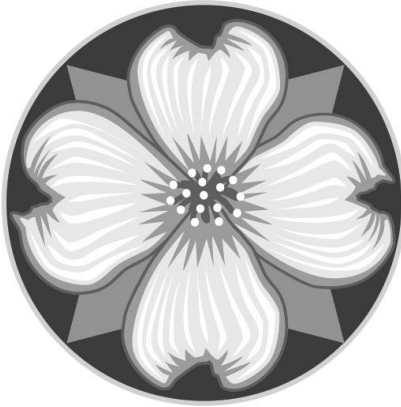
8. ADJOURNMENT

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

Mayor Gamba moved to adjourn the regular session at 9:09 p.m.

Respectfully submitted,


 Scott Stauffer, City Recorder



RS Agenda Item

2

**Proclamations,
Commendations,
Special Reports,
& Awards**

Their Rights. Your Voice.



Looking for something meaningful to do in retirement?

Like to help others?

Want to stay connected in the community?

Want to keep your mind active?

Become a volunteer Certified Ombudsman today - we're accepting applications!

Benefits of Volunteering as a Certified Ombudsman:

- Improve the quality of care for residents in long-term care in your community.
- Make a personal, direct, immediate, and positive impact for others.
- Develop knowledge on navigating long-term care systems.
- Hone problem-solving techniques and people skills.
- Enjoy the support and camaraderie of other like-minded community members.
- Work independently on a flexible schedule.

The Long-Term Care Ombudsman program is looking for dedicated volunteers to represent a vulnerable portion of society. As resident advocates, an Ombudsman's mission is to enhance the quality of life, improve the level of care, protect the individual rights, and promote the dignity of each Oregonian living in a long-term care facility.

How is it done? Certified Ombudsman volunteers, once trained, are assigned to a facility. They meet residents and learn about their concerns. Then, with the residents' permission, the volunteer contacts facility staff or other agencies to find a solution to the concern.

Example issues include: menu quality, quantity, variation; discharge/eviction notices; medication administration and organization; neglect; dignity, respect; inadequate care planning; symptoms unattended; and lost belongings.



**OREGON
LONG-TERM CARE
OMBUDSMAN**

For more information contact:

Natascha Cronin

(e) natascha.cronin@oregon.gov (p) 971.600.6149

RS2

Visit www.oltco.org to sign up for an informational webinar.



OREGON
LONG-TERM CARE
OMBUDSMAN

800-522-2602

www.oregon.gov/LTCO

**THEIR RIGHTS,
YOUR VOICE**



Certified Ombudsman Volunteer Training

An incredible opportunity to enhance life for the aging, gain education and knowledge, and expand your network.

March 10, 11, 18, 19, 31, 2020

10:00 am - 3:00 pm - in Clackamas

Please plan to attend all five days to become certified.

Join us! Applications are being accepted now, and there is no cost to attend.

For more information call 800-522-2602 or visit www.oregon.gov/ltcO

We address complaints made by or on behalf of residents. To report a concern call 800-522-2602

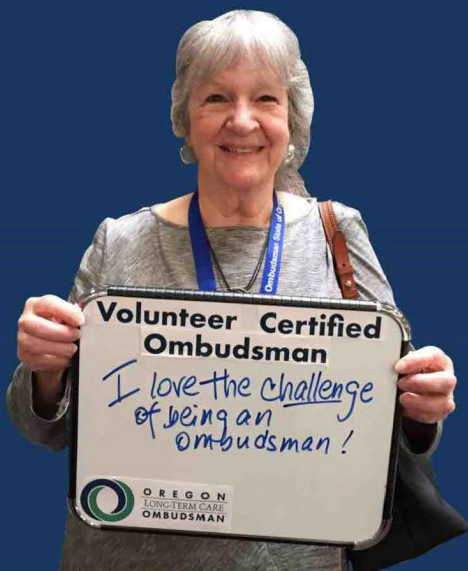
CERTIFIED OMBUDSMAN VOLUNTEERS

Advocate for resident rights, dignity and care. Ombudsmen provide education, investigate resident concerns, and seek to find solutions for the residents.

Volunteers enjoy a flexible schedule with a 4-hour per week commitment, working closely with staff, helping ensure quality care for residents, keeping active, and building relationships.

To volunteer you must be over 21 years of age, be able to pass a background check, and be free of a conflict of interest.

RS3





O R E G O N
LONG-TERM CARE
OMBUDSMAN

Oregon Long-Term Care Ombudsman

The Office of the Long Term Care Ombudsman

Residential
Facilities
(RFO)

Long Term
Care
Facilities
(LTCO)

Public
Guardian/
Conservator
(OPG)

Residential
Ombudsman
& Public
Guardian
Board



O R E G O N
LONG-TERM CARE
OMBUDSMAN

Four Agencies within One

Our Mission

- Protect individual rights
- Enhance quality of life
- Improve care
- Promote dignity for residents living in Oregon's licensed long-term care facilities



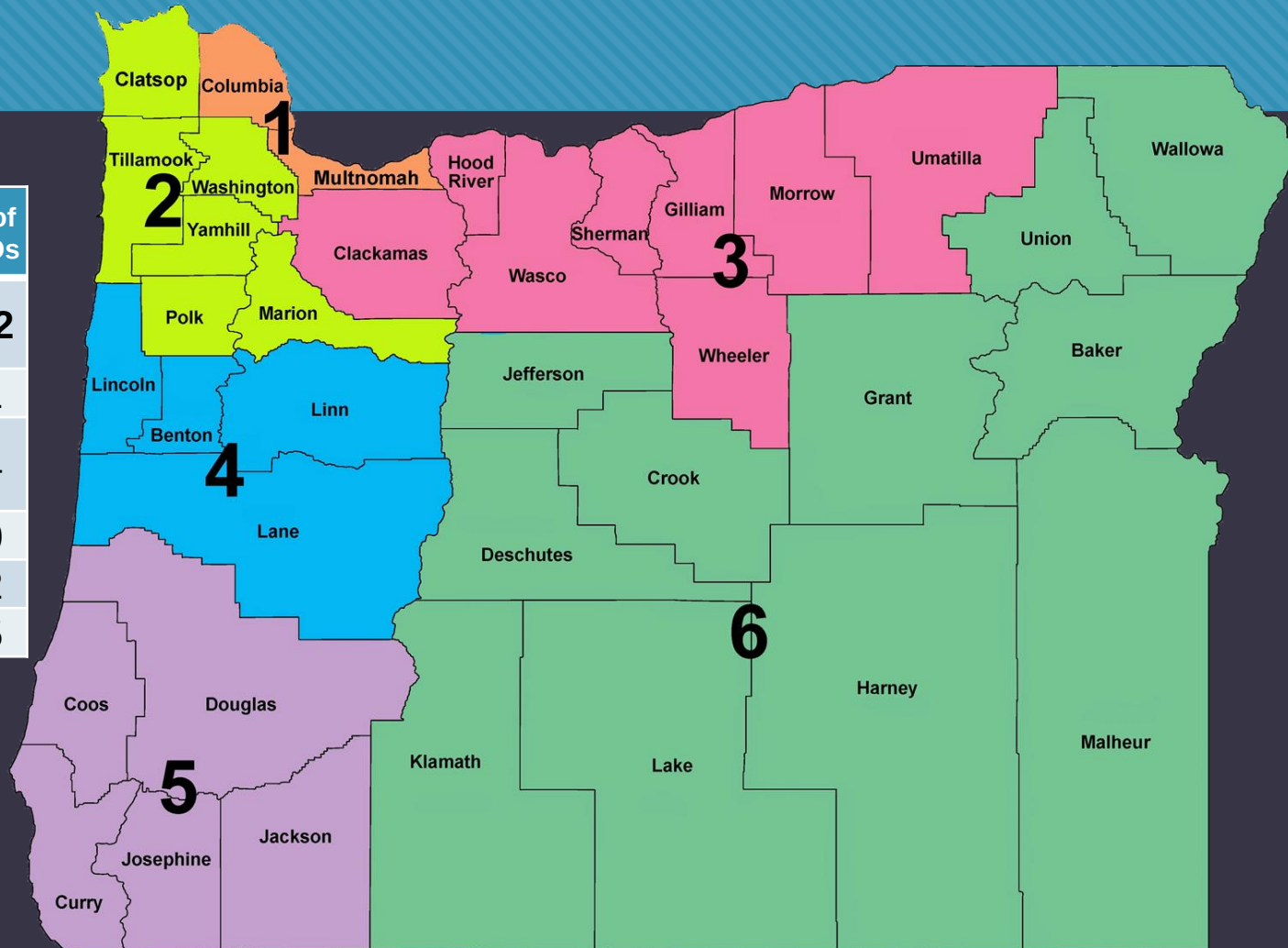
Ombudsmen are the voice of the resident, and work to make the long-term care system more responsive to resident needs. They investigate and resolve problems collegially within the long-term care system until resident concerns have been resolved!



OREGON
LONG-TERM CARE
OMBUDSMAN

District Map

	Total Facilities	# of COs
Clackamas	87	12
Canby	5	1
Lake Oswego	11	4
Oregon City	10	0
Milwaukie	22	2
Other	39	5





OREGON
LONG-TERM CARE
OMBUDSMAN

Dist

Milwaukie

Continuing Care Retirement Community	1
Assisted Living	2
Residential Care	4
Nursing Facility	11

CLACKAMAS COUNTY

Number of Facilities	81
Number of Beds	4859
Number of Volunteers	11

Adult Foster Homes

Number of Homes in Clackamas	172
Number of Homes in Milwaukie	48

Milwaukie

Number of Facilities	18
Number of Beds	796
Number of Volunteers	2
Number of Volunteers Needed	11

July 1, 2017 - June 30, 2018

<u>Top 10 Complaint Codes and Complaint Descriptions</u>	Total Complaints Lodged	<u>Distribution by Type of Facility</u>			
		<u>Nursing</u>	<u>Residential Care</u>	<u>Assisted Living</u>	<u>Adult Foster</u>
19 DISCHARGE/EVICTION - PLANNING, NOTICE, PROCEDURE, IMPLEMENTATION	396	151	97	122	25
44 MEDICATIONS - ADMINISTRATION, ORGANIZATION	262	100	59	100	3
42 CARE PLAN/RESIDENT ASSESSMENT - INADEQUATE, FAILURE TO FOLLOW UP	252	80	68	97	7
71 MENU - QUANTITY, QUALITY, VARIATION, CHOICE, CONDIMENTS, UTENSILS	245	90	56	89	10
26 DIGNITY, RESPECT - STAFF ATTITUDES	172	66	36	60	9
38 PERSONAL PROPERTY - LOST, STOLEN USED BY OTHERS, DESTROYED	160	59	49	44	8
36 BILLING/CHARGES - NOTICE, APPROVAL, QUESTIONABLE, ACCOUNTING WITH	150	25	51	65	8
41 FAILURE TO RESPOND TO REQUESTS FOR ASSISTANCE	147	90	20	35	2
66 RESIDENT CONFLICT, INCLUDING ROOMMATES	139	38	48	48	4
97 SHORTAGE OF STAFF	134	34	40	57	3
Total of top 10 complaints	2057	733	524	717	79
Total of ALL complaints	4,694	1,666	1,330	1,475	211
About 2% (91 complaints) were referred to Adult Protective Services					



Volunteer Ombudsman

The Ombudsman's Role

- Meet with residents and identify concerns/complaints
- Investigate on behalf of resident
- Work with facility to correct problems
- Monitor resident care, staffing and building conditions



OREGON
LONG-TERM CARE
OMBUDSMAN

WHAT CAN WE DO FOR YOU?

An Ombudsman is a trained advocate who gives voice to the concerns and issues raised by long-term care residents.

An Ombudsman assists residents with issues such as move out notices, quality of care, violations of rights, billing disputes, and concerns about food.

An Ombudsman responds to complaints from anyone concerned about the care and well-being of long-term care residents.

An Ombudsman provides confidential services at no cost to the resident.

If you are asked to leave your facility, and you disagree with that request, immediately call the Office of the Long-Term Care Ombudsman or your assigned Ombudsman at the number below.



800-522-2602

CONTACT YOUR OMBUDSMAN

TTY: 711 | email: ltcinfo@oregon.gov | website: www.oregon.gov/LTCO
If you are interested in becoming a volunteer Ombudsman, call 800-522-2602

Assigned Certified Ombudsman's name and contact number is posted at the facility.



O R E G O N
LONG-TERM CARE
OMBUDSMAN

Volunteer Ombudsman Support

- Supervised by Deputy Ombudsmen
- Deputy on Duty
- Monthly Team Meetings
 - Networking
 - Problem Solving
 - Ongoing Education
 - Peer Support
- Statewide Training Event





O R E G O N
LONG-TERM CARE
OMBUDSMAN

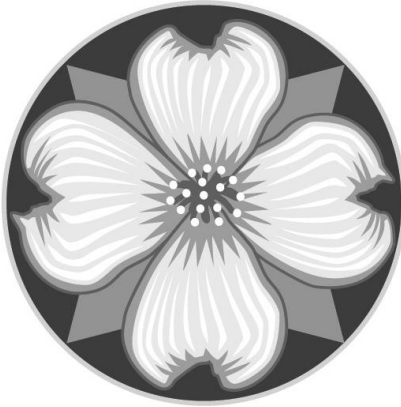
Questions?

***You don't have
to be an expert -
you just have
to care.***

1-800-522-2602

www.oltco.org





RS Agenda Item

3

Consent Agenda



COUNCIL WORK SESSION

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

MINUTES

JANUARY 21, 2020

Mayor Mark Gamba called the Council meeting to order at 4:02 p.m.

Present: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Staff: Administrative Specialist Amy Aschenbrenner	Climate Action & Sustainability Coord. Natalie Rogers
City Attorney Justin Gericke	Community Development Director Leila Aman
City Manager Ann Ober	Housing & Econ. Dev. Associate Christina Fadenrecht
City Recorder Scott Stauffer	Public Works Director Peter Passarelli

1. Construction Excise Tax (CET) Update – Discussion

Ms. Fadenrecht explained that the CET had been allowed by Oregon Senate Bill 1533 and Oregon Revised Statute (ORS) 197.309 listed how CET incentives are offered. She noted the definition of affordable housing and discussed Milwaukie's current median family income (MFI). The group remarked that the MFI cited by staff was higher than they heard previously. **Council President Falconer** observed it had rapidly increased over a short amount of time. She suggested Council needed to discuss housing displacement. **Ms. Fadenrecht** clarified that state law based the CET on the MFI for the Portland-Metropolitan region. **Councilor Hyzy** commented that the affordable housing definition applied to households that earn at least as low as 80% of the area median income (AMI). She wondered if Council could decide to set the threshold lower, such as 60% and **Ms. Fadenrecht** confirmed that Council could do that.

Ms. Fadenrecht provided background on the city's actions related to CET, noting the adoption of the Milwaukie Housing Affordability Strategy (MHAS) and Ordinance 2154, a 1% CET tax on residential and commercial developments.

Ms. Fadenrecht reported that the CET Oversight Group (CETOG) had met over the past five months. She noted the CETOG's tasks and that the group was made up of both technical and at-large community participants.

Ms. Fadenrecht provided updated totals for residential and commercial CET revenue collected in 2018 and 2019. She provided a breakdown of the revenue allocation for residential and commercial developments.

Ms. Fadenrecht explained the CET program goals to develop new income-restricted units, create equitable outcomes, and serve populations in financial need. She reviewed the proposed criteria for the program. **Mayor Gamba** asked if there was a system to weight the criteria and **Ms. Fadenrecht** explained that there were no set rules but the goals could be prioritized. **Mayor Gamba** remarked on his hope that there would be a clear goal to get people with the most need into housing.

Ms. Aman explained that staff was asking for Council feedback and would move forward with the criteria to achieve the goal. **Councilor Hyzy** observed that the program may result in people not getting the intended resources. The group noted that the program may need to be reviewed every few years. They acknowledged that city's CET program was part of a larger system. **Ms. Aman** noted the upcoming zoning code

update would help enable missing middle housing options. **Mayor Gamba** noted that the Metro housing bond would only affect one fifth of the need. The group acknowledged the housing need and local responses to date.

Ms. Fadenrecht discussed missing middle housing and how the CET program could help. She explained that the CET program could incentivize homeowners to build accessory dwelling units (ADUs) on their properties. **Council President Falconer** was concerned that the program would be used to benefit people who already had significant wealth and wanted to make sure it would allow for new homeownership middle housing opportunities. **Councilor Batey** remarked on the possibility of lower income individuals who owned houses and may want to build ADUs. **Council President Falconer** noted the opportunity for homeowners to leverage their wealth by adding ADUs. She wanted the program to be beneficial to people who do not have access to that wealth.

Ms. Fadenrecht reported that financial need was a one of the program's criteria and the CETOG had prioritized financial need as a program requirement.\.

Councilor Hyzy suggested a cap on the first 10 ADUs and then Council could review the program to see how it was working and meeting the goals. **Councilor Parks** assumed the first 10 applicants would need to meet all the program requirements. **Ms. Ober** said a property owner and a renter would both have to meet the program criteria.

Mayor Gamba discussed previous conversations about the CET program where it had been suggested that the city could give money to a developer building a multistory market rate housing building if the developer guaranteed a certain number of units would be at 80% of the AMI for the next few years. He had concerns if the city was now requiring the owner to hit the income criteria as well. **Ms. Aman** remarked that the city wanted to help non-wealthy individuals and families who needed the CET incentives. She suggested staff would return to Council to discuss to what extent a multifamily building would have to meet the criteria to be exempt from the tax. **Mayor Gamba** thought Council had established that criteria and **Ms. Ober** said it had not been included as a percentage of the units for a multi-family unit. She said that there needed to be clarity on it and staff would return at a future meeting.

Ms. Fadenrecht discussed rent being income restricted and explained the goal would be to have a rent affordability period of least five years for a unit. She clarified that an evaluation of the affordability period would be done on a project-by-project basis.

Ms. Fadenrecht discussed CET program readiness considerations that needed to be in place. She discussed underserved populations and noted that development projects would be prioritized to ensure a diverse spectrum of people would be served. **Councilor Hyzy** wondered how the city was measuring the program to determine if underserved populations were being served. She noted universal accessibility design standards and wanted to make sure they were being considered.

Ms. Fadenrecht discussed transit-oriented development and the CETOG's preference for projects within a quarter-mile proximity of public transit. She displayed a map of all public transit in Milwaukie. The group made observations about the map. **Ms. Fadenrecht** discussed next steps and the project timeline.

Councilor Batey referred to Council President Falconer's desire for the program to not focus on ADUs. She asked what other types of middle housing would be supported by

the program. The group discussed other options such as cottage clusters or dividing existing houses into smaller units.

Mayor Gamba asked if single room occupancy (SRO) units were part of missing middle housing. The group did not believe they were included in the state law's definition. The group discussed if people could have boarding houses. **Mayor Gamba** discussed purpose-built SROs and noted they used to be a common housing option. He thought it was an important option. The group discussed allowing people to rent out rooms in their house versus purpose-built SROs. **Ms. Aman** and **Ms. Fadenrecht** said they would investigate those items.

Ms. Fadenrecht asked for feedback on the proposed CET program criteria. **Mayor Gamba** believed the criteria were good. He remarked that there were opportunities to clarify aspects of the program.

Council President Falconer wanted more information to determine if five years was an appropriate length of time for rent to be income restricted. It was Council consensus that staff should provide more information on how long an income restriction should be in place. **Ms. Aman** explained staff had done a cost benefit analysis to come up with the five-year suggestion. Staff wanted it to incentivize housing to be built sooner while also moving towards the program goals. She noted calculations that the CETOG had done as well. **Mayor Gamba** wanted to make sure there was a provision that clarified rent being income restricted would not last in perpetuity. The group discussed the rent cost restricting process in relation to state law.

Councilor Hyzy suggested that the City of Portland's confusing ADU process was a cautionary tale. The group wondered if the city could change the income restriction timeframe based on the types of housing. **Ms. Aman** reported that the CETOG was firm on the income restriction timeframe being a five-year minimum. She reiterated that this was a new program and staff would come back a year after the program was executed to review. The group noted how staff would evaluate the program and determine if it was a success.

Councilor Batey asked if there were groups who wanted to build affordable housing for homeownership opportunities. The group noted private and public organizations working to build affordable housing. **Ms. Fadenrecht** noted 15% of the residential development revenue from the CET program went to down payment assistance programs via Oregon Housing and Community Services.

Councilor Batey asked if there was an update on the idea of bringing together the taxing districts for a tax waiver for non-profits owning affordable housing. **Ms. Ober** said that if Council was interested staff could contact the taxing districts about general tax abatements and tax credits and arrange a meeting with Council. She asked if Council wanted to meet with elected officials and other city managers in the area to talk about decisions around tax abatement. The group noted which taxing district agencies would be involved and discussed whether it would be best to have one big meeting or multiple separate meetings with each taxing district.

Ms. Ober discussed the suggestion to put a cap on 10 ADUs. She noted staff would come back earlier during the trial period to provide updates on the program.

2. Council Compensation Jury Outcome – Discussion

Ms. Ober explained that this was Council's first chance to discuss the Council compensation recommendation provided by Healthy Democracy's Citizen Jury process.

Mayor Gamba thanked the people who participated in the citizen jury. He provided background on the topic, noting that previous councilors had remarked on the amount of work they put into the job versus how much they were compensated. He discussed the importance of a representative government and noted the types of people that could afford to dedicate time to volunteer for these types of positions. He observed that the complicated issues facing cities and the time needed to serve the community successfully as a councilmember. He commented on how he was able to serve as mayor and noted that most people did not have the financial ability to serve in the role. He reiterated that he was a continued proponent for getting mayors, councilors, and state representatives paid at least minimum wage for their time.

Ms. Ober asked each councilmember to declare any potential conflicts of interest before the discussion continued. She summarized previous conversations that councilmembers were not going to receive any compensation changes in their current seats and observed most councilmembers had the potential to run for a future term. She recommended councilmembers note any potential conflicts of interest.

Mayor Gamba remarked that the intention of the Council compensation conversation was that this Council was not to receive any income changes. He clarified that some councilmembers may receive income changes after being re-elected. He stated that given the potential that he could run for reelection at a future date it was a potential conflict of interest. **Councilor Batey** and **Council President Falconer** stated that they had potential conflicts of interest. **Councilor Parks** stated that she did not have a potential conflict of interest since she did not intend to run for reelection. **Councilor Hyzy** said she had a potential conflict of interest.

Mayor Gamba noted he was impressed with the citizen jury process. He observed that the jury had a majority recommendation and four minority recommendations. He thought this topic warranted further discussion. He suggested any decision be taken to the ballot for voters to decide. **Council President Falconer** thought the item should go to the voters if the recommendation was a bigger increase and if it could not be funded through the city budget.

Council President Falconer asked if Council would have an opportunity to ask clarifying questions on some of the jury's assumptions listed in the recommendations. She did not think that Council was over their budget, as noted in the jury results. **Ms. Ober** explained the confusion surrounding Council's budget was due to reimbursement funds not being allocated back to Council's budget.

Councilor Batey was content going with the majority recommendation and felt that it did not need to be referred to the voters since it was not a large stipend increase.

Councilor Parks observed that tying the council stipend to the Consumer Price Index (CIP) was a good idea and wanted more clarification for reimbursements related to technology, public transportation, and childcare. She liked the idea of the mayor having a city cell phone. She also believed if Council adopted the majority recommendation that it did not need to go to the voters. **Ms. Ober** and the group discussed to what extent staff could include additional Council funds into the budget. The group agreed that a larger conversation was needed in relation to what councilmembers could use city

funds for and the possibility of funds being available for items like childcare. **Ms. Ober** noted that Council should also think about how they may want to shift the city budget around to accommodate an increase in councilmembers' stipends.

Council President Falconer wanted clarity about Council's existing ability to seek reimbursement for different items. **Councilor Hyzy** agreed that there were many hidden costs that she had not sought reimbursement for in the past.

Councilor Parks noted the cost savings that could occur if Council increased frequency and the number of councilors allowed to carpool to meetings. The group observed they felt limited to the number of councilors in a car, due to potential public meeting concerns and **Ms. Ober** noted that was a conversation to have with the city attorney. She discussed the next steps in the process and noted staff would return to Council with more details.

3. Adjourn

Mayor Gamba announced that upon adjournment of the work session, Council would meet in Executive Session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Mayor Gamba adjourned the Work Session at 5:25 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II

COUNCIL REGULAR SESSION

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

2307th Meeting

MINUTES

JANUARY 21, 2020

Mayor Mark Gamba called the Council meeting to order at 6:04 p.m.

Council Present: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Design and Landmarks Committee (DLC) Present: Chair Cynthia Schuster, Vice Chair Brett Laurila, Members Evan Smiley, Tracey Orvis, Mary Neustadter

Staff: Assistant City Manager Kelly Brooks
Associate Planner Brett Kelter
City Attorney Justin Gericke
City Manager Ann Ober
City Recorder Scott Stauffer

Community Development Director Leila Aman
Climate Action & Sustainability Coordinator Natalie Rogers
Emergency Manager Steve Hoffeditz
Police Chief Luke Strait
Planning Director Denny Egner
Public Works Director Peter Passarelli

1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

A. Outstanding Milwaukie High School (MHS) Student Achievement Award for December presented to Saron Katema

Carmen Gelman, MHS Principal, introduced Ms. Katema and Council congratulated her on her academic and extra-curricular accomplishments.

Ms. Gelman provided an update on MHS programs and construction. **Councilor Hyzy** and **Ms. Gelman** remarked on the school's emergency response plan. **Ms. Gelman** reported that the school would be undergoing a rebranding campaign. The group remarked on the seismic standards of the new MHS building and how wood from trees removed from the site would be reused. **Mr. Stauffer** noted that the city and MHS were working to recruit students to serve as youth members on city boards and committees.

3. CONSENT AGENDA

It was moved by Councilor Parks and seconded by Councilor Hyzy to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:

1. December 3, 2019 Work Session;
2. December 3, 2019, Regular Session;
3. December 10, 2019, Study Session;
4. December 10, 2019, Special Session;
5. December 17, 2019, Work Session; and
6. December 17, 2019, Regular Session.

B. Resolution 6-2020: A Resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the city manager to execute an agreement for Municipal Court judge services.

Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]

4. AUDIENCE PARTICIPATION

Mayor Gamba noted that no audience member wished to address Council on a non-agenda topic and **Ms. Ober** reported there was no follow-up from the last meeting.

5. PUBLIC HEARING

A. None scheduled.

6. OTHER BUSINESS

A. Climate Emergency – Resolution

Councilor Hyzy explained why a climate emergency resolution was needed and noted similar actions taken by other governments. She reported that the resolution would accelerate the city's Climate Action Plan (CAP) goals by five years. **Mayor Gamba** expressed support for the resolution and read the resolution as originally presented into the record:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE.

WHEREAS, in April 2016 world leaders recognized the urgent need to combat climate change by signing the Paris Agreement, agreeing to keep global warming "well below 2°C above pre-industrial levels" and to "pursue efforts to limit the temperature increase to 1.5°C;" and

WHEREAS, the damage done by the current average global warming of 1 °C demonstrates that the Earth is already too hot for safety and justice, as seen through stronger and more frequent wildfires, floods, rising seas, diseases, droughts, and extreme weather; and

WHEREAS, according to the United Nations' Special Rapporteur on Extreme Poverty, 1.5°C of global warming could expose 500 million people to water poverty, 36 million people to food insecurity because of lower crop yields, and 4.5 billion people to deadly heat waves; and

WHEREAS, in October 2018, the United Nations released a special report which projected that limiting warming to even the dangerous 1.5°C target this century will require a complete transformation of every sector of the global economy by 2030; and

WHEREAS, climate change and the global industrialized economy's overshoot of ecological limits are driving the Sixth Mass Extinction of species, according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services; and

WHEREAS, the United States of America has disproportionately contributed to the climate and ecological emergencies and thus bears an extraordinary responsibility to rapidly solve these crises; and

WHEREAS, in July 2019, legislators introduced a concurrent Congressional resolution to declare a national climate emergency in the United States; and

WHEREAS, restoring a safe and stable climate requires an emergency mobilization on a scale not seen since World War II in order to reach zero greenhouse gas emissions across all sectors of the economy; to rapidly and safely drawdown and remove all the excess carbon from the atmosphere at emergency speed and until safe, pre-industrial climate conditions are restored; and to implement measures to protect all people and species from the consequences of abrupt climate breakdown; and

WHEREAS, the measures to restore a safe climate include a rapid, just, managed phase-out of fossil fuels; ending greenhouse gas emissions as quickly as possible to establish a zero-emissions economy; a widespread effort to reduce excess carbon in the atmosphere; a full transition to a regenerative agriculture system; and an end to the Sixth Mass Extinction through widespread conservation and restoration of ecosystems; and

WHEREAS, the scale of action necessary to achieve these measures will require unprecedented levels of public awareness, engagement, and deliberation to develop and implement effective, just, and equitable policies to address the climate emergency; and

WHEREAS, Milwaukie can act as a global leader through initiating an emergency Climate Mobilization to rapidly move from an ecologically, socially, and economically extractive local economy to one that is regenerative, as well as advocating for the regional, national, and international efforts necessary to reverse global warming and the ecological crisis.

NOW BE IT THEREFORE RESOLVED, by the City Council of the City of Milwaukie, Oregon, that a climate and ecological emergency which threatens our city, region, state, nation, civilization, humanity and the natural world, is hereby declared; and

BE IT FURTHER RESOLVED, that Milwaukie renews its community-wide commitment to addressing our part in the global climate crisis through the fifty-three actions outlined in our Climate Action Plan (CAP) and enacts the acceleration of our climate action goals by five years. By 2030, Milwaukie will have no net carbon emissions from its electricity use; by 2035, Milwaukie's buildings will have no net carbon emissions, and by 2045, Milwaukie will be a fully carbon-neutral city; and

BE IT FURTHER RESOLVED, that Milwaukie commits to a qualitative update of its Climate Action Plan on a three-year cycle, and to refining those actions as needed to achieve our community's carbon reduction targets through the most appropriate and effective solutions available, with the intent that these actions will result in a just and equitable transition for vulnerable and historically marginalized people; and

BE IT FURTHER RESOLVED, that the Milwaukie City Council directs staff to include climate impact statements in all relevant Council staff reports and motions, much as it currently includes fiscal impact statements; and

BE IT FURTHER RESOLVED, that the Milwaukie City Council commits to educating our residents about the financial and regulatory actions needed to eliminate greenhouse gas emissions as quickly as possible in order to achieve our accelerated climate action goals; and

BE IT FURTHER RESOLVED, that by the adoption of this resolution, the Milwaukie City Council hereby declares its support for H.Con.Res.52 and S.Con.Res.22, "Expressing the sense of Congress that there is a climate emergency which demands a massive-scale mobilization to halt, reverse, and address its consequences and causes"; and

BE IT FURTHER RESOLVED, that Milwaukie calls on the State of Oregon to declare a climate emergency; revise its statewide Renewable Portfolio Standards to achieve 50% renewable energy by 2030 and 100% clean and renewable energy by 2050; and to adopt meaningful climate legislation in the 2020 short legislative session. Milwaukie also calls on Clackamas County, Metro, the United States Congress, the President of the United States, and all governments and people worldwide to declare a climate emergency, initiate a Climate Mobilization to reverse global warming and the ecological crisis, and provide maximum protection for all people and species of the world, particularly those most vulnerable to the effects of the crisis; and

BE IT FURTHER RESOLVED, in furtherance of this resolution, the City of Milwaukie shall submit a certified copy of this resolution to the President of the United States;

Governor Kate Brown; Senators Jeff Merkley and Ron Wyden; Representative Kurt Schrader; the Metro Council and the Board of Clackamas County Commissioners and request that all relevant support and assistance in effectuating this resolution be provided.

Councilor Hyzy noted that Clackamas County adopted a climate action plan recently.

Mikayla Bishop and **Colin Herring**, SunrisePDX Movement members, remarked on Milwaukie's ability to influence the world by addressing climate change. They encouraged Council to adopt the climate emergency resolution.

Dave Robertson, Portland General Electric (PGE) vice president, thanked the city for partnering on clean energy projects and reported that PGE supported the climate emergency resolution. He noted PGE's clean energy programs.

Councilor Batey noted she had changes to the resolution and asked for clarification about speeding up the CAP goals. **Ms. Rogers** and **Mr. Passarelli** confirmed that the resolution would speed up the timing of the CAP goals and that staff supported the accelerated timelines. They remarked on the staff time required to collect greenhouse gas data. The group remarked on the proposal to add a climate impact section to city staff reports. **Mayor Gamba** and **Councilor Batey** commented on the benefits of speeding up when the city would review the CAP goals.

Councilor Batey explained her proposal to add language to the resolution that would recognize the contribution of meat and cheese producers to climate change. The group discussed and agreed to add the such language to the ninth "whereas" sentence.

Councilor Batey proposed a wording change to the fourth "be it further resolved" sentence that she believed would clarify the intention of the referenced regulatory actions. The group discussed and agreed to reword the sentence to read as "personal and community-wide actions".

Council President Falconer and **Mayor Gamba** thanked the SunrisePDX Movement for their regional climate action work.

Councilor Batey and **Mayor Gamba** commented on the importance of sending copies of the resolution to certain government officials by certified mail.

Mr. Stauffer noted there had been several versions of the resolution including the original, Councilor Hyzy's revised version, and the final version based on Councilor Batey's changes. **Councilor Hyzy** noted the changes made in her version.

It was moved by Councilor Batey and seconded by Councilor Parks to approve the resolution endorsing the declaration of a climate emergency and emergency mobilization effort to restore a safe climate, as amended and read into the record by staff and with two further amendments discussed at the dais. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]

Resolution 7-2020:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE.

B. Home Energy Score (HES) Adoption – Ordinance

Mr. Passarelli explained that Council was asked to adopt the proposed HES program. He commented that the program aligned with the climate emergency resolution and remarked on how the program would encourage energy efficiency. **Mayor Gamba** noted other cities were using Milwaukie's CAP as a model and suggested that staff inform those cities that the CAP goal timelines had been accelerated.

Ms. Rogers reviewed changes made to the program, including score card text changes, references to the low-income assistance program, and definition changes. She provided an overview of the outreach work that would be done once the program was adopted. She noted the city would coordinate the program with PGE, the Energy Trust of Oregon (ETO), and the Community Energy Project (CEP). She remarked on the benefits of helping residents improve the energy efficiency of their homes.

Councilor Batey noted she had submitted questions to staff before the meeting and remarked on the use of terms that referred to dwelling units in the Milwaukie Municipal Code (MMC). She expressed concern about how the proposed code language referred to the required documentation needed to show work was done to improve a home's energy efficiency. She and **Council President Falconer** discussed how to refer to situations when a homeowner has lost the receipts for energy efficiency improvements. **Mr. Passarelli** suggested that after the program was adopted staff would develop a program guide and ask Council to review the language used. The group discussed using "not recorded" and "not documented" in referring to lost receipts and it was the group consensus to use either phrase.

Councilor Batey did not want the code language referring to the low-income assistance program to be too rigid. She wanted it to direct people to the right place to get help. **Ms. Rogers** remarked on where low-income assistance program information would be made available. **Councilor Parks** thanked staff for improving the assistance program and working to ensure funding would be available to help homeowners.

Jay Ward, ETO Community Relations Manager, read a written statement that reviewed ETO's work with the Oregon Public Utilities Commission, PGE, and the city. He noted the energy efficiencies implemented in the new Ledding Library building. **Ms. Ober** mentioned that the library project had received financial contributions from ETO.

Jackie Zusi-Russell, CEP, commented on her experience working with homeowners and real estate agents to meet the requirements of the City of Portland's HES program. She expressed support for Milwaukie's HES program. **Council President Falconer** and **Ms. Zusi-Russell** remarked on whether wall insulation was part of a HES inspection.

Mayor Gamba commented that he had taken advantage of ETO's program for his older Milwaukie home and it had improved the home's energy efficiency.

It was moved by Councilor Batey and seconded by Councilor Hyzy to approve the Ordinance amending the municipal code by adding a new Chapter 16.40 adopting residential energy performance rating and disclosure requirements as amended and read into the record by staff with the additional change made from dais. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]

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

Mr. Stauffer polled the Council with Councilors Parks, Hyzy, Falconer, and Batey, and Mayor Gamba voting “aye.” [5:0]

Ordinance 2187:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 16.40 ADOPTING RESIDENTIAL ENERGY PERFORMANCE RATING AND DISCLOSURE REQUIREMENTS.

The group noted that Milwaukie was the second city in Oregon to adopt a HES program.

C. Natural Hazard Mitigation Plan (NHMP) Adoption – Resolution

Chief Strait explained that Council was asked to adopt the city’s updated addendum to the county NHMP. He explained that the plan supported regional responses to natural hazards. He provided an overview of the city’s addendum, the process to review the plan, the proposed revisions, and how the plan would be maintained going forward.

Mayor Gamba noted the city’s long-standing concerns about the outdated Federal Emergency Management Administration (FEMA) flood maps and asked if the NHMP process would help get updated maps. **Chief Strait** and **Mr. Hoffeditz** noted city staff’s work to update floodplain maps and said they would check on the FEMA maps.

Chief Strait reported that the county’s NHMP project manager had accepted a text change regarding community involvement that had been proposed by Councilor Batey. He reviewed the revised language change.

Councilor Hyzy was pleased to see the NHMP reference the city’s CAP and **Chief Strait** remarked on the importance of integrating high level policy documents.

Councilor Batey noted the lack of movement on the 2013 NHMP action items. **Chief Strait** suggested the revised action items would set the city up for better success.

Councilors Hyzy and Batey commented on the importance of building inter-agency relationships and cross-referencing policy documents to prepare for disasters.

It was noted that the plan adoption date would be updated to 2020.

Council President Falconer remarked that the demographic information in the plan needed to be updated. **Ms. Ober** suggested the motion adopting the resolution could reference the need to use the latest United States Census Bureau data. The group remarked on the most recent census data and the shift in income levels in Milwaukie.

It was moved by Council President Falconer and seconded by Councilor Hyzy to approve the resolution adopting updates to the city’s addendum to the Clackamas County Multi-Jurisdictional Natural Hazards Mitigation Plan as amended and read into the record by staff and amended by staff to reflect the current census data and correct scriveners errors. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 8-2020:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING UPDATES TO THE CITY’S ADDENDUM TO THE CLACKAMAS COUNTY MULTI-JURISDICTIONAL NATURAL HAZARDS MITIGATION PLAN.

D. Design and Landmark Committee (DLC) – Annual Update

It was noted that all DLC members were present. **Mr. Kelter** provided an overview of the DLC's work over the last year and suggested the committee would finish its review of the downtown design standards in the coming year.

Mayor Gamba remarked on the importance of the DLC referencing the Milwaukie community vision and CAP in its various projects. **Mr. Kelter** did not think the vision or CAP had played a major role in the DLC's work to-date but would as the committee shifted to Comprehensive Plan related policy work. He commented on the impact of green building goals on downtown design standards. **Ms. Schuster**, DLC Chair, commented on how the downtown design standards had taken into consideration energy efficiency and related land use review processes.

Mr. Laurila remarked that he would like Council and the Planning Commission to use the DLC more on projects like the Ledding Library, the Pond House, and affordable housing projects. He commented on the possibility of the DLC helping apply energy efficiency requirements on the redevelopment of the Pond House. The group remarked on how the DLC had weighed-in on the city's work to replace windows at City Hall. **Mayor Gamba** and **Ms. Schuster** commented on ways the city was working to push changes to the state energy code.

Mr. Kelter summarized the DLC's workplan for the year and asked if Council had any additional items for the committee to work on. **Mayor Gamba** suggested the DLC could consider ways to make affordable and missing middle housing types less expensive.

Mr. Kelter noted that in the next year the DLC wanted to work more on historic preservation policy and code. **Councilor Batey** expressed support for the DLC working on historic preservation and noted the upcoming code work related to the Comprehensive Plan review. **Ms. Neustadter** noted that historic preservation work required a big investment and wondered if the DLC would have the necessary resources to do such work. The group commented on how staff resources could be dedicated to updating the city's historic resources inventory over several years.

E. Council Input on Legislative and Regional Issues – Discussion

Ms. Brooks provided an update on the status of state legislation the city was tracking. The group noted the status of bills addressing the City of Happy Valley's legal dispute with the North Clackamas Parks and Recreation District (NCPRD), a carbon cap-and-trade program, broadband grants, gun control, prevailing wages, and enterprise zones.

Councilor Batey asked for an update on the North Clackamas Watersheds Council's work to remove the Kellogg Creek dam. **Ms. Brooks** reported on recent meetings on the project with state and regional partners. She noted the possibility of making the Kellogg Dam removal an Oregon Solutions project to better position it for funding opportunities. **Mayor Gamba** and **Ms. Brooks** remarked on the feasibility of again seeking Oregon Department of Transportation culvert program funding and the likelihood of waiting for future legislative sessions to get funding.

Councilor Batey reported that there had been some pushback from environmental groups about projects included in Metro's planned Transportation 2020 bond measure. She wondered if the city should push to include the Kellogg Dam project in the bond measure. **Ms. Brooks** commented that it was unlikely that the dam could be included in the bond measure. The group noted the status of the bond measure.

Ms. Brooks announced that the neighborhood district association leadership meeting had been rescheduled to February 3.

7. INFORMATION

Mayor Gamba announced upcoming events, including a Ledding Cultural Forum event, a Spring Park and Elk Rock Island enhancement project day, the grand opening of the Kronberg Park Multi-use Pathway, a community conversation on affordable housing, a meet the author event, and the annual state of the city address. **Councilor Batey** remarked that the park enhancement project would be finished in time for participants to attend the pathway grand opening. **Councilor Hyzy** noted that the Clackamas Community College state of the college address was scheduled to occur at the Harmony Road Campus.

8. ADJOURNMENT

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

Mayor Gamba moved to adjourn the regular session at 8:30 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 6, 2020

Reviewed: Kelly Brooks, Assistant City Manager, and
Steve Adams, City Engineer

From: Beth Britell, Civil Engineer

Subject: **2020 SE McBrod Avenue Improvements (CIP 2015-W27)**

ACTION REQUESTED

Council is asked to adopt a resolution authorizing the city manager to sign a contract for the 2020 McBrod Avenue improvements project with Interlaken Inc. and authorize construction of the project.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The project is included in the Fiscal Year (FY) 2019-2024 Capital Improvement Plan (CIP) for construction in FY 2020. The project is budgeted in the adopted FY 2019-2020 Biennium Budget for the Street Surface Maintenance Program (SSMP), transportation, water, wastewater and storm funds.

ANALYSIS

The project, located between SE 17th Avenue to SE Ochoco Street, includes approximately 10,000 square yards of roadway reconstruction, installation of approximately 14,000 square feet of continuous Americans with Disability Act (ADA) compliant sidewalk on the east side of the roadway, replacement of approximately 2,900 linear feet of water main, replacement of water service lines and hydrants, replacement of approximately 230 linear feet of sewer, installation of approximately 800 linear feet of storm pipe, and installation of four stormwater treatment systems to meet stormwater treatment requirements.

The roadway will be rebuilt using full depth reconstruction, where the existing roadway is pulverized and combined in-situ with either slurry or dry cement to create a durable base. Full depth reconstruction recycles existing roadway materials and minimizes landfill disposal. The roadway will be paved with six inch of asphalt concrete pavement.

In conjunction with the improvements described above, the city has contracted with Oregon Pacific Railroad (OPRR) to reconstruct the at-grade railroad crossing within OPRR right-of-way (ROW) at a cost of \$98,812.55.

The city will reimburse OPRR for the cost of up to 20 days of rail track lock out, at a cost of \$400.00 per day, which is required for the performance of work within 8.5 feet from track centerline. The contractor is responsible for rail track lock out costs for work exceeding 20 days.

Staff completed a competitive bidding process under Chapter 40 of the city 's Public Contracting Rules (PCRs) and seven bids were received before the solicitation deadline.

The table below summarizes the bids received:

	Contractor	Total Bid Amount
1	Interlaken Inc.	\$1,944,240.65
2	Emery & Sons Construction Group LLC	\$2,080,724.60
3	Moore Excavation Inc.	\$2,082,045.40
4	Tapani Inc.	\$2,093,099.95
5	M.L. Houck Construction Co.	\$2,148,713.95
6	Kodiak Pacific Construction	\$2,231,231.00
7	3 King Environmental Inc.	\$2,664,425.22
	Engineer's Estimate	\$2,371,731.37

Interlaken Inc. was the low bid and is the intended awardee. A total project authorization of \$2,094,240 is requested, which includes a \$150,000 contingency based on project risks, potential deviations in project quantities, anticipated work, and to cover unforeseen circumstances.

BUDGET IMPACTS

This project is included in the FY 2020 budget.

WORKLOAD IMPACTS

This project is scheduled for FY 20 and FY 21 and no additional impacts are anticipated. Construction will occur from March to December 2020.

COORDINATION, CONCURRENCE, OR DISSENT

Managers from engineering, public works, planning, and finance reviewed and approved the project scope and budget.

COMMUNITY ENGAGEMENT

McBrod Avenue property owners and tenants were invited to a project open house on October 3, 2019, at NW Flex Space (1887 SE Milport Road). Written permission was obtained from property owners to reconnect water service lines on private property. Email and phone contact information was collected for all property owners and tenants and this information will be used to send construction related updates.

STAFF RECOMMENDATION

Staff recommends award of the 2020 SE McBrod Avenue improvements project to Interlaken Inc. with a project authorization of \$2,094,240.00.

ALTERNATIVES

Council could choose to:

1. award the project as presented,

2. reject all bids in the public interest and direct staff to revise and rebid the project during a more favorable period, or
3. reject all bids in the public interest.

ATTACHMENTS

1. Resolution



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, APPROVING THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE 2020 SE MCBROD AVENUE IMPROVEMENTS (CIP-2015-W27) TO INTERLAKEN INC.

WHEREAS, the City's Fiscal Year (FY) 2019-2024 Capital Improvement Plan (CIP) identified the 2020 SE McBrod Avenue Improvements project as a priority project to improve street, water, sewer, and stormwater infrastructure; and

WHEREAS, these improvements are contained within the 2019-2020 biennial budget; and

WHEREAS, a formal competitive bid process following Public Contract Rule 40 was completed; and

WHEREAS, Interlaken Inc was the lowest responsive and responsible bidder.

Now, Therefore, be it Resolved that City Council authorizes the city manager or designee to execute a contract with Interlaken Inc for the construction of the 2020 SE McBrod Avenue Improvements, waive any irregularities, and authorize the city engineer or designee to administer the project in accordance with the project specifications with a project authorization of \$2,094,240.00.

Introduced and adopted by the City Council on **February 18, 2020**.

This resolution is effective immediately.

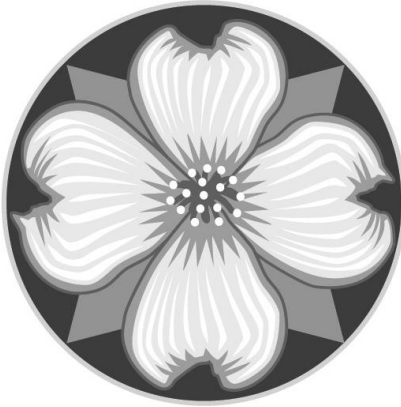
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

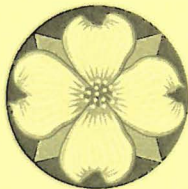
Justin D. Gericke, City Attorney



RS Agenda Item

4

Audience Participation



CITY OF MILWAUKIE
CITY COUNCIL

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

Name: MS-KIRAN DAS BALA **Address:** 9125 S-E 29th AVE
Organization: **Phone:** MILWAUKIE, OR 97222
Meeting Date: 02-18-2020 **Topic:** myself
Email: (503) 901-2596

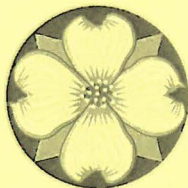
Agenda Item You Wish to Speak to:

- ☒ #4 Audience Participation
☐ #5 Public Hearing, Topic:
☐ #6 Other Business, Topic:

You are Speaking...

- ☐ in Support
☐ in Opposition
☐ from a Neutral Position
☐ to ask a Question

Comments:



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CITY COUNCIL

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Name: A J Waters

Organization: Stronger Skatepark

Address: 6102 SE King Rd Milwaukie

Phone: 815-861-2408

Email: aj@strongerskatepark.com

Meeting Date: _____

Topic: Changing the laws regarding Skateboarding

Agenda Item You Wish to Speak to:

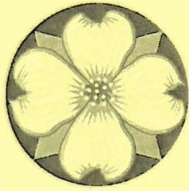
- ☒ #4 Audience Participation
- ☐ #5 Public Hearing, Topic:
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☐ in Support
- ☐ in Opposition
- ☐ from a Neutral Position
- ☐ to ask a Question

Roller skating & bicycling
in commercial areas

Comments:



CITY OF MILWAUKIE
CITY COUNCIL

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

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Name: Sara Reynolds

Organization:

Address: 3735 SE Roswell
Phone: 806 6042 806
Email:

Meeting Date: 2/18/2020 Topic: knittiki@gmail

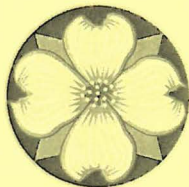
Agenda Item You Wish to Speak to:

- ☒ #4 Audience Participation
- ☐ #5 Public Hearing, Topic:
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☐ in Support
- ☐ in Opposition
- ☐ from a Neutral Position
- ☐ to ask a Question

Comments:



CITY OF MILWAUKIE CITY COUNCIL

10722 SE Main Street
P) 503-786-7502
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ocr@milwaukieoregon.gov

Speaker Registration

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Name: Laura Chapman

Organization:

Address: 10500 SE 26th Ave Milwaukie 97222
Phone: APT E-15 503-709-9275
Email: chapman.laura@protonmail.com

Meeting Date: 2/18/2020 Topic: Police Union Contract

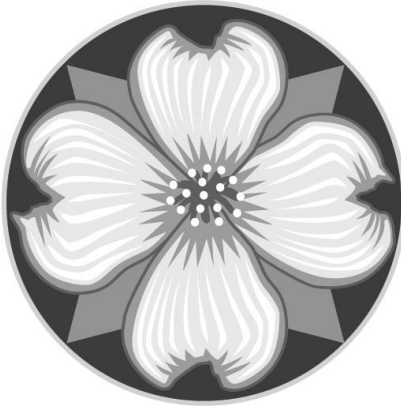
Agenda Item You Wish to Speak to:

- ☒ #4 Audience Participation
- ☐ #5 Public Hearing, Topic:
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☐ in Support
- ☐ in Opposition
- ☐ from a Neutral Position
- ☐ to ask a Question

Comments:



RS Agenda Item

6

Other Business

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 13, 2020

Reviewed: Leila Aman, Community Development Director, and
Denny Egner, Planning Director

From: Brett Kelter, Associate Planner

Subject: **51st Avenue Public Right-of-Way (ROW) Vacation**

ACTION REQUESTED

Council is asked to initiate the vacation of a portion of the public right-of-way (ROW) on the west side of 51st Avenue south of King Road.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

There have been no prior actions or discussion by Council on this issue.

ANALYSIS

Land Use History

In 2019, the owners of the property at 5084 SE King Rd. went through the land division process to replat their lot and create a new, buildable parcel fronting on 51st Avenue (master file #R-2019-004). Due to the existing lot dimensions, variances were needed to approve the depth (75 feet instead of the required 80-foot minimum) and area (approximately 4,300 square feet instead of the required 5,000-square-foot minimum) of the new parcel (Parcel 2). The requested variances were approved by the Planning Commission. Because the subject property was already developed with a single-family dwelling, no dedication of property to the public ROW along King Road was required, as it would have been disproportionate to the impacts of the replat.

In 2016, the Planning Commission approved the adjacent Mission Park subdivision to the east (master file #S-2016-001), including the dedication of land to form the public ROW of 51st Avenue. Due to the configuration of the overall Mission Park property, the 51st Avenue ROW is approximately 6 feet wider where immediately adjacent to 5084 SE King Rd. than farther south in the subdivision (see Figure 1). The design for the required improvements on 51st Avenue resulted in the construction of a curb, landscape strip, and set-back sidewalk, with an extra 6 feet of landscaped area between the sidewalk and the eastern boundary of 5084 SE King Rd. City staff confirmed that there is no public purpose or engineering requirement to retain this additional 6 feet of landscaping as public ROW, as no further public improvements are required on 51st Avenue.

Figure 1. ROW alignment on 51st Ave



Planned ROW Improvements

The city has a planned capital improvement project to construct sidewalk and landscape strip on King Road, including in front of 5084 SE King Rd. However, the current ROW width on King Road is less than what is needed to achieve the city's preferred design for the street, which would include a landscape strip and concrete set-back sidewalk where there is currently only a substandard curb-tight asphalt walkway. The full design could be achieved with an additional 6.5 feet added to the King Road ROW.

During the replat process for 5084 SE King Rd, engineering and planning staff recognized an opportunity to exchange existing ROW on 51st Avenue for ROW on King Road. If the city were to vacate the unneeded strip on the west side of 51st Avenue, it would become an independent tract of real property that would revert to the original holder of fee title to the land at the time of the subdivision—in this case, the developer of Mission Homes. The developer would then be responsible for maintaining and paying taxes on the new tract.

City staff have approached the developer and secured his agreement to give the tract to the owners of 5084 SE King Rd. using a quitclaim deed, with an agreement between the owners of 5084 SE King Rd. and the city for an exchange. In return for receiving the vacated ROW as a new tract, the owners of 5084 SE King Rd. would provide the city with the desired dedication of frontage along King Road (see Figure 2).

Figure 2. Proposed ROW exchange



The new strip along 51st Avenue could be consolidated with the two lots created by the replat, which would eliminate Parcel 2's need for the variance to the lot depth standard and would reduce its nonconformance with respect to the lot area standard by increasing it from approximately 4,300 square feet to 4,645 square feet. The final plat needed to finalize the 2019 replat could serve as the vehicle to record the consolidation of vacated 51st Ave ROW with the replat parcels as well as the new ROW dedication on King Road. It would be a win-win situation for the city and the owners of 5084 SE King Rd., with no impact to the original developer of the Mission Park subdivision.

Vacation Process

Either adjacent property owners or the city itself can initiate the vacation of public ROW. The property-owner-initiated process involves collecting petition signatures from adjacent property owners who would be affected. The city-initiated process, which is outlined in Oregon Revised Statutes (ORS) 271.130, does not require a petition but includes public notice to affected property owners within a certain distance of the vacation area. Once the city initiates the vacation (with a resolution), public notice is sent to affected property owners, with a hearing date identified for the Council to make a final decision.

With the city-initiated process, a proposed vacation fails only if there is an objection from the abutting property owner(s) who would receive the vacated land, or from a majority of affected property owners receiving notice. In this case, the abutting property owner is the original owner of the land that created the Mission Park subdivision and provided the dedication for 51st Avenue (Mission Homes NW, LLC), which has confirmed its agreement with the proposal. Public notice would be sent following the Council's adoption of the proposed resolution, and staff does not anticipate significant (if any) objection from nearby property owners.

BUDGET IMPACTS

The proposed ROW vacation presents no significant costs to complete the necessary property transactions and boundary adjustment process. The proposed ROW vacation will save the city the future cost of purchasing the land needed along the King Road frontage of 5084 SE King Rd. for the city's planned street improvements (e.g., sidewalks and stormwater facilities).

WORKLOAD IMPACTS

The proposed ROW vacation presents minimal impacts to staff workload to complete the necessary property transactions and boundary adjustment process. In conjunction with the agreed-upon exchange of the vacated ROW for a proportionate dedication of land along the frontage of 5084 SE King Rd. (described above), the proposed ROW vacation will facilitate the efforts of engineering staff when the planned capital improvement project for street improvements on King Road moves forward.

COORDINATION, CONCURRENCE, OR DISSENT

Planning staff has coordinated with engineering and public works staff on this issue; both departments concur with the proposed action. Staff has also worked closely with the city attorney to confirm the legality and appropriateness of the proposed approach.

STAFF RECOMMENDATION

Staff recommends that Council initiate the ROW vacation as proposed.

ALTERNATIVES

Council could decline to initiate the proposed ROW vacation. For the planned capital improvement project to build improvements on King Road, the city could instead (1) opt to construct less than the full design of improvements at this location (i.e., only a curb-tight sidewalk and no landscape strip) or (2) pursue the option of purchasing the property needed to achieve the full design.

ATTACHMENTS

1. Resolution initiating the proposed ROW vacation
 - Exhibit A. Legal description and map of area to be vacated



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY-INITIATED VACATION OF A PORTION OF THE PUBLIC STREET RIGHT-OF-WAY ON THE WEST SIDE OF 51ST AVENUE SOUTH OF KING ROAD.

WHEREAS, 51st Avenue south of King Road was dedicated to the City of Milwaukie for roadway purposes in conjunction with the platting of the Mission Park subdivision; and

WHEREAS, the street frontage improvements required along the western side of 51st Avenue, which include asphalt street, curb and gutter, landscape strip, and setback sidewalk, have been constructed and are located approximately six feet east of the boundary of 5084 SE King Rd.; and

WHEREAS, the City of Milwaukie has determined that the landscaped area remaining in the 51st Avenue right-of-way up to approximately six inches west of the western edge of the west-side sidewalk is not needed for roadway purposes; and

WHEREAS, the Oregon Revised Statutes (ORS) Chapter 271 provides for the vacation of public street rights-of-way; and

WHEREAS, the City of Milwaukie has secured agreements with the parties necessary to arrange an exchange of public right-of-way to be vacated on 51st Avenue adjacent to the property at 5084 SE King Rd. for a dedication of property to the King Road right-of-way by 5084 SE King Rd. along that property's King Road frontage; and

WHEREAS, the City Council of the City of Milwaukie wishes to follow the provisions of ORS Chapter 271 and initiate the vacation of the six-foot-wide strip of 51st Avenue adjacent to the landscaped right-of-way adjacent to 5084 SE King Rd. on their own motion per Chapter 271.130;

Now, Therefore, be it Resolved that this resolution initiating the street vacation of the six-foot-wide strip of 51st Avenue, as described and depicted in Exhibit A, per ORS 271.130 is effective immediately.

Introduced and adopted by the City Council on **February 18, 2020**.

This resolution is effective immediately.

ATTEST:

Mark F. Gamba, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

**CMT SURVEYING AND CONSULTING INC.**

FEBRUARY 6, 2020

PROJECT NO 500-757

LEGAL DESCRIPTION

A TRACT OF LAND IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 14, MISSION PARK, PLAT NO. 4538, A DULY RECORDED SUBDIVISION IN CLACKAMAS COUNTY, OREGON, SAID POINT BEING 23.50 FEET WESTERLY OF THE CENTERLINE OF SE 51ST AVENUE, AS SHOWN ON THE PLAT OF SAID MISSION PARK;

THENCE SOUTH 89° 45' 59" WEST ALONG THE NORTHERLY LINE OF SAID LOT 14, 7.61 FEET TO THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO LUCICA MURESAN IN INSTRUMENT NO. 2004-110618, CLACKAMAS COUNTY DEED RECORDS;

THENCE NORTH 00° 06' 43" WEST ALONG THE EASTERLY LINE OF SAID MURESAN TRACT, WHICH IS ALSO THE WESTERLY RIGHT-OF-WAY LINE OF SAID SE 51ST AVENUE, 148.96 FEET TO THE NORTHEAST CORNER OF SAID MURESAN TRACT AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SE KING ROAD;

THENCE NORTH 89° 49' 33" EAST ALONG THE EASTERLY EXTENTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SE KING ROAD, 7.46 FEET TO A POINT THAT IS 23.50 FEET FROM THE CENTERLINE OF SE 51ST AVENUE, AS SHOWN ON THE PLAT OF SAID MISSION PARK;

THENCE SOUTH 00° 09' 57" EAST PARALLEL WITH THE CENTERLINE OF SAID SE 51ST AVENUE, 148.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,122 SQUARE FEET, MORE OR LESS.



EXPIRES DECEMBER 31, 2020



CMT SURVEYING AND CONSULTING

20330 SE HIGHWAY 212 DAMASCUS, OR 97089 PHONE 503-850-4672 FAX 503-850-4590

CLIENT: LUCICA MURESAN
ADDRESS: 5084 SE KING RD
LEGAL: ROADWAY VACATION
DRAWN: DMR 2/6/2020
JOB NO: 500-757 1"=30'

S.E. KING ROAD

30.00'

N 89°49'33" E
7.46'

DEED DOCUMENT
NO. 2004-110618

N 00°06'43" W 148.96'
RIGHT-OF-WAY VACATION (1,122 SQFT)
S 00°09'57" E 148.95'

23.50'

23.50'

S 89°45'59" W
7.61'

POINT OF BEGINNING
NORTHEAST CORNER
OF LOT 14

LOT 13

LOT 14

"MISSION PARK"

S.E. 51ST AVENUE

LOT 1

LOT 2

"MISSION PARK"



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 11, 2018
DAVID ROEGER
86811

EXPIRES DECEMBER 31, 2020

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 30,
TOWNSHIP 1 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN,
CITY OF MILWAUKIE, CLATSOP COUNTY, OREGON

A stylized graphic of a flower with white petals and a brown center, set against a green and brown background, all within a circular frame. The flower is positioned on the left side of the slide.

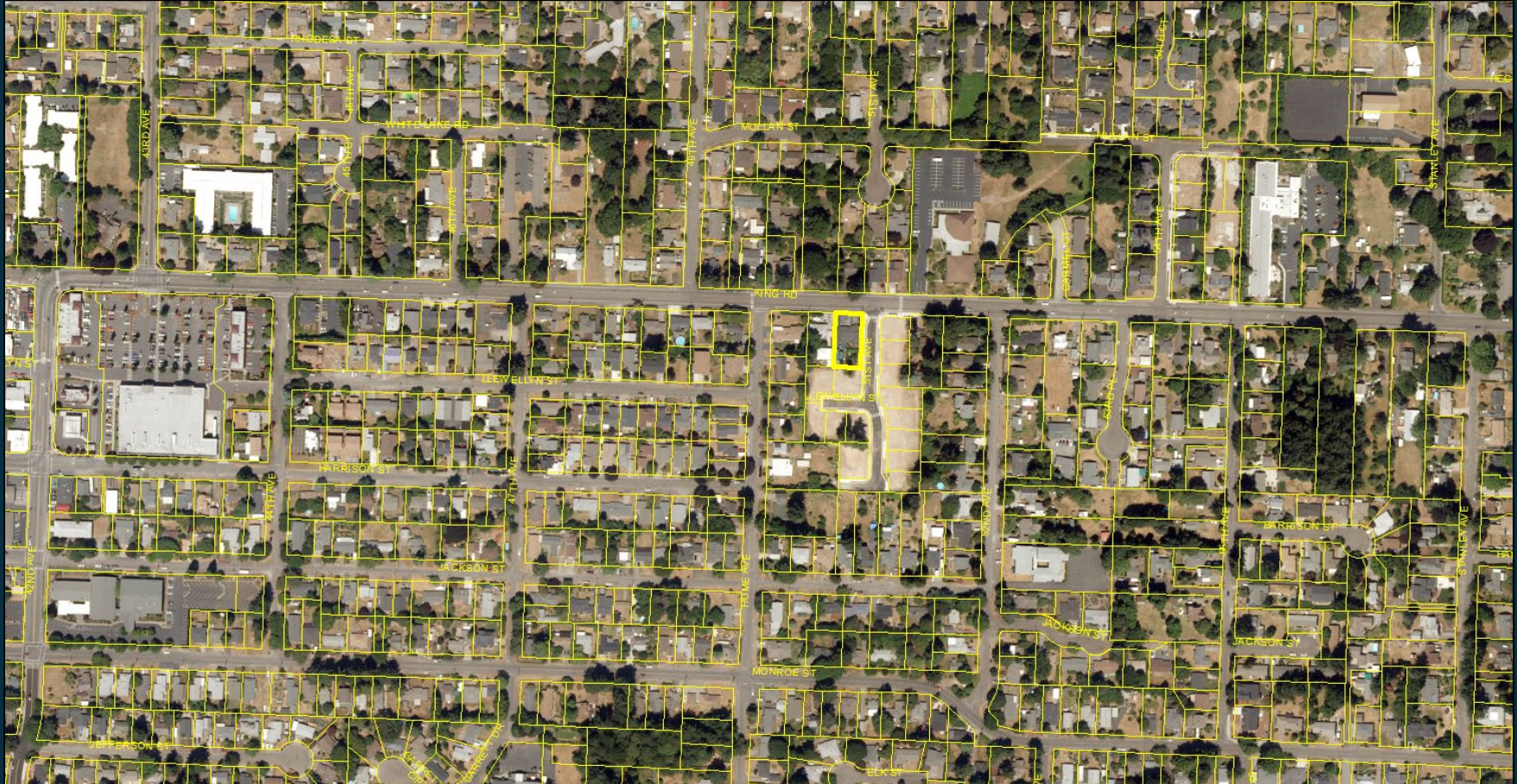
**RS 6. A. 2/18/2020
Presentation**

ROW Vacation on 51st Avenue

**City Council Regular Session
February 18, 2020**

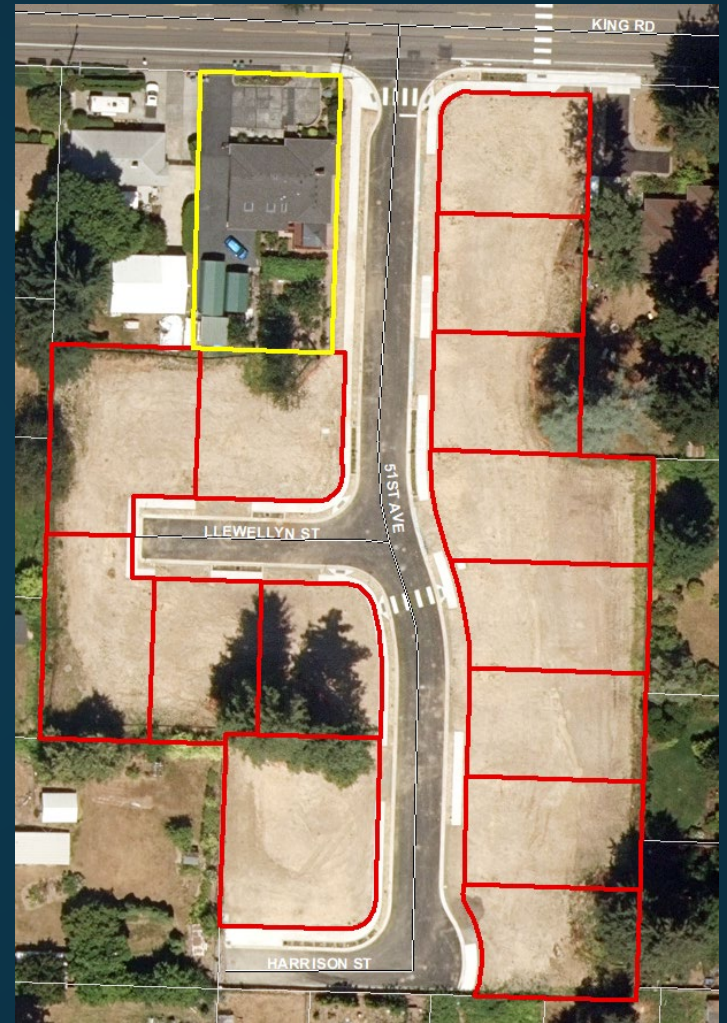
Presentation by Brett Kelter, Associate Planner

Project Location & Vicinity



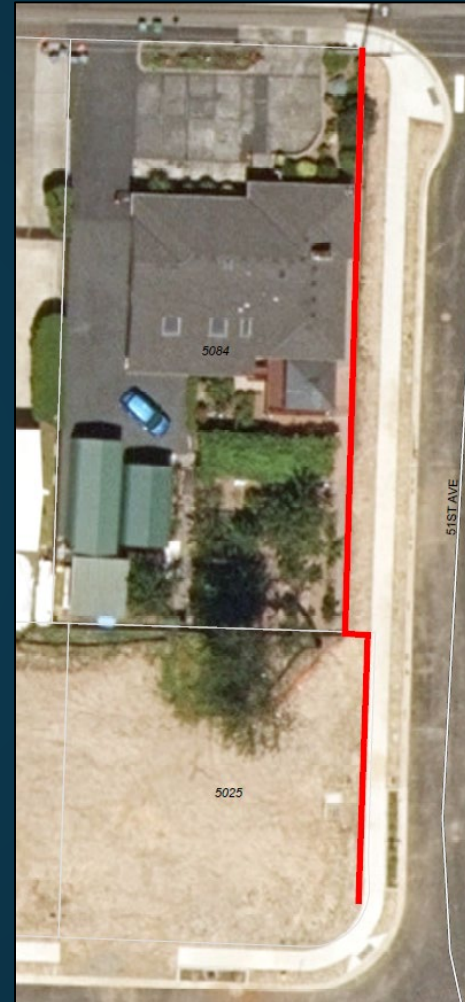
Mission Park subdivision (2018)

- 14 lots (outlined in red)
- 5084 SE King Rd (yellow) = not part of subdivision



51st Avenue

- ❖ Mission Park subdivision resulted in an offset boundary for the public right-of-way (ROW).
- ❖ Street improvements have been constructed on 51st Avenue and stand as the final design.



Existing Conditions



View of King Road & 51st Avenue (looking southwest)

Existing Conditions



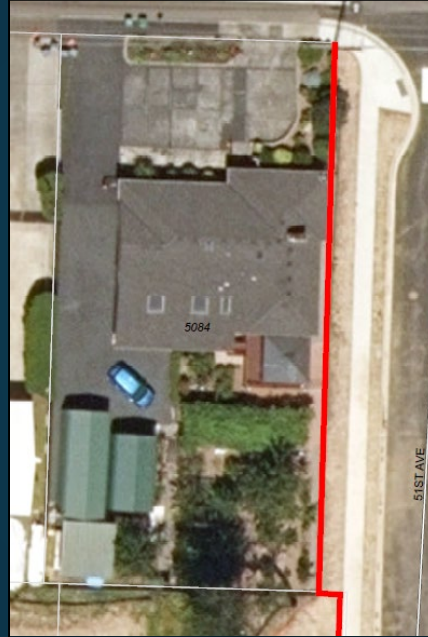
View from 51st Avenue
(looking northwest)



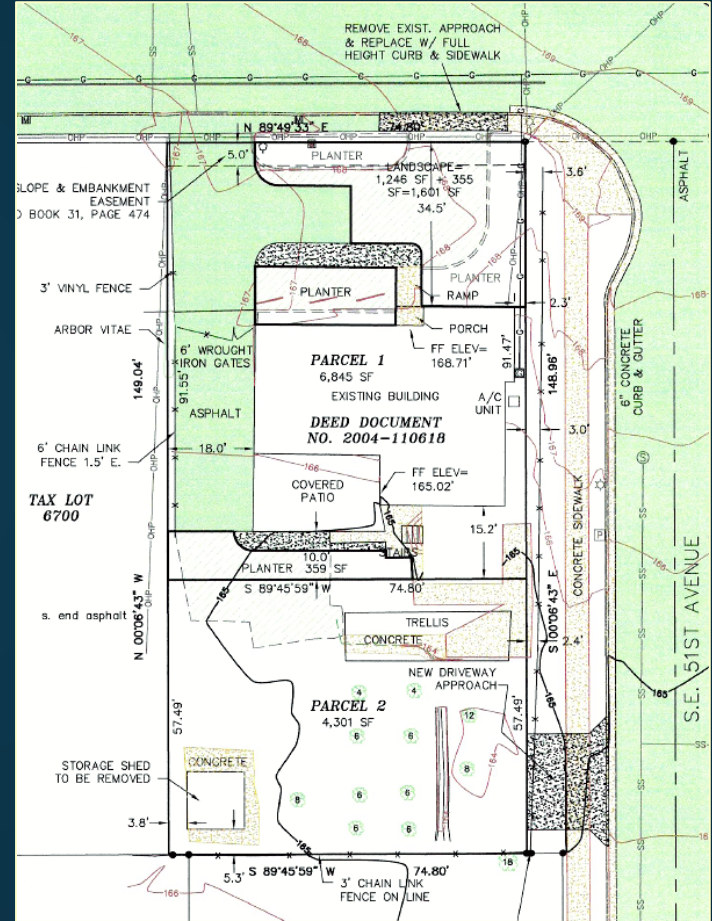
Existing sidewalk on King Road
(looking west)

Replat of 5084 SE King Rd (2019)

- 2-lot partition (R-5 zone)
- Parcel 2 needed variances for lot depth and area
- Could not require ROW dedication on King Road frontage



- Opportunity for land exchange to benefit future improvement project on King Road



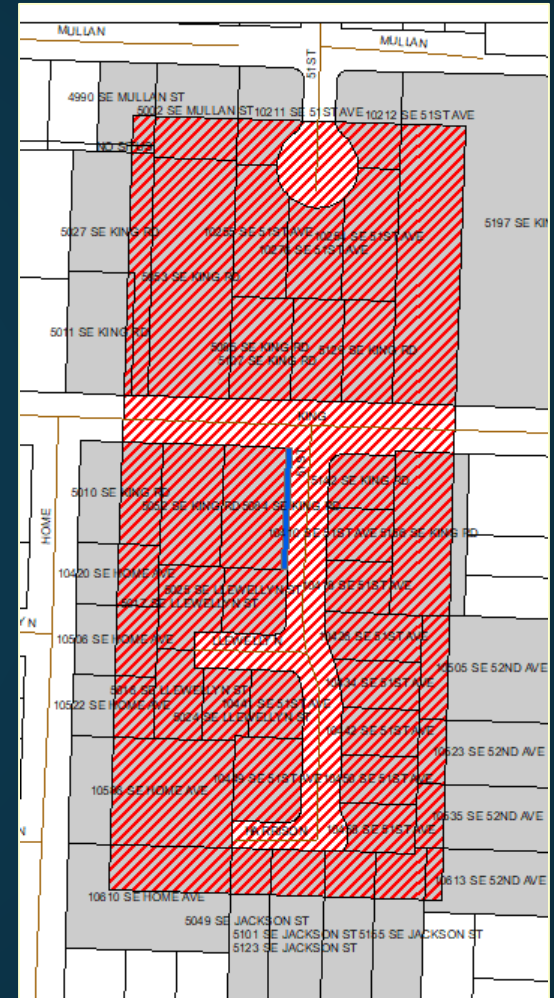
Exchange Agreement

- ❖ If the City vacates a strip of ROW on the west side of 51st Avenue:
 1. Subdivision developer has agreed to transfer the vacated area to the owners of 5084 SE King Rd.
 2. Owners of 5084 SE King Rd have agreed to dedicate property along King Road to public ROW.



ROW Vacation Process

1. Council initiates the vacation.
2. Staff sends public notice to nearby property owners.
3. Council holds a public hearing (March 17).
 - ❖ If no more than 2/3 of owners within the notice area object, Council can approve the vacation.
 - ❖ Vacated area reverts to ownership of subdivision developer.
 - ❖ City staff moves forward with agreed-upon land exchange.



Questions?

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Jan. 30, 2020

Reviewed: Leila Aman, Community Development Director

From: Christina Fadenrecht, Housing and Economic Development Associate, and
Alison Wicks, Development Project Manager

Subject: **TriMet Remnant Lot (Sparrow Site) Update**

ACTION REQUESTED

Council is asked to review and provide input on development goals for the Tri-County Metropolitan Transportation District (TriMet) remnant lot at the corner of Sparrow and 25th Avenue (the Sparrow Site), and to receive an update on the proposed project community engagement plan.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[June 20, 2018:](#) Staff met with the Island Station Neighborhood District Association (NDA) to provide an update of city plans to land bank property for the purpose of housing development opportunities. This discussion followed five email updates on plans to acquire the Sparrow Site.

[March 19, 2019:](#) Council delegated signing authority to the city manager to purchase the Sparrow Site from Tri-Met for \$33,287.

BACKGROUND

The Sparrow Site is located at the corner of SE Sparrow Street and SE 25th Avenue in the Island Station neighborhood. In March 2019, the city acquired the site from Tri Met for \$33,287 for the purpose of developing housing to meet the city's affordable housing goals as outlined in the city's affordable housing strategy.

The city has been working with the Oregon Department of Environmental Quality (DEQ) and has completed a prospective purchaser agreement (PPA). The PPA is a tool for ensuring expedited cleanup of a contaminated property and encourages property transactions that would otherwise not likely occur because of liabilities associated with purchasing a contaminated site. The PPA and summary judgment for the site requires the city to clean up the property and prepare it for residential use. The site was formerly a construction staging area and contains petroleum-contaminated soil.

Staff is proposing to release a request for qualifications (RFQ) for a development partner to develop the Sparrow Site. The selected development partner will work with city staff to engage with the community and to develop a site design, a remedial action plan (RAP), and a contaminated media management plan (CMMP), as required by DEQ. Staff has applied to Business Oregon for a technical assistance grant to assist with the costs associated with the PPA, site design, community engagement, and the development of a RAP and CMMP. The city

requested an extension of the deadline set by DEQ for this work to be completed. This request was granted, and the revised deadline is June 2021.

Proposed Development Goals

Based on previous discussions with Council, and the intent to purchase the property staff have developed draft development goals for the RFQ that include:

- **Affordable housing.** The project should reserve 100-percent of its residential units for housing for residents earning no more than 80-percent of the area median family income, for a period of at least 30 years. Preference will be given to projects that provide income restricted housing in perpetuity.
- **Energy Efficient Design.**
- **Public financing.** Public financing should be minimized while delivering on project goals.
- **Project delivery.** The development should begin construction as soon as practicable.

Community Engagement

Staff has evaluated the project using the city's community engagement plan template and International Association for Public Participation (IAP2) guides. Staff is proposing a community engagement process that will inform, consult and involve for the public's in influencing the site design.

The process will include initial outreach to stakeholders of the Sparrow Site to help inform them about the community engagement and site planning process and the site cleanup and development. Stakeholder engagement will be informational and will include history of the site including brownfield history and impacts, the city's acquisition of the property, and current and possibly proposed zoning standards. These stakeholder conversations will be used to identify specific issues and impacts or concerns that should be addressed in the site design process with the development partner.

The community-involved site design phase is expected to begin in Summer 2020. Once a development partner is selected, staff is proposing a series of community involvement opportunities with the goal of ensuring concerns and aspirations are heard, understood, and considered throughout the process. Engagement techniques to inform, consult, and involve the community during the site design phase can include, but will not be limited to:

- ongoing stakeholder interviews and discussions,
- information sharing through the Pilot newsletter, project website, social media, and mailings,
- an open house or tour at the site to kick off site planning and introduce the development partner,
- community goal setting sessions or workshops, and
- community and Council presentations.

Community engagement will commence once the RFQ process is complete and will continue through the RFQ process and the construction phase of the project with the goal of project completion in 2022.

Questions for Council:

1. Does Council have additional feedback or direction on project goals or do the goals as stated reflect Council intentions for the site?
2. Does Council have any guidance or input on the proposed community engagement plan?

BUDGET IMPACTS

The city used general funds within the community development department budget to acquire the site. Staff has applied to Business Oregon for a technical assistance grant to assist with the costs of the PPA, site design, community engagement, and the development of a RAP and CMMP. Matching resources and additional resources to support community engagement will use budgeted general fund resources within the community development department budget and the city managers budget.

WORKLOAD IMPACTS

The city's community development director, development project manager, and housing and economic development associate have prioritized this project within their 2020 workplans.

COORDINATION, CONCURRENCE, OR DISSENT

The city manager, assistant city manager, community development director, and housing and economic development associate have coordinated this effort to-date. Staff agrees on the importance of an appropriate level of community engagement for this project.

ALTERNATIVES

Staff is seeking general direction. No alternative approaches have been explored.

ATTACHMENTS

None.



SPARROW STREET SITE

City Council
February 18, 2020

Leila Aman, Community Development Director
Alison Wicks, Development Project Manager

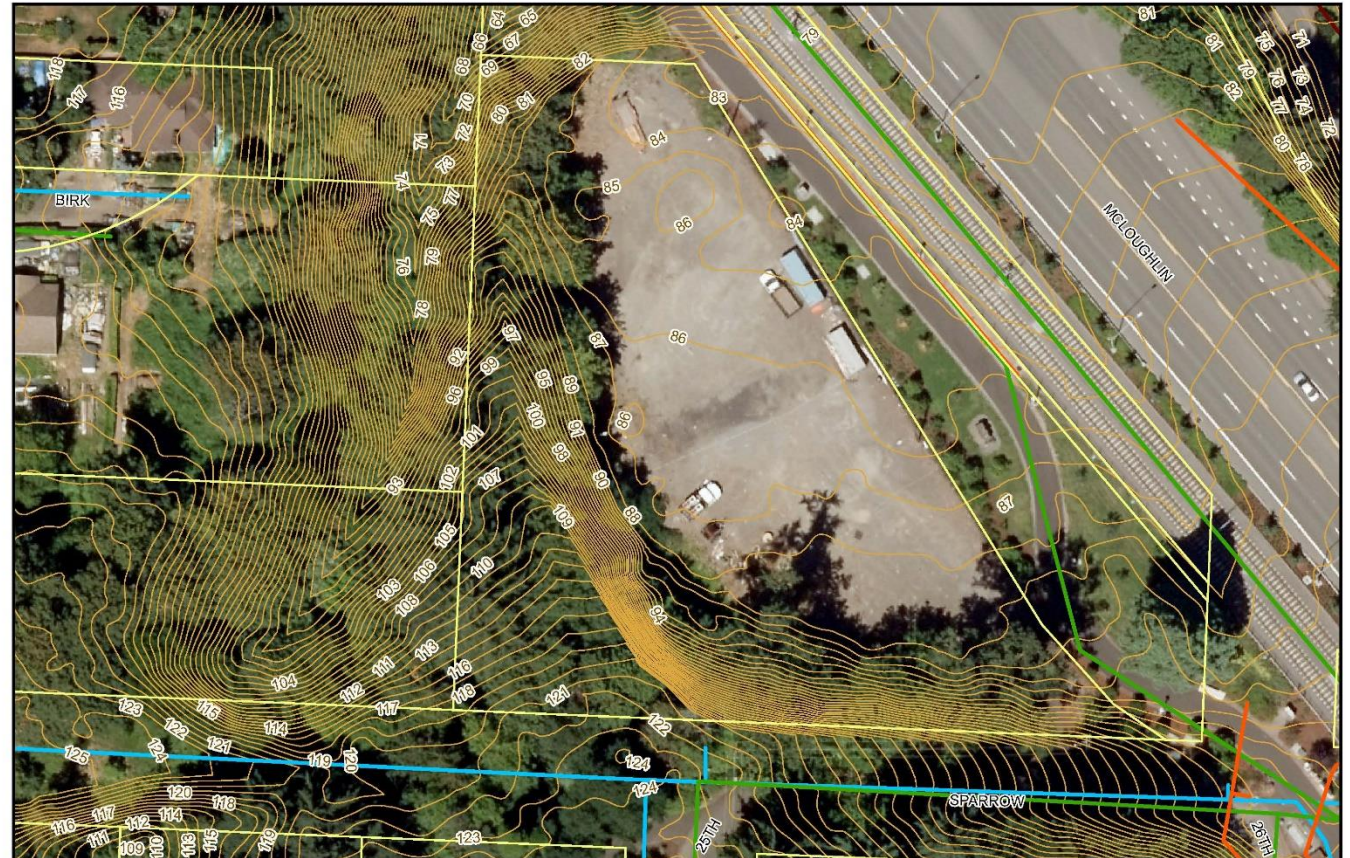
PURPOSE & BACKGROUND

- Site in close proximity to Trolley Trail, MAX Park Station, Kronberg Trail, and Downtown Milwaukie
- City purchased site to land bank for purpose of affordable housing in June 2019
- Prospective Purchaser Agreement requires city to develop Remedial Action Plan for site cleanup by June 2022



ZONING ANALYSIS

- Zoned R-5 Low Density Residential
 - 8-9 units SF detached on buildable area
 - Community Service Use is allowed



Site Map - Sparrow St

Milwaukee Planning Dept.
Data: City of Milwaukee GIS;
Metro RLIS
Date: 2/18/2020
Author: Planning Staff

1 inch = 60 feet

0 10 20 40 60 80 Feet



The information depicted on this map is for general reference only. The City of Milwaukee does not accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product.

TIMELINE

**Development Partner
Request for Qualifications**

**Remedial Action Plan (RAP)
Development**

RAP deadline for DEQ

Spring
2020

Summer
2020

Winter
2020

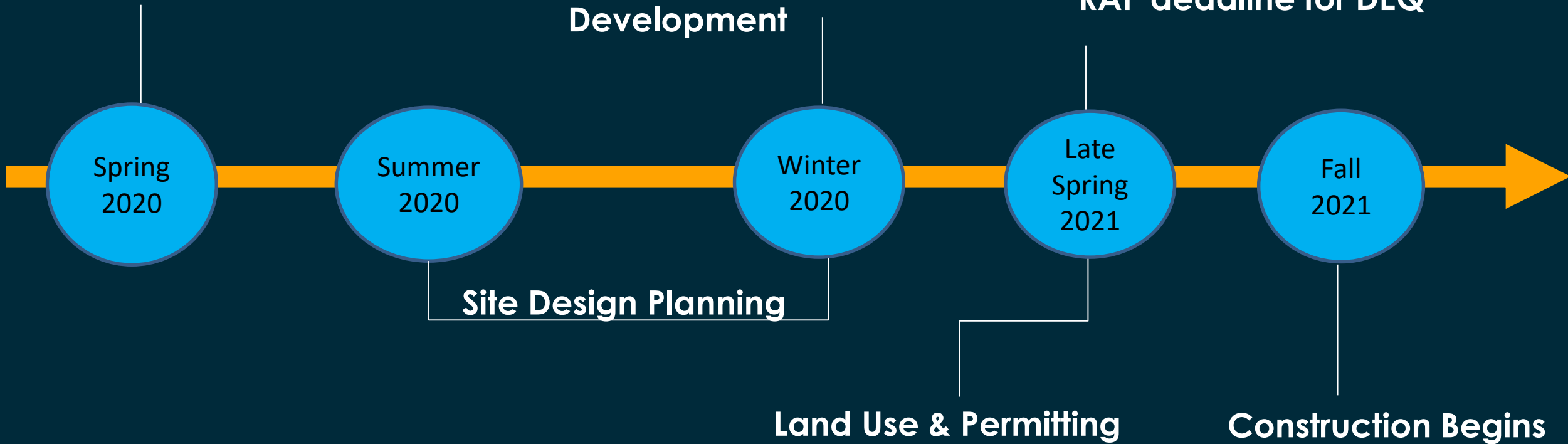
Late
Spring
2021

Fall
2021

Site Design Planning

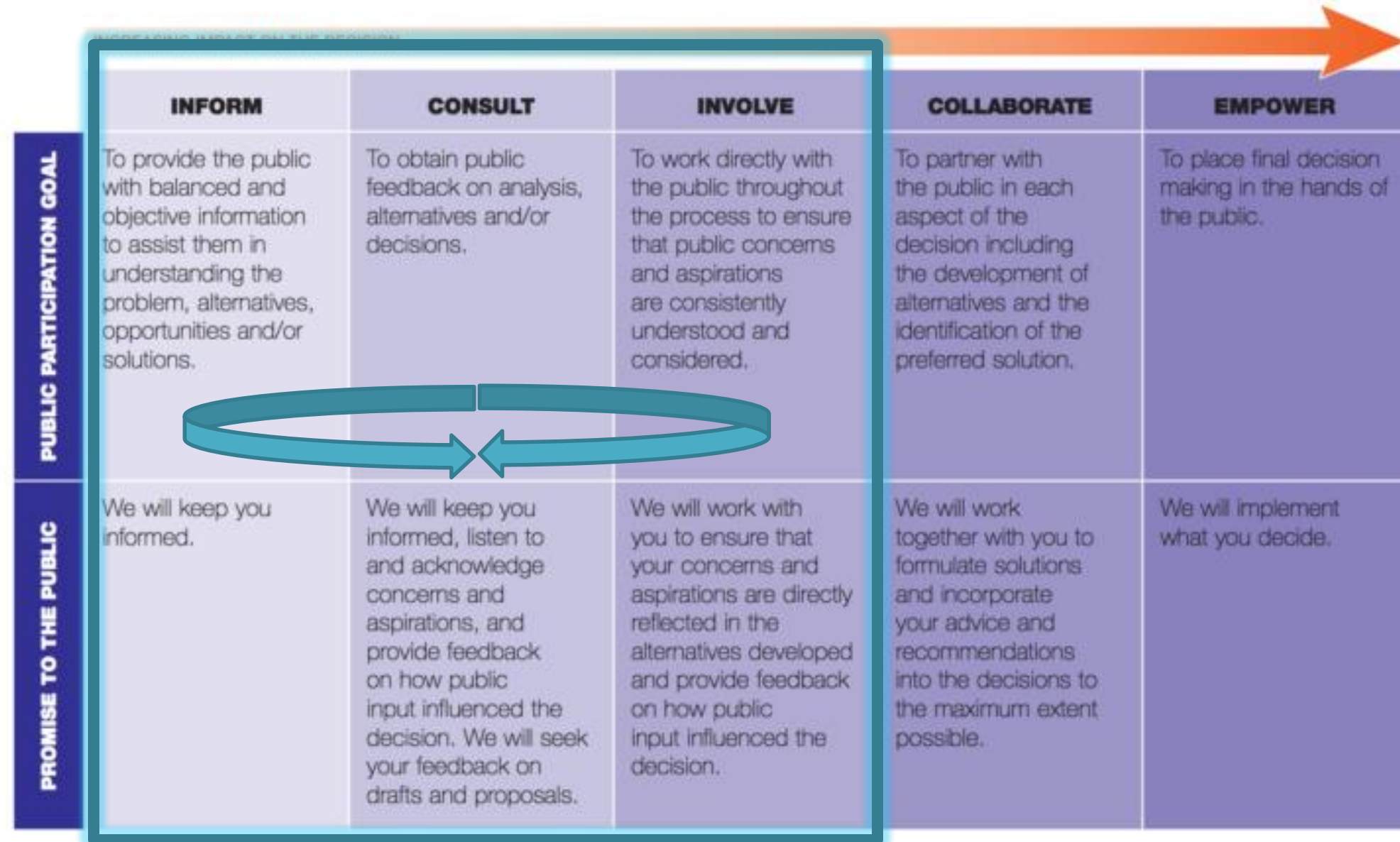
Land Use & Permitting

Construction Begins



IAP2'S PUBLIC PARTICIPATION SPECTRUM

The IAP2 Federation has developed the Spectrum to help groups define the public's role in any public participation process. The IAP2 Spectrum is quickly becoming an international standard.



COMMUNITY ENGAGEMENT ACTIVITIES

- 
- A photograph of a community meeting in a large room with wooden walls. Many people are seated at tables, and several individuals are holding up yellow cards or signs. Some signs have text, including "PEOPLE" and "OTLAND VILLAGE". The atmosphere appears to be an active public consultation or town hall.
- **Engagement Opportunities:**
 - Stakeholder interviews and outreach
 - Site design input
 - Information sharing with city media outlets
 - Open house/ site tour
 - Other opportunities

PROPOSED DEVELOPMENT GOALS

- Affordable Housing – minimum serving 80% of median family income for at least 30 years. Preference to projects that provide income restriction in perpetuity.
- Energy Efficient Design
- Minimal Public Financing
- Project Delivery Timeline

Questions for Council

1. Does Council have additional feedback or direction on project goals or do the goals as stated reflect Council intentions for the site?
2. Does Council have any guidance or input on the proposed community engagement plan?



COUNCIL STAFF REPORT

To: Mayor and City Council

Reviewed: Ann Ober, City Manager,
Bonnie Dennis, Finance Director, and
Justin Gericke, City Attorney

From: Leila Aman, Community Development Director, and
Alison Wicks, Development Project Manager

Subject: **Update on New City Hall (10501 SE Main Street)**

Date Written: Feb. 4, 2020

ACTION REQUESTED

Council is asked to provide direction on which space plan option for tenant improvements staff should pursue, and budget for, at the new city hall located at 10501 SE Main Street.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

On [June 4, 2019](#), Council provided direction to staff to proceed with exploring funding options for the acquisition of the property located at 10501 SE Main Street, to hire a real estate broker to negotiate the purchase, and to initiate appraisals on city owned properties (the Pond House and Bertman House) for disposition to fund the acquisition.

On [June 18, 2019](#), Council authorized staff to move forward with investigating the acquisition and developing a financing strategy.

On [July 16, 2019](#), Council approved Resolution [49-2019](#) authorizing the city manager to negotiate terms for the acquisition of 10501 SE Main Street.

On [August 27, 2019](#), Council approved Resolution [57-2019](#) authorizing the city manager to execute a purchase and sale agreement (PSA) for the acquisition of 10501 SE Main Street.

On [September 3, 2019](#), Council approved Resolution [60-2019](#) authorizing the city manager to proceed with financing for the new city hall and related matters up to an aggregate principal amount \$7 million.

On [October 28, 2019](#), the Budget Committee discussed the proposed supplemental budget related to the funding of the building purchase. On [December 17, 2019](#), Council approved Resolution [75-2019](#) authorizing the city manager to waive general conditions and Council waiver approval, and delegated authority to the city manager to finalize lease negotiations, waive the leaseback condition, and execute a lease with the seller to remove all contingences from the PSA for the acquisition of 10501 SE Main Street.

DISCUSSION

In April 2019, the city was presented with the opportunity to purchase 10501 SE Main Street. Staff explored the opportunity in response to the city's documented need for additional workspace and the need to consolidate most public facing operations to best serve the public interest. Staff also explored several funding strategies and engaged a broker to assess the viability of the site.

In August 2019, Council directed the city manager to execute a PSA for the acquisition of 10501 SE Main Street for an amount not to exceed \$6.5 million dollars. Staff conducted all the due diligence items listed in the PSA, including a commercial property inspection, Phase 1 Environmental Site Assessment, property appraisal, and space planning for tenant improvements. The city is satisfied with the findings from these studies.

As a part of the city's due diligence, the city contracted with OTAK, Inc. to develop preliminary space plans and to coordinate with a contractor to produce rough order of magnitude (ROM) pricing for the tenant improvements needed to create a new city hall. The purpose of this work was to gain a basic understanding of the scale of tenant improvement costs based on materials, labor, and project duration to inform the tenant improvement budget for the new city hall.

The elements of the tenant improvements for the new city hall include council chambers, public facing operations, and staff workspaces, offices, and conference rooms. The space plans were developed with guidance from Council, the city manager, community development director, city recorder, building official, fleet and facilities supervisor, finance director, and the development project manager. OTAK developed two space plan options and coordinated with R&H contractors to provide ROM pricing.

Option 1. Council chambers 2nd floor

- 1st floor – Meeting room
- 2nd floor – Council chambers and public facing operations
- 3rd floor – Majority of staff workspace, offices, and conference rooms

Option 2. Council Chamber 3rd floor

- 1st floor – Meeting room
- 2nd floor -- Majority of staff workspace, offices, and conference rooms
- 3rd floor -- Council chambers and public facing operations

The consultants also developed two add alternates for the team to consider:

Alternate 1. Improved entrance and stairwell.

- Current stairwell is made of concrete blocks. The improved entrance and stairwell would remove the concrete blocks and replace with fire-rated storefront glass on the ground floor and second floor.

Alternate 2. Ground floor light food service café.

- Includes adding plumbing, grease inceptor, exhaust systems, mechanical system, and casework for a light food service café.

Option 1. Council Chambers 2nd Floor	Option 2. Council Chambers 3rd Floor
<i>10 Week Schedule</i>	<i>6 Week Schedule</i>
\$ 1,163,000	\$ 822,000

Add Alternates	
Improved Entrance and Stairwell	\$ 154,000
Ground Floor Light Food Service	\$ 142,000

The main cost difference between option 1 and option 2 relate to timeline, the level of existing finishes, and the amount of demolition required on each floor.

Questions for Council:

1. Does Council have a preference between option 1 and option 2?
2. Does Council have interest in including either of the alternatives?

Once staff has direction, a finalized budget will be completed, and a supplemental budget will be presented to Council. The city plans to close on the property and the debt financing in June 2020 and take possession of the building July 1, 2022. Staff anticipates issuing a request for proposals (RFP) for an architect and a construction manager / general contractor (CM/GC) to finalize the design and construct the improvements.

BUDGET IMPACTS

The city will return to Council in June with a supplemental budget to proceed with a full faith and credit obligation (FFCO) of a not-to-exceed amount of \$7 million and appropriate the funds to purchase the building. The Biennial Budget 2021-2022 presented to the Budget Committee will include the FFCO debt service and capital improvements.

WORKLOAD IMPACTS

The city manager, city attorney, finance director, community development director, and development project manager will be working together to facilitate this transaction and tenant improvements.

COORDINATION, CONCURRENCE, OR DISSENT

The city manager has been working with the community development director, facilities manager, finance director, city recorder, assistant city manager, city attorney, planning director, development project manager, and others on this process.

ATTACHMENTS

None.

New City Hall

City Council Regular Session

February 18, 2020

Leila Aman

Alison Wicks



Timeline

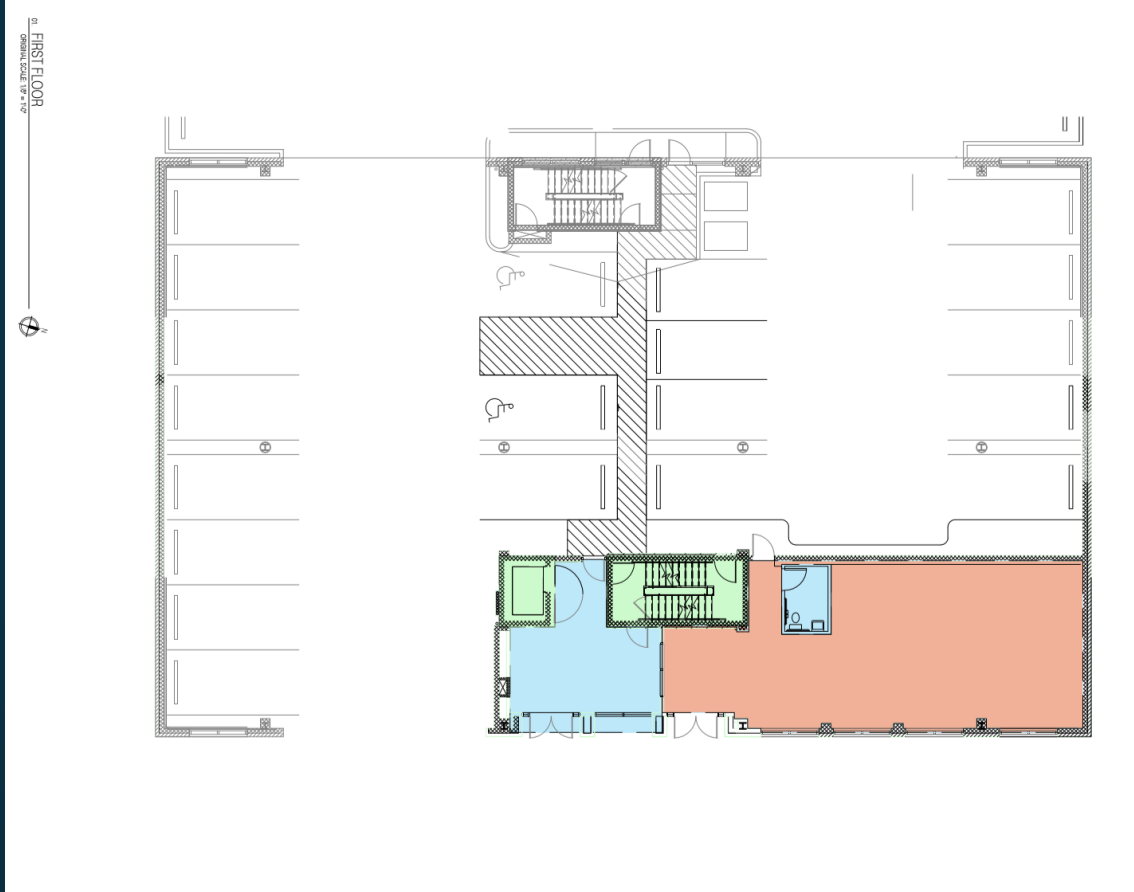
JUNE 2019	Council authorized staff to hire a broker and develop financial strategy to acquire 10501 SE Main Street
AUG 2019	Purchase and Sale Agreement
FALL 2019	Due Diligence Phase
DEC 2019	Waive General Conditions, Council Approval Condition and delegate authority to City Manager to Waive Leaseback Condition and execute lease
JAN 2020	Leaseback condition waived, PSA finalized
JUNE 2020	Closing date and leaseback begins
FALL 2020	City releases RFQ for CM/GC for Tenant Improvements
JULY 2022	City takes possession of building and Tenant Improvements begin



Existing Conditions



Existing Conditions – Ground Floor

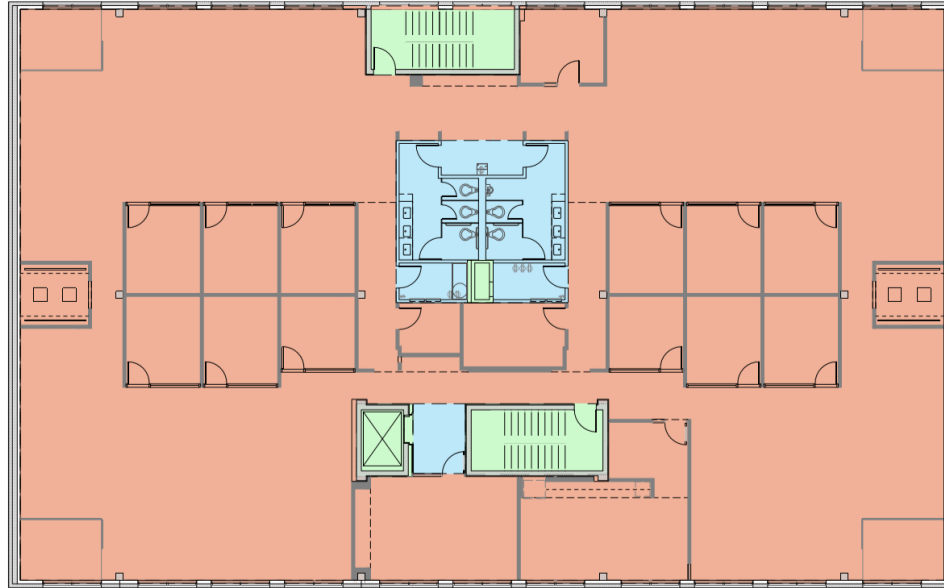


Existing Conditions – Ground Floor



Existing Conditions – 2nd Floor

2 SECOND FLOOR
GRAPHIC SCALE 1/8" = 1'-0"



Existing Conditions – 2nd Floor

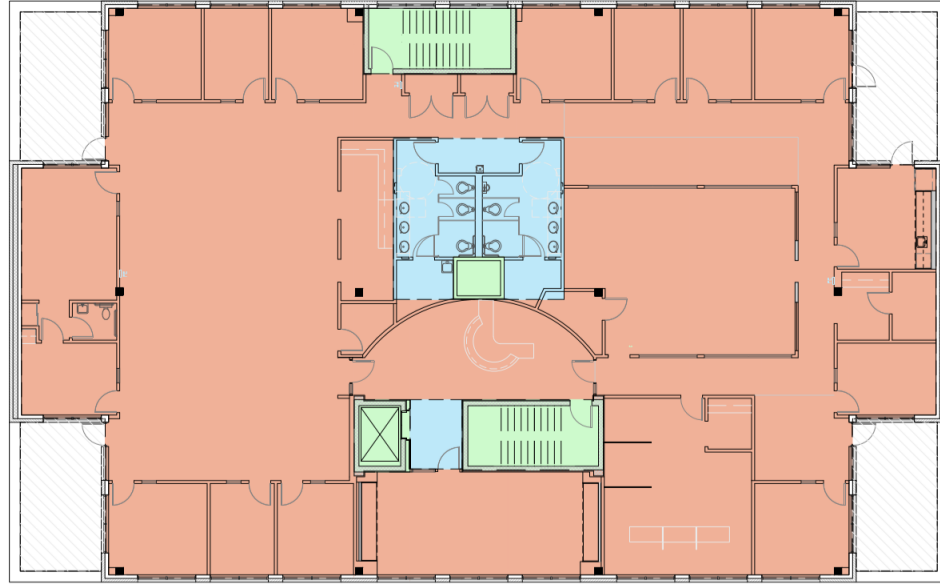


Existing Conditions – 2nd Floor



Existing Conditions – 3rd Floor

3rd THIRD FLOOR
ORIGINAL SCALE: 1/8" = 1'-0"



Existing Conditions – 3rd Floor



Existing Conditions – 3rd Floor



Option 1. Council Chambers 2nd floor



Option 2. Council Chambers 3rd floor



Alternatives



Budget

Option 1. Council Chambers 2 nd Floor	Option 2. Council Chambers 3 rd Floor
<i>10 week schedule</i>	<i>6 week schedule</i>
\$1,163,000	\$822,000

Add Alternatives	
Improved Entrance and Stairwell	\$ 154,000
Ground Floor Light Food Service	\$ 142,000



February 18, 2020

10501 SE Main Street

Questions

- Does Council have a preference between Option 1 and Option 2?
- Does Council have interest in including either of the alternatives?







February 19, 2020

Christine Lewis, Councilor
Metro
600 NE Grand Ave.
Portland, OR 97232

Dear Councilor Lewis,

The Milwaukie City Council would like to follow up with you regarding a January 30th, 2020 email from Neil Schulman about securing T2020 funding to remove the Kellogg Bridge and Dam.

The removal of the Kellogg Dam will allow for the restoration of 14 acres of the lakebed to a natural, aesthetic and recreational amenity in downtown Milwaukie. The Kellogg Creek pedestrian/bicycle underpass and multi-use trail project would also improve bike and pedestrian mobility east-west across OR-99E/McLoughlin via a grade-separated crossing. The box culvert beneath the OR 99-E bridge over Kellogg Creek is an integral part of the OR 99E bridge (last major construction 1934). The culvert and fish ladder structure (c 1990s), collectively called Kellogg Dam, are significant temporal barriers to fish passage, including for listed endangered species.

The restoration of Kellogg Lake and grade separated crossing to Milwaukie Bay Park will tie together decades of regional planning and projects as well as improve access and resiliency for our community. The undercrossing will connect to the Trolley Trail on the west and the recently opened TriMet pedestrian bridge and Kronberg Multi-Use Path on the east. The separated crossing to Milwaukie Bay Park will facilitate ever increasing pedestrian trips and relieve pressure on the park's very constrained parking lot by providing easier access to transit and downtown parking options.

The City of Milwaukie submitted the Kellogg Creek pedestrian/bicycle underpass as project for inclusion on the McLoughlin corridor as part of the T2020 process. While the 99E corridor continues to perform, the dam removal project didn't provide sufficient safety or mobility improvements in relation to the cost to make it on to the Tier I project list. Subsequent conversations, however, have demonstrated a potential willingness by Metro to invest in the project at a lower dollar amount if those funds could be leveraged to spur additional investment.

To that end, the city would like to formally request that Metro include \$5,000,000 for removal of the Kellogg Dam in the T2020 measure. The T2020 investment will then be



used to leverage funds from the Nature and Parks bond, private restoration firms and the State of Oregon to make this important project a reality.

Please let us know if there is any additional information or communication that we can provide to assist you in your efforts to support this important project.

Sincerely,

Milwaukie City Council

Cc: Raihana Ansary, Metro Regional Solutions Team
Neil Schulman, North Clackamas Watershed Council

DRAFT

Number	Topic	Next Hearing	Committee (s)	Council Point Person	Position	Letter	Notes
HB 4001-1	Housing Emergency Bill / Shelters	20-Feb	Rules	Falconer			Staff generally supportive - emailed comments to LOC.
HB 4005	Gun Control		Rules	Batey			Requires owner or possessor of firearm to secure firearm with trigger or cable lock, in locked container or in gun room except in specified circumstances.
HB 4010	Repealing Opportunity Zones	19-Feb	Revenue	Gamba			No opposition from staff
HB 4033	Money for small businesses		Ec Dev & Ways and Means	Batey			
HB 4043	Water Pipe Materials		Water		Oppose	No	Monitoring for now
HB 4049	Covanta		Rules	Hyzy			
HB 4066	EV Infrastructure		Second Reading	Hyzy			Authorizes Public Utility Commission to allow electric companies to recover costs from retail electricity consumers for prudent infrastructure measures to support transportation electrification if certain criteria are met.
HB 4106	Happy Valley		Passed Both Chambers		Neutral		
SB 1530	Climate	19-Feb	Joint Committee on Natural Resources	Gamba / Hyzy	Support	Yes	
SB 1534	Housing Discrimination		Ways & Means	Falconer			Makes operative date earlier for provisions requiring Commissioner of the Bureau of Labor and Industries to prepare formal charges and pursue matters in court on behalf of complainants who allege discrimination in real property transactions.
SB 1538	Gun Control		Rules	Batey			Authorizes city, county, metropolitan service district, school district, college or university to adopt ordinance or policy limiting or precluding affirmative defense for possession of firearms in public buildings by concealed handgun licensees
HB 4087	BOLI Bills		Ways & Means	Gamba			Directs portion of remainder of moneys collected from employers as civil penalties for violations of certain employment laws to be credited to Bureau of Labor and Industries Account to provide technical assistance to employers. Directs portion of remainder of moneys collected from employers as civil penalties for violations of certain employment laws to be credited to Wage Security Fund.



HOUSE OF REPRESENTATIVES

February 18, 2020

Dear Speaker Kotek, President Courtney, and Chair Holvey,

We are writing to you today to request the attached amendment to HB 4017 be considered in the House Rules Committee. We believe that this legislation would solve critical transportation issues that are top priorities for the Oregon Transportation Commission. The concept presents a win-win opportunity that puts Oregonians to work, demonstrates fiscal responsibility, solves congestion and safety concerns of statewide importance on I-205, and gives stakeholders the opportunity to develop a robust and environmentally conscious plan on how to move forward with the Rose Quarter.

Currently, the I-5 Rose Quarter Improvement Project is earmarked for state bond funding, yet the project is years away from being 'construction-ready'. A proposed Environmental Impact Statement, coupled with public concern about equity and climate impacts, could push the project back even further.

Meanwhile, the I-205 Widening and Seismic Improvements Project, which would address bottleneck congestion, add rapid bus transit, and make the Abernethy Bridge earthquake-ready, is nearly 'shovel-ready'. Per ODOT, I-205 would likely be used as part of the traffic diversion plan when the Rose Quarter is under construction. If I-205 is not improved prior to this work, the added congestion in the bottleneck will lead to even more traffic diversion into communities and their local roads, thereby decreasing safety and increasing costs to those jurisdictions to maintain their infrastructure.

How we pay for the I-205 Project is also uncertain and with every year this project is delayed, we add an additional \$15 million to the project cost due to inflation. ODOT states the Oregon Legislature has directed them to use tolling revenue to pay for I-205 improvements. Yet estimates suggest tolling on I-205 is insufficient to cover total project costs, and additional revenue will be needed to complete the project. ODOT has made multiple unsuccessful attempts to lower the cost burden on the state by seeking roughly \$160 million in federal funding, with the strength of the grant application being hindered by a lack of state investment. We are requesting that the House Rules Committee consider the amendment to reallocate the HB 2017 funds dedicated to the Rose



Quarter Project to pay for the Abernethy Bridge and I-205 Project - prioritizing funding for a project of statewide significance that is ready to go. This would not increase new funding or take away from other projects that are already planned and contracted out by ODOT. It makes prudent fiscal sense to reprioritize state investments to 'construction-ready' projects.

Thank you for your consideration,



Representative Prusak



Representative Reardon



Representative Drazan



Senator Fagan



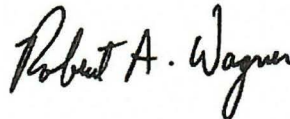
Senator Olsen



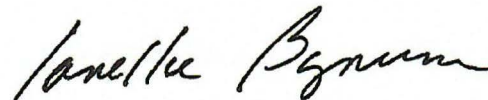
Senator Thatcher



Senator Thomsen



Senator Wagner



Representative Bynum



Representative Lewis



Representative Meek



Representative Neron



Representative Salinas



Representative Williams

[Jurisdictional/Organizational Logos]

February X, 2020

We are local jurisdictions and organizations living with debilitating congestion that is plaguing our state's highway system. Millions depend on a functioning and seismically-resilient I-205 corridor that is safe and promotes a healthy economy accessible to all. It is therefore incumbent upon the state to identify a funding solution that prioritizes this critical need.

We call on the Legislature to pass the proposal being brought by more than a dozen legislators to reallocate transportation dollars for construction of this nearly shovel-ready project.

Community Support and Readiness: There is broad community support for fixing the Abernethy Bridge and widening I-205. The Legislature long ago identified the I-205 bottleneck between Stafford Road and OR 213 as a signature congestion relief project for the state.

I-205 will be fully designed this year thanks to ODOT's early investment of \$53 million for planning and design. But under current plans, construction will be delayed until 2023 at the earliest due to a lack of funding. The total cost of the project is \$460 million, and each year that we wait the estimated project cost increases by \$15 million.

This transportation project reflects several important values that Oregonians expect:

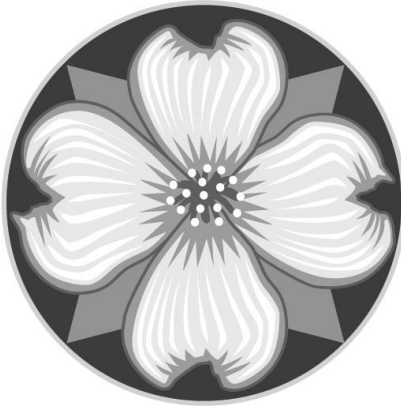
Safety – As a designated statewide north-south lifeline route, I-205 will be called upon to provide supplies and services to the region shortly after a disaster. Immediate action is needed to seismically upgrade the Abernethy Bridge and eight other bridges in the project area to withstand a major earthquake.

Economic Opportunity – The federal government has designated I-205 as a High Priority Corridor in the Portland metropolitan area. It connects employers, the traveling public, and businesses to the Portland International Airport, the State of Washington, and numerous local jurisdictions. This corridor serves as vital infrastructure for the economic health of both the region and the entire State of Oregon.

Quality of Life – When the Governor's Transportation Vision Panel met with communities statewide in 2016 seeking input on a transportation package, the public and businesses from all corners of Oregon sent a clear message about the need to address highway congestion in the Portland region, and in particular the I-205 bottleneck. Resolving this bottleneck will not only reduce the congestion caused by daily commuters dependent on this route – which currently lacks transportation alternatives – but will also ensure that I-205 can manage future traffic diversion related to the anticipated construction of the Rose Quarter project and replacement of the I-5 Bridge. These projects and the region are dependent upon a diversion route that will not fail and further stall traffic in the region.

We can't let these critical capacity and seismic upgrades languish. The project is ready and action is needed now. We support the legislative proposal to reprioritize state transportation investments to address the I-205 bottleneck.

Our communities are ready to go.



RS Agenda Item

7

Information

- LOOKING FOR VOLUNTEERS! -

3-CREEKS PLANTING



Mayor's Announcements – Feb. 18, 2020

- **City Manager Open Door** – Thu., Feb. 20 (6 - 8 p.m.)
 - Ledding Library, 10600 SE 21st Ave.
- **3-Creeks Native Planting Volunteer Event** – Sat., Feb. 22 (9 a.m. – 12 p.m.)
 - 3-Creeks Natural Area, 7300 SE Harmony Rd.
- **Bias & Kids: How Do Our Prejudices Affect Our Children** – Thu., Feb. 27 (6 – 7:30 p.m.)
 - Ledding Library, 10660 SE 21st Ave.
- **A Celebration of Black History Month** – Wed., Mar. 4 (6 – 7:30 p.m.)
 - Ledding Library, 10660 SE 21st Ave.
- **Can We Get Along? Examining Our Personal Experiences of Connection and Community** – Thu., Mar. 5 (6 – 7:30 p.m.)
 - Ledding Library, 10660 SE 21st Ave.
- **Johnson Creek Watershed Wide Volunteer Event** – Sat., Mar. 7 (8:45 a.m. – 12 p.m.)
 - 10 Restoration Work Parties to Choose From
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV**