



CITY COUNCIL MEETING AGENDA
Council Chambers, 1000 Laurel Street

January 11, 2016
Monday

Study Session
7:00 p.m.

- 1. Call to Order**
- 2. Roll Call of Council Members**
- 3. Study Items**
 - a. Tablets for Councilmembers**
 - b. Six-Year TIP (Transportation Improvement Program)**
 - c. Attorney Services**
- 4. Adjournment**

Note: Public comment is generally not taken at Study Sessions. However, on some occasions, public comments may be allowed at the discretion of the Chair and Council. The public may also submit written communications, via letters or emails to kbolam@cityofmilton.net. Any item received by noon on the day of the meeting will be distributed to Council.

If you need ADA accommodations, please contact City Hall at (253) 517-2705 prior to the meeting. Thank you.



To: Mayor Perry and City Council Members
From: Acting City Administrator Hernandez
Ron Tiedeman, IT Services Director
Date: January 11, 2016 Study Session
Re: Tablets for Councilmembers

ATTACHMENTS: None.

TYPE OF ACTION:

Information Only Discussion Action Public Hearing Expenditure

Discussion: Council has requested a discussion time regarding the possibility of purchasing tablets for use by councilmembers. Director Tiedeman will briefly address what this will involve and provide the opportunity for council direction for further research.



Agenda Item #: 3B

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To: Mayor Perry and City Council Members
From: Aaron C. Nix, Community Development and Public Works Director
Mark Howlett, P.E., City Engineer
Date: January 11, 2016 Study Session
Re: 2016 to 2021 Six-Year Transportation Improvement Program (TIP)

ATTACHMENTS: A. **Proposed 2016-2021 Six Year Transportation Improvement Program**

TYPE OF ACTION:

Information Only Discussion Action Public Hearing Expenditure

Issue: State Law (RCW 35.77.010) requires that each city develop a local Transportation Improvement Program (TIP) and that it be updated annually. Most federal, state and county grant agencies require that, in order for projects to be eligible for funding, they must be included in the city's adopted 6-year TIP.

Discussion: The TIP is a planning document that lists all transportation-related projects that the City of Milton hopes to complete over the course of the next six years, starting at the beginning of 2016. Local agencies are required to develop and adopt a 6-year TIP every year. At least one public hearing must be held during the development of the final TIP, and adoption must occur by resolution.

Fiscal Impact/Source of Funds: The 6-year TIP is based upon anticipated revenues versus desirable projects. There are always more projects than available revenues, so the TIP attempts to balance the two with an eye to City goals and priorities, including development requirements and maintenance of the existing system.

Recommendation:

The State requires us to include all projects with secured funding and any projects that are planned but not funded in years 1 through 3. Those projects identified for years 1 through 3 are incorporated into the State TIP which is maintained by the Washington State Department of Transportation. In years 4 through 6, we identify projects that the City of Milton either would like to complete as funding becomes available or that require significant long-term planning to accomplish.

As a reminder, this is a planning tool, and it is not meant to be a specific program of exactly what will happen. Variables such as funding, City goals, work load, and council priorities will have an impact on this plan. Adoption of the 6-year TIP does not irreversibly commit the City of Milton to constructing the projects. Changes, deletions, and revisions to the document are allowed by the City Council at any time.

Following is a summary of changes that were made to the prior year's TIP (2015):

1. Added new project for street lighting along Pacific Highway East from south city limits to north city limits.
2. Deleted the Milton Way / 28th Avenue - Intersection Modifications project which has been completed.
3. Debt payments do not need to be shown on a TIP, therefore Section 1 – *Public Works Trust Fund Payments* were deleted from the plan. The remaining Sections were renumbered.
4. The first 4 pages of text were modified to be consistent with current requirements and grant funding opportunities.
5. No project scopes or estimated project costs were revised except for the Milton Way Project for which the cost was updated to reflect the current project cost estimate.
6. The only 2016 revenue being shown is for the Milton Way Improvements - 17th to 22nd St. which is a federal grant and the required local funds. All remaining funding was rolled out to 2017 and beyond.
7. Some minor formatting and labeling edits were made.

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CITY OF MILTON

**SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM
2016 - 2021**

PREFACE

Chapter 35.77.010 of the Revised Code of Washington (RCW) provides that each city shall annually update its Six-Year Transportation Improvement Program and file a copy of the adopted Program with the Secretary of the Washington State Department of Transportation (WSDOT) each year. The Program is necessary to allow cities and counties to obtain State and Federal funding. For a project to obtain funding from the State, it must appear in the agency's current Program. Because the state also disperses federal highway funds, this requirement applies to federally funded projects as well.

RCW 35.77.010 also requires each city to specifically set forth those projects and programs of regional significance for inclusion in the transportation improvement program for that region.

The Program is based upon anticipated revenues versus desirable projects. There are always more projects than available revenues. Therefore, a primary objective of the Program is to integrate the two to produce a comprehensive, realistic program for the orderly development and maintenance of our street system.

Several important points must be considered during the review of the proposed Program. The early years of the Program are fairly definite in that it can be assumed that those projects will be constructed as scheduled, pending anticipated funding received. Projects in the later years are more flexible and may be accelerated, delayed or canceled as funding and conditions change.

It is also important to note that the adoption of the Program does not irreversibly commit the City of Milton to construct the projects. A project may be canceled at any time during the course of study or design. The usual reasons for canceling a project are that it is environmentally unacceptable or contrary to the best interests of the community as a whole. The Program may at any time be revised by a majority of the City Council, but only after a public hearing.

GRANT APPLICATIONS AND LEVERAGING LOCAL DOLLARS

The need to leverage local dollars through grant applications is very important to the City, especially in light of the decrease in funding available for transportation related capital improvements. The intent of this Program is not only to list and program projects for funding, but also to inform the City Council and general public about those projects for which the City will be pursuing grant opportunities.

FUNDING SOURCES

Although the following is a list of potential and typical funding sources for transportation related capital improvement projects, it is by no means an all-encompassing list. The Public Works Department continues to search for other and new funding options that may not be included in this list.

A. Motor Vehicle Fuel Tax Funds

By law, each city receives a proportionate share of the total state motor vehicle fuel tax. Money received is a monthly allocation based on population. Anticipated revenue from this tax is approximately \$155,000 in 2016. At this time, the amount of motor vehicle fuel tax that the City of Milton receives is not used for capital improvement projects but serves to fund day to day operations of the Street Division and on-going maintenance of the existing street system.

B. Federal Aid Funding Programs

Each of the Federal aid programs listed below has specific requirements a project must meet to qualify for funding under the individual program. For a project to receive funding from any of these sources it must compete with other public agency projects.

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) restructured Federal highway programs and its successors, the Transportation Efficiency Act of 1998 (TEA-21); Moving Ahead for Progress in the 21st Century (MAP-21); and the Safe, Accountable, Flexible, Efficient Transportation Act; a Legacy of Users (SAFETEA-LU) have continued the federal financial participation in the nation's roadway network. Project prioritization and selection must be done by the Metropolitan Planning Organization (MPO) in areas of greater than a population of 50,000. The MPO for this region (in which the City of Milton is located) is the Puget Sound Regional Council (PSRC).

There are a number of specific funding opportunities. These include the following:

1. STP Surface Transportation Program: These are the most-flexible of the federal funds and can be used for a variety of transportation projects and programs.
2. CMAQ Congestion Mitigation and Air Quality: This is a regionally competitive program intended for projects that significantly improve air quality by reducing emissions and congestion.
3. HES Hazard Elimination System: This is a statewide competitive program specifically oriented toward the elimination of hazards to the traveling public.
4. BRAC Bridge Replacement Advisory Committee funds. This is a statewide competitive program for the rehabilitation and replacement of bridges.

C. Transportation Improvement Board (TIB)

The TIB has a number of statewide competitive programs which use criteria developed by the TIB for prioritization of projects. The three TIB programs in which the City can compete are as follows:

- a. UAP Urban Arterial Program. This program is for arterial street construction with primary emphasis on safety; growth and development; physical condition and mobility.
- b. UCP Urban Corridor Program. This program provides funding for large scale projects that are of a regional significance.

- c. SP Urban Sidewalk Program. This program is for the improvement of pedestrian safety, and to address pedestrian system continuity and connectivity.
- d. APP Arterial Preservation Program. This program provides funding for overlay for agencies with less than \$2 billion assessed valuation.

D. City Funding Sources

- a. Real Estate Excise Tax (REET). This funding source comes from the two one-quarter-percent REETs charged by the City on the sale of real estate within the City limits. By law, the City's REET is allocated between parks, facilities, stormwater, and transportation related capital improvements
- b. Traffic Impact Fees (TIF). This fee, paid by new development projects, is to provide funding for improvements to the transportation system to mitigate traffic impacts created by those developments.

E. Washington State Department of Transportation

- a. Safe Routes to Schools Program: This program is for the improvement of safety and mobility for children by enabling and encouraging them to walk and bicycle to school.
- b. Pedestrian and Bicycle Program: This program's objective is to improve the transportation system to enhance safety and mobility for people who choose to walk or bike.

F. Surface Water Management Program

The City's Surface Water Drainage Fund has a designated amount set aside for capital improvements. These funds go toward paying for drainage facilities constructed in conjunction with street improvements, along with other identified stormwater capital improvement projects.

CONSISTENCY WITH LAND USE MANAGEMENT PLAN

The State's Growth Management Act (GMA) requires local governments to develop and adopt comprehensive plans covering land use, housing, capital facilities, utilities, and transportation. These comprehensive plans must balance the demands of growth with the provision of public facilities and services and, in particular, transportation facilities and services. The City of Milton was required to develop and adopt a comprehensive plan that is in conformance with the requirements of the GMA.

The City of Milton has, as part of its Comprehensive Plan, a Transportation Element with a Master Goal to "Ensure that transportation facilities and services needed to support development are available concurrent with the impacts of such development to protect investments in existing transportation facilities and services, maximize the use of the facilities and services, and promote orderly compact growth."

Specific goals include the following:

1. To develop, maintain, and operate a balanced, safe, and efficient multi-modal transportation system.
2. To assure adequate accommodation of pedestrian and handicapped persons needs in all transportation facilities.
3. To ensure adequate parking in commercial areas in order to support economic growth, while maintaining consistency with design and pedestrian circulation goals.

The projects in the Six-Year Transportation Improvement Program are intended to conform to the goals within the City's current Comprehensive Plan.

**Six-Year Transportation Improvement Program
2016 - 2021**

PROJECT COSTS IN THOUSANDS OF DOLLARS							
EXPENDITURE PLAN							TOTAL FUNDS
Project Description		Funding Source	2016	2017	2018	2019-2021	2016-2021
SECTION 1							
NEW CONSTRUCTION							
ARTERIAL STREET PROJECTS							
1.1 5th Avenue Improvements - 376th Street @ King/Pierce County Line to 5th Avenue @ Porter Way Total Estimated Cost \$10,000	Road rebuild, realignment, widening, signalization, raise road bed, bridge over Hylebos.	City	0	50	50	0	100
		Grant	0	50	4,800	0	4,850
		Other	0	50	5,000	0	5,050
		Total	0	150	9,850	0	10,000
1.2 28th Avenue - Birch Street to Alder Road Extension - Comet Street to Alder Street Total Estimated Cost \$1,100	Extend roadway. Sch C of (Jovita Realign)/ Emerald/28th (A=Edgewood). Signals at 28th and Emerald are excluded.	City	0	20	90	0	110
		Grant	0	180	810	0	990
		Other	0	0	0	0	0
		Total	0	200	900	0	1,100
TOTALS		City	0	70	140	0	210
		Grant	0	230	5,610	0	5,840
		Other	0	50	5,000	0	5,050
		Total	0	350	10,750	0	11,100

**Six-Year Transportation Improvement Program
2016 - 2021**

PROJECT COSTS IN THOUSANDS OF DOLLARS							
EXPENDITURE PLAN							TOTAL FUNDS
Project Description		Funding Source	2016	2017	2018	2019-2021	2016-2021
SECTION 2 ROADWAY IMPROVEMENTS							
2.1 Safety Improvements in the Vicinity of Schools includes: 2Maine Street - school to Milton Way; Juniper Street - 11th Avenue to Milton Way; 19th Avenue - Milton Way to Alder Street; Oak Street - 11th Avenue to School Total Estimated Cost \$950	May include sidewalks, crossing improvements, signage, etc. in vicinity of schools.	City	0	0	0	50	50
		Grant	0	150	150	600	900
		Other	0	0	0	0	0
		Total	0	150	150	650	950
2.2 Milton Way Improvements - N side, 17th Avenue to 22nd Avenue Total Estimated Cost \$1,472	Minor pavement repair, minor storm drainage, construct sidewalk.	City	850	0	0	0	850
		Grant	622	0	0	0	622
		Other	0	0	0	0	0
		Total	1,472	0	0	0	1,472
2.3 Milton Way Improvements - 20th to Porter Way Total Estimated Cost \$3,150	Curb, gutter, sidewalks, retaining walls.	City	0	0	0	300	300
		Grant	0	0	0	2,850	2,850
		Other	0	0	0	0	0
		Total	0	0	0	3,150	3,150
2.4 Porter Way Improvements - W side, 5th Avenue to Kent Street Total Estimated Cost \$324	Minor pavement repair, minor storm drainage, construct sidewalk.	City	0	0	0	73	73
		Grant	0	0	0	251	251
		Other	0	0	0	0	0
		Total	0	0	0	324	324
2.5 Milton Way Improvements - 28th to Meridian Total Estimated Cost \$580	Uptown Area improvements in line with adopted vision.	City	0	116	0	0	116
		Grant	0	0	100	0	100
		Other	0	0	364	0	364
		Total	0	116	464	0	580
2.6 Milton Way / High School - Pedestrian Connection Schedule A (B=Fife) Total Estimated Cost \$4,000	Construction of pedestrian improvement from Porter down Milton Way and 20th to the High School. Partner with Fife.	City	0	0	0	300	300
		Grant	0	0	0	2,850	2,850
		Other	0	0	0	850	850
		Total	0	0	0	4,000	4,000

**Six-Year Transportation Improvement Program
2016 - 2021**

PROJECT COSTS IN THOUSANDS OF DOLLARS							
EXPENDITURE PLAN							TOTAL FUNDS
Project Description		Funding Source	2016	2017	2018	2019-2021	2016-2021
SECTION 2 ROADWAY IMPROVEMENTS							
2.7 SR161 / 28th Avenue - Intersection Modifications Total Estimated Cost \$500	Realign intersection including paving, curb and gutter, sidewalk, and signal work.	City	0	0	0	100	100
		Grant	0	0	0	400	400
		Other	0	0	0	0	0
		Total	0	0	0	500	500
2.8 23rd Avenue Improvements - Emerald to Alder Total Estimated Cost \$1000	Widening, Stormwater, and Pedestrian improvements.	City	0	0	0	200	200
		Grant	0	0	0	800	800
		Other	0	0	0	0	0
		Total	0	0	0	1,000	1,000
TOTALS		City	850	116	0	1,023	1,989
		Grant	622	150	250	7,751	8,773
		Other	0	0	364	850	1,214
		Total	1,472	266	614	9,624	11,976

**Six-Year Transportation Improvement Program
2016 - 2021**

PROJECT COSTS IN THOUSANDS OF DOLLARS							
EXPENDITURE PLAN							TOTAL FUNDS
Project Description		Funding Source	2016	2017	2018	2019-2021	2016-2021
SECTION 3							
TRAFFIC SIGNALS							
3.1 Milton Way Signal Interconnect	Interconnect signals at 23rd, 27th, & 28th with SR161 Signal	City	0	0	0	30	30
Total Estimated Cost \$30		Grant	0	0	0	0	0
		Other	0	0	0	0	0
		Total	0	0	0	0	30

**Six-Year Transportation Improvement Program
2016 - 2021**

PROJECT COSTS IN THOUSANDS OF DOLLARS							
EXPENDITURE PLAN							TOTAL FUNDS
Project Description		Funding Source	2016	2017	2018	2019-2021	2016-2021
SECTION 4 TRANSPORTATION PLANNING							
4.1 Pavement Management System Total Estimated Cost \$15	Maintain and update.	City	0	5	0	10	15
		Grant	0	0	0	0	0
		Other	0	0	0	0	0
		Total	0	5	0	10	15
4.2 Transportation Model Total Estimated Cost \$50	Update transportation model.	City	0	50	0	0	50
		Grant	0	0	0	0	0
		Other	0	0	0	0	0
		Total	0	50	0	0	50
4.3 Development Guidelines Modifications Total Estimated Cost \$15	Update development guidelines for more consistency and ease of use.	City	0	5	0	10	15
		Grant	0	0	0	0	0
		Other	0	0	0	0	0
		Total	0	5	0	10	15
4.4 West Milton Commercial District Streetscape Total Estimated Cost \$35	Planning level cross sections and streetscapes.	City	0	25	10	0	35
		Grant	0	0	0	0	0
		Other	0	0	0	0	0
		Total	0	25	10	0	35
		City	0	85	10	20	115
		Grant	0	0	0	0	0
		Other	0	0	0	0	0
TOTALS		Total	0	85	10	20	115

**Six-Year Transportation Improvement Program
2016 - 2021**

PROJECT COSTS IN THOUSANDS OF DOLLARS							
EXPENDITURE PLAN							TOTAL FUNDS
Project Description		Funding Source	2016	2017	2018	2019-2021	2016-2021
SECTION 5 STREET LIGHTING							
5.1 Milton Way Street Lighting (15th to 23rd)	Add street lights to already improved portions of Milton Way	City	0	0	35	0	35
Total Estimated Cost \$70		Grant	0	0	35	0	35
		Other	0	0	0	0	0
		Total	0	0	70	0	70
5.2 Pacific Highway East Street Lighting Improvements (70th Ave to North City Limits)	Install new Illumination system along Pacific Highway East within City Limits of Milton.	City	0	125	0	0	125
		Grant	0	375	0	0	375
		Other	0	0	0	0	0
Total Estimated Cost \$		Total	0	500	0	0	500
		City	0	125	35	0	160
		Grant	0	375	35	0	410
		Other	0	0	0	0	0
TOTALS		Total	0	500	70	0	570

**Six-Year Transportation Improvement Program
2016 - 2021**

PROJECT COSTS IN THOUSANDS OF DOLLARS							
EXPENDITURE PLAN							TOTAL FUNDS
Project Description		Funding Source	2016	2017	2018	2019-2021	2016-2021
SECTION 6 BEAUTIFICATION & TRAILS							
6.1 Interurban Trail SR 161 / Military Missing Link - 380th Street / Triangle / SR 161 to Edgewood limits Total Estimated Cost \$1,043	Complete portion of trail including Triangle / Gateway & Dising area to Edgewood.	City	0	0	0	16	16
		Grant	0	0	108	216	324
		Other	0	0	95	608	703
		Total	0	0	203	840	1,043
6.2 Interurban Trail Underpass, King County Total Estimated Cost \$1,761	Underpass design and construction to allow safe crossing of State Route 161, connecting the Interurban Trail on each side.	City	0	0	0	100	100
		Grant	0	0	0	0	0
		Other	0	0	0	1,661	1,661
		Total	0	0	0	1,761	1,761
6.3 West Milton Nature Preserve Walkway Total Estimated Cost \$605	Design and construction of elevated walkway.	City	0	0	0	60	60
		Grant	0	0	0	545	545
		Other	0	0	0	0	0
		Total	0	0	0	605	605
		City	0	0	0	176	176
		Grant	0	0	108	761	869
		Other	0	0	95	2,269	2,364
TOTALS		Total	0	0	203	3,206	3,409

**Six-Year Transportation Improvement Program
2016 - 2021**

PROJECT COSTS IN THOUSANDS OF DOLLARS							
EXPENDITURE PLAN							TOTAL FUNDS
Project Description		Funding Source	2016	2017	2018	2019-2021	2016-2021
SECTION 7							
ROADWAY RESTORATION PROJECTS							
7.1 Pavement Management Program - Priority locations based on pavement management system results. Total Estimated Cost \$1,575		City	0	50	50	275	375
		Grant	0	200	200	800	1,200
		Other	0	0	0	0	0
		Total	0	250	250	1,075	1,575
TOTALS		City	0	50	50	275	375
		Grant	0	200	200	800	1,200
		Other	0	0	0	0	0
		Total	0	250	250	1,075	1,575

**Six-Year Transportation Improvement Program
2016 - 2021**

PROJECT COSTS IN THOUSANDS OF DOLLARS							
EXPENDITURE PLAN							TOTAL FUNDS
Project Description		Funding Source	2016	2017	2018	2019-2021	2016-2021
SECTION 8 OTHER							
8.1 Unsignalized Pedestrian Crossings	May include pavement modifications, ramp changes, flashing beacons, etc.	City	0	12	12	24	48
Total Estimated Cost \$100		Grant	0	13	13	26	52
		Other	0	0	0	0	0
		Total	0	25	25	50	100
8.2 School Zone Modifications	Including Oak Street.	City	0	15	0	0	15
		Grant	0	10	0	0	10
		Other	0	0	0	0	0
		Total	0	25	0	0	25
Totals		City	0	27	12	24	63
		Grant	0	23	13	26	62
		Other	0	0	0	0	0
		Total	0	50	25	50	125

**Six-Year Transportation Improvement Program
2016 - 2021**

PROJECT COSTS IN THOUSANDS OF DOLLARS								
EXPENDITURE PLAN					TOTAL FUNDS	SOURCE OF FUNDS		
Project Description	2016	2017	2018	2019-2021	2016-2021	City Funds	Grant Fund	Other
Section 1 - New Construction Arterial Street Projects	0	350	10,750	0	11,100	210	5,840	5,050
Section 2 - Roadway Improvements	1,472	266	614	9,624	11,976	1,989	8,773	1,214
Section 3 - Traffic Signals	0	0	0	30	30	30	0	0
Section 4 - Transportation Planning	0	85	10	20	115	115	0	0
Section 5 - Street Lighting	0	500	70	0	570	160	410	0
Section 6 - Beautification & Trails	0	0	203	3,206	3,409	176	869	2,364
Section 7 - Roadway Restoration Projects	0	250	250	1,075	1,575	375	1,200	0
Section 8 - Other	0	50	25	50	125	63	62	0

TOTALS	1,472	1,501	11,922	14,005	28,900	3,118	17,154	8,628
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6-YEAR PROJECT TOTAL \$28,900,000

**Six-Year Transportation Improvement Program
2016 - 2021**

CITY FUNDS					
Amounts shown are in thousands of dollars					TOTAL FUNDS
Project Description	2016	2017	2018	2019-2021	2016-2021
Section 1 - New Construction Arterial Street Projects					
1.1 5th Avenue Improvements - 376th St. @ King/Pierce County Line	0	50	50	0	100
1.2 28th Avenue - Birch Street to Alder Rd. Extension	0	20	90	0	110
Section 1 Total	0	70	140	0	210
Section 2 - Roadway Improvements					
2.1 Safety Improvements in the Vicinity of Schools	0	0	0	50	50
2.2 Milton Way Improvements - N side, 17th Avenue to 22nd Avenue	850	0	0	0	850
2.3 Milton Way Improvements - 20th to Porter Way	0	0	0	300	300
2.4 Porter Way Improvements - W side, 5th Avenue to Kent Street	0	0	0	73	73
2.5 Milton Way Improvements - 28th to Meridian	0	116	0	0	116
2.6 Milton Way / High School Pedestrian Connections	0	0	0	300	300
2.7 SR161 / 28th Avenue - Intersection Modifications	0	0	0	100	100
2.8 23rd Avenue Improvements - Emerald to Alder	0	0	0	200	200
Section 2 Total	850	116	0	1,023	1,989
Section 3 - Traffic Signals					
3.1 Milton Way Signal Interconnect	0	0	0	30	30
Section 3 Total	0	0	0	30	30
Section 4 - Transportation Planning					
4.1 Pavement Management System	0	5	0	10	15
4.2 Transportation Model	0	50	0	0	50
4.3 Development Guidelines Modifications	0	5	0	10	15
4.4 West Milton Commercial District Streetscape	0	25	10	0	35
Section 4 Total	0	85	10	20	115
Section 5 - Street Lighting					
5.1 Milton Way Street Lighting	0	0	35	0	35
5.2 Pacific Highway East Street Lighting Improvements	0	125	0	0	125
Section 5 Total	0	0	35	0	35
Section 6 - Beautification & Trails					
6.1 Interurban Trail SR 161 / Military Road Missing Link	0	0	0	16	16
6.2 Interurban Trail Underpass, King Co.	0	0	0	100	100

**Six-Year Transportation Improvement Program
2016 - 2021**

CITY FUNDS					
Amounts shown are in thousands of dollars					TOTAL FUNDS
Project Description	2016	2017	2018	2019-2021	2016-2021
6.3 West Milton Nature Preserve Walkway	0	0	0	60	60
Section 6 Total	0	0	0	176	176
Section 7 - Roadway Restoration Projects					
7.1 Pavement Management Programs priority locations	0	50	50	275	375
Section 7 Total	0	50	50	275	375
Section 8 - Other					
8.1 Unsignalized Pedestrian Crossings	0	12	12	24	48
8.2 School Zone Modifications	0	15	0	0	15
Section 8 Total	0	27	12	24	63
TOTALS	850	348	247	1,548	2,993



To: Mayor Perry and City Council Members
From: Acting City Administrator Hernandez
Date: January 11, 2016 Study Session
Re: Attorney Services

ATTACHMENTS: A. Possible City Attorney Job Description

TYPE OF ACTION:

Information Only Discussion Action Expenditure Required

Issue: An attorney, on staff or on retainer, is a business necessity for any city in routine circumstances, and a crucial component in the face of broad public records requests, complicated land use issues, and sensitive personnel matters, to name a few. An audit of our attorney expenses has revealed an opportunity to make a change in how Milton meets its needs for legal services, and potentially save money doing so.

Background: Milton has been faced with extremely complicated land use matters over the past two years. These issues, all stemming from many years back, have demanded higher than usual legal expertise, and this will continue, as these issues are not resolved and new ones are sure to arise.

There have also been sensitive personnel matters, public disclosure requests, utility issues, as well as numerous routine items. All told, it has necessitated an involved attorney presence.

Discussion: there was no attempt in past years to allocate legal expenses to its appropriate department or fund, which has now been done for the year 2015 and will continue from now on. At this meeting, an analysis of how much money has been spent from the different funds will be presented, as will a comparison of other cities' legal expenses.

Legal expenses for 2015 fell into the following categories:

- Land use
- Personnel
- Labor relations
- Utility matters
- Public records requests
- Police
- Finance
- Department of Justice

The following alternatives for legal services are presented for consideration:

- Placing an RFQ (Request for Qualifications) ad will result in legal firms submitting their methods and experience for meeting our needs. One negative to hiring an attorney employed by a firm is the city pays hourly for the attorney to research and learn his/her trade. A positive is the firm likely has numerous specialized attorneys who can weigh in on our issues when asked, at the hourly rate he/she charges.

- Instead of relying on a municipal attorney at a lower hourly rate, look to hire experienced specialty attorneys for each discipline. A specialized land-use attorney, for example, might charge a higher hourly rate, but may be able to provide advice and services in fewer hours. He/she may also be more difficult to find available and take longer to respond, as Milton would not be a regularly contracted customer.
- Hiring an in-house attorney enables the city to budget absolutely for its legal expenses, while ensuring a legal presence at council and management meetings. Finding an attorney with the experience and availability we need may take a considerable amount of time.



POSITION DESCRIPTION

Class Title: **City Attorney**

Department: Executive

Union/FLSA: Exempt

GENERAL PURPOSE

The City Attorney provides legal counsel and expertise to the City Manager, City Council, departments and commissions; renders legal opinions concerning municipal codes and laws governing municipalities, labor and employment law, construction, purchase and other contracts, inter-local agreements, deeds, leases, permits and other legal documents; and represents the City in judicial and administrative litigation, negotiations and other proceedings.

SUPERVISION

Works under the general supervision of the Mayor and his/her designee.

ESSENTIAL DUTIES AND RESPONSIBILITIES

This section is not intended to be an exhaustive list of all responsibilities, duties and skills. It is intended to be an accurate summary of what the job classification involves and what is required to perform it. Employees are responsible for all other duties as assigned.

- Plans, directs and supervises the operations of the Legal department including subordinate and contract personnel;
- Attends regular and special council sessions; participates in meetings and conferences with City boards, commissions, committees, administrative officers and staff; provides legal advice as required;
- Advises City administrators and department heads regarding jurisdictional problems, zoning controversies, law enforcement issues, statutory and code compliance, risk management, protection of the public and property, and personnel/labor relations issues as assigned;

- Provides extensive legal advice and assistance to City departments regarding a variety of issues, including procedural, code and law compliance; tax issues; permits, zoning and land use; public utilities; safety and transportation; land acquisition; labor and employment law; business licensing issues and other municipal law issues;
- Performs research and prepares legal opinions concerning permits, bid solicitations, real estate transactions, contracts, ordinances, resolutions and other issues; reviews and prepares ordinances and resolutions for action by the City Council;
- Drafts and reviews letters, ordinances, contracts, resolutions, policies, deeds, bonds, permits and other legal documents involving City operations; assures documents reflect the City's intent and interests, limit the City's liability, and comply with applicable laws, policies and programs;
- Participates, on request, in consultations concerning intergovernmental relations in which the City is concerned;
- Prepares and manages the City Attorney portion of the budget;
- Maintains current knowledge of issues, legislation and regulations in case law and subjects affecting the City and relating to municipal law, including civil service, personnel/labor relations, land use, environmental issues, utilities (water/sewer/storm water), police, risk management, general public safety and fire and emergency medical services;
- Performs comprehensive legal research on issues involving municipal operations assigned by the City Manager;
- Provides professional advisory, litigation and administrative support services to City officials, departments, intergovernmental entities and governing bodies including drafting, responding to and litigating administrative and court cases;
- Tracks legal and policy issues of importance to the City; identifies optional positions on legal matters; reviews legal journals and utilizes networks to establish contacts and sources of information relevant to the City;
- Resolves claims and disputes prior to litigation; negotiates cases to enhance opportunities for settlement in lieu of further litigation; and
- Assists in finding alternative solutions to City legal issues, explaining ramifications and recommending courses of action.
- Supervises contract prosecutor assigned to handle City criminal cases; makes criminal charging decisions based on review of police reports, assessment of try-ability and judicious use of limited resources; works with county prosecutor and other city prosecutors to streamline processes for and enhance utilization of diversion programs, jail alternatives, and victim/witness assistance.

KNOWLEDGE, SKILLS AND ABILITIES

- Advanced knowledge of federal, state and local laws and regulations relating to municipal affairs, the purchase of goods and services, contracting, labor, employment, land use, environment and traffic control;
- Advanced knowledge of civil and criminal litigation and appellate principles, practices and procedures; legal research, methodology, preparation and review of legal documents and instruments involving significant impact on City operations;
- Advanced knowledge of municipal government structure, operation and jurisdiction; and complex record keeping requirements;
- Advanced knowledge of contract law, administrative law, tort law, environmental law, criminal law, employment law and general municipal law.
- Skill to present departmental issues and recommendations on major issues requiring policy direction to appropriate advisory bodies and to the City Council; skill to deliver effective oral presentations and arguments;
- Skill in budget preparation and control;
- Intermediate skill using computer applications pertaining to the legal field, including word processing, spreadsheets, legal research, expert systems and other applications;
- Skill to negotiate settlements in a variety of circumstances;
- Ability to exercise sound and ethical judgment in the decision-making processes required of the position;
- Ability to prepare and update short and long range strategic plans to ensure the department's contribution to the City's overall plans and strategies;
- Ability to represent the City at various court levels and tribunals in criminal and civil litigation;
- Ability to draft and interpret City ordinances and resolutions;
- Ability to communicate legal issues orally and in writing to a variety of audiences in a clear, comprehensive and professional manner, with tact and diplomacy;
- Ability to establish and maintain a working environment conducive to positive morale, individual style, personal discipline, quality, creativity and teamwork;
- Ability to analyze, evaluate and organize case facts, evidence and precedents and make appropriate recommendations;
- Ability to handle confidential information and material with the highest degree of professional responsibility;
- Ability to supervise the preparation of legal documents and ordinances; meet schedules and timelines;
- Ability to exercise appropriate judgment and initiative in carrying out operations within a general set of rules, regulations, and legal prescriptions; and
- Ability to oversee retained attorneys representing the City.

MINIMUM QUALIFICATIONS

Graduation from an accredited law school with a Juris Doctor degree and ten or more years of progressively responsible work experience in civil and municipal law, as well as supervisory experience. Admission to practice law in the state of Washington and federal courts and a member in good standing of the Washington State Bar Association is required. A valid Washington State driver's license is required. Experience handling civil and criminal court cases including jury trial experience is required, including oral argument to a jury and to the bench. Experience handling civil and criminal cases before appellate courts is required, including briefing and oral argument. Experience in representing clients through formal mediation and binding arbitration is required.

WORK CONDITIONS

The employee will be required to sit at a work station for extended periods of time, frequently using a computer and/or the phone. This individual must have the ability to hear and see at a normal level (or with accommodations); verbally communicate in person and by telephone; stand, walk, and drive as needed throughout day; and occasionally lift, carry and put away parcels weighing up to 40 pounds. Due to the nature of the work, the incumbent may be required to deal with irate, disgruntled and sometimes hostile individuals requiring the use of conflict management and coping skills. The city attorney may encounter mentally ill, distraught, or potentially dangerous individuals in the course of his/her duties and must have the demeanor, temperament and ability to handle such encounters. The incumbent is frequently required to perform work in confidence and under pressure for deadlines, and is required to maintain professional composure and tact, patience and courtesy at all times. Position requires mental acuity to ensure thorough mental analysis of situations in a fast-paced environment.

DISCLAIMER

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.