



## COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

2358<sup>th</sup> Meeting

## MINUTES

MAY 17, 2022

**Council Present:** Councilors Lisa Batey, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

**Staff Present:** Joseph Briglio, Community Development Director      Peter Passarelli, Public Works Director  
Justin Gericke, City Attorney      Scott Stauffer, City Recorder  
Vera Kolas, Senior Planner      Luke Strait, Police Chief  
Ann Ober, City Manager      Laura Weigel, Planning Manager

**Mayor Gamba** called the meeting to order at 6:05 p.m.

It was noted that Council President Hyzy was not present at the start of the meeting.

### 1. CALL TO ORDER

**A. Pledge of Allegiance.**

**B. Native Lands Acknowledgment.**

### 2. ANNOUNCEMENTS

**Mayor Gamba** announced upcoming activities, including the Corporal Diffie Veterans Fund breakfast, a plant sale, a career fair, and the Ledding Library Lecture Series.

**Councilor Nicodemus** remarked on the mass shooting at a grocery store in Buffalo, New York, and urged the community to continue to work against hate crimes. **Ober** read a statement addressed to Milwaukie's Black, Indigenous, and People of Color (BIPOC) community on behalf of the Milwaukie Police Department (MPD) regarding the shooting.

### 3. PROCLAMATIONS AND AWARDS

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

**Carmen Gelman**, MHS Principal, introduced Jenny Hackenberger and Council congratulated the student on their academic and extra-curricular activities.

**B. MHS Update – Report**

**Gelman** reported on MHS' activities and staffing. **Mayor Gamba** and **Gelman** remarked on the growth of MHS' enrollment and the group noted this would be the final student award for the school year and that Gelman would not be returning to MHS in the fall.

**C. Dogwood Day – Proclamation**

**Stauffer**, **Phyllis Hines**, Susannah Lee Barlow Chapter Daughters of the American Revolution, and **Greg Hemer**, Milwaukie Historical Society Communications Director, introduced the proclamation and announced the winner of the 2022 #milwaukiedogwood Instagram photo contest. **Mayor Gamba** proclaimed May 21 to be Dogwood Day.

**D. Historic Preservation Month – Proclamation**

**Councilor Batey** and **Hemer** remarked on the importance of preserving historic structures and **Mayor Gamba** proclaimed May to be Historic Preservation Month.

**E. Public Works Week – Proclamation**

**Passarelli** commented on the important infrastructure services public works staff provide and **Mayor Gamba** proclaimed May 15 to 21 to be Public Works Week.

**4. SPECIAL REPORTS****A. None Scheduled.****5. COMMUNITY COMMENTS**

**Mayor Gamba** reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the May 3 community comments.

**6. CONSENT AGENDA**

**Councilor Batey** asked that consent items 6. C. and D. be removed so that staff could add the plans being adopted to the report. It was noted that both items would be rescheduled for the June 7, 2022, regular session consent agenda.

**It was moved by Councilor Batey and seconded by Councilor Nicodemus to approve the Consent Agenda items A and B.**

**A. City Council Meeting Minutes:**

1. April 12, 2022, study session,
2. April 12, 2022, special session,
3. April 19, 2022, work session, and
4. April 19, 2022, regular session.

**B. Resolution 30-2022: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing a contract with Blink Charging Company to install electric vehicle charging stations.**

~~**C. A resolution adopting the 2021 Water System Master Plan (WSMP).**~~

(Removed from the agenda)

~~**D. A resolution adopting the 2021 Wastewater System Master Plan (WWSMP).**~~

(Removed from the agenda)

**Motion passed with the following vote: Councilors Batey and Nicodemus and Mayor Gamba voting “aye.” [3:0]**

**7. BUSINESS ITEMS****A. Transit Police Contract – Resolution**

**Strait** explained that Council was asked to approve a new intergovernmental agreement (IGA) with TriMet to allow the Milwaukie Police Department (MPD) to join the TriMet Transit Police Division. **Strait** noted changes made to the transit police organization since MPD left it in 2020 and introduced Multnomah County Sheriff Mike Reese.

**Reese** introduced Andrew Wilson and John Gardner with TriMet. **Gardner** and **Wilson** provided an update on the transit police division, noting changes to how the division was managed through community and training-based programs, and reporting that the Multnomah County Sheriff’s Office (MCSO) now managed the division. They noted other law enforcement agencies that participate in the division. **Ober** expressed appreciation for TriMet staff’s work with city staff.

**Councilor Nicodemus** and **Gardner** remarked on the importance of transit police officers and BIPOC transit riders feeling safe when using public transportation.

**Councilor Batey** and **Strait** discussed MPD officers’ interest and history in serving on the transit police division. **Batey**, **Strait**, and **Wilson** noted that the proposed IGA would give MPD flexibility in determining how many officers were assigned to the transit police at any given time.

**Strait** expressed appreciation for TriMet and MCSO’s work in focusing the transit police.

**Councilor Nicodemus** and **Gardner** remarked on the integration of transit police officers and mental health, community, and customer service teams in responding to incidents and rider needs on the transit system. **Mayor Gamba, Nicodemus,** and **Wilson** remarked on the benefits of providing a coordinated mental health response.

**It was moved by Councilor Batey and seconded by Councilor Nicodemus to approve the resolution acting as the Local Contract Review Board, authorizing the city manager to sign an intergovernmental agreement (IGA) with the Tri-County Metropolitan Transportation District of Oregon (TriMet), the Multnomah County Sheriff's Office, and the Milwaukie Police Department for transit police services. Motion passed with the following vote: Councilors Batey and Nicodemus and Mayor Gamba voting "aye." [3:0]**

**Resolution 31-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING THE CITY MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET), THE MULTNOMAH COUNTY SHERIFF'S OFFICE, AND THE MILWAUKIE POLICE DEPARTMENT FOR TRANSIT POLICE SERVICES.**

**Mayor Gamba** recessed the meeting at 7:24 p.m. and reconvened at 7:31 p.m.

## **8. PUBLIC HEARING**

### **A. Wastewater System Development Charge (SDC) Revisions – Resolution**

Call to Order: **Mayor Gamba** called the wastewater SDCs hearing to order at 7:31 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to hear the report, take public comment, deliberate, and consider adopting changes to the SDCs.

Conflict of Interest: No Council member declared a conflict of interest.

Staff Presentation: **Passarelli** introduced Doug Gabbard and John Ghilarducci, consultants with the FCS Group. **Gabbard** provided an overview of SDCs, explaining how they are calculated and how Milwaukie's rates compare to other cities, and discussed the city's projected wastewater system growth in the coming decades.

**Councilor Batey, Gabbard,** and **Passarelli** commented on how the SDC growth projections had been calculated and how multi-family housing were factored in.

**Gabbard** continued to review the wastewater SDC growth projections, noting what system and reimbursement costs SDCs could pay for. **Councilor Batey** and **Gabbard** noted where the population growth data used in the SDC study had come from.

**Gabbard** presented proposed adjustments to the SDC fee cost basis which resulted in a lower fee than the city has had to-date. **Gabbard** introduced a SDC fee schedule based on house size and the group noted that it mirrored a schedule that Clackamas County Water Environment Services (WES) was looking at adopting.

**Councilor Batey** and **Gabbard** noted that the proposed SDCs had a single rate for any multi-family house. The group discussed using a unit's square footage or designation as multi-family to determine the SDC. **Gabbard** and **Passarelli** confirmed that SDCs for multi-family units could be based on square foot size.

**Gabbard** presented data comparing Milwaukie's current and proposed SDC rates to other cities in the region and the group commented on how the city's fees compared.

**Mayor Gamba, Passarelli, and Gabbard** noted that it didn't matter if the city's SDC fees differed from WES' and remarked on how staff would calculate SDCs for various single-family and multi-family housing projects. They remarked on how the number of toilets and sinks in a development are factored into the growth projections and SDCs.

**Ober** observed that former Councilor Falconer had worked on SDCs with WES, and it would take more time to revisit the fee schedule if Council wanted to make significant changes. **Councilor Batey** didn't believe the housing sizes needed to be revisited. The group discussed whether multi-family housing needed to be its own fee rate or if fees for multi-housing units should be based on square footage. The group agreed that WES should be informed of the city's new SDC fee schedule when it was adopted.

Correspondence: No correspondence had been received on the hearing topic.

Audience Testimony: No audience member wished to speak on the hearing topic.

Continue Hearing: **It was moved by Councilor Batey and seconded by Councilor Nicodemus to close the public comment part of the hearing on the proposed wastewater SDC changes. Motion passed with the following vote: Councilors Batey and Nicodemus and Mayor Gamba voting "aye." [3:0]**

**Mayor Gamba** closed the public comment part of the hearing at 8:23 p.m.

Decision: **It was moved by Councilor Nicodemus and seconded by Councilor Batey to approve the resolution establishing new system development charges for wastewater improvements, as authorized by MMC Chapter 13.28, taking out the reference to "multi-family housing." Motion passed with the following vote: Councilors Batey and Nicodemus and Mayor Gamba voting "aye." [3:0]**

**Resolution 32-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING NEW SYSTEM DEVELOPMENT CHARGES FOR WASTEWATER IMPROVEMENTS, AS AUTHORIZED BY MMC CHAPTER 13.28.**

**B. Middle Housing Land Division, Senate Bill (SB) 458, Code Changes – Ordinance (File #ZA-2022-001)**

Call to Order: **Mayor Gamba** called the hearing on the proposed revisions to the Milwaukie Municipal Code (MMC), File #ZA-2022-001, to order at 8:25 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to hear the staff report, take public comment, deliberate, and consider adopting changes to the MMC related to middle housing land divisions as required by Oregon SB458.

Conflict of Interest: No Council member declared a conflict of interest.

**Councilor Batey** abstained from the hearing and left the dais. It was noted that Council President Hyzy joined the meeting via Zoom at 8:27 p.m.

Staff Presentation: **Kolias** reviewed the middle housing land division code changes that were required by SB458, which was a follow-up to Oregon House Bill (HB) 2001. The changes would allow for middle housing units to be sold or owned individually. **Mayor Gamba** and **Kolias** noted that a developer would have complete control in determining the shape and size of the different units in a middle housing project.

**Kolias** reported that the Planning Commission had voted to recommend that Council adopt the code changes that would be effective on June 17, 2022, if adopted.

**Council President Hyzy** expressed support for the proposed code changes.

Correspondence: No correspondence had been received on the hearing topic.

Audience Testimony: No audience member wished to speak on the hearing topic.

Continue Hearing: **It was moved by Councilor Nicodemus and seconded by Council President Hyzy to close the public comment part of the hearing on the proposed middle housing land division code changes. Motion passed with the following vote: Councilors Nicodemus and Hyzy and Mayor Gamba voting “aye” with Councilor Batey abstaining. [3:0]**

**Mayor Gamba** closed the public comment part of the hearing at 8:37 p.m.

Discussion: **Council President Hyzy and Mayor Gamba** thanked staff for the report.

Council Decision: **It was moved by Councilor Nicodemus and seconded by Council President Hyzy for the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal Code (MMC) Title 19 Zoning Ordinance and Title 17 Land Division for the purpose of addressing middle housing land division per Oregon Senate Bill 458 (File #ZA-2022-001). Motion passed with the following vote: Councilors Nicodemus and Hyzy and Mayor Gamba voting “aye” with Councilor Batey abstaining. [3:0]**

**Ober** read the ordinance one time by title only.

**Mayor Gamba** announced that as the vote to approve the ordinance had not been unanimous among Council members present the second reading of the ordinance would be done at the June 7 regular session.

## **9. COUNCIL REPORTS**

**Councilor Batey** asked for Council support for the mayor to send a letter to the Oregon Department of Transportation (ODOT) regarding the inventory of rail-related projects, which included some in or near Milwaukie. It was Council consensus that the mayor should send the proposed letter to ODOT regarding the rail project inventory.

## **10. ADJOURNMENT**

**It was moved by Councilor Batey and seconded by Councilor Nicodemus to adjourn the Regular Session. Motion passed with the following vote: Councilors Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [4:0]**

**Mayor Gamba** adjourned the meeting at 8:47 p.m.

Respectfully submitted,

  
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 Scott Stauffer, City Recorder

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