

2360<sup>th</sup> Meeting**MINUTES**

JUNE 21, 2022

**COUNCIL REGULAR SESSION**

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

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

<p><b>Staff Present:</b> Joseph Briglio, Community Development Director Ryan Burdick, Police Captain Mandy Byrd, Development Program Manager Jennifer Garbely, Assistant City Engineer Justin Gericke, City Attorney Jon Hennington, Equity Program Manager</p>	<p>Ann Ober, City Manager Tim Salyers, Code Enforcement Coordinator Scott Stauffer, City Recorder Kelli Tucker, Accounting &amp; Contracting Specialist</p>
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**Mayor Gamba** called the meeting to order at 6:01 p.m.

**1. CALL TO ORDER**

**A. Pledge of Allegiance.**

**B. Native Lands Acknowledgment.**

**2. ANNOUNCEMENTS**

**Mayor Gamba** announced upcoming community activities including park performances, the city's Porchfest and Carefree Sunday events, and city manager open door sessions. **Councilor Batey** noted the Milwaukie Center's Clackamas on Tap and Uncorked event and a neighborhood plant sale.

**3. PROCLAMATIONS AND AWARDS****Statewide Initiative Petition (IP) 17 – Information**

**Mark Knutson**, Lift Every Voice Oregon representative, commented on the need to address gun violence and encouraged Council and the public to sign the IP 17 petitions.

**A. LGBTQIA+ Pride Month – Proclamation**

**Council President Hyzy** introduced the proclamation and remarked on the importance of recognizing Pride Month. **Mayor Gamba** proclaimed June 2022 to be Pride Month.

**B. Juneteenth – Proclamation**

**Councilor Nicodemus** introduced the proclamation and remarked on the significance of Juneteenth. **Mayor Gamba** proclaimed June 19, 2022, to be Juneteenth.

**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 June 7 community comments. It was noted that no audience member wished to speak to Council.

## 6. CONSENT AGENDA

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

### A. City Council Meeting Minutes:

1. May 10, 2022, study session,
2. May 10, 2022, special session,
3. May 17, 2022, work session,
4. May 17, 2022, regular session, and
5. May 31, 2022, special session.

B. Resolution 50-2022: A resolution of the City Council of the City of Milwaukie, Oregon, making appointments city boards and committees.

C. Approval of an Oregon Liquor Control Commission (OLCC) Application for Eastside Distilling, 2150 SE Hanna Harvester Drive – new outlet.

D. Resolution 51-2022: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an intergovernmental agreement with the Oregon Department of Transportation for delivery of segments D and E of the Monroe Street Neighborhood Greenway.

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

## 7. BUSINESS ITEMS

### A. Revised Public Contracting Rules (PCRs) – Resolution

**Tucker** reviewed changes made to the revised PCRs since Council’s last discussion, including scoring requirements for state Certification Office for Business Inclusion and Diversity (COBID) certified companies that bid on city projects, a Milwaukie COBID waiver form, and added inclusive language. **Tucker** confirmed that the city must award public improvement contracts to the lowest bidding contractor and noted alternate contracting methods that could help achieve diversity and equity goals.

**Hennington** reported that the Equity Steering Committee (ESC) had discussed the revised PCRs, the COBID certification process, and the proposed city COBID waiver, and had come to a consensus to support the revised PCRs. **Hennington** explained that the rules used the term “minority owned business” to match language used by the state COBID program and suggested Council encourage the state to revise the language.

**Tucker** noted that the PCRs used the word “shall” and in response to a request from Councilor Batey staff would replace the word with appropriate alternate words.

**Tucker** reported that staff had reviewed contract amounts authorized in the last year and only one had exceeded the city manager’s current signing authority. **Tucker** noted that changing the signing authority amount would require a separate change to the Milwaukie Municipal Code (MMC). **Councilor Batey** suggested it was not worth staff effort to revise the code to change the signing authority limits.

**Councilor Nicodemus, Hennington, and Mayor Gamba** remarked on resources and services available to businesses seeking help in becoming COBID certified. The group remarked on barriers to businesses seeking to be state COBID certified and how the city could best approach the state to improve the COBID program.

The group thanked staff for their work on the revised PCRs and it was Council consensus to not revise the signing authority in the MMC right now.

It was moved by Councilor Batey and seconded by Councilor Khosroabadi to approve the resolution acting as the Local Contract Review Board, repealing existing public contracting rules and adopting revised public contracting rules to reflect laws adopted by the state and incorporating equity requirements, with the amendments noted by staff to replace all “shall” references with “will” or “must” as appropriate. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

**Resolution 52-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, REPEALING EXISTING PUBLIC CONTRACTING RULES AND ADOPTING REVISED PUBLIC CONTRACTING RULES TO REFLECT LAWS ADOPTED BY THE STATE AND INCORPORATING EQUITY REQUIREMENTS.**

**B. Noise Ordinance Updates – Discussion**

**Ober** explained that the noise ordinance discussion had been scheduled due to several noise related issues that had come-up over the last year.

**Councilor Batey** remarked on the city’s noise monitoring practices and wondered if the city should use a non-decibel-based code to enforce the noise ordinance. **Mayor Gamba** suggested it might be good to consider other ways to measure noise issues.

**Salyers** provided an overview of the city’s noise ordinance and how Milwaukie and City of Portland staff measured noise complaints. **Councilor Batey** and **Salyers** discussed when staff monitors the decibel level of a noise versus when the “disturb other persons” code standard is used for determining if a noise violates the code. The group noted the importance of staff being able to collect data to document a noise ordinance violation.

**Mayor Gamba** and **Salyers** discussed a recent noise case that involved a rooster and the municipal court judge had ruled that the rooster noise did not violate the code. The group remarked on whether noise or animal code changes were needed to strengthen the city’s ability to address noisy roosters. **Councilor Nicodemus** and **Salyers** commented on neighborly ways to approach noisy rooster situations.

**Salyers** commented on a proposed model noise ordinance and reported that staff were open to removing decibel-based requirements. **Gericke** and **Salyers** noted that using a decibel-based standard was a non-subjective way to document a noise complaint.

**Mayor Gamba** asked if there would be any benefit in staff spending time to update the city’s noise ordinance. **Salyers** noted the ordinance was 40 years old and could be updated but there was no urgency to do so soon.

The group remarked on a recent noise complaint case related to a bottle return site next to housing, noting what time of day the reported complaints were documented.

**Councilor Batey** asked if there had ever been a noise complaint that staff did not have a code section to use to issue a citation. **Salyers** was not aware of any noise issues not covered by the MMC. **Councilor Batey** observed that there was no need to revisit the noise ordinance if staff had no issues. **Salyers** observed that the code should be set-up to eliminate unwanted noises and **Gericke** thought staff had the tools to document and issue citations for noise ordinance cases. The group noted that staff do call complaint filers to testify in court.

The group noted that noise ordinance citations include times and dates like all citations, and that residents could document noise issues that occur over time to support staff issuing citations.

**Ober** summarized that Council did not see a need to pursue a noise ordinance update soon and suggested the newly elected Council could revisit the issue in 2023.

**C. Sparrow Site Auxiliary Property Purchase – Resolution**

**Briglio** introduced Byrd. **Byrd** explained that Council was asked to authorize the purchase of an auxiliary property adjacent to the city-owned Sparrow Site, and provided an overview of the auxiliary property, noting Sparrow Site constraints, and the results of an access study. **Byrd** noted next steps in developing the Sparrow Site and asked Council to approve the purchase of the auxiliary property.

**Mayor Gamba** was disappointed about how long it had taken to develop the Sparrow Site and asked if affordable housing could be built on the auxiliary property. **Byrd** believed housing could be built on the auxiliary property along with the necessary roadway. The group remarked on the challenges of waiting through a long development process to provide housing for houseless individuals.

**Councilor Khosroabadi** and **Briglio** noted the city had not yet gone through a request for proposals (RFP) process to select a developer for the site. The group believed there would be developers interested in the project, and commented on zoning issues that had been raised previously and what newspapers RFP notices are published in.

**Council President Hyzy** expressed support for purchasing the Auxiliary Site.

**Briglio** observed that the auxiliary and Sparrow properties had lengthy deed histories.

**It was moved by Council President Hyzy and seconded by Councilor Nicodemus to approve the resolution approving the purchase of the Sparrow Auxiliary Site (Tax Lot No. 11E36CC05100) from TriMet and delegating signing authority to the city manager to complete the purchase. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

**Resolution 53-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE PURCHASE OF THE SPARROW AUXILIARY SITE (TAX LOT NO. 11E36CC05100) FROM TRIMET AND DELEGATING SIGNING AUTHORITY TO THE CITY MANAGER TO COMPLETE THE PURCHASE.**

**Gericke** and **Mayor Gamba** provided additional history about the Sparrow Site, explaining how site access issues had played out in recent years, that the site was identified as a brownfield due to Oregon Department of Transportation (ODOT) vehicles had been parked on it for years, and how the city had acquired the property from TriMet.

**8. PUBLIC HEARING**

**A. None Scheduled.**

## **9. COUNCIL REPORTS**

**Councilor Batey** asked for permission to resend a Council letter to the Oregon State Marine Board (OSMB) addressing a topic the board had not acted upon. It was Council consensus that Councilor Batey could resend the Council letter to the OSMB.

Council congratulated Councilor Nicodemus on the successful 2022 Juneteenth event.

**Council President Hyzy** reported on attending the Metro Joint Policy Advisory Committee on Transportation (JPACT) trip to Washington, District of Columbia (DC), to thank the state's congressional delegation for their support of the federal infrastructure bill. The group commented on whether the Kellogg Creek Dam removal project would be included in future federal funding bills.

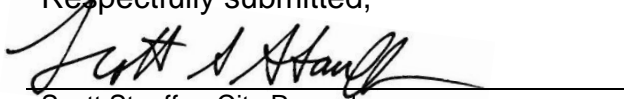
**Mayor Gamba** was glad to have participated in the 2022 Portland Pride parade.

## **10. ADJOURNMENT**

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

**Mayor Gamba** adjourned the meeting at 8:13 p.m.

Respectfully submitted,

  
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Scott Stauffer, City Recorder

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