



COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

2367th Meeting

MINUTES

OCTOBER 18, 2022

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

Staff Present: Steve Adams, City Engineer
Kelly Brooks, Assistant City Manager
Justin Gericke, City Attorney
Ben Green, Engineering Technician
Adam Moore, Parks Development Coordinator

Ann Ober, City Manager
Peter Passarelli, Public Works Director
Natalie Rogers, Climate & Natural Resources Manager
Scott Stauffer, City Recorder

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

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Gamba announced upcoming community activities, including a city manager open door session, the 42nd/43rd Avenue improvements celebration, Arbor Day events, a spooky storyteller event, and the Haunted Forest at Homewood Park event. **Councilor Batey** noted an ivy pull event and a fundraiser event at the Davis Graveyard.

The group noted that the city did not know if there would be a downtown business trick-or-treating event this year.

3. PROCLAMATIONS AND AWARDS

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

Kim Kellogg, MHS Principal, introduced Lupita Aguilar-Soto and Council congratulated them on their academic and extra-curricular activities.

B. MHS Update – Report

Kellogg provided an update on activities at the school, including a career day, the Portland Opera's use of the school facilities, college visits, and parent survey.

C. Arbor Day – Proclamation

Rogers noted Arbor Day plans and remarked on the importance of planting and protecting trees. **Mayor Gamba** proclaimed October 22, 2022, to be Arbor Day.

D. American Archives Month – Proclamation

Stauffer and **Greg Hemer**, with the Milwaukie Historical Society, remarked on the importance of local archives. **Mayor Gamba** proclaimed October to be Archives Month.

E. Community Planning Month – Proclamation

Ober remarked on the importance of community planning and thanked the city's planning staff for their work. **Mayor Gamba** proclaimed October to be Planning Month.

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 October 4 community comments. No audience member wished to address 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. September 20, 2022, Work Session, and
2. September 20, 2022, Regular Session.

B. Resolution 67-2022: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a cooperative agreement with the North Clackamas Urban Watershed Council (NCWC) for the Kellogg Creek Restoration and Community Enhancement project.

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

7. BUSINESS ITEMS**A. Public Safety Advisory Committee (PSAC) – Annual Update**

Adams provided an overview of the committee’s work, noting PSAC’s interest in focusing on emergency response work and helping update the city’s Transportation System Plan (TSP) in 2023. **Mayor Gamba** and **Adams** remarked on why the city’s TSP consultant contracts had to be reviewed by the state before being executed.

PSAC Vice Chair **Stephan Lashbrook** commented on the role the committee would like to play in TSP update project. **Adams** suggested the geographic representation of PSAC members would help the TSP update process.

Lashbrook commented on the contract review process when state and federal funds are involved in a project as they are for the TSP update. The group noted the role of the Oregon Department of Transportation (ODOT) in transportation infrastructure projects.

B. Bowman-Brae Park Resolution of Necessity – Resolution

Moore provided an overview of the Bowman-Brae Park master planning work and efforts to purchase a property west of the park that has been closed to public access, cutting off the western access point to the park. **Moore** noted that residents were frustrated by the lack of park access and reported that staff recommended Council adopt declare the necessity of acquiring the property to restore the access point.

Moore briefly reviewed the park’s master plan and current concept design.

Gericke concurred with staff’s assessment of the Bowman-Brae Park situation and explained the legal actions the city had taken to-date and what the proposed resolution would do to begin the condemnation process to acquire the property.

Councilor Batey and **Moore** clarified that Where Else Lane was public right-of-way (ROW) up to the 12-foot private property between the street and park.

Councilor Batey and **Gericke** noted next steps that would be taken to purchase the property if a resolution was adopted. **Moore** and **Gericke** noted that through a condemnation process the city would be purchasing the property for fair market value.

Mayor Gamba announced that public comment would be taken on the proposed action.

Lupin Hipp, Milwaukie resident, asked for clarification about the action Council would take to acquire the property and if the action could fail to restore park access. **Gericke** explained the purpose of the condemnation process.

Paul Anderson, Milwaukie resident, presented a series of photos showing the current route to the park due to the western access point closure.

Mona Thomason, Milwaukie resident, concurred with Anderson's assessment of the current route to the park and encouraged the city to acquire the private property. **Mayor Gamba** and **Thomason** agreed on the importance of active transportation planning.

It was moved by Councilor Nicodemus and seconded by Councilor Khosroabadi to approve the resolution declaring the public necessity to acquire a public right-of-way (ROW) and temporary construction easement to construct a multi-use trail and provide public access to Bowman-Brae Park from Where Else Lane. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

Resolution 68-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE PUBLIC NECESSITY TO ACQUIRE A PUBLIC RIGHT-OF-WAY (ROW) AND TEMPORARY CONSTRUCTION EASEMENT TO CONSTRUCT A MULTI-USE TRAIL AND PROVIDE PUBLIC ACCESS TO BOWMAN-BRAE PARK FROM WHERE ELSE LANE.

C. New City Hall Construction Manager / General Contractor (CMGC) Process – Resolution

Brooks explained that to best use the city's fiscal resources staff had requested that Council approve a resolution allowing the city to use a CMGC process for the redevelopment of the new city hall building. **Brooks** noted project management benefits of pursuing a CMGC alternative contracting method.

It was moved by Councilor Khosroabadi and seconded by Council President Hyzy to approve the resolution acting as the Local Contract Review Board, adopting findings to allow alternative contracting for the new city hall project. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

Resolution 69-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, ADOPTING FINDINGS TO ALLOW ALTERNATIVE CONTRACTING FOR THE NEW CITY HALL PROJECT.

Ober and **Brooks** thanked staff for their work to prepare for a CMGC process.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS**A. Support for Ballot Measures – Resolutions (2)**

Mayor Gamba explained that resolutions supporting two proposed statewide ballot measures had been prepared for Council to consider adopting. **Gamba** commented on why Council should encourage voters to approve Measure 113, which would add attendance requirements for state legislators, and read the resolution into the record. **Councilor Khosroabadi** expressed support for Measure 113.

It was moved by Councilor Nicodemus and seconded by Councilor Khosroabadi to approve the resolution recommending support for Hold Politicians Accountable – Measure 113. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 70-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, RECOMMENDING SUPPORT FOR HOLD POLITICIANS ACCOUNTABLE – MEASURE 113.

Mayor Gamba asked that the city issue a press release after adoption of the ballot measure resolutions.

Councilor Batey noted a presentation Council had received earlier in the year regarding Measure 114 and remarked on what the measure would require. The group discussed adding language to the resolution underscoring the need for gun safety measures due to increasing violence in schools. It was Council consensus to add a whereas clause highlighting the recent surge in school shootings as a reason why voters should approve Measure 114.

Councilor Batey read the resolution in support of Measure 114 into the record. The group noted two additional minor grammatical errors in the resolution text.

Council President Hyzy and **Councilor Batey** remarked on the support Measure 114 had from gun owners.

It was moved by Council President Hyzy and seconded by Councilor Khosroabadi to approve the resolution urging Milwaukie voters to vote yes on Measure 114 to enhance the safety of our schools and our community. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 71-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, URGING MILWAUKIE VOTERS TO VOTE YES ON MEASURE 114 TO ENHANCE THE SAFETY OF OUR SCHOOLS AND OUR COMMUNITY.

Ober reported that the city’s press release regarding the ballot measure resolutions would direct inquiries to Mayor Gamba and Councilor Batey.

10. ADJOURNMENT

Mayor Gamba announced that after the regular session Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

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 7:59 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder

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