



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

AGENDA

JANUARY 3, 2023

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. **For Zoom login** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-339>.

To participate in this meeting by phone dial 1-253-205-0468 and enter Webinar ID 831 8669 0512 and Passcode: 023745. To raise hand by phone dial *9.

Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov. Council will take verbal comments.

Note: agenda item times are estimates and are subject to change.

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Swearing-In Ceremony. Before the meeting begins, Municipal Court Judge Kimberly Graves will administer the oath of office to City Councilors Adam Khosroabadi, Robert Massey, and Rebecca Stavenjord, and Mayor Lisa Batey.

1. **CALL TO ORDER** (6:10 p.m.)

A. **Pledge of Allegiance**

B. **Native Lands Acknowledgment**

2. **ANNOUNCEMENTS** (6:11 p.m.)

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3. **PROCLAMATIONS AND AWARDS**

A. **None Scheduled.**

4. **SPECIAL REPORTS**

A. **City Manager Updates – Report** (6:15 p.m.)

Staff: City Manager Ann Ober

5. **COMMUNITY COMMENTS** (6:30 p.m.)

To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to ocr@milwaukieoregon.gov), or in person to city staff.**

6. **CONSENT AGENDA** (6:35 p.m.)
 Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.
 - A. **Approval of Council Meeting Minutes of:** **4**
 1. **December 6, 2022, work session, and**
 2. **December 6, 2022, regular session.**
 - B. **Establishment of 2023 Council Meeting Schedule – Resolution** **14**
 - C. **Establishment of 2023 Papers of Record – Resolution** **17**
 - D. **Approval of an Oregon Liquor Control Commission Application for Freeman Barrel House, 4360 SE International Way – New Outlet** **19**
 - E. **Approval of an Oregon Liquor Control Commission Application for Spring Creek Coffee House, 10600 SE McLoughlin Blvd. – New Outlet** **20**
7. **BUSINESS ITEMS**
 - A. **None Scheduled.**
8. **PUBLIC HEARINGS**
 - A. **None Scheduled.**
9. **COUNCIL REPORTS** (6:40 p.m.)
10. **ADJOURNMENT** (6:45 p.m.)

New Council Members Receptions.

After the regular session, Council will hold a reception in honor of newly sworn-in Council members Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and Lisa Batey. The receptions are open to the public and will be held immediately after the regular session at City Hall (10722 SE Main Street).

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's YouTube channel](#) and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el [canal de YouTube de la ciudad](#) y el Canal 30 de Comcast dentro de los límites de la ciudad.

Executive Sessions

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.



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Announcements

Mayor's Announcements – Dec. 20, 2022



- **Volunteer of the Year 2022 – Nominations Accepted Until Feb. 15, 2023**
 - Nominees can include anyone who resides in Milwaukie or is a member of a non-profit or business that serves the Milwaukie community.
 - Nominations accepted using form at engage.milwaukieoregon.gov
- **Winter Scavenger Hunt – Mon., Dec. 26 to Sat., Dec. 31 (Anytime library is open)**
 - Snowflake scavenger hunt for all ages
 - Ledding Library, 10660 SE 21st Ave.
- **Wendy Willis Poetry Reading – Wed., Jan. 11 (6 - 7:15 PM)**
 - The 16th season of the Milwaukie Poetry Series continues with a live reading by poet Wendy Willis.
 - Seating limited to 50
 - Ledding Library, 10660 SE 21st Ave.
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV OR CALL 503-786-7555**

Mayor's Announcements – Dec. 20, 2022



- **Minthorn Springs Volunteer Cleanup – Sat., Jan. 14 (9:30 – 12 PM)**
 - Join the Milwaukie Parks Foundation for second Saturday work parties
 - Volunteers remove invasive plants and pick up trash
 - If you drive, please park at the east end of Milwaukie Marketplace and walk across 37th Ave. to the Minthorn entrance.
- **Christmas Tree Take-Back for Fish Habitat**
 - North Clackamas Park
 - Saturday, December 7 from 10am to 2pm

• **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV OR CALL 503-786-7555**



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Community Comments

Scott Stauffer

From: Neil Schulman <neil@ncwatersheds.org>
Sent: Tuesday, January 3, 2023 6:11 PM
To: OCR
Subject: Addressing Council briefly

This Message originated outside your organization.

Scott,
I'd like to briefly address the Council during the comment period. Thank you!
Neil

Neil Schulman
Executive Director
503-550-9282
2416 SE Lake Rd. Milwaukie, OR 97222
neil@ncwatersheds.org
northclackamaswatersheds.org





RS Agenda Item

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Consent Agenda

COUNCIL WORK SESSION

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

MINUTES

DECEMBER 6, 2022

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

Staff Present: Justin Gericke, City Attorney
Kimberly Graves, Municipal Court Judge
Nicole Madigan, Deputy City Recorder
Ann Ober, City Manager
Scott Stauffer, City Recorder

Mayor Gamba called the meeting to order at 4:00 p.m.

1. Citizens Utility Advisory Board (CUAB) – Annual Report

Mayor Gamba announced that the CUAB item had been removed from the agenda.

2. Municipal Court Judge Check-In – Report

Graves reported that the court was waiting to see how it would be affected by Milwaukie police officers wearing body cameras, specifically regarding evidence storage and the appeals process. **Councilor Batey** asked whether body camera footage had been shown in court and **Graves** reported not yet and did not believe that the court would see much footage since a body camera would not catch the traffic violation. **Graves** expressed excitement for new the behavioral health position and how the court would support unhoused community members and **Ober** and **Graves** spoke positively of the new behavioral health staff member. **Graves** shared that citation numbers were low, but believed that due to body cameras, officers would enforce more traffic regulations.

3. Parks Levy Ballot Measure – Discussion

Ober asked if Council wanted to place the parks levy measure on the March 2023 special election ballot and what next steps Council would like to see staff take. **Mayor Gamba** wanted to leave the decision to the rest of Council and **Councilors Batey and Khosroabadi** expressed interest in moving forward but felt March would be too soon. **Ober, Batey, and Khosroabadi** discussed how staff could notify the community and the timeline for mailers and next steps. **Batey** announced that there would be a North Clackamas Parks and Recreation District (NCPRD) Board meeting on December 7 and there was an item on the agenda about Milwaukie's parks plans.

4. Adjourn

Mayor Gamba announced that after the meeting adjourned the meeting Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Mayor Gamba adjourned the meeting at 4:10 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street
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MINUTES

DECEMBER 6, 2022

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

Staff Present: Joseph Briglio, Community Development Director	Ann Ober, City Manager
Kelly Brooks, Assistant City Manager	Natalie Rogers, Climate & Natural Resources Manager
Damien Farwell, Fleet & Facilities Supervisor	Scott Stauffer, City Recorder
Justin Gericke, City Attorney	Luke Strait, Police Chief
Adam Heroux, Associate Planner	Glen Suchanek, Behavioral Health Specialist
Vera Koliass, Senior Planner	Laura Weigel, Planning Manager
Brandi Leos, Human Resources Director	
Adam Moore, Parks Development Coordinator	

Mayor Gamba called the meeting to order at 6:02 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Gamba announced upcoming activities, including leaf drop sessions, a Christmas event at the Milwaukie Museum, the city's winter solstice and Christmas Ships viewing event, and winter events at the Ledding Library. **Councilor Batey** noted that the Ships sailing season was underway and that there would be an invasive species clean-up event at the Minthorn Wetlands Natural Area. **Councilor Nicodemus** announced a winter clothing drive in the Ardenwald neighborhood.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Gamba reviewed the public comment procedures. **Ober** reported that there was no follow-up report from the November 15 community comments and noted that Council had time-specific deadlines for the evening's agenda.

Greer Ryan, Climate Program Director for Climate Solutions, announced an upcoming Clean Homes Forum event to be held at the Chapel Theater in Milwaukie.

Charles Bird, Milwaukie resident, commented on the proposed Good Neighbor Fund agreement between the city and Clackamas County Water Environment Services (WES) and encouraged Council to reinstate the original agreement and make sure the Island Station and Historic Milwaukie neighborhoods are involved in fund discussions.

6. CONSENT AGENDA

Councilor Batey asked that item 6. G. be removed from the consent agenda for separate consideration.

It was moved by Councilor Batey and seconded by Councilor Khosroabadi to approve the Consent Agenda items A through F as presented.

A. City Council Meeting Minutes:

- 1. October 18, 2022, work session,**
- 2. October 18, 2022, regular Session,**
- 3. November 1, 2022, work session, and**
- 4. November 1, 2022, regular session.**

B. Resolution 74-2022: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing the city manager to execute a contract with Diversified Abilities to provide janitorial services for five years for an amount not to exceed \$219,910.92 per year.

C. Resolution 75-2022: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing the city manager to sign an engineering services contract with Peterson Structural Engineers in the amount of \$229,511 to provide professional services related to the final design of seismic retrofits at the Public Safety Building (PSB).

D. Resolution 76-2022: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing an amendment to a contract with Security Signs for exterior signs and interior wayfinding.

E. Resolution 77-2022: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an administrative services agreement with Mission Square for the administration and record keeping of employee deferred compensation accounts.

F. Resolution 78-2022: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing financing for transportation projects and urban renewal projects and providing for related matters.

G. ~~Authorization of an intergovernmental agreement (IGA) with WES for a good neighbor program.~~ (Removed from the consent agenda for separate consideration)

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

G. Authorization of an IGA with WES for a Good Neighbor Program – Resolution

Councilor Batey noted neighborhood concerns about the proposed Good Neighbor Fund and suggested Council wait until early 2023 to consider approving it.

Council President Hyzy disagreed with delaying Council consideration of the fund and noted that the fund had been presented to the neighborhood multiple times. **Hyzy** commented on the benefits of the new fund agreement for the city, neighborhood, and WES and **Batey** and **Hyzy** commented on the neighborhood district association (NDA) interest in the fund and what outreach work had been done by the city and WES regarding the new fund agreement.

Mayor Gamba observed that the proposed fund agreement was like the ones in place between WES and other cities and expressed support for adopting the fund.

It was moved by Council President Hyzy and seconded by Councilor Nicodemus to approve the resolution authorizing an IGA with WES for the purposes of providing funds for a good neighbor program. Motion passed with the following vote: Councilors Khosroabadi, Nicodemus, and Hyzy and Mayor Gamba voting “aye,” and Councilor Batey voting “no.” [4:1]

Resolution 79-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY WATER ENVIRONMENT SERVICES (WES) FOR THE PURPOSES OF PROVIDING FUNDS FOR A GOOD NEIGHBOR PROGRAM.

Mayor Gamba announced that Council would recess the meeting to meet as the Milwaukie Redevelopment Commission (MRC) and would reconvene after that meeting.

Mayor Gamba recessed the meeting at 6:22 p.m. and reconvened at 6:26 p.m.

Mayor Gamba announced that Council would proceed to the hearing items first.

8. PUBLIC HEARING (moved up the agenda)

A. Camping Ordinance Adoption – Ordinance

Call to Order: **Mayor Gamba** called the public hearing on the proposed camping ordinance, to order at 6:27 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to take public comment on the proposed camping ordinance.

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

Staff Presentation: **Strait** introduced the proposed ordinance and the Milwaukie Police Department’s (MPD’s) new behavioral health specialist Suchanek. **Suchanek** remarked on the work to be done in the community and **Ober** noted how the public and Council could contact Suchanek and how the behavioral health work would benefit Milwaukie. The group welcomed Suchanek to Milwaukie.

Correspondence: **Stauffer** reported that no correspondence had been received.

Conduct of Hearing: **Mayor Gamba** reviewed the public comment procedures.

Audience Testimony: **David Chitsazan**, Milwaukie resident, expressed appreciation for Suchanek and proposed a wording change to subsection B part 1 of the ordinance, addressing the scope of houseless “illegal activities.” **Gericke** and **Chitsazan** remarked on revising the ordinance and the group discussed the proposed new language. It was Council consensus to amend the ordinance to revise the noted sentence.

Staff Response to Testimony: Staff had no response to the comments.

Questions from Council to Staff: Council had no further questions for staff.

Closing Public Comment: **It was moved by Councilor Batey and seconded by Councilor Khosroabadi to close the public comment part of the camping ordinance hearing. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

Mayor Gamba closed the public hearing at 6:41 p.m.

Council Discussion: **Councilor Batey** and **Mayor Gamba** supported the ordinance.

Council Decision: It was moved by Councilor Khosroabadi and seconded by Councilor Nicodemus for the first and second readings by title only and adoption of the ordinance amending the Municipal Code (MMC) by adding a new Section 9.32 Camping as amended. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Ober read the ordinance two times by title only.

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

Ordinance 2222:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MUNICIPAL CODE (MMC) BY ADDING A NEW SECTION 9.32 CAMPING.

B. High Density Residential (HDR) Zones Adoption – Ordinance

Call to Order: Mayor Gamba called the continued public hearing on the proposed amendments to the zoning code, file #ZA-2022-002, to order at 6:44 p.m.

Purpose: Mayor Gamba announced that the purpose of the hearing was to take public comment on the proposed high density residential zones code amendments.

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

Staff Presentation: Kolias reviewed previous Council discussions on the ordinance and the options to adopt three HDR zones or one consolidated HDR zone noting the associated development standard changes. The group reviewed the HDR zone map.

Kolias discussed increased residential density implications in the Milwaukie Municipal Code (MMC) and development standards if a full single HDR zone were adopted, including a five-foot minimum front yard setback. Councilor Batey and Kolias remarked on the inclusion of low-density residential areas in the HDR zone.

Kolias reviewed the decision-making options for Council to consider. Councilor Batey and Kolias noted where in the code design standards and HDR zones were referenced.

Mayor Gamba noted that Council had closed the public comment part of the hearing at the last hearing and that there was someone interested in addressing Council.

Reopen Public Comment: It was moved by Council President Hyzy and seconded by Councilor Nicodemus to reopen the public comment part of the HDR Zones ordinance hearing. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Mayor Gamba reopened the public hearing at 7:00 p.m.

Camden McKone, Milwaukie resident, expressed support for the single consolidated HDR zone with adjacent medium density zones to ease the transition between zones, and noted benefits of increased density around transit lines.

Reclose Public Comment: It was moved by Councilor Batey and seconded by Council President Hyzy to close the public comment part of the (HDR) Zones ordinance hearing. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Mayor Gamba closed the public hearing at 7:04 p.m.

Council Discussion: **Councilor Batey** noted correspondence received that had expressed concern about the possible lack of vegetated areas a single HDR zone, reiterated opposition to a single zone, and worried that creating high density areas would hurt other areas that had historically had empty commercial spaces. **Mayor Gamba** suggested that taller buildings in HDR zones would have a net benefit effect for the environment. **Batey, Gamba,** and **Council President Hyzy** commented on the type of high density housing the city may see in a single HDR zone.

Mayor Gamba, Council President Hyzy, and **Councilor Khosroabadi** expressed support for a single HDR zone.

Councilor Batey noted the potential for tall buildings to be built in areas with single story homes if a single HDR zone were adopted. The group remarked on the potential development of a site on King Road and the potential for low-income housing being located near shopping centers.

Mayor Gamba summarized that Council supported not adding five-foot setbacks to any zone except the proposed R1-D zone and asked if Council supported adding setbacks to a specific area near the downtown Milwaukie area. The group remarked on the related issue of sidewalk widths, and it was noted that Council supported allowing setbacks the R1-D zone.

Council Decision: **It was moved by Council President Hyzy and seconded by Councilor Khosroabadi for the first and second readings by title only and adoption of the ordinance amending the Milwaukie Comprehensive Plan Residential Land Use Designations, Municipal Code (MMC) Title 19 Zoning Ordinance, Title 14 Signs, and the Zoning Map for the purpose of addressing the consolidation of the high-density residential zones (File #ZA-2022-002), as amended to include the full consolidation option and five-foot setbacks in the R1-D area. Motion passed with the following vote: Councilors Khosroabadi, Nicodemus, and Hyzy and Mayor Gamba voting “aye,” and Councilor Batey voting “no.” [4:1]**

Ober read the ordinance one time by title only.

Mayor Gamba announced that the second reading of the ordinance title and final vote would be held on December 20 as the vote was not unanimous.

Mayor Gamba recessed the meeting at 7:23 p.m. and reconvened at 7:31 p.m.

7. BUSINESS ITEMS

A. Transportation System Plan Advisory Committee Formation – Discussion

Weigel provided an overview of the formation of the Transportation System Plan Advisory Committee (TSPAC) and the initial plan for 11 committee members. **Weigel** reported that 25 community members had applied for the committee and that staff proposed adding positions to the TSPAC to better reflect geographic and interest areas for a total of 17 members. The group noted that the interests to be represented included bicyclists, walkers, age groups, mobility challenged individuals, and businesses.

Council President Hyzy expressed concern about creating a large committee and staff being able to support it. **Weigel** believed staff could support a 17-person TSPAC. **Mayor Gamba** and **Councilor Batey** noted large committees that had succeeded.

Ober was confident staff could support the TSPAC and undertake a robust community engagement effort to support the Transportation System Plan (TSP) update.

Councilor Batey addressed community concern about the lack of representation on the TSPAC and suggested that the expanded committee would represent groups such as Bike Milwaukie and individuals who use cars. **Weigel** and **Ober** noted that the expanded committee would include those who use all modes of transportation. **Councilor Khosroabadi** thanked staff for responding to community concerns.

Weigel summarized that Council would be asked to consider making appointments to the TSPAC in the coming weeks and the group noted that the Oregon Department of Transportation (ODOT) had delayed the grant award for the TSP update project.

B. New Building Energy – Resolutions (2) (continued)

Rogers summarized the two resolutions Council had expressed support for adopting, including one to electrify city-owned buildings and one to electrify new buildings. **Rogers** noted how the City of Eugene had decided to proceed with similar resolutions.

Mayor Gamba announced that Council would take comment.

Michele Gila, Portland Metropolitan Association of Realtors (PMAR), noted the housing crisis, expressed concern about the city taking actions that may delay new housing being built, and encouraged Council to not adopt the resolutions right now.

Nina Carlson, NW Natural Gas, expressed concern about the city's use of incorrect information and that the gas industry and businesses had not been included in drafting the resolutions, and encouraged the city to not adopt the resolutions.

Anne Pernick, Stand.Earth, remarked on the benefits of switching to non-gas burning equipment, and encouraged Council to adopt the resolutions.

Denine O'Rourke, 350PDX, commented on the climate benefit reasons to electrify buildings and encouraged Council to adopt the resolutions.

Ruth Dallas, Gaston, Oregon resident, noted the climate benefit reasons to electrify buildings and encouraged Council to adopt the resolutions.

Josie Moberg, Portland resident, encouraged Council to adopt the resolutions, noted global and personal experiences dealing with the effects of the climate crisis.

Ryan noted the community feedback received on the issue, encouraged Council to adopt the resolutions, and noted local ongoing climate work and events.

Councilor Khosroabadi remarked on the impact of banning natural gas, wondered when the building sector would take climate action seriously, and expressed support for the resolutions. **Khosroabadi** suggested there was a lack of partnership from the natural gas industry who had circulated a survey questioning Council's trustworthiness.

Councilor Batey expressed support for the resolutions and appreciated that the resolution encouraging the electrification of existing buildings would be considered later.

Council President Hyzy expressed support for the resolution electrifying city-owned buildings and opposition to the resolution encouraging the electrification of new buildings, suggesting the community was not yet ready for that action.

Councilor Nicodemus expressed support for the resolution electrifying city-owned buildings and asked for clarification about the second resolution. The group confirmed

that the second resolution only addressed residential buildings. **Nicodemus** observed that many residents did not understand the second resolution. **Nicodemus** agreed with Council President Hyzy and would not support the second resolution.

Mayor Gamba remarked on the importance of Milwaukie supporting electrification and observed that the community had supported electrification during the campaign for the 2022 election. **Gamba** expressed support for both resolutions and encouraged the new Council and staff to continue the work to promote electrification.

It was moved by Councilor Khosroabadi and seconded by Councilor Nicodemus to approve the resolution to decarbonize the building sector and to accelerate the transition of decarbonized city-owned and city-financed buildings to promote climate, public health, and resiliency benefits. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 80-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO DECARBONIZE THE BUILDING SECTOR AND TO ACCELERATE THE TRANSITION TO DECARBONIZED CITY-OWNED AND CITY-FINANCED BUILDINGS TO PROMOTE CLIMATE, PUBLIC HEALTH, AND RESILIENCY BENEFITS.

It was moved by Councilor Batey and seconded by Councilor Khosroabadi to approve the resolution to decarbonize the building sector and to accelerate all-electric future buildings to promote climate, public health, and resiliency. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Mayor Gamba voting “aye,” and Councilors Hyzy and Nicodemus voting “no.” [3:2]

Resolution 81-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO DECARBONIZE THE BUILDING SECTOR AND TO ACCELERATE ALL-ELECTRIC FUTURE BUILDINGS TO PROMOTE CLIMATE, PUBLIC HEALTH, AND RESILIENCY BENEFITS.

C. Neighborhood Parks Master Plans Adoption – Resolutions (3)

Moore provide a brief overview of the parks master planning process and noted next steps in implementing the master plans and building out the parks.

Councilor Batey commended staff for the parks outreach work, asked for clarification that Council would be adopting master plans before they were referred to the Planning Commission, and noted that previous planning staff had told Council the plans did not need to be included in the Comprehensive Plan. **Weigel** confirmed that the park plans would not be in the Comprehensive Plan. **Weigel** and **Briglio** suggested that the proposed plans were more concept plans and not master plans and that the Commission would need to take additional actions for two of the plans for land use.

Moore confirmed that the plans for Bowman-Brae and Balfour parks were updates to existing master plans and Scott Park did not have a master plan. **Moore** concurred with **Weigel** that the proposed plans could be called concept plans. **Ober** added that this was Council’s chance to weigh-in on the park designs as the plans would not come back to Council after the Commission adopted them unless the plans were appealed.

Council President Hyzy noted the city was moving away from the term “master plan” and remarked on community concern about a lack of trees at Bowman-Brae Park.

Moore reviewed the concept plan for Bowman-Brae Park, noted changes made since the last Council report including the number of trees the city could afford. The group commented on the park plan and noted the need for and cost of trees. **Councilor Batey** suggested that Bowman-Brae Park be renamed Dogwood Park and **Ober** noted that Council would revisit park names in 2023.

Moore reviewed the concept plan for Balfour Park, noted that the plan focused on tree coverage and community space. **Councilor Batey** regretted that the park would not include a community garden and was hopeful other gardens could be built in the community. **Ober** noted staff’s work to identify other locations for gardens.

Moore reviewed the concept plan for Scott Park, noted changes since the last Council report, including the location of amenities, pathways, and accessible parking spots. **Council President Hyzy** appreciated the blended approach staff took to the plan and **Moore** explained how the play area would be built. **Hyzy** and **Moore** noted the inclusion of labels in English and Spanish.

Ober and **Moore** noted that all three park resolutions could refer to “concept plans.”

Councilor Khosroabadi and **Mayor Gamba** commented on whether Council should add trees to the Bowman-Brae Park plan and noted the issue could be revisited later.

It was moved by **Councilor Batey** and seconded by **Councilor Khosroabadi** to approve the resolution adopting the Revised Master Plan for Bowman-Brae Park with the replacement of “master” with “concept” in the resolution text. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 82-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE REVISED CONCEPT PLAN FOR BOWMAN-BRAE PARK.

It was moved by **Councilor Batey** and seconded by **Councilor Khosroabadi** to approve the resolution adopting the Revised Master Plan for Balfour Park with the replacement of “master” with “concept” in the resolution text. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 83-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE REVISED CONCEPT PLAN FOR BALFOUR PARK.

It was moved by **Councilor Batey** and seconded by **Councilor Khosroabadi** to approve the resolution adopting the Revised Master Plan for Scott Park with the replacement of “master” with “concept” in the resolution text. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 84-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE REVISED CONCEPT PLAN FOR SCOTT PARK.

D. Stormwater Code Amendments – Ordinance

Staff Report: **Rogers** explained that the proposed code amendments were to clarify how the city’s stormwater fund supported green infrastructure work and would align the city’s work with state requirements and rules. **Ober** added that the adopted budget reflected the use of stormwater funds clarified by the code amendments. **Rogers** noted that staff would bring additional stormwater code changes in 2023.

Audience Testimony: **Mayor Gamba** reviewed the public comment procedures.

Staff Response to Testimony: No audience member wished to speak on the ordinance.

Council Discussion: **Councilor Batey** expressed support of the ordinance.

Council Decision: **It was moved by Council President Hyzy and seconded by Councilor Batey for the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal Code (MMC) by amending Chapter 13.14 Stormwater Management to clarify the use of stormwater funds. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

Ober read the ordinance two times by title only.

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

Ordinance 2223:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE (MMC) BY AMENDING CHAPTER 13.14 STORMWATER MANAGEMENT TO CLARIFY THE USE OF STORMWATER FUNDS.

9. COUNCIL REPORTS

None.

10. ADJOURNMENT

It was moved by Councilor Nicodemus and seconded by Councilor Khosroabadi 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 8:55 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 19, 2022

Reviewed: Nicole Madigan, Deputy City Recorder

From: Scott Stauffer, City Recorder

Subject: **Establish 2023 Council Meeting Dates**

ACTION REQUESTED

Council is asked to designate its regular meeting schedule for calendar year 2023.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Council sets its meeting schedule by adopting a resolution at the beginning of each calendar year.

[January 4, 2022](#): Council adopted [Resolution 1-2022](#), establishing its 2022 meeting schedule.

ANALYSIS

Council is required by Milwaukie Municipal Code (MMC) 2.04.070 to provide notice of its regularly scheduled meeting times and locations. The proposed resolution establishes the dates and times of the work, regular, and study session meetings.

Work sessions are held before regular sessions on the same day and are informal meetings where Council may consider a limited number of agenda items but may not take any official action.

Regular sessions are formal meetings where ceremonial and business items are considered and acted upon. Regular session meetings have historically started at 6 p.m. However, in 2020 Council revised the resolution to allow flexibility in establishing when regular sessions start. Work and regular sessions have historically been held on the first and third Tuesdays of each month.

Study sessions are informal meetings where a topic may be considered in-depth. These meetings have typically been held on the second Tuesday of each month.

Most Council meetings have been held in-person at city facilities such as City Hall, the Public Safety Building (PSB), and the Ledding Library, and it has long been Council's intention to primarily hold public meetings in-person. Since March 2020, Council has also held meetings via Zoom video conference and may need to do so again in the future. The proposed resolution includes language that notes the logistical need to meet via video conference.

In 2021 the Oregon State Legislature passed [House Bill \(HB\) 2560](#) which added a virtual attendance requirement for all public meetings. HB2560 took effect on January 1, 2022, and throughout the last year most if not all the city's public meetings have complied with the new requirement to provide in-person and online ways to attend public meetings.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

Staff has not received any requests to change the Council meeting schedule.

STAFF RECOMMENDATION

Staff recommends Council adopt the proposed resolution to establish its 2023 meeting calendar.

ALTERNATIVES

Council may direct staff to set different meeting dates and times for its regular meetings.

ATTACHMENTS

1. Resolution



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING THE 2023 CITY COUNCIL MEETING SCHEDULE.

WHEREAS the Milwaukie City Charter requires the City Council to hold a regular meeting in the city at least twice a month at a time and place that it designates, and

WHEREAS Milwaukie Municipal Code (MMC) 2.04.070 states that the City Council must provide notice of its regular meeting times and locations, and

WHEREAS the City Council adopted Resolution 1-2022, which established that regular session meetings would be held on the first and third Tuesday of each month during the year 2022.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon:

Section 1. Regular Session City Council meetings will be held on the first and third Tuesday of each month at 6:00 p.m., or at a different time if special circumstances warrant, in the Council Chambers at City Hall, 10722 SE Main Street, or via video conference, or at a designated alternate location as required and allowed by the Public Meetings Laws of the State of Oregon.

Section 2. The City Council may schedule work or study sessions, if deemed necessary by the members, and hold them either before or after the regular session or on alternative meeting dates. Further, the City Council may cancel any work session or study session if there are insufficient agenda topics to warrant convening a meeting.

Section 3. The city recorder is directed to provide notice to the public of all City Council meetings as required by law.

Section 4. This resolution is effective **January 3, 2023**.

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
ESTABLISHING THE 2023 CITY COUNCIL MEETING SCHEDULE.**

WHEREAS the Milwaukie City Charter requires the City Council to hold a regular meeting in the city at least twice a month at a time and place that it designates, and

WHEREAS Milwaukie Municipal Code (MMC) 2.04.070 states that the City Council must provide notice of its regular meeting times and locations, and

WHEREAS the City Council adopted Resolution 1-2022, which established that regular session meetings would be held on the first and third Tuesday of each month during the year 2022.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon:

Section 1. Regular Session City Council meetings will be held on the first and third Tuesday of each month at 6:00 p.m., or at a different time if special circumstances warrant, in the Council Chambers at the current City Hall, located at 10722 SE Main Street until fall 2023, and then in Council Chambers at the new City Hall located at 10501 SE Main Street, or via video conference, or at a designated alternate location as required and allowed by the Public Meetings Laws of the State of Oregon.

Section 2. The City Council may schedule work or study sessions, if deemed necessary by the members, and hold them either before or after the regular session or on alternative meeting dates. Further, the City Council may cancel any work session or study session if there are insufficient agenda topics to warrant convening a meeting.

Section 3. The city recorder is directed to provide notice to the public of all City Council meetings as required by law.

Section 4. This resolution is effective **January 3, 2023**.

ATTEST:

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 19, 2022

Reviewed: Nicole Madigan, Deputy City Recorder

From: Scott Stauffer, City Recorder

Subject: **Designating Papers of Record for 2023**

ACTION REQUESTED

Council is asked to designate the city's newspapers of record for calendar year 2023.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Since 1992, the Council has adopted an annual resolution designating the city's papers of record.

[January 4, 2022](#): Council adopted [Resolution 2-2022](#), establishing the 2022 papers of record.

ANALYSIS

To ensure that the people of Milwaukie are informed about the work of their government, and pursuant to Oregon Revised Statute (ORS) 192.620, the city is required to provide public notice of all "deliberations and decisions" of a governing body. To comply with the law, the city posts meeting notices online, in The Pilot newsletter, and on bulletin boards at city facilities. The city may also post certain notices, decisions, and issues in local newspapers.

To ensure that the papers of record continue to meet the definition of a paper of "general circulation" as required by statute, the three papers identified in the proposed resolution are The Oregonian, The Clackamas Review, and The Daily Journal of Commerce (DJC). These papers satisfy the statutory definition as they serve the Milwaukie area, and in the case of the DJC, reach necessary audiences for project bidding and contracting purposes. These papers have been the city's papers of record for many years, and in the case of The Clackamas Review, the city has used it since the 1950s when it was then known as The Milwaukie Review.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

Staff has not received any requests to change the city's papers of record.

STAFF RECOMMENDATION

Adopt the proposed resolution designating the papers of record.

ALTERNATIVES

Council may direct staff to set identify different newspapers to designate as papers of record.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DESIGNATING THE 2023 PAPERS OF RECORD.

WHEREAS Oregon Revised Statute (ORS) 192.620 requires the public be informed of “the deliberations and decisions” of the governing body, and

WHEREAS ORS 193.010 defines a newspaper of general circulation and ORS 193.020 defines a newspaper in which public notices may be published, and

WHEREAS The Clackamas Review, The Oregonian, and The Daily Journal of Commerce meet city public noticing needs and state law requirements.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, that The Clackamas Review, The Oregonian, and The Daily Journal of Commerce are designated as the papers of record for the City of Milwaukie for calendar year 2023.

Introduced and adopted by the City Council on **January 3, 2023**.

This resolution is effective immediately.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



MILWAUKIE POLICE DEPARTMENT

Memorandum

To: Mayor Gamba and Milwaukie City Council
From: Luke Strait, Police Chief *LS*
Through: Ann Ober, City Manager
Date: December 15, 2022
Re: OLCC Application – Freeman Barrel House – 4360 SE International Way

Action requested:

It is respectfully requested the council approve the OLCC application for Freeman Barrel House located at 4630 SE International Way Unit 200, Milwaukie OR 97222.

We have conducted a background check and find no reason to deny the request for the liquor license.



MILWAUKIE POLICE DEPARTMENT

Memorandum

To: Mayor Gamba and Milwaukie City Council

From: Luke Strait, Police Chief *LS*

Through: Ann Ober, City Manager

Date: December 19, 2022

Re: OLCC Application – Spring Creek Coffee House – 10600 SE McLoughlin Blvd

Action requested:

It is respectfully requested the council approve the OLCC application for Spring Creek Coffee House located at 10600 SE McLoughlin Blvd. Milwaukie, OR 97222.

We have conducted a background check and find no reason to deny the request for the liquor license.