



## COUNCIL REGULAR SESSION

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

2376<sup>th</sup> Meeting

## MINUTES

MARCH 7, 2023

**Council Present:** Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and Council President Desi Nicodemus, and Mayor Lisa Batey

<p><b>Staff Present:</b> Joseph Briglio, Community Development Director Ryan Dyar, Assistant Planner Jennifer Garbely, Assistant City Engineer Justin Gericke, City Attorney Ann Ober, City Manager Peter Passarelli, Public Works Director</p>	<p>Tessie Prentice, Civil Engineer Jeff Rogerson, Police Sargent Scott Stauffer, City Recorder Luke Strait, Police Chief Jason Wachs, Community Engagement Coordinator</p>
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**Mayor Batey** called the meeting to order at 5:59 p.m.

### 1. CALL TO ORDER

**A. Pledge of Allegiance.**

**B. Native Lands Acknowledgment.**

### 2. ANNOUNCEMENTS

**Mayor Batey** announced upcoming activities, including the city board and committee recruitment process, a Minthorn Springs clean-up event, a repair fair at the library, a Welcome Home Vietnam Veterans event, and an electrification information session. **Council President Nicodemus** noted a Black and Indigenous health care provider selfcare day.

### 3. PROCLAMATIONS AND AWARDS

#### **A. Women's History Month – Proclamation**

**Linda Carr**, **Siri Bernard**, and **Sarah Harris** with the Milwaukie Historical Society introduced the proclamation and commented on the lives of women who have influenced Milwaukie. **Mayor Batey** proclaimed March to be Women's History Month.

#### **B. Southern Police Institute (SPI) Graduation – Recognition**

**Strait** introduced the SPI training program. **Rogerson** provided an overview of the SPI course work and experience. **Strait** recognized Rogerson for earning straight-A grades at the institute. **Strait** and **Ober** explained how the Milwaukie Police Department (MPD) uses the SPI program for internal leadership training.

**Council President Nicodemus** and **Councilor Stavenjord** asked about the trauma informed policing course that Rogerson had taken at SPI. **Rogerson** explained that the course was new and remarked on the skills learned through course.

**Councilor Khosroabadi** thanked MPD for proactively seeking SPI training.

#### **4. SPECIAL REPORTS**

##### **A. 2022 Volunteer of the Year Selection Process – Award**

**Wachs** introduced the award selection process, noting award criteria and past winners. Council participated in a secret ballot process to select the 2022 Volunteer of the Year.

**Stauffer** announced the first round of voting results: Samantha Swindler received two votes, Elizabeth Start received two votes, and Terri Geier-Brindell received one vote.

**Stauffer** announced the second round of voting results: Samantha Swindler received two votes, Elizabeth Start received three votes.

Start was declared the recipient of the 2022 Volunteer of the Year award and **Wachs** noted upcoming events where the award recipient would be honored.

#### **5. COMMUNITY COMMENTS**

**Mayor Batey** reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the February 21 community comments.

**Ley Garnett**, Milwaukie resident, expressed frustration about receiving a parking ticket for parking in a private lot and asked Council to adopt private parking lot regulations. The group clarified that the ticket had not been issued by the city and was for a higher fine amount than the city's parking citations. They also noted that private property owners can charge fees for parking on their property.

#### **6. CONSENT AGENDA**

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

##### **A. City Council Meeting Minutes:**

1. February 7, 2023, Work Session, and
2. February 7, 2023, Regular Session.

**B. Resolution 10-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an application for a state parks and recreation grant for the Scott Park project.**

**C. Resolution 11-2023: A resolution of the City Council of the City of Milwaukie, Oregon, granting an exemption for a 28-unit low-income housing development owned and operated by Northwest Housing Alternatives, Inc.**

**D. Resolution 12-2023: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, approving the award of a contract for construction of the Wastewater System Improvements (CIP2021-X39) to McDonald Excavating, Inc.**

**E. Resolution 13-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an intergovernmental agreement for the lending of personnel in Clackamas County when personnel are unable to get to their normal reporting location during an emergency.**

**F. Resolution 14-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing contracts for the recipients of affordable housing funds (Construction Excise Tax (CET) Program).**

Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

**Mayor Batey** recessed the meeting at 6:54 p.m. so Council could meet as the Milwaukie Redevelopment Commission. The meeting was reconvened at 6:59 p.m.

## **7. BUSINESS ITEMS**

### **A. Council Goals – Discussion**

**Mayor Batey** provided an overview of previous Council goals discussions.

**Council President Nicodemus, Councilor Massey, and Mayor Batey** expressed support for keeping climate change, equity, justice, and inclusion, and parks, as goals.

**Councilor Khosroabadi** expressed concern about when the goals would be revisited, and **Ober** commented on the timing of revisiting each goal. **Khosroabadi** commented on the urgency of housing affordability and the city being able to accomplish its goals.

**Ober** suggested Mayor Batey and Council President Nicodemus would draft a goals resolution for Council to consider. **Mayor Batey** did not want to include timeframes for revisiting the goals in the resolution and wondered where Council members were on the proposed climate fee. **Batey** did not think the city should push climate and park fees in the same year and supported not considering a climate fee in 2023.

Council discussed housing affordability issues, bills meant to address affordability being considered by the state legislature, what cities can do to address housing, and the impact of fees on residents.

**Mayor Batey** summarized that a goals resolution would be drafted, and **Ober** suggested Council could discuss a draft resolution at the March 14 study session.

**Mayor Batey** recessed the meeting at 7:23 p.m. and reconvened at 7:30 p.m.

### **B. Climate Friendly Equitable Communities (CFEC) Parking Reform – Discussion**

**Briglio** introduced Dyar. **Dyar** provided an overview of the CFEC parking code amendments, noting changes made in response to new state rules and how CFEC updates would impact the Transportation System Plan (TSP) update project.

**Dyar** presented the city's options for parking reforms, noted Council's previous discussions of the options and the Planning Commission's recommendation to adopt code amendments. **Mayor Batey** and **Dyar** noted the city's neighborhood district associations (NDAs) had been notified of the proposed code changes.

**Dyar** reported that TriMet would be adding a bus line which would impact where the city could mandate parking rules. **Dyar** cited parking related actions in the Climate Action Plan (CAP) and Comprehensive Plan and reviewed the proposed code amendments.

**Mayor Batey** and **Dyar** remarked on what bicycle parking changes had been proposed.

**Councilor Massey** noted that the governor's executive order that had initiated the state rule changes had been challenged in court and asked if a judicial ruling could impact the code changes. **Briglio** and **Gericke** remarked on the likelihood of the order being struck down and what the city could do if that happened.

The group expressed frustration that the state was forcing cities to revisit housing and parking work so soon after the state had required such work be done through the requirements of the middle housing legislation, House Bill (HB) 2001, passed in 2019.

**Ober** and **Dyar** explained that Council would be asked to adopt the CFEC code reforms in April. The group remarked on when to Council should consider the code changes and it was Council consensus to schedule adoption for the April 18 regular session.

**8. PUBLIC HEARING**

**A. Washington Area Improvements Project Best Value Contracting – Resolution**

Call to Order: **Mayor Batey** called the hearing on contracting to order at 7:53 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to take public comment on the proposed contracting process for the Washington area project.

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

Staff Presentation: **Garbely** explained why staff recommended that best value contracting be used for the Washington area project, noting the points system and how contractors could be selected. **Mayor Batey** and **Garbely** noted that the best value contracting process was in the city’s Public Contracting Rules (PCRs).

**Prentice** provided an overview of the work to be included in the project, noting the project’s proximity to schools and collector and arterial streets, and the project’s complicated in-water work in Spring Creek and next to Hager’s Pond.

**Garbely** remarked that best value contracting would help identify the best contractors to do specific parts of the project. **Mayor Batey**, **Garbely**, and **Prentice** noted the role JLA Public Consulting and contractors would provide in terms of public outreach.

**Councilor Massey** asked about the project’s timeframe and **Prentice** remarked on the timing of going out to bid for a contract and when in-water work could be done. **Massey**, **Prentice**, and **Garbely** noted it would likely be a two-year project.

**Mayor Batey** and **Prentice** commented that the vehicle counts reported for the arterial streets in the project area seemed low.

Correspondence: No correspondence had been received on the topic.

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

Questions from Council to Staff: **Councilor Khosroabadi** asked if the best value contracting could be used for other projects and **Garbely** commented on other engineering projects that may use the process. **Gericke** and **Ober** noted the contracting process used was based on each project and that some contracting process changes would be presented to Council in the next year.

Close Public Comment: **It was moved by Councilor Stavenjord and seconded by Councilor Massey to close the public comment part of the Washington Area Improvement project contracting practice. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]**

**Mayor Batey** closed the public hearing at 8:09 p.m.

Council Decision: **It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi to approve the resolution, acting as the Local Contract Review Board, adopting findings, and allowing the use of best value contracting for the Washington Street Area Improvements Project. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]**

**Resolution 15-2023:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, ADOPTING FINDINGS, AND ALLOWING THE USE OF BEST VALUE CONTRACTING FOR THE WASHINGTON STREET AREA IMPROVEMENTS.**

**9. COUNCIL REPORTS**

**A. Legislative and Regional Issues – Discussion**

**Ober** and **Mayor Batey** discussed a trend in state legislation that has impacted cities' home rule authority and the involvement of the League of Oregon Cities (LOC) in the bill process. The group remarked on bills dealing with system development charges (SDCs) for affordable housing projects. It was Council consensus that Ober could discuss home rule authority with other cities and lawmakers and bring requests for the city to take a position on specific home rule related legislation to Council.

**Ober** and **Briglio** reported that State Representative Mark Gamba had asked for the city's input on a bill that could impact the city's ability to grant variances for land use projects. The group remarked on the status of the variance bill and other housing bills, what the impact of variance and SDC changes could have on Milwaukie, and how Council can best take positions on policy issues and specific bills.

**Stauffer** provided an update on bills the city was tracking and Council position letters that had been drafted for Council to consider. **Mayor Batey** reviewed the issues referenced in each letter, including federal rail safety regulations, federal funding for TriMet bus electrification, and state bills addressing photo radar, marijuana taxes, and extending enterprise zones. The group discussed the wording of each letter and whether to support the policy position and send the letters. It was Council consensus to send the letters regarding federal funding for bus electrification and the state bills.

The group discussed how often staff would provide bill tracker updates to Council.

**Councilor Massey** noted that a Council member serves as the Budget Committee vice chair, a position that had not been previously discussed by the current Council. **Massey** was interested in serving as the committee vice chair. Council expressed support for Massey serving as the Budget Committee vice chair and noted the committee would need to formally make that appointment at a meeting.

**Mayor Batey**, **Stauffer**, and **Ober** discussed the proclamation request process and efforts to limit the number of proclamations on any given agenda. **Batey** reported that the city had received a request for a proclamation which would be respectfully declined.

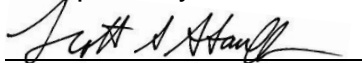
**Councilor Stavenjord** reported on issues discussed at a recent Clackamas County Coordinating Committee (C4) meeting.

**10. ADJOURNMENT**

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

**Mayor Batey** adjourned the meeting at 9:12 p.m.

Respectfully submitted,

  
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 Scott Stauffer, City Recorder

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