

2386th Meeting**COUNCIL REGULAR SESSION****MINUTES**

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

AUGUST 15, 2023

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

Staff Present: Justin Briglio, Community Development Director	Ann Ober, City Manager
Justin Gericke, City Attorney	Emma Sagor, Assistant City Manager
Brett Kelder, Senior Planner	Scott Stauffer, City Recorder
Toby LaFrance, Finance Director	Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 6:00 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including opportunities for public input on the city's Natural Hazard Mitigation Plan (NHMP), neighborhood concerts and clean-up events, and a public hearing on plans to develop neighborhood parks. **Stauffer** and **Batey** noted a historic city hall open house and the new city hall grand opening event.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures.

Ober provided follow-up reports on issues raised during the August 1 comments, explaining when Council would discuss a proposal to name the community room at new city hall. It was Council consensus to address the naming proposal during the equity study report item during the September 5 regular session as recommended by staff.

Ober noted that a community member had raised concerns about city policies and reported that staff had not responded as the commentor had not asked for a response.

It was noted that no audience member wished to speak to Council.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. July 18, 2023, work session, and
2. July 18, 2023, regular session.

B. Resolution 43-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an intergovernmental agreement between the State of Oregon and the City of Milwaukie related to the Monroe Street Greenway.

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

7. BUSINESS ITEMS

A. Parks Governance – Discussion

Ober and **Mayor Batey** provided an update on the city’s ongoing discussion about whether to remain in the North Clackamas Parks and Recreation District (NCPRD). **Batey** reported that Council would be discussing the matter with members of the Clackamas Board of County Commissioners, who serve as the NCPRD Board.

Council President Nicodemus and **Councilor Stavenjord** thanked staff and Council for the update and suggested the city deserved to have high quality parks.

Mayor Batey, Ober, and Councilor Massey noted next steps in the parks discussion.

B. Payment Authorization for Non-Contracted Slurry Seal Improvements – Resolution

Briglio and **LaFrance** explained that the requested Council action was necessary to address a staff error that had resulted in the slurry seal project being awarded to a contractor without a contract. They noted process and training changes that had been implemented to avoid this error in the future.

Councilor Khosroabadi, LaFrance, and Briglio discussed how the error could impact the annual audit and how the project had been awarded without an approved contract.

Councilors Khosroabadi and Stavenjord, Council President Nicodemus, and Mayor Batey expressed support for staff and appreciation for the efforts to change processes and require training. **Ober** acknowledged responsibility for the error and thanked staff who worked to correct it.

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi to approve the resolution, acting as the Local Contract Review Board, authorizing a payment of \$211,675.20 to Blackline Inc. for Street Surface Maintenance Program (SSMP) slurry seal improvements completed without a contract. Motion passed with the following vote: Councilors Stavenjord, Khosroabadi, Massey, Nicodemus, and Mayor Batey voting “aye.” [5:0]

Resolution 44-2023:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING A PAYMENT OF \$211,675.20 TO BLACKLINE INC. FOR STREET SURFACE MAINTENANCE PROGRAM (SSMP) SLURRY SEAL IMPROVEMENTS COMPLETED WITHOUT A CONTRACT.

The group remarked on a mailing from the Oregon Secretary of State Audit Division to Council and the Milwaukie Redevelopment Commission (MRC) and staff noted they would review and follow-up as necessary.

LaFrance noted staff’s belief that the contract error should not impact the city’s bond rating. **Ober** remarked on the importance of government transparency.

8. PUBLIC HEARINGS (moved up the agenda)

8. B. Substantive Code Amendments – Ordinance

Weigel explained that due to a noticing error the substantive code amendments hearing would be rescheduled for a future meeting.

9. COUNCIL REPORTS (moved up the agenda)

Councilor Massey reported on a Metro orientation and engagement event and a visit by United States Senator Ron Wyden to the Kellogg Creek Dam. **Mayor Batey** noted the status of the dam removal project.

Councilor Stavenjord remarked on an upcoming county housing board meeting and a recent Transportation System Plan Advisory Committee (TSPAC) meeting.

Mayor Batey reported on issues covered at the recent Oregon Mayors Association conference and noted the upcoming League of Oregon Cities (LOC) conference.

Ober provided an update on the city's partnership with local non-profit organizations that provide housing and behavioral health services at the Ledding Library.

8. PUBLIC HEARINGS (continued)

8. A. Design and Landmarks Committee (DLC) Code Update – Ordinance

Call to Order: **Mayor Batey** called the public hearing on the proposed code adoption, file # ZA-2023-005, to order at 6:55 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to take public comment on the proposed DLC code update.

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

Staff Presentation: **Weigel** provided an overview of the staff proposal to amend the code to retire the DLC, noting the history and workload of the committee and the plans for the Planning Commission or staff to handle the committee's work.

Weigel reviewed correspondence received to-date, noted the Milwaukie Historical Society's opposition to retiring the DLC, reiterated the staff recommendation, and noted Council's decision-making options.

Councilor Khosroabadi and **Weigel** noted that the city was not a participant in the State Historic Preservation Office (SHPO) certified local government (CLG) program and commented on the workload that would be required for staff and potentially for the DLC to become a CLG. They commented on how CLG grant funding could be used for historic preservation projects and how staff planned to use the city's neighborhood hubs project to apply for preservation grants.

Councilor Stavenjord suggested that an ad hoc committee could be formed to satisfy CLG grant requirements. **Weigel** remarked on how the DLC could be retained in an ad hoc form to meet CLG requirements.

Weigel and **Council President Nicodemus** noted the staff workload required to support an ad hoc committee and the challenges of recruiting for an ad hoc committee. They also noted the role of the Planning Commission in CLG funded projects.

Correspondence: **Mayor Batey** noted staff had reported on correspondence received.

Audience Testimony: **Mayor Batey** reviewed the comment procedures.

Steve Bennett, Milwaukie Historical Society, expressed the society’s opposition to retiring the DLC.

Greg Hemer, Milwaukie resident, agreed with the Planning Commission’s recommendation to not retire the DLC. **Councilor Khosroabadi** and **Hemer** remarked on whether the Planning Commission could function in the same way as the DLC in design review processes. **Mayor Batey** and **Hemer** commented on the DLC’s role in a previous historic resources’ presentation led by staff.

Denise McGriff, National Trust for Historic Preservation, encouraged Council to update its historic resources inventory and keep the DLC. **Councilor Stavenjord**, **McGriff**, and **Mayor Batey** remarked on how often a CLG committee needed to meet and how such a committee could support the city’s housing and neighborhood goals and noted the requirements of becoming a CLG.

Staff Response to Testimony: **Gericke** and **Weigel** remarked on the role of the Planning Commission and the DLC in the pre-application design review processes. **Weigel** believed the city could achieve CLG status and observed that staff had plans to update the historic resources inventory in the future and the DLC could be reinstated at that time. **Weigel** stated that staff supported preserving historic structures.

Council Questions to Staff: There were no further questions for staff.

Close Public Comment: **It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi to close the public testimony part of the DLC code change hearing. Motion passed with the following vote: Councilors Stavenjord, Khosroabadi, Massey, Nicodemus, and Mayor Batey voting “aye.” [5:0]**

Mayor Batey closed the public comment part of the hearing at 7:47 p.m.

Council Discussion:

Council discussed the current workload for the DLC and staff, whether the DLC was needed to obtain CLG status, the importance of historic preservation, and utilizing the DLC as an ad hoc as needed in the future.

Councilors Stavenjord and Massey and **Council President Nicodemus** expressed support for staff’s recommendations. **Councilor Khosroabadi** and **Mayor Batey** opposed retiring the DLC.

Batey observed that no current DLC member had provided testimony on the proposal to retire the committee.

The group discussed the prioritization of city projects, including the historical resources inventory update and seeking CLG status, and how the DLC and staff workloads would be impacted by retiring the DLC.

Council President Nicodemus asked if Council was ready to vote on the ordinance.

The group discussed the DLC as an ad hoc committee and what its role could be.

Council President Nicodemus and **Weigel** commented on what action Council should take to maintain the DLC. **Mayor Batey** suggested the proposed code amendments should wait until after the upcoming planning department workplan discussion.

Council Decision: **It was moved by Council President Nicodemus and seconded by Councilor Massey for the first and second readings by title only and adoption of the ordinance amending various parts of the Municipal Code (MMC) as necessary to**

formally retire the Design and Landmarks Committee (DLC) (file #ZA-2023-005). Motion passed with the following vote: Councilors Stavenjord, Massey, Nicodemus voting “aye” and Councilor Khosroabadi and Mayor Batey voting “no.” [3:2]

Ober read the ordinance one time by title only.

Stauffer noted that because the Council vote was not unanimous, the ordinance would be read for a second time at a separate meeting on September 5, 2023.

10. ADJOURNMENT

It was moved by Council President Nicodemus and seconded by Councilor Massey 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 8:26 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder

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