

Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

Zoom Video Conference
www.milwaukieoregon.gov

2323rd Meeting**AGENDA****OCTOBER 6, 2020**

Video Meeting: due to the governor's "Stay Home, Stay Healthy" order, the City Council will hold this meeting through Zoom video meetings. The public is invited to watch live on the [city's YouTube channel](#), Comcast Cable channel 30 in city limits, or by joining the Zoom webinar (visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-285> for details).

Written comments may be submitted by email to ocr@milwaukieoregon.gov. Council will take verbal comments. **To speak during the meeting**, see the Zoom information (meeting link above).

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

Page #

1. **CALL TO ORDER (6:00 p.m.)**
 - A. **Pledge of Allegiance**
 - B. **Native Lands Acknowledgment**

2. **ANNOUNCEMENTS (6:01 p.m.)**

3. **PROCLAMATIONS AND AWARDS**
 - A. **Indigenous Peoples Day - Proclamation (6:05 p.m.)** **4**
Presenters: Angel Falconer, Council President

 - B. **National Archives Month - Proclamation (6:15 p.m.)** **5**
Staff: Scott Stauffer, City Recorder

 - C. **Community Planning Month - Proclamation (6:20 p.m.)** **6**
Staff: Mary Heberling and Janine Gates, Assistant Planners

 - D. **Arbor Day - Proclamation (6:25 p.m.)** **7**
Staff: Peter Passarelli, Public Works Director

4. **SPECIAL REPORTS**
 - A. **Coronavirus (COVID-19) Emergency Declaration - Extension (6:35 p.m.)** **9**
Staff: Ann Ober, City Manager

5. **COMMUNITY COMMENTS (6:40 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 (6:45 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:** **16**
 1. **August 18, 2020, Work Session;**
 2. **August 18, 2020, Regular Session;**
 3. **September 1, 2020, Work Session; and**
 4. **September 1, 2020, Regular Session.**
 - B. **Appointment to the Public Safety Advisory Committee - Resolution** **33**
 - C. **Authorization of a Contract for Merchant Card Payment Services - Resolution** **36**
7. **BUSINESS ITEMS**
 - A. **Fall and Winter Events - Update (6:50 p.m.)** **49**
 Staff: Kelly Brooks, Assistant City Manager, and
 Brenna Cruz, Event Coordinator
8. **PUBLIC HEARINGS**
 - A. **None Scheduled.**
9. **COUNCIL REPORTS (7:10 p.m.)**
10. **ADJOURNMENT (7:15 p.m.)**

Executive Session

After the regular session, Council will meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2)(i) to review and evaluate the job performance of a chief executive officer, other officers, employees, and staff, if the person whose performance is being reviewed and evaluated does not request an “open hearing.”

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

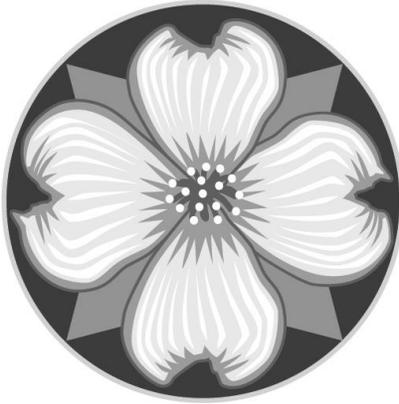
The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation 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

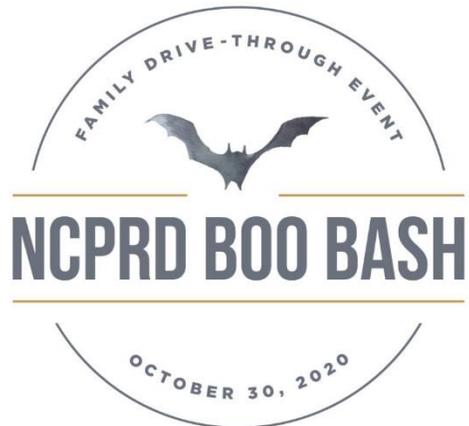
The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.



RS Agenda Item

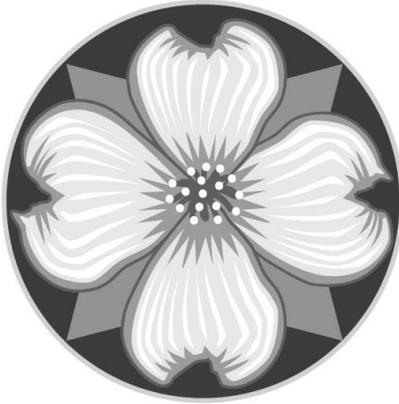
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Announcements



Mayor's Announcements – Oct. 6, 2020

- **Ledding Cultural Forum - Thu., Oct. 8 (6:30 – 7:30 PM)**
 - Featuring Mike Richardson, president and founder of Dark Horse Comics, reading from his new book, Jia and the Nian Monster
 - Ledding Library's YouTube channel
- **Clackamas County Scare Fair – Oct. 9-11, 16-18, 23-25, 30 & Nov. 1 (7 – 12 PM)**
 - Drive through Halloween experience with assistance from Davis Graveyard, Nightmare Factory, Fearlandia, and Creatures of the Night
 - Clackamas County Fairgrounds, 694 NE 4th Ave., Canby, OR 97013
- **Prescription Drug Turn-In Event – Sat., Oct. 24 (10 AM – 2 PM)**
 - Hosted by the Milwaukie Police Department with the DEA and volunteers
 - Public Safety Building (3200 SE Harrison St.). Event is drive-thru only. Enter lot from Railroad Ave. and exit onto Harrison St.
 - Have prescriptions in a bag or box to quickly hand off.
 - Community encouraged to wear face coverings during the exchange.
- **NCPRD Boo Bash – Fri., Oct. 30 (4:30 – 8:30 PM)**
 - Drive-through Halloween event at Aquatic Park (7300 Harmony Rd.)
 - All ages are welcome.
 - Trick or treat goodie bags provided before cruise through.
 - Attendees must register in advance. Fee per vehicle is \$10 for residents and \$15 for non-residents.
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV**



RS Agenda Item

3

Proclamations & Awards

PROCLAMATION

WHEREAS, the City of Milwaukie recognizes that the Indigenous Peoples of the lands known as the Americas have lived on these lands since time immemorial; and

WHEREAS, this City wishes to honor the fact that the community of Milwaukie is built upon the traditional homelands of the Clackamas Peoples and affirms the legal rights of the nine federally recognized tribal nations in the State of Oregon and all Indigenous Peoples everywhere; and

WHEREAS, Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native Nations to the United Nations sponsored International Conference on Discrimination Against Indigenous populations in the Americas; and

WHEREAS, this City is committed to protecting and advocating for justice, human rights, and the dignity of all people who live, work, and visit our community, and to supporting the principles contained in the United Nations Declaration on the Rights of Indigenous Peoples endorsed by the United States on December 16, 2010; and

WHEREAS, the Declaration recognizes the right of Indigenous Peoples "to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information," and places an obligation on states to "take effective measures, in consultation and cooperation with the Indigenous Peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among Indigenous Peoples and all other segments of society;" and

WHEREAS, this City wishes to recognize the second Monday in October as Indigenous Peoples' Day as an opportunity to reflect on the ongoing struggles of Indigenous Peoples of this land, to celebrate the thriving cultures and values of the Indigenous Peoples of our region, and to stand with Indigenous Peoples everywhere.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **October 12, 2020**, to be **INDIGENOUS PEOPLES DAY** in Milwaukie.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 6th day of October 2020.

Mark Gamba, Mayor

ATTEST:

Scott Stauffer, City Recorder

PROCLAMATION

WHEREAS, preserving the story of a place and the people who dwell there in any given moment is essential to understanding a community and how it came to be; and

WHEREAS, the story of a community can only be complete when all voices and perspectives are heard and included in the shared history of a place and its people; and

WHEREAS, civic and community archives seek to collect and preserve the documents, tales, traditions, and voices of those who came before us; and

WHEREAS, civic and community archives could not exist without the professionals and volunteers who work tirelessly to preserve the voices of a community; and

WHEREAS, Milwaukie's shared history is carefully preserved by the Office of the City Recorder and the Milwaukie Historical Society, who recommend the proclaiming of National Archives Month as a reminder that the events of yesterday and today must be documented to better inspire a more perfect future for all residents of our community, regardless of age, race, gender orientation, income, or beliefs.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim the month of **October 2020** as **National Archives Month** in the hope that all voices may be appreciated, recorded, and preserved for the betterment of all.

IN WITNESS WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 6th day of **October 2020**.

Mark F. Gamba, Mayor

ATTEST:

Scott S. Stauffer, City Recorder



Milwaukie Museum

PRESERVING MILWAUKIE'S HISTORY FOR FUTURE GENERATIONS

3737 SE Adams St.

www.milwaukiehistoricalsociety.com



milwaukiemuseum@gmail.com



CITY OF MILWAUKIE

Macleod Construction



David Parker Consulting LLC

Logistics, Transportation, Process Evaluation, Systems Review



Milwaukie Garden Club

Thank Your 2020 Corporate Sponsors

Proud Member



Keeping History Alive
in Clackamas County

Our Success of 2020

Proud Member



*Keeping History Alive
in Clackamas County*



PRESERVING MILWAUKIE'S HISTORY FOR FUTURE GENERATIONS
3737 SE ADAMS ST • WWW.MILWAUKIEMUSEUM.COM • MILWAUKIE@MILWAUKIEMUSEUM.COM



PRESENTS

A CELEBRATION OF

BLACK HISTORY MONTH

March 4th 6PM - 7:30 PM Ledding Library

10660 SE 21st Ave Milwaukie, OR

Guest Speakers



Libra Forde
Award Leading Speaker / Social Justice Leader



Kim Moreland
Oregon Black Pioneers



Dorothy and Harrie Hedley
1st African American Business

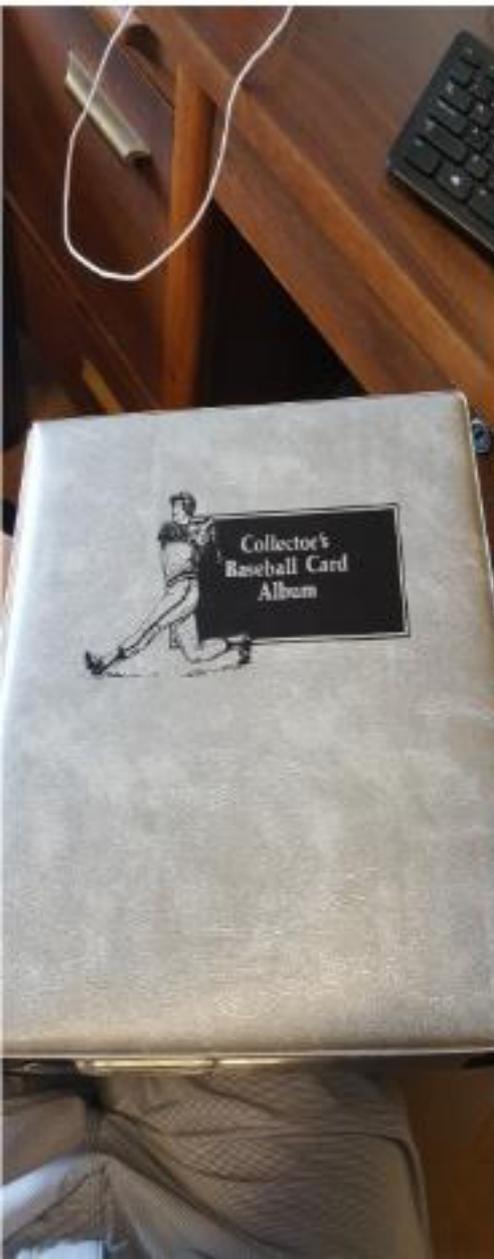
Including special address by City of Milwaukie Councilor Angel Falcoener

The knowledgeable, charismatic, and entertaining guest speakers will elaborate on Milwaukie's Black History and their experiences.

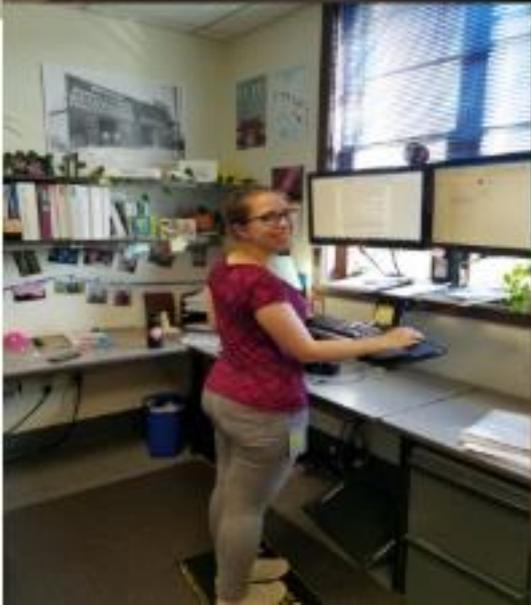
Admission is free

Doors open at 6:00pm, speakers will begin at 6:15pm.

This is the first of a continuing series. Milwaukie Historical Society and Ledding Library are presenting as Historical Lecture Series.



City Recorder Office



World's Largest Collection of Milwaukie Artifacts

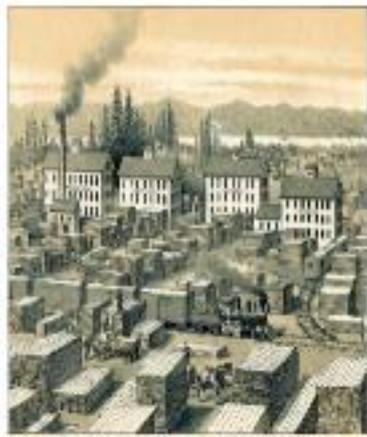


Clair Kuppenbender
Research Library
is a true reflection
of
Clair's vision
Preserving Milwaukie's
history
for
future generations.

Walking Around Milwaukie

*Ardenwald
Adventures*

*A neighborhood walk into
Milwaukie's past...*



Archives Viewable and Accessible

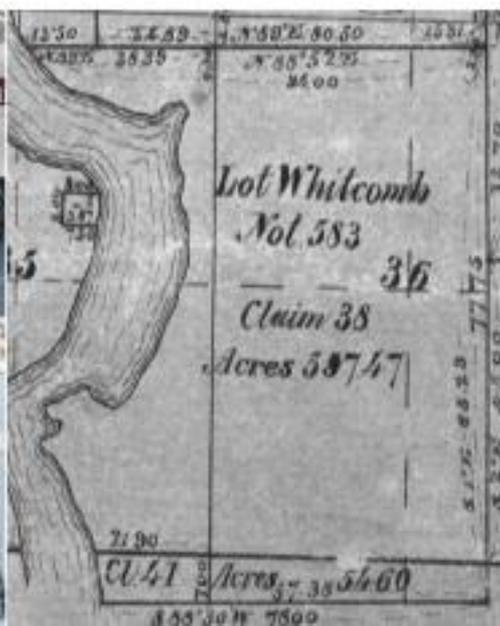
Created a Collections Committee



Traveling Trunk



Home History DLC to Current Home Owner



2020 Best Year Ever!



Milwaukie 2023 Project

Collect oral histories from older generations



Growing up in Milwaukie in the good old days, me and a lot of other kids rode our bikes everywhere. We rode them to school, to our friends houses, and around town. There weren't as many cars then as today.

Who should we interview?

Email us at

milwaukie2023@gmail.com

PROCLAMATION

WHEREAS, community planning provides a wide range of benefits including opportunities to:

- 1) Evaluate and manage the constant change that affects cities and the region in a way that provides better choices for how people work, play, and live;
- 2) Involve and empower residents, students, workers, and business owners in making choices that determine the future of their community; and
- 3) Educate public officials and community members so they understand, support, question, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories; and

WHEREAS, the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning makes to the quality of our built and natural environment; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of the Planning Commission, the Design and Landmarks Committee, and other resident planners who have contributed their time and expertise to the improvement of Milwaukie, as well as to recognize the valuable contributions made by the city's professional planners and extend our thanks for the continued commitment to public service by all of these individuals.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim that the month of **October 2020** as **Community Planning Month** in the City of Milwaukie in conjunction with the national celebration of Community Planning Month.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 6th day of **October 2020**.

Mark Gamba, Mayor

ATTEST:

Scott Stauffer, City Recorder



RS 3. C. 10/6/2020
Presentation

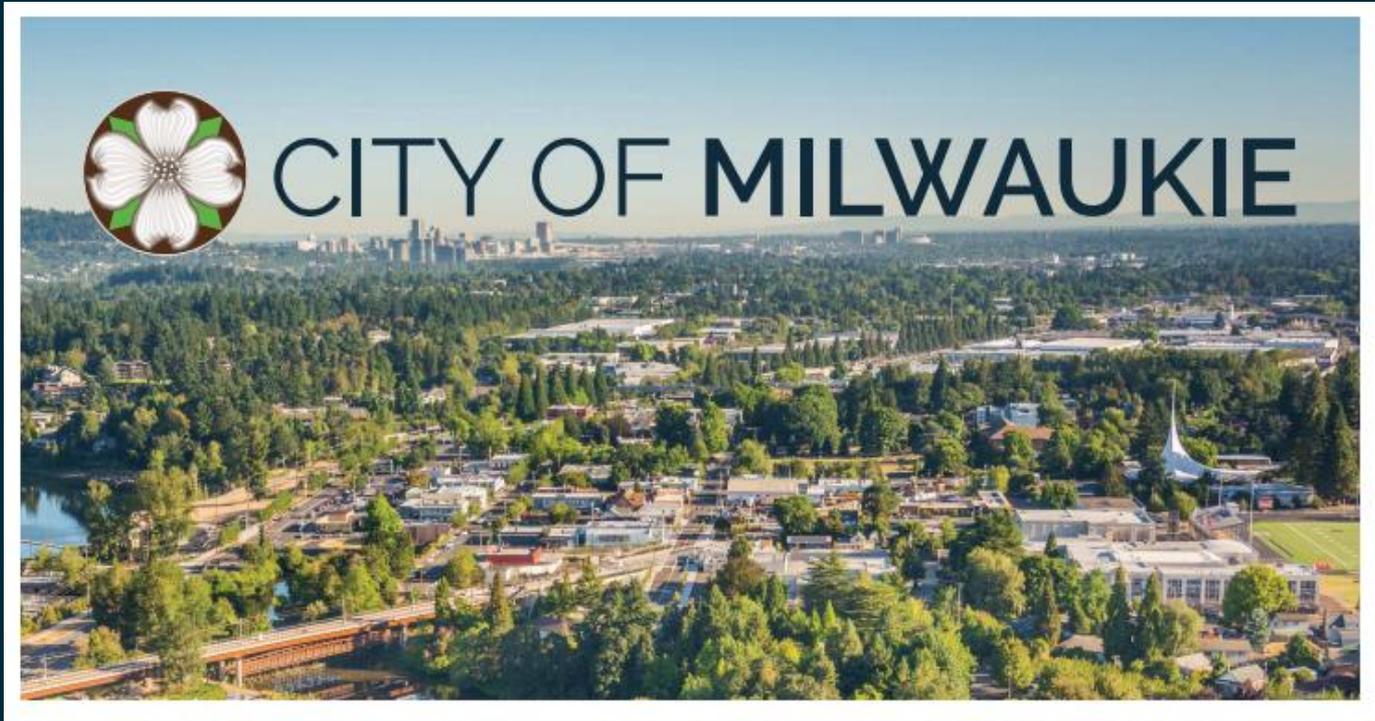
COMMUNITY PLANNING MONTH

Janine Gates: Assistant Planner

Mary Heberling, AICP: Assistant Planner



WE ARE COMMUNITY



WE BUILD COMMUNITY



- Planning Commission
- Front Counter Hours
- Neighborhood District Associations

Building Relationships:

- *Outreach at Events:* Farmer's Market, Concerts at the Park
- *Work with organizational partners:* NCPRD for Riverfront Park
- *Shepard City through land use process:* Ledding Library
- *Educate the Community on land use planning:* Planning 101



WE SEEK COMMUNITY



Comprehensive Plan Outreach:

- 24 CPAC committee meetings
- Meetings with Neighborhood District Associations (NDAs)
- 3 townhalls
- 4 online open houses/surveys
- 3 Spanish language focus groups
- City wide public notices

We reached over 500 community members

Need to adjust in the time on COVID-19



**QUESTIONS OR
COMMENTS?**



PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and is now observed throughout the nation and the world; and

WHEREAS, trees play an integral part in capturing and storing carbon and are therefore critical elements in addressing the climate crisis; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs of residential and commercial buildings, moderate the temperature of increasingly developed and warming cities, clean the air and provide health benefits for the community, produce life-giving oxygen, and provide and improve habitat for fish and wildlife; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **October 24, 2020**, as **Arbor Day** in Milwaukie, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

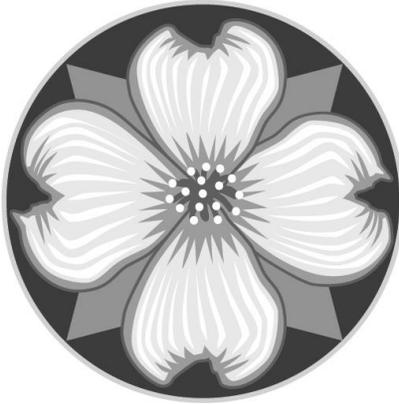
FURTHER, I urge all citizens to plant trees to mitigate climate change and promote the well-being of this and future generations.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 6th day of October 2020.

Mark Gamba, Mayor

ATTEST:

Scott Stauffer, City Recorder



RS Agenda Item

4

Special Reports

City of Milwaukie, Oregon
EXTENSION OF A
DECLARATION OF A STATE OF EMERGENCY
October 6, 2020

Pursuant to the authority granted by Oregon Revised Statutes Chapter 401, the City of Milwaukie Emergency Operations Plan, and the Declaration of a State of Emergency adopted by City Council on March 17, 2020, and extended by the City Council on April 7, 2020, May 5, 2020, June 2, 2020, June 16, 2020, July 21, 2020, and August 4, 2020, the City Council hereby extends the duration of the March 17 Declaration to December 7, 2020. Dates in the original Declaration referencing April 7, 2020, shall now be read as December 7, 2020, and all other terms of the Declaration shall remain the same.

THIS DECLARATION EXTENSION IS EFFECTIVE ON OCTOBER 6, 2020, AND SHALL REMAIN IN EFFECT UNTIL DECEMBER 7, 2020, UNLESS EXTENDED OR SUPERCEDED BEFORE THAT DATE.

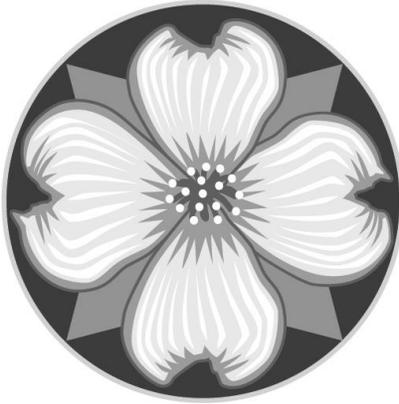
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



RS Agenda Item

5

Community Comments

Re: Comment regarding **Agenda 5; Community Comments**, Regular Session, October 6, 2020

To: Mayor Gamba, Council President Falconer, and Councilors Batey, Parks, Hyzy; and City Manager Ober.

Re: E-mail response on Housing Authority's Hillside Park intentions for 29th connection

I am a bit concerned about **Hillside Park housing project's northside connection to 29th Avenue**.

I received back a response from the Clackamas Housing Authority explaining this north side connection to 29th is planned to remain a bicycle-and-pedestrian-only connection, not a vehicular one except for emergency vehicles.

Here is the e-mail response from Clackamas Housing Authority:

Hello, Elvis –

Thank you for reaching out. The Housing Authority has not been involved in any discussions about a new vehicle connection into the North Milwaukie Industrial area. We are planning a vehicle connection outside of Hillside Park to Meek St to the south at what is proposed to be the newly aligned section of SE 29th Ave. **We are proposing bollards at the north connection of SE 29th Ave. outside of Hillside Park, thereby allowing only bike/ped access (+ emergency vehicles) in and out of Hillside Park from the north. Whether the city will agree to our proposal is still TBD.** I will provide updates as we learn more.

If you have any additional questions, I will be your new point of contact on this project.

Thank you,

Devin Ellin

Senior Housing Developer

Housing Authority of Clackamas County

Office: 503.650.3417

Mobile: 971.227.0472

This e-mail provides me, and many others some comfort; and **I hope the City will affirm the connection to northside of Hillside Park property will remain a bicycle and pedestrian only connection (emergency vehicles aside); and not also a vehicular one.**

I embed a series of photos demonstrating the healthy family setting, north of Hillside Park property, along 29th avenue. Many budding young families, bicyclists going to and from Springwater Trail and Orange Line Tacoma station. Plus, just folks walking 29th as exercise and stroll. The current setting on 29th north of Hillside property is idyllic and needs to be preserved as best as possible. (I do not personally live in this area but do use 29th for jogging and bicycling.)



out of Hillside onto 29th







Sincerely,
Elvis Clark
Ardenwald neighborhood Transportation and PSAC representative
Milwaukie 97222

Scott Stauffer

From: Sarah Roller <lander_007@hotmail.com>
Sent: Tuesday, October 6, 2020 10:09 AM
To: Angel Falconer; Lisa Batey; Wilda Parks; Kathy Hyzy; Mark Gamba; OCR; Milwaukie Planning; Laura Weigel
Subject: Fw: dwelling unit increase

This Message originated outside your organization.

Councilors and Planning Commission,

It is unclear if my emails we sent on to City Council and the Planning Commission as requested by me of Ann Ober. Therefore, I am sending you this email chain for your knowledge with the possibility that you will be able to take action to better the situation around affordable housing as it relates to average people being able to legally construct and continually afford owning an ADU. Current policy results in utility fees for ADUs that isn't consistent to the process and fees to construct a legal ADU and they are not proportional to the type of dwelling unit.

Please contact me with any questions, I welcome the chance to talk to any of you about the process I've had to go through to have and afford an ADU.

Sarah Roller
11630 SE 27th Ave. Milwaukee, OR 97222
971-563-2409

From: Keith McClung <McClungK@milwaukieoregon.gov>
Sent: Wednesday, August 19, 2020 12:51 PM
To: Sarah Roller <lander_007@hotmail.com>; Ann Ober <OberA@milwaukieoregon.gov>; Steve Adams <AdamsS@milwaukieoregon.gov>; Dennis Egner <EgnerD@milwaukieoregon.gov>; Milwaukie Community Development <CommunityDevelopment@milwaukieoregon.gov>
Cc: Bonnie Dennis <DennisB@milwaukieoregon.gov>
Subject: RE: dwelling unit increase

Hi Sarah – thank you for the follow up. I am happy to discuss the rates tied to ADU's and how the City bills this scenario. Would you like to chat sometime this week on the phone?

My team and I have been trying to pinpoint specific language in the code and master fee schedule that relates to your ADU question. You are correct in that utility billing does not follow the same logic as the SDC fees (.65, .80, etc.). We were not able to find specifics on the utility billing piece, only language around SDC fees.

In terms of billing, the City treats ADU's as duplexes or multi-family in the system. This means two units are billed at approved rates. The City does not have a separate category or pricing for ADU's. The ADU is considered a separate unit for billing purposes in part due to the County's pass through fees for wastewater. The City reports new sewer connections on a quarterly basis and would have reported this ADU as a new connection. At this point, the County assesses our fee on two units. If the City provided a discounted rate for an ADU in this scenario, the City would be losing money as the requirement to the pay County still exists. To stay consistent with all fees, not just wastewater, the City maintains the same definition of a unit for billing.

The issue I think centers on the definition of a 'unit' and should an ADU be different from a 'multi-family' unit in terms of fee billing? The City will certainly take into consideration all of this feedback going forward. Again, thank you for voicing your concerns Sarah. Take care,

Keith

From: Sarah Roller <lander_007@hotmail.com>

Sent: Tuesday, August 18, 2020 4:51 PM

To: Ann Ober <OberA@milwaukieoregon.gov>; Keith McClung <McClungK@milwaukieoregon.gov>; Steve Adams <AdamsS@milwaukieoregon.gov>; Dennis Egner <EgnerD@milwaukieoregon.gov>; Milwaukie Community Development <CommunityDevelopment@milwaukieoregon.gov>

Subject: Re: dwelling unit increase

Hello all,

I haven't heard from anyone since I emailed on August 4, since it's been two weeks it seemed reasonable to ask for an update.

Thank you
Sarah Roller

Sent from my iPhone

On Aug 4, 2020, at 11:01 AM, Sarah Roller <lander_007@hotmail.com> wrote:

Keith, Ann, Denny and Steve,

The process to put in an ADU for housing my mom has now resulted in an increase in my utility bill by a full dwelling unit. That doesn't make sense when other calculations for the huge fees we had to pay were not for a full dwelling unit (because logically it should not be). The SDC calculations were .8 for county and .65 for the City why isn't this the same for utility billing? I could not find documentation to support an ADU being calculated as a full dwelling unit on the City website or in the municipal code. When I called Joyce in utility billing, she said that this is the way it has always been. I asked for documentation and she said she would try to find some.

I have already paid the city huge amounts of money to be able to legally provide my mom a place to live. Getting an increase of a full unit simply doesn't make sense or seem appropriate. As a former Code Enforcement officer, I didn't really understand why people would lie and hide ADUs, after all I have been through oh my I understand!

You need to begin to seriously think about your stewardship of the city and its affordability. You're not setting average people up to be able to afford and thrive living here. Taking care of one's family should be far more financially accessible than the city of Milwaukie makes it. Council and City leadership talk about fair housing and wanting people to be able to do just what I have done, but the implementation of regulations and fees makes Milwaukie a hard place to afford living in let alone legally build an ADU for their family.

I was saddened to see in the Pilot that the City passed utility fee increases during the pandemic and while so many people are losing their jobs, experiencing reduced incomes and other hardships. Those increases may make sense (I definitely understand them), but where is the humanity in implementing an increase right now. All of these actions no matter how much they make financial sense and provide infrastructure for the city push Milwaukie toward gentrification. They push the middle-income households down and the low-income households even further down. Milwaukie used to be a pretty middle to low income city, very white and it was rough, it is way better now and quite a bit more diverse (which isn't very much), but now it isn't very affordable to middle income households as it gets less affordable the bit of diversity that we have will likely begin to slip away (seems like we are headed toward an example like Portland as far affordability and gentrification goes).

Ann, I would like you share my concerns and comments with City Council and Planning Commission as well, they should know. I would be happy talk to them if they would like to know more.

I hope you take my comments about Milwaukie to heart and think about them. Please send answers to my question about utility billing increases of a full unit for our ADU as soon as you can so I can figure out what my next steps need to be, thank you.

Take Care,
Sarah Roller
971-563-2409

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Scott Stauffer

From: Scott Stauffer
Sent: Tuesday, October 6, 2020 7:42 PM
To: Scott Stauffer
Subject: 10/6 RS Zoom Chat Log

 Zoom Webinar Chat — □ ×

From [Elvis Clark](#) to [All panelists](#):

I would like to present orally on Agenda 5, Community Comment, written testimony included in e-packet.

From Me to [All panelists](#):

Thank you Mr. Clark - we've got you on the list

From Councilor Kathy Hyzy (she/hers) to [All panelists](#):
the Electric Vehicles Roadmap Initiative and a future Oregon zero-emissions vehicle requirement

(support for)

SCOTT STAUFFER, CMC

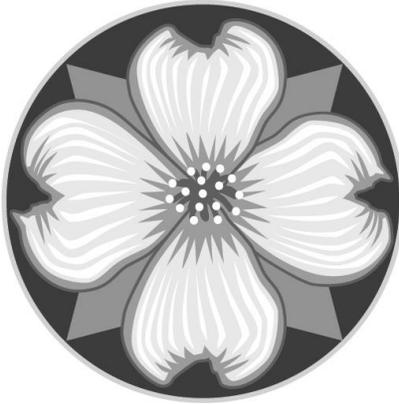
City Recorder

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City of Milwaukie

10722 SE Main St • Milwaukie, OR 97222



RS Agenda Item

6

Consent Agenda



COUNCIL WORK SESSION

Zoom Video Conference
www.milwaukieoregon.gov

MINUTES

AUGUST 18, 2020

Present by Video: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy, Mayor Mark Gamba

Staff Present Assistant City Manager Kelly Brooks Climate Action & Sustainability Coordinator Natalie Rogers
by Video: City Attorney Justin Gericke Communication Program Manager Jordan Imlah
City Manager Ann Ober Community Development Director Leila Aman
City Recorder Scott Stauffer Public Works Director Peter Passarelli

Mayor Gamba called the meeting to order at 4:03 p.m.

1. Arts Committee Annual Review – Discussion

Mr. Imlah provided an overview of the Arts Committee membership and goals for 2020. He reported on the committee's recent events, including a virtual city hall artist gallery tour available on the [city's YouTube channel](#).

Hamid Shibata Bennet, Arts Committee Chair, reported on the committee's performance series partnership with the Chapel Theatre. He also reported on the Hearts in Parks partnership with the North Clackamas Parks and Recreation District (NCPRD) to promote chalk art in neighborhood parks.

Mr. Imlah provided an overview of the recently completed mural located at Chan's Steakery and noted the positive feedback it had received. He reported that the committee had received more mural applications. He explained that the next mural was scheduled to be painted by Jeremy Davis on the water tank located at 40th Avenue and Harvey Street. The water tank mural would feature nineteenth century orchardist Ah Bing and Milwaukie Pastry Kitchen owners Hurtis and Dorothy Hadley. **Mr. Shibata Bennet** added that Mr. Davis was a member of the Black, Indigenous, People of Color (BIPOC) community and the committee wanted to promote BIPOC artists.

Councilor Batey asked if a sealant would be applied to the murals and **Mr. Imlah** confirmed that it was part of the contract for artists to apply a sealant and an anti-graffiti coating to preserve the murals.

Mr. Shibata Bennet provided an update on the love rocks project the committee was supporting in partnership with Hidden Hearts Milwaukie. He commented on the benefits of having a community art project during the coronavirus (COVID-19) pandemic.

Mr. Imlah reported that the committee currently had an open call for art sculptures to be installed at city hall and in Dogwood Park.

Mr. Shibata Bennet provided details on the committee's Porchfest concert series. He explained that the citywide event would feature multiple performers across several locations over four consecutive Friday evenings beginning August 21. The committee was encouraging everyone to participate and enjoy socially distant music outside. He explained that Porchfest music events are held across the country and Milwaukie's Porchfest was sponsored by the Lewelling Neighborhood District Association (NDA).

The group discussed the planned Porchfest performances and noted that some performances would be livestreamed at www.milwaukieporchfest.com.

2. Dogwood Park Framework Plan – Discussion

Ms. Brooks explained that the 2011 concept plan for Dogwood Park did not address recent public inquiries about park usage and features. She provided an overview on the city's work with various community stakeholders to create a framework plan for the park.

Mayor Gamba and **Ms. Brooks** commented on the framework plan in relation to the potential future flow of Kellogg Creek. **Ms. Brooks** provided an overview the framework plan elements in relation to current park features. She discussed how the park would integrate with the Main Street plaza and the future home of the Milwaukie Sunday Farmers Market. **Councilor Batey** noted previous farmers market concerns about spacing for vendor booths. The group discussed the farmers market setup at the plaza.

Council commented on the framework plan, including the desire to add more shade elements. **Councilor Batey** commented on the trees included in the framework plan and believed the park should be renamed to better reflect the area that featured native plants. **Council President Falconer** asked what a renaming process would look like and **Ms. Brooks** and the group commented on the factors and stakeholders involved. **Ms. Ober** confirmed a renaming process would involve the NDA, the Parks and Recreation Board (PARB), and NCPRD, and would require public hearings. **Councilor Hyzy** was curious to understand the Dogwood Park name origins and the history.

Council President Falconer commented on the large grass area that the park's framework plan called for. She wondered if the city took more of a native planting approach that could assist the city when applying for grants to support this project and the Kellogg Dam removal project. She and **Ms. Brooks** commented on how the two projects interact and reported on how the city could work on habitat restoration. The group commented on the desire to add trees that bring shade to the area.

Ms. Ober clarified that the completion of the framework plan was the last of the city's work on this park. The city created the framework plan to respond to community concerns about future uses of the park. Staff was open to more possibilities moving forward but at this time no further staff time would be dedicated to developing the park. She noted how city partners may assist in future opportunities. **Ms. Brooks** confirmed staff did not have the resources to make additional adjustments. She thanked Council for their feedback and explained how more implementation partnerships could develop.

Councilor Batey believed the park was likely founded in 2003 during the city's centennial. The group commented on the dogwood species in the park.

3. Adjourn

Mayor Gamba adjourned the meeting at 5:15 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II

A. City Council Meeting Minutes:

- 1. June 16, 2020, Regular Session;**
- 2. June 30, 2020, Special Session;**
- 3. July 14, 2020, Special Session; and**
- 4. July 14, 2020, Study Session.**

B. ~~A resolution committing to creating an entirely equitable city and expressing solidarity with our BIPOC Neighbors.~~ (removed for separate consideration)

C. Resolution 57-2020: A Resolution of the City Council of the City of Milwaukie, Oregon, making appointments to the Kellogg Good Neighbor Committee.

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

B. City Council Goal Update – Resolution

Mayor Gamba explained that he removed the Council goal update resolution to call attention to it. He read the resolution text into the record:

Whereas, Black, Indigenous and People of Color have suffered horrific inequities and crimes against humanity in this country for centuries, including slavery, slaughter, rape, theft of land and property, medical experimentation, forced relocation, denial of basic human rights, and restriction from generational wealth building; and

Whereas, the violent death of George Floyd, an unarmed and handcuffed black man, at the hands of a City of Minneapolis, Minnesota, police officer has sparked an international demand for an end to the systematic racism that has stained this country for its entire history; and

Whereas, the Milwaukie 2040 vision calls for a flourishing city that is ENTIRELY EQUITABLE, delightfully livable and completely sustainable for ALL residents; and

Whereas, we have undertaken work to achieve that vision through our efforts in writing a new Comprehensive Plan that will begin to reverse code provisions and zoning that have disenfranchised our BIPOC neighbors for almost a century.

Now, Therefore, be it resolved that the City Council of the City of Milwaukie, Oregon, further commits to the pursuit of an entirely equitable Milwaukie by making Equity, Inclusion and Justice one of its three Council goals; and

Be it Further Resolved, that through this goal, the City Council commits to the following actions:

- Conduct listening sessions and create subsequent changes to city practices, policies and codes;
- Work on relationship-building with Milwaukie’s BIPOC residents and defining the next steps forward for this work;
- Request a budget adjustment be presented to move additional resources to this work;
- Fund Equity, Inclusion, and Justice training for all staff, including the police department, and for related training to achieve this goal; and
- Further our own education about systemic racism.

Be it Further Resolved that the Equity, Inclusion and Justice goal replaces the Council’s Community Engagement goal.

It was moved by Councilor Batey and seconded by Council President Falconer to approve the resolution committing to creating an entirely equitable city and

expressing solidarity with our Black, Indigenous, and People of Color (BIPOC) Neighbors. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 58-2020:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, COMMITTING TO CREATING AN ENTIRELY EQUITABLE CITY AND EXPRESSING SOLIDARITY WITH OUR BLACK, INDIGENOUS, AND PEOPLE OF COLOR (BIPOC) NEIGHBORS.

7. BUSINESS ITEMS

A. Downtown Transportation Modes – Ordinance

Ms. Wicks discussed the proposal to revise the Milwaukie Municipal Code (MMC) regarding roller skate, skateboard, and inline skate use in downtown. She noted previous Council direction related to the city’s Downtown Parking Strategies Plan which included broadening the allowed forms of alternate transportation.

Chief Strait remarked on the Milwaukie Police Department’s (MPD’s) education and compliance approach to enforcing the current ban on skating in downtown. He reported that staff had concluded that the code no longer matched the city’s transportation modes policy and had therefore worked with the Downtown Milwaukie Business Association (DMBA) to develop revised code language.

Ms. Wicks reviewed the proposed code language. **Councilor Batey** asked if skating was prohibited anywhere outside of downtown. The group discussed whether skating was banned anywhere on public or private property and noted that the city did not have jurisdiction over private property. They remarked on the increased use of electric transportation devices and whether the code could define all forms of alternate transportation that might be allowable in downtown. **Ms. Ober** suggested Council take public comment before further considering the revised code language.

The group noted that audience members wanted to address Council on the topic.

Cory Poole, Northwest Skate Alliance Board Member, explained the alliance’s work and discussed the types of skateboarding and the benefits of skateboarding as a form of transportation. He noted the barriers that prevent people from skateboarding, including local laws that ban it and infrastructure that is not built to promote non-vehicle traffic. He remarked on why Milwaukie was an ideal community to be an active transportation hub.

Mayor Gamba asked Mr. Poole’s for his thoughts on the proposed changes to the MMC. **Mr. Poole** thought the changes would be an improvement and suggested the code should allow for some flexibility for the varying levels of skateboarder expertise. He commended the MPD for their educational approach to skating rules and remarked that code should focus on correcting behaviors.

Councilor Batey asked if the alliance did skater safety education. **Mr. Poole** reported that the alliance worked with several organizations to promote safe skating. He observed that skaters, law enforcement, and community groups often had different understandings of what local skating rules were.

Council President Falconer asked if there were any examples of cities that had revised their skateboarding code. **Mr. Poole** suggested that the City of Salem, Oregon, had worked with skaters and law enforcement to come up with good rules.

Ms. Wicks reported that staff had contacted neighborhood district associations (NDAs), the DMBA, skaters, and employers for input on the proposed code changes.

Mr. Stauffer noted that Mr. Dunnaback had commented in the Zoom chat that skateboards were often banned from tennis courts because they can damage the court.

AJ Waters, Stronger Skatepark owner, agreed with Mr. Poole's remarks. They supported changing the skating rules in downtown and remarked on the benefits of skateboarding.

Mayor Gamba asked if any cities had written code that allowed skating while protecting property from damage. **AJ Waters** suggested that cities had property damage codes that could be used to address those issues. They noted that some cities had started to add simple skateboarding infrastructure onto trails and other projects that provide a safe place to skate. **Mr. Poole** added that studies had shown that skaters and bicyclists go out of their way to find safe skating and biking infrastructure. **Councilor Hyzy, Mayor Gamba, and Council President Falconer** commented on the city's Public Safety Advisory Committee (PSAC) and Park and Recreation Board (PARB) looking at adding safe skating elements to various city park and infrastructure projects.

Rory Dunnaback, DMBA President, reported that many businesses supported the code change to allow skating in downtown. He noted some businesses were concerned about skating safety on sidewalks. He suggested the City of Portland's signage about skating on the sidewalks could be a good model for Milwaukie. He commented on the challenges of having multiple sets of rules for skaters on the sidewalk and in the street and noted his support for adding safe skating infrastructure. He reported that the DMBA would look to adding a safe skating element to future First Friday events.

Mr. Stauffer noted that Milwaukie resident Douglas Edwards had commented in the Zoom chat that skateboards were part of the last mile transportation network and that skating infrastructure design elements could enhance transit routes.

Councilor Hyzy suggested that given the need to further consider electric vehicle usage, Council should move forward with the proposed code change as it is for now.

Mayor Gamba asked if the last sentence of the proposed code language needed to be removed. **Council President Falconer** remarked that it might be worth keeping the last sentence, since removing it might cause other issues. **Mr. Gericke** suggested that the ongoing Comprehensive Plan implementation work would provide future opportunities for the Council to revise which zones skateboarding was allowed in.

Councilor Batey remarked that future zoning changes wouldn't impact the skateboarding code since it has its own map. She agreed with Councilor Hyzy that Council should adopt the proposed language for now and address the other questions in the future. **Mr. Gericke and Mayor Gamba** noted the feasibility of Council working on code clean-up items related to skateboarding in the future.

Ms. Ober appreciated the statement Council would make by adopting the proposed code change tonight and continuing the discussion on skating. **Council President Falconer** thanked Mr. Poole, AJ Waters, and Mr. Dunnaback for participating in the conversation and asked them to keep the pressure on the city to continue to work on skating rules.

It was moved by Councilor Hyzy and seconded by Council President Falconer to approve the ordinance amending Municipal Code 10.44.070. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]

Ms. Ober read the ordinance two times by title only.

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

Ordinance 2195:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, MILWAUKIE AMENDING MILWAUKIE MUNICIPAL CODE 10.44.070. RELATED TO DOWNTOWN TRANSPORTATION MODES (SKATEBOARDS).

8. PUBLIC HEARING

A. Authorization of a Street Vacation on Harlow Road – Resolution

Call to Order: **Mayor Gamba** called the public hearing on the street vacation, to order at 7:28 p.m.

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

Conflict of Interest: No Council member wished to declare a conflict of interest.

Staff Presentation: **Mr. Kelper** explained the proposal to vacate the public right-of-way (ROW) on Harlow Road in Milwaukie Bay Park so the city could receive grant funds for the next phase of the park development project. He noted previous Council action on the proposal and reported that none of the property owners near Harlow Road had objected to the proposal. He added that the ROW to be vacated included a sewer main that staff would factor into the park project. **Councilor Batey** asked if the sewer main had been recently added. **Mr. Kelper** was not sure when the sewer had been built.

Councilor Batey asked if the city would be consolidating the tax lots in the park. **Ms. Ober** suggested consolidating the lots was not necessary but could be done.

Ms. Brooks reported that staff would be looking at how the sewer line would impact the park project. The group discussed when the sewer line might have been built.

Correspondence: It was noted that no correspondence had been received on the topic.

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

Close Public Hearing: **It was moved by Councilor Batey and seconded by Councilor Parks to close the public hearing on the street vacation. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

Mayor Gamba closed the public hearing at 7:36 p.m.

Council Decision: **It was moved by Council President Falconer and seconded by Councilor Parks to approve the resolution authorizing the city-initiated vacation of the public street right-of-way within Milwaukie Bay Park designated as Harlow Road. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

Resolution 59-2020:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY-INITIATED VACATION OF THE PUBLIC STREET RIGHT-OF-WAY WITHIN MILWAUKIE BAY PARK DESIGNATED AS HARLOW ROAD.

B. Comprehensive Plan Update – Ordinance, continued

Call to Order: **Mayor Gamba** called the public hearing on the Comprehensive Plan update, to order at 7:38 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to adopt the updated Comprehensive Plan.

Conflict of Interest: No Council member wished to declare a conflict of interest.

Staff Presentation: **Mr. Egner** noted that adoption of the revised plan would mark the end of the review project and the beginning of the implementation work. He reviewed the work done to review the plan and noted which actions were covered in the attachments to the ordinance. He reported that Councilor Batey had proposed adding language to the beginning of Appendix B regarding the city's historic resources inventory. The group reviewed the proposed language and it was Council consensus to add it to the plan.

Councilor Hyzy asked if Council could submit minor text changes to staff after adoption. **Mr. Stauffer** and **Mr. Gericke** noted that the MMC authorized the city recorder to make clerical changes to adopted ordinances.

Councilor Parks and **Mr. Stauffer** noted that Council had closed the public testimony part of the hearing at a previous meeting and did not need to do so at the current meeting.

Councilor Batey understood why the annexation map had been removed from the plan and remarked that she was sad to see it go. She asked about the impact of removing the park master plans from the Comprehensive Plan's ancillary documents list in terms of the review process for park projects. **Mr. Egner** replied that removing the plans from the list would not change the community service use (CSU) process that park projects had to undergo. He and **Councilor Batey** noted that removing the master plans from the Comprehensive Plan did not negate their existence.

Council President Falconer noted that her previous question, regarding the appeal process for a park project, had not been answered. The group discussed the role of the city in a city land use process and the possibility that, for park projects, the North Clackamas Parks and Recreation District (NCPRD) could be the entity to appeal a Planning Commission decision to deny a city-sponsored project. **Mr. Egner** suggested the appeal process for a park project would be like any other city project.

Council Decision: **It was moved by Council President Falconer and seconded by Councilor Batey to approve the ordinance amending the Milwaukie Comprehensive Plan policy document (File #CPA-2019-001), with the amendment presented by staff. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]**

Ms. Ober read the ordinance two times by title only.

Mr. Stauffer polled the Council with Councilors Falconer, Batey, Parks, and Hyzy, and Mayor Gamba voting "aye." [5:0]

Ordinance 2196:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE COMPREHENSIVE PLAN POLICY DOCUMENT (FILE #CPA-2019-001).

The group noted Mr. Egner's impending retirement and remarked on his work for the city as planning director. They thanked him for his service to Milwaukie.

9. COUNCIL REPORTS

A. Tobacco and E-Cigarette Tax – Resolution

Mayor Gamba explained that the proposed resolution would support Ballot Measure 108 which would increase the state tobacco tax and implement a new tax on e-cigarettes. He noted the negative health effects of smoking and read the resolution into the record:

Whereas, Oregon has the lowest tobacco taxes on the West Coast; and

Whereas, smoking is the number one cause of preventable death in Oregon leading to 11,900 deaths per year; and

Whereas, over 30% of Oregonians on the Oregon Health Plan are commercial cigarette smokers and statistically smokers are less likely to be enrolled in health insurance plans; and

Whereas, there is currently no state or federal tax on vape and e-cigarette products; and

Whereas, Oregonians are facing a youth-vaping epidemic; and over half of eighth graders who use tobacco first experienced it through e-cigarettes; and

Whereas, tobacco taxes are the leading cause of decreased smoking rates among youth and adults; and

Whereas, the 2019 Oregon State Legislature passed House Bill (HB) 2270 after a robust public process with the intent to refer the measure to Oregon voters; and

Whereas, a tobacco and e-cigarette tax would fill an otherwise large funding gap in Medicaid and smoking prevention and cessation programs that Oregonians have come to depend on.

Now, therefore, be it resolved by the City Council of the City of Milwaukie, Oregon, that we declare that passage of the Tobacco & E-cigarette tax by way of the “Yes for a Healthy Future” campaign is of paramount importance to the City of Milwaukie and we strongly urge voters in Milwaukie and across Oregon to pass Ballot Measure 108.

It was moved by Councilor Hyzy and seconded by Council President Falconer to approve the resolution in support of a tobacco and e-cigarette tax. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 60-2020:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN SUPPORT OF A TOBACCO AND E-CIGARETTE TAX.

Councilor Batey noted that the sources for the data referenced in the resolution were from the Yes on 108 campaign.

NCPRD District Advisory Board (DAB) Update

Councilor Parks provided a summary of the NCPRD Board’s August 17 meeting where the composition and bylaws of the DAB were discussed. The board’s discussion had included proposals for a 9- or 11-member DAB with varying ways to ensure that the district’s residents were geographically represented. She reported that the board had finally approved a motion to reappoint the former DAB members to further consider the bylaw and composition issues. She noted the city’s unique role in the district as the only entity with a separate intergovernmental agreement (IGA) with NCPRD which would need to be amended to reflect changes to the DAB.

Ms. Ober reported that Councilor Batey had agreed to be the city's representative to the DAB due to Councilor Parks' impending retirement from Council. She thanked Councilor Parks for her summary of the NCPRD Board meeting.

It was noted that Councilor Batey left the meeting at 8:21 p.m. due to technical issues and returned to the meeting at 8:24 p.m.

Councilor Parks commented on the positions taken and advocated in the August 17 meeting by NCPRD Board Member Paul Savas. The group remarked on the proposals for geographic representation on the DAB and noted that the district population figures provided by NCPRD staff appeared to be inaccurate. It was noted that there had been no discussion by the NCPRD Board to use the arbitration process to resolve the DAB issues. The group thanked Councilor Batey for agreeing to replace Councilor Parks.

Milwaukie Bay Park Parking Signage

Ms. Ober asked if Council had any feedback on the staff proposal introduced earlier in this meeting to add parking signage at Milwaukie Bay Park. It was noted that Council had no objections to the staff proposal and Ms. Ober said the signs would be installed soon.

10. ADJOURNMENT

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

Mayor Gamba adjourned the meeting at 8:35 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL WORK SESSION

Zoom Video Conference
www.milwaukieoregon.gov

MINUTES

SEPTEMBER 1, 2020

Present by Video: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy, Mayor Mark Gamba

Staff Present by Video: City Attorney Justin Gericke
City Manager Ann Ober
City Recorder Scott Stauffer
Court Operations Supervisor Carla Bantz
Finance Director Bonnie Dennis
Municipal Court Judge Kimberly Graves
Supervising Librarian Jana Hoffman

Mayor Gamba called the meeting to order at 4:01 p.m.

1. Municipal Court Update – Discussion

Judge Graves explained how court operations had changed since the coronavirus (COVID-19) pandemic began. She reported that the city had recently switched to an online deferred sentencing program.

Council President Falconer asked about an instance where a woman had been asked to be seen last by the judge because she had children with her. **Judge Graves** confirmed that the incident had occurred before the pandemic. She remarked on her flexibility with children and dogs in the courtroom and commented on past instances. She preferred cases with children go first.

Councilor Batey asked about the deferred sentencing program. **Judge Graves** reported that the city historically had two deferred sentencing programs: one for first time violators or those who had not had a violation in the past five years; and one for people still in high school who received their first ticket. She explained the differences between the two programs and the types of cases that go through the process.

Mayor Gamba asked about the number of cases the judge saw related to non-trailer vehicles parking at Milwaukie Bay Park. **Judge Graves** and **Ms. Bantz** confirmed the number of tickets for non-trailer parking violations at the park had increased. **Ms. Ober** noted that the new parking signs had been posted recently. **Mayor Gamba** reported that he continued to hear from people who had received tickets at the park. He wondered if more signs could be posted. The group discussed the no parking signs and spaces in the park and in downtown.

Judge Graves reported on two bills the Oregon State Legislature had recently passed that affected municipal courts.

Judge Graves reported there had been one attendance court session in the last school year. She explained that the attendance court contract with the North Clackamas School District (NCSA) had been for one year, and because the district was interested in continuing the program the contract had been renewed. She and **Councilor Batey** remarked on the impact of the pandemic on attendance court and the generally declining interest in attendance court programs across Clackamas County.

Judge Graves and **Ms. Bantz** reported on the court's amnesty program that ran from July 1 to August 31. They noted how many people had paid off tickets and received

their licenses back. **Ms. Dennis** observed that since the program recently ended, staff would provide a more in-depth analysis at a future meeting.

2. Library Board – Annual Report

Ledding Library Board Chair Jessica Stetson provided highlights from the board's work over the past year, including the addition of two new members. She reported that the board's priorities had been to support the move to the new library building and other libraries in the county. She noted the Library District of Clackamas County committees that she and other board members served on. She explained that the board's upcoming priorities were to help the Ledding Library reopen, support library staff, and create a library strategic plan.

Ms. Stetson noted that the library board had recently updated its bylaws to create a secretary position, which was now held by board member Ann Heiliger. She reported that February had been the biggest month ever for the library. She commented on library staffing and expressed the board's concern that there would not be enough staff to cover circulation when the library reopens.

Ms. Hoffman reported that while the library was closed to the public, there were scheduled curbside appointments available for the public to pick up books. She noted curbside appointments were available six days a week and that staff was scheduling about 100 appointments a day, with two people every ten minutes.

Ms. Hoffman reported that for eight weeks during the summer on Thursdays the library offered free sack lunches, grab-and-go activity bags, and free books for children. NCSO provided the meals and library staff added books and craft projects. She noted that over 600 free lunches, books, and craft bags were given away and that library staff had also visited other free lunch sites in Milwaukie to give away books. She reported that the library was facilitating online book groups, activities, and story times. She noted that because the grab-and-go bag program had been so popular staff would continue it in September. She added that staff had added content databases for adults and kids that provided online arts and crafts tutorials and classes.

Ms. Hoffman provided Ledding Library usage statistics from the past fiscal year and reported that eBooks had grown in popularity. She reported that when the new library opened earlier in the year patron visits had dramatically increased, peaking in February. She commented that staff had felt stretched thin as more patrons walked through the doors.

Councilor Hyzy noted the new Council goal around equity and inclusion. She asked if the library had done online book groups to help the community engage in equity discussions. **Ms. Hoffman** commented on adult book groups and Oregon Humanities Project programs that the library had supported which included conversations on difficult topics. She reported on how recording children's programs had been more equitable for families to watch at their leisure.

Ms. Ober noted past Council discussions about the feasibility of organizing book groups and leading discussions covering the topics of equity and inclusion. **Councilor Batey** commented on the difference between autonomous book groups and library staff-led book groups with facilitated discussions. **Councilor Hyzy** commented that there were community members interested in helping lead these types of discussions. She and

Council President Falconer believed it would be impactful to have the library be a resource to help facilitate and/or promote these types of discussions.

Ms. Ober reported that many area libraries had laid off staff when the pandemic started. She reported that Milwaukie had not laid off staff and had worked to create ways for staff to continue to serve the community. She also observed that the library was not at full capacity for hours of service and would not be able to be for a while.

Ms. Ober explained that because the city had added 50% more capacity to the new library building and then shut down to the public, the city did not yet know the service level needed to provide for the community. This made it difficult to make budget assumptions and she explained her desire to see what a return to normal would look like before figuring out library hours and resources. She observed this was why creating a strategic plan would be helpful and that staffing conversations would continue.

Ms. Ober summarized that the new building added more space and library staffing was down 1.5 full time employees (FTE) from the staffing at the old building. **Councilor Batey** noted that the new building was designed with staffing levels in mind. **Ms. Ober** agreed and remarked that while staffing would not need to increase drastically, more programming had been added and staffing levels should fit the programs offered.

Ms. Hoffman reported that the library's new study rooms and the community room had been popular before the shutdown. She observed that managing the new room reservation system felt like it could be a full-time job. **Ms. Ober** observed that the city wanted to provide more community spaces, such as the downtown plaza, and that the city would need to continue to look at how to manage additional spaces and services.

3. Adjourn

Mayor Gamba announced that after the work session, Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions.

Mayor Gamba adjourned the meeting at 4:55 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II

COUNCIL REGULAR SESSION

Zoom Video Conference
www.milwaukieoregon.gov

2321st Meeting**MINUTES****SEPTEMBER 1, 2020**

Council Present Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy,
by Video: and Mayor Mark Gamba

Staff Present Assistant City Manager Kelly Brooks City Manager Ann Ober
by Video: City Engineer Steve Adams City Recorder Scott Stauffer
City Attorney Justin Gericke Community Development Director Leila Aman

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 community events including city-sponsored listening sessions for Milwaukie's Black, Indigenous, and People of Color community; the Arts Committee's Porchfest concert series; and First Friday virtual poetry reading.

3. PROCLAMATIONS AND AWARDS**A. American Legion Day – Proclamation**

Mike Wilson, American Legion Post 180 Commander, commented on Legion awards the Post had received. **Mayor Gamba** proclaimed American Legion Day in Milwaukie.

B. Constitution Week – Proclamation

Phyllis Hines and **Ellie Nelson**, Susannah Lee Barlow Chapter of the Daughters of the American Revolution (DAR), introduced the proclamation and remarked on the work of the DAR. **Mayor Gamba** proclaimed Constitution Week in Milwaukie.

4. SPECIAL REPORTS**A. None Scheduled.****5. COMMUNITY COMMENTS**

It was noted that no audience member wished to address Council. **Ms. Ober** reported that there was no follow-up report from the August 18 community comments.

6. CONSENT AGENDA

Councilor Hyzy asked that the August 4 work session minutes be removed from the consent agenda for separate consideration.

It was moved by Councilor Parks and seconded by Council President Falconer to approve consent agenda items A. 1 and A. 3.

A. City Council Meeting Minutes:

1. **July 21, 2020, Regular Session;**
2. **August 4, 2020, Work Session;** (removed) and
3. **August 4, 2020, Regular Session.**

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

6. A. 2. City Council Minutes of the August 4, 2020, Work Session

Councilor Hyzy proposed a language change to the August 4 work session minutes. The change related to Ms. Ober’s comments about a Council goal setting session in summer 2021, which Councilor Hyzy believed should suggest an input session, not a goal setting session. **Ms. Ober** agreed with the change and **Mr. Stauffer** noted there were no staff objections to the change.

It was moved by Councilor Hyzy and seconded by Councilor Parks to approve the August 4, 2020 work session minutes as amended. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

7. BUSINESS ITEMS

A. Slow Streets Program – Discussion

Ms. Brooks provided an overview of the program that aimed to provide safe routes for pedestrians and bicycles in the Island Station neighborhood by restricting vehicle traffic on residential streets. She reported that staff had put the program together without dedicate funding and had worked with residents to set up a temporary parking lot to help alleviate Elk Rock Island and Spring Park traffic.

Mr. Adams discussed where traffic barricades had been placed and how staff had adjusted signage and barricade placement during the program. **Councilor Hyzy** reported that residents had moved signs to increase the parking areas available.

Mr. Adams commented on the parking behavior he had observed during the program, noting pinch points and illegal parking spots that had been created. He summarized that in general the program had been successful. He and **Ms. Brooks** remarked that when the program ended after Labor Day weekend the barricades would be removed and there would be additional signage to note the return of private tow-away spaces.

Ms. Brooks discussed her takeaways from the program, commenting on neighborhood reactions to restricted vehicle access and safety concerns noted by some residents. She concluded that the program had not reduced vehicle traffic in the area and may have created a way for more people to access the island. She commented that the Island Station neighborhood’s unique layout and riverside location did not lend itself as a demonstration for other neighborhoods. **Councilor Hyzy** clarified that the city had not created a parking lot but had contracted with residents to maintain a private lot for a limited duration.

Councilor Batey reported that the Friends of Elk Rock Island and Spring Park (FERI-SPARK) had conducted an informal survey of park users and had found that most visitors had been there many times before. She suggested this confirmed that the park was already a known destination before program. She remarked that program results were more mixed than staff indicated. She believed traffic on Sparrow Street had not been slowed as predicted but traffic had been slowed down on 19th Avenue.

Ms. Ober noted that an audience member had typed a question via the Zoom chat about traffic monitoring in the neighborhood.

Ms. Brooks concluded her remarks by noting that demand for parking in the Island Station neighborhood would not go away after the program ends.

Mr. Adams presented and discussed traffic data collected during two recent weekends on Sparrow Street and 21st Avenue. He reported that Sparrow Street was the popular way for traffic to access the area and overall, the traffic counts were low. He and **Councilor Batey** confirmed that the data collection counted vehicles moving in both directions on a given street.

Mr. Adams suggested staff would track vehicle traffic again in October to get comparison data. He commented on the traffic data collected in Island Station compared to other parts of the city.

Ms. Ober noted there had been several comments typed in the Zoom chat. **Mr. Adams** responded to the comments by explaining how staff had determined where to place the traffic data collection devices and for how long based on citywide needs for traffic data. In response to additional chat comments, he explained how national traffic signage regulations determine where to place stop signs, and he reiterated that staff would collect additional traffic data in the Island Station neighborhood in October and in 2021.

Ms. Brooks commented on use of traffic data collection devices in the Island Station area and noted they were also needed in other parts of the city.

Mr. Adams discussed optimal times of the year to deploy traffic data collection devices.

Mayor Gamba commented that the program had not been a good demonstration for improving pedestrians and bicycle routes because of the popularity of the island and the high demand for outdoor areas regionally due to the pandemic. He suggested it was the pandemic that brought more people to the area. He reported hearing that people appreciated the program.

Councilor Hyzy remarked on what the city had learned about slow streets programs in general, including the importance of public outreach and the amount of staff time needed to run such a program. **Mayor Gamba** agreed with Councilor Hyzy. **Ms. Brooks** reported that the slow down signs that had images of differently abled pedestrians and bikers posted across the city had been very successful.

Ms. Ober noted that the city had received written comments on the topic and that there were several audience members who wished to speak to Council.

Cid Blase, Milwaukie resident, thanked staff for their work on the program. She commented on the confusion about whether the city, Milwaukie Police Department (MPD), or the North Clackamas Parks and Recreation District (NCPRD) monitored the park and enforced park rules. She noted the need to revisit the park's master plan and agreed that vehicle traffic for park users would not go away. She wondered if a parking permit system was needed. **Mayor Gamba** noted that the city had a master plan for Spring Park and an agreement with the City of Portland for Elk Rock Island which NCPRD was implementing. The group discussed the role of the city, the city's Park and Recreation Board (PARB), FERI-SPARK, the Island Station Neighborhood District Association (NDA), and NCPRD in enforcing rules and monitoring activity on the island. The group generally agreed that there was a lack of resources for enforcing rules on the island.

Councilor Batey responded to written comments about the destruction of plants on the island.

Ms. Brooks added that the island competed for resources with other projects like Milwaukie Bay Park. She commented that NCPRD manages the park but MPD enforced the rules. She concurred that there was a lack of resources for enforcing park rules.

Council President Falconer and **Councilor Batey** discussed how a permit program could be used to enforce parking rules and get illegally parked vehicles towed after a certain time of day.

Councilor Batey asked if there was any update on the fire that had occurred on the island earlier in the day. **Ms. Ober** reported that MPD had detained a person of interest in the fire and she thanked residents for reporting the fire so quickly. The group noted there had been two fires and they remarked on whether the fires were intentionally started and where they were located.

Ms. Brooks reviewed steps that staff will take to end the program, including signage, the collection of additional traffic data, and determining the final location of the bicycle rack. She noted that the public could submit comments to staff via email.

Councilor Hyzy and **Mr. Adams** noted that the 22nd Avenue and River Road Safe Access for Everyone (SAFE) project would begin soon and that additional traffic calming devices would be placed in the Island Station neighborhood for that project.

Councilor Hyzy and **Mayor Gamba** expressed appreciation for staff's work on the slow streets program. **Mayor Gamba** suggested it had been successful.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

None.

10. ADJOURNMENT

Mayor Gamba announced that after the regular session Council would meet as the Milwaukie Redevelopment Commission (MRC).

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

Mayor Gamba adjourned the meeting at 7:27 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Sept. 17, 2020

Reviewed: Jason Wachs, Community Programs Coordinator, and
Amy Aschenbrenner, Administrative Specialist

From: Scott Stauffer, City Recorder

Subject: **Appointment to the Public Safety Advisory Committee (PSAC)**

ACTION REQUESTED

As outlined in the Milwaukie Municipal Code (MMC), Council is asked to approve a resolution making an appointment to the city's Public Safety Advisory Committee (PSAC).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

In August, PSAC member Adam Khosroabadi resigned due to his recent appointment to the Planning Commission. Mr. Khosroabadi was the Linwood Neighborhood District Association (NDA) representative to the PSAC and the NDA recruited a new nominee upon his resignation. At its September meeting, the Linwood NDA nominated Shimron Tubman to serve as its PSAC representative.

ANALYSIS

Authority to fill city board and committee (BC) vacancies is granted to the Mayor and Council by Section 26 of the City Charter. To fill vacant positions, members of Council along with appropriate staff liaisons and BC chairs conduct interviews from applications received by the city. The interview panel makes appointment recommendations to Council, which considers and approves recommendations typically through the regular session consent agenda. Appointed individuals serve for a term length determined by the MMC. Upon the completion of a term, if the individual is eligible, they may be reappointed by Council to serve another term.

BC appointments are made when a term has expired or when a position has been vacated. Generally, position terms expire in March or June, but appointments are also made as needed to fill vacancies. Some BCs have positions nominated by the NDA instead of by an interview panel. NDA-nominated appointments are noted if applicable.

Mr. Tubman has been nominated to fill PSAC position 9 with a term ending June 30, 2022.

BUDGET AND WORKLOAD IMPACTS

There are no fiscal or workload impacts associated with the recommended action.

COORDINATION, CONCURRENCE, OR DISSENT

Staff received confirmation from the Linwood NDA chair that the individual listed below has been nominated to serve on the PSAC as the Linwood NDA representative.

STAFF RECOMMENDATION

Based on the NDA nomination, staff recommends that Council make the following appointment:

Public Safety Advisory Committee (PSAC): 2-year terms, limit of 3 consecutive terms.

Position	Name	Term Start Date	Term End Date
9	Shimron Tubman (Linwood NDA Representative)	10/6/2020	6/30/2022

ALTERNATIVES

Council could decline to make the recommended appointment, which would result in a continued vacancy on the PSAC.

ATTACHMENTS

- 1. Resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, MAKING AN APPOINTMENT TO THE PUBLIC SAFETY ADVISORY COMMITTEE (PSAC).**

WHEREAS, Milwaukie Charter Section 26 authorizes the Mayor, with the consent of the Council, to make appointments to boards and committees (BCs); and

WHEREAS, a vacancy exists on the PSAC; and

WHEREAS, the vacancy is for position 9 which is the designated representative of the Linwood Neighborhood District Association (NDA); and

WHEREAS, the Linwood NDA has nominated the following individual for appointment to the PSAC:

Position	Name	Term Start Date	Term End Date
9	Shimron Tubman (Linwood NDA Representative)	10/6/2020	6/30/2022

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the individual named in this resolution is hereby appointed to the identified committee of the City of Milwaukie for the term dates noted.

Introduced and adopted by the City Council on **October 6, 2020**.

This resolution is effective immediately.

ATTEST:

Mark F. Gamba, 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: Sept. 24, 2020

Reviewed: Bonnie Dennis, Finance Director, and
Keith McClung, Assistant Finance Director

From: Kelli Tucker, Accounting & Contracts Specialist

Subject: Sole Source Contract Authorization for Merchant Card Payment Services

ACTION REQUESTED

Council is asked to authorize the city manager to execute a sole source contract with OpenEdge for merchant card payment services.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

October 2017: staff followed an intermediate procurement process for merchant card payment services and selected OpenEdge.

[January 15, 2019](#): two years following an intermediate procurement process for merchant card payment services, Council adopted [Resolution 5-2019](#) authorizing a contract extension.

September 2019: staff followed a direct appointment procurement process to execute a new contract with OpenEdge until a formal solicitation could be issued.

February 2020: prior to issuing the formal solicitation, staff held a meeting with representatives from Tyler Technologies (the city's current financial software provider) to assess which card processors could be integrated or would be compatible with Tyler's Incode platform. Staff were advised that four processors would integrate with Incode: Authorize.net, BridgePay, ETS, and OpenEdge. Tyler Technologies informed the city at that time that there was no requirement to choose one of these processors, but that choosing another processor would likely result in a manual process when uploading payment files to Incode.

March 2020: staff issued a formal solicitation for merchant card payment services and received four responsive proposals. Umpqua Bank was selected.

[May 19, 2020](#): Council adopted [Resolution 30-2020](#) authorizing the execution of a contract with Umpqua Bank for merchant card payment services that would be integrated with Incode through BridgePay.

[September 15, 2020](#): staff recommended that Council authorize a sole source contract with OpenEdge for merchant card payment services. The recommended change in processor was due to Tyler Technologies informing staff that all processor solutions, except OpenEdge, were no longer supported by Incode. Council expressed concern with the city having just one option and that OpenEdge had ties to bank investments in fossil fuel projects. After discussion, Council asked staff to come back at the next regular session after further research had been completed.

ANALYSIS

Staff conducted a secondary review of merchant services processors and their relationship with Incode. A memo was given to the city manager and city attorney (Attachment 3), who then discussed the city's options with members of Council.

Staff learned that there were regulatory changes affecting credit card transactions that forced Tyler Technologies to make changes with previously accepted payment processors. Data integrity and compliance with Payment Card Industry Data Security Standards were driving factors for Tyler's decision to stop supporting certain processors. The decision to discontinue support for processors who do not comply with the new regulatory changes was made because those processors presented a higher risk to Tyler and its clients. The result of a compliance audit by Tyler concluded that OpenEdge was the only processor that complied with the applicable regulatory standards. Additionally, Tyler reiterated that they are fully committed to continued support for the Incode platform.

Staff also spoke to OpenEdge about the option of a shorter contract term and any resulting change to the contract rate. OpenEdge agreed to provide the city either a 12, 24, or 36-month contract and stated the rate would be the same regardless of contract duration. Staff recommends that Council authorize a 36-month contract with staff committing to reevaluate the city's options before that contract term expires.

BUDGET IMPACT

The anticipated cost savings of proceeding with the proposed merchant card services contract is estimated to be \$8,900 per year when compared to the budgeted amount.

WORKLOAD & CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

None.

STAFF RECOMMENDATION

Staff recommends that Council authorize the city manager to sign a three-year (36-month) contract with OpenEdge.

ALTERNATIVES

Council could decline to authorize the contract and direct staff to proceed with a non-integrated option.

ATTACHMENTS

1. Resolution
2. Client Satisfaction Offer (contract)
3. Internal Memo dated 9-18-2020

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING EXECUTION OF A SOLE SOURCE CONTRACT WITH OPENEDGE FOR MERCHANT CARD PAYMENT SERVICES.**

WHEREAS, the city offers debit and credit card payments for services including, but not limited to, business registration, court fines, utilities, parking, library fines, and building permits; and

WHEREAS, the city is committed to providing its customers a secure payment solution that is compliant with Payment Card Industry Data Security Standards (PCI DSS); and

WHEREAS, the finance department issued a formal solicitation for card payment services and selected a processor for merchant card payment services; and

WHEREAS, staff was later informed by Tyler Technologies, the company that operates Incode, the city's financial services software, that integrated card payment services with the Incode platform are currently only available from one source, OpenEdge.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager, or their designee, is authorized to execute a three-year contract with OpenEdge for PCI DSS-compliant card payment processing services, and the finance director or designee is authorized to administer any necessary subsequent documents.

Introduced and adopted by the City Council on **October 6, 2020**.

This resolution is effective immediately.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



Client Satisfaction Offer

City of Milwaukie, Oregon

Date: 8/31/2020

MIDs: 8788242964007 (Online Utility Payments)

8788242964008 (City Hall)

8788242964009 (Online Court Payments)

8788242964010 (Online Business Registration)

8788242964011 (Public Safety Building)

8788242963981 (Ledding Library)

OpenEdge values its merchant clients and strives to create mutually beneficial, long-term relationships with them. To that end, OpenEdge offers you, the merchant named above (“Merchant”), the following terms on behalf of its affiliate, Global Payments Direct, Inc. (“Global”). Accepting this offer will modify your Card Services Agreement (the “Agreement”) with Global, as follows:

Pricing Adjustments

Risk Assessment Fee set to 0.15% and \$0.15 per Item
Settlement Funding Fee set to 0.050% and \$0.05 per Item
Please see afore sent Rate Analysis for more details.

Contract Term

The Term of the Agreement will be extended from the date of execution below for a period of “36” months. This new Term supersedes conditions surrounding the existing Term, and you hereby waive any early termination fee indemnities or waivers previously issued. All other terms and conditions of the Agreement remain unchanged. This Client Satisfaction Offer and the details contained herein are confidential and may not be disclosed, displayed, or otherwise transmitted to any third party except to attorneys, accountants or other professional advisers as may be necessary to effect the purposes of this letter between the parties.

Sincerely,

Signed _____ Date _____

Alan Briones, Client Advocate Manager

Reviewed and Accepted by Merchant:

Merchant Signature _____ Date _____

Please Print Name Ann Ober

Please Print Title City Manager



CITY OF MILWAUKIE ONLINE BUSINESS - MILWAUKIE, OR

Rate review based on processing month:
Rates subject to change.
6 Locations Review

July-20

8/18/2020

Card Type	Charge Type	# Trans	\$ Sales	CURRENT RATES			PROPOSED RATES			Savings
				% Disc	Per Item	Total Fees	% Disc	Per Item	Total Fees	
Fee	GP Fee - Risk Assessment Fee	2946	532,585.24	0.290%	0.2640	1111.18	0.150%	0.1500	1240.78	-129.60
Fee	Settlement Funding Fee	2946	532,585.24	0.084%	0.1300	831.99	0.050%	0.0500	413.59	418.40
Fee	PCI Non Compliance	6	0.00	0.00%	39.0000	234.00	0.00%	0.0000	0.00	234.00
Fee	CE Suite Fee	5	0.00	0.00%	45.0000	225.00	0.00%	0.0000	0.00	225.00
Statement Totals		2946	532,585.24			9,950.81			9,202.86	

TOTAL POTENTIAL MONTHLY SAVINGS \$747.95
POTENTIAL YEARLY SAVINGS \$8,975.39
PERCENTAGE SAVINGS 8%

This is a summary of proposed rate and fee changes



CITY OF MILWAUKIE

Memorandum

Date: September 18, 2020

To: Ann Ober, City Manager
Justin Gericke, City Attorney

From: Bonnie Dennis, Finance Director
Keith McClung, Assistant Finance Director
Kelli Tucker, Accounting & Contracts Specialist

Subject: Merchant Services Contract Follow-up from 9/15/2020 City Council Meeting

During the City Council meeting, there were several questions raised regarding the selection of OpenEdge for the Merchant Services contract. This memo addresses those questions.

Credit Card Transactions – How does it work:

Transactions processed by a credit card from the customer is completed using a merchant services system. Although banks are used through the system, a merchant services account is essentially a conduit for transferring money, in the form of a credit, from the customer to Milwaukie. The main players in a credit card transaction are the gateway, processor and settlement bank.

Gateway is the software that links the website where customers pay their utility billing or court account to the processing network (processor) including the encryption of the data. The Gateway is the integrated piece between the online payment site and the city's financial system, Incode.

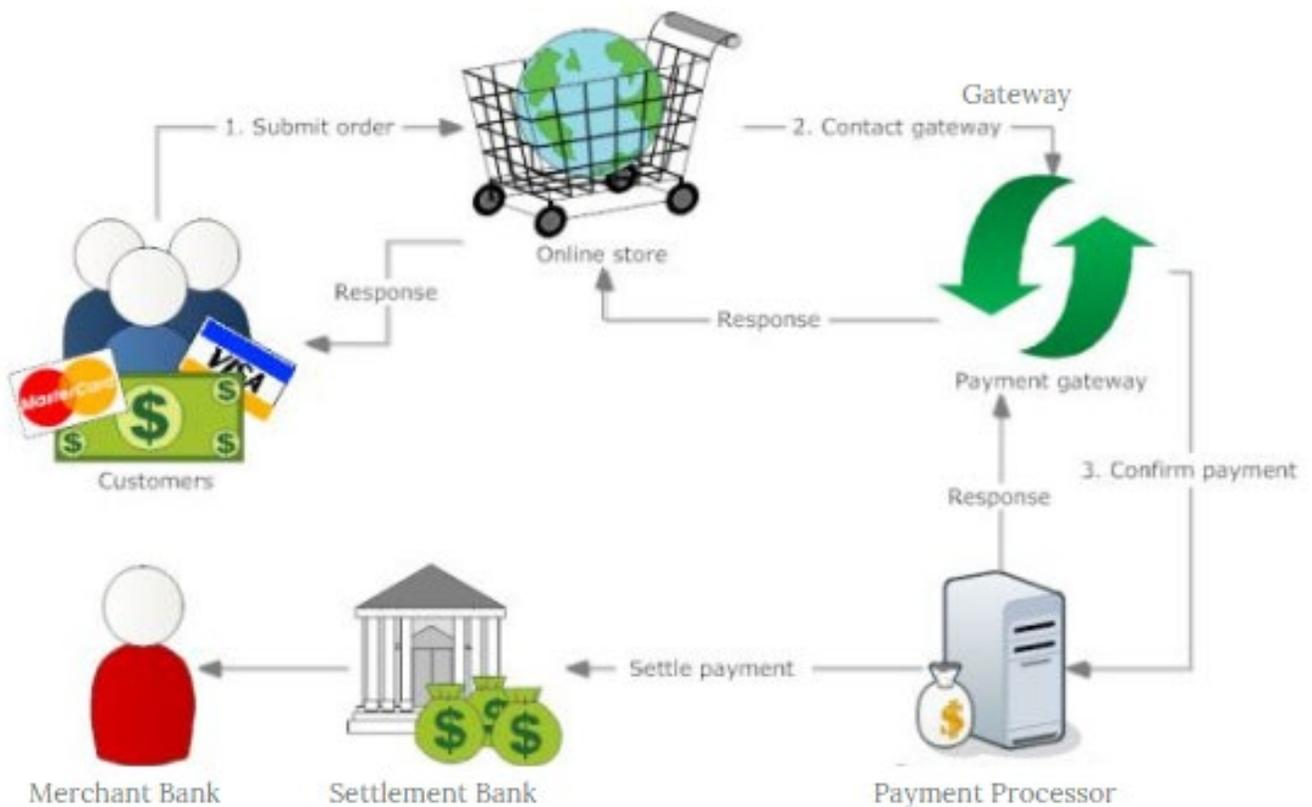
Processor (also called merchant services) does all the heavy lifting of moving the transactions through the various channels from verifying the customers data to talking to both the gateway, settlement bank, and city's bank.

Settlement Bank is the bank that the processor uses to handle all the transactions. The settlement bank releases the transactions to the customers bank once it is approved. In most cases, this is proprietary information and difficult to find on the processor websites.

The authorization process for a credit card transaction is complex and has multiple layers before the funds are received into the city's bank accounts. Typically, an online transaction for either utility billing or court follows these steps. Keeping in mind that this all happens in two seconds or less:

- 1) Customer pays by credit card online to their account.
- 2) The information from the credit card goes through the payment gateway. A payment gateway encrypts the data to keep it private and sends it to the payment processor.
- 3) The payment processor sends a request to the customer's issuing bank verifying the validity of the transaction and ensuring the customer has enough funds on credit to pay for their Milwaukee account.
- 4) If the customer's issuing credit card company approves the transaction, it will send the answer back to the payment processor which then tells Milwaukee the transaction is approved.
- 5) The customer's credit card company sends the approved funds to the processor which then deposits the money into the city's bank.

This diagram below is another way to see how the transaction flows:



Tyler Technologies – Incode Financial Software

Currently, Milwaukie uses a financial system called Incode. Incode is a proprietary financial management software product for small to mid-sized organizations focusing on local governments and school districts. Incode is owned by Tyler Technologies (Tyler) which is headquartered in Plano, Texas and has clients all over the United States and Canada. Tyler is a publicly traded company on the New York Stock Exchange where the majority of the shareholders are through mutual funds. The city contracted with Tyler Technologies in 2001 from a formal solicitation process and finance staff have been pleased with the solutions they have provided. Additionally, many cities throughout Oregon use Incode such as the City of Lake Oswego.

It is important to note that Tyler has several subsidiaries and continues to grow in the government space. Incode and the products associated with Incode is not a product owned by a subsidiary of Tyler.

Why OpenEdge by Incode

During a conversation with Shane Shepard, Director of Software Development for Tyler, on Friday 9/18/2020, he described Tyler's reasoning behind the Company's move to only support OpenEdge as a credit card processor.

Prior to June 30, 2020, Tyler Technologies supported Incode integrations with four active processors in the credit card industry. However, regulatory changes affecting credit card transactions forced Tyler to make changes in how they interact with payment processing vendors. The requirements around data integrity and PCI compliance came to the forefront in all of the products that Tyler supported. As a result, Tyler internally created a quality control team, named "Red Flag".

Team Red Flag discovered that not all processors were able to comply with the newly adopted regulatory changes and deemed three of the four higher risk. In addition, Tyler was involved in an FBI investigation related to one processors transaction behavior. Tyler was strictly a cooperating witness in the case. Of the four processors, it was determined that OpenEdge had the strongest and strictest security protocols that satisfied the new regulations.

From a business perspective, Tyler invested capital with what it deemed the most secure processor in order to keep customers compliant with data transmission rules. OpenEdge's high security levels created fewer development issues and testing failures for Incode. Tyler Technologies will not partner with entities that are non-compliant with regulations.

During the conversation, Shane described that they are working on a development of a new product "Tyler Payments". This will essentially provide a similar solution as OpenEdge however the gateway, processor and settlement bank are all ran through JP Morgan/Chase. The development of Tyler Payments is at least one year out.

Further, Tyler has begun to notify its clients who use BridgePay as a merchant gateway for online card payments that the support will be going away within the next 1 ½ years. Tyler is not adding any more clients with BridgePay platform as the goal is to move away from this gateway entirely. Current clients will be, and have already begun, to shift to the OpenEdge solution. Tyler's reasoning to discontinue support is that BridgePay is not compatible with the cloud environment, communication to the card readers is failing, and Tyler has received customer service complaints from clients using the gateway. These reasons are some of what has driven Tyler to focus on complete integration with OpenEdge.

Shane additionally described that Tyler is fully committed and invested in Incode. As a number one provider for small to mid-sized agencies, they are continuing to invest in Incode and have plans for additional enhancements soon. Shane assured the Finance team that Incode will not be going away anytime in the foreseeable future.

Merchant Providers – Gateways & Processors

There are about 20 major providers with various solutions between the processors and gateways. All these providers use different settlement banks and not all providers disclose this information publicly. However, during the formal solicitation process, Milwaukie received proposals from the following providers that disclosed the various relationships between the gateways, processors and Incode:

Umpqua Holdings Corp (dba Umpqua Bank):

- Headquarters: Portland, OR
 - Publicly traded company on the NASDAQ
- Gateway: BridgePay Network Solutions
 - Headquarters in Lake Mary, FL
 - Privately held company
- Processor: Worldpay iQ
 - Ohio-based subsidiary of Fidelity National Information Services (FIS), who is a publicly traded company based in Florida
 - Provides authorization/settlement network and payment solution technologies
 - Settlement bank: Specific bank is unknown but as indicated in the RFP: "Worldpay, provides our authorization/settlement network and payment solution technologies."
- Incode Integration: None. The Gateway is the system that would communicate with Incode. BridgePay was recently discontinued from Incode as a source for integration due to security and customer service concerns. Concerns around BridgePay focused on cloud functionality and credit card reader technology.

Wells Fargo Bank, N.A.:

- Headquarters: Sioux Falls, SD
 - Wells Fargo & Company is a California-based publicly traded company on the NYSE and is the parent company of Wells Fargo Bank N.A.
 - Holds an alliance agreement with First Data Merchant Services Corp to create Wells Fargo Merchant Services LLC.
 - Uses First Data as its processing platform partner. First Data manages transaction processing and service center support.
 - First Data Corp is a Nebraska-based subsidiary of Fiserv Inc., who is a publicly traded company based in Wisconsin.
- Gateway: City must choose its own gateway software (such as Authorize.net) or be set up with Wells Fargo Payment Gateway.
 - Wells Fargo Payment Gateway is proprietary software of Wells Fargo & Company.
 - Authorize.net
 - Headquarters: Foster City, California
 - Subsidiary of CyberSource Corp, who is a payment management platform based in California.
 - Visa, Inc. is the parent company of CyberSource Corp and is a publicly traded company on NYSE based in California.
 - Note that the city moved away from services with Authorize.net in 2017 as the company was no longer PCI DSS-compliant (transaction risk) in its processing.
- Processor: First Data Corp
 - Nebraska-based subsidiary of Fiserv Inc., who is a publicly traded company based in Wisconsin.
 - Settlement Bank: Several banks are mentioned (i.e. Deutsche Bank) and it is possible that they work with many as their settlement agency.
- Incode: Email notice from Tyler Technologies (March 11, 2020): "Regulatory changes affecting credit card transactions have forced Tyler to make changes in how we interact with payment processing vendors. We want to inform you that effective June 30, 2020 Incode will no longer support Authorize.NET as a credit card process."

Bank of the West

- Subsidiary of BNP Paribas, a French banking conglomerate dating back to 1848
- Processor & Gateway: Elavon
 - Parent Company is U.S. Bancorp (dba US Bank)
 - Headquarters: Atlanta, GA
- Settlement Bank: unknown
- Incode Integration: None. The Processor/Gateway is the system that would communicate with Incode. Elavon was recently discontinued from Incode as a source for integration due to security and customer service concerns.

PayZang

- Privately held LLC based in Utah, in operations since 2012
- Processor & Gateway: Chip DNA
 - Proprietary (did not disclose further detail) owned by PayZang
- Settlement Bank: Unknown
- Incode Integration: None

Option to use a separate provider

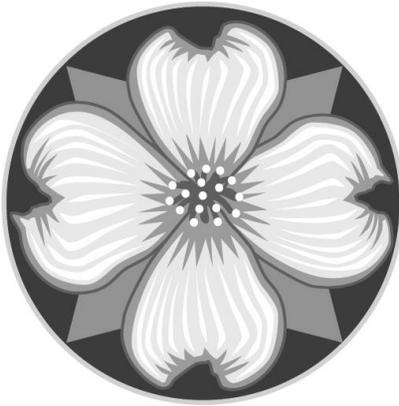
The city originally selected Umpqua Bank as the merchant services provider while using BridgePay Gateway. Because BridgePay does not communicate with Incode, the alternative would be to separate out the functionality of accepting online payments using the Incode platform. A process such as this would create additional layers of complexity while losing efficiencies through automation and adding errors, risks and costs to the city. An example of the process would look something like this:

- City will need to purchase an annual payment import tool from Tyler for both court and utility online card payments (quote forthcoming)
- City will need to procure programming services for new website links to both court and utility payment portals with Umpqua for file download
 - Customer will no longer see account info for citations or utility account through online payment site.
 - Customer will need to enter account/citation number and card information on a generic payment template. This will open opportunities for data errors to be corrected and verified by staff.
 - Programming costs unknown
- All card transactions (in-person, online, IVR) will need file downloads from Umpqua on a daily basis
 - Daily reconciliation for staff includes:
 - Pull files manually from Umpqua portal
 - Run macro ran against the file to ensure proper data before importing to Incode
 - Any data errors made by customer must be corrected before import to Incode
 - Import file to Incode
- City will lose real-time transaction data in Incode
 - Payment file will be imported to Incode the next business day
 - Example #1: on water shut-off days the customer may pay online, but staff won't know this has occurred until the payment file is imported the next day. By the time the file is imported to Incode and

staff confirms the customer's account is current, the customer would have already been shut off the previous day when staff could not verify payment by 5pm. This may result in upset customers or require a change to the utility shut-off process.

- Example #2: customer inadvertently pays court citation twice online. Staff cannot prevent duplicate transaction from processing through or immediately refund customer's card until both transactions have posted the next day. This may result in multiple communications with customer and staff follow-up.

These are only the items that can be identified at this time. Likely, there will be further costs and staff involvement, however, it is hard to quantify without starting to invest in this process of using another non-integrated processor.



RS Agenda Item

7

Business Items

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Brenna Cruz, Events Coordinator

From: Kelly Brooks, Assistant City Manager

Subject: **2020 Fall and Winter Events Update**

Date Written: Sep. 25, 2020

ACTION REQUESTED

Update Council on the upcoming fall and winter city events that have been modified or canceled due to the COVID-19 pandemic.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[May 5, 2020](#): Staff discussed options for reconfiguring CareFree Sunday but ultimately determined that the event could not meet the state’s COVID-19 gathering restrictions.

ANALYSIS

The following events were planned, or have traditionally occurred, between October and January. Blue events are organized and financially supported by the city. Green events are hosted by others but supported by the city in some manner. A status update has been provided next to each event to indicate whether it has been modified or canceled to comply with the state’s COVID-19 restrictions on gatherings.

Event Name	Event Date	Status
Arbor Day	10/24/2020	Modified
Prescription Drug Drop-off	10/24/2020	Modified
Document Collection for Shredding	Oct 2020	Canceled
Downtown Trick or Treat	Oct 2020	Canceled
Scarecrow Contest	Oct 2020	Canceled
Leaf Drop	11/07/2020 11/14/2020 11/21/2020	Modified
Thanksgiving Farmers Market	11/22/2020	Modified

Event Name	Event Date	Status
Umbrella Parade & Tree Lighting	12/5/2020	Modified
Winter Solstice & Christmas Ship Viewing	12/19/2020	Canceled

COVID-19 Guidelines for Gatherings

As of September 25, Milwaukie is in Phase I of reopening under the state’s guidelines. During Phase I, indoor and outdoor cultural, civic, and faith gatherings are restricted to 50 people while maintaining physical distancing. The city’s two largest winter events, the Umbrella Parade and Winter Solstice, greatly exceed the 50-person threshold and therefore must be modified or canceled.

Umbrella Parade and Tree Lighting Modifications

Staff plan to reconfigure this event to allow some elements to proceed.

- 1) Mini Umbrella Decorating Contest. Staff will ask the public to decorate mini umbrellas this year and submit them to city hall where we will find a way to display and judge them and award prizes.
- 2) Virtual Tree Lighting & Santa Message. Staff requests Council’s help with a virtual tree lighting event that would be broadcast on YouTube and on the city’s website. Staff are working with neighborhood district association leaders to prepare a pre-recorded video message from Santa Claus that will follow the tree lighting ceremony.

Winter Solstice and Christmas Ship Viewing

Staff have regretfully determined that the Solstice event, even in modified form, cannot meet Phase I gathering restrictions. Staff struggled to find alternatives to the event that would allow for safe physical distancing and would not jeopardize the health of personnel working the event. Staff could also not devise a virtual option that would capture the essence of the event (being outside, socializing with people, watching the Christmas Ships sail by). Therefore, staff determined that this event should be canceled.

Staff are working with the Downtown Milwaukie Business Association to determine if there are any options to partner in promotional messaging campaigns to support local businesses during the holiday shopping season. As the Christmas Ships will still pass through Milwaukie Bay for several nights in December, staff will share event dates and times on social media platforms and will also feature downtown businesses in any related social media posts.

BUDGET IMPACT

Funding for scheduled 2020 events funds will be rolled into 2021 or reallocated to other community engagement needs.

WORKLOAD & CLIMATE IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

The city manager’s office coordinated with the community development, police, and public works departments, and the Milwaukie Sunday Farmers Market in compiling this update.

STAFF RECOMMENDATION

None.

ALTERNATIVES

None.

ATTACHMENTS

None.

**RS 7. A. 10/6/2020
Presentation**

FALL AND WINTER EVENT UPDATES

Brenna Cruz
Kelly Brooks



COVID-19 AND REOPENING STATUS UPDATE

- Clackamas County is currently in Phase I of reopening planning
- Cultural, civic and faith gatherings are restricted to 50 people, for indoor or outdoor events – even while maintaining physical distancing and wearing face coverings
- The city's two largest winter events, Umbrella Parade and Winter Solstice exceed the 50-person threshold and therefore must be modified or canceled



FALL AND WINTER EVENT UPDATES

October	Status	November	Status	December	Status
Arbor Day*	Modified	Leaf Drop*	Modified	Umbrella Parade & Tree Lighting*	Modified
Prescription Drug Drop-off	Modified	Thanksgiving Farmer's Market	Modified	Winter Solstice & Christmas Ship Viewing*	Canceled
Document Collection for Shredding	Canceled				
Downtown Trick or Treat	Canceled				
Scarecrow Contest	Canceled				

* Indicates events are organized and financially supported by the city



UMBRELLA PARADE AND TREE LIGHTING

- **Modifications**

- Mini Umbrella Decorating Contest
 - Staff will ask the community to decorate mini-umbrellas and submit to city hall
 - Staff will find a method to display the entries, and judge to award prizes that support local businesses
- Virtual Tree Lighting & Santa Message
 - Staff would like to broadcast a virtual tree lighting event with Council on the existing YouTube channel and on the city's website
 - Staff coordinating with NDA leaders to prepare a pre-recorded video message from Santa that will follow the tree lighting ceremony



WINTER SOLSTICE AND CHRISTMAS SHIP VIEWING

- Regretfully, staff recommend to cancel
 - Prevailing gathering size restrictions
 - Inability to capture the essence of this event through a virtual format
- Considerations were made to establish physically distanced, covered viewing boxes for community members to pre-register for assigned spaces
 - Limitations:
 - Staff capacity and safety
 - Equitable access
 - Cost
 - Gathering size restrictions

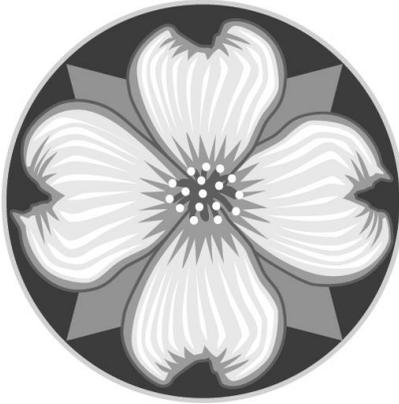


QUESTIONS

- Are there issues or concerns that Council thinks staff should consider or address?







RS Agenda Item

9

Council Reports

September 28, 2020

Governor Kate Brown
Office of the Governor
900 Court Street NE, Suite 254
Salem, OR 97301-4047

Re: Support for the Electric Vehicles Roadmap Initiative and a future Oregon zero-emissions vehicle requirement

Dear Governor Brown,

The City of Milwaukie would like to express support of the Electric Vehicles Roadmap Initiative which you recently launched through the Western Governors' Association. In addition, we urge you and the State of Oregon to support and formally adopt a zero-emissions requirement for new vehicles by 2035, modeled after Governor Gavin Newsom's Executive Order N-79-20.

Communities around Oregon are feeling the impacts of the climate crisis. Many cities, including Milwaukie, have been proactive in the response to the climate crisis by adopting a climate action plan with strategies to mitigate emissions and adapt to the greatest impacts of climate change. Most, if not all of these plans have a variety of greenhouse gas reduction strategies to target transportation sector emissions, including the promotion of Electric Vehicles (EVs) and the expansion of charging infrastructure. Milwaukie's own Climate Action Plan has 23 city-led actions for vehicles and fuels and land use and transportation, many of which are centered around the electrification of the transportation sector. Widely accessible EV infrastructure through the Electric Vehicles Roadmap Initiative will help us garner support of transportation electrification by increasing community familiarity with EV infrastructure as well as decreasing range anxiety in EV ownership, potentially leading to more EV adoption in our community. The Electric Vehicles Roadmap Initiative will fill an essential role in a systematic electrification of our transportation networks, helping communities across many western states achieve their climate goals, including Milwaukie.

While the Electric Vehicles Roadmap Initiative is a tremendous step in right direction, it's not enough. In order to achieve our climate goals and minimize the greatest impacts of climate change, we must make significant strides in reducing transportation greenhouse gas emissions by increased adoption and utilization of EVs and other zero-emission vehicles in Oregon homes and businesses. Oregon can follow California in shifting the status quo away from fossil fuel vehicles to a cleaner, electric vehicle norm by phasing out the sale of new internal combustion engine vehicles. By adopting a zero-emissions requirement for new vehicles mandate, Oregon could see a top-down saturation of EVs and other zero-emission vehicle technology in the market, increasing not only the sale of new EVs and zero-emission vehicles to Oregonians, but potentially making used EVs more accessible and affordable for those previously priced out of electric transportation options. Combined with the implementation of the Electric Vehicles Roadmap Initiative and a systematic decarbonization of our electrical grid, Oregon could see a dramatic expansion of EV and zero-emission transportation options for Oregonians and begin to experience the multitude of environmental, public health, and economic benefits of clean energy transportation.



The City of Milwaukie will continue to serve as a model for community climate action, and we need state leadership to spearhead the system-wide changes required to significantly reduce transportation emissions in Oregon. We support the announcement and implementation of the Electric Vehicles Roadmap Initiative and urge you to formally adopt a zero-emissions requirement for new vehicles by 2035 to increase the accessibility of and benefits that electric vehicles provide, and to achieve the greenhouse gas reduction goals established by the State and communities around Oregon.

Thank you,

Mark Gamba, Mayor

Angel Falconer, Council President

Lisa Batey, Councilor

Wilda Parks, Councilor

Kathy Hyzy, Councilor