



COUNCIL REGULAR SESSION

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

2356th Meeting

MINUTES

APRIL 19, 2022

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

<p>Staff Present: Joseph Briglio, Community Development Director Kelly Brooks, Assistant City Manager Justin Gericke, City Attorney Galen Hoshovsky, Natural Resources Technician Vera Kalias, Senior Planner Nicole Madigan, Deputy City Recorder Peter Passarelli, Public Works Director</p>	<p>Natalie Rogers, Climate & Natural Resources Manager Scott Stauffer, City Recorder Jason Wachs, Community Engagement Coordinator Courtney Wilson, Urban Forester</p>
---	--

Mayor Gamba called the meeting to order at 6:03 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Gamba announced upcoming activities, including the city's Earth Day event, a city manager's open-door session, a prescription drug drop-off and paper shredding event, a Scott Park master planning event, and the return of the Milwaukie Farmers' Market. **Councilor Batey** noted a Milwaukie Parks Foundation fundraiser for Milwaukie Bay Park and **Council President Hyzy** added that the Hector Campbell Neighborhood District Association (NDA) would be sponsoring an Earth Day adopt-a-road event.

3. PROCLAMATIONS AND AWARDS

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

Carmen Gelman, MHS Principal, introduced Elijah Otero and Council congratulated them on their academic and extra-curricular activities.

B. MHS Update – Report

Gelman reported on the return of in-person activities, including performances, dances, assemblies, and end of year traditions. **Council President Hyzy, Gelman, and Otero** remarked on how students have dealt with the trauma and change of the last two years.

C. 2021 Volunteer of the Year – Award

Wachs reviewed the award criteria and selection process. **Mayor Gamba** and **Wachs** noted who had been nominated and announced that the 2021 Volunteer of the Year award recipients were Brandi and Tom Johnson who run the non-profit LoveOne community support organization. **Tom Johnson** and **Brandi Johnson** provided an overview of the services LoveOne provides, and the group remarked on the impact of the Johnson's work on the Clackamas County community.

D. Earth Day – Proclamation

Rogers introduced the proclamation and remarked on the city's plans to celebrate Earth Day. **Mayor Gamba** proclaimed April 19, 2022, to be Earth Day in Milwaukie.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Gamba reviewed the public comment procedures. **Brooks** reported that in follow-up to April 5 community comments about the removal of trees around City Hall, the city manager would respond at the May 3, 2022, regular session; and in response to April 5 community comments about new bulb-outs on 42nd Avenue, temporary traffic cones had been installed until permanent striping could be painted.

Kiran Das Bala, Milwaukie resident, commented on personal financial issues related to a 2009 car rental incident.

Anthony Allen, Milwaukie resident, reported that parked cars had blocked a mailbox on 26th Avenue off Lake Road which had prevented the United States Postal Service (USPS) from accessing the box. It was noted that staff would follow-up with Allen.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. **March 15, 2022, Work Session, and**
2. **March 15, 2022, Regular Session.**

B. Resolution 24-2022: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the city manager to execute a contract amendment for municipal court judge services.

C. An Oregon Liquor Control Commission (OLCC) Application for the Little Blue Store, 2936 SE Washington Street – Off-Premises Sales

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

7. BUSINESS ITEMS

A. Community Survey Briefing – Report

Brooks explained that the city conducts a community survey every two years and noted how the survey questions and target audience had changed over time.

Brooks introduced Miranda Everitt, with FM3 research who had conducted the survey. **Everitt** provided an overview of how the survey had been conducted and reviewed the results, discussing Milwaukie resident's satisfaction with city services and opinions on housing, parking, downtown, streets, utility costs, communication with the city, and barriers to participating in city government. **Everitt** summarized that in general residents were satisfied with the city's work.

The group noted that survey questions were asked in a random order, residents had not been asked about the city's payment assistance program, and Council expressed interest in seeing the raw survey data.

8. PUBLIC HEARING

A. City Hall Surplus Process – Resolution

Call to Order: **Mayor Gamba** called the public hearing on the proposed city property surplus action to order at 7:48 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to hear the staff report, take public comment, and declare city hall to be surplus property.

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

Staff Presentation: **Briglio** reviewed the city's process to develop goals for the next use of the current city hall building, noting the work of the City Hall Blue Ribbon Committee (CHBRC) and the adoption of development goals for the site. **Briglio** reported that the site had been replatted into two lots to ensure a portion of the site remains a city park as required by the deed restriction placed on the property by the North Clackamas School District (NCS D). **Councilor Batey** and **Briglio** noted that any potential city hall lease or sale agreement could include the tenant or new owner's use of the parking lot.

Briglio reviewed the request for Council to declare city hall to be surplus so the city could run a request for proposals (RFP) process to find the next tenant or owner.

Councilors Batey and Nicodemus and **Mayor Gamba** agreed that the city should be as flexible as possible in reviewing RFP responses to allow for more groups that might not otherwise have a chance at using such a building. **Briglio** commented on how the city could best support groups interested in using city hall. **Council President Hyzy** encouraged the city to consider the building's location on Main Street and **Councilor Nicodemus** suggested that any new user may become unable to maintain the building in the future.

Mayor Gamba, Councilor Batey, and **Briglio** noted RFP process steps, including how long proposals would be accepted.

Correspondence: No correspondence had been received about the hearing topic.

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

Audience Testimony: No audience member wished to address Council.

Continue Hearing: **It was moved by Councilor Falconer and seconded by Council President Hyzy to close the public comment part of the city hall surplus hearing. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]**

Mayor Gamba closed the public comment part of the hearing at 8:05 p.m.

Council Discussion: Council voiced appreciation for the city's opportunity with a new city hall and to be in a place to go through the current city hall RFP process.

Council Decision: **It was moved by Councilor Falconer and seconded by Council President Hyzy to approve the resolution declaring part of the city owned property located at 10722 SE Main Street to be surplus and authorizing the city manager to sell or lease the property. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]**

Resolution 25-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING PART OF CITY OWNED PROPERTY LOCATED AT 10722 SE MAIN STREET TO BE SURPLUS AND AUTHORIZING THE CITY MANAGER TO SELL OR LEASE THE PROPERTY.

Mayor Gamba recessed the meeting at 8:08 p.m. and reconvened at 8:16 p.m.

B. Comprehensive Plan Implementation, Housing and Parking Code Amendments (continued) – Ordinance

Call to Order: **Mayor Gamba** called the continued public hearing on the proposed housing and parking code amendments, file #ZA-2021-002, to order at 8:17 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to hear the final staff report, finish deliberation, and consider adopting the proposed code changes.

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

Staff Presentation: **Kolias** reported that changes to the proposed code requested by Council at the last hearing had been made. **Mayor Gamba, Kolias, and Councilor Batey** noted a clarification made to a chart in the code showing minimum lot sizes for cottage cluster developments.

Council President Hyzy noted that several scrivener errors had been submitted to staff to clean-up in the final version of the adopted ordinance.

Councilor Falconer, Mayor Gamba, and Kolias commented on the wording in the cottage cluster minimum lot size chart.

Council Discussion: **Council President Hyzy** thanked the community, Planning Commission, and staff who had engaged in the Comprehensive Plan update process.

Councilor Batey intended to vote ‘no’ on the proposed housing and parking code and read a statement that expressed support for middle housing options and most of the proposed code but disagreed about not requiring one parking space per middle housing unit. **Batey** suggested the city had not done enough public outreach work over the last few years to take public input on the proposed code changes.

Mayor Gamba remarked that the proposed code represented the end of a multi-year effort to implement a community vision and Comprehensive Plan changes that dealt with global issues. **Gamba** intended to vote for the proposed code.

Councilor Falconer remarked on the racist housing and car-centric policies the city and many communities across the country had adopted in the twentieth century that had contributed to the climate crisis. **Councilor Nicodemus** agreed with Falconer.

Council Decision: **It was moved by Councilor Nicodemus and seconded by Councilor Falconer for the first and second readings by title only and adoption of the ordinance amending the Milwaukie Comprehensive Plan Land Use Map and Residential Land Use Designations, Municipal Code (MMC) Title 19 Zoning Ordinance, Title 17 Land Division, Title 12 Streets, Sidewalks, and Public Places, Title 13 Public Services, and amending the Zoning Map for the purpose of addressing middle housing and residential parking (File #ZA-2021-002). Motion passed with the following vote: Councilors Falconer, Nicodemus, and Hyzy and Mayor Gamba voting “aye,” and Councilor Batey voting “no.” [4:1]**

Brooks read the ordinance one time by title only.

Mayor Gamba announced that as the vote was not unanimous the second reading and final adoption of the ordinance would be done during the May 3, 2022, regular session.

Brooks expressed appreciation for the staff who had worked on the code changes.

B. Comprehensive Plan Implementation, Tree Code Amendments (continued) – Ordinance and Resolution

Call to Order: **Mayor Gamba** called the continued public hearing on the proposed tree code amendments, file #ZA-2021-002, to order at 8:37 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to hear the final staff report, finish deliberation, and consider adopting the proposed code changes.

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

Staff Presentation: **Rogers** noted a change made to the proposed tree code since the last hearing dealing with regional business registration taxes.

Council Discussion: **Mayor Gamba** remarked on the work that had gone into the tree code and previous attempts to create a tree code.

Council President Hyzy commented on the code as a tool to protect trees and noted that it would need to be revised in the future to make it better. **Hyzy** encouraged the community to provide feedback as the code was implemented.

Councilors Batey and Falconer and **Mayor Gamba** thanked staff for their work on the tree code and for shepherding it through the hearing process. **Rogers** reported that the tree code had already started to garner national attention.

Council Decision: **It was moved by Councilor Nicodemus and seconded by Councilor Batey for the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal Code (MMC) Title 16 Environment for the purpose of addressing tree preservation (File #ZA-2021-002). Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

Ober read the ordinance two times by title only.

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

Ordinance 2216:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE (MMC) TITLE 16 ENVIRONMENT FOR THE PURPOSE OF ADDRESSING TREE PRESERVATION (FILE #ZA-2021-002).

Brooks thanked Passarelli and Rogers for their work on the tree code.

D. Master Fee Schedule Revision, Tree Code Fees – Resolution

Call to Order: **Mayor Gamba** called the continued public hearing on the proposed Master Fee Schedule revisions to order at 8:53 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to continue the hearing on the proposed fee changes, hear the staff report, take public comment, continue deliberation, and consider adopting the proposed resolution.

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

Staff Presentation: **Rogers** reported that the changes requested by Council at the last hearing had been incorporated into the proposed fee schedule revision. **Mayor Gamba** and **Rogers** noted the fees could be revised as needed going forward.

Correspondence: **Stauffer** reported that two emails regarding the tree code fees had been submitted to Council by Geraldine Butcher.

The group noted that Milwaukie resident Teresa Bresaw had submitted a comment card but had spoken to staff and was no longer at the meeting.

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

Audience Testimony:

Micah Meskel, Portland Audubon Society, supported the tree code and fees and encouraged Council to support the city's urban forest staff and the community in implementing and updating it in the future. **Meskel** hoped the city would adopt a tree code for commercial and industrial properties.

Anthony Allen, Milwaukie resident, believed the city was missing an opportunity to protect trees on commercial and industrial land and asked about the consequences for residents who do not get a permit and do not have the ability to pay for a permit. **Allen** was worried that many residents were not aware of the new tree code. **Rogers** explained the processes in the tree code that gave the city manager and municipal court judge the ability to reduce or waive tree fees and fines and provided a brief overview of staff's plan to inform the public about the new code through community outreach work.

Councilor Falconer and **Rogers** noted that the tree code applied to all residential zones and the city intended to create commercial and industrial tree codes.

Continue Hearing: **It was moved by Councilor Batey and seconded by Council President Hyzy to close the public comment part of the Master Fee Schedule revision hearing. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]**

Mayor Gamba closed the public hearing at 9:09 p.m.

Mayor Gamba remarked on the importance of adopting fees to support the tree code.

It was moved by Councilor Batey and seconded by Councilor Nicodemus to approve the resolution revising fees and charges and updating Section 5 of the Master Fee Schedule for fiscal years 2021 and 2022. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting "aye." [5:0]

Resolution 26-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REVISING FEES AND CHARGES AND UPDATING SECTION 5 OF THE MASTER FEE SCHEDULE FOR FISCAL YEARS 2021 AND 2022.

9. COUNCIL REPORTS

None.

10. ADJOURNMENT

It was moved by Councilor Nicodemus and seconded by Councilor Falconer to adjourn the regular session. Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Mayor Gamba adjourned the meeting at 9:11 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder

This page intentionally left blank.