

2357<sup>th</sup> Meeting

## COUNCIL REGULAR SESSION

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

## MINUTES

MAY 3, 2022

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

<p><b>Staff Present:</b> Joseph Briglio, Community Development Director Ryan Burdick, Police Captain Bonnie Dennis, Administrative Services Director Janine Gates, Housing and Economic Development Program Manager Jennifer Garbely, Assistant City Engineer Justin Gericke, City Attorney</p>	<p>Robbie Graves, Police Captain Vera Koliass, Senior Planner Nicole Madigan, Deputy City Recorder Ann Ober, City Manager Scott Stauffer, City Recorder Luke Strait, Police Chief Laura Weigel, Planning Manager</p>
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Mayor Gamba called the meeting to order at 6:02 p.m.

### 1. CALL TO ORDER

**A. Pledge of Allegiance.**

**B. Native Lands Acknowledgment.**

### 2. ANNOUNCEMENTS

Mayor Gamba announced upcoming activities, including online Engage Milwaukie projects on the Milwaukie Police Department (MPD) body-worn camera implementation and Scott Park master plan update, and community plant and book sales. Councilor Batey noted a clean-up event at the Minthorn Springs Natural Area.

### 3. PROCLAMATIONS AND AWARDS

#### **A. Poppy Day – Proclamation**

Jerry Craig, American Legion Post 180 Chaplain, introduced the proclamation and commented on the significance of Poppy Day, also known as Memorial Day. Mayor Gamba proclaimed May 31 to be Poppy Day. Council President Hyzy commented on the significance of marking Memorial Day during a time of increasing warfare and Stauffer thanked Post 180 for its continued partnership with the city.

#### **B. Wildfire Awareness Month – Proclamation**

Doug Whiteley, Clackamas Fire District #1 (CFD1) Division Chief, provided an update on the fire district's community engagement activities and wildfire prevention work, and Mayor Gamba proclaimed May to be Wildfire Awareness Month.

Councilor Nicodemus and Whiteley noted where the public can find out about current fire bans by visiting [www.clackamasfire.com](http://www.clackamasfire.com).

Council President Hyzy and Whiteley remarked on the city's recently adopted tree code, the wildfire risk posed by Milwaukie's urban forest, and what community members can do to limit the risk of fire to their homes and businesses.

The group noted the status of a proposed countywide fireworks ban and CFD1's role in enforcing and responding to firework issues.

**C. Mental Health Awareness Month – Proclamation**

**Burdick** and **Gary Marschke**, National Alliance on Mental Illness (NAMI) Clackamas Outreach and Development Coordinator, introduced the proclamation and discussed mental health resources available in the community. **Mayor Gamba** and **Marschke** commented on what NAMI and the city could do to secure more housing and mental health services. **Councilor Nicodemus** and **Marschke** noted how NAMI’s literature was distributed. **Mayor Gamba** proclaimed May to be Mental Health Awareness Month.

**D. National Law Enforcement Week – Proclamation**

**Graves** introduced the proclamation and commented on the sacrifices made by law enforcement officers in service to communities across the country. **Mayor Gamba** expressed appreciation for MPD’s work and proclaimed May 11 through 17 to be National Law Enforcement Week. **Councilor Nicodemus** and **Graves** remarked on what MPD officers do to address gun violence, and **Councilor Batey** suggested the city and state could do more on gun control. **Ober** commented on the culture-wide struggles related to gun violence and thanked MPD for their work.

**E. Public Service Recognition Week – Proclamation**

**Councilor Batey** commented on the importance of recognizing those who choose public service careers and thanked city staff for their work. **Mayor Gamba** thanked city staff for their work and proclaimed May 1 to 7 to be Public Service Recognition Week.

**Ober** asked that the proclamation be reworded to include “men, women, and non-binary staff” and thanked staff for their work. It was Council consensus to amend the proclamation as suggested by **Ober**.

**Councilor Nicodemus** observed that Teacher Appreciation Week occurred in May and asked that a proclamation for educators be added to the Council’s schedule. It was Council consensus to add a teacher appreciation proclamation in 2023.

**4. SPECIAL REPORTS**

**A. None Scheduled.**

**5. COMMUNITY COMMENTS**

**Mayor Gamba** reviewed the public comment procedures. **Ober** provided follow-up notes on community comments made at the April 5 and April 19 regular sessions, reporting that staff had reviewed the city’s responses to community member input about diseased trees around city hall and would implement actions to better respond in the future, conducted a welfare check on an individual who had spoken to Council about personal matters, and **Ober** reviewed the city’s possible actions to address issues related to mailboxes blocked by parked vehicles. **Councilor Batey** noted there had been other reports of blocked mailboxes and wondered if the Milwaukie Municipal Code (MMC) should be amended to encourage shared mailboxes. **Councilor Falconer** and **Mayor Gamba** remarked on whether the city’s Transportation System Plan (TSP) should include the placement of mailboxes and **Ober** reported that staff would look at including mailboxes in the TSP.

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

## **6. CONSENT AGENDA**

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

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

1. March 29, 2022, special session,
2. April 5, 2022, work session, and
3. April 5, 2022, regular session.

**B. Resolution 27-2022:** A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing an intergovernmental agreement with the City of Lake Oswego for emergency communications services.

**C. Resolution 28-2022:** A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a five-year lease with Pacific Office Automation for multi-purpose devices.

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

## **7. BUSINESS ITEMS**

### **A. CenturyLink Franchise Amendment – Ordinance**

**Garbely** explained that the proposed franchise agreement amendment was a result of CenturyLink’s inability to relocate utility boxes and lines located in the way of city improvement projects in a timely manner. **Garbely** reviewed the agreement changes, including a fine, the addition of a map showing where CenturyLink’s utility infrastructure is located, the establishment of a point of contact between the city and CenturyLink, and the inclusion of CenturyLink in the city’s regularly occurring utility relocation meetings.

**Councilor Batey** and **Garbely** commented on how aware CenturyLink is of the location of their infrastructure and the city’s construction projects. **Mayor Gamba** and **Garbely** noted the importance of the city and CenturyLink working as partners.

It was moved by Councilor Batey and seconded by Councilor Falconer for the first and second readings by title only and adoption of the ordinance amending Ordinance No. 2109, the CenturyLink Franchise Agreement. 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 2217:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 2109, THE CENTURYLINK FRANCHISE AGREEMENT.**

### **B. Economic Development Update – Discussion**

**Briglio** introduced Gates and thanked Council for recognizing the unseen work of public servants. **Gates** provided an update on the city’s economic development goals, 2017-2022 strategy, and what factors staff wanted to explore to update the city’s strategy.

**Gates** discussed aspects of the city’s economic development plan that staff would be working on, including tax increment financing (TIF) districts, diversity, equity, and inclusion (DEI) and sustainability efforts around neighborhood hubs and small businesses, placemaking projects, and initiatives funded by city’s construction excise tax (CET). **Gates** reviewed next steps to update the strategy.

**Councilor Batey** observed that staff had previously offered training and resources to businesses, suggested the city should install more signage to downtown, and was glad to see the conversation about neighborhood hubs would return. **Briglio** and **Batey** remarked on the importance of setting realistic expectations about the hubs program.

**Council President Hyzy** appreciated staff’s plan to revisit the economic development strategy and asked about the possibility of the city working with New Seasons Market as they prepare to open a new store at the Milwaukie Marketplace.

**Mayor Gamba** commented on how economic development strategies and relationships can encourage the growth of family wage jobs and support the city’s green tariff goals that aim at getting businesses to take steps to address climate change. **Briglio** agreed on the importance of building relationships with businesses and including DEI and sustainability issues in discussions with businesses.

**Mayor Gamba** remarked on using the knowledge that a New Seasons Market is coming to the Marketplace to encourage other businesses to move there too.

**Council President Hyzy, Briglio, and Gates** recalled a 2016 study about the kinds of businesses that were needed in downtown Milwaukie which should be updated as part of the renewed economic development strategy.

The group commented on the benefits of encouraging more efficient and denser uses of the city’s limited industrial lands, including in the North Milwaukie Innovation Area (NMIA), and noted county conversations about how to better use industrial lands.

**8. PUBLIC HEARING**

**A. Comprehensive Plan Implementation, Housing and Parking Code Amendments (continued) – Ordinance, Second Reading**

Call to Order: **Mayor Gamba** called the continued public hearing on the proposed amendments to the code, file #ZA-2021-002, to order at 7:56 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was for the second reading by title only of the ordinance, previously approved by a 4:1 vote, and for the final roll call vote on the proposed ordinance.

Council Decision (continued): **Ober** read the ordinance one time by title only.

**Stauffer polled the Council with Councilors Falconer, Nicodemus, and Hyzy and Mayor Gamba voting “aye,” and Councilor Batey voting “no.” [4:1]**

**Ordinance 2218:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, 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).**

**Mayor Gamba** recessed the meeting at 7:58 p.m. and reconvened at 8:04 p.m.

## **9. COUNCIL REPORTS**

### **A. Compensation for Future City Council Members – Discussion**

**Gamba** discussed the workload of Council members and cited diversity and equity goals as reasons to revisit how much Council members are paid. **Gamba** read a proposed Council compensation ordinance into the meeting record, see the May 3, 2022, regular session packet for full text of the proposed ordinance.

**Mayor Gamba** explained how the proposed compensation amounts had been calculated, noted that the ordinance would not affect anyone currently on Council, and commented on the personal sacrifices that Council members make to serve as an elected official. **Gamba** observed that the proposed ordinance was like a concept proposed by one of the minority reports in the 2019 Council compensation jury process and noted that Council compensation could be set by the voters through a ballot measure or by Council by adopting an ordinance.

**Councilor Nicodemus** appreciated Mayor Gamba's proposal and remarked on how the idea of volunteer leadership was part of racial and social class systems of oppression. **Councilor Batey** noted that the 2019 compensation changes had included Council members being able to be reimbursed for child or elder care services. **Councilor Nicodemus** supported referring a question about Council compensation to the voters.

**Council President Hyzy** remarked on the process and outcome of the compensation jury and **Mayor Gamba** expressed disappointment with that process. **Hyzy** was concerned that the ordinance had not been posted publicly and the community had not had a chance to comment on it. **Hyzy** agreed with the issues noted by Councilor Nicodemus and suggested that the Equity Steering Committee (ESC) may want to look at the issue.

**Councilor Batey** agreed with Council President Hyzy and Councilor Nicodemus and observed that the compensation jury had recommended that any substantial Council compensation change be referred to the voters. **Batey** expressed support for referring Council compensation to voters and remarked on whether it was fair to expect elected officials to be volunteers. **Batey** agreed about the lack of a public process for the ordinance and observed that recent mayors had chosen to make the position more than what was called for by the City Charter. **Mayor Gamba** and **Batey** discussed elected officials job descriptions and the city's form of government.

**Councilor Falconer** agreed on the need to revisit Council compensation and that there had been a lack of public process for the ordinance. **Falconer** believed the ESC should be given an opportunity review the topic before it was referred to voters.

**Mayor Gamba** explained that the ordinance had been quickly prepared for the present meeting because of Councilor Falconer's anticipated resignation from Council and because Councilor Batey and Council President Hyzy were going to run for mayor. **Gamba** commented on making sure future Council members don't have to make financial sacrifices to serve. **Council President Hyzy** was angered that Mayor Gamba had preempted Councilor Falconer's announcement and had not followed the public noticing process in proposing the ordinance. **Hyzy** and **Gamba** observed that there did not appear to be a Council majority in favor of adopting the ordinance right now.

**It was moved by Councilor Falconer and seconded by Councilor Nicodemus to table the proposed Council compensation ordinance to a future meeting date.**

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**Motion passed with the following vote: Councilors Falconer, Batey, Nicodemus, and Hyzy voting “aye” with Mayor Gamba abstaining. [4:0:1]**

**Resignation of Councilor Falconer**

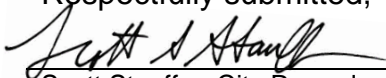
**Councilor Falconer** read a prepared statement announcing her resignation from Council effective May 4, 2022. The group remarked on Councilor Falconer’s work on Council, community leadership, and service for the people of Milwaukie.

**10. ADJOURNMENT**

**It was moved by Councilor Falconer and seconded by Councilor Nicodemus 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 9:02 p.m.

Respectfully submitted,



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Scott Stauffer, City Recorder