

2359<sup>th</sup> Meeting**COUNCIL REGULAR SESSION****MINUTES**

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

JUNE 7, 2022

**Council Present:** Councilors Adam Khosroabadi, Lisa Batey, Desi Nicodemus, and Mayor Mark Gamba

**Council Absent:** Council President Kathy Hyzy

<p><b>Staff Present:</b> Kelly Brooks, Assistant City Manager Ryan Burdick, Police Captain Bonnie Dennis, Finance Director Justin Gericke, City Attorney Vera Kolas, Senior Planner Keith McClung, Assistant Finance Director</p>	<p>Ann Ober, City Manager Peter Passarelli, Public Works Director Scott Stauffer, City Recorder Kelli Tucker, Accounting &amp; Contracts Specialist Laura Weigel, Planning Manager</p>
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**Mayor Gamba** called the meeting to order at 6:01 p.m.

**1. CALL TO ORDER**

**A. Pledge of Allegiance.**

**B. Native Lands Acknowledgment.**

**2. ANNOUNCEMENTS**

**Mayor Gamba** announced upcoming activities including bulky waste collection days, school and park performances, a Juneteenth celebration, and the Arts Committee's Porchfest event. **Councilor Batey** noted a community performance at the Milwaukie Museum and Councilor Nicodemus noted a school playground dedication event.

**3. PROCLAMATIONS AND AWARDS**

**A. LGBTQIA+ Pride Month – Proclamation** (moved to the June 21, 2022, meeting)

**4. SPECIAL REPORTS**

**A. None Scheduled.**

**5. COMMUNITY COMMENTS**

**Mayor Gamba** reviewed the public comment procedures. **Ober** reported there was no follow-up report from the May 17 community comments and thanked staff for their work organizing the city's Pride event held at the South Downtown Plaza on June 4.

**Support for Providence Milwaukie Nurses – Resolution**

**Mayor Gamba** introduced a resolution in support of the nurses at Providence Milwaukie Hospital who were currently in contract negotiations.

**Gabriel Erbs**, Oregon Nurses Association (ONA) representative, and Providence Milwaukie nurses **Sarah Bea** and **Julie Darrison** discussed the state of the contract negotiations between the ONA nurses and hospital management. They noted concerns about patient and staff safety, scheduling, and practices of the hospital management, and urged Council adopt the resolution in support of the nurses.

**Councilor Khosroabadi** and **Bea** noted that Providence Milwaukie nurses were having to choose which patients to care for.

**Councilor Batey** and **Erbs** commented on why nurses at other facilities had reached tentative agreements with Providence when the Milwaukie hospital had not. They also noted that other cities had adopted similar resolutions in support of nurses.

**Mayor Gamba** and **Erbs** reviewed the required steps for a union to go on strike, noting what would happen with current patients at the hospital. **Mayor Gamba** observed that most of the issues ONA were arguing for were about patient care.

**Councilor Nicodemus** expressed support for the union. **Erbs** and **Nicodemus** noted similarities between nursing and teaching unions.

**Councilor Khosroabadi** read the resolution text into the record.

**It was moved by Councilor Khosroabadi and seconded by Councilor Nicodemus to approve the resolution calling for a fair and just settlement of negotiations with Oregon Nurses Association nurses at Provide Milwaukie Hospital, a community hospital owned by Providence St. Joseph Health.**

**Councilor Batey** expressed concern about Council considering the resolution without discussion and believed the city had not previously weighed into a labor dispute. **Batey** supported labor rights but planned to abstain. **Mayor Gamba** explained that negotiations often escalate quickly and there was an urgency in Council considering the resolution quickly and expressed support for the resolution.

**Motion passed with the following vote: Councilors Khosroabadi, Nicodemus, and Mayor Gamba voting “aye,” and Councilor Batey abstaining. [3:0]**

**Resolution 34-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CALLING FOR A FAIR AND JUST SETTLEMENT OF NEGOTIATIONS WITH OREGON NURSES ASSOCIATION NURSES AT PROVIDENCE MILWAUKIE HOSPITAL, A COMMUNITY HOSPITAL OWNED BY PROVIDENCE ST. JOSEPH HEALTH.**

**Councilors Khosroabadi** and **Batey** thanked **Erbs**, **Bea**, and **Darrison** for bringing the issue to Council and for working as nurses.

**6. CONSENT AGENDA**

**Stauffer** noted three term end date corrections in the resolution under item 6. B.

**Councilor Batey** and **Stauffer** noted that Council had previously supported changing the name of the Citizens Utility Advisory Board (CUAB) to Community Utility Advisory Board, but the change had not been made yet as that board had not revised its bylaws.

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

**A. City Council Meeting Minutes:**

- 1. May 3, 2022, Work Session, and**
- 2. May 3, 2022, Regular Session.**

**B. Resolution 35-2022: A resolution of the City Council of the City of Milwaukie, Oregon, making appointments to city boards and committees.**

**C. Resolution 36-2022: A resolution of the City Council of the City of Milwaukie, Oregon, making youth board and committee member reappointments.**

- D. Resolution 37-2022: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the execution of an agreement with Aldrich CPAS + Advisors LLP for professional audit services.
- E. Resolution 38-2022: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing a purchase agreement with Metereaders LLC for water meter reading services.
- F. Resolution 39-2022: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing an increase in the project funding authorization for the construction of the Lake Road improvements project (CIP-2019-S20).
- G. Resolution 40-2022: A resolution of the City Council of the City of Milwaukie, Oregon, adopting the 2021 Water System Master Plan (WSMP).
- H. Resolution 41-2022: A resolution of the City Council of the City of Milwaukie, Oregon, adopting the 2021 Wastewater System Master Plan (WWSMP).
- I. Resolution 42-2022: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing execution of a Microsoft Enterprise Agreement and purchase of software support services from SHI International Corp.
- J. Resolution 43-2022: A resolution of the City Council of the City of Milwaukie, Oregon, adopting a 2023 work plan for Elk Rock Island.

Motion passed with the following vote: Councilors Khosroabadi, Batey, and Nicodemus, and Mayor Gamba voting “aye.” [4:0]

## **7. BUSINESS ITEMS**

A. None Scheduled.

## **8. PUBLIC HEARING**

A. Middle Housing Land Division, Senate Bill (SB) 458, Code Changes – Ordinance (File #ZA-2022-001)

Call to Order: **Mayor Gamba** called the continued public hearing on the proposed amendments to the code, file #ZA-2021-002, to order at 6:38 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to hear the second reading of the ordinance by title only and take a final roll call vote.

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

**Stauffer** polled the Council with Councilors Khosroabadi and Nicodemus and Mayor Gamba voting “aye,” and Councilor Batey abstaining. [3:0]

**Ordinance 2219:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE AND TITLE 17 LAND DIVISION FOR THE PURPOSE OF ADDRESSING MIDDLE HOUSING LAND DIVISION PER OREGON SENATE BILL 458 (FILE #ZA-2022-001).**

**B. Solid Waste Rates Adoption – Resolution**

Call to Order: **Mayor Gamba** called the public hearing on the proposed solid waste rates to order at 6:40 p.m. and announced that the purpose of the hearing was to hear the report, take public comment, and consider adopting solid waste rates.

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

Staff Presentation: **McClung** noted Council's previous discussion about the proposed increase on solid waste rates.

Correspondence: No correspondence had been received on the topic.

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

Continue Hearing: **It was moved by Councilor Nicodemus and seconded by Councilor Batey to close the public comment part of the hearing on the proposed solid waste rates. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Nicodemus, and Mayor Gamba voting "aye." [4:0]**

**Mayor Gamba** closed the public comment part of the hearing at 6:43 p.m.

Council Discussion: **Councilor Batey** remarked that it wasn't fun to raise the rates but doing so incrementally was the right way to proceed.

Council Decision: **It was moved by Councilor Batey and seconded by Councilor Khosroabadi to approve the resolution adopting solid waste service rates effective July 1, 2022. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Nicodemus, and Mayor Gamba voting "aye." [4:0]**

**Resolution 44-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING SOLID WASTE RATES EFFECTIVE JULY 1, 2022.**

**C. Fiscal Year (FY) 2023-2024 Master Fee Schedule Adoption – Resolution**

Call to Order: **Mayor Gamba** called the public hearing on the proposed Master Fee Schedule to order at 6:44 p.m. and announced that the purpose of the hearing was to hear the report, take public comment, and consider adopting the Master Fee Schedule.

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

Staff Presentation: **McClung** noted Council's previous discussion of the schedule and reported changes to the schedule, including a proposal to limit the amount of building permit payments that could be paid by credit card to a maximum of \$30,000 to reduce credit card processing fees. **Councilor Batey** suggested the limit be set at \$10,000 and the group discussed limiting credit card payments for building permits. **Mayor Gamba** proposed setting the credit card payment limit at \$5,000. It was Council consensus to revise the schedule to limit building permit credit card payments to \$5,000.

**McClung** and **Ober** reported that language in the fee schedule related to tree permits did not reflect the recently adopted tree code, but staff was working to match the language. **Mayor Gamba** encouraged staff to include information about the city's low-income assistance programs in the schedule. **Ober** noted staff would work to add more assistance programs information in the schedule.

**McClung** reported that based on input from the Milwaukie Police Department (MPD) the rate for body worn camera request fees had been updated. **Ober** thanked Burdick for working on the fee. **Councilor Batey** and **Burdick** commented on how body worn camera footage would be released when requested. **Mayor Gamba** expressed support for the proposed body worn camera records request fee amount.

Correspondence: No correspondence had been received on the topic.

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

Continue Hearing: It was moved by Councilor Nicodemus and seconded by Councilor Batey to close the public comment part of the hearing on the proposed Master Fee Schedule. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Nicodemus, and Mayor Gamba voting “aye.” [4:0]

Mayor Gamba closed the public comment part of the hearing at 6:56 p.m.

Council Decision: It was moved by Councilor Batey and seconded by Councilor Khosroabadi to approve the resolution adopting the Master Fee Schedule service rate effective July 1, 2022, as amended. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Nicodemus, and Mayor Gamba voting “aye.” [4:0]

#### Resolution 45-2022:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REVISING FEES AND CHARGES AND UPDATING THE MASTER FEE SCHEDULE FOR FISCAL YEARS 2023 AND 2024.**

The group noted that McClung would be departing the city to take a job in education and thanked McClung for their service to Milwaukie.

#### D. Biennium (BN) 2021-2022 Supplemental Budget Adoption – Resolution

Call to Order: Mayor Gamba called the public hearing on the proposed supplemental budget to order at 6:59 p.m. and announced that the purpose of the hearing was to hear the report, take public comment, and consider adopting the supplemental budget.

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

Staff Presentation: Dennis provided an overview of the proposed supplemental budget adjustments within the building fund, community development department, and the public education grant (PEG) fund.

Correspondence: No correspondence had been received on the topic.

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

Continue Hearing: It was moved by Councilor Batey and seconded by Councilor Nicodemus to close the public comment part of the hearing on the proposed supplemental budget. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Nicodemus, and Mayor Gamba voting “aye.” [4:0]

Mayor Gamba closed the public comment part of the hearing at 7:03 p.m.

Council Decision: It was moved by Councilor Batey and seconded by Councilor Khosroabadi to approve the resolution authorizing budget supplemental for the 2021-2022 biennium. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Nicodemus, and Mayor Gamba voting “aye.” [4:0]

#### Resolution 46-2022:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING BUDGET SUPPLEMENTAL FOR THE 2021-2022 BIENNIUM.**

**E. State Revenue Sharing Election – Resolutions (2)**

Call to Order: **Mayor Gamba** called the public hearing on the proposed state revenue sharing election to order at 7:04 p.m. and announced that the purpose of the hearing was to hear the report, take public comment, and consider accepting state revenues.

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

Staff Presentation: **Dennis** explained that the city had to elect to receive state shared revenues which were from the sale of certain state regulated products and certify that the city provided certain services.

**Dennis** presented a graph showing the city’s income from state shared revenues since 2018. The group discussed the revenue trend and noted that per the state, marijuana revenue could not be separated from the “cigarette and other tax” revenue amount.

**Dennis** and **Councilor Batey** noted how the city’s population is factored into determining how much state shared revenue the city receives.

Correspondence: No correspondence had been received on the topic.

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

Continue Hearing: **It was moved by Councilor Batey and seconded by Councilor Khosroabadi to close the public comment part of the hearing on the proposed state revenue sharing election. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Nicodemus, and Mayor Gamba voting “aye.” [4:0]**

**Mayor Gamba** closed the public comment part of the hearing at 7:11 p.m.

Council Decision: **It was moved by Councilor Nicodemus and seconded by Councilor Batey to approve the resolution certifying that the city is eligible in the 2023-2024 biennium to receive state shared revenues because it provided four or more municipal services. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Nicodemus, and Mayor Gamba voting “aye.” [4:0]**

**Resolution 47-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CERTIFYING THAT THE CITY IS ELIGIBLE IN THE 2023-2024 BIENNIUM TO RECEIVE STATE SHARED REVENUES BECAUSE IT PROVIDES FOUR OR MORE MUNICIPAL SERVICES.**

**It was moved by Councilor Nicodemus and seconded by Councilor Khosroabadi to approve the resolution declaring the city’s election to receive state revenue sharing funds (general funds of the state) in the 2023-2024 biennium. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Nicodemus, and Mayor Gamba voting “aye.” [4:0]**

**Resolution 48-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE CITY’S ELECTION TO RECEIVE STATE REVENUE SHARING FUNDS (GENERAL FUNDS OF THE STATE) IN THE 2023-2024 BIENNIUM.**

## F. BN 2023-24 City Budget and Capital Improvement Plan Adoption – Resolution

Call to Order: **Mayor Gamba** called the hearing on the budget and Capital Improvement Plan (CIP) to order at 7:13 p.m. and announced that the purpose of the hearing was to hear the report, take comment, and consider adopting the budget and CIP.

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

Staff Presentation: **Dennis** reviewed the budget creation and review process, noted one change to increase the public works budget to account for parks projects, and reported that the Budget Committee had approved the budget and CIP. **Dennis** reported that the budget was balanced and noted the Budget Committee would receive future updates.

**Ober** explained that the additional funds in the public works budget was to support the city's parks-related work as previously directed by Council. **Ober** also noted that that the next Budget Committee meeting would be earlier than previously scheduled.

Correspondence: No correspondence had been received on the topic.

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

Questions from Council to Staff: **Councilor Batey** appreciated the work of staff and the Budget Committee to make the budget document more transparent and readable.

Continue Hearing: **It was moved by Councilor Khosroabadi and seconded by Councilor Batey to close the public comment part of the hearing on the proposed 2023-2024 biennial budget. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Nicodemus, and Mayor Gamba voting “aye.” [4:0]**

**Mayor Gamba** closed the public comment part of the hearing at 7:19 p.m.

Council Discussion: **Mayor Gamba** agreed that the budget document had gotten better each time and thanked staff for their work.

Council Decision: **It was moved by Councilor Batey and seconded by Councilor Khosroabadi to approve the resolution adopting the City of Milwaukie budget and Capital Improvement Plan for the biennium commencing July 1, 2022, making appropriation, levying ad valorem taxes, and classifying levies pursuant to Section 11b, Article XI of the Oregon Constitution. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Nicodemus, and Mayor Gamba voting “aye.” [4:0]**

### Resolution 49-2022:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE CITY OF MILWAUKIE BUDGET AND CAPITAL IMPROVEMENT PLAN FOR THE BIENNIUM COMMENCING JULY 1, 2022, MAKING APPROPRIATIONS, LEVYING AD VALOREM TAXES, AND CLASSIFYING LEVIES PURSUANT TO SECTION 11b, ARTICLE XI OF THE OREGON CONSTITUTION.**

**Councilor Khosroabadi** asked that staff and Council work to make sure that future budgets do not increase rates, noting concerns about rising costs and inflation.

## 9. COUNCIL REPORTS

None.

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**10. ADJOURNMENT**

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

**It was moved by Councilor Nicodemus and seconded by Councilor Khosroabadi to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Nicodemus, and Mayor Gamba voting “aye.” [4:0]**

**Mayor Gamba** adjourned the meeting at 7:21 p.m.

Respectfully submitted,

  
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Scott Stauffer, City Recorder