



COUNCIL REGULAR SESSION

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

2363rd Meeting

MINUTES

AUGUST 16, 2022

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

Staff Present: Steve Adams, City Engineer
Kelly Brooks, Assistant City Manager
Justin Gericke, City Attorney
Adam Moore, Parks Development Coordinator
Ann Ober, City Manager

Peter Passarelli, Public Works Director
Natalie Rogers, Climate & Natural
Resources Manager
Scott Stauffer, City Recorder

Mayor Gamba called the meeting to order at 6:25 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Gamba noted that Councilor Batey was participating in the meeting via Zoom and Councilor Nicodemus would join the meeting via Zoom soon.

Mayor Gamba announced upcoming activities, including a neighborhood concert, a Scott Park survey, a Johnson Creek clean-up event, and the 9K for K9 fundraiser walk.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. Youth Advocacy and Empowerment Summer Camp – Report

Isna Waqas and **Jaime Zentner** with Clackamas County Public Health provided an overview of the youth advocacy program which worked to reduce teen smoking. They noted recently adopted legislation and local laws meant to stop vaping and the sale of e-cigarettes. **Waqas** discussed types of tobacco products, how they are marketed to young people, and their negative health impacts.

Youth advocacy members **Brittany Flores**, **Danica Glazier**, and **Sophia Thai** remarked on the negative health effects of youth smoking and vaping and explained how they worked to bring attention to the problem. The group discussed what inspired the youth advocacy members to be involved in anti-smoking activities and what city, county, and state governments have done and could do to discourage the sale of smoking and vaping products.

Councilor Batey, **Zentner**, and **Councilor Khosroabadi** noted that butane was often for sale next to vaping products and was used in some smoking products.

The group briefly noted what actions the state and city could take to enhance tobacco sale restrictions and Council thanked the youth advocacy members for presenting.

B. City Manager Updates – Report

Ober reported that Councilor Khosroabadi had agreed to be Council’s liaison to Clackamas Fire District #1 (CFD1) and it was Council consensus for Councilor Khosroabadi to represent Council to the first district.

5. COMMUNITY COMMENTS

Mayor Gamba reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the August 2 community comments. No community members wished to speak to Council.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. July 19, 2022, Work Session, and
2. July 19, 2022, Regular Session.

B. Resolution 58-2022: A resolution of the City Council of the City of Milwaukie, Oregon, making appointments to city boards and committees.

C. An Oregon Liquor Control Commission (OLCC) Application for The Office, 10598 SE 32nd Avenue – Change of Owner.

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

7. BUSINESS ITEMS

A. Parks Levy Ballot Measure Referral – Resolution

Ober explained that Council was asked to consider adopting a resolution that would refer a parks levy ballot measure to voters at the November 8, 2022, general election.

Council President Hyzy asked Gericke to ensure that the ballot measure language was accurate, and **Ober** reported that staff had been working on the language.

It was noted that Councilor Nicodemus joined the meeting via Zoom at 6:59 p.m.

Councilor Batey noted Council had discussed the levy at the August 9 study session.

Mayor Gamba announced that Council would take public comment on the levy.

Gary Klein, Milwaukie resident and long-time parks volunteer, expressed support for Council referring a park levy to the voters. **Mayor Gamba** asked if Klein knew why the city had joined the North Clackamas Parks and Recreation District (NCPRD) in the early 1990s and **Klein** did not know why the city had joined.

Rebecca Stavenjord, Milwaukie resident, remarked on the importance of parks for families and communities, suggested the city didn’t see a good return of the fees collected for parks, and expressed support for Council referring a park levy to voters.

Stauffer noted that the city had received written comments on the parks levy.

Lisa Gunion-Rinker, Milwaukie resident and long-time parks volunteer, was frustrated with the delay in completing Milwaukie Bay Park, thanked state legislators for securing funding for several parks, and encouraged Council to refer the levy to voters.

Mayor Gamba, Gunion-Rinker, and Council President Hyzy noted that the levy would maintain NCPRD's current tax rate of 54 cents per \$1,000 in property taxes, which may not be sufficient to operate parks at a level desired by the community. They noted the potential negative impact for Milwaukie parks if a NCPRD-proposed change in how parks SDC funds are spent should occur. **Ober** explained that the city would use the funds generated by the levy to start a new parks department and develop a parks system master plan with community input to identify deferred maintenance projects.

Mayor Gamba observed that other parks districts had higher tax rates and suggested that the proposed levy would underfund a new parks department. **Councilor Batey** agreed with Gamba and believed the city would need to increase the parks tax rate after the initial five-year levy period during which a parks system master plan could be developed to identify what the right tax rate should be. **Council President Hyzy** agreed with Batey and suggested the community needed time to weigh-in on what a parks system needed to have before a permanent tax rate was set.

Mayor Gamba asked how much time staff had spent on the parks levy since May and **Ober** estimated that several hundred hours of staff time had been spent on the levy. **Gamba** and **Ober** commented that leaving the parks district would require a significant amount of staff time. The group remarked on which city projects would lose staff attention due to parks related work and they noted the funding and staff workload impact of a project being designated as a Council goal. They also noted that in recent months the Kellogg Dam removal project had required more staff time.

It was moved by Council President Hyzy and seconded by Councilor Khosroabadi to approve the resolution calling for an election in the City of Milwaukie on November 8, 2022, to submit to city voters the establishment of a five-year parks and recreation local option levy in place of the North Clackamas Parks and Recreation tax.

Mayor Gamba expressed support for improving the city's parks and relationship with NCPRD and believed that the proposed parks levy tax rate was too low. **Gamba** noted all the projects staff were working on and would vote no on the proposed parks levy.

Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy voting "aye," and Mayor Gamba voting "no." [4:1]

Resolution 59-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CALLING FOR AN ELECTION IN THE CITY OF MILWAUKIE ON NOVEMBER 8, 2022, TO SUBMIT TO CITY VOTERS THE ESTABLISHMENT OF A FIVE-YEAR PARKS AND RECREATION LOCAL OPTION LEVY IN PLACE OF THE NORTH CLACKAMAS PARKS AND RECREATION TAX.

B. Parks System Development Charges (SDCs) – Resolution

Ober explained that in 2018 Council adopted a resolution supporting NCPRD's request to comingle parks system development charge (SDC) revenue into a single district-wide fund instead of the current geographic zone-based funds. Council was asked to adopt a new resolution rescinding that support as the city would now prefer that the SDC revenue zone funds be maintained.

The group noted that Council had discussed the issue at the August 9 study session and that the city-NCPRD relationship had changed since 2018.

It was moved by Councilor Khosroabadi and seconded by Council President Hyzy to approve the resolution rescinding support for eliminating zones within the North Clackamas Parks and Recreation District for the purposes of system development charge fund distribution. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 60-2022:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, RECINDING SUPPORT FOR ELIMINATING ZONES WITHIN THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT FOR THE PURPOSES OF SYSTEM DEVELOPMENT CHARGE FUND DISTRIBUTION.

It was noted that Councilor Nicodemus left the meeting at 7:39 p.m.

D. Main Street Trees and Sidewalks – Update (moved up the agenda)

Adams provided an update on the development of street tree infrastructure on Main Street that would not damage the sidewalk. **Adams** addressed previously noted concerns about cost and spacing of the proposed silva cell facility and noted the environmental benefits that silva cells could provide by cleaning runoff water.

Mayor Gamba, Adams, and Passarelli remarked on the cost of building silva cells and sidewalks throughout downtown in the hope that the city would not have to revisit the issue again soon. It was estimated that installing silva cells, planting new trees, and repairing sidewalks could cost between \$30,000 to \$40,000 per block.

Councilor Batey asked if the proposal was to remedy a one-block issue or to make it the city’s new standard for downtown streets. **Adams** suggested that if the infrastructure proved successful it could become the city’s standard throughout downtown.

Council President Hyzy was hesitant to have the city take complete financial responsibility for installing silva cells throughout downtown and hoped a cost sharing formula could be developed between the city and downtown property owners. **Adams** believed property owners would be willing to work with the city to co-fund these projects.

Councilor Khosroabadi wondered if the city could develop a program to help small businesses fund such infrastructure work.

Brooks summarized that Council was asked to weigh-in on the proposed silva cell facilities because of how prominent Main Street trees are and suggested that Council would be asked to consider related policy decisions in the future. **Mayor Gamba** agreed and acknowledged that Main Street trees and damaged sidewalks had been an issue for the city for a long time. It was Council consensus that staff should proceed with the proposed Main Street silva cell design for trees and sidewalks as outlined.

Mayor Gamba recessed the meeting at 8:00 p.m. and reconvened at 8:04 p.m.

C. North Clackamas Watersheds Council (NCWC) Cooperative Study Agreement – Discussion (moved down the agenda)

Brooks provided an update on the work to secure federal funding to support the removal of the Kellogg Creek Dam, noting how the city would act as a financial agent for the federal money received to-date and may be received in the future.

Brooks explained that the city and NCWC would work with American Rivers, a nonprofit organization that supports work to clean-up rivers, to seek \$15 million from federal infrastructure funding for the Kellogg Creek Dam removal project. **Brooks** was optimistic that the project would receive federal funding and noted that Council would receive additional updates as the work to secure federal funds progressed.

Mayor Gamba and **Brooks** observed that the last project cost estimate was \$22 million or \$26 million, less than was being sought from the federal government. They remarked on how additional funding could be secured, including from the state culvert program funding. **Brooks** believed a \$15 million federal investment would reduce the risk of the project not happening and would encourage other programs investing in the project.

Council President Hyzy and **Brooks** commented on the staff time required to support the project and the timeline for receiving federal funding if it is awarded.

The group expressed appreciation for Brooks and Mayor Gamba's work in getting the project to this point.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

None.

10. ADJOURNMENT

It was moved by Councilor Khosroabadi and seconded by Council President Hyzy to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Hyzy and Mayor Gamba voting "aye." [4:0]

Mayor Gamba adjourned the meeting at 8:26 p.m.

Respectfully submitted,



 Scott Stauffer, City Recorder

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