



## COUNCIL REGULAR SESSION

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

2370<sup>th</sup> Meeting

## MINUTES

DECEMBER 6, 2022

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

<b>Staff Present:</b> Joseph Briglio, Community Development Director	Ann Ober, City Manager
Kelly Brooks, Assistant City Manager	Natalie Rogers, Climate & Natural Resources Manager
Damien Farwell, Fleet & Facilities Supervisor	Scott Stauffer, City Recorder
Justin Gericke, City Attorney	Luke Strait, Police Chief
Adam Heroux, Associate Planner	Glen Suchanek, Behavioral Health Specialist
Vera Kolas, Senior Planner	Laura Weigel, Planning Manager
Brandi Leos, Human Resources Director	
Adam Moore, Parks Development Coordinator	

**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 leaf drop sessions, a Christmas event at the Milwaukie Museum, the city's winter solstice and Christmas Ships viewing event, and winter events at the Ledding Library. **Councilor Batey** noted that the Ships sailing season was underway and that there would be an invasive species clean-up event at the Minthorn Wetlands Natural Area. **Councilor Nicodemus** announced a winter clothing drive in the Ardenwald neighborhood.

### 3. PROCLAMATIONS AND AWARDS

**A. None Scheduled.**

### 4. SPECIAL REPORTS

**A. None Scheduled.**

### 5. COMMUNITY COMMENTS

**Mayor Gamba** reviewed the public comment procedures. **Ober** reported that there was no follow-up report from the November 15 community comments and noted that Council had time-specific deadlines for the evening's agenda.

**Greer Ryan**, Climate Program Director for Climate Solutions, announced an upcoming Clean Homes Forum event to be held at the Chapel Theater in Milwaukie.

**Charles Bird**, Milwaukie resident, commented on the proposed Good Neighbor Fund agreement between the city and Clackamas County Water Environment Services (WES) and encouraged Council to reinstate the original agreement and make sure the Island Station and Historic Milwaukie neighborhoods are involved in fund discussions.

## **6. CONSENT AGENDA**

**Councilor Batey** asked that item 6. G. be removed from the consent agenda for separate consideration.

**It was moved by Councilor Batey and seconded by Councilor Khosroabadi to approve the Consent Agenda items A through F as presented.**

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

1. **October 18, 2022, work session,**
2. **October 18, 2022, regular Session,**
3. **November 1, 2022, work session, and**
4. **November 1, 2022, regular session.**

**B. Resolution 74-2022: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing the city manager to execute a contract with Diversified Abilities to provide janitorial services for five years for an amount not to exceed \$219,910.92 per year.**

**C. Resolution 75-2022: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing the city manager to sign an engineering services contract with Peterson Structural Engineers in the amount of \$229,511 to provide professional services related to the final design of seismic retrofits at the Public Safety Building (PSB).**

**D. Resolution 76-2022: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing an amendment to a contract with Security Signs for exterior signs and interior wayfinding.**

**E. Resolution 77-2022: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an administrative services agreement with Mission Square for the administration and record keeping of employee deferred compensation accounts.**

**F. Resolution 78-2022: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing financing for transportation projects and urban renewal projects and providing for related matters.**

**G. ~~Authorization of an intergovernmental agreement (IGA) with WES for a good neighbor program.~~ (Removed from the consent agenda for separate consideration)**

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

### **G. Authorization of an IGA with WES for a Good Neighbor Program – Resolution**

**Councilor Batey** noted neighborhood concerns about the proposed Good Neighbor Fund and suggested Council wait until early 2023 to consider approving it.

**Council President Hyzy** disagreed with delaying Council consideration of the fund and noted that the fund had been presented to the neighborhood multiple times. **Hyzy** commented on the benefits of the new fund agreement for the city, neighborhood, and WES and **Batey** and **Hyzy** commented on the neighborhood district association (NDA) interest in the fund and what outreach work had been done by the city and WES regarding the new fund agreement.

**Mayor Gamba** observed that the proposed fund agreement was like the ones in place between WES and other cities and expressed support for adopting the fund.

It was moved by Council President Hyzy and seconded by Councilor Nicodemus to approve the resolution authorizing an IGA with WES for the purposes of providing funds for a good neighbor program. Motion passed with the following vote: Councilors Khosroabadi, Nicodemus, and Hyzy and Mayor Gamba voting “aye,” and Councilor Batey voting “no.” [4:1]

**Resolution 79-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY WATER ENVIRONMENT SERVICES (WES) FOR THE PURPOSES OF PROVIDING FUNDS FOR A GOOD NEIGHBOR PROGRAM.**

**Mayor Gamba** announced that Council would recess the meeting to meet as the Milwaukie Redevelopment Commission (MRC) and would reconvene after that meeting.

**Mayor Gamba** recessed the meeting at 6:22 p.m. and reconvened at 6:26 p.m.

**Mayor Gamba** announced that Council would proceed to the hearing items first.

**8. PUBLIC HEARING (moved up the agenda)**

**A. Camping Ordinance Adoption – Ordinance**

Call to Order: **Mayor Gamba** called the public hearing on the proposed camping ordinance, to order at 6:27 p.m.

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

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

Staff Presentation: **Strait** introduced the proposed ordinance and the Milwaukie Police Department’s (MPD’s) new behavioral health specialist Suchanek. **Suchanek** remarked on the work to be done in the community and **Ober** noted how the public and Council could contact Suchanek and how the behavioral health work would benefit Milwaukie. The group welcomed Suchanek to Milwaukie.

Correspondence: **Stauffer** reported that no correspondence had been received.

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

Audience Testimony: **David Chitsazan**, Milwaukie resident, expressed appreciation for Suchanek and proposed a wording change to subsection B part 1 of the ordinance, addressing the scope of houseless “illegal activities.” **Gericke** and **Chitsazan** remarked on revising the ordinance and the group discussed the proposed new language. It was Council consensus to amend the ordinance to revise the noted sentence.

Staff Response to Testimony: Staff had no response to the comments.

Questions from Council to Staff: Council had no further questions for staff.

Closing Public Comment: **It was moved by Councilor Batey and seconded by Councilor Khosroabadi to close the public comment part of the camping ordinance hearing. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

**Mayor Gamba** closed the public hearing at 6:41 p.m.

Council Discussion: **Councilor Batey** and **Mayor Gamba** supported the ordinance.

**Council Decision:** It was moved by Councilor Khosroabadi and seconded by Councilor Nicodemus for the first and second readings by title only and adoption of the ordinance amending the Municipal Code (MMC) by adding a new Section 9.32 Camping as amended. Motion passed with the following vote: Councilors Khosroabadi, 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 Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

**Ordinance 2222:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MUNICIPAL CODE (MMC) BY ADDING A NEW SECTION 9.32 CAMPING.**

## **B. High Density Residential (HDR) Zones Adoption – Ordinance**

**Call to Order:** Mayor Gamba called the continued public hearing on the proposed amendments to the zoning code, file #ZA-2022-002, to order at 6:44 p.m.

**Purpose:** Mayor Gamba announced that the purpose of the hearing was to take public comment on the proposed high density residential zones code amendments.

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

**Staff Presentation:** Kolia reviewed previous Council discussions on the ordinance and the options to adopt three HDR zones or one consolidated HDR zone noting the associated development standard changes. The group reviewed the HDR zone map.

Kolia discussed increased residential density implications in the Milwaukie Municipal Code (MMC) and development standards if a full single HDR zone were adopted, including a five-foot minimum front yard setback. Councilor Batey and Kolia remarked on the inclusion of low-density residential areas in the HDR zone.

Kolia reviewed the decision-making options for Council to consider. Councilor Batey and Kolia noted where in the code design standards and HDR zones were referenced.

Mayor Gamba noted that Council had closed the public comment part of the hearing at the last hearing and that there was someone interested in addressing Council.

**Reopen Public Comment:** It was moved by Council President Hyzy and seconded by Councilor Nicodemus to reopen the public comment part of the HDR Zones ordinance hearing. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Mayor Gamba reopened the public hearing at 7:00 p.m.

Camden McKone, Milwaukie resident, expressed support for the single consolidated HDR zone with adjacent medium density zones to ease the transition between zones, and noted benefits of increased density around transit lines.

**Reclose Public Comment:** It was moved by Councilor Batey and seconded by Council President Hyzy to close the public comment part of the (HDR) Zones ordinance hearing. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Mayor Gamba closed the public hearing at 7:04 p.m.

Council Discussion: **Councilor Batey** noted correspondence received that had expressed concern about the possible lack of vegetated areas a single HDR zone, reiterated opposition to a single zone, and worried that creating high density areas would hurt other areas that had historically had empty commercial spaces. **Mayor Gamba** suggested that taller buildings in HDR zones would have a net benefit effect for the environment. **Batey, Gamba,** and **Council President Hyzy** commented on the type of high density housing the city may see in a single HDR zone.

**Mayor Gamba, Council President Hyzy,** and **Councilor Khosroabadi** expressed support for a single HDR zone.

**Councilor Batey** noted the potential for tall buildings to be built in areas with single story homes if a single HDR zone were adopted. The group remarked on the potential development of a site on King Road and the potential for low-income housing being located near shopping centers.

**Mayor Gamba** summarized that Council supported not adding five-foot setbacks to any zone except the proposed R1-D zone and asked if Council supported adding setbacks to a specific area near the downtown Milwaukie area. The group remarked on the related issue of sidewalk widths, and it was noted that Council supported allowing setbacks the R1-D zone.

Council Decision: **It was moved by Council President Hyzy and seconded by Councilor Khosroabadi for the first and second readings by title only and adoption of the ordinance amending the Milwaukie Comprehensive Plan Residential Land Use Designations, Municipal Code (MMC) Title 19 Zoning Ordinance, Title 14 Signs, and the Zoning Map for the purpose of addressing the consolidation of the high-density residential zones (File #ZA-2022-002), as amended to include the full consolidation option and five-foot setbacks in the R1-D area. Motion passed with the following vote: Councilors Khosroabadi, Nicodemus, and Hyzy and Mayor Gamba voting “aye,” and Councilor Batey voting “no.” [4:1]**

**Ober** read the ordinance one time by title only.

**Mayor Gamba** announced that the second reading of the ordinance title and final vote would be held on December 20 as the vote was not unanimous.

**Mayor Gamba** recessed the meeting at 7:23 p.m. and reconvened at 7:31 p.m.

## **7. BUSINESS ITEMS**

### **A. Transportation System Plan Advisory Committee Formation – Discussion**

**Weigel** provided an overview of the formation of the Transportation System Plan Advisory Committee (TSPAC) and the initial plan for 11 committee members. **Weigel** reported that 25 community members had applied for the committee and that staff proposed adding positions to the TSPAC to better reflect geographic and interest areas for a total of 17 members. The group noted that the interests to be represented included bicyclists, walkers, age groups, mobility challenged individuals, and businesses.

**Council President Hyzy** expressed concern about creating a large committee and staff being able to support it. **Weigel** believed staff could support a 17-person TSPAC. **Mayor Gamba** and **Councilor Batey** noted large committees that had succeeded.

**Ober** was confident staff could support the TSPAC and undertake a robust community engagement effort to support the Transportation System Plan (TSP) update.

**Councilor Batey** addressed community concern about the lack of representation on the TSPAC and suggested that the expanded committee would represent groups such as Bike Milwaukie and individuals who use cars. **Weigel** and **Ober** noted that the expanded committee would include those who use all modes of transportation. **Councilor Khosroabadi** thanked staff for responding to community concerns.

**Weigel** summarized that Council would be asked to consider making appointments to the TSPAC in the coming weeks and the group noted that the Oregon Department of Transportation (ODOT) had delayed the grant award for the TSP update project.

## **B. New Building Energy – Resolutions (2) (continued)**

**Rogers** summarized the two resolutions Council had expressed support for adopting, including one to electrify city-owned buildings and one to electrify new buildings. **Rogers** noted how the City of Eugene had decided to proceed with similar resolutions.

**Mayor Gamba** announced that Council would take comment.

**Michele Gila**, Portland Metropolitan Association of Realtors (PMAR), noted the housing crisis, expressed concern about the city taking actions that may delay new housing being built, and encouraged Council to not adopt the resolutions right now.

**Nina Carlson**, NW Natural Gas, expressed concern about the city's use of incorrect information and that the gas industry and businesses had not been included in drafting the resolutions, and encouraged the city to not adopt the resolutions.

**Anne Pernick**, Stand.Earth, remarked on the benefits of switching to non-gas burning equipment, and encouraged Council to adopt the resolutions.

**Denine O'Rourke**, 350PDX, commented on the climate benefit reasons to electrify buildings and encouraged Council to adopt the resolutions.

**Ruth Dallas**, Gaston, Oregon resident, noted the climate benefit reasons to electrify buildings and encouraged Council to adopt the resolutions.

**Josie Moberg**, Portland resident, encouraged Council to adopt the resolutions, noted global and personal experiences dealing with the effects of the climate crisis.

**Ryan** noted the community feedback received on the issue, encouraged Council to adopt the resolutions, and noted local ongoing climate work and events.

**Councilor Khosroabadi** remarked on the impact of banning natural gas, wondered when the building sector would take climate action seriously, and expressed support for the resolutions. **Khosroabadi** suggested there was a lack of partnership from the natural gas industry who had circulated a survey questioning Council's trustworthiness.

**Councilor Batey** expressed support for the resolutions and appreciated that the resolution encouraging the electrification of existing buildings would be considered later.

**Council President Hyzy** expressed support for the resolution electrifying city-owned buildings and opposition to the resolution encouraging the electrification of new buildings, suggesting the community was not yet ready for that action.

**Councilor Nicodemus** expressed support for the resolution electrifying city-owned buildings and asked for clarification about the second resolution. The group confirmed

that the second resolution only addressed residential buildings. **Nicodemus** observed that many residents did not understand the second resolution. **Nicodemus** agreed with Council President Hyzy and would not support the second resolution.

**Mayor Gamba** remarked on the importance of Milwaukie supporting electrification and observed that the community had supported electrification during the campaign for the 2022 election. **Gamba** expressed support for both resolutions and encouraged the new Council and staff to continue the work to promote electrification.

**It was moved by Councilor Khosroabadi and seconded by Councilor Nicodemus to approve the resolution to decarbonize the building sector and to accelerate the transition of decarbonized city-owned and city-financed buildings to promote climate, public health, and resiliency benefits. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

**Resolution 80-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO DECARBONIZE THE BUILDING SECTOR AND TO ACCELERATE THE TRANSITION TO DECARBONIZED CITY-OWNED AND CITY-FINANCED BUILDINGS TO PROMOTE CLIMATE, PUBLIC HEALTH, AND RESILIENCY BENEFITS.**

**It was moved by Councilor Batey and seconded by Councilor Khosroabadi to approve the resolution to decarbonize the building sector and to accelerate all-electric future buildings to promote climate, public health, and resiliency. Motion passed with the following vote: Councilors Khosroabadi, Batey, and Mayor Gamba voting “aye,” and Councilors Hyzy and Nicodemus voting “no.” [3:2]**

**Resolution 81-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO DECARBONIZE THE BUILDING SECTOR AND TO ACCELERATE ALL-ELECTRIC FUTURE BUILDINGS TO PROMOTE CLIMATE, PUBLIC HEALTH, AND RESILIENCY BENEFITS.**

### **C. Neighborhood Parks Master Plans Adoption – Resolutions (3)**

**Moore** provide a brief overview of the parks master planning process and noted next steps in implementing the master plans and building out the parks.

**Councilor Batey** commended staff for the parks outreach work, asked for clarification that Council would be adopting master plans before they were referred to the Planning Commission, and noted that previous planning staff had told Council the plans did not need to be included in the Comprehensive Plan. **Weigel** confirmed that the park plans would not be in the Comprehensive Plan. **Weigel** and **Briglio** suggested that the proposed plans were more concept plans and not master plans and that the Commission would need to take additional actions for two of the plans for land use.

**Moore** confirmed that the plans for Bowman-Brae and Balfour parks were updates to existing master plans and Scott Park did not have a master plan. **Moore** concurred with **Weigel** that the proposed plans could be called concept plans. **Ober** added that this was Council’s chance to weigh-in on the park designs as the plans would not come back to Council after the Commission adopted them unless the plans were appealed.

**Council President Hyzy** noted the city was moving away from the term “master plan” and remarked on community concern about a lack of trees at Bowman-Brae Park.

**Moore** reviewed the concept plan for Bowman-Brae Park, noted changes made since the last Council report including the number of trees the city could afford. The group commented on the park plan and noted the need for and cost of trees. **Councilor Batey** suggested that Bowman-Brae Park be renamed Dogwood Park and **Ober** noted that Council would revisit park names in 2023.

**Moore** reviewed the concept plan for Balfour Park, noted that the plan focused on tree coverage and community space. **Councilor Batey** regretted that the park would not include a community garden and was hopeful other gardens could be built in the community. **Ober** noted staff’s work to identify other locations for gardens.

**Moore** reviewed the concept plan for Scott Park, noted changes since the last Council report, including the location of amenities, pathways, and accesible parking spots. **Council President Hyzy** appreciated the blended approach staff took to the plan and **Moore** explained how the play area would be built. **Hyzy** and **Moore** noted the inclusion of labels in English and Spanish.

**Ober** and **Moore** noted that all three park resolutions could refer to “concept plans.”

**Councilor Khosroabadi** and **Mayor Gamba** commented on whether Council should add trees to the Bowman-Brae Park plan and noted the issue could be revisited later.

**It was moved by Councilor Batey and seconded by Councilor Khosroabadi to approve the resolution adopting the Revised Master Plan for Bowman-Brae Park with the replacement of “master” with “concept” in the resolution text. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

**Resolution 82-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE REVISED CONCEPT PLAN FOR BOWMAN-BRAE PARK.**

**It was moved by Councilor Batey and seconded by Councilor Khosroabadi to approve the resolution adopting the Revised Master Plan for Balfour Park with the replacement of “master” with “concept” in the resolution text. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

**Resolution 83-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE REVISED CONCEPT PLAN FOR BALFOUR PARK.**

**It was moved by Councilor Batey and seconded by Councilor Khosroabadi to approve the resolution adopting the Revised Master Plan for Scott Park with the replacement of “master” with “concept” in the resolution text. Motion passed with the following vote: Councilors Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

**Resolution 84-2022:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE REVISED CONCEPT PLAN FOR SCOTT PARK.**



## **D. Stormwater Code Amendments – Ordinance**

**Staff Report:** **Rogers** explained that the proposed code amendments were to clarify how the city’s stormwater fund supported green infrastructure work and would align the city’s work with state requirements and rules. **Ober** added that the adopted budget reflected the use of stormwater funds clarified by the code amendments. **Rogers** noted that staff would bring additional stormwater code changes in 2023.

**Audience Testimony:** **Mayor Gamba** reviewed the public comment procedures.

**Staff Response to Testimony:** No audience member wished to speak on the ordinance.

**Council Discussion:** **Councilor Batey** expressed support of the ordinance.

**Council Decision:** **It was moved by Council President Hyzy and seconded by Councilor Batey for the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal Code (MMC) by amending Chapter 13.14 Stormwater Management to clarify the use of stormwater funds. Motion passed with the following vote: Councilors Khosroabadi, 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 Khosroabadi, Batey, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

**Ordinance 2223:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE (MMC) BY AMENDING CHAPTER 13.14 STORMWATER MANAGEMENT TO CLARIFY THE USE OF STORMWATER FUNDS.**

## **9. COUNCIL REPORTS**

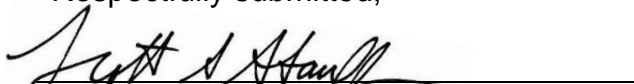
None.

## **10. ADJOURNMENT**

**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, Nicodemus, and Hyzy and Mayor Gamba voting “aye.” [5:0]**

**Mayor Gamba** adjourned the meeting at 8:55 p.m.

Respectfully submitted,

  
 Scott Stauffer, City Recorder

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