

2384th Meeting**COUNCIL REGULAR SESSION****MINUTES**

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

JULY 18, 2023

Council Present: Councilors Adam Khosroabadi, Robert Massey, and Mayor Lisa Batey

Council Absent: Councilor Rebecca Stavenjord and Council President Desi Nicodemus

Staff Present: Justin Gericke, City Attorney	Tim Salyers, Code Compliance Coordinator
Ron Glenn, Police Officer	Scott Stauffer, City Recorder
Jordan Imlah, Communications Program Manager	Luke Strait, Police Chief
Toby LaFrance, Finance Director	Kelli Tucker, Accounting & Contract Specialist
Ann Ober, City Manager	Courtney Wilson, Urban Forester
Peter Passarelli, Public Works Director	
Natalie Rogers, Climate & Natural Resources Manager	
Emma Sagor, Assistant City Manager	

Mayor Batey called the meeting to order at 6:01 p.m. and announced that Council President Nicodemus and Councilor Stavenjord had been excused from the meeting.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including concerts and activities in the park, Milwaukie Porchfest events, and a city manager open door session.

3. PROCLAMATIONS AND AWARDS**A. Police Department Lifesaving Award**

Mayor Batey noted the number of recent high-profile public safety incidents and expressed appreciation for Milwaukie Police Department (MPD) staff and officers.

Strait, Anna Sparks, Oregon Department of Public Safety Standards and Training (DPSST) trainer, and **Glenn** introduced themselves. **Strait** provided an overview of a health emergency that involved Sparks administering emergency aid to Glenn and presented an MPD lifesaving award to Sparks.

Sparks appreciated the award and noted that other DPSST staff had responded to the incident. Council, **Strait, Glenn**, and **Ober** appreciated Sparks' actions. **Councilor Khosroabadi** thanked MPD staff for their work.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures. **Ober** reported there was no follow-up report from the July 11 comments. No audience member wished to speak to Council.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. June 13, 2023, study session,
2. June 20, 2023, work session, and
3. June 20, 2023, regular session.

B. Resolution 35-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a public improvements contract with Tapani, Inc. for a not to exceed amount of \$4,112,478.00 for the Meek Street Pipe Installation North Phase Project (CIP-2016-Y11).

C. Resolution 36-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an engineering services contract with Century West Engineering Corporation for a not to exceed amount of \$757,874 for the Harvey Street Improvements Project (CIP-2022-W56).

Motion passed with the following vote: Councilors Khosroabadi and Massey and Mayor Batey voting “aye.” [3:0]

7. BUSINESS ITEMS

A. Public Mural Program Clarification – Discussion

Imlah and **Ober** provided an overview of recent public art murals installed around the city and explained that the Arts Committee and staff would like Council feedback on using funds designated for murals to pay for other types of physical artwork.

Mayor Batey expressed support for using the mural funds for other types of art works.

Gericke noted that works of art such as sculptures would have different contractual and right-of-way (ROW) requirements than murals. **Mayor Batey** and **Ober** remarked on how other cities structured their public art funding programs.

It was Council consensus that the public mural fund could be used for other art works.

B. Adoption of Revised Public Contracting Rules (PCRs) – Ordinance and Resolution

Tucker explained that Council was asked to adopt revised PCRs and increase the city manager’s contract authorization amount. **Tucker** reviewed the process staff and the city’s Equity Steering Committee (ESC) had undertaken to identify changes to the PCRs and noted that the ESC had concern about gaps in businesses’ ability to become certified through the Certification Office for Business Inclusion and Diversity (COBID).

The group commented on county services available to local businesses and how the city’s upcoming equity study report would inform the city on business equity issues.

It was moved by Councilor Khosroabadi and seconded by Councilor Massey to approve the resolution, acting as the Local Contract Review Board, repealing existing public contracting rules, and adopting revised public contracting rules incorporating modified equity requirements. Motion passed with the following vote: Councilors Khosroabadi and Massey and Mayor Batey voting “aye.” [3:0]

Resolution 37-2023:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, REPEALING EXISTING PUBLIC CONTRACTING RULES, AND ADOPTING REVISED PUBLIC CONTRACTING RULES INCORPORATING MODIFIED EQUITY REQUIREMENTS.

Tucker explained the request to increase the city manager’s signing authority, noting the impact of inflation on project costs and administrative process improvements.

It was moved by Councilor Massey and seconded by Councilor Khosroabadi for the first and second readings by title only and adoption of the ordinance, acting as the Local Contract Review Board, amending Milwaukie Municipal Code (MMC) Chapter 3.05 (Local Contract Review Board) to increase delegation of authority to the city manager. Motion passed with the following vote: Councilors Khosroabadi and Massey and Mayor Batey voting “aye.” [3:0]

Ober read the ordinance two times by title only.

Stauffer polled the Council with Councilors Massey and Mayor Batey voting “aye.” [3:0]

Ordinance 2232:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AMENDING MILWAUKIE MUNICIPAL CODE (MMC) CHAPTER 3.05 (LOCAL CONTRACT REVIEW BOARD) TO INCREASE DELEGATION OF AUTHORITY TO THE CITY MANAGER.

C. Tree Code Amendments – Discussion

Rogers discussed why the city had a tree code, the types of trees the city regulates, and reviewed proposed code changes including updated definitions and streamlined permit and violation processes and standards. **Passarelli** and **Rogers** noted when the revised tree code would be brought for Council adoption.

Councilor Massey, Rogers, and Salyers remarked on public outreach staff would do after a revised tree code was adopted.

Mayor Batey and **Rogers** reviewed proposed code language changes related to removing damaged trees, the impact of internal accessory dwelling units (ADUs) on trees, and how the tree code is structured in general.

D. Business Registration Code Amendments – Discussion

LaFrance provided an overview of the city’s business tax code and fees, noted recent communications with vendors at community events, and reported how other cities handle business registrations. **LaFrance** explained the recommendation for staff to solicit input from stakeholder groups and return to Council for further discussion.

Councilor Khosroabadi and **LaFrance** commented on how other cities’ handle vendors at farmers markets and special events. **Councilor Massey** and **LaFrance** remarked on differences between the Milwaukie Farmers Market and First Friday events. The group commented on differences between vendors in 2023 and before the COVID-19 pandemic and noted that the city had historically waived registration fees for vendors at community events.

The group noted the value of the city knowing who is operating in the city and the feasibility of requiring a business license for vendors on city property.

Mayor Batey supported staff researching the issue and coming back to Council and suggested the term “business tax” be changed. **LaFrance** and **Batey** noted how other cities set business fees. **Ober** added that staff would provide a tax training for Council.

Councilor Khosroabadi supported exempting vendors at community events if the event organizers provide a list of vendors to the city. **Ober** commented on how exempting vendors could be feasible if code enforcement processes were spelled out.

LaFrance summarized that Council supported the staff recommendation. **Ober** thanked community event organizers and staff for working on the issue and **Councilor Khosroabadi** thanked Ober for waiving the fees for 2023.

Mark Stehn, Celebrate Milwaukie, Inc. (CMI), and **Ober** confirmed that the 2023 business registration fee had been waived and the city was asking vendors to still register so the city had their contact information.

Shalena Havens, First Friday Milwaukie Co-Chair, encouraged the city to remember that some vendors were hobbyists who do not make much money.

Sagor thanked CMI and First Friday Milwaukie for working with staff on the issue.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

Councilor Massey reported on topics discussed at a recent North Clackamas Watersheds Council (NCWC) meeting, including the Kellogg Dam removal project.

Councilor Khosroabadi discussed issues raised at recent North Clackamas Parks and Recreation District (NCPRD) District Advisory Committee (DAC) and Clackamas County Water Environment Services (WES) meetings.

Ober reported that the Milwaukie Junior Baseball 12U team coached by Salyers had taken fourth place at the state tournament. **Salyers** added that his son had been awarded the sportsman award at the state tournament.

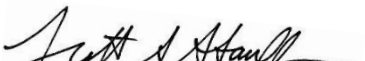
Ober also reported that staff was in communication with the North Clackamas School District (NCSD) Board to schedule a joint meeting with Council.

10. ADJOURNMENT

It was moved by Councilor Khosroabadi and seconded by Councilor Massey to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi and Massey and Mayor Batey voting “aye.” [3:0]

Mayor Batey adjourned the meeting at 8:00 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder