

2390<sup>th</sup> Meeting**COUNCIL REGULAR SESSION****MINUTES**

City Hall Council Chambers, 10501 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

OCTOBER 17, 2023

**Council Present:** Councilors Adam Khosroabadi, Robert Massey, Rebecca Stavenjord, and Council President Desi Nicodemus, and Mayor Lisa Batey

<b>Staff Present:</b> Justin Gericke, City Attorney	Emma Sagor, Assistant City Manager
Brandi Leo, Human Resources Director	Gabriela Santoyo Gutierrez, Equity & Inclusion Coordinator
Ann Ober, City Manager	
Peter Passarelli, Public Works Director	Scott Stauffer, City Recorder

**Mayor Batey** called the meeting to order at 6:03 p.m.

**1. CALL TO ORDER****A. Pledge of Allegiance.****B. Native Lands Acknowledgment.****2. ANNOUNCEMENTS**

**Mayor Batey** announced upcoming activities, including the Ledding Library's fall author series, a city manager open door session, a neighborhood hubs workshop, the city's Arbor Day event, a downtown Milwaukie trick-or-treat event, and an open house at the Wichita Center. **Stauffer** noted that October 17 was National Voter Registration Day.

**3. PROCLAMATIONS AND AWARDS****A. None Scheduled.****4. SPECIAL REPORTS****A. North Clackamas School District (NCSD) Levy – Report**

**Cindy Detchon**, NCSD Assistant Superintendent, provided an overview of the district and the school funding local option levy that would appear on the November 7, 2023, ballot. If renewed by voters, the levy would continue to support teacher positions.

Council expressed support for the levy and the services provided by NCSD.

**5. COMMUNITY COMMENTS**

**Mayor Batey** reviewed the comment procedures and **Ober** reported there was no follow-up report from the October 3 comments.

Milwaukie residents **Elvis Clark** and **Florisa Trapp** were concerned about the diverter that had been installed at 42<sup>nd</sup> Avenue and King Road. They suggested a roundabout be built at 42<sup>nd</sup> Avenue and King Road and a four-way stop on Harrison Street.

**Eugene Trapp**, Milwaukie resident, asked when the city would resurface Harvey Street and expressed concern about the diverter at 42<sup>nd</sup> Avenue and King Road.

**Leesa Graetrek**, Milwaukie resident, encouraged the city to update the city's historic property inventory and prioritize historic preservation work.

**Nicole Perry**, Milwaukie resident, encouraged Milwaukians to support the NCSD levy.

## **6. CONSENT AGENDA**

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

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

1. September 5, 2023, work session,
2. September 5, 2023, regular session,
3. September 12, 2023, study session,
4. September 19, 2023, work session, and
5. September 19, 2023, regular session.

**B. Resolution 50-2023:** A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, reinstating a low-income housing water assistance (LIHWA) program agreement with Clackamas County for the extension of program funding to city residents.

**C. Resolution 51-2023:** 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 authorization for the new city hall improvements.

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

**Mayor Batey** announced that Council would proceed to hearing item 8. A. before the business items.

## **8. PUBLIC HEARING**

### **A. Substantive Code Amendments – Ordinance, 2<sup>nd</sup> Reading**

**Mayor Batey** called the continued hearing to order at 6:54 p.m. and explained that the voice vote on the ordinance on October 3 had not been unanimous and therefore a second reading of the title at a separate meeting had been required.

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

**Stauffer** polled the Council with Councilors Massey, Nicodemus, Stavenjord, and Khosroabadi voting “aye” and Mayor Batey voting “no.” [4:1]

**Ordinance 2236:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, TITLE 17 LAND DIVISION, AND TITLE 19 ZONING, TO MAKE CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF CLARIFICATION AND IMPROVED EFFECTIVENESS (FILE #ZA-2023-002).MENDING VARIOUS PARTS OF THE MUNICIPAL CODE (MMC) AS NECESSARY TO FORMALLY RETIRE THE DESIGN AND LANDMARKS COMMITTEE (DLC) (FILE #ZA-2023-002).**

**Mayor Batey** expressed support for the overall code amendments package and noted opposition to the change that allowed metal structures to be placed near property lines.

## **7. BUSINESS ITEMS**

### **A. Bertman House Update – Report**

**Passarelli** provided an overview of the house's history, the city's use of the site, and options for dealing with the house that staff had explored based on Council input.

**Passarelli** reported that it was staff's recommendation to deconstruct the house and build a new home for the Swift birds that lived in the house's chimney.

**Councilor Massey, Passarelli, and Ober** remarked on rehoming the Swifts and the Milwaukie Historical Society's interest in taking down the house so the property could be used for expanded outdoor activities.

**Council President Nicodemus and Councilor Stavenjord** supported taking the house down and rehoming the Swifts. The group remarked on the height of the proposed Swift tower home and noted regional Audubon Society resources for dealing with Swifts.

**Mayor Batey** expressed support for deconstructing the house and having another park property. **Batey** remarked on why Swifts do not build homes in all chimneys.

**Ober** noted next steps staff would take to surplus the property.

## **B. Equity Study Report and Workplan – Discussion**

**Sagor and Ober** reviewed the city's diversity, equity, and inclusion (DEI) work since 2020, noting the creation of the Equity Steering Committee (ESC) and hiring staff to focus on DEI projects and issues.

**Annette Humm Keen**, principal with Keen Independent Research (KIR), reviewed the equity study project report, noting how the study had been conducted.

**Nicole Yates**, KIR consultant, discussed the demographics of study participants and how the study looked at disparities and perceptions of the city's hiring, procurement, and public engagement practices, and how the city provided specific services.

**David Keen**, KIR principal, provided an overview of the recommendations made by the study, including hiring and procurement process improvements.

**Yates** summarized the study's recommendations related to the delivery of services and engaging with and communicating to the public.

**David Keen** observed that Milwaukie was ahead of other larger cities in its DEI work.

**Councilor Khosroabadi** asked about the study's finding that larger utility customers were being undercharged. **Yates** confirmed the study's finding. **Passarelli and Khosroabadi** remarked on previous and ongoing efforts to adjust utility rate structures.

**Councilor Khosroabadi** appreciated that the study showed public support for city events and that city events were seen as open to all.

The group remarked on how the city could develop metrics to gauge community satisfaction for events and services.

**Councilor Stavenjord and David Keen**, noted that the study had not differentiated between types of positions at the city and whether an employee was on probation, and they agreed that the city should conduct a separation analysis and track hiring practices. They also remarked on improvements the city could make to track the diversity of subcontractors.

**Council President Nicodemus, Ober, and Sagor** commented on the city's plans to track the study's metrics over time and how to get more community members to engage and volunteer for events and projects.

**Mayor Batey and Ober** noted that the city had an incentive program for staff to learn other languages. **Council President Nicodemus** asked why native speakers of non-

English languages were required to test their fluency to receive the incentive and **Ober** suggested staff would provide more information on testing later.

The group thanked KIR for their work on the study.

**Mayor Batey** noted that agenda item 9. A. would be rescheduled to a future meeting.

**Mayor Batey** recessed the meeting at 8:16 p.m. and reconvened at 8:25 p.m.

## **B. Equity Study Report and Workplan – Discussion (continued)**

**Santoyo Gutierrez** and **Ober** provided an overview of the equity focus areas staff would work on, including recruitment, hiring, and retention; communication, transparency, and storytelling; engagement pathways; equitable procurement; accessibility; and naming of spaces and places. **Santoyo Gutierrez** reported that the ESC had identified communication, recruitment, and engagement as top priorities.

**Sagor** described next steps staff would take to work on the focus areas and asked for Council feedback on the workplan.

**Mayor Batey** observed that hiring and retention should be prioritized. **Ober** and **Sagor** explained how the ESC had prioritized the focus areas.

**Councilor Khosroabadi** believed the naming of city facilities, improving procurement processes, and working on retention of employees should be prioritized. **Khosroabadi** believed Council staff reports should include an equity impact section.

**Council President Nicodemus** expressed concern about DEI work overburdening Black, Indigenous, and People of Color (BIPOC) ESC members and city staff. **Ober** and **Sagor** commented on how city staff, other city boards and committees, and the community would be asked to carry out the DEI work.

**Santoyo Gutierrez** observed that if developing a naming policy were to be prioritized, other ESC and DEI projects would have to be paused. **Ober** remarked on how the ESC would support the city's equity work.

**Councilor Massey** asked about the engagement pathways and recruiting youth volunteers. **Sagor** remarked on preliminary tasks staff would undertake to engage youth community members.

**Councilor Stavenjard** asked how the ESC had approached prioritizing the focus areas. **Sagor** suggested that the ESC had considered what the city could do and **Santoyo Gutierrez** thought the ESC had considered what could and should be done.

**Councilor Stavenjard** encouraged the city to install multilingual signage at city hall and remarked on the importance of figuring out how to engage youth community members. **Council President Nicodemus** encouraged the city to ask youth community members about how the city could best engage with them.

**Mayor Batey** expressed support for the three focus areas prioritized by the ESC, noted staff's efforts to-date to engage with youth members, and remarked on the need for engaging with a more diverse range of community volunteers.

**Mayor Batey** and **Ober** noted that staff were working on improving the city's procurement processes through the acquisition of a new bid management system. **Ober** suggested that more information on procurement improvements would be available a year after the new system was implemented.

**Mayor Batey** commented on naming policies in other cities and noted that two of the city's new parks would be named without going through a process. **Ober** remarked on the timing of when a parks and facilities naming process could be developed and reported that the ESC was concerned about rushing the development process. **Sagor** observed that engaging youth should be part of the naming process.

**Council President Nicodemus** asked if the ESC were making recommendations on funding priorities. **Sagor** believed that involving the ESC was a good idea and staff would do so as the next budget was prepared.

**Council President Nicodemus** and **Ober** noted how neighborhood district associations (NDAs) were funded and how NDAs distributed grants to various community groups. **Sagor** reported that staff would be working with the NDAs to consider changes to how neighborhood programming is funded. **Councilor Stavenjord** agreed and remarked on how the NDA grant funding process could be improved. **Santoyo Gutierrez** noted that there were ESC members who were also involved in NDA processes.

**Sagor** noted next steps in working on the equity focus areas.

### **C. City Staff Strategic Plan Overview – Report** (removed from the agenda)

**Mayor Batey** announced that the item would be rescheduled to a future meeting.

## **9. COUNCIL REPORTS**

### **A. Flavored Tobacco Ban Support – Resolution**

**Mayor Batey** explained that Council would consider the resolution at the November 7 meeting and that staff and Councilor Khosroabadi would work on refining the resolution language. It was noted that Council unanimously supported adopting a resolution in support of banning flavored tobacco.

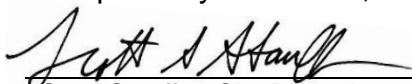
## **10. ADJOURNMENT**

**Mayor Batey** announced that Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

**It was moved by Council President Nicodemus and seconded by Councilor Massey to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]**

**Mayor Batey** adjourned the meeting at 9:23 p.m.

Respectfully submitted,

  
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 Scott Stauffer, City Recorder

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