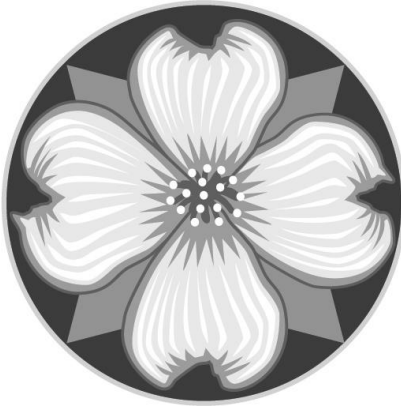




Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION**AGENDA**

New City Hall Council Chambers, **10501 SE Main Street**
& Zoom Video Conference (www.milwaukieoregon.gov)

OCTOBER 17, 2023

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to **New City Hall** or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. **For Zoom login** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-regular-session-358>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 831 8669 0512 and Passcode: 023745. To raise hand by phone dial *9.

Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov. Council will take verbal comments.

Note: agenda item times are estimates and are subject to change.

Page #**1. CALL TO ORDER (6:00 p.m.)****A. Pledge of Allegiance****B. Native Lands Acknowledgment****2. ANNOUNCEMENTS (6:01 p.m.)****13****3. PROCLAMATIONS AND AWARDS****A. None Scheduled.****4. SPECIAL REPORTS****A. North Clackamas School District (NCSD) Levy – Report (6:05 p.m.)****15**

Presenters: Shay James, NCSD Superintendent, and
Cindy Detchon, NCSD Assistant Superintendent

5. COMMUNITY COMMENTS (6:30 p.m.)

To speak to Council, please submit a comment card to staff. Comments must be limited to city business topics that are not on the agenda. A topic may not be discussed if the topic record has been closed. All remarks should be directed to the whole Council. The presiding officer may refuse to recognize speakers, limit the time permitted for comments, and ask groups to select a spokesperson. **Comments may also be submitted in writing before the meeting, by mail, e-mail (to ocr@milwaukieoregon.gov), or in person to city staff.**

6. CONSENT AGENDA (6:35 p.m.)

Consent items are not discussed during the meeting; they are approved in one motion and any Council member may remove an item for separate consideration.

A. Approval of Council Meeting Minutes of:**37**

- 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.**

6. CONSENT AGENDA (continued)

- B. Authorization of Low-Income Housing Water Assistance (LIHWA) Program Agreement Extension – Resolution** **49**
- C. Authorization of a Budget Increase for the New City Hall Improvements – Resolution** **52**

Agenda Order Note: Council will conduct public hearing item 8. A. before the business items. The time estimates noted below reflect this change in the agenda order.

8. PUBLIC HEARINGS

- A. Substantive Code Amendments – Ordinance, 2nd Reading (6:40 p.m.)** **150**
Staff: Vera Kolias, Senior Planner

7. BUSINESS ITEMS

- A. Bertman House Update – Report (6:50 p.m.)** **56**
Staff: Peter Passarelli, Public Works Director
- B. Equity Study Report and Workplan – Discussion (7:20 p.m.)** **59**
Staff: Emma Sagor, Assistant City Manager, and
Gabriela Santoyo Gutierrez, Equity & Inclusion Coordinator
- C. City Staff Strategic Plan Overview – Report (8:20 p.m.)** **141**
Staff: Ann Ober, City Manager, and
Emma Sagor, Assistant City Manager

9. COUNCIL REPORTS (8:50 p.m.)

- A. Flavored Tobacco Ban Support – Resolution (8:55 p.m.)** **187**
Presenters: Lisa Batey, Mayor, and
Adam Khosroabadi, Councilor

10. ADJOURNMENT (9:00 p.m.)

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502. To request Spanish language translation services email espanol@milwaukieoregon.gov at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's YouTube channel](#) and Comcast Channel 30 in city limits.

Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a ocr@milwaukieoregon.gov o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a espanol@milwaukieoregon.gov al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el [canal de YouTube de la ciudad](#) y el Canal 30 de Comcast dentro de los límites de la ciudad.

Executive Sessions

The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.



COUNCIL REGULAR SESSION

City Hall Council Chambers, 10501 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

2390th Meeting

MINUTES

OCTOBER 17, 2023

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

Staff Present: Justin Gericke, City Attorney
Brandi Leo, Human Resources Director
Ann Ober, City Manager
Peter Passarelli, Public Works Director

Emma Sagor, Assistant City Manager
Gabriela Santoyo Gutierrez, Equity & Inclusion Coordinator
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 42nd Avenue and King Road. They suggested a roundabout be built at 42nd 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 42nd 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, 2nd 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 Stavenjord 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 Stavenjord 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.

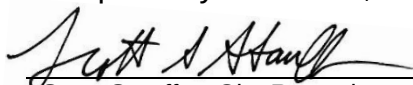
10. ADJOURNMENT

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,



Scott Stauffer, City Recorder

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CITY OF MILWAUKIE

Memorandum

To: City Council
From: Joseph Briglio, Community Development Director
CC: Ann Ober, City Manager
Date: October 17, 2023
Re: Community Development Department Update

Community Development, Economic Development, & Housing	Planning	Building	Engineering
▪ City Hall ▪ Economic Development ▪ Affordable Housing	▪ Comprehensive Plan Implementation ▪ Planning Commission ▪ Design and Landmarks Committee ▪ Land Use/ Development Review	▪ September Review	▪ CIP ▪ Traffic/Parking Projects ▪ Right-of-Way Permits ▪ PIP ▪ Document Administration

COMMUNITY DEVELOPMENT/ECONOMIC DEVELOPMENT/HOUSING

City Hall Projects

Historic City Hall

- City staff and representatives from Henry Point Development have officially executed the disposition and development agreement (DDA). The DDA serves as the roadmap for preparing city hall for its next intended use and ensuring that conditions such as maintaining the historic façade, among others, are compulsory with the property transfer.
- Henry Point Development has conducted several site and building inspections to further understand the costs associated with purchasing and rehabilitating city hall. These have so far included a phase I environmental assessment, topographical survey, mechanical, electrical, and structural inspections, exploratory demolition, and historic preservation consultations.
- Staff and Henry Point Development agreed on an MOU this month that will help ensure that the city and the new ownership continue to partner in events, improvements, and other complementary operations.
- Henry Point Development received land use approval from the Planning Commission on June 27 for modifications to the site. They submitted building permits in September and are

currently in the review process. Once permits are approved, the property transfer can move forward.

New City Hall

- Complete. There will be no updates on the project beginning in November.

Economic Development

- *Downtown:* Staff worked closely with the owner of Spoke and Word, an independent bookstore, to find a location on Main Street. They will be taking over the old Elle Cree storefront at 10863 SE Main Street and plan to open in October. Their website is here: <https://www.spokeandwordbooks.com/>
- *Milwaukie Marketplace:* Planet Fitness is open, and Luna's Ice Cream will be opening in the coming months. Construction has stalled for the New Seasons space, which was originally planned to open in the Fall of 2023; however, New Seasons notified the city that they will be pushing out the opening date to early 2024 due to supply and material delays. Finally, the building division received an application for Ace Hardware, which will be occupying the old Tuesday Morning space.
- *Milwaukie Station:* In order to address new state wastewater requirements for food cart pods, staff worked on improving the site with sewer and grease interceptor traps. Without these upgrades, the food carts would no longer be allowed to operate at Milwaukie Station. The project is now 100% complete and operating well.
- *Enterprise Zone:* Staff recently met with two businesses relocating to Milwaukie's north innovation area and taking advantage of the North Clackamas Enterprise Zone tax incentives. The two businesses are Swagelock and Overland Van Project. The Overland Van Project was recently approved for the incentive. Additionally, City and County staff recently met with Alpine Foods who are interested in applying in order to help offset their current expansion costs.
- *Urban Renewal Area Economic Development Programs:* Staff recently contracted with regional economic development consultant and expert, John Southgate, to help create the criteria associated with the 5-Year Action Plan's Predevelopment Assistance, Tenant Improvement, and Small Business Assistance programs. The MRCCAC will reconvene in November to discuss the draft criteria and provide feedback on the emerging programs.

Affordable Housing

- *Sparrow Site:* The city purchased the parcel ("main property") at the northeast corner of SE Sparrow Street and the Trolley Trail from TriMet for the purpose of land banking to support affordable housing several years ago. More recently, staff received a Metro Brownfields grant to support due diligence for the acquisition of 12302 SE 26th Avenue ("auxiliary property") from TriMet in order to help rectify access constraints to the main property. The city closed on the 12302 SE 26th Ave ("auxiliary") property and is considering next steps.
- *Coho Point:* The Developer presented an update to the city council during its February 21 work session and requested a 12-month extension of the Disposition and Development Agreement (DDA) due diligence period because of extenuating circumstances involving supply chain and subcontractor timing issues related to the COVID-19 pandemic. The due

diligence period was officially extended to March 31, 2024. City Staff recently signed off on the Developer's conditional letter of map revision (CLOMR) submittal to FEMA so that they can begin the approval process for building within the flood plain. Staff were notified on May 10, 2023, that Black Rock had submitted the CLOMR to FEMA. The review process typically takes several months, and FEMA recently (September) requested additional information from the applicant.

- *Construction Excise Tax (CET) Program:* The CET Program was established by the city council in 2017 and codified within chapter 3.60 (Affordable Housing Construction Excise Tax) of the municipal code. The CET levy's a one percent tax on any development over \$100,000 in construction value. In example, a property owner who is building an addition that has an assessed construction value of \$100,000 would have to pay \$1,000 in CET to the city. As development continues throughout the city, the CET fund increases in proportionality.

The city released its inaugural competitive bid process for CET funds through a formal Request for Proposals (RFP). This resulted in Hillside Park Phase I being awarded \$1.7M (requested \$2M) and the Milwaukie Courtyard Housing Project (Now called Milwaukie Shortstack) with \$300K (requested \$600K).

On March 7, 2023, the city council authorized the city manager to execute the necessary grant agreements in the amounts listed above. The grants agreements for both projects have been signed and executed, and initial funding disbursements have occurred. Staff will now work with the applicants to ensure that their projects meet the conditions for funding.

PLANNING

Comprehensive Plan Implementation

- Planning and community development staff continue to meet regularly with the consultant team to work on the Neighborhood Hubs implementation project. The code audit is underway which will transition into code concepts.

A Hubs refinement and prioritization process has been completed which has resulted in:

- New typologies/categories applied to each of the identified hubs from the 2020 report.
- Development of prioritization criteria to evaluate each hub for short- and long-term efforts.
 - Criteria are both placemaking and community building.
- Identification of needs for each hub, such as:
 - Zoning
 - Economic development assistance
 - Infrastructure improvements

The consultant team has submitted a draft Economic Development toolkit for staff review. Finally, staff is in the middle of planning the fall public involvement event, which will include in-person and virtual participation opportunities. The public workshops will take place in October at various locations:

- October 11: Lewelling NDA meeting
- October 12: Linwood NDA meeting
- October 18: Island Station NDA meeting
- October 23: Workshop at Chapel Theatre (4107 SE Harrison St from 6 p.m. – 7:30 p.m.)
- October 25: Workshop at Milwaukie Floral (3306 SE Lake Rd from 6 p.m. – 7:30 p.m.)
- October 25: Workshop at Milwaukie Café & Bottle Shop (9104 SE 32nd Ave from 6 p.m. – 7:30 p.m.)

Promotion of the workshop series includes an article in the Pilot, notification to stakeholders and NDAs, posting on Engage Milwaukie, fliers at the farmers market and the October 8th parks event at Scott Park, and social media posts.

Staff have scheduled a work session project update for the City Council in December.

- Planning and Engineering staff selected a consultant for the Transportation Systems Plan (TSP) in May of 2022. The Council appointed the TSP Advisory Committee (TSPAC) on February 6 comprised of members with geographic representation within the city and community members that historically have been excluded from transportation planning processes. Community engagement will officially kick-off with the first TSPAC in October.

Planning Commission

- ZA-2023-002: A Type V application for a package of more substantive code amendments. The original goal of this package was to review recent Type III variances in an effort to streamline the code and reduce barriers for residents. The package includes amendments to access spacing standards modification process in Title 12, allowing attached cottages in cottage clusters in the R-MD zone, allow encroachments for back decks into the rear yard setback, and revise the minimum lot size for townhouse corner lots, among other proposed

amendments. The Planning Commission held a work session on February 28th to discuss the amendments. The public hearing was held on April 25, where the Commission voted 4-1 in favor of a motion to recommend approval to City Council. A Council work session to discuss the amendments was held on June 20. The public hearing with the Council was held on October 3. Council 4-1 to approve the amendments; the second reading of the ordinance has been scheduled for October 17.

- ZA-2022-005: A Type V code amendment application related to Climate Friendly Equitable Communities rulemaking. The Planning Commission held a public hearing on February 14th and voted 6-0 to recommend approval of the code amendments. The City Council discussed the amendments during the regular session on March 7th. These code amendments are currently on hold while the rulemaking process continues through the fall of 2023. The city requested and received an alternative date to implement required CFEC code changes until rulemaking is complete.
- ZA-2023-004: A Type V code amendment application to update the bicycle parking quantity and development standards for new and redevelopment projects. The Planning Commission held a work session on the proposed amendments on July 25th. The amendments are now on pause while the rulemaking process continues through the fall of 2023 due to some indication that the bicycle parking requirements for residential development (which are now 1:1) may change.
- ZA-2023-005: A Type V code amendment application to retire the Design and Landmarks Committee, based on a June 6 discussion with City Council. The Planning Commission held a public hearing on July 25th and voted 4-1 to recommend denial of the proposed code amendments. The City Council held a public hearing on August 15 and voted 3-2 to retire the DLC. A second reading of the ordinance is scheduled for a City Council vote on September 19.
- WG-2023-001: A Type III application proposing a 13-unit multi-unit development at 1600 SE Lava Dr. The site is in the Willamette Greenway, so the proposal is subject to Willamette Greenway review, in addition to development review and a lot consolidation. The public hearing with the Planning Commission was held on September 26, when the Commission voted unanimously to approve the application. The Notice of Decision was posted on September 27. The appeal period runs out on October 12.
- CSU-2023-004: A Type III application to modify the community service use (CSU) approval for Milwaukie High School. The school has proposed ending the shared parking agreements it has maintained with two nearby churches as part of its off-street parking portfolio. The school has also requested the removal of the condition of approval requiring a Transportation Demand Management Program (TDMP). The newly adopted statewide rules for Climate Friendly & Equitable Communities mean the City can no longer require minimum off-street parking facilities; but since the school is a CSU, Planning Commission review is required to determine whether any new impacts might result that need mitigation. A public hearing is scheduled for October 10.

Design and Landmarks Committee

- The DLC has been officially retired as per Ordinance 2235.

Land Use/Development Review

- VR-2023-006: Type II application to reduce rear yard setback at 3607 SE King Rd from the required 20 ft to 16.4 ft to accommodate an addition to the primary dwelling. On September 5th, a referral was issued, and the public notice was mailed. To date, no comments have been received.

¹ Only land use applications requiring public notice are listed.

BUILDING

Permit data for	September	FY to Date:
New single-family houses:	1	10
New ADU's	1	1
New Solar	7	27
Res. additions/alterations	3	15
Commercial new	0	0
Commercial Alterations	4	11
Demo's	0	2
Total Number of Permits issued:		400
(includes fire, electrical, mechanical, plumbing, and other structural)		
Total Number of Inspections:		638
Total Number of active permits:		915

ENGINEERING

Capital Improvement Projects (CIP): _

CIP 2018-A13 Washington Street Area Improvements

Summary: This project combines elements of the SAFE, SSMP, Water, Stormwater, and Wastewater programs. SAFE improvements include upgrading and adding ADA compliant facilities along 27th Ave, Washington St, and Edison St. Street Surface Maintenance Program improvements are planned for Washington Street, 27th Avenue, and Edison Street. The Spring Creek culvert under Washington Street at 27th Avenue will be removed, and a new structure added. The water system along Washington Street will be upsized from a 6" mainline to an 8" mainline. The stormwater system along Washington Street will be upsized from 18" to 24" storm lines. The project is being designed by AKS Engineering and Forestry.

Update: The pre-construction meeting with Landis and Landis is scheduled for October 25th.

CIP 2016-Y11 Meek Street Storm Improvements

Summary: Project was identified in the 2014 Stormwater Master Plan to reduce flooding within this water basin. The project was split into a South Phase and a North Phase due to complications in working with UPRR.

Update: Staff received approval from Council on March 21st for property purchase and pipeline easements. The easement agreements have been executed, and the property is closure. Staff put the project out to bid for construction in mid-May, with a bid opening in mid-June. A project authorization for the construction contract with Tapani Inc. was approved by the Council on July 18, and the contract was executed on Sept. 14. Construction is anticipated to begin in early November.

CIP 2020-A12 SAFE & SSMP FY 2021 Improvements (Home Ave & Wood Ave)

Summary: Project includes the Home Avenue SAFE and SSMP improvements and the Wood Avenue SSMP improvements.

Project is mostly completed; a few items remain that needed to be done during warm weather.

Update: Staff are working on closing out the Project. Final payment has been submitted to finance. The contractor has been largely un-responsive for the past 3+ months.

CIP 2022-W56 Harvey Street Improvements

Summary: The project includes water improvements and stormwater improvements on Harvey Street from 32nd Avenue to the east end, on 42nd Avenue from Harvey Street to Johnson Creek Boulevard, 33rd Avenue north of Harvey Street, 36th Avenue north of Harvey Street, Sherry Street west of 36th Avenue, 41st Street north of Wake Court, and Wake Court. Sanitary sewer work will be done on 40th Avenue between Harvey Street to Drake Street. The project also includes the installation of an ADA compliant sidewalk on Harvey Street from 32nd Avenue to 42nd Avenue and 42nd Avenue from Harvey Street to Howe Street. Roadway paving will be done throughout the project area.

Update: Century West Engineering was contracted for the design in July 2023. Survey work is in progress.

CIP 2021-X39 FY 2021 Wastewater Improvements

Summary: Project includes replacement of old, high maintenance sanitary sewer mainlines at Kent Street, 37th Avenue, and Washington Street. Project also includes the installment of new sanitary connections for the trucks at the Milwaukie Station Food Carts and lining existing sanitary mains at Home Street and Harrison Street.

Update: Construction complete. This project is being closed out.

CIP 2021-W61 Ardenwald North Improvements

Summary: Project includes street repair on Van Water Street and Roswell Street with a shared street design for bicycles, pedestrians, and vehicles. Stormwater catch basins in the project boundary will be upgraded, the water system will be upsized on 29th Avenue, 30th Avenue, and 31st Avenue, and there will be wastewater improvements on 28th Avenue, 29th Avenue, and 31st Avenue to address multiple bellies and root intrusion to reduce debris buildup.

Update: Work is progressing on 100% design. Staff anticipates bidding the project this winter.

CIP 2022-A15 King Road Improvements

Summary: King Road (43rd Avenue to city limits near Linwood Avenue) SAFE/SSMP Improvements will replace existing sidewalk and bike lane with a multi-use path, improve stormwater system, replace water pipe, and reconstruct roadway surface.

Update: 30% conceptual design is under city staff review.

Milwaukie Bay Park

Update: The County Commission has pulled funding for the project, which has consequently placed it on hold.

Waverly Heights Sewer Reconfiguration

Summary: Waverly Heights Wastewater project was identified in the 2010 Wastewater System Master Plan. The project may replace approximately 2,500 feet of existing clay and concrete pipe.

Update: Staff advertised an RFQ in mid-May, and a consultant (Stantec Consulting Services) was selected in early July. Authorization for the design contract with Stantec was approved by the Council on August 1. An engineering services agreement was executed with Stantec on Sept. 19, and the design effort was kicked off in early October.

Monroe Street Greenway

Summary: The Monroe Street Greenway will create a nearly four-mile, continuous, low-stress bikeway from downtown Milwaukie to the I-205 multi-use path. Once complete, it will serve as the spine of Milwaukie's active transportation network connecting users to the Max Orange Line, Max Green Line, Trolley Trail, 17th Avenue Bike Path, I-205 path, neighborhoods, schools, and parks. Funding grants through ODOT and Metro will allow the city to complete our 2.2-mile section of the Monroe Greenway from the Trolley Trail to Linwood Ave.

Update:

East Monroe Greenway (37th to Linwood): Presently, staff have come to an agreement with ODOT and CONSOR on the scope of work and design cost. This will be installed using RFFA and City Funds over Fiscal years 2025 and 2026.

Monroe Street & 37th Avenue (34th to 37th): This segment is complete. It was constructed as part of the private development of the Seven Acres Apartments under the review and inspections of the Engineering Department.

Central Monroe Greenway (29th to 34th): The city is working with ODOT to prepare an IGA that will transfer \$1.55 M in STIP funding to the city to manage this segment of the Monroe Street Greenway. City staff plan to prepare a direct appointment contract to have the railroad crossings designed and approved in anticipation of delays caused by the railroad right-of-way. City UR and Transportation Funds will also be used for the design and construction of this segment during Fiscal Years 2025 and 2026.

Monroe Street & Highway-224 Intersection: This project has now been combined with a larger project which will mill and overlay Highway-224 from Rusk Road to 17th Avenue. Staff have begun regular meetings with the ODOT team managing the Highway-224 mill & overlay project. This project will also include permanently closing several crosswalks, however, none of the proposed closures are currently stripped, or being used. Construction is anticipated in the Fiscal Year 2025.

West Monroe Greenway (Milwaukie Bay Park to 29th Avenue): This segment is currently unfunded.

Kellogg Creek Restoration and Community Enhancement Project

Summary: Project to remove the Kellogg Creek dam, replace the McLoughlin Blvd. bridge, improve fish passage, and restore the wetland and riparian area. City of Milwaukie staff are part of the project Leadership Team, Core Technical Team, and the Technical Advisory Committee. The Leadership Team and Core Technical Team both meet monthly. In addition to city staff, these groups include staff from North Clackamas Watershed Council (NCWC), Oregon Department of Transportation (ODOT), and American Rivers. The Technical Advisory Committee (TAC) for the Kellogg Creek Restoration & Community Enhancement Project involves all collaborative partners that include the Confederated Tribes of the Warm Springs Indian Reservation of Oregon, the Confederated Tribes of Grand Ronde, Clackamas Water Environment Services, Metro, North Clackamas Parks and Recreation District, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Division of State Lands, the Native Fish Society, and the Natural Resources Office of Governor.

Update: Project scoping by ODOT is continuing and on schedule to post the design Request for Proposal (RFP) by the end of this year.

Traffic / Parking Projects, Issues

None.

Right-Of-Way (ROW) Permits (includes tree, use, construction, encroachment)

Downtown Trees and Sidewalks

Update: Staff has a contract with AKS; working on what type of design works best now and in the future with both the trees and sidewalks & curbs.

Private Development – Public Improvement Projects (PIPS)

Seven Acres Apartments (formerly Monroe Apartments) – 234 units

Update: We anticipate completion of all ROW improvements in summer 2023; Contractor is working on installing the main driveway on 37th Ave. (opposite from Washington Street) and ADA ramps on both sides of 37th Ave. at Washington Street. The developer has received a TCO for four buildings.

Henley Place (Kellogg Bowl redevelopment)- 175 units

Update: A Right-of-Way permit has been issued; construction of improvements is underway.

Walnut Addition Subdivision – 9 lot subdivision at Roswell St. & 33rd Ave.

Update: Most of the street work has been completed; construction is in the project correction phase.

Elk Rock Estates – 5 lot subdivision at 19th Ave & Sparrow St.

Update: Most of the street work has been completed; construction is in the project correction phase.

Shah & Tripp Estates – 8-lot subdivision at Harrison Street and Home Ave.

Update: Design plans are under review.

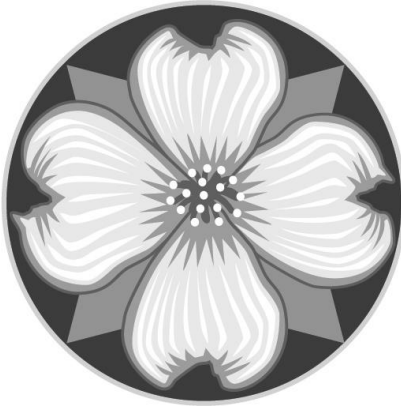
Jackson / 52nd – 5-unit development.

Update: Design plans are under review. Staff and developer have agreed on a development agreement to have the developer pave Jackson Street from Home to 52nd Ave. and be reimbursed for areas outside of their responsibility. Pre-construction meeting has been scheduled. Construction is anticipated to start this summer.

Document Administration

Master Plans

Summary: WSC is preparing the Stormwater System Plan.



RS Agenda Item

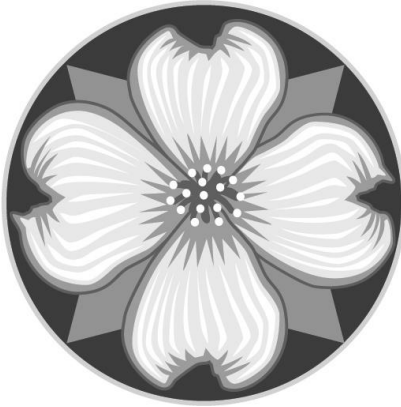
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Announcements



Mayor's Announcements – October 17, 2023

- **Fall Author Series – Elyssa Maxx Goodman – Thu., Oct. 19 (7 PM)**
 - Glitter and Concrete, her first book, traces the history of drag in New York City and the role it's played in both queer culture and urban life
 - Ledding Library, 10660 SE 21st Ave.
- **City Manager Open Door Session – Fri., Oct. 20 (9 – 10 AM)**
 - Ask questions, raise concerns or just find out more about what the city is doing
 - No-sign up is necessary. First come, first served.
 - City Hall, 10501 SE Main St.
- **Neighborhood Hubs Workshops Continue in October**
 - Share your thoughts on gathering spaces close to your home
 - **Wed., Oct. 18** (6:30 PM) – Island Station NDA meeting (Milwaukie Grange, 12015 SE 22nd Ave.)
 - **Mon., Oct. 23** (6-7:30 PM) – Chapel Theatre, 4107 SE Harrison St.
 - **Wed., Oct. 25** (6-7:30 PM) – Milwaukie Floral, 3306 SE Lake Rd.
 - **Wed., Oct. 25** (6-7:30 PM) – Milwaukie Cafe, 9104 SE 32nd Ave.
 - Learn more, RSVP, and participate in the discussion on **Engage Milwaukie** at engage.milwaukieoregon.gov
- **Arbor Day 2023 – Sat., Oct. 28 (9 AM – 1 PM)**
 - Friends of Trees Planting – Sign up to volunteer
 - Arbor Day Celebration – Ceremonial tree planting, free trees, donuts, and more.
 - Parking Lot Downtown – SE Harrison St. and SE Main St.
- **Trick or Treat on Main Street – Sat., Oct. 28 (1 – 4 PM)**
 - Find a list of participating businesses and highlights at the link below.
- **LEARN MORE AT [WWW.MILWAUKIEOREGON.GOV](https://www.milwaukieoregon.gov) OR CALL 503-786-7555**



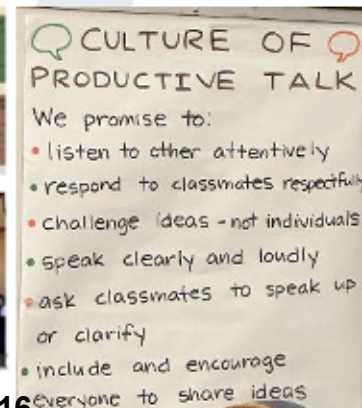
RS Agenda Item

4

Special Reports



Preparing for the New School Year



North  Clackamas Schools

Strategic Plan

2022-2027

Student Experience & Success



We prepare each student through engagement, effective instruction, empowerment, and skill development in order to succeed in life and career

People & Culture



We foster a welcoming and affirming environment through intentional, culturally inclusive practices where each student and employee is equipped to perform at their highest level



Resources & Service

We maximize resources and services through strategic investment, innovative practices, and continuous improvement processes to strengthen the school community and advance student outcomes



Family & Community Collaboration

We elevate student achievement and well-being through collaboration and active partnership with families and community



Equity • Relationships • Integrity • Empowerment • Care

RS17

NCSD Demographics

- North Clackamas Schools includes 17,058 students (26% economically disadvantaged, 43% students of color, 17% students with disabilities, 23% percent ever English language learners, 77 languages spoken)
- Sixth largest school district in the state with 32 schools (including traditional, charter, magnet, bi-lingual, and the state's largest professional technical center)
- 1,729 full-time employees

Enrollment Trends

Year	Enrollment
2017-2018	17259
2018-2019	17287
2019-2020	17326
2020-2021	16544
2021-2022	16588
2022-2023	16718
2023-2024	17058



Class Size Averages (2022-23)

Class size by level:

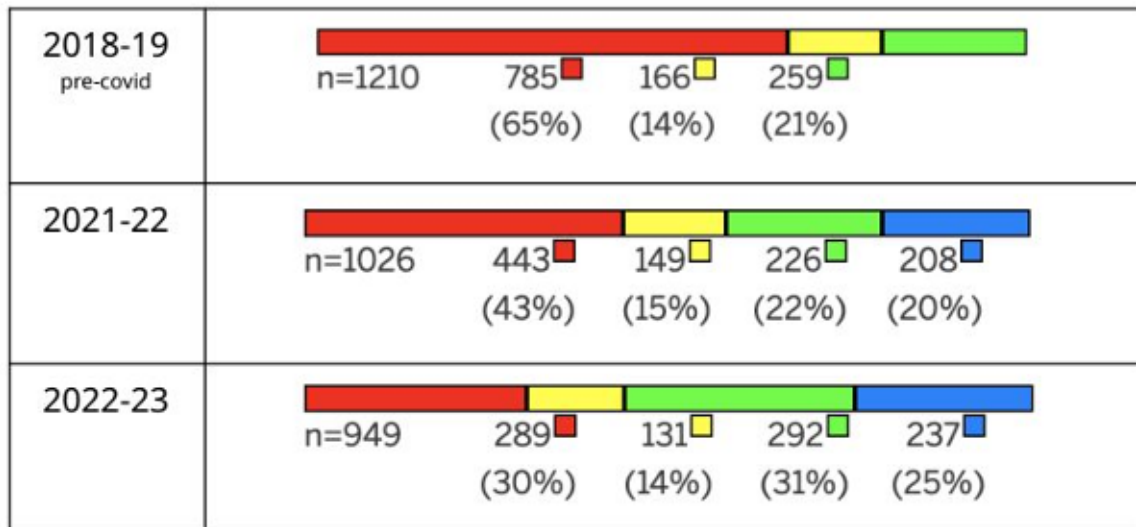
Kindergarten: 22.5 students

Grades 1-5: 24.7 students

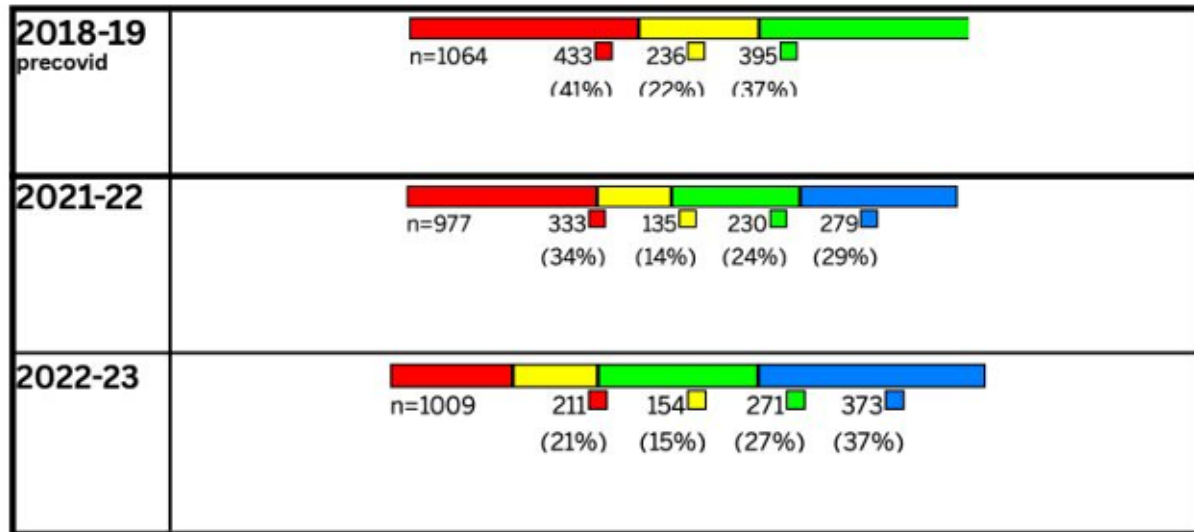
Grades 6-8: 27.5 students

Grades 9-12: 28.1 students

Kindergarten Literacy Data



1st Grade Literacy Data



Graduation Rates



87%

9th grade
on track

Oregon Average: 83%



88%

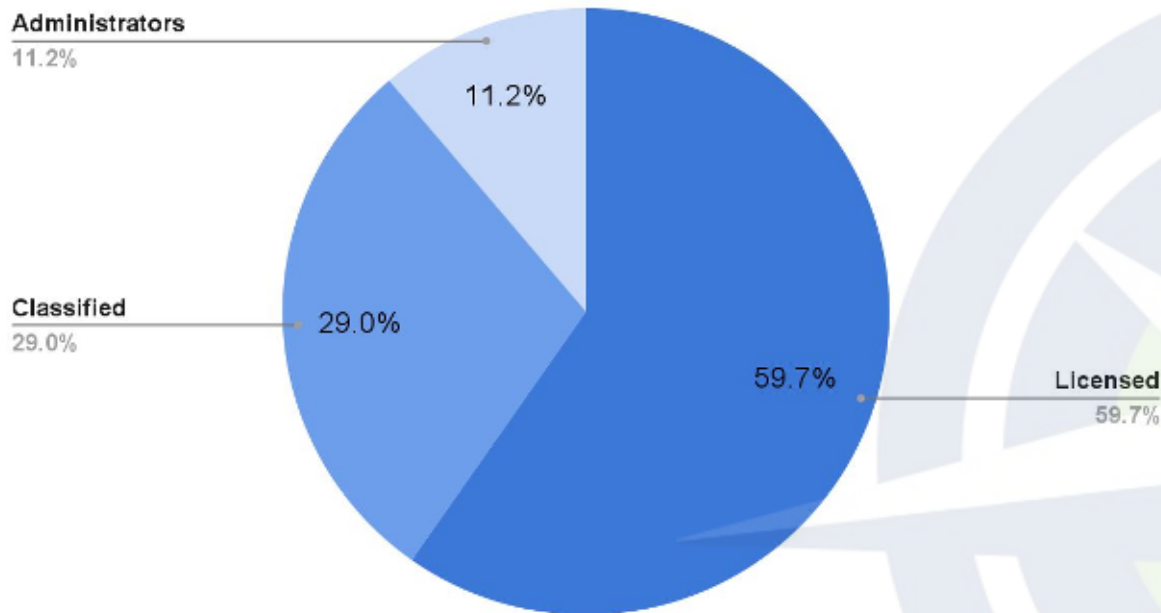
4-year graduation
rate

Oregon Average: 81%

RS23

Staffing and Budgeting Information

Distribution of staffing groups



RS24

Excellence in Financial Reporting



ASSOCIATION OF
SCHOOL BUSINESS OFFICIALS
INTERNATIONAL

The Certificate of Excellence in Financial Reporting
is presented to

North Clackamas School District 12

for its Annual Comprehensive Financial Report
for the Fiscal Year Ended June 30, 2022.

The district report meets the criteria established for
ASBO International's Certificate of Excellence in Financial Reporting.



- **Gold Standard** in comprehensive Financial reporting
- **Quality** financial reporting
- **Transparency** in financial reporting
- Commitment to financial **stewardship**
- Positive factor with **credit rating** agencies

Communications National Awards of Excellence!



"Proud To Be NCSD" Podcast



"You're Welcome In NCSD" Video



"2016 Capital Construction Bond Summary" Publication



Family Services



- Food pantry
- Clothes Closet
- Parent Education
- Referrals to access
 - Food Security Support
 - Dental/Medical Care
 - Housing/Utility Assistance
 - Individual and Family Counseling
 - Domestic Violence Support

Unique District Programming

- Bilingual programs
- Four public charter schools
- 18 Career and technical education programs - largest in the state
- CARE Program, 21st Century Grant, North Clackamas Education Foundation
- Non-profit partnerships
- Preschool
- Virtual Online Program

Preschool Program



- North Clackamas School District received the Preschool Promise Grant
- NCSD one of three county districts for first grant rollout
- Opened preschool for 3 and 4 year olds at Oak Grove Elementary



Proposed Teachers Levy Measure 3-599

North  Clackamas Schools

RS30



2023

Why is NCSD Proposing the Levy on the November 2023 ballot?

- NCSD has been funded by a local option levy voters passed in 2018 and set to expire June 30, 2024.
- Provides funding to support 180 positions, which is equivalent to one-fifth of all teachers in the district.
- Proposed Measure 3-599, if passed would renew the levy for 5 years
- As a renewal, Measure 3-599 would maintain existing tax rates.

If passed, what would the Levy Fund?



The proposed Levy would generate approximately \$25 million a year over five years.

If passed, the Levy would:

- Continue to retain teachers and staff at all schools
- Maintain current class size averages across all NCSD schools

If passed, what would the Levy cost?

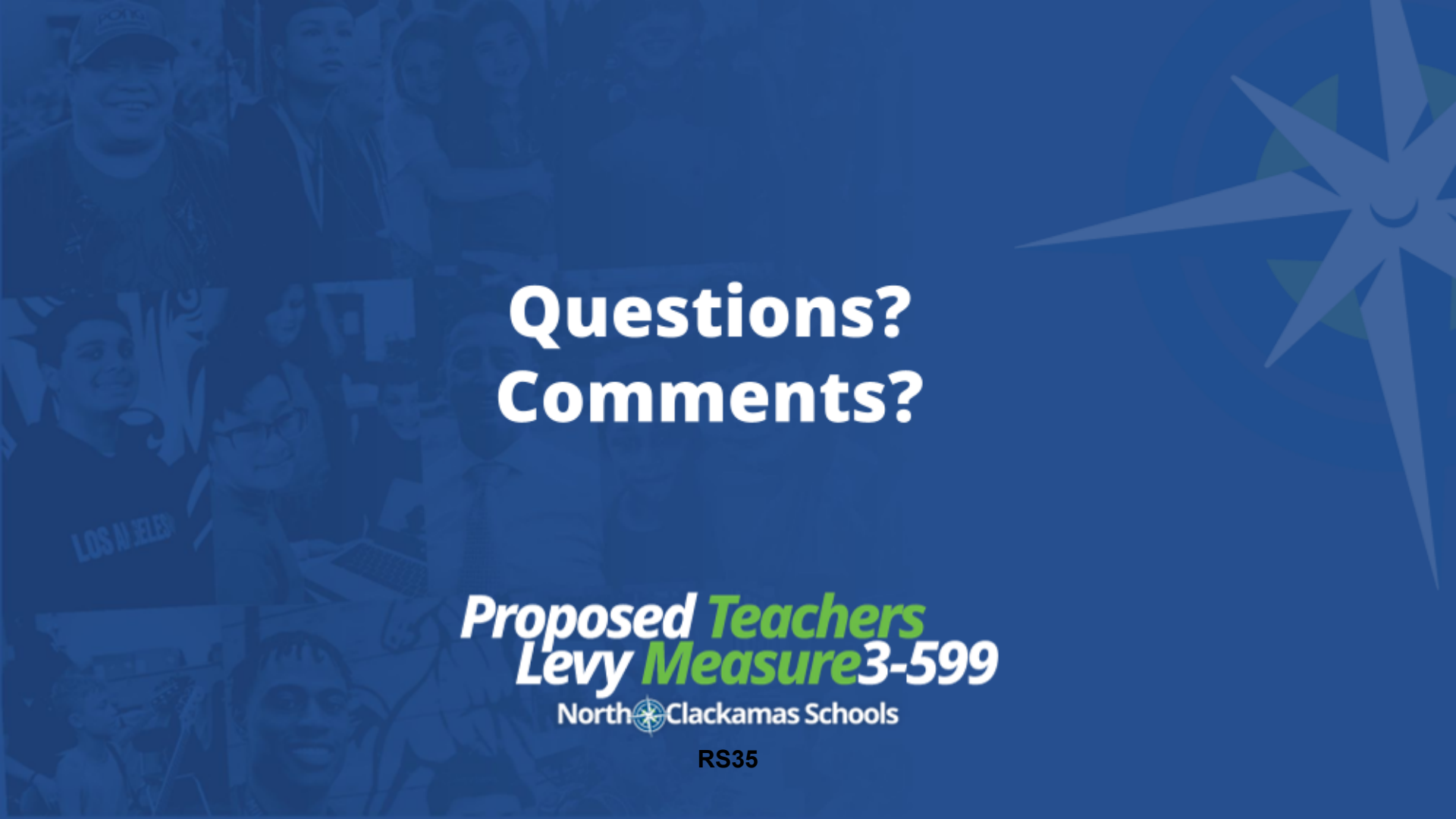
- Maintains existing tax rates. As a renewal, this Levy would maintain existing tax rates.
- The Teachers Levy Renewal would authorize a continuation of the current tax rate of approximately \$1.63 per \$1,000 of assessed property value for five years.

What happens if the measure does not pass?

- If the measure does not pass, the current tax rate of \$1.63 per \$1,000 of assessed property value would not continue to be funded.
- The current tax rate expires on June 30, 2024.

6 Things to Know About the Proposed Teachers Levy:

- 1. Measure 3-599 is on the November 2023 Ballot*
- 2. This proposed Levy is a renewal and would maintain the existing tax rate of \$1.63 per \$1000 of assessed property value.*
- 3. If passed, 100% of the levy funds would be used to fund the North Clackamas School District.*
- 4. If passed, the Levy would retain 180 teachers*
- 5. If passed, the Levy would maintain current class size averages across all NCSD schools*
- 6. If passed, the Levy would preserve programming such as vocational career technical education, music, art, and physical education.*

The background is a solid blue color. On the left side, there is a collage of various people, including a man in a baseball cap, a woman, and a man with glasses. On the right side, there is a large, stylized compass rose with eight points, rendered in a lighter blue color.

Questions? Comments?

**Proposed Teachers
Levy Measure 3-599**

North  Clackamas Schools

RS35

Scott Stauffer

From: NICOLE PERRY <nicolepperry@msn.com>
Sent: Tuesday, October 17, 2023 11:19 AM
To: OCR
Subject: Community Comment

This Message originated outside your organization.

The following is what I plan to share tonight during the city council meeting, but I thought I would also email my comments.

Thank you, Nicole Perry

Mayor Batey, City Council Members and Staff,

Thank you for the opportunity to provide community comments. I am a Linwood neighborhood resident and longtime volunteer with both the city and the North Clackamas School District. I work in Safe Routes to Schools currently and previously worked in Special Education in public schools.

Our family moved to Milwaukie over 15 years ago to settle into a home in which we knew would be the one where our children would grow up. The schools were a major factor in deciding on the North Clackamas area and we could tell that Milwaukie was a great place to live. We have been pleased with the school communities our kids have attended. Our oldest started college this fall and her sister aspires to do the same in four years. That outcome is based on our involvement with the schools and the support of the district. And when I say district, I mean everyone from the Superintendent to the teachers, from the instructional assistants to the custodians. When I asked my kids who they connected with most over the years, the answers included a teacher of the year, a counselor that I've consulted with and a long-term sub that doubles as a sports and assembly announcer, as well as a coach from a sport they did not play and a certain elementary custodian that used to dress up as Santa.

Education was vital to my success in life and it continues to be vital to my children's success. It will only prove to be just as important in the future. Kids in our community need all the caring,

responsible adults they can get. Voting yes for the North Clackamas teacher's levy renewal on the November ballot will ensure this.

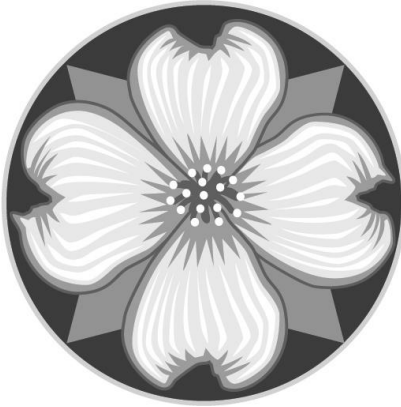
So many staff in the North Clackamas School District are from this area and others that are not still have pride in the community and strive for excellence in their jobs. Both teachers and students faced enormous difficulty during COVID. Stress has increased for all and much of that is due to staff shortages and increased workload both educational and emotional. Current class sizes do not make it easy for relationship-building between students and teachers now, and if this levy does not pass, those class sizes will only grow.

There is a teacher shortage which makes it difficult enough to fill vacancies and retain people. This school district and this city attract people and businesses. We need to continue to support that concept.

Passing this levy is an investment in the future of our community. The values of our homes, the efforts of building community, and the respect given to those educating the next generation need to be upheld.

Education is a key indicator of success. Students will be community members and decision makers someday and their educational experience is so important. Whether they are on a city committee or a volunteer with an organization, their work ethic will likely be based on that experience. And it should include various programming such as music, PE, art, and vocational technical education. Subjects like these are likely to be cut in the absence of funding. This teacher's levy (measure 3-599 on the November ballot) will have a significant impact on this community. It retains the current tax rate and ensures that class sizes do not go up and that staff numbers are not reduced. If the levy does not get renewed, schools in the city of Milwaukie alone could lose 42 teachers.

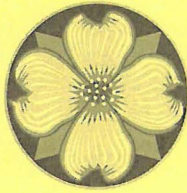
Please support this ballot measure so that the North Clackamas School District can preserve programming, retain important staff positions, and keep class sizes from increasing. Thank you!



RS Agenda Item

5

Community Comments



CITY OF MILWAUKIE
CITY COUNCIL

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

Speaker Card

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speaker Card, once submitted to the City Recorder, becomes part of the public record.

Name: Elvis Clark

Organization: _____

Address: 3536 se sherry LN

Phone: _____

Email: EClarkMilwOr@yahoo.com

Meeting Date: _____

Topic: _____

Divertor Install / 42nd & King

Agenda Item You Wish to Speak to:

☒ #5 Community Comments

Note: Council generally does not respond to comments during this meeting. The city manager will respond to comments at the next regular session.

☐ #7 Other Business, Topic: _____

☐ #8 Public Hearing, Topic: _____

You are Speaking...

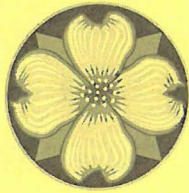
☐ in Support

☒ in Opposition sort of

☐ from a Neutral Position

☐ to ask a Question

Comments: _____



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CITY COUNCIL

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Name:

Florida (?)
Florida and
Eugene Trapp

Organization:

Address:

9819 S.E 36th Ave

Phone:

503-353-1753

Email:

emtot1@comcast.com

Meeting Date:

10/18/23

Topic:

streets & 4 way stop on Harrison

Agenda Item You Wish to Speak to:

☒ #5 Community Comments

Note: Council generally does not respond to comments during this meeting. The city manager will respond to comments at the next regular session.

☐ #7 Other Business, Topic: _____

☐ #8 Public Hearing, Topic: _____

Comments:

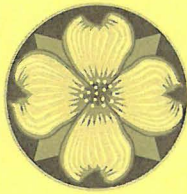
You are Speaking...

☐ in Support

☐ in Opposition

☐ from a Neutral Position

☒ to ask a Question



CITY OF MILWAUKIE
CITY COUNCIL

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Name: Leesa Gratreak

Organization:

Address: 6735 SE Catalina Ln

Phone: 503-805-6481

Email: leesa.gratreak@gmail.com

Meeting Date: 10/17

Topic: Planning Department Work plan

Agenda Item You Wish to Speak to:

☒ #5 Community Comments

Note: Council generally does not respond to comments during this meeting. The city manager will respond to comments at the next regular session.

☐ #7 Other Business, Topic: _____

☐ #8 Public Hearing, Topic: _____

You are Speaking...

☒ in Support

☐ in Opposition

☐ from a Neutral Position

☐ to ask a Question

Comments: I encourage the Planning Department Work plan to
prioritize historic preservation planning in City Planning

Hello: Mayor Batey, Council President Nicodemus, Councilors Khosroabadi, Massey, Stavenjord.

Community Comment (Agenda 5, October 17, 2023), Elvis Clark resident of Ardenwald

Re: The new diverter installed at the Intersection of King and 42nd, and hope for its removal and replacement.

City Engineers, earlier this month of October, had a diverter installed at the intersection of 42nd and King Road. I provide the following photo of this new diverter:



This new diverter is a bit aggravating for those living in the nearby areas surrounding Water Tower Park. I have received a number of complaints from neighbors. The rub is that **the new diverter blocks drivers in the area from going east on King Road** from the intersection of King and 42nd streets.

Instead, perhaps a hundred or more Drivers per day wanting to head east on King from the intersection at King and 42nd must now drive further, and/or take nearby neighborhood streets (for instance, Drake to 43d) – neighborhood streets that are not really designed to be the collector street that King Road is between 40th and 42nd. These nearest neighborhood streets are in very poor shape; and in the case of Drake, it is essentially a one lane road.

I understand and recognize the City Engineer concern that the intersection of King and 42nd has for the longest time been a source of driver confusion, as drivers approaching this

intersection, heading west on King and wanting to turn onto 42nd and then onto Harrison Street, often stop at the intersection when they are supposed to keep driving and turning 90 degrees onto 42nd. Drivers at the stop sign in the photo above and wanting to travel east on King then wait not knowing when such confused driver who is supposed to continue turning in front of them and onto 42nd is going to do so.

Roundabout versus mature pine tree. The City engineers offer the possibility of a long-term solution whereby the new diverter is replaced by a roundabout. A roundabout remotely similar in design to this rendition:



I am told by City Engineer staff that a roundabout at 42nd and King would require the removal of the stately, mature pine tree in the right-of-way in the first photo to my testimony (on the left side of the photo intersected by the crosswalk).

Some of my complaining neighbors don't want the City to spend money on a roundabout but just want the diverter removed and the intersection returned to its former state.

But I **believe the City should try replacing the new diverter with a roundabout.** I would be willing myself to personally donate \$200 to help compensate for replacing/offsetting the environmental loss of the pine tree – the pine tree that would need to be removed for the installation of the roundabout. I would also approve of increasing the SAFE fee on water bills to fund this roundabout and also the ones considered for Harrison and 42nd - and Johnson Creek and 42nd .

The **Federal Highway Administration** is very positive about the attributes of roundabouts, stating the following:

“Roundabouts are not only a safer type of intersection; they are also efficient in terms of keeping people moving. Even while calming traffic, they can reduce delay and queuing when compared to other intersection alternatives. Furthermore, the lower vehicular speeds and reduced conflict environment **can create a more suitable environment for walking and bicycling.”** [[Roundabouts \(dot.gov\)](https://www.fhwa.dot.gov/roundabouts/)]

Sincerely,
Elvis Clark
Ardenwald-Johnson Creek Neighborhood

Scott Stauffer

From: Mike Lesch <mikelesch@hotmail.com>
Sent: Wednesday, October 18, 2023 6:46 AM
To: OCR
Cc: Vera Kolias; Ann Ober; Peter Passarelli; Lesch, Michael; Lisa Batey; Nate Noble; BeerStore Milwaukie
Subject: Beer Store Milwaukie - Parklet Extension

This Message originated outside your organization.

Hello Distinguished City Council and Honorable Mayor Batey,

Beer Store Milwaukie would like to respectfully request that our Parklet located at 10610 SE Main Street be allowed to remain in place throughout the winter months. We understand that the Parklet season runs from April through November and we would like permission to keep our current structure in place for many reasons which we will explain in detail. We will also make some winter-weather adjustments for both safety and practicality. Additionally, we will pay any additional fees associated with the space the Parklet occupies.

In December alone there are two City of Milwaukie signature events (Umbrella Parade and Tree Lighting as well as Winter Solstice and Christmas Fleet) plus one new event which is taking form (Cherry Drop on New Year's Eve). Both signature events draw large crowds to downtown Milwaukie and our Parklet provides the additional space we need to accommodate this influx and provide a safe place for our community to gather and enjoy these celebrations together. There are also many private holiday parties and family get-togethers that we would like to continue to support with the added capacity the Parklet provides.

As the holiday season subsides and we move into the New Year, there is always a lull throughout our community as we recover from these celebrations. There are, however, many "beautiful winter days" filled with bright sunshine and crisp, fresh air. For example there is always that one week in February when the clouds part, the air warms, and we are teased with glimpses of Spring all around us. It is on these days that our Parklet becomes an oasis for those who are ready to trade their winter coats for a hoodie or flannel and enjoy some sunshine. Even though a majority of our winter days are gray and gloomy, there are a few atypical days of sunshine that our Parklet allows us all to enjoy.

In the coming days we will be removing the green fabric shade panels from our Parklet. This will be done to reduce the possibility of wind damage and eliminate the possibility of these panels taking flight during a winter storm. It will also let the sunshine in on those gorgeous winter days. We commit to keeping the area inside and around the Parklet clean and free of leaves and debris throughout the winter as we have done each year since the beginning of the COVID pandemic when our Parklet was first installed. We hope our maintenance track record over the past two and a half years has provided year-round evidence of our ability to fulfill this commitment.

Finally, should our request be approved, if there are any additional fees associated with this extension, we agree to pay them up front and only need to know the amount and preferred form of payment.

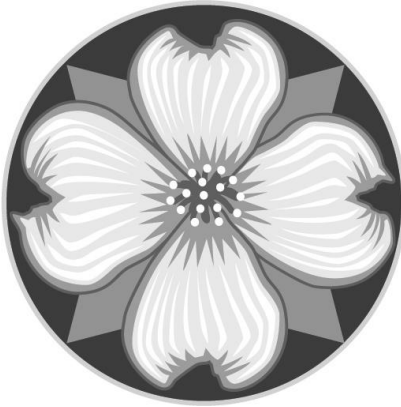
All of us at the Beer Store Milwaukie understand the contributions we provide to our community and realize the responsibility that goes along with those contributions. Our vision has always been to provide the best possible environment for our community to meet and enjoy time together. It has become our mission to seek out new ways to accomplish this and improve on our existing infrastructure. We hope our community feels the same way and that you, our leadership team, will be able to support all of us who continue to work toward these goals.

Thank you for taking the time to review this request. We are happy to answer any questions our council may have. Please feel free to reach out to us anytime.

Best regards,

Mike Lesch

Beer Store Milwaukie
503.799.3581



RS Agenda Item

6

Consent Agenda

COUNCIL WORK SESSION

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

MINUTES

SEPTEMBER 5, 2023

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

Council Absent: Councilor Rebecca Stavenjord

Staff Present: Steve Adams, City Attorney
Justin Gericke, City Attorney
Ben Green, Engineering Technician
Dan Harris, Events & Emergency Management Coordinator
Jordan Imlah, Communications Program Coordinator

Peter Passarelli, Public Works Director
Emma Sagor, Assistant City Manager
Gabriela Santoyo Gutierrez, Equity & Inclusion Coordinator
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 4:04 p.m. and noted that Councilor Stavenjord was absent from the meeting.

1. Seismic Updates at City Facilities – Discussion

Passarelli reported that the city's Public Safety Building (PSB), located at 3200 SE Harrison Street, required seismic retrofits and that grant funding for the retrofits had been obtained. **Passarelli** explained that the city was working with a structural engineer and provided a timeline for the retrofit project's next steps. **Passarelli** detailed what improvements would be made during the project.

Passarelli explained upcoming changes to the public works (PW) Johnson Creek building (JCB) and noted the schedule for the move of departments and what upgrades would be made as well as the budget for the project.

The group discussed the funding for PSB's seismic retrofits.

Mayor Batey and **Passarelli** commented on how fiber-reinforced polymer (FRP) was used, and **Batey**, **Passarelli**, and **Stauffer** commented on the current staff capacity at JCB. **Batey** expressed disappointment in the lack of plans for more public services at JCB.

2. Arts Committee – Annual Update

Imlah and Arts Committee Chair, **Samantha Swindler**, reported on the committee's 2023-2024 goals and the projects and events that the committee had worked on in the last year and the remaining events and projects for the rest of the year.

The group discussed what next steps needed to occur to utilize the mural fund for sculptures and discussed the sculpture garden.

Councilor Khosroabadi thanked the committee for their work.

Mayor Batey complimented the committee for its Porchfest event and expressed interest in continuing the art exhibition in the new city hall community room. **Batey**, **Imlah**, and **Swindler** discussed the committee's registry of volunteers. The group discussed placement plans for the scarecrow contest for 2024 and beyond.

Councilor Massey expressed excitement for the Bing cherry sculpture and new year celebration, and **Massey** and **Council President Nicodemus** complemented the committee on Porchfest. The group commented on Porchfest.

Sagor thanked the committee for their work.

3. Public Safety Advisory Committee (PSAC) – Annual Update

Green explained how PSAC had been meeting, and that the committee had finished updating their bylaws. **Jay Panagos**, PSAC Chair, explained what occurs at typical PSAC meetings and commented on the Lewelling neighborhood Safe Routes to School (SRTS) Plan, the Transportation System Plan (TSP), and the Natural Hazard Mitigation Plan (NHMP).

Councilor Khosroabadi thanked PSAC for their work on updating their bylaws and the inclusion of the native lands acknowledgement.

Mayor Batey and **Panagos** commented on the SRTS Plan. **Batey** commented on warming and cooling shelters. **Batey** and **Panagos** discussed the process of prioritizing projects.

Council President Nicodemus and **Councilor Massey** thanked Panagos and PSAC for their work and time.

4. Adjourn

Mayor Batey announced that after the meeting 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.

Mayor Batey adjourned the meeting at 5:22 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

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

MINUTES**SEPTEMBER 5, 2023**

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

Council Absent: Councilor Rebecca Stavenjord

Staff Present: Joseph Briglio, Community Development Director	Peter Passarelli, Public Works Director
Justin Gericke, City Attorney	Emma Sagor, Assistant City Manager
Dan Harris, Events & Emergency Management Coordinator	Gabriela Santoyo Gutierrez, Equity & Inclusion Coordinator
Brandi Leos, Human Resources Director	Scott Stauffer, City Recorder
Ann Ober, City Manager	Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 6:03 p.m. and announced that 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 agenda item 8. A. Design and Landmarks Committee (DLC) Code Update – Ordinance, 2nd Reading would be rescheduled to September 19.

Mayor Batey announced upcoming activities, including an arts workshop, a Milwaukie Museum performance, a poetry reading and fall author series, the annual Sustainability Fair, and a work party at Minthorn Springs Natural Area.

3. PROCLAMATIONS AND AWARDS**A. Middle School Teacher of the Year Award – Proclamation**

Mayor Batey explained that Rowe Middle School (RMS) teacher Lucas Dix had received the OnPoint Community Credit Union middle school teacher of the year award. The group viewed a video produced by Dix's students and North Clackamas School District (NCSd) Board Chair **Jena Benologa** congratulated Dix on behalf of the district.

Dix expressed appreciation for the honor and remarked on his work at RMS. Council congratulated Dix and **Mayor Batey** proclaimed the city's appreciation for Dix's work.

B. Service Month – Proclamation

Alexa Morris, Milwaukie Rotary Club president, introduced Rotarians, Elks, and Lions club members and commented on the importance of community service and **Mayor Batey** proclaimed Service Month in Milwaukie.

C. National Preparedness Month – Proclamation

Harris commented on the importance of being prepared for natural disasters and **Mayor Batey** proclaimed National Preparedness Month in Milwaukie.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey noted agenda item 8. A. would be rescheduled, and that Council could not take any further public comment on that matter. **Ober** reported there was no follow-up from the August 15 comments. No audience member wished to address Council.

6. CONSENT AGENDA

It was moved by Councilor Khosroabadi and seconded by Councilor Massey to approve the Consent Agenda items A and C.

A. City Council Meeting Minutes:

1. August 1, 2023, work session,
2. August 1, 2023, regular session,
3. August 8, 2023, site visit, and
4. August 8, 2023, study session.

B. ~~Authorization of a public improvement contract with Landis & Landis Construction for construction of the Washington Street Area Improvements Project (CIP-2021-A13).~~ (Removed from the agenda.)

C. Resolution 45-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing the city manager to sign a contract amendment with Diversified Abilities to provide janitorial services for the duration of the initial five-year term for an amount not to exceed \$279,317.15 per year.

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

7. BUSINESS ITEMS

A. Planning Department Workplan – Discussion

Weigel provided an overview of the planning department’s workplan, noting the status of various projects, and asked for Council feedback on staff’s work priorities. The group discussed specific projects, including updating bicycle parking requirements and ongoing land use applications.

Mayor Batey, **Councilor Khosroabadi**, and **Weigel** remarked on reprioritizing the workplan by moving projects like the sign code update, affordable housing incentives, business and industrial manufacturing zoning, and historic homes inventory higher on the list. The group noted that some projects were prioritized due to state requirements.

Councilor Massey and **Weigel** commented on how the historic home inventory would impact staff workload.

Mayor Batey noted a community member wished to speak on the workplan.

Leesa Gratreak, Milwaukie resident, encouraged Council to make the historic homes inventory project a higher priority for the planning department and noted financial and volunteer resources that could be used to complete the inventory work.

Mayor Batey announced that Council would continue the workplan discussion at the next Council meeting.

8. PUBLIC HEARING

A. DLC Code Update – Ordinance, 2nd Reading

Mayor Batey announced that item 8. A. had been rescheduled to September 19, 2023.

B. Equity Study Report and Workplan – Discussion

Council President Nicodemus asked that Council reschedule the equity study discussion to a future meeting due to Council member illness. **Ober** noted that rescheduling the item would give staff more time to confer with the Equity Steering Committee (ESC) on the study. It was Council consensus to reschedule the equity report to a meeting in October.

9. COUNCIL REPORTS

None.

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, Massey, Nicodemus, and Mayor Batey voting “aye.” [4:0]

Mayor Batey adjourned the meeting at 7:26 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL SITE TOUR

Henley Place, 10306 SE Main Street
(www.milwaukieoregon.gov)

MINUTES

SEPTEMBER 12, 2023

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

Staff Present: Joseph Briglio, Community Development Director Nicole Madigan, Deputy City Recorder
Justin Gericke, City Attorney Ann Ober, City Manager

Council and staff participated in a tour of the Henley Place development that started at 5:15 p.m. They heard a progress update on the construction. The tour ended at 6:15 p.m. and Council took no actions.

Respectfully submitted,

Ann Ober, City Manager

COUNCIL WORK SESSION

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

MINUTES

SEPTEMBER 19, 2023

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

Staff Present: Joseph Briglio, Assistant City Manager Ann Ober, City Manager
Jennifer Garbely, City Engineer Emma Sagor, Assistant City Manager
Justin Gericke, City Attorney Scott Stauffer, City Recorder
Toby LaFrance, Finance Director Jason Wachs, Community Engagement Coordinator

Mayor Batey called the meeting to order at 4:03 p.m.

1. Quarterly Capital Improvement Plan (CIP) – Update

Garbely provided an update on the Monroe Street Greenway project. **Garbely** and **Mayor Batey** discussed public engagement for the project, which agency oversaw which portions of the project, and project-related traffic pattern changes at Highway 224.

Garbely and **Councilors Khosroabadi and Stavenjord** discussed funding for the greenway. **Stavenjord** asked about the timeline for working with Union Pacific Railroad (UPRR) in relation to the greenway's project timeline. **Garbely** advised that the rail order was already in process.

Garbely provided an update on the Meek Street project's north phase, the Washington Street Area Improvements, and Ardenwald North Improvements. **Mayor Batey** and **Garbely** discussed how street users would be notified that the road would be shared.

Garbely shared how the improvements for King Road were coming along. **Councilor Stavenjord** and **Garbely** discussed coordination with the Lewelling Neighborhood District Association (NDA). **Mayor Batey** and **Garbely** commented on concerns around traffic changes that may occur once the King Road improvements had been completed.

Garbely reviewed the Harvey Street Improvements timeline and noted that next steps included deciding which side of the street the sidewalk would be placed on. **Garbely** shared that wastewater system improvements had been completed, and commented on the status of grind and inlay projects that are part of the 2023 Street Surface Maintenance Program (SSMP). **Mayor Batey** and **Garbely** discussed the total mileage of the grind and inlay projects and slurry seal projects.

Garbely informed Council of a traffic pattern change at 42nd Avenue and King Road and the group discussed why the change was made and how it might affect surrounding streets.

Garbely reviewed what projects were next on the CIP list. The group discussed the plans and funding for water service upgrades.

2. Citizens Utility Advisory Board (CUAB) Changes – Report

LaFrance explained CUAB's purpose and reported that finding new members had been difficult and as such staff suggested that CUAB become a subcommittee of the Budget Committee. **LaFrance** noted the crossover between the CUAB and the Budget

Committee, what the current membership requirements were for CUAB, and provided a timeline for training and the workplan for the subcommittee. **LaFrance** reviewed the next steps needed to make the suggested changes and asked Council for their input.

The group discussed whether enough perspectives had been included in preparing for the change.

Council President Nicodemus, LaFrance, and **Mayor Batey** discussed the workload change for the Budget Committee.

Councilor Khosroabadi and **LaFrance** commented on who from the Budget Committee would be included on the subcommittee and whether a formal appointment needed to occur.

Mayor Batey commented on the history of the CUAB's membership.

LaFrance confirmed that Council was interested in moving forward with staff's recommendation.

The group discussed board and committee recruitment and **Stauffer** noted that staff would return to discuss recruitment efforts.

3. Milwaukie Leadership Academy (MLA) – Annual Report

Wachs reported that the MLA had completed its fourth year and explained its purpose, what the 2023 program covered, how classes occurred, and noted the program was limited to 25 participants. **Wachs** listed recruitment efforts for the program, and shared results of the participant survey and statics of who participated in the program. **Wachs** shared upcoming plans for the MLA.

Ober expressed gratitude for Lashbrook and noted the MLA's origins.

Stephan Lashbrook, MLA co-facilitator, shared thoughts on the importance of a program like the MLA and how to better funnel interested MLA participants into board and committee positions. **Lashbrook** shared what perspective Lashbrook brought to the MLA classes.

The group discussed program participation over the last four years including the participation of youth community members.

Lashbrook encouraged Council members to participate in MLA classes. **Councilor Massey, Wachs,** and **Lashbrook** discussed the value of networking with other program participants.

4. Adjourn

Mayor Batey adjourned the meeting at 5:36 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

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

MINUTES**SEPTEMBER 19, 2023**

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

Staff Present: Joseph Briglio, Community Development Director Toby LaFrance, Finance Director
Tony Cereghino, Police Captain Ann Ober, City Manager
Brett Kelter, Senior Planner Scott Stauffer, City Recorder
Justin Gericke, City Attorney

Mayor Batey called the meeting to order at 6:00 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including a sustainability fair, a Ledding Library authors series, the new city hall grand opening, and a parks design open house. **Mayor Batey** and **Stauffer** noted that September 19 is national voter registration day.

3. PROCLAMATIONS AND AWARDS**A. Recognition of Historic City Hall – Proclamation**

Stauffer, Mayor Batey, and Councilors Stavenjord and Massey remarked on the 85 years of public service provided by the city's third city hall located at 10722 SE Main Street. **Batey** read a proclamation expressing the city's appreciation for historic city hall.

B. Milwaukie High School (MHS) Coach Aumueller – Recognition

Cereghino, MHS Principal Kim Kellogg, and Council remembered the life and work of MHS coach Roland Armueller who had recently passed away unexpectedly.

Ober congratulated Cereghino on recently being promoted to captain.

C. Vietnamese American Mid-Autumn Festival – Proclamation

Thao Tu, President of the Vietnamese Community of Oregon, commented on the Mid-Autumn Festival, and Mayor Batey proclaimed Vietnamese Mid-Autumn Festival Days.

4. SPECIAL REPORTS**A. New Business Introduction: Spoke and Word**

Cierra Cook, Spoke and Word owner, provided an overview of their new business and Council welcomed them to Milwaukie.

B. New Business Introduction: Luna's Ice Cream

Sam Whyte, Luna's Ice Cream owner, provided an overview of their new business and Council welcomed them to Milwaukie.

C. New Business Introduction: Mama and Hapa's

Ross Ching, Mama and Hapa's owner, provided an overview of their new business and Council welcomed them to Milwaukie.

D. New Business Introduction: Freeman Barrelhouse

Mayor Batey announced that the Freeman Barrelhouse introduction would be rescheduled for November 7.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures and announced that item 7. B. would be rescheduled. **Batey** and **Gericke** remarked on whether Council could reschedule item 8. A. **Ober** reported there was no follow-up from the September 5 comments.

Philip Stosse and **Nick d'Alonzo**, Lewelling Neighborhood District Association (NDA) representatives, provided an update on work to secure a Safe Routes to Schools (SRTS) grant in the Lewelling neighborhood, noting timelines and the city's role in the project.

Stosse and **Mayor Batey** commented on whether Council would need to adopt a resolution to support the project. **Councilor Stavenjord** and **Ober** clarified when the NDA and public would receive an update on the project from city staff.

Will Anderson, Oregon SRTS Committee Member, discussed the grant process and the status of the Lewelling project. **Ober** and **Anderson** clarified that the Lewelling project was the only SRTS project in Milwaukie and **Council President Nicodemus** and **Anderson** noted the role that Anderson plays in the SRTS grant application process.

6. CONSENT AGENDA

It was moved by **Council President Nicodemus** and seconded by **Councilor Khosroabadi** to approve the Consent Agenda items B, C, and D.

A. ~~City Council Meeting Minutes:~~ (removed from the agenda)

- ~~1. August 15, 2023, work session,~~
- ~~2. August 15, 2023, regular session, and~~
- ~~3. August 20, 2023, Council dinner.~~

B. Resolution 46-2023: A resolution of the City Council of the City of Milwaukie, Oregon, nominating Wilda Parks to serve as the city's representative to the Milwaukie Community Center / Community Advisory Board (C/CAB).

C. Resolution 47-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a public improvement contract with Lands & Landis Construction in the amount not to exceed \$7,529,783 for construction of the Washington Street Area Improvements Project (CIP-2021-A13).

D. Resolution 48-2023: A resolution of the City Council of the City of Milwaukie, Oregon, clarifying Section 17 Solid Waste of the Consolidated Fee and Charges.

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

7. BUSINESS ITEMS

A. Planning Department Natural Resources – Discussion

Kelver provided an overview of the natural resources policy work the planning department would undertake, including a review of the Milwaukie Municipal Code (MMC) and Comprehensive Plan and integration of related policies and regulations.

Councilor Stavenjord, Kelver, and Mayor Batey noted that all cities in the Portland metropolitan area were working on these natural resources policy updates based on directives from the Metro regional government. They noted the lack of guidance received from Metro and Clackamas County.

Mayor Batey, Kelver, and Briglio discussed how often the city's natural resource and wetland maps were updated based on state and regional timelines, and whether the city would update the maps as land use applications were received.

B. Planning Department Workplan – Discussion, cont. (removed from the agenda)

8. PUBLIC HEARING

A. Design and Landmarks Committee (DLC) Code Update – Ordinance, 2nd Reading (continued)

Mayor Batey proposed that Council delay the second reading on the ordinance again until Council had finished its discussion on the planning department work plan. The group discussed whether Council should delay the second reading to the next meeting. It was Council consensus to move forward with second reading.

Mayor Batey reviewed Council's previous action and first reading of the ordinance title.

Ober read the ordinance one time by title only.

Stauffer polled the Council with Councilors Massey, Nicodemus, and Stavenjord voting "aye" and Councilor Khosroabadi and Mayor Batey voting "no." [3:2]

Ordinance 2235:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING VARIOUS PARTS OF THE MUNICIPAL CODE (MMC) AS NECESSARY TO FORMALLY RETIRE THE DESIGN AND LANDMARKS COMMITTEE (DLC) (FILE #ZA-2023-005).

Ober noted that Council would continue the planning department workplan discussion at the October 3, 2023, regular session.

9. COUNCIL REPORTS

Councilor Khosroabadi reported on poverty-related issues discussed at a recent Clackamas County Community Action Board (CAB) meeting. **Councilors Stavenjord and Khosroabadi** noted what resource assistance documents Council could review and **Ober** thanked the county for financially supporting the city's efforts to reduce the number of utility customers who were behind on their payments.

Councilor Massey noted an upcoming Regional Water Consortium meeting and equipment mobilization event.

Mayor Batey reported on attending a recent summit on addiction treatment and being invited to serve on a Metro urban growth boundary (UGB) committee.

The group noted it was the final meeting at historic city hall and that the City of Estacada would be taking the council dais for use at their city hall.

10. ADJOURNMENT

It was moved by Council President Nicodemus and seconded by Councilor Stavenjord 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 8:05 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Oct. 4, 2023

Reviewed: Kelli Tucker, Accounting and Contracts Specialist

From: Michael Osborne, Assistant Finance Director

Subject: **Reinstatement and Extension of Agreement for Low-Income Housing Water Assistance Program (LIHWA)**

ACTION REQUESTED

Council is asked to reinstate the city's agreement with Clackamas County and authorize staff to extend the agreement for the LIHWA program through March 31, 2024. This program provides water assistance to low-income housing residents in Milwaukie.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

December 2022: the city entered into an agreement with Clackamas County to provide low-income assistance for water and utility services.

ANALYSIS

The LIHWA program helps residents who are behind on utility payments. It provides monetary assistance for residents' outstanding balances, plus offers an additional \$300 to give them a credit balance toward future months. Since the city started participating in the program, about \$87,464 has been paid in assistance to Milwaukie residents; and in the past 30 days, residents have received \$16,380 in program assistance.

The LIHWA program was initially scheduled to run through September 30, 2023, which was the same date set for the city's agreement to expire. The county recently proposed an extension through March 31, 2024. The city's agreement has \$26,630 remaining of the original \$100,000 budget and staff would like to continue to offer potential assistance to residents.

Staff asks Council to reinstate the expired agreement with the county in order to extend program assistance. There will be a brief delay in assistance while the county performs an audit of the LIHWA program to determine remaining funds. By reinstating the agreement, the city will be able to amend the program term and refer residents once the program has restarted.

BUDGET IMPACT

The program funding comes from the county and are not an expense to the city. The funds aid in paying outstanding and possible bad debt accounts the city might unlikely collect and send to collections. The received funds go towards increasing utility fund revenue (water, wastewater, and stormwater funds).

WORKLOAD IMPACT

Staff would continue to work with the county to identify residents who meet the program requirements. The workload impact on finance staff is minimal.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

Staff will work with Clackamas County Social Services Division to provide a list of residents who may qualify for the program and explore ways to reach out to residents to ensure they are aware of the program benefits. The finance director concurs with this recommendation.

STAFF RECOMMENDATION

Staff recommends that Council reinstate the LIHWA program agreement with Clackamas County and authorize the city manager to sign an amendment extending the program term.

ALTERNATIVES

Council could decline to reinstate and end the city's involvement with the program.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.**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.**

WHEREAS the city entered into an agreement with Clackamas County to provide low-income assistance for water and utility services, and

WHEREAS the program and agreement expired on September 30, 2023, and

WHEREAS the county proposed an extension of the program and funding through March 31, 2024, and

WHEREAS to continue to participate in the LIHWA program the city must reinstate the agreement in compliance with the city's Public Contracting Rule (PCR) 90.025 to execute an amendment extending the term.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, that the LIHWA program agreement with Clackamas County is reinstated as if it had not expired. The city manager or designee is authorized to sign the amendment extending the term until March 31, 2024.

Introduced and adopted by the City Council on **October 17, 2023**.

This resolution is effective immediately.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Oct. 05, 2023

Reviewed: Mandy Byrd, Development Project Manager, and
Kelli Tucker, Accounting & Contracts Specialist

From: Peter Passerelli, Public Works Director

Subject: **New City Hall Improvements Budget Increase Authorization**

ACTION REQUESTED

Council is asked to authorize an increase to the project authorization amount for the public improvement contract with Howard S. Wright that established the Guaranteed Maximum Price (GMP) for the new city hall building tenant improvements.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[January 4, 2022](#): Council met with staff to confirm basic elements of the tenant improvements at new city hall, including placement of council chambers and a public-facing front counter on the third floor.

[March 15, 2022](#): Council received an updated schedule and project management information.

[October 4, 2022](#): Staff provided an update on design in advance of going to bid for a general contractor for the tenant improvements.

[October 18, 2022](#): Staff presented findings for and gained approval from Council to proceed with an alternative contracting method for Construction Manager/General Contractor (CM/GC).

October 2022: Staff issued a formal solicitation for CM/GC services and selected Howard S. Wright from four responsive proposals as the contractor most qualified to complete the project.

[December 20, 2022](#): Council adopted [Resolution 88-2022](#), authorizing a public improvement contract and early work package (change order 00) not to exceed \$250,000 for new city hall improvements.

[January 17, 2023](#): Staff presented a project overview, updates on the scope, schedule, budget, and next steps.

[February 7, 2023](#): Council adopted [Resolution 8-2023](#) to establish the GMP and approve the project authorization up to \$1,728,000.

ANALYSIS

In September 2023, Howard S. Wright substantially completed tenant improvements for the new city hall project. The approved GMP was \$1,500,000 and staff was authorized to administer the project, including necessary change orders, up to an authorized budget amount of \$1,728,000. To date, the city has obligated \$1,705,687 of the authorized budget.

During and after installation of the new server room equipment, it became known that the room temperature was running warm. With the new equipment running in a small space, the existing ventilation (which includes both a supply and a return) has proven to not be sufficient, and the room is running above 80 degrees, which shortens the lifespan of the new network equipment.

The CM/GC presented staff with a proposed change order to install a ductless split unit in the server room that would keep the room at the optimal temperature, which will increase the lifespan of the equipment contained inside. This change order totals \$32,820.10 which is approximately \$11,000 over the current project authorized amount. Staff asks Council to increase the total project authorization amount to \$1,745,000 to purchase the necessary ductless split unit and to complete the new city hall project.

BUDGET IMPACT

The additional project cost is funded by sources from the city hall and general funds within the 2023-2024 biennial budget.

WORKLOAD IMPACT

Staff from the city manager and city recorder offices, and the administrative services, community development, and public works departments will be working together to facilitate tenant improvements.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

The city manager and city recorder offices, administrative services, community development, and public works all concur with this recommendation.

STAFF RECOMMENDATION

Staff recommends that Council increase the project authorization amount to not exceed \$1,745,000 to allow for execution of the change order and any unforeseen minor changes necessary to complete the new city hall project.

ALTERNATIVES

Council could direct staff to follow a separate, competitive procurement to purchase and install the necessary equipment.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.**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.**

WHEREAS staff issued a formal solicitation and selected Howard S. Wright as the most qualified construction manager/general contractor to complete the project; and

WHEREAS Council authorized the execution of the construction contract and early work package with Howard S. Wright to establish a partial guaranteed maximum price through Resolution 88-2022; and

WHEREAS Council adopted Resolution 8-2023 to establish the total Guaranteed Maximum Price (GMP) of \$1,500,000 and approve staff to administer the project up to \$1,728,000; and

WHEREAS Howard S. Wright and staff became aware that the new server room temperature was running warm and now risked shortening lifespan of the new network equipment; and

WHEREAS Howard S. Wright has proposed a change order of \$32,820.10 to purchase and install a ductless split unit to keep the server room at optimal temperature and increase the useful lifespan of the new equipment.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, that an increase to the project authorization amount of \$17,000 for the tenant improvements with Howard S. Wright for the new city hall building is authorized. The city manager, community development director or designee is authorized to administer the project in accordance with the project specifications with a project authorization not to exceed \$1,745,000.

Introduced and adopted by the City Council on **October 17, 2023.**

This resolution is effective immediately.

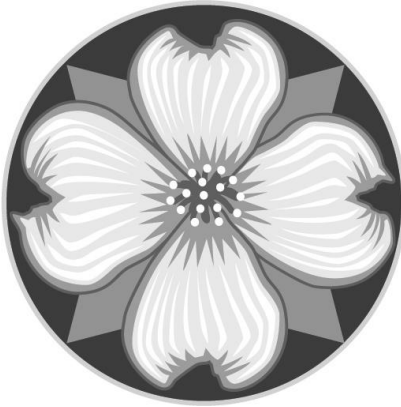
Lisa Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



RS Agenda Item

7

Business Items

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Oct 5, 2023

From: Peter Passarelli, Public Works Director

Subject: Bertman House

ACTION REQUESTED

Council is asked to provide feedback on staff's recommendation to include the demolition or deconstruction of the Bertman in the next Facilities Capital Improvement Plan (CIP) in the upcoming budget cycle.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

April 3, 2007: Council approved Application HR-07-01, removing the Bertman House from the city's list of historic resources list.

April 4, 2023: Council received an update on and held a discussion about the future disposition of the Bertman House.

ANALYSIS

The Bertman House is located at 110222 SE 37th Avenue. The property is approximately 17,250 square-feet and is adjacent to the Milwaukie Museum (see map below). The house was constructed around 1926 by John Bertman and served as the residence for the Bertman farm.



The city acquired the property on March 6, 1968, for \$18,200 using water utility funds for the purposes of constructing a new well. Well #7 located in the front yard of the house was drilled in 1984 and is the city's highest producing well providing up to 1,120 gallons per minute.

After acquisition, the city used the property to house administrative offices of the old city fire and parks departments and various community groups.

Historic Review

In the 1988 inventory of local historic resources, 40 properties in Milwaukie were ranked to reflect their level of historic value to the community. The Bertman House was included in the inventory but listed as "unrankable" because there was not enough information available at the time to complete the evaluation process.

In 2007, the city engaged an historic preservation expert to evaluate the Bertman House using the same methodology as the 1988 inventory. The three primary areas of review were historical association, architecture, and environment. According to the consultant's analysis, the Bertman House did not score well enough to merit even the lower-standard designation of "contributing." The expert's recommendation was that the city remove the property from the list, which Council did on April 3, 2007. As a result of this action, demolition of the property would not require further historical review.

Building Condition

The city facilities team has rated the condition of the house to be poor. Although structurally sound, the plumbing system, heating, ventilation, and air conditioning (HVAC) systems, electrical wiring, windows, and roof are dated and out of compliance with the Milwaukie Municipal Code (MMC) and have reached the end of their useful life. The interior paint is believed to be lead based. The city has budgeted \$30,000 for building envelope repairs if needed in the current biennium. Staff estimates that to rehabilitate the house would cost upwards of \$250,000. **Vaux's Swifts**

During the late summer of 2023, community member notified city staff that the chimney at the Bertman House is being used as a nesting place by Vaux's swifts, a bird native to the Americas. Vaux's swifts typically nest and roost in large hollow trees in mature and old-growth coniferous and mixed forest but in urban areas will often nest in chimneys. The demolition of the house would remove this nesting place, but this could be potentially replaced by the construction of a relatively inexpensive nest tower.

Demolition Costs

The city contacted a building deconstruction contractor and worked with the firm to develop a preliminary deconstruction budget. The initial estimate for a full house deconstruction, foundation removal and debris hauling, was \$85,780. In addition, the city would need to conduct an asbestos survey of any suspect material such as wall finishes, vinyl flooring, and ceiling tiles. It was estimated during discussions with the contractor that abatement of suspect material could cost an additional \$10,000. Based on this information and to cover utility disconnects, minor landscape improvements, swift tower construction, and any other contingencies staff would recommend a preliminary budget of \$120,000 to demolish the Bertman House.

Current Use

The only current tenant of the house is the New Century Players (NCP) theater group, which uses the house for storage. NCP pays an annual lease fee to the city of \$3,000. The current lease with NCP will expire in April 2024.

Future Use

Without a significant revenue stream for the facility, the city does not have the resources to make improvements to the building. In addition, due to the building's proximity to Well #7, the need for adequate space to stage equipment for well maintenance and required wellhead protections limits the site's future use.

Staff reached out to potential users that had expressed an interest in the property for affordable housing purposes. Discussions with Clackamas County and Northwest Housing Alternatives (NHA) proved unfruitful due to the building's condition, property restrictions related to the well house, and the land parcel configuration. Similar conversations took place with the Milwaukie Historical Society to allow them more space for their artifacts. The museum also declined.

During the April 2023 Council presentation, representatives of the Milwaukie Historical Society, the organization that operates the Milwaukie Museum, suggested that the Bertman House site be used to expand parking and create open space for future performances hosted by the museum.

Based on these considerations, staff recommends that the Bertman House be demolished or deconstructed.

BUDGET & WORKLOAD IMPACTS

Future revenues from rental income do not cover the costs to maintain the building. The current biennium budget does include \$30,000 for roof and window repairs if needed. If Council concurs with the staff recommendation, staff would include this project in the Facilities CIP in the upcoming budget cycle.

CLIMATE IMPACT

The city's Climate Action Plan (CAP) includes a strategy of using deconstruction techniques during demolition. The Bertman House could be a candidate to demonstrate these techniques. Deconstruction would keep material out of landfills and reduces the carbon dioxide production from the manufacture of new materials. It may be a reasonable option if there is a significant number of materials that could be reused from the home.

COORDINATION, CONCURRENCE, OR DISSENT

Not applicable.

STAFF RECOMMENDATION

Staff recommends that the demolition or deconstruction of the Bertman House be included in the Facilities CIP for the upcoming budget cycle.

ALTERNATIVES

Council could decide to:

1. Continue to allocate limited funding to maintain the Bertman House building envelope, or
2. Consider funding a full remodel of the Bertman House and further develop project estimates.

ATTACHMENTS

None.



CITY OF MILWAUKIE

Bertman House



The Bertman House

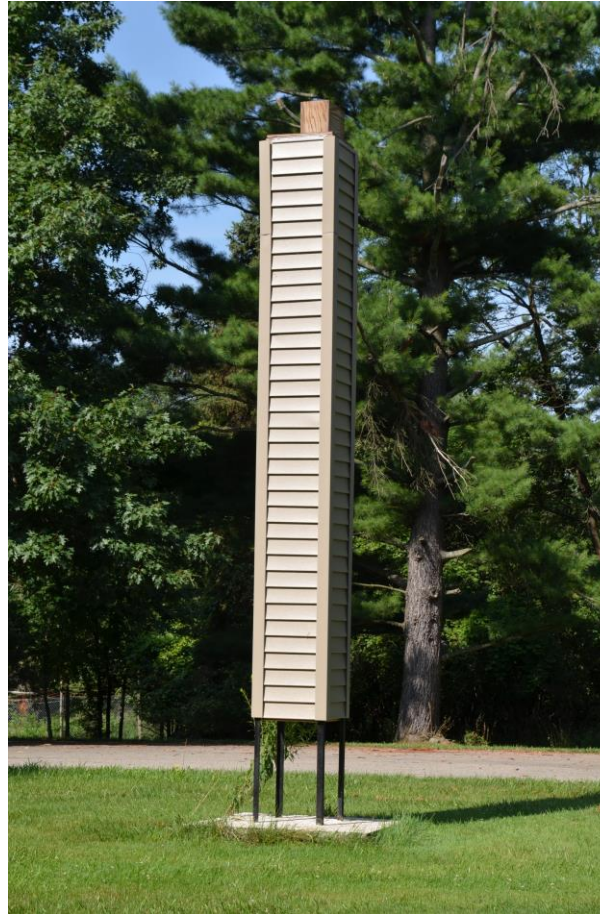
11022 SE 37th Ave.



Area Photo



Swift Tower



COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Oct. 6, 2023

From: Emma Sagor, Assistant City Manager, and
Gabriela Santoyo Gutierrez, Equity and Inclusion Coordinator

Subject: **Equity Study Report and Workplan Update**

ACTION REQUESTED

Council is asked to receive a report and presentation about the results of the recently completed diversity, equity, and inclusion assessment conducted by Keen Independent Research. Council is also asked to hear an update on staff's efforts to develop an equity work plan and provide their direction on priority action areas.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[July 14, 2020](#): Council discussed a proposed resolution in support of diversity, equity, and inclusion (DEI) and the Black, Indigenous, and People of Color (BIPOC) community crafted by Mayor Mark Gamba and Councilor Kathy Hyzy.

[August 18, 2020](#): Council approved a resolution changing its goals to include one focused on equity, inclusion, and justice.

[November 16, 2021](#): Council made its first set of appointments to the Equity Steering Committee (ESC).

[October 4, 2022](#): Council received an update on its equity, inclusion, and justice goal, including an overview of the city's contract with Keen Independent Research to conduct a comprehensive inclusion and belonging study to assess the state of equity in how the city serves the public and operates as an employer.

ANALYSIS**Background**

Council adopted its equity, inclusion, and justice goal in August 2020, and reaffirmed this as a goal in April 2023. The ESC was created in August 2021 and has been working with the city to advance equity initiatives since then.

In fall 2022, the city contracted with Keen Independent Research to conduct a comprehensive diversity, equity, and inclusion study to assess the state of equity in how the city serves the public and how we operate as an employer. Keen Independent Research is an equity research and consulting firm that has performed similar work for public organizations in Oregon and across the country. The study was intended to inform the development of a diversity, equity, and inclusion workplan for the city.

Assessment methodology and engagement

The assessment report (see appendix A) explains the tools and methods used by the Keen Independent Research team to conduct their assessment. Their scope of work included:

- Analysis of the city's policies, procedures, and budgets
- Examination of city workforce and hiring data
- Interviews with city staff
- Review of prior employee and community surveys
- Virtual workshops with employees and members of the public

In total, Keen Independent collected input from nearly 250 participants (not counting surveys Milwaukie previously administered that informed this analysis).

Key findings, consultant recommendations, and emerging staff and ESC priorities

The assessment report (appendix A) includes findings on the following topics:

- **Employment:** The team reviewed hiring and employment data and found that people of color are underrepresented among the city workforce compared to local and regional demographics. While 24% of the local population are people of color, only 8.1% of staff are. This was an increase from 2017, when 6.6% of staff identified as people of color. Additional employee-related quantitative and qualitative data was analyzed, and findings were shared with internal stakeholders.
- **Procurement:** The team examined equity in city contracting practices. Their analysis found that the city's bid management system has significant limitations to its functionality that, if improved, would enable more equitable notification, identification of Oregon Certification Office for Business Inclusion and Diversity (COBID) certified firms, and reporting to track equity outcomes. Their qualitative research revealed some positive perceptions of the city's efforts to advance equity in procurement, but also opportunities for improvement, specifically around direct outreach to minority-owned, women-owned, service-disabled veteran-owned, and emerging small businesses.
- **Services to the community:** The team interviewed staff and held virtual workshops with the public to analyze equity in city service delivery. This analysis revealed opportunities to create more equitable utility rate structures, to better communicate how equity is considered in maintenance and infrastructure decision making, to continue training staff across departments on customer service and cultural competence, and to make city events more inclusive.
- **Public engagement and communication:** The team analyzed existing communication practices and gathered feedback on this topic via interviews and public virtual workshops. The findings suggest the city employs robust public engagement processes and has several methods of fielding community members concerns. However, there are opportunities to further expand communication, so more people know about what is going on in the city and to enhance communication around the city's equity work.

The report also includes dozens of recommendations within these four areas for the city to consider as it develops its equity and inclusion workplan. Three recommendations per section were called out by the Keen Independent team as suggestions for what would be particularly impactful:

- **Employment:**
 - Further expand recruiting of diverse groups for jobs with few diverse workers.
 - Standardize the application screening and scoring processes through Human Resources (already implemented)
 - Continue to monitor rates of hiring, promotions, and separations and explore reasons for disparities.
- **Procurement:**
 - Reach out to small, diverse businesses for bids for procurements under the threshold requiring formal competitive process.
 - Consider investing in a bid management system with more robust reporting and bid solicitation capabilities.
 - Consider participating in a disparity study to examine whether minority and women-owned firms receive an equitable share of city contract dollars.
- **Services to the community:**
 - Consider expanding translation and multilingual messaging regarding services and fee relief programs.
 - Continue to promote income-based programs that provide relief from fees across the city's communication channels.
 - Determine key metrics for community satisfaction with events and services that will support future decision-making.
- **Public engagement and communication:**
 - Invest in telling the Milwaukie story (including around DEI) highlighting changes and achievements.
 - Expand multilingual communications (particularly Spanish) throughout all communications platforms.
 - Publicize the city's efforts at advancing physical accessibility and going beyond Americans with Disabilities Act (ADA) compliance.

The Keen Independent team attended the August 25, 2023, meeting of the ESC to present these findings and their recommendations. The committee and support staff held an initial discussion around what areas are rising as priorities for them, but also wanted additional time to discuss and refine their goals for the coming year. These emerging priorities include:

- Strategies to improve diversity and representation in employment (recruitment, hiring, and retention).
- Communication opportunities, including around storytelling around our DEI work, Milwaukie's full history, and improving understanding of city processes and procedures.
- Engagement and outreach with BIPOC community members—particularly youth—to increase participation in city opportunities, such as hiring panels, internships, and committees.
- Collaboration with other committees to embed equity throughout the city's work.
- Ensuring capital projects (like parks) create opportunities for bringing people together accessibly and result in investment in diverse firms through equitable contracting.
- Accessibility practices, including language access, disability access, and inclusion of all ages.
- Naming policies for city spaces and places.

The ESC requested more time as a group to refine their priorities and advise staff. At their September 28, 2023, meeting, the ESC began documenting specific actions they could take to advance the before-mentioned priorities. These preliminary ideas can be viewed in [the meeting minutes](#). The ESC will meet again next during a weekend retreat on October 14 to further refine these ideas and select a maximum of three projects they would like to take on for the year ahead (in addition to the actions led by staff). Staff will share the outcomes of this prioritization process with Council at the October 17 regular session, and request feedback and additional input from Council.

Next steps and inclusion in organizational strategic plan

The city is in the process of developing a three-year organizational strategic plan, which will include specific goals, objectives, tactics, and performance measures. The plan will be finalized in February 2024 and guide departmental work from 2024-2027, including informing the biennial 2025 and 2026 budgeting process next year. Staff intend to integrate the equity workplan into this organizational strategic plan and incorporate the actions prioritized by the equity and inclusion coordinator, ESC, Council, and city leadership. Staff will provide updates to Council as this work continues.

BUDGET IMPACT

The workplan developed because of this study and the city's strategic planning process will inform our biennial 2025 and 2026 budget development process. Through that budget process staff may request funds to support equity priorities.

WORKLOAD IMPACT

Staff across city departments will be called upon to help support our equity work, led by the equity and inclusion coordinator. These efforts and trainings will be planned for and incorporated into staff workplans and the organizational strategic plan.

CLIMATE IMPACT

While the actions we plan to take on our equity workplan are not expected to have a direct climate impact, communities of color, people living with disabilities, and people living on low incomes are disproportionately impacted and at risk from climate disasters. Therefore, work we do to address and reduce disparities can also address that inequitable climate risk.

COORDINATION, CONCURRENCE, OR DISSENT

Staff from across all city departments were involved in the equity study. The strategic plan steering committee, which is comprised of staff from across departments, also has been engaged in this effort and will continue to advise on the integration of the equity workplan into our organizational strategic plan. The equity and inclusion team plans to work very closely with our human resource, finance, public works, and community development teams on the implementation of these strategies.

STAFF RECOMMENDATION

Staff recommend Council review the assessment findings and share with staff what actions they would like to see the city prioritize in the coming years. Staff are specifically interested in Council's perspective on the initial list of potential focus areas identified by staff and the ESC:

- Strategies to improve diversity and representation in employment (recruitment, hiring, and retention).

- Communication opportunities, including around storytelling around our DEI work, Milwaukie's full history, and improving understanding of city processes and procedures.
- Engagement and outreach with BIPOC community members—particularly youth—to increase participation in city opportunities, such as hiring panels, internships, and committees.
- Collaboration with other committees to embed equity throughout the city's work.
- Ensuring capital projects (like parks) create opportunities for bringing people together accessibly and result in investment in diverse firms through equitable contracting.
- Accessibility practices, including language access, disability access, and inclusion of all ages.
- Naming policies for city spaces and places.

ALTERNATIVES

Council could suggest other priorities for staff to consider.

ATTACHMENTS

1. DEI Assessment Report Final Draft from Keen Independent Research



CITY OF MILWAUKIE, OR — EQUITY AND INCLUSION ASSESSMENT AND DEI PLAN
Draft Public Report

Prepared for:

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Prepared by:

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Draft Public Report
August 2023



TABLE OF CONTENTS

SUMMARY REPORT

Introduction..... 1

Key Terms 2

Why DEI? 3

Context 5

Employment 6

Procurement..... 9

Services to the Community 10

Public Engagement and Communication 12

Diversity, Equity and Inclusion Plan..... 13

Implementation 18

PUBLIC REPORT — Introduction

The City of Milwaukie has made equity, inclusion and justice a priority in how it serves the public and operates as an employer. The City engaged Keen Independent Research in summer 2022 to develop a Diversity, Equity and Inclusion (DEI) Plan that will advance these efforts and ensure they are embedded throughout City operations.

Research Approach

This study concluded in July 2023, using information from:

- Analysis of the City's policies, procedures and budgets;
- Examination of City workforce and hiring;
- Interviews with City staff;
- Review of prior employee and community surveys; and
- Virtual workshops with employees and the public.

Keen Independent obtained input from nearly 250 participants through these efforts (not counting surveys Milwaukie previously administered).

The City provided data, contact information for interviewees and documentation of policies, procedures and budgets for analysis.

Organization of the Report

This report is organized in four parts:

1. Key definitions.
2. Why diversity, equity and inclusion?
3. Summary of findings.
4. DEI Plan recommendations.

Based on this information, Keen Independent recommends next steps the City could take to promote equity, diversity equity, inclusion and justice in its workplace and when providing services to the community.

Some measures may require more time or effort to accomplish than others. They should be incorporated into operational plans, employee training and coaching, budgets and performance indicators.

Key Terms

To facilitate consistent understanding, Keen Independent provides definitions for key terms and language used in this report.

Diversity. Variation of a group based on traits such as race and ethnicity, gender identity or expression, age or life stage, nationality, veteran status, language, religious affiliation, sexual orientation, disability, lived experience, income, neighborhood, communication style and more. Diversity includes all the ways in which people differ.

Equity. Acknowledging and addressing historic and current disparities experienced by City of Milwaukie employees, local residents, businesses and neighborhoods. Determinants of equity include the social, economic, geographic, political, physical environment and conditions in which people live.

Inclusion. The act of creating an environment and workplace where all individuals and groups are valued, respected and supported as they contribute to the mission and success of an organization.

Belonging. A sense of cohesion, engagement and respect, achieved through efforts by an organization to be inclusive and open to all employees, customers and community members.

Inequities. Differences that disadvantage an individual or group in favor of another.

Disadvantaged. Being in a less powerful position in a community or group.

Language access services. Services that agencies use to help communicate with people who do not speak, understand, read or write fluently in the area's most common language.



Racially minoritized. A group that coexists with others in society, yet is subordinate to larger, more powerful groups.

This report primarily uses definitions of racially minoritized groups used by the federal government and in U.S. Census Bureau data and other information. However, racially minoritized groups and racial identity change over time and are often context specific. Broad race or ethnicity categories also ignore diversity within groups. (Only basic demographic data were available for this study.)

Stakeholders. Individuals or groups who are impacted by, have expertise in or are concerned with a particular issue.

Underserved. People, places and communities that have not had or do not have equitable resources or access to services, in general. These groups may have disparities in both services and outcomes.

Why DEI?

As diversity, equity and inclusion (DEI) have become prominent social topics, researchers have worked hard to answer the question, “Why should an organization utilize limited resources to address these topics?” This section provides just a few responses to this question, drawing on research on private and public sector organizations.

Internal Benefits of DEI

Benefits of DEI to employers include the following:

Producing higher quality work. Workplaces that emphasize DEI experience an elevation of business performance by 31 percent on average.¹

Improved organizational decision-making. Employees with diverse backgrounds bring diverse thinking, communication and decision-making skills. This improves organization-wide decision-making, in part because diverse colleagues tend to consider a broader range of possibilities than more homogenous organizations.²

¹ McKinsey & Company. (2020). “Diversity Wins: How Inclusion Matters.” Retrieved September 2, 2021, from <https://www.mckinsey.com/featured-insights/diversity-and-inclusion/diversity-wins-how-inclusion-matters>

² Ely, R. & Thomas, D. (2020). “Getting Serious About Diversity.” *Harvard Business Review*. Retrieved July 1, 2021, from <https://hbr.org/2020/11/getting-serious-about-diversity-enough-already-with-the-business-case>

³ Shufeldt, J. (2021). “The Importance of DEI.” LinkedIn. Retrieved September 2, 2021, from https://www.linkedin.com/pulse/importance-dei-john-shufeldt-md-jd-mba-facep?trk=articles_directory

Increased innovation. Research has found a positive relationship between diversity among an organization’s managers and innovative practices, which has improved performance.³

Increased profitability. Private sector organizations with DEI programs have a 35 percent greater likelihood for above-average financial returns than those organizations without.⁴ Those that focus on honing an inclusive culture are twice as likely to meet or exceed fiscal targets.⁵

Greater competitiveness. Diversity initiatives strengthen long-term market competitiveness of companies while simultaneously producing short- and medium-term performance improvements.⁶

Increased team satisfaction. Diverse, inclusive and equitable workplaces build trust among workers, particularly those of minority racial, gender, sex and ability groups. They also shift perceptions of cultural differences towards being a resource for new approaches, ideas, learning and more. These, and many other facets of diversity, result in workforces that are more satisfied than non-diverse workforces.⁷

⁴ McKinsey & Company. (2020). “Diversity Wins: How Inclusion Matters.” Retrieved September 2, 2021, from <https://www.mckinsey.com/featured-insights/diversity-and-inclusion/diversity-wins-how-inclusion-matters>

⁵ Shufeldt, J. (2021). “The Importance of DEI.” LinkedIn. Retrieved September 2, 2021, from https://www.linkedin.com/pulse/importance-dei-john-shufeldt-md-jd-mba-facep?trk=articles_directory

⁶ Employment and Social Affairs. (2003). “The Costs and Benefits of Diversity.” *European Commission*.

⁷ Ely, R. & Thomas, D. (2020). “Getting Serious About Diversity.” *Harvard Business Review*. Retrieved July 1, 2021, from <https://hbr.org/2020/11/getting-serious-about-diversity-enough-already-with-the-business-case>

Why DEI?

External Benefits of DEI

External benefits include the following.

Increased social equity. DEI initiatives advance equity at a social level, as workers bring equity knowledge to spaces outside of the organization. This ultimately shapes non-workspaces in positive ways.⁸

Local economic benefits. Research conducted by Keen Independent across the country indicates that race and gender discrimination may have reduced the number of businesses owned by people of color and by women by 10 to 50 percent, depending on the industry and community. Lower rates of business startup and higher rates of business failure reduce the economic capacity of communities and the vibrancy of local institutions.⁹ Race and gender discrimination negatively impacts employment opportunities as well. Keen Independent has documented such evidence across Oregon in our 2022 Oregon Department of Transportation Disparity Study. Addressing these barriers results in a community realizing more of its economic potential, benefiting other local businesses and institutions as more money circulates through the local economy.

Improved services. DEI efforts foster community engagement and generate better information on local priorities. These insights allow a local government to tailor its services and practices in ways that better suit needs of local residents and businesses. Ultimately, DEI initiatives

lead to improved service delivery and efficient use of available resources.

Community connections and trust. Equity efforts by a local government communicate to members of disadvantaged groups an openness for community-agency connections and trust. Equity work tends to increase an organization's transparency as well (through sharing of information and outreach interactions) and is viewed by diverse individuals as "investments" in their communities.¹⁰

Crafting opportunities for diverse partnerships. DEI efforts can attract more community organization and business partners for a local government. Such partnerships lead to benefits such as greater diversity in recruitment, as more people see equity-focused agencies as potential workplaces.¹¹

Usefulness of Communicating Benefits

Communicating DEI benefits to leaders, employees and the public served by the City's programs, services and events is a crucial step in the DEI process and is advantageous to a public entity like the City of Milwaukie. Doing so can promote stakeholder buy-in and support — particularly among potential skeptics — as well as provide a "business case" for equity work that may be important to stakeholders. When producing communications materials for DEI strategies, public agencies should include these benefits.

⁸ Shufeldt, J. (2021). "The Importance of DEI." LinkedIn. Retrieved September 2, 2021, from https://www.linkedin.com/pulse/importance-dei-john-shufeldt-md-jd-mba-facep?trk=articles_directory

⁹ Keen Independent Research (2022). *2022 Oregon Department of Transportation Disparity Study*. https://www.oregon.gov/odot/Business/OCR/Documents/KeenIndependent_2022ODOTDisparityStudy_DraftReport_05192022.pdf

¹⁰ Estrada, S. (2021, January 13). "Workplace D&I in 2021 Will Keep External Community in Mind." HR Drive. Retrieved April 20, 2022, from <https://www.hrdrive.com/news/workplace-di-in-2021-will-keep-external-community-in-mind/593297/>

¹¹ Ibid.

Summary of Findings — Context

Keen Independent analyzed the City of Milwaukee's current plans and activities through a DEI lens to provide context for review of its DEI efforts. Beginning the assignment with this assessment allowed the study team to gain insight into how the City has thought about DEI and incorporated it into its operations.

Comprehensive Plan

The City of Milwaukee Comprehensive Plan was adopted in 2020 and outlines the vision for the city through 2040. The plan was created using input from more than 600 members of the community and has several sections relevant to DEI. Many sections are prefaced with language acknowledging systemic inequities that the City seeks to address through the Plan. The goals outlined in each section often address DEI-relevant issues, such as accessibility, inclusivity, environmental justice and transparency in decision-making.

Budgeting

The Budget Committee, which consists of five members of the City Council and five citizen appointees (all with equal votes), convenes as directed by the Council and reviews the City Manager's proposed biennial budget. After review, the Budget Committee makes recommendations to the City Council for adoption. Members of the Budget Committee serve four-year terms. The June 2022–July 2024 budget reflects the goals and policies outlined in the Comprehensive Plan, which largely center on equity.

DEI Training

Between 2020 and 2022, City of Milwaukee managers and staff have undergone several DEI training sessions on topics including racial identity, systemic inequities and unconscious bias, among others.

Policing

Comprised of 33 sworn officers and about six support staff, the Milwaukee Police Department (MPD) has dozens of policy and procedure documents that guide its practices. MPD training documents explicitly define equity and marginalization. Training activities include several that build relationships with the community in 2020 and 2021, employees had four DEI training sessions.

Summary

The City's current plans and activities reflect a commitment to DEI in all facets of the City's operations. In the future, the City may benefit from including more specific actions to support its Comprehensive Plan goals, a more diverse Budget Committee, follow-up actions to DEI training and continuing to collect of staff perceptions concerning DEI-relevant topics.

Summary of Findings — Employment

Keen Independent examined different aspects of employment at the City through both qualitative and quantitative means.

Snapshot of Employees of Color and Women at the City

People of color were 7 percent of employees at the City in 2017, not including temporary employees or elected officials. About two-thirds of employees were women.

Keen Independent examined changes in City employment, including hires and separations, from January 2017 to July 2022. The percentage of workers who are African American, Native Hawaiian and Hispanic American increased.

There was a decline in the relative share of workers who are Asian American and women. Figure 1 provides these results.

Location of City workers. City employee data show that 98 percent of active employees live in either Clackamas County (76%) or Multnomah County (17%). The Clackamas County and Multnomah County area is the labor market area for the workforce availability analysis.

1. City workers, by race, ethnicity and gender, 2017 and 2022.

	2017	2022
Race/ethnicity		
African American	0.0 %	2.0 %
Asian American	2.9	1.3
American Indian and Alaska Native	0.0	0.0
Native Hawaiian or other Pacific Islander	0.0	0.7
Hispanic American	3.7	4.0
Total people of color	6.6 %	8.1 %
Non-Hispanic white	93.4	92.0
Total	100.0 %	100.0 %
Gender		
Women	46.0 %	41.6 %
Men	54.0	58.4
Total	100.0 %	100.0 %

Source: Keen Independent Research from City of Milwaukie employee data.
Keen Independent Research from 2017–2021 ACS Public Use Microdata samples.
The 2017–2021 ACS raw data extract was obtained through the IPUMS program of the MN Population Center: <http://usa.ipums.org/usa/>.

Summary of Findings — Employment

Hiring and Retention

To assess DEI in the City’s hiring and retention, Keen Independent reviewed existing policies and procedures related to hiring, examined hiring and current employment data for disparities, and conducted a virtual workshop in which City employees were invited to share their feedback on the workplace.

The City has several policies in place that pertain to DEI topics. These include disability accommodations, equal employment opportunities, anti-harassment, bullying and appropriate workplace conduct. Additionally, the City has a process for fielding complaints and concerns raised by employees.

Hiring policies and procedures. When hiring for an open position, the City develops a job description, posts it online and internally manages the application process. Once applications are received, those materials are sent directly to hiring managers within City departments.

The City has standardized the hiring process by having HR staff screen candidates for minimum qualifications to better ensure an equitable hiring process from start to finish.

Disparities in hiring. Keen Independent compared the diversity of City hires to what might be expected given the composition of the available workforce in the region. By dividing the share of hires in a particular racial or gender group with the availability benchmarks for the region, Keen Independent computed disparity indices. A disparity index of “100” means perfect equity in hiring (i.e., the same percentage of available workers in a given group were hired as would be expected) whereas an index of 0 means perfect inequity (no workers in that group were hired).

Figure 2 displays these results. The disparity index of 69 for people of color indicates a substantial disparity between hires of workers of color and the availability of workers of color for City positions. (Courts have ruled that disparity indices below 80 can be deemed substantial and warrant particular attention.)

2. Disparity indices for hiring between 2017 and 2022

	(a)	(b)	(c)	(d)
	Hires	Percent of hires	Availability	Disparity index (b/c)
Race/ethnicity				
People of color	19	17.4 %	25.4 %	69
Non-Hispanic white	90	82.6	74.6	111
Gender				
Women	45	41.3 %	42.6 %	97
Men	64	58.7	57.4	102

Note: A disparity index of under 80 is considered a substantial disparity.
Source: Keen Independent Research from 2023 City of Milwaukie EEO-4 employee data. Keen Independent Research from 2017–2021 ACS Public Use Microdata samples. The 2017–2021 ACS raw data extract was obtained through the IPUMS program of the MN Population Center: <http://usa.ipums.org/usa/>.

Summary of Findings — Employment

Disparities in current employment. The current diversity of workers at the City is the product of many years of hiring and efforts to retain employees. Any inequities in hiring or retaining employees can lead to disparities in the relative number of workers of color and women in City jobs. Keen Independent compared current representation of people of color and women with the availability of those groups of workers for each major job group at the City (results displayed in Figure 3).

Substantial disparities were identified for people of color in all job groups and for women in the protective service workers and skilled craft workers job groups.

Internal leadership was provided a breakdown by job groups. Some departments are doing a better job increasing diversity of their workforce than others. It is a goal of the City Manager and HR Director to improve across the board.

Additional qualitative engagement that informed Keen Independent’s recommendations was conducted with City of Milwaukie staff. Results have been shared with internal stakeholders.

3. Disparity indices for City employees, 2023

	(a) Employees	(b) Percent of employees	(c) Availability	(d) Disparity index (b/c)
Race/ethnicity				
People of color	12	8.1 %	24.0 %	34
Non-Hispanic white	137	91.9	76.0	121
Gender				
Women	62	41.6 %	40.1 %	104
Men	87	58.4	59.9	97

Note: A disparity index of under 80 is considered a substantial disparity.

Source: Keen Independent Research from 2023 City of Milwaukie EEO-4 employee data.
Keen Independent Research from 2017–2021 ACS Public Use Microdata samples.
The 2017–2021 ACS raw data extract was obtained through the IPUMS program of the MN Population Center: <http://usa.ipums.org/usa/>.

Summary of Findings — Procurement

Keen Independent also examined equity in City contracting practices. The City has created public contracting rules that are compliant with Oregon Revised Statute (ORS) 279. Keen Independent assessed the policies and procedures for City procurement and conducted a virtual workshop with past, current and potential contractors and vendors.

Perceptions of DEI in Procurement

Business owners and managers participating in the procurement virtual workshop were asked to give their impressions of diversity, equity and inclusion in the City's procurement processes. A few comments praised the City for its inclusive processes and several made suggestions for future improvements, including direct outreach to minority-owned, women-owned, service-disabled veteran-owned businesses, and emerging small businesses. Examples of comments are shown below.

It is important to give the smaller companies a chance, a size of a company doesn't always mean success.

Vice President of Sales for a certified ESB

Reach out to firms in the COBID directory that have not submitted in the past and notify them of upcoming on-call RFQs.

Vice President of Sales for a certified ESB

Ensure that they are involved in local minority and inclusion groups and continue to advertise through the DJC, SWCA, OregonBuys, etc.

Representative from a large corporation

We really liked the challenge in the process for us to be inclusive with contract language. It definitely helped us see procurement in a progressive way.

Senior Account Executive for a privately owned business

Bid Management System

Currently, the City's uses a Bid Management System with some limitations to its functionality. For example:

- The system does not allow for screening of notices so that only those firms that provide that product or service are notified of a procurement.
- Vendors are not able to indicate that they are COBID-certified nor can they select an industry into which their goods and services fall.
- The City appears to have no way to generate and export reports containing information in the system, such as aggregated contact information for bidders.
- There is no capability in the system to report on diverse business participation.

A few comments from virtual workshop participants reflected some of the difficulties with the system.

I wish there was a way to filter out non-relevant projects, but that's not super important. It just means that I don't read the bid notices as carefully as I should, b/c they are usually not relevant to my work.

White female owner of a certified Women Business Enterprise (WBE)

We receive notifications that are not relevant to us. It would be nice to be able to narrow down those that we receive.

Coordinator for a certified Women Business Enterprise (WBE)

Summary of Findings — Services to the Community

Keen Independent interviewed City staff and collected feedback from the public to inform our assessment of DEI in the services the City provides to the community.

Fees and Utility Rates

The City periodically assesses its fee structure and utility rates to ensure that they are consistent with goals and promote equity.

Fees. Every budget cycle, the City adopts a consolidated fee schedule. Fees are typically set to reflect the actual cost of providing the service.

Utility rates. Every two years, the City evaluates the revenue requirement for each utility and makes a plan to adjust the rates such that they can continue operating it sustainably. In general, the City minimizes the extent to which one group of customers is subsidizing another group.

The 2019 Utility Financial Services study on the City's utility rates suggested that the City was undercharging large customers and a recommendation was made to modify fixed customer charges. The City Council indicated that creating a rate structure that provides a discount to low-income and low-use customers should be prioritized.

Public input. The Citizens Utility Advisory Board (CUAB), a five-member board appointed by the City Council, is involved in review of fees set for City services. The City solicits additional feedback from the public on its fees and rates through a variety of sources, including:

- Email lists;
- Neighborhood District Associations;
- Social media; and
- The Milwaukie Pilot.

Other Service Delivery Suggestions

Public virtual workshop participants were asked for their suggestions regarding what, if anything, the City can do to more equitably serve residents. A few comments specifically mentioned adding sidewalks. Others mentioned wanting more affordable housing options and fewer fees and restrictions on homeowners on what they may include on their property. Some comments mentioned wanting the City to be more responsive or accessible to residents. A few comments mentioned the role of the police and one commented that training in conflict de-escalation would help serve residents more equitably.

Add more sidewalks in areas that have a high number of families.

Recent (<5 years) Black female Milwaukie resident

Institute an independent equity, environmental and sustainability review for all policy proposals and applications for development or contracting initiatives.

Longtime (11+ years) Milwaukie resident

Pay attention to other cultures and give the police training in respect. Not looking for reasons to use a gun.

Longtime (11+ years) female Milwaukie resident

[T]he majority of taxpayers just want you to answer the phone and return a call.

Longtime (11+ years) Asian male Milwaukie resident

Summary of Findings — Services to the Community

Events

Most participants in the public virtual workshop indicated that they perceived City-sponsored events to be of high quality. Many provided suggestions for future events, which included:

- Concerts;
- Cultural celebrations;
- Multigenerational events; and
- Parades.

When asked to reflect on how the City could host more diverse and inclusive events, virtual workshop participants provided comments indicating that the City may consider expanding the types of events it hosts and communicating the details of these events so they are highly visible to the community. Several participants specifically mentioned Milwaukie Daze as an inclusive community event they enjoyed.

6. Participants in the Umbrella Parade



Source: City of Milwaukie.

Hold cultural events during Black History Month, Hispanic heritage month, etc.

Recent (<5 years) Black male Milwaukie resident

I don't know but you don't need to just do things to make black people or other minorities feel more welcome. It reads as pandering. The community has more black residents now which is great but just put on events with more diverse members and volunteers vs. hosting events specifically for a racial group. And I say this as a black resident.

Recent (<5 years) Black female Milwaukie resident

It's not so much that events are not diverse or inclusive, but they are not the most exciting events people want to attend. You need to get the word out when you have some major event. Maybe a banner across McLoughlin or attached to the overpass. Attention to main streets in the different regions of the cities. Right now I have to be assertive to find out about events - they are not in my face.

Longtime (5+ years) white female Milwaukie resident

Diversity should extend to various interests, hobbies, beliefs, values and cultures. This is why the Umbrella Parade works well, the focus is not limited to one type of group, which makes it open to everyone and allows for creative expression.

Longtime (11+ years) female Milwaukie resident

Ensure that cultural events of all different types are on the calendar. Ensure that people who represent that culture are part of the planning of each of these events ensure that funding for the various events is equitably dispersed across the diverse types.

Longtime (11+ years) female Milwaukie resident

Summary of Findings — Public engagement and communication

The City of Milwaukie routinely employs robust public engagement processes that supports its decision-making.

Methods of Public Engagement

As summarized in prior sections, public engagement has informed City activities such as preparing the Comprehensive Plan and setting fees. Methods of public engagement the City has used include:

- Citizen advisory boards and committees;
- Community surveys;
- Events surveys;
- Neighborhood District Associations;
- Social media.

In interviews, some City officials reported that members of the public often do not take advantage of opportunities to provide input regarding City plans. Keen Independent’s assessment indicates that the City could strengthen its community engagement efforts by more frequently and directly asking for public input, particularly to those who do not often participate in civic discourse. The City also has several methods of fielding complaints and concerns raised by community members.

Communication of DEI Values

Participants in the employee virtual workshop and the public virtual workshop were asked to share their thoughts on how the City could better communicate its DEI values to the public. Many comments reflected a “show, don’t tell” sentiment that encourages the City to focus on action that is supported by communication. Examples of comments are shown to the right.

Again, just have a diverse makeup of your council and community members and volunteers putting on and promoting events. Advertise for people of all makeups to join and that the more diverse the group is, the more diverse the events and initiatives. Promote that it can be part time. Don't just have events for specific races.

Recent (<5 years) Black female Milwaukie resident

Cultural diversity focus during different events. (Similar to the umbrella parade worksheets this year asking how your family celebrates the holidays.)

Female employee of color

Use your public spaces where the residents traffic to encourage and highlight the various peoples who live here. Artwork, talks, conversation groups led by residents who have non-mainstream cultures.

Male employee of color

Continue inviting comments from and forming partnerships with underserved communities (or the community partners who serve these residents). Host listening sessions like the ones currently offered for staff.

White employee

The NDA [neighborhood district association] model the City uses is fantastic to reach out to community members. There also is focus on creating other work groups of citizens such as the equity committee and other groups which are also beneficial.

White male employee

Summary of Findings — Diversity, equity and inclusion plan

After analyzing study results, Keen Independent presents an evidence-based set of Diversity, Equity and Inclusion (DEI) recommendations and goals tailored to the needs and contexts of the City of Milwaukee. This plan aims to establish a process of planning, collaborating, execution and review and adjustment related to DEI objectives, as displayed in Figure 6. Keen Independent's recommendations focus on the following City functions and operations:

- Employment;
- Procurement;
- Services to the community; and
- Public engagement and communications.

Summaries of DEI recommendations, by topic, are included on the following pages. Please note that these strategies will need to be reviewed by City leadership and implemented as appropriate. Ultimately, the City must determine if and how it wishes to prioritize these recommendations. For guidance, Keen Independent has put three recommendations from each set in bold type to indicate actions we believe would be most impactful.

Responsible parties. Parties responsible for initiating the listed DEI strategies and following through with efforts include the Milwaukee City Council, City Manager, heads of each department as well as staff from the City Manager's Office, Community Development, Human Resources, Planning, Public Works and other divisions and departments.

7. Diversity, equity and inclusion strategic process



Summary of Findings — Diversity, equity and inclusion plan

8. Recommended employment DEI goals

Employment

1. Continue substantial ongoing efforts and policies to encourage and protect employees
- 2. Further expand recruitment of diverse groups for jobs with few diverse workers**
 - Analyze representation by job
 - Develop additional (multilingual) recruitment materials and methods
 - Expand partnerships with community organizations
 - Present and distribute information in a culturally relevant manner
3. Build pipelines for jobs that currently show little diversity by developing long-term relationships with schools and other groups
4. Review job descriptions to eliminate any barriers to hiring diverse employees
- 5. Standardize the application screening and scoring processes through Human Resources (already implemented)**
6. Continue to encourage representation of people of color and women on interview panels
- 7. Continue to monitor rates of hiring, promotions and separations and explore reasons for any disparities**
 - Develop protocols for collecting data that will ensure the City can track progress on hiring, promotions and separations
 - Consider ways to leverage existing systems or invest in new systems to collect requisite data
8. Continue DEI training at regular intervals and consider ways to implement more informal conversations about DEI into regular meetings
9. Build DEI into regular in-person employee and supervisor training, inclusive of represented employees (DEI principles should be routine)
10. Incorporate DEI objectives in all employee performance reviews including the leadership team
11. Ensure strong informal complaints processes and whistleblowing policies that minimize fear of retribution
12. Continue conducting City-wide employee surveys on an annual or biennial basis

Summary of Findings — Diversity, equity and inclusion plan

9. Recommended procurement DEI goals

Procurement

1. Continue complying with federal and state contracting requirements
- 2. Reach out to small, diverse businesses for bids for procurements under the thresholds requiring formal competitive processes**
3. Promote competitive bidding opportunities through organizations that represent minoritized groups such as the Oregon Association of Minority Entrepreneurs
- 4. Consider investing in a bid management system with more robust reporting and bid solicitation capabilities**
5. Encourage representation of people of color and women on evaluation panels
6. Review contract specifications and evaluation criteria to minimize any barriers
7. Examine whether contractors (and subcontractors) are promptly paid
- 8. Consider participating in a disparity study to examine whether minority- and woman-owned firms receive an equitable share of City contract dollars**
9. Consider ways to support DBEs in the COBID certification process

Summary of Findings — Diversity, equity and inclusion plan

10. Recommended service DEI goals

Services and service delivery

1. Seek new funding sources for the City to implement more equity-relevant work
2. Continue to consider options to better serve low-income customers and low-use utility customers
- 3. Consider expanding translation and multilingual messaging regarding services and fee relief programs**
4. Consider how external DEI efforts align with City goals and objectives and allocate resources appropriately
- 5. Continue to promote income-based programs that provide relief from fees across the City's communication channels**
6. Consider new approaches to hear from underserved groups when making service decisions
7. Solicit the involvement of members of communities who celebrate cultural holidays in the planning of City-sponsored celebrations
8. Heavily promote City-sponsored events on multiple channels (e.g., Pilot, Engage Milwaukie, social media)
- 9. Determine key metrics for community satisfaction with events and services that will support future decision-making (along with staff input and up-to-date best practice literature)**

Summary of Findings — Diversity, equity and inclusion plan

11. Recommended public engagement and communication DEI goals

Public engagement and communications

- 1. Invest in telling the Milwaukie story (including around DEI), highlighting changes and achievements**
- 2. Expand multilingual communications (particularly Spanish) throughout all communications platforms**
3. Evaluate communications for culturally conscious messaging, avoid tokenization
4. Seek stakeholder feedback on DEI initiatives and messaging regarding DEI
- 5. Publicize the City's efforts at advancing physical accessibility and going beyond ADA compliance**
6. Seek out and learn from hard-to-reach community members who do not typically participate in Milwaukie engagement efforts

Summary of Findings — Implementation

Next Steps

With research results and the proposed DEI recommendations in hand, leaders within the City of Milwaukie can take the following next steps to consider, refine and implement the new DEI Plan:

1. Review Keen Independent recommendations with the Equity Steering Committee, City Council and employee affinity groups to prioritize objectives and tactics.
2. Obtain approval (and consensus) across City leadership regarding the DEI recommendations and goals.
3. Integrate elements of the recommendations into the City's three-year strategic plan and departmental workplans.
4. Assign equity-related responsibilities to specific parties and ensure an understanding of duties.
5. Set and organize equity benchmarks and communicate them internally (and externally, as appropriate).
6. Plan for and allocate equity-related resources (i.e., staffing, funding and time).
7. Set regular check-ins (several times per year, over several years) with leadership and managers regarding DEI progress.
8. Create an internal and external communications strategy to share the DEI recommendations and goals with stakeholders, and communicate current and future successes.

APPENDIX A. Current Plans and Activities — Plans, budgeting and policing

Keen Independent analyzed the City of Milwaukie's current plans and activities through a DEI lens. Areas of focus include:

- City plans, budgeting and policing;
- DEI training; and
- Employee Engagement Survey.

This appendix highlights the strengths of existing City activities as they relate to DEI and suggests areas where the City might improve. Major categories of the City's current activities that Keen Independent examined for this assignment include the Comprehensive Plan, budgeting and policing. Each are summarized, focusing on their DEI implications, in the following section.

Comprehensive Plan

The City of Milwaukie Comprehensive Plan was adopted in 2020 and outlines the vision for the city through 2040. The plan was created using input from more than 600 members of the community and has several sections relevant to DEI. Each section of the plan contains goals with corresponding policies that help achieve those goals.

Land use categories. The Comprehensive Plan narrative acknowledges that zoning laws and land use categories have historically favored single-family homes, which has severely limited affordable housing

options for Milwaukie residents over time. House Bills 2001 and 2003 mandated an update to the land use categories that the City was scheduled to complete in 2022.

Zoning laws across the country have a well-documented history of weaponization against Black, Latinx and Asian residents¹ and other groups. Single-family zoning ordinances have been used to restrict LGBTQ+ residents' access to housing.² The City has recognized the exclusionary outcomes of land use and has worked on revising zoning ordinances, which demonstrates a commitment to justice and inclusion.

Section 1. Community Engagement. The community vision statement that prefaces the section on community engagement describes Milwaukie as inclusive and diverse and highlights the City's commitment to celebrating differences. The section outlines the City's methods of engaging its residents, which include citizen boards and committees, social media outreach and neighborhood events.

Specifically, neighborhood district associations (NDAs) are mentioned as a method of engaging the community. Historically, researchers have concluded that people of color participate less in voluntary associations, though poverty and neighborhood composition are also large factors in participation.³ The City using multiple means of connecting with racially marginalized residents, particularly cultivating relationships with community organizations is crucial to ensuring that all voices are heard.

¹E.g., see Rothwell, J. (2010). Racial enclaves and density zoning: The institutionalized segregation of racial minorities in the United States. *American Law and Economics Review*, 13(1), 290-358. <https://doi.org/10.1093/aler/ahq015>

² Oliveri, R. C. (2016). Single-family zoning, intimate association, and the right to choose household companions. *Florida Law Review*, 67(4), 1401-1453. <https://scholarship.law.ufl.edu/flr/vol67/iss4/8>

³ Stoll, M. A. (2001). Race, neighborhood poverty, and participation in voluntary associations. *Sociological Forum*, 16(3), 529-557. <https://doi.org/10.1023/A:1011956632018>

A. Current Plans and Activities — Plans, budgeting and policing

Community engagement goals emphasize the need for the City to be inclusive and ensure accessibility to residents of all backgrounds. Additionally, the City has a goal to prioritize transparency, particularly in land use policy decision-making. The City created the Comprehensive Plan Advisory Committee (CPAC) comprised of residents representing all neighborhoods. CPAC advised on the creation of the Comprehensive Plan and provided an avenue for the City to communicate progress to the community.

Section 2. History, Arts and Culture. Because community feedback indicated that arts and culture were important parts of the history of Milwaukie, the City included goals addressing art in its Comprehensive Plan. The goal that focused on honoring Milwaukie's heritage has a policy that mentions recognizing the indigenous Clackamas Tribe. The City may benefit from more specificity in how their efforts to recognize the tribe will manifest but including a policy that names the indigenous inhabitants and caretakers of their land goes beyond plans typically found for other cities.

Additionally, the Comprehensive Plan has a goal and policies centered on creating art that reflects the diversity of the community and fostering creative spaces where members of the community can engage with the arts. These policies emphasize accessibility broadly (e.g., financially, geographically, physically), community organization involvement and diversity of types of arts and cultural events.

Section 3. Natural Resources and Environmental Quality. Events like the Flint water crisis have brought environmental racism to the forefront of political discourse in recent years.⁴ The City of Milwaukie

explicitly defines and names environmental justice as a factor informing the creation of goals related to the environment. Acknowledging that racially minoritized and low-income communities are most exposed to poor environmental quality, the Comprehensive Plan prioritizes planting trees in historically marginalized communities.

Section 5. Natural Hazards. The section of the Comprehensive Plan addressing natural disasters acknowledges that vulnerable populations, including low-income, elderly, non-English speaking and disabled persons, are disproportionately affected and need more support from emergency response services. Policies in this section include outreach to vulnerable communities to inform them of disaster preparedness and prohibiting public facilities that serve vulnerable populations from being located in areas prone to natural hazards.

Section 7. Housing. Access to affordable housing is the focus of the section addressing key issues that affect housing in Milwaukie. More than half of renters in Milwaukie spend more than a third of their income on housing. One of the factors leading the City Council to declare a state of emergency in Milwaukie in 2016 was this lack of affordable housing for residents. The plan also discusses equity, explicitly acknowledging the structural barriers that racially minoritized groups have faced in the housing market.

⁴ Henderson, S., & Wells, R. (2021). Environmental racism and the contamination of Black lives: a literature review. *Journal of African American Studies*, 25(1), 134-151.

A. Current Plans and Activities — Plans, budgeting and policing

The first set of housing goals are equity and affordability. Policies like developing a wider range of housing choices, removing zoning ordinances that restrict affordable housing in marginalized communities and supporting programs that provide relief to unhoused individuals work toward creating a more equitable, inclusive community.

Section 8. Urban Design and Land Use. To “enhance livability” in the city, the Comprehensive Plan prioritizes inclusiveness in urban design. It specifically names age and ability as factors to consider when making public improvements. Additionally, this section discusses ensuring equitable space for different modes of transportation, including buses, bicycles and walking. Including more opportunities for public feedback into urban design is listed as a priority for the City.

Section 10. Public Facilities and Services. The first public facilities and services goal has policies that focus on serving vulnerable populations and reducing disparities in access to City services. This section includes a policy regarding equitable access to high-speed internet.

Section 11. Economic Development. Milwaukie’s Comprehensive Plan acknowledges housing, zoning, job availability and purchasing power as factors that influence the city’s economic development. The overarching goal of this section on economic development is to ensure an inclusive economy that benefits residents and businesses alike. In the goal around land use, the plan indicates a focus on ensuring that fresh food is accessible in all neighborhoods.

Another goal in this section contains actions to develop Milwaukie businesses and workers such that they are competitive. The Comprehensive Plan does not explicitly mention development of local small businesses or minority- and woman-owned businesses.

A. Current Plans and Activities — Plans, budgeting and policing

Future planning recommendations. Overall, the City has successfully incorporated DEI elements into its Comprehensive Plan. Since the Plan was updated recently (2020), there are currently no plans for any immediate revisions. However, the City typically revisits the Comprehensive Plan every 10 to 15 years.

- Policies in this document read more as sub-goals, since they are still broad in scope. In future plans, the City might consider supporting its goals with objectives, which are realistic, measurable actions that help make progress toward goals.⁵

For example, one community engagement policy is to “reduce barriers to participation by considering language, meeting time, location, and required level of involvement.” This policy could be broken into objectives that include actions like ensuring that 100 percent of public meeting materials are translated into Spanish, determining the two most popular day/time options for public meetings based on prior public meeting attendance data, and identifying five potential meeting locations within a 10-minute drive of 95 percent of the Milwaukie population.

- Some sections of the current Comprehensive Plan would benefit from upfront framing of equity. In future plans, the City may consider explicitly stating how equity factors into each section.

The land use categories section is a good example of effective DEI framing that acknowledges past harms and addresses how the City plans to remedy them. Other sections like Public Facilities and Services do not explicitly include any DEI context even though they contain goals that address DEI.

- A limited number of sections do not include DEI language or goals, such as Transportation. In future iterations of the Plan, the City might consider including context and goals that reflect the accessibility and inclusion in these subject areas.

⁵ It is possible that individual City departments make use of objectives in their internal documents, but Keen Independent did not review these as part of this assignment.

A. Current Plans and Activities — Plans, budgeting and policing

Budgeting

The Budget Committee, which consists of five members of the City Council and five citizen appointees (all with equal votes), convenes as directed by the Council and reviews the City Manager’s proposed budget. After review, the Budget Committee makes recommendations to the City Council for adoption. Members of the Budget Committee serve four-year terms.

Adopted budgets. The fiscal year for Milwaukie begins in July and ends in June. The City adopts a biennial budget, proposed by the City Manager, reviewed by the Budget Committee and approved by the City Council. The June 2022–July 2024 budget reflects the goals and policies outlined in the Comprehensive Plan, which largely center on equity. Priorities in this proposed budget include:

- Community engagement efforts focused on equity;
- Transition of residential energy customers to a renewable energy program;
- Trees and other greenery throughout the city; and
- Affordable housing developments.

These priorities, which preface the budget, provide context for how the City allocates its resources and demonstrates concrete action toward making Milwaukie a more equitable and inclusive place to live.

Annual financial reports. At the end of each fiscal year, the City publishes a People’s Annual Financial Report detailing the budgeting process, audit results, strategic priorities, income, expenditures and how taxpayer money is spent. The report for fiscal year 2021 is prefaced by the City’s goals, which include equity, justice and inclusion. The goals section acknowledges the historic atrocities perpetuated against Black, Indigenous and other racially minoritized communities and commits the City to redirect some of its financial resources in future budgets to address systemic racism.

Boards and committees. The annual financial reports also discuss the City’s boards and committees that advise on budget matters. Committee members are appointed by the City Council following voluntary application and interviews. These boards have substantial influence over the budget and the City may consider rounding out efforts to recruit diverse candidates to ensure that diverse voices have a seat at the table.

A. Current Plans and Activities — Plans, budgeting and policing

Policing

Comprised of 33 sworn officers and about six support staff, the Milwaukie Police Department (MPD) has dozens of policy and procedure documents that guide its practices.

Police onboarding. To become a sworn officer, recruits train for 18 months and learn most of their job skills from patrolling. Among the MPD's core values stated in its training documents is community engagement, which emphasizes taking time to listen to feedback. Building trust with the community is integral to the success of the police force and the MPD has several training activities that create bonds between officers and citizens, including:

- BIPOC Listening Sessions, in which officers listen to the concerns of racially minoritized community members;
- Shop with a Cop, in which an officer paired with a child with an incarcerated caretaker shop for gifts for the child's family;
- Coffee with a Cop, in which citizens are invited to get to know police officers over coffee; and
- Volunteer opportunities for police and their families, like the Special Olympics and Bikes for Kids (refurbishing old bicycles to donate to children from under-resourced neighborhoods).

Additionally, police training documents explicitly define equity and marginalization. Equity is centered on ensuring positive community contacts, which also acknowledges that past methods of traditional policing (e.g., making as many stops as possible) are outdated and counterproductive to this goal. Between January 2020 and December 2021, City of Milwaukie employees have had four DEI training sessions

Use of force policies. MPD has a Use of Force Policy and a Deadly Force Review Policy.

The former states that police “may use reasonable force” in their duties if they have determined it is warranted based on their assessment of several outlined factors. If an officer observed another officer using force that goes “beyond that which is objectively reasonable under the circumstances, they have a duty to intervene. Additionally, the Use of Force Policy highlights de-escalation as a tactic with the goal of ensuring a situation gets resolved as safely as possible and without injury. The policy explicitly prohibits police use of chokeholds and carotid restraints in any situation.

The policy outlining how use of deadly force is reviewed includes a review board that convenes when a person is injured or killed by police. This review board consists of an MPD Sergeant, at least one other MPD sworn officer, the City HR Director (or proxy) and a representative from the Clackamas County District Attorney's Office. The board is tasked with investigating the use of force, which includes notifying and interviewing the involved officer, reviewing documents relevant to the incident and considering any legal implications.

Racial profiling. Beginning with a definition of racial profiling, the Racial/Bias Based Profiling Policy clearly states that racial/bias-based profiling is illegal and not tolerated within the MPD. Any time an officer detains an individual, the officer must provide sufficient justification for the detention that does not involve the individual's race or ethnicity. All MPD officers receive some form of bias training and are encouraged to continue educating themselves on the matter.

A. Current Plans and Activities — DEI training

The City of Milwaukie has held DEI trainings facilitated by three providers between 2020 and 2022 that covered a range of topics.

DEI Training Content

DEI training provided to the City of Milwaukie managers and staff members has included the following topics:

- Distinctions between diversity, equity and inclusion;
- Racial identity;
- Whiteness and how it manifests;
- Techniques for handling discriminatory situations;
- DEI goal setting;
- Systemic inequities; and
- Unconscious bias.

Training Frequency

The City's first DEI training occurred in the spring of 2020 and was a two-day session held for managers first. Other staff received the same training at the end of 2020. The next session was facilitated by a different provider and was delivered to all staff in December 2021. The City had scheduled a training for May 2022 with the same provider but postponed it to 2023 due to employee concern over the frequency of the trainings.

Training Recommendations

The breadth of topics covered in prior DEI trainings for City employees extends beyond what Keen Independent has observed within other cities and municipal governments. To continue to develop staff's familiarity with DEI issues, we recommend the following:

- Hold training sessions at regular intervals (e.g., quarterly) so staff have continual opportunities to participate.
- Expand topics to include more focus on types of diversity beyond race and ethnicity (e.g., gender identity and expression, visible and invisible disabilities, intersectionality).
- Conduct a pre- and post-test of principles covered in the DEI training to gauge the extent of the retention of knowledge.
- Seek out multimodal trainings that minimize reliance on PowerPoint presentations and incorporate engaging elements like instant polling, small group activities and other activities that accommodate a diversity of learning styles.
- Ensure that training facilitators help participants create action plans to outline how they plan to apply the knowledge they gained in their work or personal life.
- Hold participants accountable for reporting how they have applied knowledge from the DEI trainings.

APPENDIX B. Recruitment and Hiring

This document summarizes the City of Milwaukie's workforce policies that relate to diversity, equity and inclusion (DEI). Sections of this document include:

- Recruitment and hiring processes and policies;
- Opportunities for attracting diverse talent;
- Recruitment materials; and
- Workforce policies.

Throughout this appendix, we present brief recommendations that will help the City increase the diversity of the workforce and support equity and inclusion in its policies and practices.

B. Recruitment and Hiring — Recruitment and hiring policies and practices

The City of Milwaukie has several policies and practices in place that can both support and hinder diversity and equity in hiring and recruitment, as detailed in this section.

Job Descriptions and Posting

When a job becomes available, the City creates a job description, posts it and manages the application process.

For open roles, the supervisor for that position makes a request to Human Resources that the role be filled. Following receipt of the request, an HR Specialist develops a job announcement containing a description of the open role and desired minimum qualifications. All job descriptions include a salary range and state that the City requires a resume and a cover letter.

The finalized job announcement is posted through the NeoGov software, which automatically posts to GovernmentJobs.com, the City website and Indeed.com. Depending on the type of job, HR may post the announcement to other sites that pertain directly to the field of the job (e.g., public works jobs are posted on the American Public Works Association job board). Job applications for the City follow the “ban the box” initiative and do not require applicants to disclose their past criminal convictions upfront.

DEI statements in City application materials. City job application forms contain a statement indicating the value the City places on diversity and inclusion. The City’s hiring documents also contain its equal employment opportunity policy, veteran preference policy and willingness to make reasonable accommodations for persons with disabilities.

Applicants. The City of Milwaukie advertises its job postings and recruits candidates from various sources including:

- Word of mouth;
- GovernmentJobs.com;
- City website and social media pages;
- PartnersinDiversity.org;
- Indeed.com; and
- Field-specific association job boards (e.g., American Public Works Association).

Internships

Because most City jobs require work experience and qualifications, the City of Milwaukie typically does not offer internship programs for students. In the past when the City has had internship programs, they worked with local colleges to create the program and source applicants.

A resource document available to job seekers on the City’s website lists Clackamas Community College as a workforce training option. However, the nature and existence of a partnership between the City and Clackamas Community College is not clear based on materials from the City website.

B. Recruitment and Hiring — Recruitment and hiring policies and practices

Section Process

The City website lists the following policies that relate directly to recruitment and hiring.

The City's Recruitment and Selection policy (number 200.45) outlines its job application process and states that all candidates must meet the minimum qualifications listed for the posted job. If an insufficient number of applications meet the minimum qualifications, the hiring manager and the Human Resources Director may adjust the minimum qualifications or fill the position with a lower-level classification and have that employee serve as a trainee.

In practice, Human Resources only posts the job opening and receives the applications. It does not screen employees for minimum qualifications as application materials (resumes and cover letters) are submitted directly to the hiring manager for the appropriate department. This decentralized process for screening potentially sacrifices the consistency with which City policies are applied. Furthermore, the current process may lead to bias in hiring and a lack of quality control, since the standard to which all applications are held becomes muddled when judgement is left up to the hiring manager.

Employment of Relatives Policy

The City has a policy (number 200.16) that explicitly forbids individuals responsible for personnel decisions to show favoritism to candidates who are members of their family or to place two family members in the same division.

Classification System

City policy 200.6 outlines the purpose of the employee classification system. According to this policy, the HR Director must approve any potential changes to an employee's job that may affect their classification. Additionally, HR must recommend any reclassifications to the City Council for approval.

B. Recruitment and Hiring — Opportunities for attracting diverse talent

There are additional opportunities, sites and organizations that the City of Milwaukie may find useful for recruiting and ultimately hiring diverse candidates.

Websites and Job Boards

Online platforms the City may consider using to promote their jobs to a more diverse audience include the following:

- **HireX.** A hiring platform that hosts virtual job fairs in various states, including Oregon, with an emphasis on attracting diverse candidates.
- **EasterSeals Oregon.** A national non-profit organization with a Portland office that provides employment assistance to seniors, homeless veterans, people with disabilities and English language learners; and
- **Online job posting sites.** Such as:
 - iHispano, for Hispanic Americans and Latinx individuals;
 - Pink Jobs, for LGBTQ communities;
 - Campus Pride Jobs, for recent college graduates who identify as LGBTQ;
 - Workforce50, for individuals over the age of 50;
 - AbilityLinks, for candidates with disabilities; and
 - BlackJobs, for African Americans.

Partnerships with Colleges

The City of Milwaukie may find value in strengthening partnerships with local higher education institutions, such as Portland Community College, Clackamas Community College and Portland State University for internship opportunities. In particular, Clackamas Community College has an equity-focused Workforce Development Services department focused on providing training and connecting unemployed and underemployed candidates to career opportunities.

B. Recruitment and Hiring — Opportunities for attracting diverse talent

Pipeline Initiatives

Governments utilize many strategies to reach diverse candidates. Many of these strategies include a training component, as entities have found some targeted populations lack the skills required to be competitive. Internships, apprenticeship programs and diversity executive recruitment programs are examples of these.¹

Figure B-1 provides examples of pipeline initiatives used in Oregon and California that have been successful at recruiting diverse candidates for a variety of jobs.

B-1. Examples of pipeline initiatives

City of Eugene's Young Women's Fire Camp	Eugene holds a no-cost Fire Camp for women aged 16 to 19. This annual week-long camp began in 2011, and encourages young women to pursue a firefighting career.
City of Portland's presence at minority bar associations	Portland advertises at local bar associations and encourages City counsel to join diverse law organizations, such as the Oregon State Bar's Diversity Section, the Oregon Hispanic Bar Association and the Oregon Women Lawyer's Association. Doing so promotes connections with minority candidates and increases the City's visibility as an employer in spaces of color.
City of Seattle's Women in the Trades	Seattle encourages women to consider futures in water pipe work, hydro-electric maintenance, machining cable slicing, utility construction work and sworn positions through the Women in the Trades apprenticeship program. This program provides paid full-time work, evening classes and guarantees employment after apprenticeship completion.
City and County of San Francisco's Bridge to Success	Through Bridge to Success, San Francisco provides training and national industry certification to participants in automotive technology, cement masonry, landscape maintenance, park ranging and stationary engineering. While San Francisco does not guarantee employment upon program completion, it has hired past participants.

Sources: City of Eugene. (2015). Affirmative Action Plan 2015/2017. Retrieved on Jan. 6, 2020, from <https://www.eugene-or.gov/DocumentCenter/View/2396/City-of-Eugene-Affirmative-Action-Plan---20152017?bidId=>; City of Portland. (2018). Action Strategies. Bureau Affirmative Action Strategies. Retrieved on Dec. 14, 2020, from <https://www.portlandoregon.gov/bhr/article/679723>; City of Seattle. (2020). Women in the Trades. Office for Civil Rights. Retrieved on Jan. 6, 2021, from <http://www.seattle.gov/civilrights/what-we-do/gender-justice-project/what-we-do/workforce-equity/women-in-the-trades>; City and County of San Francisco. (2020). "Bridge to Success." Department of Human Resources. Retrieved on Jan. 6, 2021, from <https://sfdhr.org/apprenticeshipsf-bridge-to-success>.

¹ National Academies of Sciences, Engineering, and Medicine 2001. Practical Resources for Recruiting Minorities for Chief Executive Officers at Public Transportation Agencies. Washington, DC. The National Academies Press. <https://doi.org/10.17226/13324>.

B. Recruitment and Hiring — Opportunities for attracting diverse talent

Recruitment and Selection Policy Changes under Discussion at the City

At the time Keen Independent was analyzing City HR policies and procedures, the City was considering changes to policies and practices.

The Human Resources Director notes that 29 percent of City job applicants in the past three years were nonwhite, but only 15 percent of new hires were nonwhite. At the time of this analysis, 8 percent of the City's total workforce was nonwhite. It appears that applicants of color are less likely to be hired than other applicants.

The policy change proposed by the HR Director aims to reduce potential disparities by having HR review applications for minimum qualifications prior to referring them to the departmental hiring manager.

Additionally, the proposal seeks to mandate bias training for anyone who participates in the hiring process and create a scoring system for applications to be determined in advance.

Keen Independent supports these proposed changes, as they can lead to more fair and equitable hiring practices based on standardized criteria.

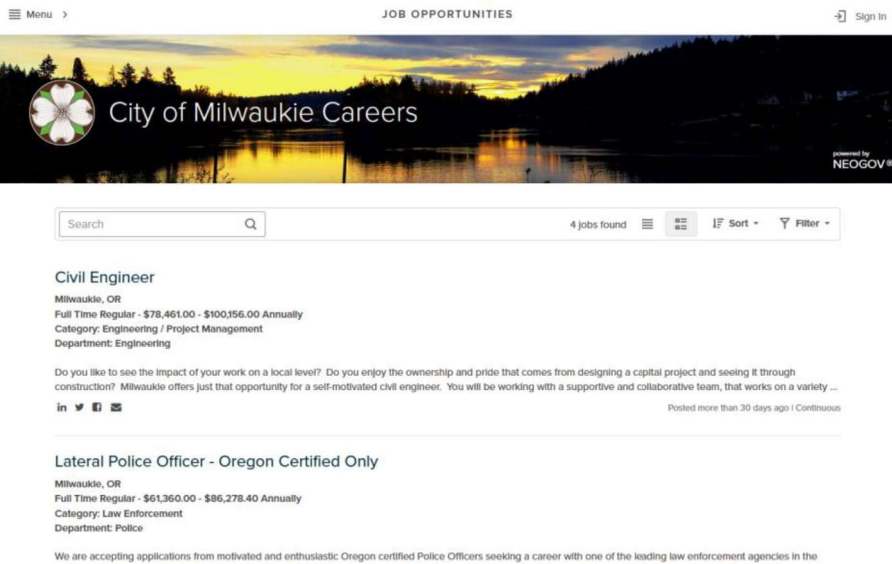
B. Workforce Policies and Practices — Recruitment materials

This section describes the City’s current jobs webpage and offers suggestions for communicating that diversity is valued.

Current City Job Listing Webpage

Demonstrated in Figure B-2, the City of Milwaukie’s Job Opportunities webpage has no images nor stated approach to recruitment as of the writing of this report (though the individual job listings do contain DEI and equal opportunity employment statements). In prior studies, Keen Independent has examined government agencies’ recruitment materials that purposefully use images of women and people of color to promote a sense of diversity among potential recruits.

B-2. Image of City of Milwaukie Job Opportunities webpage



Source: <https://www.governmentjobs.com/careers/milwaukieor>

B. Workforce Policies and Practices — Recruitment materials

Based on experience with other government entities, Keen Independent makes the following recommendations related to the City of Milwaukie’s communication of diversity, equity and inclusion values in their job postings.

Opportunities to Communicate DEI Values

The study team recommends the City consider adding text and images that portray diverse workers. Racialized and gendered imagery can be sensitive and difficult to navigate. The Government Alliance on Race and Equity (GARE)² suggests being “as thoughtful about ... images as we are ... language.” To do so, they recommend that organizations invest time and resources in selecting thoughtful imagery that conveys the right message.

² GARE. (2018, May 18). “GARE Communications Guide.” RacialEquityAlliance.org. Retrieved from <https://www.racialequityalliance.org/tools-resources/communication-tools/1-052018-gare-comms-guide-v1-1-2/>

A few guidelines to selecting imagery for hiring and recruitment communications appear below:

- Be true to real communities by using authentic images. Resist the urge to select images of “diversity” if what is shown does not accurately reflect the makeup of the community.
- Avoid images with stereotypes and cultural appropriation.
- Beware of visual “tokenism” where one person of color is used as the “figure head” or focus of the image.
- Avoid whitewashing, including images of lighter-skinned people of color and/or “whitening” images through editing software.

These recommendations should be kept in mind when selecting hiring material imagery.

B. Workforce Policies and Practices — Employment policies

We conclude this report with a summary of City policies that pertain directly to employment.

Employment Policies

City of Milwaukie employment policies include the following.

Americans With Disability Act Accommodation (Policy Number 200.1). The City states its nondiscrimination policy with regard to persons with disabilities and provides reasonable accommodations related to disabling conditions. The City's policy is standard and upholds the fundamental requirements of the EEOC's Americans with Disabilities Act regulations.³

Breastfeeding Support (Policy Number 200.61). The City provides accommodations for regular rest periods and privacy for activities related to breastfeeding. This policy complies with the Oregon Administrative Rules regarding breastfeeding.

Bullying (Policy Number 200.19). The City describes the zero-tolerance policy for bullying and provides examples of overt (e.g., derogatory remarks) and covert (e.g., social exclusion) types of bullying. The process for reporting instances of bullying is outlined and the policy contains a clause prohibiting retaliation. This policy is currently under review with minor language changes suggested.

COVID-19 Infectious Disease Control Plan. In 2020, the City adopted a plan that outlines prevention and control measures and provides a protocol for responding to potential exposures to COVID-19. This policy

is in line with recommendations from OSHA as of August 2022 but we note that changes are possible given updates to CDC guidelines.⁴

Conduct and Discipline (Policy Number 200.9). This policy outlines improper conduct in the workplace, such as harassment, failure to follow ethics requirements and offensive language. The City aims to correct improper behavior first but if repeated attempts are made with no improvement, employees may be subject to disciplinary action, including dismissal. This policy is currently under review with minor language changes suggested.

Equal Employment and Anti-Harassment (Policy Number 200.15). The City is dedicated to creating a workspace that emphasizes respect, dignity and equal employment opportunities. This policy covers federally protected classes (e.g., race, gender, sexual orientation, religion, etc.), provides examples of prohibited behavior, has clauses that prevent retaliation and explains reporting processes.

This policy combines two previous City policies (Equal Employment Opportunity Policy and Affirmative Action and Discrimination and Harassment Policy) and is currently under review with minor language changes suggested.

Sick Leave Donation Program (Policy Number 200.52). For employees facing serious health difficulties or caring for family members with serious health conditions, the City allows other employees to donate sick leave to prevent a loss of income.

³ U.S. EEOC. (n.d.). The Americans with Disabilities Act Amendments Act of 2008. *United States Federal Government*. Retrieved from <https://www.eeoc.gov/statutes/americans-disabilities-act-amendments-act-2008>

⁴ OSHA (). COVID-19 Control and Prevention. *United States Department of Labor*. Retrieved from <https://www.osha.gov/coronavirus/control-prevention>

APPENDIX F. Procurement Analysis — Policies and procedures

Using documents provided by the City and information from interviews with representatives from the City's Finance Department, Keen Independent analyzed how the City procures construction, goods and services.

The study team also analyzed the City's procurement policies that relate to equity and utilization of minority- and woman-owned businesses, small businesses and businesses operated by disabled veterans.

Appendix F is organized into the following two parts:

- Procurement policies and procedures; and
- Equity in procurement.

Procurement Rules

The State of Oregon's Public Contracting Code requires public agencies, including cities, to establish and follow specific guidelines when procuring construction, goods or services from vendors. To do so, the City has opted out of following Oregon's Model Rules and Administrative rules and has created its own public contracting rules that are compliant with Oregon Revised Statute (ORS) 279 (and use portions of the Model Rules).

The City's rules are a combination of the following:

- The State of Oregon's Public Contracting Code (ORS 279A, 279B, 279C);
- The State of Oregon's Attorney General Model Rules (Chapter 137, Division 46-49);
- Rules and guidelines stipulated specifically by and for the contracting agency (subject to Oregon Revised Statutes); and
- Rules unique to the City that are at least as restrictive as those stipulated by the above.

F. Procurement Analysis — Policies and procedures

Decentralization

Each City department handles its own procurement following the overall guidelines the City has established. When multiple departments require the same goods or services, they will sometimes jointly seek a contractor or vendor, but these instances of coordination are rare.

Individual department responsibilities. Steps City departments follow include:

1. Choosing the appropriate procurement type based on the contract amount and type of services.
2. Ensuring that funds are available and obtaining a purchase order signed by the appropriate authority.
3. Preparing a bid solicitation outlining the specifications and scope of services requested.
4. Soliciting bids, either through the City's bid management system or through informal means, depending on the requirements of the procurement type.
5. If the contracting method is not low bid, determining the evaluation criteria that are consistent with City rules and using the scoring system to determine a contract award.

Finance Department responsibilities. The City's Finance Department primarily serves a compliance role in the procurement process. Finance Department responsibilities concerning procurement include:

- Ensuring departments comply with public contracting rules and obtained the proper signing authority;
- Managing executed contracts, purchase orders and payable records and processing payments;
- Notifying departments of existing contracts with upcoming expiration dates; and
- Providing resources and support to department personnel throughout the procurement process.

F. Procurement Analysis — Policies and procedures

Procurement Process

Tables on the following pages summarize the City's procurement processes for its state and locally funded contracts (Figure F-1) and its federally funded contracts (Figure F-2). The tables show:

- Dollar thresholds and other factors that determine different procurement methods;
- Bidding requirements;
- Basis for awarding contracts;
- Rules regarding advertisement of invitations to bid or propose; and
- Information about use of emergency contracts.

Figures F-1 and F-2 provide Information for contracts in different industries (goods and services, architecture and engineering services, other personal services, construction, and technology/software).

F. Procurement Analysis — Policies and procedures

F-1. City procurement practices for state and locally funded contracts

	Goods and services (including trade-related services)	Personal services - A&E (e.g., architect, engineer, land surveyor, transportation planner)	Personal services - Other (e.g., legal counsel, accountant, graphic design, IT consultant, instructors)	Construction (public improvement projects)	Technology/software (e.g. software, licensing and cloud- based services)
Bidding thresholds					
Requiring formal competitive process	Above \$150,000	Above \$250,000	Above \$150,000	Above \$50,000 for transportation projects, above \$100,000 for other construction	Above \$150,000
Intermediate procurement	\$10,001–\$150,000	\$100,001–\$250,000	\$50,001–\$150,000	\$10,001–\$50,000 for transportation, \$10,001–\$100,000 for other construction	\$10,001–\$150,000
Small procurement	\$10,000 or below	\$100,000 or below	\$50,000 or below	\$10,000 or below	\$10,000 or below
Bidding requirements					
Competitive sealed bids	Public advertising and notice at least 14 days before bid closing	N/A (no bids, only proposals)	N/A (no bids, only proposals)	Public advertising and notice at least 14 days before bid closing	Public advertising and notice at least 14 days before bid closing
Competitive sealed proposals	Public advertising and notice at least 21 days before bid closing	Notice of selection procedures at least 21 days before bid closing	Notice of solicitation at least 21 days before closing	Public advertising and notice at least 21 days before bid closing	Public advertising and notice at least 21 days before bid closing
Intermediate procurement	Informal solicitations from at least 3 qualified sources	Seek at least 3 proposals	Seek at least 3 proposals	Informal solicitations from at least 3 qualified sources	Informal solicitations from at least 3 qualified sources
Small procurement	No bidding required	No bidding required	Competitive to the extent practicable	No bidding required	No bidding required
Means of public advertising	At least once in at least one local newspaper and in at least one statewide trade publication	At least once in an appropriate trade periodical or general circulation newspaper	At least once in an appropriate trade periodical or general circulation newspaper	At least once in at least one local newspaper	At least once in at least one local newspaper and in at least one statewide trade publication
Basis for award					
Competitive sealed bids	Lowest responsive and responsible bidder based on measurable criteria in the bid documents	N/A (no bids, only proposals)	N/A (no bids, only proposals)	Lowest responsive and responsible bidder based on measurable criteria in the bid documents	Lowest responsive and responsible bidder based on measurable criteria in the bid documents
Competitive sealed proposals	Best responsive and responsible proposer based on criteria in solicitation documents	Experience, capabilities, resources, past record and other factors	Experience, capabilities, resources, past record and other factors	Best responsive and responsible proposer based on criteria in solicitation documents	Best responsive and responsible proposer based on criteria in solicitation documents
Intermediate procurement	At City's discretion (no criteria listed)	Capability, experience, project approach and price	Capability, experience, project approach and price	At City's discretion (no criteria listed)	At City's discretion (no criteria listed)
Small procurement	Acceptable quality at competitive prices	Direct appointment of qualified consultant	Availability, capability, experience, price and location	Acceptable quality at competitive prices	Acceptable quality at competitive prices

Source: City of Milwaukie Local Contract Review Board – Public Contracting Rules, Keen Independent Research.

F. Procurement Analysis — Policies and procedures

F-2. City procurement practices for federally funded contracts

	Goods and services (including trade-related services)	Personal services - A&E (e.g., architect, engineer, land surveyor, transportation planner)	Personal services - Other (e.g., legal counsel, accountant, graphic design, IT consultant, instructors)	Construction (public improvement projects)	Technology/software (e.g. software, licensing and cloud- based services)
Bidding thresholds					
Requiring formal competitive process	Above \$150,000	Above \$150,000	Above \$150,000	Above \$150,000	Above \$150,000
Micro purchases	\$10,001–\$150,000	\$10,001–\$150,000	\$10,001–\$150,000	\$10,001–\$50,000 for transportation, \$10,001–\$100,000 for other construction	\$10,001–\$150,000
Small purchases	\$10,000 or below	\$10,000 or below	\$10,000 or below	\$2,000 or below	\$10,000 or below
Bidding requirements					
Competitive sealed bids	Public advertising and notice at least 14 days before bid closing	N/A (no bids, only proposals)	N/A (no bids, only proposals)	Public advertising and notice at least 14 days before bid closing	Public advertising and notice at least 14 days before bid closing
Competitive sealed proposals	Public advertising and notice at least 21 days before bid closing	Notice of selection procedures at least 21 days before bid closing	Notice of solicitation at least 21 days before closing	Public advertising and notice at least 21 days before bid closing	Public advertising and notice at least 21 days before bid closing
Intermediate procurement	At least 3 informally solicited competitive bids, quotes or proposals	At least 3 informally solicited competitive bids, quotes or proposals	At least 3 informally solicited competitive bids, quotes or proposals	At least 3 informally solicited competitive bids, quotes or proposals	At least 3 informally solicited competitive bids, quotes or proposals
Small procurement	No bidding required	No bidding required	Competitive to the extent practicable	No bidding required	No bidding required
Means of public advertising	At least once in at least one local newspaper and in at least one statewide trade publication	At least once in an appropriate trade periodical or general circulation newspaper	At least once in an appropriate trade periodical or general circulation newspaper	At least once in at least one local newspaper	At least once in at least one local newspaper and in at least one statewide trade publication
Basis for award					
Competitive sealed bids	Lowest responsive and responsible bidder based on measurable criteria in the bid documents	N/A (no bids, only proposals)	N/A (no bids, only proposals)	Lowest responsive and responsible bidder based on measurable criteria in the bid documents	Lowest responsive and responsible bidder based on measurable criteria in the bid documents
Competitive sealed proposals	Best responsive and responsible proposer based on criteria in solicitation documents	Experience, capabilities, resources, past record and other factors	Experience, capabilities, resources, past record and other factors	Best responsive and responsible proposer based on criteria in solicitation documents	Best responsive and responsible proposer based on criteria in solicitation documents
Intermediate procurement	At City's discretion (no criteria listed)	Capability, experience, project approach and price	Capability, experience, project approach and price	At City's discretion (no criteria listed)	At City's discretion (no criteria listed)
Small procurement	Acceptable quality at competitive prices	Direct appointment of qualified consultant	Availability, capability, experience, price and location	Acceptable quality at competitive prices	Acceptable quality at competitive prices

Source: City of Milwaukie Local Contract Review Board – Public Contracting Rules, Keen Independent Research.

F. Procurement Analysis — Policies and procedures

Bidding Thresholds

Different bidding requirements apply based on the size of the contract and whether a contract is locally, state or federally funded.

State and local contracts. For state and locally funded contracts, the threshold amounts depend on the type of work, as summarized in Figure F-1.

Personal service contracts¹ for architecture and engineering have the highest threshold for competitive sealed proposals at \$250,000 and above whereas construction projects related to transportation have the lowest competitive sealed bid/proposal threshold at \$50,000 and above.

For small procurement contracts, architecture and engineering personal services are \$100,000 and below, other personal services are \$50,000 and below, and all other types of work are \$10,000 and below.

Federal contracts. For federally funded contracts, the bidding threshold amounts are more conservative, as illustrated in Figure F-2.

Bidding threshold levels use different nomenclature than state and locally funded bidding threshold levels² and are more consistent by the type of work. Competitive sealed bids/proposals are required for all types of work in which contracts exceed \$150,000. Micro purchases for federally funded contracts are those that do not exceed \$10,000 for all types of work except construction, which has a \$2,000 upper limit.

¹ Personal service contracts of any type are not subject to formal competitive bidding processes under the Oregon Public Contracting Code. The selection procedure is the City's policy.

Bidding Requirements

The City follows the same basic bidding requirements regardless of funding source (see Figures F-1 and F-2). Bidding requirements differ based on the bidding threshold, as outlined below:

- **Competitive sealed bids/proposals.** Must publicly advertise the contract for bids or proposals and give 14 to 21 days' notice of the procurement opportunity.
- **Intermediate procurement and small purchases.** Must solicit at least three competitive quotes, bids or proposals to award a contract. If there are not three qualified vendors, the City must document its efforts to obtain a sufficient number of bids/proposals and ensure that it follows its Equity in Public Procurement processes and requirements (PCR 120.000).
- **Small procurement and micro purchases.** Does not require competitive bids to award a contract. However, the federal requirements for architecture and engineering services procurement state that the bidding process should be competitive to the extent practicable.

² Note that "small procurement" and "micro purchase" are the respective state/local and federal terms the City of Milwaukie uses to refer to the lowest bidding level and "intermediate procurement" and "small purchase" refer to the middle bidding level.

F. Procurement Analysis — Policies and procedures

Basis for Award

Criteria the City uses to award state/local and federally funded procurements are as follows:

- **Competitive sealed bids.** Awarded to the lowest responsive and responsible bidder based on criteria outlined in the bid notice.
- **Competitive sealed proposals.** Awarded to the best responsive and responsible bidder based on criteria outlined in the solicitation documents.
- **Intermediate procurement and small purchases.** Contracts for goods and services, construction and technology/software are awarded at the discretion of a department. Contracts for personal services, including architecture and engineering, are awarded to the vendor whose offer will best serve the interests of the City, considering factors like qualifications, scope of work and price.
- **Small procurement and micro purchases.** Directly awarded to a qualified vendor of the department's choice.

Means of Advertising or Other Public Notice

Public advertising and notice are required for competitive sealed bids and proposals for all types of work within Milwaukie.

- City procurement policies state that advertisements must be placed in a general circulation local newspaper. Generally, advertisements are placed in the Portland Tribune/Clackamas Review, The Oregonian and/or the Daily Journal of Commerce Oregon.
- For goods and services and technology/software contracts, an advertisement must also be placed in a trade-specific periodical.
- Advertisements for personal services may be placed in either a general circulation local newspaper or a trade-specific periodical.

Subcontractors

As contractors are responsible for making payments to their subcontractors, the City does not track all subcontractors that provide services on a project. There can be multiple tiers of subcontractors but the City only requires bid respondents to indicate Tier 1 subcontractors.

Emergency Contracts

The City of Milwaukie also allows the City Manager to make emergency purchases that waive the bidding requirements. The City must document the circumstances that make the typical procurement process infeasible and make a reasonable attempt to encourage competition.

F. Procurement Analysis — Policies and procedures

Bid Management System

In addition to using newspapers and journals as described in the previous pages, the City uses a bid management system to post formal solicitations for its procurements. Firms that are interested in doing business with the City can register in the bid management system and will then be notified when the City issues formal solicitations.

Access to the bid management system. Department representatives with appropriate login credentials can post formal solicitations in the bid management system.

The City also posts answers to any questions received regarding specific solicitations in its bid management system for ease of access to bidders.

Limitations. The City's bid management system has the following limitations that impact the City's ability to manage procurement efficiently and equitably:

- When the City solicits a bid for procurement, there is no way to notify only firms that are interested and available for the type of work required in the contract. Based on Keen Independent's experience, firms often completely ignore notifications of bid opportunities from an entity when most of them are outside the types of work performed by the company.
- Vendors are not able to indicate that they are COBID-certified nor can they select an industry into which their goods and services fall.
- The City appears to have no way to generate and export reports containing information in the system, such as aggregated contact information for bidders.
- There is no capability in the system to report on diverse business participation.

Departments do not use the bid management system if a contract is under the threshold for a formal solicitation. They often will go to the firm performing an existing price agreement for the City as they have already gone through the competitive process. Alternatively, they will go back to the same firms that previously performed the work.

F. Procurement Analysis — Equity in procurement

Equity in Public Procurement

The City of Milwaukie acknowledges that small businesses and businesses owned by women and minorities have historically not had the same access to City contract opportunities as larger firms. Therefore, the City has committed to encouraging opportunities for those businesses in its procurements. The City adopted new equity requirements for procurement that went into effect on June 30, 2022.

The City's Equity in Public Procurement section of the PCR outlines the following methods designed to increase the participation of minority- and woman-owned businesses, businesses owned by disabled veterans and other small businesses in its contracts. These activities include:

- Outreach to encourage local COBID-certified businesses to conduct business with the City;
- Providing technical and logistical support COBID-certified and eligible businesses related to bonding, insurance, certification and the City's procurement process;
- Dividing work into smaller contracts that may be more feasible for COBID-certified businesses to take on, either as primary bidders or subcontractors;
- Providing recommended (but not mandatory) training for City staff on the PCR and encouraging staff to use COBID-certified businesses for contracts when possible.

³ As the City's equity requirements went into effect in June of 2022, the first of these reports will be available in 2023.

- Considering modification of the insurance and bonding requirements so that more COBID-certified businesses may bid on contracts; and
- Issuing an annual report³ that shows how much the City spent on contracted goods and services and what percentage of those awards went to COBID-certified businesses.

In scoring bids/proposals, 20 percent of the total available points must be based on equity and inclusion criteria. Departments have flexibility to determine how that 20 percent is allocated. For example, a department could award the full 20 percent to a firm that is COBID-certified or they could award 10 percentage points based on COBID certification and the remaining 10 percentage points based on the diversity of the firm's team members. In sum, the City has no overarching rules concerning how departments award these points.

Sometimes prime consultants can earn points by using diverse subconsultants. This option also applies for construction contracts awarded through alternative contracting methods.

The City does not verify COBID certification of subcontractors for public improvement and construction projects. However, the City's contracts state that if the award was given in part or whole because the bidder met a DEI requirement and the City later discovers that requirement is no longer being met, the City can terminate the contract.

For small procurements, no competitive process is required, so no DEI scoring criteria are applied. Intermediate procurements can include some scored element for COBID-certified businesses.

APPENDIX G. Vendor Virtual Workshop — Procurement process

To collect feedback on the City’s procurement process from those who are directly involved, Keen Independent held a virtual workshop with companies that have conducted business with the City or expressed interest in doing business with the City.

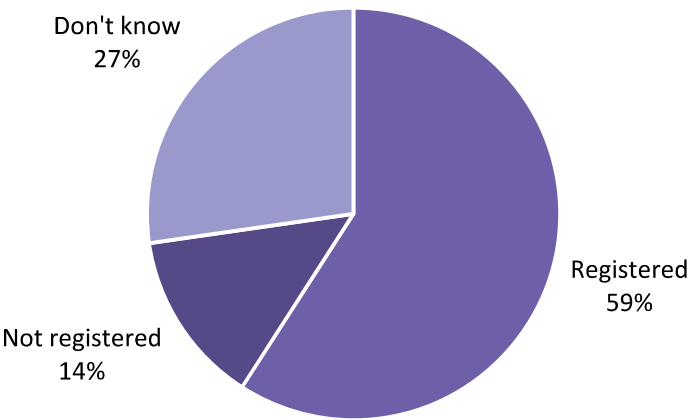
Similar in format to an online survey, a virtual workshop offers a platform for participants to provide thoughtful feedback. The City invited 134 business contacts to provide input and 23 people participated. The response rate was 17 percent. Respondents included business owners (22% of the total) and other representatives of companies.

Feedback on Procurement Processes

The virtual workshop included a series of questions related to the City’s procurement process.

Bid Management System. One primary method the City uses to communicate work opportunities is the Bid Management System. Figure G-1 displays the registration status of respondents’ businesses in the Bid Management System. About 14 percent of respondents indicated that their business was not registered in the system.

G-1. Respondents’ business registration in the Bid Management System



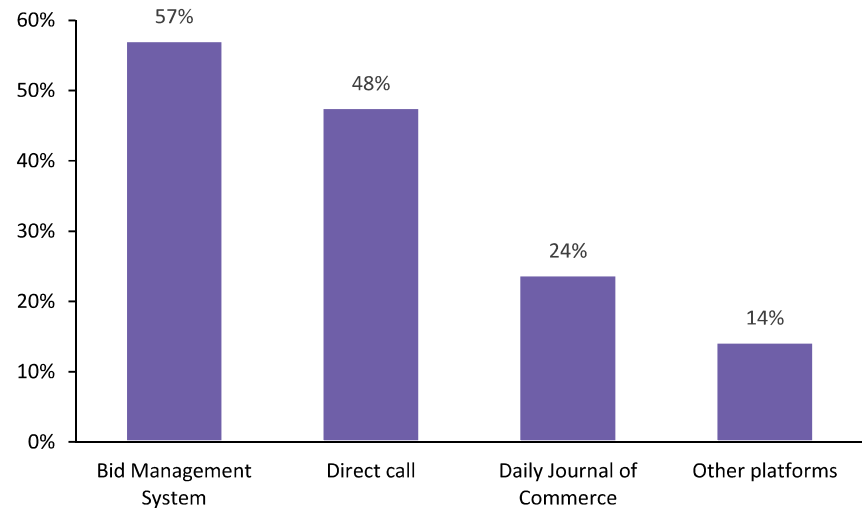
Note: N = 23.
Source: Keen Independent Research.

G. Vendor Virtual Workshop — Procurement process

When respondents were asked how they heard about potential work opportunities with the City, the Bid Management System was most often mentioned as their source of information (see Figure G-2).

However, 43 percent of respondents did not mention the Bid Management System as a source of information. Most of these individuals cited a direct call from the City, hearing about a procurement in the Daily Journal of Commerce or other methods.

G-2. How respondents’ businesses hear about work with the City



Note: N = 23. Percentages add up to more than 100 because respondents sometimes mentioned more than one way that they hear about work with the City.

Source: Keen Independent Research.

G. Vendor Virtual Workshop — Procurement process

Some respondents provided open-ended comments about the Bid Management System (see examples of input to the right). A few respondents were not aware of the Bid Management System but some that were provided suggestions on making the notifications process more efficient.

Currently, the City's Bid Management System does not allow for screening of notices so that only those firms that provide that product or service are notified of a procurement.

I wish there was a way to filter out non-relevant projects, but that's not super important. It just means that I don't read the bid notices as carefully as I should, b/c they are usually not relevant to my work.

White female owner of a certified Women Business Enterprise (WBE)

We receive notifications that are not relevant to us. It would be nice to be able to narrow down those that we receive.

Coordinator for a certified Women Business Enterprise (WBE)

It was easy to use and find addendums. I also liked the updates when changes happened through the bid process.

Senior Account Executive for a privately owned business

The city needs to make sure that their bids get seen through Google search, nationwide bid platforms.

Vice President of Sales for a certified Emerging Small Business (ESB)

G. Vendor Virtual Workshop — Equity in procurement

Imagining an Equitable Procurement Process

When asked to imagine an equitable procurement process, a few business representatives mentioned giving small or diverse firms an opportunity and some focused on removing barriers for firms to bid.

Examples of comments are shown to the right.

Encouragement to use diverse subconsultants. What [it] doesn't look like is mandating diversity percentages which causes subconsultants to be included only because they are diverse and not because they are competent.

Representative from a large corporation

Making sure that opportunities are transparent and not having past experiences with the City is not an impediment.

Hispanic/Latino male Principal of a certified Minority Business Enterprise (MBE)

A process that not only encourages small and disadvantaged firms to submit but also gives those firms serious consideration. It seems a lot of agencies have a bias toward giant firms.

Marketing Coordinator for a certified WBE

One that does not discriminate based on gender, race/ethnicity, or gender/sexual orientation. Depending on what other factors Milwaukie cares about, that would also include not discriminating based on business size.

White female Principal Engineer and owner of a certified WBE

I understand that application evaluators are looking for an apples to-apples way to compare applicants, but rigid [requirements] do not create an equitable process, in the same way that standardized tests aren't the best measure of a student's academic progress. That having been said, I think Milwaukie does a better job of simple straightforward RFP+ language that gets to the point of what the City is looking for.

White female owner of a certified WBE

G. Vendor Virtual Workshop — Equity in procurement

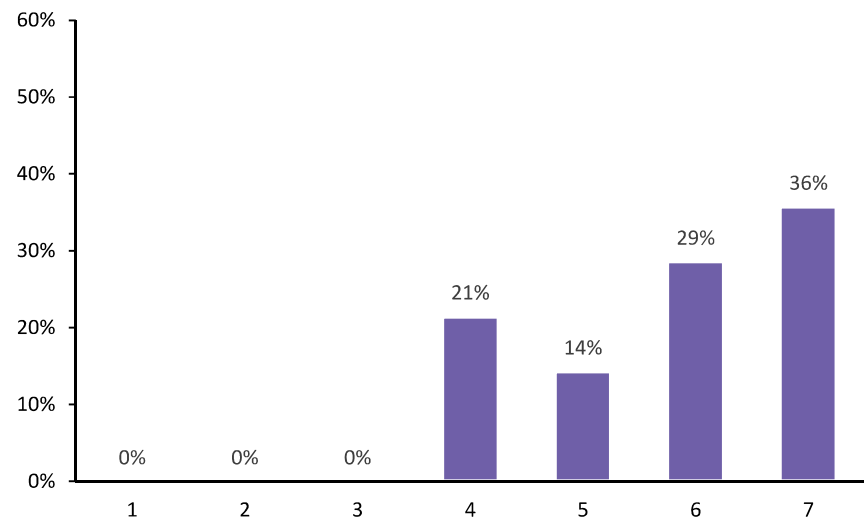
Comments about the City’s Current Procurement Process

The virtual workshop asked business representatives to consider “how equitable the City’s procurement process is” on a scale 1 (meaning not equitable at all) to 7 (meaning perfectly equitable).

About 40 percent of respondents did not know or had no opinion. Most respondents who gave a rating gave a relatively positive one.

Figure G-3 displays the distribution of responses (not including those who said “don’t know/no opinion”).

G-3. Respondents’ ratings of how equitable the City’s procurement process is



Note: N = 14.
Source: Keen Independent Research.

G. Vendor Virtual Workshop — Equity in procurement

Respondents were asked for specific comments regarding equity and the City's procurement process.

Several respondents indicated that the City's processes seem fair or that they do not have enough experience with the processes to comment.

A few comments specifically mentioned outreach to COBID-certified businesses.

One respondent indicated that focusing on DEI in procurement was disadvantaging other firms and that the City should focus on hiring the best qualified firm for the job.

It is important to give the smaller companies a chance, a size of a company doesn't always mean success.

Vice President of Sales for a certified ESB

Reach out to firms in the COBID directory that have not submitted in the past and notify them of upcoming on-call RFQs.

Vice President of Sales for a certified ESB

Add encouragement to use diverse team members, but not percentage goals. The city could reach out to the diverse community to let them know about projects.

Representative from a large corporation

Ensure that they are involved in local minority and inclusion groups and continue to advertise through the DJC, SWCA, OregonBuys, etc.

Representative from a large corporation

The city should follow ODOT's system of using DBE if that is what the city wants to do and not make up their own system.

Vice President of a privately owned business

I really didn't see anything that made us feel like it wasn't equitable. We really liked the challenge in the process for us to be inclusive with contract language. It definitely helped us see procurement in a progressive way.

Senior Account Executive for a privately owned business

You don't define the terms "equitable", "inclusive" or others which may be open to interpretation ... This makes the process of incorporating these ... into a procurement process inherently unfair.

Representative from a Washington state-based business

G. Vendor Virtual Workshop — Equity in procurement

Communicating a Commitment to Equity in Procurement

Finally, the virtual workshop prompted respondents for feedback on how the City can best communicate its commitment to an equitable procurement process.

A few respondents mentioned communicating directly with businesses and local community groups that are operated by and/or serve members of historically marginalized communities.

A few respondents mentioned making equity in procurement more visible on the City's website. One respondent mentioned having testimonials on the City's website that may encourage other vendors who work for MBEs and WBEs to submit proposals/bids to the City.

Some participations cautioned that documented outcomes speak louder than just words stating a commitment to equity.

Continuous outreach and attendance of minority group meetings.

Representative from a large corporation

Consider promotional testimonials on website. Hillsboro recently conducted an open house for COBID vendors, where all public agency representatives were there to provide information on upcoming opportunities; it was very helpful.

Hispanic/Latino male Principal of a certified MBE

Do equitable projects. Continue to do outreach to and work with organizations which share your equity values. Support equity projects in the community. Don't just look for diverse vendors, but seek out developers and stakeholders who value equity and can help you diversify your community by being proactive about equity in all your projects.

White female owner of a WBE

Targeted solicitations to disadvantaged firms. Use of equity-based scoring criteria in selecting contractors. Publicizing positive outcomes.

Project manager for a large corporation

Actions speak louder than words. If you document the numbers on how you are performing according to measurable metrics, that will mean much more than spouting beautiful language about how you care. No one believes all your language, but they do notice numbers.

White female Principal Engineer and owner of a certified WBE

STOP! Attempting to communicate that you care about being equitable and inclusive could be viewed simply as an effort to appear equitable and inclusive rather than actually being so.

Business representative

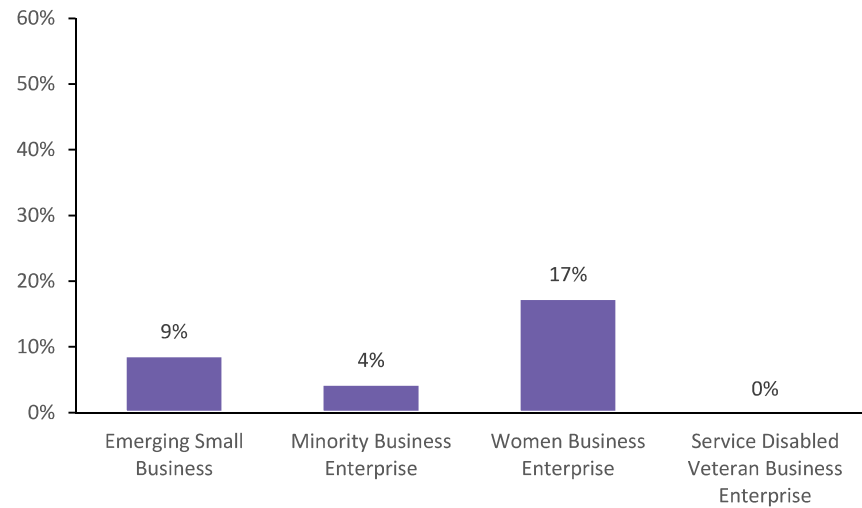
G. Vendor Virtual Workshop — Businesses participating in the virtual workshop

Business Demographics

Respondents were asked several descriptive questions about their businesses.

Certifications. Figure G-4 displays the certifications for respondents' businesses. About 17 percent of respondents represented a WBE and 9 percent represented an ESB. Only one respondent was from an MBE and no respondents represented a Service-Disabled Veteran Business Enterprise (SDVBE).

G-4. Certifications of respondents' businesses



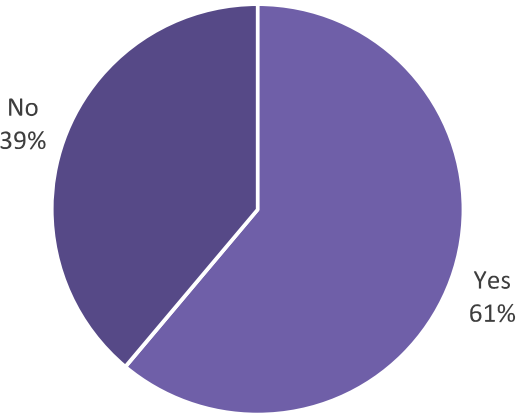
Note: N = 23.

Source: Keen Independent Research.

G. Vendor Virtual Workshop — Businesses participating in the virtual workshop

Experience working with the City. Respondents were asked to indicate whether their businesses had obtained work with the City prior to the distribution of this virtual workshop instrument. Just over 20 percent did not know or did not provide an answer to this question. Of those who did provide an answer, about 60 percent indicated that their firm had obtained work with the City while nearly 40 percent had not.

G-7. Whether respondents’ businesses have obtained work with the City



Note: N= 18.
Source: Keen Independent Research.

APPENDIX H. Allocation of City Resources and Public Services

In this appendix, Keen Independent presents an overview of the Milwaukie community and how the City allocates resources and services to the community.

Data Sources

For the purposes of this analysis, Keen Independent drew data from the following sources:

- U.S. Census Bureau;
- 2023-2024 Fee Schedule;
- Comprehensive Plan;
- City budget; and
- Interviews with City staff involved in service delivery, including individuals from the Police Department, Public Works and the City Manager's Office.

Additionally, Keen Independent asked both employees and members of the public for their impressions of service delivery as part of their respective virtual workshops (detailed in Appendix D and Appendix I, respectively).

H. Allocation of City Resources and Public Services — Community profile

As background, Keen Independent reviewed available U.S. Census Bureau data on the Milwaukie population.

Demographics

Compared to the United States population overall, Milwaukie is slightly more educated, more affluent, older and less racially diverse.

H-1. Household income and education of Milwaukie residents compared to the U.S. overall (2021)

	Milwaukie	United States
Total households	9,220	128,586,317
Household income		
\$24,999 or less	10.7 %	15.8 %
\$25,000 to \$49,999	21.0	18.6
\$50,000 to \$74,999	19.2	16.9
\$75,000 to \$99,999	12.7	13.2
\$100,000 to \$149,999	18.9	17.2
\$150,000 or more	17.5	18.3
Total	100.0 %	100.0 %
Median household income	\$ 73,351	\$ 72,406
Education (population age 25+)		
Less than high school	5.0 %	10.1 %
High school	21.5	27.1
Some college	34.8	27.7
Bachelor's degree	25.9	21.7
Graduate degree	12.8	13.4
Total	100.0 %	100.0 %

Source: U.S. Census Bureau American Community Survey 2017-2021 Estimates.

H-2. Age, race and ethnicity of Milwaukie residents compared to the U.S. overall (2021)

	Milwaukie	United States
Total population	21,375	335,541,003
Age		
Under 5 years old	10.6 %	11.9 %
Under 18 years old	9.4	12.5
65 and older	14.6	13.5
30 to 39 years old	16.4	13.6
40 to 54 years old	21.4	18.2
55 to 69 years old	17.5	18.5
70 or more years old	10.0	11.8
Total	100.0 %	100.0 %
Median Age	39.5	38.9
Race		
African American	1.0 %	12.4 %
Asian American	2.6	6.1
Native American	0.2	1.1
Other race	1.8	8.5
Pacific Islander	0.1	0.2
Two or more races	8.9	10.6
White	85.4	61.0
Total	100.0 %	100.0 %
Ethnicity (of any race)		
Hispanic American	9.3 %	19.0 %
Non-Hispanic	90.7	81.0
Total	100.0 %	100.0 %

Source: U.S. Census Bureau American Community Survey 2017-2022 Estimates.

H. Allocation of City Resources and Public Services — Policies and practices

Keen Independent reviewed documents and interviewed City staff members to obtain information on how the City delivers services to members of the public.

Fees and Utility Rates

The City periodically assesses its fee structure and utility rates to ensure that they are consistent with goals and promote equity.

Fees. Every two-year budget cycle, the City adopts a master fee schedule. This schedule outlines fees for the following types of services:

- Building permits;
- Business registration;
- Downtown parking;
- Engineering plan review, inspection and permits;
- Land use applications;
- Library fines and services (e.g., document printing);
- Municipal code violation fees;
- Municipal court fees;
- Parking fines
- Police fees (e.g., gun registration, false alarm responses, body camera footage retrieval);
- Solid waste fees;
- Transportation system development;
- Tree planting and removal;
- Utilities; and
- Water system development.

Fees charged for each type of service are designed to reflect the actual cost of providing that service. The exception is when services are in conflict with City goals, in which case the City might charge a higher amount. For example, the City's Comprehensive Plan describes a goal to plant more trees in urban areas. Thus, fees for tree removal services are set higher than the cost of removing the trees so individuals are discouraged from asking for tree removal.

When individuals are not able to afford to pay the fees charged by the City for its services, they may sign up for a program that will waive or reduce fees. Eligibility to participate in this program depends on the individual's income meeting a certain threshold.

Utility rates. The City revisits its utility rates every two years. In general, the City makes a plan to adjust utility rates based on the revenue requirements for each utility to ensure that they can financially sustain operating the utilities. In this process, the City tries to minimize the extent to which classes of customers are subsidizing one another but striking a balance can be challenging.

In 2019, Utility Financial Services conduct a study of utility rates for the City. Results suggested that the City was undercharging large customers and a recommendation was made to gradually increase fees for those customers. Following this study, the City Council indicated that creating a rate structure that provides a discount to low-income and low-use customers should be prioritized.

H. Allocation of City Resources and Public Services — Policies and practices

Public input. The City encourages input from the community concerning utility rates and other fees. Appointed by the City Council, the Citizens Utility Advisory Board (CUAB) is a five-member board comprised of members of the public that focuses on capital improvement projects. It also reviews fees set for City services and is provided with updates throughout the fee setting process that they may communicate out to the community.

The City solicits additional feedback from the public on its fees and rates through sources including:

- Email lists;
- Neighborhood District Associations (NDAs);
- Social media; and
- The Milwaukie Pilot.

Services

Keen Independent focused on street maintenance and events in the assessment of City services. These areas were highlighted as particularly relevant to DEI in interviews with City staff.

Street maintenance. The Streets Division of Public Works prioritizes street maintenance based on the condition of the street. Additionally, the City hosts a pothole repair hotline and respond immediately to any messages.

A 2022 Community Engagement Survey found that 40 percent of respondents were dissatisfied with street maintenance. This indicates an opportunity for the City to better communicate their street maintenance practices and schedule to the public. Doing so might increase transparency and help residents feel like street maintenance is conducted more equitably.

Events. The City of Milwaukie hosts several events throughout the year, including:

- Arbor Day;
- CareFree Sunday;
- Earth Day;
- Umbrella Parade and Tree Lighting; and
- Winter Solstice.

The winter holiday events tend to celebrate Christmas and the City may consider exploring ways to make existing celebrations more inclusive to all cultures or potentially hosting additional events that celebrate other winter holidays.

In addition to sponsoring events, the City provides financial support to Neighborhood District Associations that host events. Engaging NDAs to help plan City events could be a way to encourage more participation of individuals from diverse backgrounds.

More information on residents' perceptions of City events can be found in Appendix I, which details results of the public virtual workshop.

APPENDIX I. Public Virtual Workshop

Keen Independent conducted a virtual workshop that solicited input from the public regarding the City of Milwaukie's diversity, equity and inclusion efforts as they relate to City services and events.

Methodology

The virtual workshop was customized to obtain City employee insights that inform Keen Independent's recommendations for the City's DEI Plan.

Question development. The study team reviewed the 2022 Milwaukie Community Survey and crafted new types of questions to supplement information from that survey. The City reviewed the questions and provided feedback that was incorporated into the final virtual workshop instrument, which was available in English and Spanish.

Distribution. The April 2023 issue of the Milwaukie Pilot contained an advertisement and QR code for the virtual workshop, which opened on April 1, 2023. The virtual workshop was also advertised on Engage Milwaukie and the City's Facebook page. Participation reminders were sent out on both channels. The virtual workshop closed on May 5, 2023. We received 190 responses with enough information to include in the analysis. About one-half of the surveys received were entirely complete. We note the individual response counts underneath each question.

Analysis. Keen Independent computed averages and frequencies for the rating scale and demographic questions and reports those throughout this appendix. Because of the limited number of employees who self-identified as Black or African American, Asian or Asian American, Hispanic or Latino, Pacific Islander and/or Native American, we combined the non-white racial and ethnic groups into one "people of color" group.

For the open-ended responses, Keen Independent reviewed each comment and noted common themes. We then selected a few representative and constructive comments pertinent to each theme to include in this appendix.

Questions

The virtual workshop asked members of the public questions within the following categories:

- Demographics;
- Overall DEI in services and City communications; and
- City-sponsored events.

This appendix is organized by each of these categories.

I. Public Virtual Workshop — Demographic characteristics of participants

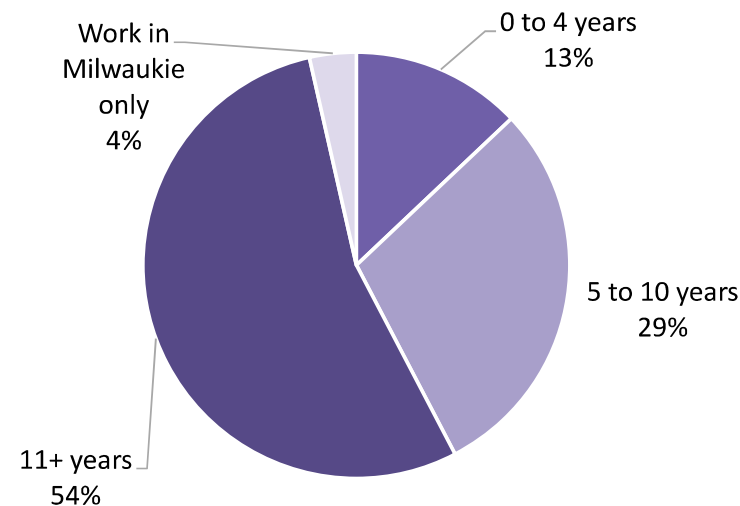
First, we describe the demographic characteristics of public virtual workshop participants.

Residency Demographics

Participants were asked to indicate how long they have lived in Milwaukee and describe their living situation.

Living in Milwaukee. The overwhelming majority (83%) of virtual workshop participants indicated that they have lived in Milwaukee for 5 or more years with more than half of respondents reporting 11 or more years of residency. About 13 percent of respondents indicated they have lived in Milwaukee for 4 or fewer years and 4 percent indicated they work in Milwaukee but did not live there.

I-1. Residency status of virtual workshop participants



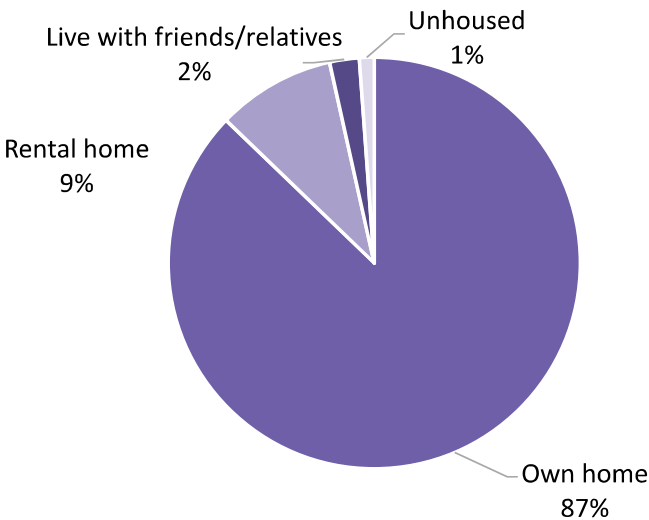
Note: n = 85.
Source: Keen Independent Research, City of Milwaukee Public Virtual Workshop.

I. Public Virtual Workshop — Demographic characteristics of participants

Housing status. About 85 percent of respondents indicated that they lived in a home that they own. From 2015 to 2019, about 60 percent of Milwaukie residents were homeowners.¹

Smaller numbers of participants lived in rental housing (9%) or with friends or relatives (2%) and a few participants were unhoused at the time of the virtual workshop.

I-2. Housing status of virtual workshop participants



Note: n = 86.
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

¹ Goodman, B., & Kane, A. (2022). Milwaukie: Housing Needs Projection. ECONorthwest. https://www.milwaukieoregon.gov/sites/default/files/fileattachments/Housing%20Affordability/meeting/123819/milwaukie_population_and_housing_memo_20220620.pdf

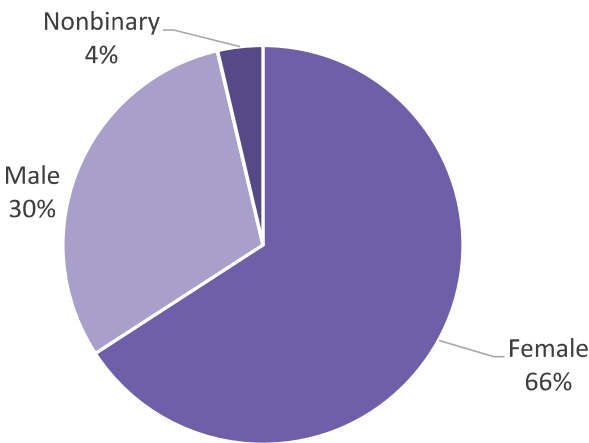
I. Public Virtual Workshop — Demographic characteristics of participants

Personal Demographics

The virtual workshop promoted participants to provide information on their gender identity, race/ethnicity, LGBTQ+ status, disability status and age.

Gender identity. Women residents were more likely than men to participate in the virtual workshop. Just under two-thirds of participants identified as female (compared to nearly 52% of the total Milwaukie population²) and 30 percent identified as male. Several participants indicated that they were nonbinary.

I-3. Gender identity of virtual workshop participants



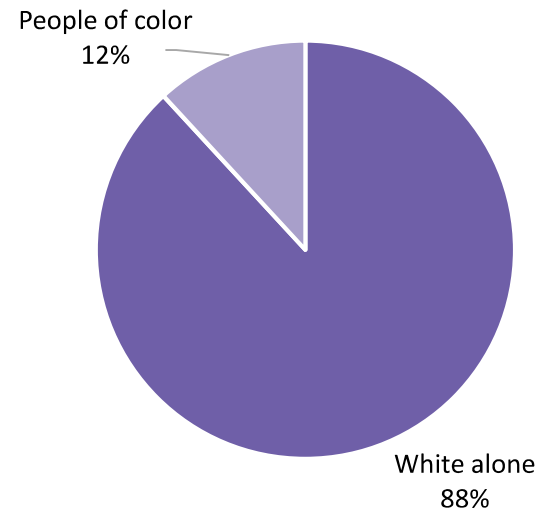
Note: n = 82.
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

² U.S. Census Bureau (2022). Population Estimates Program.
<https://www.census.gov/quickfacts/fact/table/milwaukiecityoregon,US/PST045222>

I. Public Virtual Workshop — Demographic characteristics of participants

Race and ethnicity. Most virtual workshop participants who chose to identify their race and ethnicity identified as white, consistent with Milwaukie demographics overall.³ About 12 percent identified as members of racially minoritized groups.

I-4. Race and ethnicity of virtual workshop participants



Note: n = 76. A few participants selected “white” along with a racially minoritized identity, so they are included in the percentages for people of color.

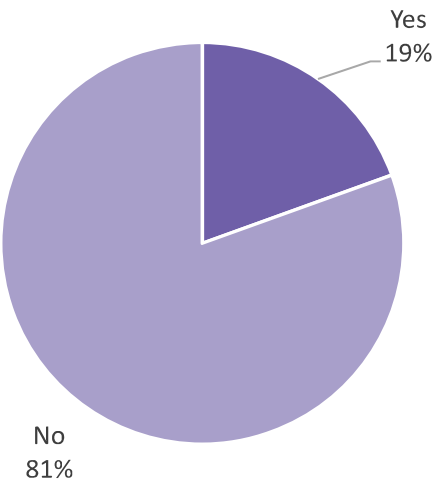
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

³ U.S. Census Bureau (2022). Population Estimates Program.
<https://www.census.gov/quickfacts/fact/table/milwaukiecityoregon,US/PST045222>

I. Public Virtual Workshop — Demographic characteristics of participants

LGBTQ+ status. About 17 percent of participants in the virtual workshop indicated that they identified as LGBTQ+. In the state of Oregon, just under 6 percent of residents identified as LGBTQ+ in a 2019 Gallup Daily tracking survey.⁴

I-5. LGBTQ+ status of virtual workshop participants



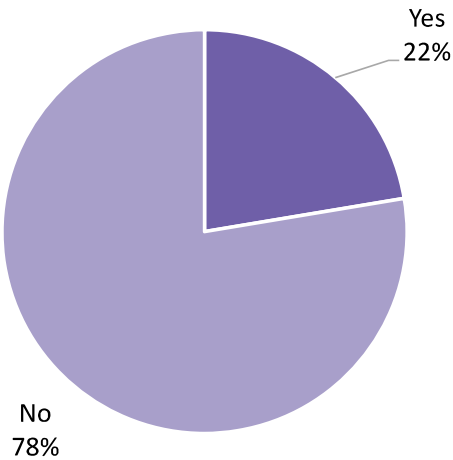
Note: n = 86.
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

⁴ Williams Institute. (2019). LGBT Demographic Data Interactive. UCLA School of Law. <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT#density>

I. Public Virtual Workshop — Demographic characteristics of participants

Disability status. A substantial share of virtual workshop participants (20%) indicated that they have a disability. This rate is nearly twice that of persons with disabilities in the overall Milwaukie population as reported in 2021.⁵

I-6. Disability status of virtual workshop participants



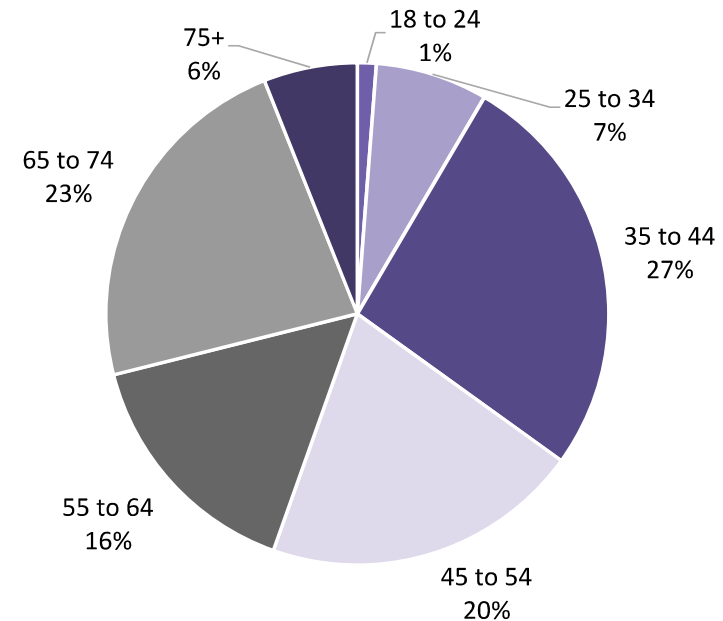
Note: n = 86.
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

⁵ U.S. Census Bureau (2022). Population Estimates Program.
<https://www.census.gov/quickfacts/fact/table/milwaukiecityoregon,US/PST045222>

I. Public Virtual Workshop — Demographic characteristics of participants

Age. The largest share of virtual workshop participants fell into the 35 to 44 age group, consistent with Milwaukie demographics overall.⁶ A substantial proportion of respondents (22%) indicated they were 65 to 74 years old compared to just under 10 percent in the Milwaukie population.⁷ The virtual workshop participants skewed older than the overall Milwaukie population.

I-7. Age of virtual workshop participants



Note: n = 88.

Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

⁶ U.S. Census Bureau (2021). American Community Survey.
<https://data.census.gov/table?q=Milwaukie+city,+Oregon&tid=ACSST5Y2021.S0101>

⁷ Ibid.

I. Public Virtual Workshop — Perceptions of DEI in City services and communications

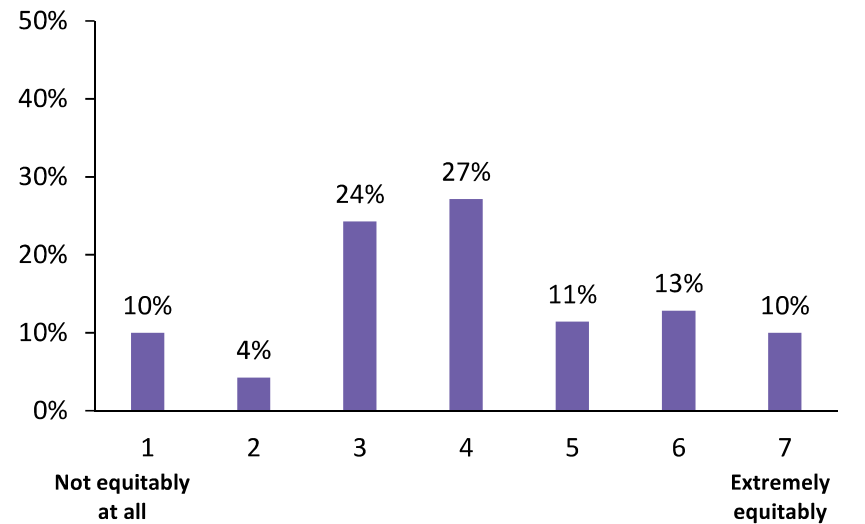
Keen Independent asked virtual workshop participants to reflect on how equitably the City provides services and the extent to which the City prioritizes DEI for its residents.

Scores Concerning Equity in Delivery of Services

The public gave numeric scores for equity in street maintenance and equity in delivery of other City services.

Public perceptions of equity in street maintenance. Virtual workshop participants provided their thoughts on how equitably the City provides street maintenance services. On a scale from 1 (not equitably at all) to 7 (extremely equitably), the average and most common rating virtual workshop participants provided was “4.”

I-8. Virtual workshop participants ratings of how equitably the City performs its street maintenance

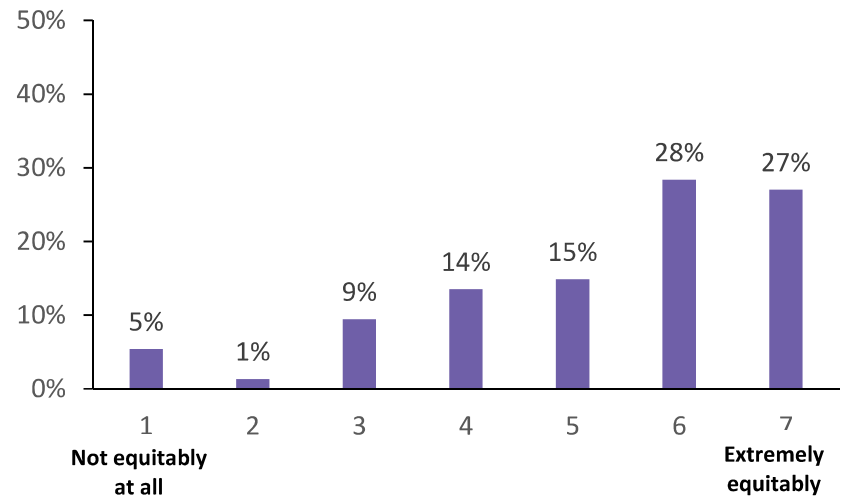


Note: n = 70.
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

Public perceptions of equity in other services to residents. Public perceptions of equity in other services to residents. Virtual workshop participants rated how equitably the City provides other services to its residents. On a scale from 1 (not equitably at all) to 7 (extremely equitably), the average rating virtual workshop participants provided was a 5.2, with “6” being the most common rating.

Many residents rated equity in the City’s delivery of other services higher than they did for street maintenance.

I-9. Virtual workshop participants’ ratings of how equitably the City provides other services to its residents



Note: n = 74.
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

I. Public Virtual Workshop — Perceptions of DEI in City services and communications

Open-ended Responses

Participants were asked to imagine a City that promotes diversity, equity and inclusion for its residents and describe what that looks like. A few responses mentioned safety, accessibility, mutual respect for all citizens and a City government that reflects the diversity of the population.

Additionally, participants were asked what, if anything, the City can do to more equitably serve residents.

- A few comments mentioned wanting less government involvement, particularly in the promotion of DEI.
- There were more comments offering suggestions regarding specific services.
 - A couple comments specifically mentioned adding sidewalks.
 - Others mentioned wanting more affordable housing options and fewer fees and fewer restrictions to homeowners on what they may include on their property.
 - There were few general comments wanting the City to be more responsive or accessible to residents.
 - There were a few residents who mentioned the role of the police with one commenting that training in conflict de-escalation would help serve residents more equitably.

Representative quotes containing participants' visions of an equitable City appear to the right above the horizontal line and a few with suggestions on how Milwaukie may more equitably serve residents appear below the line.

The City would assist with removing barriers for its residents so that each could enjoy equally. The City would also empower marginalized communities and amplify their voices.

Recent (<5 years) Black male Milwaukie resident

This city would work towards promoting equity, diversity, and inclusion by ensuring equal access to resources such as education, healthcare, and housing, creating inclusive public spaces, having diverse representation in government, engaging with the community, celebrating cultural diversity through events, implementing anti-discrimination policies, and providing affordable housing. Overall, the city recognizes the value of all its residents and strives to create a welcoming and inclusive environment for everyone.

Recent (<5 years) Latina Milwaukie resident

Add more sidewalks in areas that have a high number of families.

Recent (<5 years) Black female Milwaukie resident

Institute an independent equity, environmental and sustainability review for all policy proposals and applications for development or contracting initiatives.

Longtime (11+ years) white Milwaukie resident

Pay attention to other cultures and give the police training in respect. Not looking for reasons to use a gun.

Longtime (11+ years) white female Milwaukie resident

[T]he majority of taxpayers just want you to answer the phone and return a call.

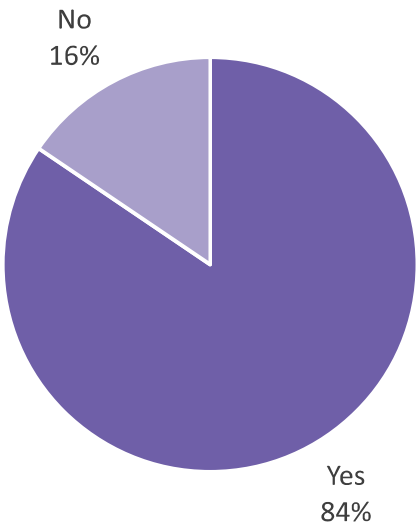
Longtime (11+ years) Asian male Milwaukie resident

I. Public Virtual Workshop — Perceptions of DEI in City services and communications

Communication of DEI Values

Numeric ratings. Participants were asked whether it was clear that the City of Milwaukie prioritizes DEI for its residents. The overwhelming majority (84%) of respondents answered “yes” to this question.

I-10. Virtual workshop participants’ indication of whether it is clear that the City prioritizes DEI for residents



Note: n = 69.
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

I. Public Virtual Workshop — Perceptions of DEI in City services and communications

Open-ended responses. When asked how the City could communicate to residents that it values DEI, participants mentioned a range of considerations.

- Many comments expressed an “actions speak louder than words” sentiment, indicating they care more about what the City does than says.
- Several respondents commented that the City already does a good job of communicating its DEI values.
- Finally, a few comments indicated resistance to DEI-related communications from the City in general.

A few representative constructive quotes related to participants’ opinions of how the City can communicate it cares about DEI for residents appear in the column to the right.

The libraries do a fine job of encouraging all communities.

Longtime (11+ years) Milwaukie resident

Again, just have a diverse makeup of your council and community members and volunteers putting on and promoting events. Advertise for people of all makeups to join and that the more diverse the group is, the more diverse the events and initiatives. Promote that it can be part time. Don't just have events for specific races.

Recent (<5 years) Black female Milwaukie resident

Apply incentives for DEI Intelligence and Practices. Immediate review of landmarks, public art, street and public property naming and prioritize removal and/or renaming of any and all connected with prejudice, injustice, and bias.

Longtime (11+ years) Milwaukie resident

Just support your residents by making good decisions that don't discriminate against anyone, that don't place any more burdens, financial or social, on your residents. Actions speak louder than words.

Longtime (11+ years) female Milwaukie resident

Hire more [people of color].

Nonbinary Latinx Milwaukie resident

Stop alienating your long-term older residents by only listening to the 2%.

Longtime (11+ years) Milwaukie resident

I. Public Virtual Workshop — City events

Virtual workshop participants were asked to respond to several questions regarding their impressions of DEI in City-sponsored events.

Attendance at City-Sponsored Events

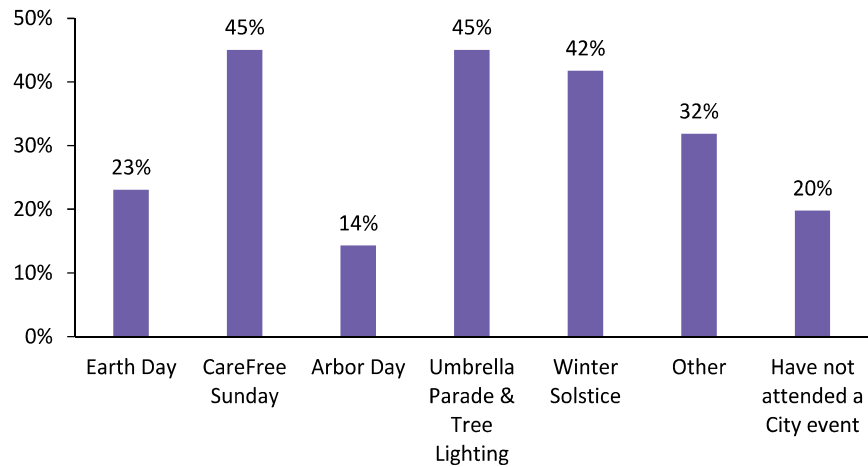
The virtual workshop presented participants with a list of City-sponsored events and asked them to indicate whether they have ever attended one of these events.

The most frequent responses were for:

- Carefree Sunday (45% of respondents said they had attended);
- Umbrella Parade and Tree Lighting (45%); and
- Winter Solstice event (42%).

Some participants selected “other” for City-sponsored events they have attended, but none indicated which event.

I-11. Virtual workshop participants’ attendance at City-sponsored events



Note. n = 70. Participants were able to select as many events as they had attended so percentages do not add to 100.

Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

I. Public Virtual Workshop — City events

Quality of Events and Suggested Future Events

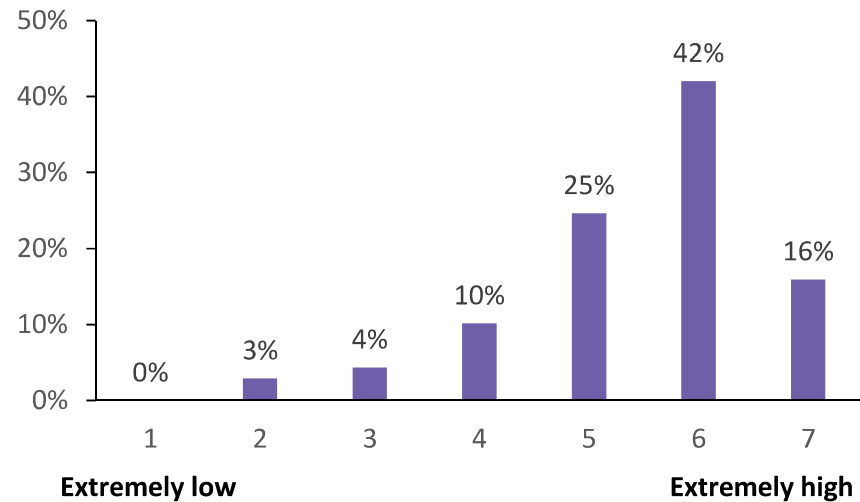
Quality of events. Virtual workshop participants were asked to rate the overall quality of the City-sponsored events they have attended on a scale from 1 (“extremely low quality”) to 7 (“extremely high quality”). The most common rating participants selected was a “6” and the average rating was 5.5.

Suggested events. The virtual workshop gave participants the opportunity to indicate the types of events they would like to see the City sponsor in the future. Suggestions participants wrote in include:

- Art festivals;
- Concerts in Milwaukie Bay;
- Creator Day;
- Events that highlight local businesses;
- Farmer’s markets;
- Fourth of July celebrations;
- Free music events;
- Kid-friendly and family events;
- Milwaukie Daze⁸;
- Multicultural events;
- Multigenerational events that include adults over 65;
- New Year’s Eve concerts;
- Parades; and
- Pride events.

⁸ Multiple respondents indicated they were interested in the City resurrecting Milwaukie Daze, though it was a privately run event.

I-12. Virtual workshop participants’ ratings of quality of City-sponsored events



Note. n = 72.
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

I. Public Virtual Workshop — City events

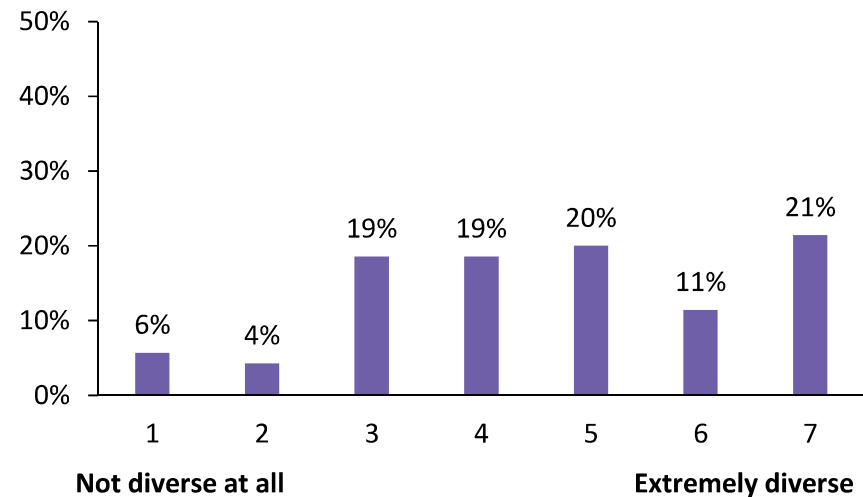
Diversity of City-Sponsored Events

Virtual workshop participants were asked about their perceptions of the diversity of City-sponsored events.

Participants rated their perception of how diverse the City’s sponsored events were on a scale from 1 (“not diverse at all”) to 7 (“extremely diverse”). The average rating for this question was 4.2.

Although respondents’ most frequently selected rating was “7,” ratings of “3,” “4” and “5” were selected at nearly the same levels.

I-13. Virtual workshop participants’ ratings of the diversity of City-sponsored events



Note. n = 70.
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

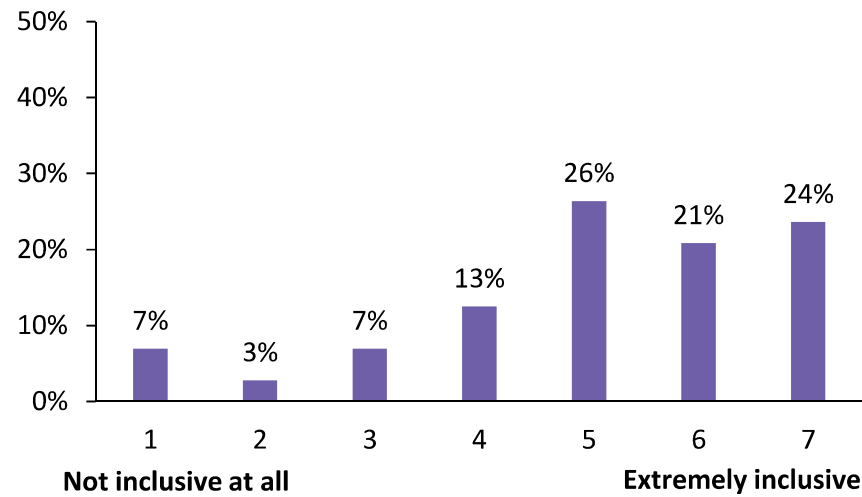
Inclusivity of City-Sponsored Events

Virtual workshop participants were asked about their perceptions of the inclusivity of City-sponsored events.

The virtual workshop prompted participants to rate their perception of how inclusive the City’s sponsored events were on a scale from 1 (“not inclusive at all”) to 7 (“extremely inclusive”).

Respondents most frequently selected a rating of “5” for this question and the average rating was 5.1.

I-13. Virtual workshop participants’ ratings of inclusivity of City-sponsored events



Note. n = 72.
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

I. Public Virtual Workshop — City events

Open-ended Responses

The virtual workshop prompted respondents to suggest how, if at all, the City may make its events more diverse and inclusive.

Several participants mentioned expanding the types of cultural holidays the City celebrates. Many emphasized that individuals in the community from those cultures or who celebrate those holidays should be involved in the planning of the events. A few cautioned against “pandering” to specific groups.

A selection of representative comments appears to the right.

Hold cultural events during Black History Month, Hispanic heritage month, etc.

Recent (<5 years) Black male Milwaukie resident

I don't know but you don't need to just do things to make black people or other minorities feel more welcome. It reads as pandering. The community has more black residents now which is great but just put on events with more diverse members and volunteers vs. hosting events specifically for a racial group. And I say this as a black resident.

Recent (<5 years) Black female Milwaukie resident

It's not so much that events are not diverse or inclusive, but they are not the most exciting events people want to attend. You need to get the word out when you have some major event. Maybe a banner across McLoughlin or attached to the overpass. Attention to main streets in the different regions of the cities. Right now I have to be assertive to find out about events - they are not in my face.

Longtime (5+ years) white female Milwaukie resident

Diversity should extend to various interests, hobbies, beliefs, values and cultures. This is why the Umbrella Parade works well, the focus is not limited to one type of group, which makes it open to everyone and allows for creative expression.

Longtime (11+ years) female Milwaukie resident

Ensure that cultural events of all different types are on the calendar. Ensure that people who represent that culture are part of the planning of each of these events ensure that funding for the various events is equitably dispersed across the diverse types.

Longtime (11+ years) female Milwaukie resident

I. Public Virtual Workshop — Communication of DEI values

Participants were provided with an opportunity to leave final comments relating to DEI in the City of Milwaukee.

Additional Comments

When asked to report any final comments, many participants expressed that the City already does a good job of being inclusive and welcoming.

A few participants mentioned having ongoing public dialogue would go a long way toward supporting the City's DEI goals. Additionally, a few comments focused on poverty and indicated that the City has become more inequitable along socioeconomic lines.

Finally, a few respondents indicated that they felt the long-term residents of Milwaukee were being left behind in DEI efforts.

Examples of comments are provided to the right.

Have honest conversations and allow individuals and employees to think for themselves and be supportive in their endeavors. Imagination and practical application of these worthy goals can result in a diverse, equitable and inclusive city.

Longtime (11+ years) white female Milwaukee resident

First I think it is a plus that Milwaukee has a very diverse council, the members of which can bring their insights and experience forward into discussion of public services. Second, as a now older (and not never getting any younger) member of the community I am beginning to see the ways in which communications technologies can themselves be a barrier. For example, someone who can't hear well, or use a smart phone might simply not know what City services are available to assist.

Longtime (11+ years) white female Milwaukee resident

Remember that although our town is growing, and we have lots of new residents, we also have many families that have been Milwaukians for 50 and 100 years. Their interests also need to be represented.

Longtime (11+ years) multiracial male Milwaukee resident

Really want to stress how unwelcoming the city has begun to feel to people below the poverty line. It used to be a great mix, now it feels like accommodations for poor people are slowly being stripped away.

Longtime (5+ years) white female Milwaukee resident

APPENDIX J. Public Complaints Analysis

Keen Independent reviewed the process the public can use to file complaints with the City of Milwaukie and analyzed the content of the complaints from recent years. The study team received a report from the City containing 17 complaints that were filed between July 2016 and April 2022.

Public Complaints Process

Members of the public may file a complaint to the City of Milwaukie for a variety of reasons. Individuals and City employees can file a complaint through a third-party portal called EthicsPoint Anonymous Reporting by telephone (toll free hotline) or the internet. The system operates 24 hours a day, 7 days a week. EthicsPoint allows for anonymous submissions, which encourages honest and transparent reporting from the public.

Filing an online complaint. The following are steps that a member of the public can take to file a complaint with the City via the internet:

- Navigate to the City's website and click on EthicsPoint Anonymous Reporting web link;
- Select the "To Make a Report" link at the top of this web page;
- Select from a list of topics to report on, such as embezzlement, employee benefits abuses and time abuse;
- After being guided to the complaint form, write about the issue and then choose whether to remain anonymous or give one's name; and
- At the end of the report, create a password and receive a Report Key (which allows the individual to return to the portal in 5–6 business days to review any follow-up questions or submit more information).

After a report has been filed. Based on the type of violation and location of the incident, these reports are available only to specific individuals within the City and Audit Committee, such as the Chief of Police or Finance Director. These individuals are tasked with evaluating the report and are trained to keep these reports confidential.

During the investigation process, the designated investigator(s) will inspect the report. This includes talking to the parties involved and other personnel who can provide more information about the situation.

When the investigation has been completed, the investigator will use EthicsPoint to either provide clarification about the situation or inform the filer that the situation is being handled internally and no further information is needed.

If a violation occurred, a City employee may receive disciplinary action based on the City of Milwaukie policy or they may be given a warning.

J. Public Complaints Analysis

Complaint Content

Keen Independent categorized the allegations in public complaints as:

- Discrimination or harassment;
- Falsification of credentials;
- Misuse of City's resources and benefits; and
- Other complaints.

Discrimination or harassment. One complainant claimed she was pulled over by officers who assumed her vehicle was stolen because she was Black. The complaint stated that the officer stopped her because her car did not have a license plate. She explained that this was out of her control because the DMV in Oregon did not have any available appointments. The complainant described this traffic stop as racial discrimination.

Falsification of credentials. Regarding falsification of certification, one complaint alleged that a City employee claimed to have a professional certification though there was no proof the employee had that credential.

Misuse of City's resources and benefits. A majority of the complaints filed were by City employees about another employee(s) misusing City's resources and benefits. Complaints include misuse of sick time, auditing and accounting matters, improper receiving of gifts and abuse of City resources.

- **Misuse and abuse of sick time.** A number of complaints alleged that City employees misused and abused their sick time, were not punctual or took long, unauthorized breaks.
- **Auditing and accounting.** The complainant alleged that leadership was using money from one fund to improperly cover the cost of equipment that they thought should be covered by another fund.
- **Improper receiving of gifts.** A complainant alleged that two City employees received paid lunches from a consultant, which they alleged is a violation of the ethics policy as the lunches (gifts) were greater than \$50.
- **Abuse of City resources.** One complainant alleged that a City employee left a City vehicle running unattended in a parking lot while running a personal errand.

Other miscellaneous complaints. Numerous complaints were filed that were outside of the City of Milwaukie's jurisdiction. Complainants were redirected to the proper authorities. Content of these types of complaints included:

- Theft in another city;
- Reporting of a hit and run accident in the City of Milwaukie;
- Light pollution caused by police lights;
- The City's DEI training should not include religions; and
- Fraud in another county.

City of Milwaukie DEI Plan Recommendations



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September 5, 2023

**KEEN
INDEPENDENT
RESEARCH**

Methodology



Source: City of Milwaukie

Project approach

- § Assess where the City is with ongoing DEI efforts
- § Collect stakeholder input
- § Identify areas of opportunity for improvement

Methods

- § Review of workforce policies, procedures and surveys
- § Workforce data analysis
- § Review of procurement policies and procedures
- § Interviews with key staff
- § Virtual workshops with staff, business owners, residents (input from about 250 individuals)

Findings — Employment

City workers, by race, ethnicity and gender, 2017 and 2022

	2017	2022
Race/ethnicity		
African American	0.0 %	2.0 %
Asian American	2.9	1.3
American Indian and Alaska Native	0.0	0.0
Native Hawaiian or other Pacific Islander	0.0	0.7
Hispanic American	3.7	4.0
Total people of color	6.6 %	8.1 %
Non-Hispanic white	93.4	92.0
Total	100.0 %	100.0 %
Gender		
Women	46.0 %	41.6 %
Men	54.0	58.4
Total	100.0 %	100.0 %

Disparities in overall workforce

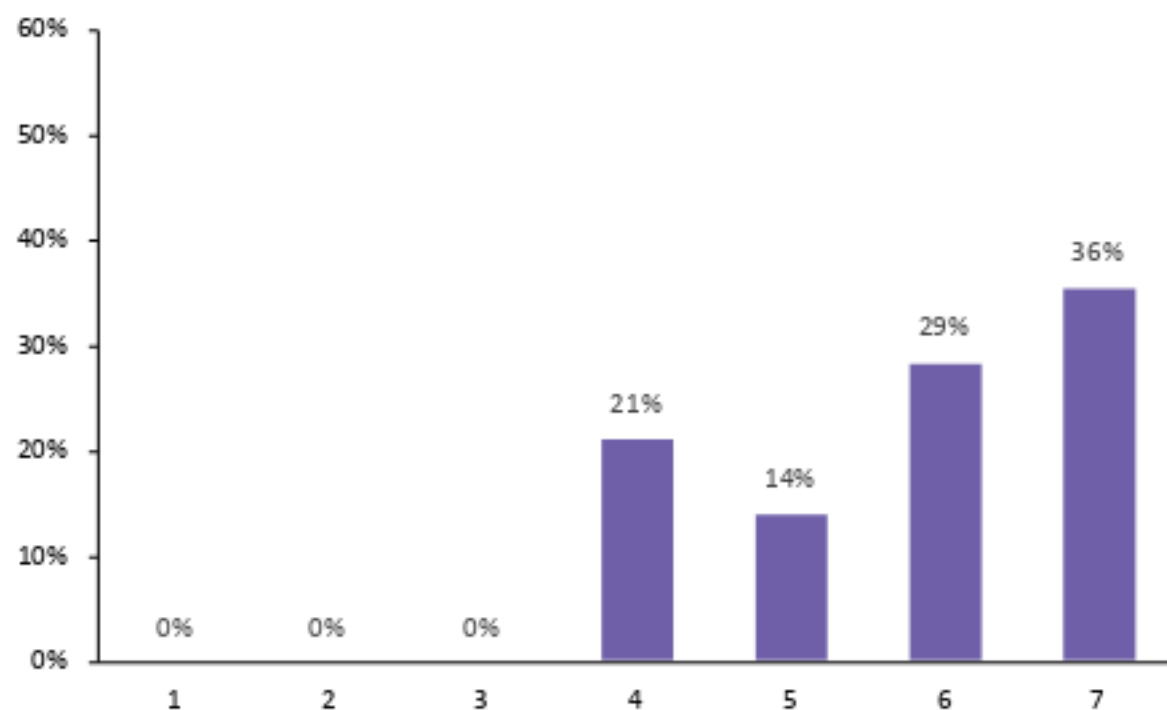
- § Substantial for people of color across departments
- § Men and women are generally on par with some variation between departments

Disparities in hiring

- § Substantial disparities for people of color across departments
- § No gender disparities observed

Findings — Procurement

Virtual workshop respondents' ratings of equity in City's procurement process



Bid Management System

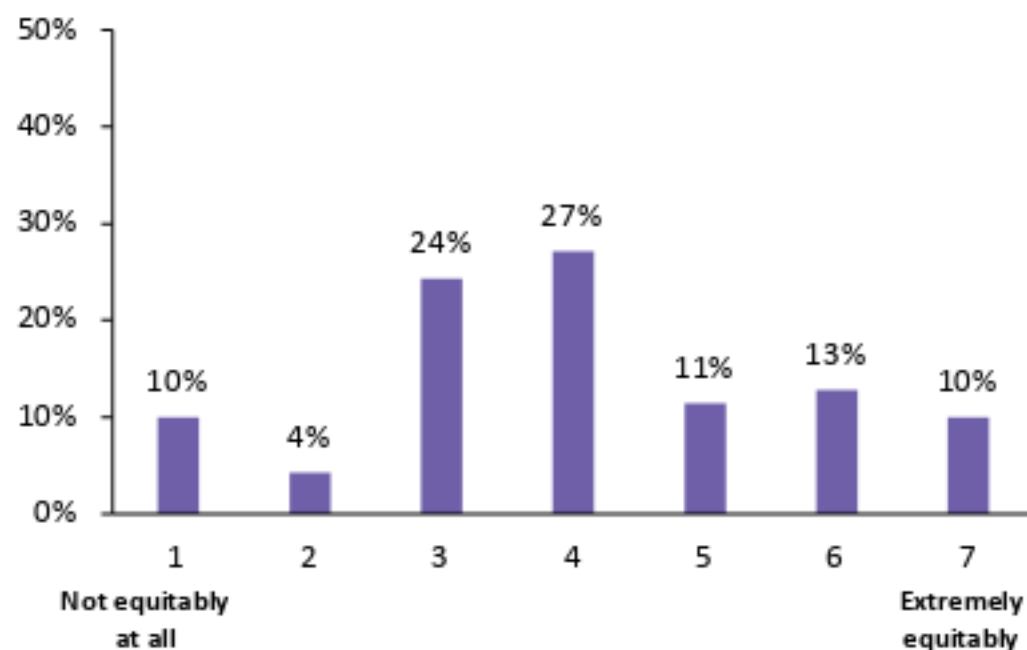
- § Limited in collection of vendor data
- § Limited in bid solicitation notification capabilities

Expanding access to City work

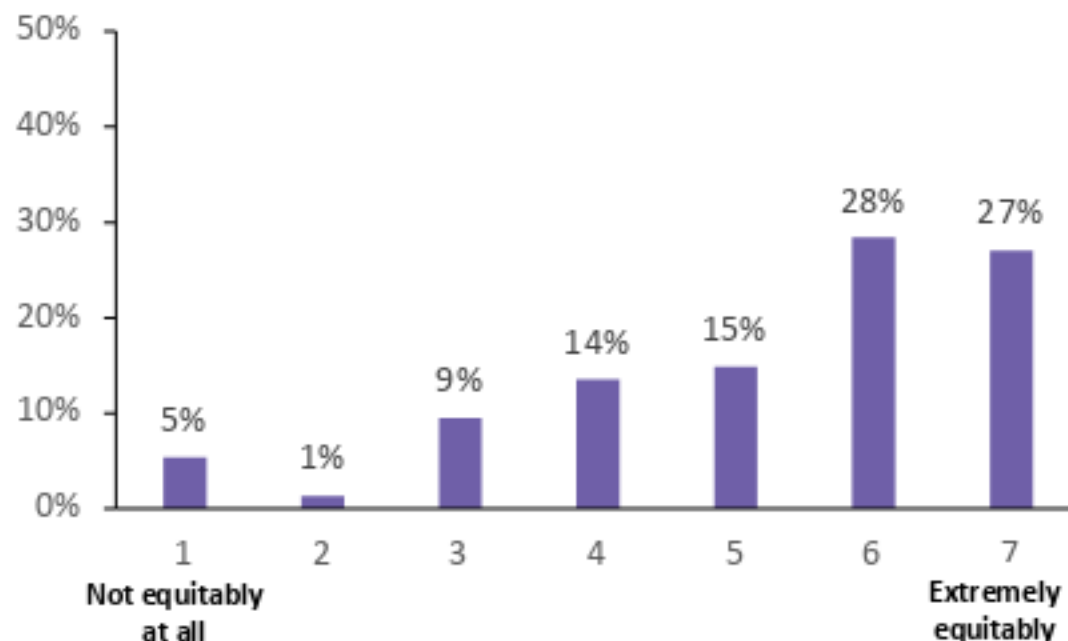
- § Outreach to local businesses
- § Direct communication with diverse firms

Findings — Services to the community

Virtual workshop participants' ratings of how equitably the City performs its street maintenance

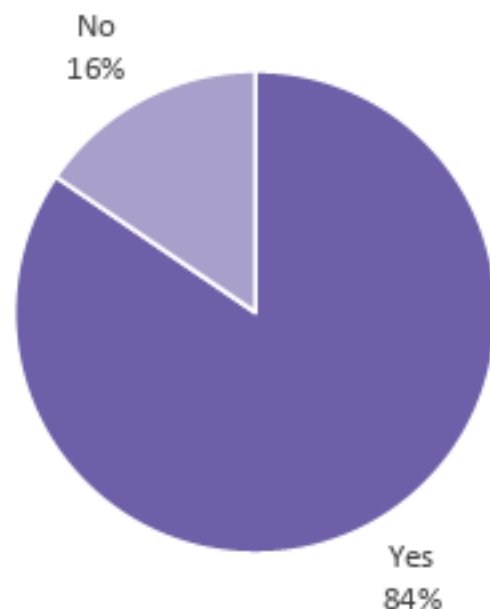


Virtual workshop participants' ratings of how equitably the City provides other services



Findings — Public engagement

Virtual workshop participants' indication of whether it is clear the City prioritizes DEI for residents



Perceptions of DEI within Milwaukie

- § Hiring at the City could be more reflective of the diversity of the residents
- § City personnel could be more accessible
- § Apply DEI principles widely (e.g., with the naming of new buildings or parks)

Events

- § Opportunities to celebrate other cultures or make existing events more inclusive
- § Communications regarding events are not reaching all residents of the city

High-Priority Recommendations

Employment

- § Further expand recruitment of diverse groups for jobs with few diverse workers
- § Standardize the application screening and scoring processes through Human Resources (already implemented)
- § Continue to monitor rates of hiring, promotions and separations and explore reasons for any disparities

Procurement

- § Reach out to small, diverse businesses for bids for procurements under the thresholds requiring formal competitive processes
- § Consider investing in a bid management system with more robust reporting and bid solicitation capabilities
- § Consider participating in a disparity study to examine whether minority- and woman-owned firms receive equitable share of City contract dollars

High-Priority Recommendations (continued)

Services and service delivery

- § Consider expanding translation and multilingual messaging regarding services and fee relief programs
- § Continue to promote income-based programs that provide relief from fees across the City's communication channels
- § Determine key metrics for community satisfaction with events and services that will support future decision-making (along with staff input and up-to-date best practice literature)

Public engagement and communications

- § Invest in telling the Milwaukie story (including around DEI), highlighting changes and achievements
- § Expand multilingual communications (particularly Spanish) throughout all communications platforms
- § Publicize the City's efforts at advancing physical accessibility and going beyond ADA compliance

Equity Study Report and Workplan Update

October 17, 2023



1. How we got here
2. Diversity, equity, and inclusion assessment results and recommendations from Keen Independent Research
3. Focus areas for further work planning + ESC priorities
4. Discussion and questions

HOW WE GOT HERE

- **August 2020:** Council adopts equity, inclusion, and justice as a goal
- **August 2021:** Equity Steering Committee established
- **Fall 2022:** Keen Independent Research begins comprehensive assessment of equity in city services and operations
- **Fall 2023:** Assessment complete; new Equity and Inclusion coordinator hired





FOCUS AREAS FOR FUTURE WORK

4. **Equitable procurement** – Investing in systems and analyses that ensure contract dollars are being invested equitably (*Council has acted in this area*)
 - Update bid management system; revamp community grants program; continue improvements to contracting practices
5. **Accessibility** – Improving language access, disability access, age inclusiveness
 - Update city's translation and interpretation policy; add multilingual signage; make ADA updates
6. **Naming of spaces and places** – Developing standards that celebrate diverse heritage and foster inclusion
 - Create a policy around naming; work with partners to tell Milwaukie's full story



FOCUS AREAS FOR FUTURE WORK

1. **Recruitment, hiring and retention** – Improving diversity in employment (*improvements implemented and underway*)
 - Update hiring and recruitment practices; invest in work culture and staff support; improve internal engagement
2. **Communication, transparency, and storytelling** – Highlighting Milwaukie's full history and demystifying government
 - Increase public communications around equity work (Pilot features, social media); evolve city events calendar
3. **Engagement pathways** – Creating pipelines to opportunities within the city, particularly for youth
 - Explore internship and job shadow opportunities; improve recruitment for boards & committees; engage youth on how they want to be involved

ESC FOCUS AREAS

#2 Communication, transparency, and storytelling:

- Advise on annual event calendar/budget
- Advise on communications campaign
- Advise on development of equity reporting process

#1 Recruitment, hiring, and retention:

- Serve on hiring panels
- Support annual job fair

#3 Engagement pathways:

- Advise on development of internship program
- Advise on recruitment strategy and youth engagement with boards and committees, NDAs



NEXT STEPS

- Equity Steering Committee (ESC) will continue refining their priorities and work plan based on Council feedback at their October 26 meeting
- Staff developing a three-year organizational strategic plan – equity actions will be integrated
- Return in December with a resolution documenting commitments

Asks of Council:

- *What focus areas do you most want to see the ESC and city prioritize?*
- *As we develop our next budget, what priorities are you interested in funding?*



**QUESTIONS OR
COMMENTS?**

COUNCIL STAFF REPORT**To:** Mayor and City Council**Date Written:** Oct 8, 2023**Reviewed:** Ann Ober, City Manager**From:** Emma Sagor, Assistant City Manager**Subject:** **Organizational Strategic Plan Update****ACTION REQUESTED**

Council is asked to receive an update on the effort to develop a three-year strategic plan for city staff, including Team Milwaukie's recently adopted organizational vision, mission, and values statements that align internal operations with [Milwaukie's community vision](#).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Between 2017 and 2019, hundreds of Milwaukians helped shape a [community vision statement](#) and [Comprehensive Plan](#), which chart a direction for the community's growth and development.

While these formative documents have guided policy and project development since their adoption, the city and its departments have not yet translated that long-range vision into a short-range strategy for the organization.

The city, at the direction of the city manager's office, is now seeking to create a near-term, three-year (2024-2027) organizational strategic plan that aligns day-to-day operations with the direction defined in the community vision and Comprehensive Plan.

ANALYSIS

Every day, 146 employees report to work for the city. These dedicated people maintain our roads and pipes, keep our streets safe, plan and design new projects, and support the great quality of life in this vibrant community.

Team Milwaukie is doing tremendous work. But resources—time, money, and people—are not infinite. And as our community grows and changes, we need to check in and ask what we as Milwaukie's local government should create, change and grow to best move us toward our community vision.

Clear goals and a shared direction help staff measure their success. That's why staff is creating a strategic plan: so all members of Team Milwaukie know what we're doing, why we're doing it, and how it moves us forward.

When completed, we'll use the plan to:

- Inform the budget process.
- Guide city departmental work and staff planning.
- Support transparent reporting on city performance and outcomes.
- Drive improvements that help make the City of Milwaukie an employer of choice and an exemplary public institution.

What will be in the strategic plan?

The strategic plan will include seven primary components:

THE “NORTH STARS”: Mission, vision, and values

These succinct, clear statements define the direction of the organization. The mission statement summarizes the purpose of the organization and its core services; the vision statement, which complements the community’s vision, explains where the organization is heading; and values statements explain how city staff work together to achieve their mission and vision and who we want to be as an organization.

THE STRATEGY TO GET THERE: Goals, objectives, and tactics

The bulk of the strategic plan will be made up of goals, objectives, and tactics that set out a roadmap for staff to live out city values, deliver its mission, and advance toward the city’s vision. Goals are broad, desired results we will aim to achieve by the end of the plan. Objectives are measurable outcomes that ensure we are making progress toward a goal. Finally, tactics are the shorter-term actions that we must complete to deliver on an objective.

HOW WE’LL MEASURE PROGRESS: Performance metrics

To ensure this plan does not sit on the shelf, the city will also refresh its performance metrics as part of the plan development process. This means identifying measures and metrics for each objective (i.e., quantifiable ways we can assess if we are achieving the outcome described by that objective), as well as key performance indicators for each goal (major indicators by which we will evaluate overall plan success). The plan will also include an evaluation timeline so all stakeholders know when and how often progress will be measured and communicated.

How will the organization develop its strategic plan, and what work has been completed to date?

The strategic plan will be developed through four phases between May 2023 and February 2024.

Phase 1a. Vision/Mission/Values development (May – September 2023) – In this phase, staff developed vision, mission, and values statements to form the north stars of the strategic plan. In May 2023, all staff came together for a workshop to begin defining these statements. Then, a strategic plan steering committee was formed with representation from each city department. That group met bi-weekly throughout the summer to refine the feedback received at the all-staff workshop and prepare draft vision, mission, and values statements. All staff had a chance to weigh in and refine the drafts via an online survey in August.

In September, the city manager officially adopted the following statements for the organization:

- *Team Milwaukie’s Vision:* Team Milwaukie is a diverse and resilient city government, delivering effective public services that make our community a great place to be.
- *Team Milwaukie’s Mission:* We serve as stewards of our living and built environment to help create a safe and welcoming community for all.
- *Team Milwaukie’s Values:* At the City of Milwaukie, we strive to be:
 - ACCOUNTABLE - We build trust through transparency and take responsibility.
 - ACCESSIBLE - We are responsive and remove barriers to participation.
 - EFFICIENT - We use resources wisely to deliver work effectively.
 - COLLABORATIVE - We work together, seek multiple perspectives, and lead with empathy.
 - EQUITABLE - We acknowledge history, meet people where they are, and reduce disparities.

Phase 1b. Core services documentation (May – November 2023) – In this phase, city leadership is working on documenting existing services by department and categorizing them based on how core they are to the mission of our organization. This will be an iterative process with the development of vision/mission/values statements.

Phase 2. Environmental scan (August – November 2023) – In this phase, staff will consult existing data and gather new information to help understand the current state. A community-wide, statistically representative survey will be conducted by FM3 Research in late October/early November to contribute to this environmental scan. This baseline will help the team assess where work is most needed to move the organization into compliance with its vision/mission/values, and frame up the development of goals, objectives, and tactics.

Phase 3. Goals and objectives definition (October – December 2023) – In this phase, departments and affinity groups will be engaged in a process of goal and objective definition. These will represent the core areas and outcomes of focus for the next three years to best align and move toward the organization's vision/mission/values. At the time of writing, staff have held two out of five workshops with city departments to inform the development of goals and objectives. Take-aways from these discussions will be shared with Council at the October 17 meeting.

Phase 4. Tactic selection, metrics, and prioritization (December – February 2024) – Once goals and objectives are identified, departments and affinity groups will once again be engaged to help identify specific tactics—or actions—that will best help ensure we achieve the outcomes we desire. Staff will also be engaged to identify realistic and informative metrics to help tell the story of our work, including considering what data is available and the effort involved in reporting on these metrics.

Phase 5. Plan implementation and ongoing monitoring (March 2024 – December 2027) – Upon adoption, staff will begin implementing the tactics in the plan. Decision making on the FY 24/25 and 25/26 budgets will be informed by the goals and values defined in the plan, with budget processes and materials updated in conjunction with city manager's office and finance staff. An annual reporting calendar will be established, and performance reports will be produced by city manager's office staff, with data provided by department subject matter experts.

Connection to the equity work plan

Milwaukie's equity and inclusion coordinator, in partnership with the city manager's office and the Equity Steering Committee (ESC), is in the process of developing a near-term equity work plan of high-impact, prioritized focus areas and actions to move our equity objectives forward. Staff are committed to ensuring this equity work plan is integrated into the strategic plan, so they are not two separate documents but rather one integrated strategy. As these equity priorities are defined, with input from the ESC and Council, they will be formalized and adopted through the strategic plan process.

BUDGET IMPACT

The strategic plan will have a three-year time horizon, spanning 2024-2027. This aligns well with the budget calendar and Council goal setting. The intent is for the goals, objectives, and tactics identified in the plan to guide how departments and city leadership assemble their budget proposals for Budget Committee and Council consideration. No significant new financial resources are envisioned to support the work in this plan; rather, we are using it as a

tool to help us prioritize and allocate existing resources more strategically. Staff will evaluate how this plan and process worked for the city to inform future strategic plans.

WORKLOAD IMPACT

While the strategic plan will help us prioritize projects and bodies of work for the near term, there will be no staff reductions because of this effort. This is about aligning resources with the highest priorities—not adding or reducing positions. The specific efforts staff are asked to support may shift as we refine our goals, objectives, and tactics, but no position is at risk of being eliminated.

CLIMATE IMPACT

While staff are making progress on Comprehensive Plan goals and policies, including climate objectives in the Climate Action Plan (CAP), staff does not have a near-term roadmap that tells city staff and teams what they should be doing in the next 1-3 years to make the most progress. This strategic plan will provide that roadmap and help departments connect day-to-day operations with long-range goals. Staff does not anticipate any new climate actions to emerge from this effort but expect the strategic plan will help departments home in on what near-term actions they can and should be taking to support our broader vision of a completely sustainable future.

COORDINATION, CONCURRENCE, OR DISSENT

Staff will be engaged at every step of the development process, including through surveys, departmental workshops, and an online comment form. Updates will be shared by email at least monthly. The city manager’s office has also assembled a strategic plan steering committee comprised of representatives from each department who will help guide the process and make sure we are staying on track.

Because this plan is organizationally focused, community engagement will be at the “inform” and “light consult” level. We plan to share informative updates about the effort in the Milwaukie Pilot (2-3 throughout the duration of the project). We will also be presenting updates to Council as well as boards and committees (via staff liaisons) twice during the development process—once in fall 2023 and again after the plan is finalized. Finally, we will be conducting our bi-annual community survey in fall 2023, which will help inform the environmental scan phase of this work.

STAFF RECOMMENDATION

Staff request Council provide feedback about the strategic plan development process, particularly how they would like to see it support the advancement of Council’s adopted goals of equity, climate, and parks. Staff would also like to hear what information would be most helpful to include in the budget development process so Council can understand how these goals, objectives and tactics helped inform budget requests.

ALTERNATIVES

Council could propose alternative ideas for the city manager to consider related to how the organization can operationalize and align its day-to-day work with the community vision and adopted policy directions.

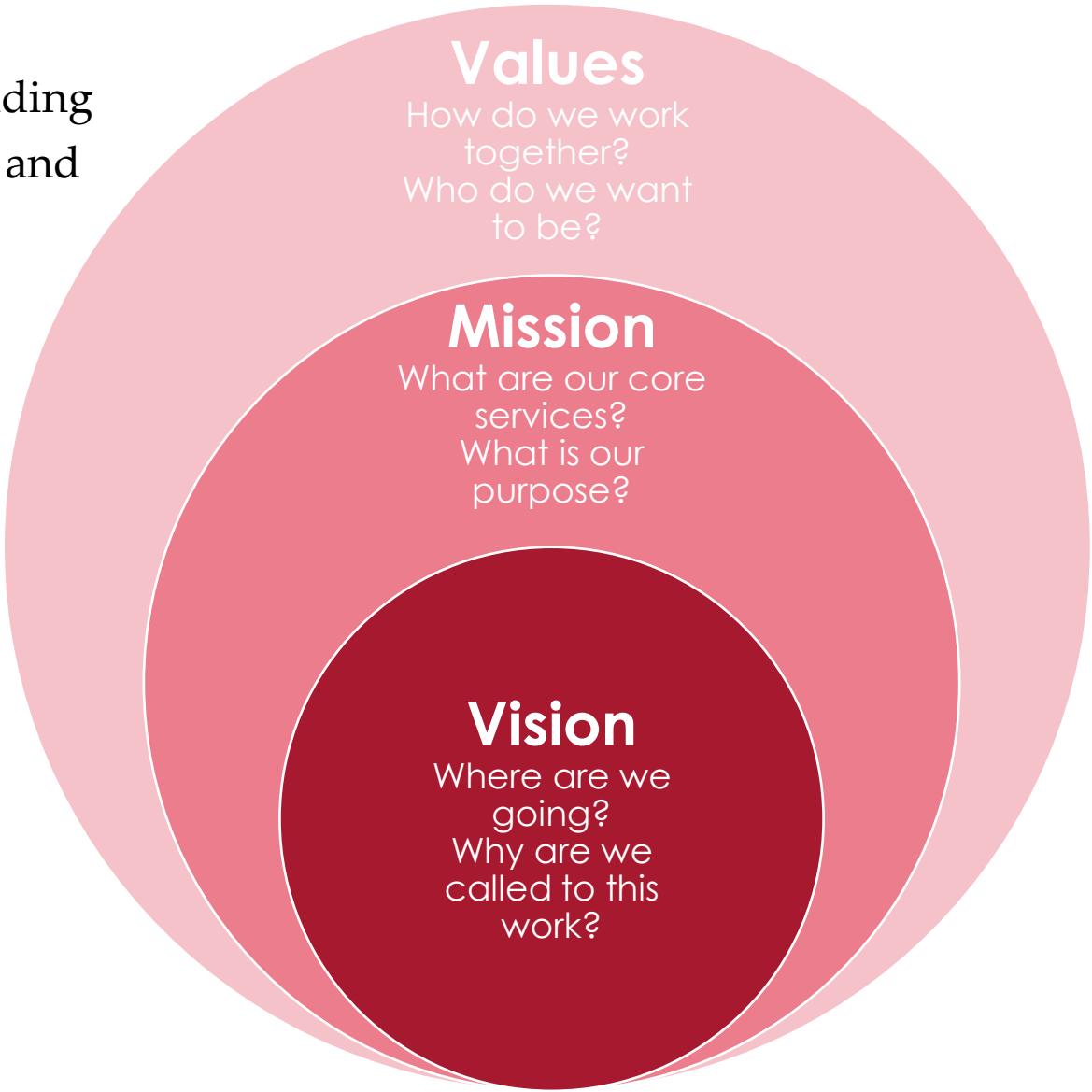
ATTACHMENTS

1. Strategic Plan components graphic
2. Team Milwaukie Vision, Mission, and Values

What will be in the 2024-27 strategic plan?

The NORTH STARS:

Succinct, clear statements of direction for our organization, including where we are now and where we will be by 2040

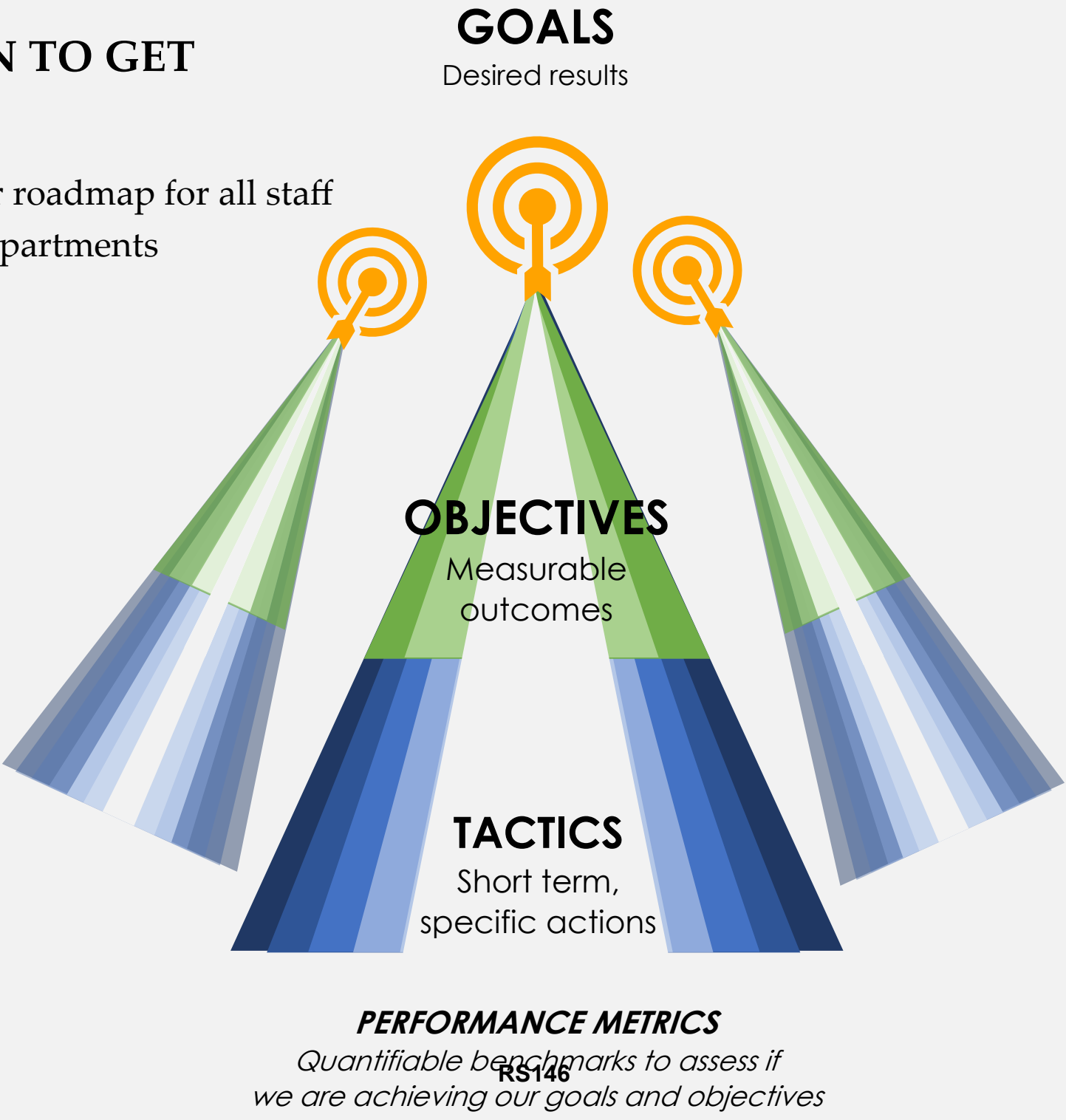


Development
Timeline



The PLAN TO GET THERE:

A three-year roadmap for all staff across all departments



TEAM MILWAUKIE

Vision, Mission and Values

VISION

Team Milwaukie is a diverse and resilient city government, delivering effective public services that make our community a great place to be.

MISSION

We serve as stewards of our living and built environment to help create a safe and welcoming community for all.

VALUES

At the City of Milwaukie, we strive to be:

ACCOUNTABLE

We build trust through transparency and take responsibility.

ACCESSIBLE

We are responsive and remove barriers to participation.

EFFICIENT

We use resources wisely to deliver work effectively.

COLLABORATIVE

We work together, seek multiple perspectives, and lead with empathy.

EQUITABLE

We acknowledge history, meet people where they are, and reduce disparities.

COMMUNITY VISION

Adopted September 2017

In 2040, Milwaukie is a flourishing city that is entirely equitable, delightfully livable, and completely sustainable.

It is a safe and welcoming community whose residents enjoy secure and meaningful work, a comprehensive educational system, and affordable housing. A complete network of sidewalks, bike lanes, and paths along with well-maintained streets and a robust transit system connect our neighborhood centers. Art and creativity are woven into the fabric of the city.

Milwaukie's neighborhoods are the centers of daily life, with each containing amenities and community-minded local businesses that meet residents' needs. Our industrial areas are magnets for innovation, and models for environmentally-sensitive manufacturing and high wage jobs. Our residents can easily access the training and education needed to win those jobs.

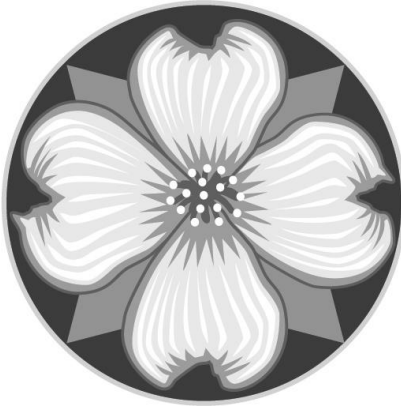
Milwaukie nurtures a verdant canopy of beneficial trees, promotes sustainable development, and is a net-zero energy city. The Willamette River, Johnson Creek, and Kellogg Creek are free flowing, and accessible. Their ecosystems are protected by a robust stormwater treatment system and enhanced by appropriate riparian vegetation. Milwaukie is a resilient community, adaptive to the realities of a changing climate, and prepared for emergencies, such as the Cascadia Event.

Milwaukie's government is transparent and accessible and is committed to promoting tolerance and inclusion and eliminating disparities. It strongly encourages engagement and participation by all and nurtures a deep sense of community through celebrations and collective action. Residents have the resources necessary to access the help they need. In this great city, we strive to reach our full potential in the areas of education, environmental stewardship, commerce, culture, and recreation; and are proud to call it home.



CITY OF MILWAUKIE

RS148



RS Agenda Item

8

Public Hearings

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Laura Weigel, Planning Manager

From: Vera Kolias, Senior Planner

Subject: **Substantive Code Amendments, 2nd Reading**

Date Written: Oct. 5, 2023

ACTION REQUESTED

Council is asked to finish the public hearing for land use file #ZA-2023-002, amendments to the Milwaukie Municipal Code (MMC) Title 12 (Streets, Sidewalks, and Public Places), Title 17 (Land Division), and Title 19 (Zoning).

The first public hearing, held on [October 3](#), included the final Council deliberation and a 4:1 vote of approval of the of the first reading of the ordinance by title only. As the Council vote was not unanimous, a second reading at a separate meeting is required for final adoption of the ordinance as required by MMC 2.04.330.

The requested action on October 17 is for Council to hear the second and final reading of the ordinance by title only and conduct a roll call vote to adopt the ordinance and associated findings and code amendments found in Attachment 1.

NEXT STEPS

Upon adoption of the ordinance, staff will roll out the code amendments.

BUDGET, CLIMATE, AND WORKLOAD IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

The engineering department assisted in preparing the code amendments.

STAFF RECOMMENDATION

The Planning Commission voted 4:1 to recommend approval of the amendments.

ALTERNATIVES

Not applicable.

ATTACHMENTS

1. Ordinance
 - a. Findings in support of approval
 - b. Proposed code amendments (underline/strikeout format)
 - c. Proposed code amendments (clean)

COUNCIL ORDINANCE No.

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).

WHEREAS the proposed amendments to Milwaukie Municipal Code (MMC) Titles 12, 17, and 19 to make changes and clarifications that will more effectively communicate and implement existing policy; and

WHEREAS legal and public notices have been provided as required by law, and opportunities for public review and input has been provided; and

WHEREAS on April 25, 2023, the Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments; and

WHEREAS the City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Municipal Code (MMC) is amended as described in Exhibit B (underline/strikeout version), and Exhibit C (clean version).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

Read the first time on _____ and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Recommended Findings in Support of Approval
File #ZA-2023-002, Substantive Code Fix Amendments

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend various regulations that are contained in Title 12 Streets, Sidewalks, and Public Places, Title 17 Land Division, and Title 19 Zoning Ordinance of the Milwaukie Municipal Code (MMC). The land use application file number is ZA-2023-002.
2. The purpose of the proposed code amendments is as a collection of substantive amendments that are clarifications, streamline processes, or address recent variance applications, that are not intended to significantly affect the meaning or intent of existing regulations; they are not intended to be a change in policy. The amendments are located in several titles of the municipal code:
 - Municipal Code –
 - MMC 12.16 – Access Management – Revise modification process
 - Municipal Code –
 - MMC 17.28 – Land Division – Design Standards
 - Zoning Ordinance –
 - MMC 19.201 – Add a definition for plexes
 - MMC 19.301 and 19.302 – Revise the lot size range for townhouses on corner lots
 - MMC 19.312 – NMIA zone – Revise the applicability of design standards
 - MMC 19.501 – General Exceptions – Revise the list of exceptions
 - MMC 19.502 – Accessory Structures – Revise design standards
 - MMC 19.505 – Cottage Cluster Design Standards – Allow attached cottages
 - MMC 19.600 – Clarification regarding EV charging requirements
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.902 Amendments to Maps and Ordinances
 - MMC 19.1000 Review Procedures
4. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on April 25, 2023, October 3, 2023, and October 17, 2023 as required by law.
5. MMC 19.902 Amendments to Maps and Ordinances
 - a. MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.
 - (1) MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on April 25, 2023. Public hearings before City Council were held on October 3, 2023 and October 17, 2023. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- (2) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments have been coordinated with and are consistent with other provisions of the Milwaukie Municipal Code. The amendments are clarifying in nature and are not intended to affect policy.

- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

Only the goals, objectives, and policies of Comprehensive Plan that are listed below are found to be relevant to the proposed text amendment.

- (i) Goal 11.1 for Economic Development reads as follows:

Provide a diverse range of uses, services, and amenities that contribute to a sustainable, equitable, and resilient economy and are adaptable to changing land uses and technology.

Policy 11.1.2 states:

Adapt to industry trends and emerging technologies that have the potential to affect employment, land use, and infrastructure needs, such as automation, the sharing economy, autonomous vehicles, and other future technological advances.

The proposed amendments revise the applicability of design standards for new construction in the North Milwaukie Innovation Area Zone.

- (ii) Goal 7.1 for Housing (Equity) states:

Enable and encourage housing options that meet the needs of all residents, with a specific focus on uplifting historically disenfranchised communities and eliminating disparities for populations with special needs or lower incomes. To continue to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the housing needs of all segments of the population.

Policy 7.1.2 states:

Establish development standards that regulate size, shape, and form and are not exclusively focused on regulating density.

Goal 8.3 for Urban Design and Land Use states:

Provide a clear and straightforward design review process for development in Milwaukie along with incentives to achieve desired outcomes.

The intent of the proposed amendments is to revise the minimum lot size for townhouses on corner lots. The proposed amendments would allow townhouses on corner lots up to 3,500 sq ft in size. Currently, townhouses are only allowed on lots that are between 1,500 – 2,999 sq ft. The amendment is necessary because the street-side-yard setback, which is 15 ft, combined with the maximum lot size of 2,999 sq ft has the effect of disallowing townhouses on a standard corner lot in the city. This is because a typical townhouse is at least 20 ft wide; if you add in the required 15-foot street-side-yard setback, the true minimum width required to accommodate a townhouse is 35 ft. A typical depth for many lots in the city is 100 ft. A lot that is 35 x 100 feet deep exceeds the maximum lot size for a townhouse. The intent of the minimum lot size was not to disallow townhouses on corner lots, so the proposed amendments are limited to corner lots so that these developments are possible.

The proposed amendments also revise the development standards to allow attached cottages in the R-MD zone. The proposed amendment would allow up to three attached cottages, providing an opportunity for a more efficient design and construction of cottage developments in addition to the more traditional single unit cottage. All other size standards for each individual dwelling unit would remain.

The proposed amendments revise the development standards to limit the number of attached cottages in the R-HD zone to four. This ensures that a cottage cluster development proposal will not conflict with the multi-unit residential definition of five or more units in a building

- (c) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.

- (d) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.

The proposed amendments are found to be consistent with the Transportation Planning Rule for the following reason. The proposed text amendment does not impact the transportation system given that the amendments are clarifying in nature and do not create the opportunity for any more vehicle trips than are currently allowed by other similar uses in each respective zone.

- (e) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

Relevant federal regulations are those that address land use, the environment, or development in the context of local government planning. Typically, regulations such as those set forth under the following acts may be relevant to a local government land use process: the Americans with Disabilities Act, the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Fair Housing Act, the National Environmental Policy Act, the Religious Land Use and Institutionalized Persons Act, and the Resource Conservation and Recovery Act. None of these acts include regulations that impact the subject proposal or that cannot be met through normal permitting procedures. Therefore, the proposal is found to be consistent with federal regulations that are relevant to local government planning.

- 6. MMC 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.

- a. MMC 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

The amendments were initiated by the Planning Manager on February 1, 2023.

- b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V review have been met as follows:

- (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

Opportunity for public comment and review has been provided. The Planning Commission had a work session about the proposed amendments on February 28, 2023. The City Council had a study session on the proposed amendments on June 20, 2023.

The current version of the draft amendments has been posted on the City's website since March 23, 2023. On March 27, 2023 staff emailed NDA leaders with information about the Planning Commission hearing and a link to the draft proposed amendments.

- (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission's April 25, 2023, hearing was posted as required on March 23, 2023. A notice of the City Council's September 19, 2023 public hearing was posted as required on August 17, 2023. On September 6, this hearing was rescheduled to October 3, 2023. A notice of the City Council's rescheduled October 3,

2023 public hearing was posted on September 6, 2023. The second reading of the ordinance was done at a public hearing on October 17, 2023. Ample public notice and information about the proposed amendments was provided.

- (3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The Planning Manager has determined that the proposal affects a large geographic area. Notice to individual property owners and individual properties was not required.

- (4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on March 20, 2023.

- (5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on March 21, 2023.

- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments generally do not further restrict the use of property. In general, the proposed amendments implement current interpretation or add flexibility and provide clarification.

- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

The Planning Commission held a duly advertised public hearing on April 25, 2023 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held duly advertised public hearings on October 3, 2023 and October 17, 2023, and approved the amendments.

Underline/Strikeout Amendments

TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES

CHAPTER 12.16 ACCESS MANAGEMENT

12.16.040 ACCESS REQUIREMENTS AND STANDARDS

A. Access

Private property ~~shall~~ must be provided street access with the use of accessways. Driveway approaches ~~shall~~ must be constructed as set forth in the Milwaukie Public Works Standards.

B. ~~Access Spacing~~ Accessway Location

Spacing and location criteria are based upon several factors, including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity, and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets and driveways.

1. ~~Standards~~ Spacing Between Accessways

Spacing between accessways is measured between the closest edges of driveway aprons where they abut the roadway. Spacing between accessways and street intersections is measured between the nearest edge of the driveway apron and the nearest face of curb of the intersecting street. Where intersecting streets do not have curb, the spacing is measured from the nearest edge of pavement.

a. Spacing for accessways on arterial streets, as identified in the Milwaukie Transportation System Plan, ~~shall~~ must be a minimum of six hundred (600) feet.

b. Spacing for accessways on collector streets, as identified in the Milwaukie Transportation System Plan, ~~shall~~ must be a minimum of three hundred (300) feet.

~~c. For middle housing development, access spacing requirements may be modified by the City Engineer per Subsection 12.16.040.B.2 based on a variety of factors, including average daily traffic, anticipated increase of traffic to and from the proposed development, crash history at or near the access point, sight distance, and/or other safety elements.~~

2. Double Frontage

When a lot has frontage on two (2) or more streets, access must be provided first from the street with the lowest classification. For example, access must be provided from a local street before a collector or arterial street.

3. Location Limitations

Individual access to single detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the City Engineer only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.

4. Distance from Property Line

The nearest edge of the driveway apron must be at least five (5) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.

5. Distance from Intersection – Public Streets and Private Access Drives

To protect the safety and capacity of street intersections, the following minimum distances from the nearest intersecting street face of curb to the nearest edge of driveway apron must be maintained. Where intersecting streets do not have curbs, the distances must be measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified as described in MMC Section 12.16.050. Distance from private access drives will be reviewed by the City Engineer on a case-by-case basis, and will include factors such as volume of traffic on both the private access drive and public street it is connected to, clear sight distance, and accident history.

a. At least forty-five (45) feet for single detached residential properties, plex development (i.e., a duplex, triplex, or quadplex), cottage clusters with four (4) or fewer units, and townhouses of four (4) or fewer units accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron must be located as far from the nearest intersection street face of curb as practicable; in such cases a formal modification is not required.

b. At least one hundred (100) feet for multi-unit residential properties, or cottage cluster developments of five (5) or more units and all other uses accessing local and neighborhood streets.

c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

2. Modification of Access Spacing

~~Access spacing may be modified with submission of an access study prepared and certified by a registered Professional Traffic Operations Engineer (PTOE) in the State of Oregon. The Access Study shall assess transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study would include evaluation of site access and capacity along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study shall include the following:~~

- ~~a. Review of site access spacing and design;~~
- ~~b. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;~~
- ~~c. Review of all modes of transportation to the site;~~
- ~~d. Mitigation measures where access spacing standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the City Engineer.~~

~~C. Accessway Location~~

~~1. Double Frontage~~

~~When a lot has frontage on two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.~~

~~2. Location Limitations~~

~~Individual access to single detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the City Engineer only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.~~

~~3. Distance from Property Line~~

~~The nearest edge of the driveway apron shall be at least five (5) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.~~

~~4. Distance from Intersection~~

~~To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curbs, the distance shall be~~

~~measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified with a modification as described in MMC Section 12.16.040.B.2.~~

~~a. At least forty five (45) feet for single detached residential properties or middle housing developments of four (4) or fewer units accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron shall be located as far from the nearest intersection street face of curb as practicable.~~

~~b. At least one hundred (100) feet for multi-unit residential properties or middle housing developments of five (5) or more units and all other uses accessing local and neighborhood streets.~~

~~c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.~~

~~d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.~~

DC. Number of Accessway Locations

1. Safe Access

Accessway locations ~~shall~~must be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

2. Shared Access

The number of accessways on collector and arterial streets ~~shall~~must be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multi-unit areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses ~~shall~~must be established by means of common access easements.

3. Single Detached Residential and Middle Housing

One accessway per property is allowed for single detached residential uses, plex development, cottage cluster development up to four units, and townhouses and middle housing developments up to four (4) units.

a. For lots with more than one street frontage on a local street and/or neighborhood route, one additional accessway may be granted. Under such circumstances, a street frontage ~~shall~~must have no more than one driveway approach.

b. For lots with one street frontage on a local street and/or neighborhood route, one additional accessway may be granted where the driveway approaches can be spaced fifty (50) feet apart, upon review and approval by the City Engineer. The spacing is

measured between the nearest edges of the driveway aprons. Where the fifty (50) foot spacing cannot be met, an additional accessway shall not be granted.

c. No additional accessways shall be granted on collector and arterial streets.

4. All Uses Other than Single Detached Residential and Middle Housing

The number of accessways for uses other than single detached residential and middle housing developments up to four (4) units is subject to the following provisions:

a. Access onto arterial and collector streets is subject to the access spacing requirements of Subsection 12.16.040.B₂.

b. One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.

~~ED~~. Accessway Design

1. Design Guidelines

Driveway approaches ~~shall~~must meet all applicable standards of the Americans with Disabilities Act, U.S. Access Board guidelines or requirements, and Milwaukie Public Works Standards.

2. Authority to Restrict Access

The City Engineer may restrict the location of accessways on streets and require that accessways be placed on adjacent streets upon finding that the proposed access would:

a. Cause or increase existing hazardous traffic conditions;

b. Provide inadequate access for emergency vehicles; or

c. Cause hazardous conditions that would constitute a clear and present danger to the public health, safety, and general welfare.

3. Backing into the Right-of-Way Prohibited

Accessways ~~shall~~must be designed to contain all vehicle backing movements on the site, except for detached or attached single detached residential uses on local streets and neighborhood routes.

~~FE~~. Accessway Size

The following standards allow adequate site access while minimizing surface water runoff and reducing conflicts between vehicles, bicyclists, and pedestrians.

1. Accessways ~~shall~~must be the minimum width necessary to provide the required number of vehicle travel lanes. The City Engineer may require submission of vehicle turning templates to verify that the accessway is appropriately sized for the intended use.
2. Single attached and detached residential uses ~~shall~~must have a minimum driveway apron width of twelve (12) feet and a maximum width of twenty (20) feet.
3. ~~Plex development, cottage cluster developments with up to four units, or townhouse developments~~ Multi-unit residential or middle housing development comprised of up to four (4) units, ~~shall~~must have a minimum driveway apron width of twelve (12) feet on local or neighborhood streets and sixteen (16) feet on collector or arterial streets, and a maximum driveway apron width of twenty (20) feet on all streets.
4. Multi-unit residential or ~~middle housing~~cottage cluster developments with between five (5) and eight (8) units ~~shall~~must have a minimum driveway apron width of sixteen (16) feet on local or neighborhood streets and twenty (20) feet on collector or arterial streets, and a maximum driveway apron width of twenty-four (24) feet.
5. Multi-unit residential or ~~middle housing~~cottage cluster developments with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more spaces, ~~shall~~must have a minimum driveway apron width of twenty (20) feet on local or neighborhood streets and twenty-four (24) feet on collector or arterial streets, and a maximum driveway apron width of thirty (30) feet.
6. Commercial, office, and institutional uses ~~shall~~must have a minimum driveway apron width of sixteen (16) feet and a maximum width of thirty-six (36) feet.
7. Industrial uses ~~shall~~must have a minimum driveway apron width of twenty-four (24) feet and a maximum width of forty-five (45) feet.
8. Maximum driveway apron widths for commercial and industrial uses may be increased if the City Engineer determines that more than two (2) lanes are required based on the number of trips anticipated to be generated or the need for on-site turning lanes. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2168 § 2, 2019; Ord. 2004 § 1, 2009)

12.16.050 VARIANCE MODIFICATIONS

~~Relief from any access management requirement or standard of Section 12.16.040 may be granted through a variance process, which requires submission and approval of a Variance land use application. Variance criteria and procedures are located in Section 19.911. (Ord. 2025 § 3, 2011; Ord. 2004 § 1, 2009)~~

Access management standards may be modified with submission of an access study prepared and certified by a registered Professional Traffic Operations Engineer (PTOE) in the State of Oregon, when required by the City Engineer based on street classification. The Access Study must assess transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study would include evaluation of site access and capacity

along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study must include the following:

1. Review of site access spacing and design;
2. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;
3. Traffic Safety: provide ODOT crash data (for the most recent five-year period for which data is available) adjacent to the site within a distance equal to the access spacing distance from the project site;
4. Review of all modes of transportation to the site;
5. Evaluation of traffic volume, traffic type, and speed of existing traffic on street(s) where access is proposed to be taken;
6. Mitigation measures where access standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the City Engineer.
7. Evidence of consistency with the Transportation System Plan.

12.16.060 RIGHT OF APPEAL

If the applicant is dissatisfied with the written decision of the City Engineer for a modification request submitted pursuant to Subsection 12.16.050, the applicant may file a written appeal with the Community Development Director no later than thirty (30) days from the date that the decision was mailed. The appeal must contain a statement of the reasons why the applicant is dissatisfied with the written decision, and must be signed by the applicant, or by someone authorized to sign on the applicant's behalf. A notice of receipt must be mailed to the applicant by registered mail within five (5) days of the receipt of the appeal. The Community Development Director must act upon the appeal no later than sixty (60) days after receipt, and a copy of the written decision must be mailed to the applicant by registered mail no later than five (5) days after preparation of the decision. The decision of the Community Development Director shall be final.

~~Appeal of the decision of the City Engineer for a modification request submitted pursuant to Subsection 12.16.050 any access management requirement or standard of Section 12.16.040 not associated with a land use decision is subject to the provisions of Section 19.1006 Type III Review. (Ord. 2025 § 3, 2011; Ord. 2004 § 1, 2009)~~

12.16.070 VIOLATION PENALTY

Any person, firm, or corporation violating any of the provisions of this chapter, or causing, permitting, or suffering the same to be done, shall be fined not more than two hundred fifty dollars (\$250.00). Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. (Ord. 2004 § 1, 2009)

Title 17 Land Division

CHAPTER 17.28 DESIGN STANDARDS

17.28.040 GENERAL LOT DESIGN

This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development, per Subsection 19.505.4, are also exempt from the requirements of this section.

C. Limits on Compound Lot Line Segments

Changes in direction alongside and rear lot lines ~~shall~~must be avoided. Cumulative lateral changes in direction of a side or rear lot line exceeding ~~10%~~ 20% of the distance between opposing lot corners along a given lot line may only be permitted through the variance provisions of MMC Subsection 19.911. Changes in direction ~~shall~~must be measured from a straight line drawn between opposing lot corners.

Title 19 Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

Residential Uses and Structures

“Plex development” means a duplex, triplex, or quadplex.

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONE

Table 19.301.4 Moderate Density Residential Development Standards					
Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000- 6,999 ²	7,000 and up	
A. Permitted Dwelling Type					
	Townhouse ¹ , Cottage ¹	Cottage ¹ , Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling.	Single Detached Dwelling, Single Detached Dwelling.	Subsection 19.501.1 Lot Size Exceptions

			with up to 2 ADUs, Cottage¹ , Duplex, Triplex, Quadplex Quadplex	with 2 ADUs, Cottage¹ , Duplex, Triplex, Quadplex, Cottage Cluster	
--	--	--	---	---	--

1 ~~For a cottage within a cottage cluster only.~~ A townhouse is permitted on a corner lot up to 3,500 sq ft in area.

19.302 HIGH DENSITY RESIDENTIAL ZONE

19.302.4 Development Standards

In the high density residential zone, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Section 19.302.5.

The standards in Subsection 19.302.4 are not applicable to cottage cluster development except where specifically referenced by Subsection 19.505.4.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

In the high density residential zone the following housing types are permitted on lot sizes as follows:

Between 1,500 to 2,999 sq ft: Townhouse; a townhouse is permitted on a corner lot up to 3,500 sq ft in area. ~~Cottage in a cottage cluster~~

Table 19.302.2 High Density Residential Uses Allowed		
Use	R-HD	Standards/ Additional Provisions
Residential Uses		
Mixed Use	P	<u>Subsection 19.505.7</u> Nonresidential Development

19.302.5 Additional Development Standards

B. Lot Coverage

The lot coverage standards in Subsection 19.302.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are additive for lots that are described by one or more of the situations below.

1. Increased Lot Coverage for Single Detached Dwellings and Middle Housing

19.312 NORTH MILWAUKIE INNOVATION AREA

19.312.7 Design Standards for All Uses in the MUTSA and on NME Key Streets

The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets and key corners: McBrod Avenue, Main Street, 17th Avenue, and Ochoco Street (see Figure 312.7.1).

A. Design Standards for All New Construction and Major Exterior Alterations

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards in this section ~~generally~~ apply to the street-facing façades of new, and major alterations to, commercial, institutional, manufacturing, and mixed-use buildings when the closest wall of the street-facing façade is within 50 ft of a front or street-side lot line. Exterior maintenance and repair and minor exterior alterations are not subject to these standards. Subsection 19.312.7.B below defines exterior maintenance and repair and major/minor exterior and interior alterations.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.501 GENERAL EXCEPTIONS

19.501.2 Yard Exceptions

C. A covered porch or deck on a single detached dwelling or middle housing unit may extend 6 ft into a required front or rear yard if all of the following standards are met:

1. The porch or deck is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural

supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.

2. The surface of the porch or deck does not exceed 18 in high above the average grade.
3. The porch or deck is at least 5 ft from the front and/or rear lot line.

19.502 ACCESSORY STRUCTURES

19.502.2 Specific Provisions for Accessory Structures

A. The following standards apply to ~~for~~ residential accessory structures on single detached unit, townhouse, cottage cluster, and plex development properties. ~~family detached, duplex, rowhouse, and cottage cluster properties.~~ The standards in Subsection 19.502.2.A do not apply to pools, uncovered decks, and patios.

The purpose of these standards is to allow accessory structures that accommodate the typical needs of a ~~single family detached residence. while protecting the character of single family neighborhoods.~~

1. Development Standards

b. Other Development Standards

~~(3) A minimum of 5 ft is required between the exterior wall of an accessory structure and the exterior wall of any other structure on a site, excluding a fence or similar structure.~~

~~(4)~~ (3) A covered walkway or breezeway is allowed between a primary structure and accessory structure. Such connection shall not exempt the accessory structure from compliance with the standards of this section, unless the connection is fully enclosed and meets the building code definition of a conditioned space, and is all of the following, which results in an addition and is not an accessory structure:

2. Design Standards

a. Metal siding is prohibited on structures more than ~~10~~ 15 ft high or with a footprint greater than ~~200~~ 600 sq ft, unless the siding replicates the siding on the primary dwelling or has the appearance of siding that is commonly used for residential structures.

~~b. Structures located in a front, side, or street side yard that are visible from the right-of-way at a pedestrian level shall use exterior siding and roofing materials that are commonly used on residential structures.~~

19.505 BUILDING DESIGN STANDARDS**19.505.4 Cottage Cluster Housing****C. Development Standards**

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	R-HD
A. Home Structure Types		
1. Building types allowed, minimum and maximum number per cluster	Detached <u>and Attached</u> cottages 3 minimum 12 maximum dwelling units <u>Maximum number of attached units = 3</u>	Detached and Attached <u>cottages</u> 3 minimum 12 maximum dwelling units <u>Maximum number of attached units = 4</u>
B. Home Dwelling Unit Size		
1. Max building footprint per home dwelling unit	900 sf	
2. Max average floor area per dwelling unit	1,400 sf	

E. Site Design and Other Standards**4. Off-Street Parking**

2 f. Off-street parking may be arranged in clusters, subject to the following standards:

- i. (1) Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five contiguous spaces.
- ii. (2) Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight contiguous spaces.
- iii. (3) Parking clusters must be separated from all other areas by at least 4 ft of landscaping.
- iv. (4) Clustered parking areas may be covered.

3 g. Off-street parking spaces and vehicle maneuvering areas must not be located:

- i. (1) Within of 20 ft from any street property line, except alley property lines;
- ii. (2) Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- iii. (3) Off-street parking spaces must not be located within 10 ft of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 ft of other property lines.

h. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.

i. Garages and carports (whether shared or individual) must not abut common courtyards.

j. Individual attached garages up to 200 square feet must be exempted from the calculation of maximum building footprint for cottages.

k. Individual detached garages must not exceed 400 square feet in floor area.

l. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.602.3 Applicability for Development and Change in Use Activity

The provisions of Chapter 19.600 apply to development and changes of use as described in Subsection 19.602.3.

- A. Development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.600. Development of a site that results in an increase of 100% or more of the existing floor area and/or structure footprint on a site shall also conform to the requirements of Chapter 19.600. The construction of new off-street parking spaces may be subject to the electric vehicle charging requirements of Subsection 19.605.5. The floor area and/or footprint of structures demolished prior to development or redevelopment on the site shall not be considered when calculating the increase in floor area and/or structural footprints.

19.602.4 Applicability not Associated With Development or Change in Use

- A. Any parking or loading area developed to serve an existing use(s) that is not associated with development activity or a change in use described in Subsection 19.602.3 shall conform to

the requirements of Sections 19.604 and 19.606-19.611, as well as to the electric vehicle (EV) charging requirements of Subsection 19.605.5 as applicable. The total number of spaces in the existing parking area and new parking area shall not exceed the maximum allowed quantity of parking as established in Section 19.605.

- B. Any parking or loading area that is not developed to serve an existing use and is not associated with development activity or a change in use as described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611. The requirements of Section 19.605 do not apply to parking areas described under Subsection 19.602.4.B.

19.605 Vehicle Parking Quantity Requirements

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Subsection 19.605.5 details requirements for installing electric vehicle (EV) charging infrastructure in new multi-unit, mixed-use, commercial, and industrial developments. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

19.605.5 Electric Vehicle (EV) Charging Requirements

Required EV charging spaces. All new buildings that are commercial, industrial, multi-unit with 5 or more dwelling units, or mixed-use with 5 or more dwelling units and that provide new off-street parking must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

- A. **Commercial and Industrial Parking Buildings.** For new commercial and industrial buildings ~~that provide off-street parking,~~ where new off-street parking spaces are constructed, choose one of the following:
- 1) At least 50% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;
- OR**
- 2) At least 20% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.
- B. **Multi-Unit and Mixed-Use Residential Parking Buildings.** For new multi-unit and mixed-use buildings with five or more dwelling units, ~~where new off-street parking spaces are provided constructed,~~ choose one of the following:

- 1) All (100%) of the newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;

OR

- 2) At least 40% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

C. **Structured Parking Facilities.** For new structured parking facilities, where new off-street parking spaces are constructed, choose one of the following:

- 1) At least 50% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;

OR

- 2) At least 20% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.
-

Clean Amendments**TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES****CHAPTER 12.16 ACCESS MANAGEMENT****12.16.040 ACCESS REQUIREMENTS AND STANDARDS****A. Access**

Private property must be provided street access with the use of accessways. Driveway approaches must be constructed as set forth in the Milwaukie Public Works Standards.

B. Accessway Location

Spacing and location criteria are based upon several factors, including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity, and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets and driveways.

1. Spacing Between Accessways

Spacing between accessways is measured between the closest edges of driveway aprons where they abut the roadway. Spacing between accessways and street intersections is measured between the nearest edge of the driveway apron and the nearest face of curb of the intersecting street. Where intersecting streets do not have curb, the spacing is measured from the nearest edge of pavement.

a. Spacing for accessways on arterial streets, as identified in the Milwaukie Transportation System Plan, must be a minimum of six hundred (600) feet.

b. Spacing for accessways on collector streets, as identified in the Milwaukie Transportation System Plan, must be a minimum of three hundred (300) feet.

2. Double Frontage

When a lot has frontage on two (2) or more streets, access must be provided first from the street with the lowest classification. For example, access must be provided from a local street before a collector or arterial street.

3. Location Limitations

Individual access to single detached residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the City Engineer only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.

4. Distance from Property Line

The nearest edge of the driveway apron must be at least five (5) feet from the side property line in residential districts and at least ten (10) feet from the side property line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.

5. Distance from Intersection – Public Streets and Private Access Drives

To protect the safety and capacity of street intersections, the following minimum distances from the nearest intersecting street face of curb to the nearest edge of driveway apron must be maintained. Where intersecting streets do not have curbs, the distances must be measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified as described in MMC Section 12.16.050. Distance from private access drives will be reviewed by the City Engineer on a case-by-case basis, and will include factors such as volume of traffic on both the private access drive and public street it is connected to, clear sight distance, and accident history.

- a. At least forty-five (45) feet for single detached residential properties, plex development (i.e., a duplex, triplex, or quadplex), cottage clusters with four (4) or fewer units, and townhouses of four (4) or fewer units accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron must be located as far from the nearest intersection street face of curb as practicable; in such cases a formal modification is not required.
- b. At least one hundred (100) feet for multi-unit residential properties, or cottage cluster developments of five (5) or more units and all other uses accessing local and neighborhood streets.
- c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.
- d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.

C. Number of Accessway Locations

1. Safe Access

Accessway locations must be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

2. Shared Access

The number of accessways on collector and arterial streets must be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multi-unit areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses must be established by means of common access easements.

3. Single Detached Residential and Middle Housing

One accessway per property is allowed for single detached residential uses, plex development, cottage cluster development up to four units, and townhouses up to four (4) units.

- a. For lots with more than one street frontage on a local street and/or neighborhood route, one additional accessway may be granted. Under such circumstances, a street frontage must have no more than one driveway approach.
- b. For lots with one street frontage on a local street and/or neighborhood route, one additional accessway may be granted where the driveway approaches can be spaced fifty (50) feet apart, upon review and approval by the City Engineer. The spacing is measured between the nearest edges of the driveway aprons. Where the fifty (50) foot spacing cannot be met, an additional accessway shall not be granted.
- c. No additional accessways shall be granted on collector and arterial streets.

4. All Uses Other than Single Detached Residential and Middle Housing

The number of accessways for uses other than single detached residential and middle housing developments up to four (4) units is subject to the following provisions:

- a. Access onto arterial and collector streets is subject to the access spacing requirements of Subsection 12.16.040.B.
- b. One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.

D. Accessway Design

1. Design Guidelines

Driveway approaches must meet all applicable standards of the Americans with Disabilities Act, U.S. Access Board guidelines or requirements, and Milwaukie Public Works Standards.

2. Authority to Restrict Access

The City Engineer may restrict the location of accessways on streets and require that accessways be placed on adjacent streets upon finding that the proposed access would:

- a. Cause or increase existing hazardous traffic conditions;
- b. Provide inadequate access for emergency vehicles; or
- c. Cause hazardous conditions that would constitute a clear and present danger to the public health, safety, and general welfare.

3. Backing into the Right-of-Way Prohibited

Accessways must be designed to contain all vehicle backing movements on the site, except for detached or attached single detached residential uses on local streets and neighborhood routes.

E. Accessway Size

The following standards allow adequate site access while minimizing surface water runoff and reducing conflicts between vehicles, bicyclists, and pedestrians.

1. Accessways must be the minimum width necessary to provide the required number of vehicle travel lanes. The City Engineer may require submission of vehicle turning templates to verify that the accessway is appropriately sized for the intended use.
2. Single attached and detached residential uses must have a minimum driveway apron width of twelve (12) feet and a maximum width of twenty (20) feet.
3. Plex development, cottage cluster developments with up to four units, or townhouse developments comprised of up to four (4) units, must have a minimum driveway apron width of twelve (12) feet on local or neighborhood streets and sixteen (16) feet on collector or arterial streets, and a maximum driveway apron width of twenty (20) feet on all streets.
4. Multi-unit residential or cottage cluster developments with between five (5) and eight (8) units must have a minimum driveway apron width of sixteen (16) feet on local or neighborhood streets and twenty (20) feet on collector or arterial streets, and a maximum driveway apron width of twenty-four (24) feet.
5. Multi-unit residential or cottage cluster developments with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more spaces, must have a minimum driveway apron width of twenty (20) feet on local or neighborhood streets and twenty-four (24) feet on collector or arterial streets, and a maximum driveway apron width of thirty (30) feet.
6. Commercial, office, and institutional uses must have a minimum driveway apron width of sixteen (16) feet and a maximum width of thirty-six (36) feet.
7. Industrial uses must have a minimum driveway apron width of twenty-four (24) feet and a maximum width of forty-five (45) feet.

8. Maximum driveway apron widths for commercial and industrial uses may be increased if the City Engineer determines that more than two (2) lanes are required based on the number of trips anticipated to be generated or the need for on-site turning lanes. (Ord. 2218 § 2 (Exh. B), 2022; Ord. 2168 § 2, 2019; Ord. 2004 § 1, 2009)

12.16.050 MODIFICATIONS

Access management standards may be modified with submission of an access study prepared and certified by a registered Professional Traffic Operations Engineer (PTOE) in the State of Oregon, when required by the City Engineer based on street classification. The Access Study must assess transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study would include evaluation of site access and capacity along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study must include the following:

1. Review of site access spacing and design;
2. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;
3. Traffic Safety: provide ODOT crash data (for the most recent five-year period for which data is available) adjacent to the site within a distance equal to the access spacing distance from the project site;
4. Review of all modes of transportation to the site;
5. Evaluation of traffic volume, traffic type, and speed of existing traffic on street(s) where access is proposed to be taken;
6. Mitigation measures where access standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the City Engineer.

12.16.060 RIGHT OF APPEAL

If the applicant is dissatisfied with the written decision of the City Engineer for a modification request submitted pursuant to Subsection 12.16.050, the applicant may file a written appeal with the Community Development Director no later than thirty (30) days from the date that the decision was mailed. The appeal must contain a statement of the reasons why the applicant is dissatisfied with the written decision, and must be signed by the applicant, or by someone authorized to sign on the applicant's behalf. A notice of receipt must be mailed to the applicant by registered mail within five (5) days of the receipt of the appeal. The Community Development Director must act upon the appeal no later than sixty (60) days after receipt, and a copy of the written decision must be mailed to the applicant by registered mail no later than five (5) days after preparation of the decision. The decision of the Community Development Director shall be final.

12.16.070 VIOLATION PENALTY

Any person, firm, or corporation violating any of the provisions of this chapter, or causing, permitting, or suffering the same to be done, shall be fined not more than two hundred fifty dollars (\$250.00). Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. (Ord. 2004 § 1, 2009)

Title 17 Land Division

CHAPTER 17.28 DESIGN STANDARDS

17.28.040 GENERAL LOT DESIGN

This section does not apply to units of land that are created for purposes other than land development including parks, natural areas, right-of-way dedications, or reservations of a similar nature. Lots and tracts created for cottage cluster housing development, per Subsection 19.505.4, are also exempt from the requirements of this section.

C. Limits on Compound Lot Line Segments

Changes in direction alongside and rear lot lines must be avoided. Cumulative lateral changes in direction of a side or rear lot line exceeding 20% of the distance between opposing lot corners along a given lot line may only be permitted through the variance provisions of MMC Subsection 19.911. Changes in direction must be measured from a straight line drawn between opposing lot corners.

Title 19 Zoning Ordinance

CHAPTER 19.200 DEFINITIONS AND MEASUREMENTS

Residential Uses and Structures

“Plex development” means a duplex, triplex, or quadplex.

CHAPTER 19.300 BASE ZONES

19.301 MODERATE DENSITY RESIDENTIAL ZONE

Table 19.301.4 Moderate Density Residential Development Standards					
Standard	R-MD				Standards/ Additional Provisions
	Lot size (square feet)				
	1,500 – 2,999	3,000–4,999	5,000-6,999 ²	7,000 and up	
A. Permitted Dwelling Type					
	Townhouse ¹	Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling, with up to 2 ADUs, Duplex, Triplex, Quadplex	Single Detached Dwelling, Single Detached Dwelling, with 2 ADUs, Duplex, Triplex, Quadplex, Cottage Cluster	Subsection 19.501.1 Lot Size Exceptions

¹ A townhouse is permitted on a corner lot up to 3,500 sq ft in area.

19.302 HIGH DENSITY RESIDENTIAL ZONE

19.302.4 Development Standards

In the high density residential zone, the development standards in Table 19.302.4 apply. Notes and/or cross references to other applicable code sections are listed in the “Standards/Additional Provisions” column. Additional standards are provided in Section 19.302.5.

The standards in Subsection 19.302.4 are not applicable to cottage cluster development except where specifically referenced by Subsection 19.505.4.

See Sections 19.201 Definitions and 19.202 Measurements for specific descriptions of standards and measurements listed in the table.

In the high density residential zone the following housing types are permitted on lot sizes as follows:

Between 1,500 to 2,999 sq ft: Townhouse; a townhouse is permitted on a corner lot up to 3,500 sq ft in area.

Table 19.302.2 High Density Residential Uses Allowed		
Residential Uses		
Use	R-HD	Standards/ Additional Provisions
Mixed Use	P	Subsection 19.505.7 Nonresidential Development

19.303 COMMERCIAL MIXED-USE ZONES

19.303.4 Detailed Development Standards

The following detailed development standards describe additional allowances, restrictions, and exemptions related to the development standards of Table 19.303.3.

B. Building Height

1. Intent

Maximum building height standards promote a compatible building scale and relationship of one structure to another.

2. Standards

a. The base maximum building height in the GMU Zone is three stories or 45 ft, whichever is less. Height bonuses are available for buildings that meet the standards of Subsection 19.303.4.B.3.

b. Buildings in the GMU Zone must provide a step back of at least 15 ft for any street-facing portion of the building above the base maximum height as shown in Figure 19.303.4.B.2.b.

c. The maximum building height in the NMU Zone is three stories or 45 ft, whichever is less. No building height bonuses are available in the NMU Zone.

3. Height Bonuses

To incentivize the provision of additional public amenities or benefits beyond those required by the baseline standards, height bonuses are available for buildings that include desired public amenities or components, increase area vibrancy, and/or help meet sustainability goals.

A building in the GMU Zone can utilize up to two of the development incentive bonuses in Subsection 19.303.4.B.3.a. and Section 19.510, for a total of two stories or 24 ft of additional height, whichever is less. Buildings that elect to use both height bonuses for a 5-

story building are subject to Type III review per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

a. Residential

Buildings that devote at least one story or 25% of the gross floor area to residential uses are permitted one additional story or an additional 12 ft of building height, whichever is less.

b. Green Building

Project proposals that receive approvals and certification as identified in Section 19.510 are permitted one additional story or an additional 12 ft of building height, whichever is less.

c. Building Height Variance

Additional building height may be approved through Type III variance review, per Subsection 19.911.7 Building Height Variance in the General Mixed Use Zone.

19.312 NORTH MILWAUKIE INNOVATION AREA

19.312.7 Design Standards for All Uses in the MUTSA and on NME Key Streets

The following development standards apply to all uses in the MUTSA Zone and in the NME Zone on properties located on the following key streets and key corners: McBrod Avenue, Main Street, 17th Avenue, and Ochoco Street (see Figure 312.7.1).

A. Design Standards for All New Construction and Major Exterior Alterations

The design standards contained in this section are intended to encourage building design and construction with durable, high-quality materials. The design standards in this section apply to the street-facing façades of new, and major alterations to, commercial, institutional, manufacturing, and mixed-use buildings when the closest wall of the street-facing façade is within 50 ft of a front or street-side lot line. Exterior maintenance and repair and minor exterior alterations are not subject to these standards. Subsection 19.312.7.B below defines exterior maintenance and repair and major/minor exterior and interior alterations.

CHAPTER 19.500 SUPPLEMENTARY DEVELOPMENT REGULATIONS

19.501 GENERAL EXCEPTIONS

19.501.2 Yard Exceptions

C. A covered porch or deck on a single detached dwelling or middle housing unit may extend 6 ft into a required front or rear yard if all of the following standards are met:

1. The porch or deck is not enclosed on any side other than what is enclosed by the exterior walls of the dwelling. The following are not considered to be enclosures: structural supports for a covered porch, projections not extending more than 3 ft upward from the surface of the porch, railings, retractable sunshades, screens, or netting.
2. The surface of the porch or deck does not exceed 18 in high above the average grade.
3. The porch or deck is at least 5 ft from the front and/or rear lot line.

19.502 ACCESSORY STRUCTURES

19.502.2 Specific Provisions for Accessory Structures

A. The following standards apply for residential accessory structures on single detached unit, townhouse, cottage cluster, and plex development properties. The standards in Subsection 19.502.2.A do not apply to pools, uncovered decks, and patios.

The purpose of these standards is to allow accessory structures that accommodate the typical needs of a residence.

1. Development Standards
 - b. Other Development Standards
 - (3) A covered walkway or breezeway is allowed between a primary structure and accessory structure. Such connection shall not exempt the accessory structure from compliance with the standards of this section, unless the connection is fully enclosed and meets the building code definition of a conditioned space, and is all of the following, which results in an addition and is not an accessory structure:
2. Design Standards
 - a. Metal siding is prohibited on structures more than 15 ft high or with a footprint greater than ~~200~~ 600 sq ft, unless the siding replicates the siding on the primary

dwelling or has the appearance of siding that is commonly used for residential structures.

19.505 BUILDING DESIGN STANDARDS

19.505.4 Cottage Cluster Housing

C. Development Standards

The standards listed below in Table 19.505.4.C.1 are the applicable development and design standards for cottage cluster housing. Additional design standards are provided in Subsection 19.505.1.

Table 19.505.4.C.1 Cottage Cluster Development Standards		
Standards	R-MD	R-HD
A. Structure Types		
1. Building types allowed, minimum and maximum number per cluster	Detached and Attached cottages 3 minimum 12 maximum dwelling units Maximum number of attached units = 3	Detached and Attached cottages 3 minimum 12 maximum dwelling units Maximum number of attached units = 4
B. Dwelling Unit Size		
1. Max building footprint per dwelling unit	900 sf	
2. Max average floor area per dwelling unit	1,400 sf	

E. Site Design and Other Standards

4. Off-Street Parking

f. Off-street parking may be arranged in clusters, subject to the following standards:

- (1) Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five contiguous spaces.
- (2) Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight contiguous spaces.
- (3) Parking clusters must be separated from all other areas by at least 4 ft of landscaping.
- (4) Clustered parking areas may be covered.

g. Off-street parking spaces and vehicle maneuvering areas must not be located:

(1) Within of 20 ft from any street property line, except alley property lines;

(2) Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

(3) Off-street parking spaces must not be located within 10 ft of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 ft of other property lines.

h. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.

i. Garages and carports (whether shared or individual) must not abut common courtyards.

j. Individual attached garages up to 200 square feet must be exempted from the calculation of maximum building footprint for cottages.

k. Individual detached garages must not exceed 400 square feet in floor area.

l. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

CHAPTER 19.600 OFF-STREET PARKING AND LOADING

19.602.3 Applicability for Development and Change in Use Activity

The provisions of Chapter 19.600 apply to development and changes of use as described in Subsection 19.602.3.

- A. Development of a vacant site shall have off-street parking and off-street loading areas that conform to the requirements of Chapter 19.600. Development of a site that results in an increase of 100% or more of the existing floor area and/or structure footprint on a site shall also conform to the requirements of Chapter 19.600. The construction of new off-street parking spaces may be subject to the electric vehicle charging requirements of Subsection 19.605.5. The floor area and/or footprint of structures demolished prior to development or redevelopment on the site shall not be considered when calculating the increase in floor area and/or structural footprints.

19.602.4 Applicability not Associated With Development or Change in Use

- A. Any parking or loading area developed to serve an existing use(s) that is not associated with development activity or a change in use described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611, as well as to the electric vehicle (EV) charging requirements of Subsection 19.605.5 as applicable. The total number of

spaces in the existing parking area and new parking area shall not exceed the maximum allowed quantity of parking as established in Section 19.605.

- B. Any parking or loading area that is not developed to serve an existing use and is not associated with development activity or a change in use as described in Subsection 19.602.3 shall conform to the requirements of Sections 19.604 and 19.606-19.611. The requirements of Section 19.605 do not apply to parking areas described under Subsection 19.602.4.B.
-

19.605 Vehicle Parking Quantity Requirements

The purpose of Section 19.605 is to ensure that development provides adequate, but not excessive, vehicle parking based on their estimated parking demand. Subsection 19.605.1 establishes parking ratios for common land uses, and Subsection 19.605.3 allows certain exemptions and reductions to these ratios based on location or on-site amenities. Subsection 19.605.5 details requirements for installing electric vehicle (EV) charging infrastructure in multi-unit, mixed-use, commercial, and industrial developments. Modifications to the established parking ratios and determinations of parking requirements for unique land uses are allowed with discretionary review per Subsection 19.605.2.

19.605.5 Electric Vehicle (EV) Charging Requirements

Required EV charging spaces. All new buildings that are commercial, industrial, multi-unit with 5 or more dwelling units, or mixed-use with 5 or more dwelling units and that provide new off-street parking must include sufficient space for electrical service capacity to support at least a Level 2 EV charger at required EV charging spaces as outlined below. For terms not defined elsewhere in Title 19, see applicable sections of the state building code and/or OAR 918-460-0200.

- A. **Commercial and Industrial Buildings.** For new commercial and industrial buildings where new off-street parking spaces are constructed, choose one of the following:

- 1) At least 50% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;

OR

- 2) At least 20% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.

- B. **Multi-Unit and Mixed-Use Residential Buildings.** For new multi-unit and mixed-use buildings with five or more dwelling units, where new off-street parking spaces are constructed, choose one of the following:

- 1) All (100%) of the newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;

OR

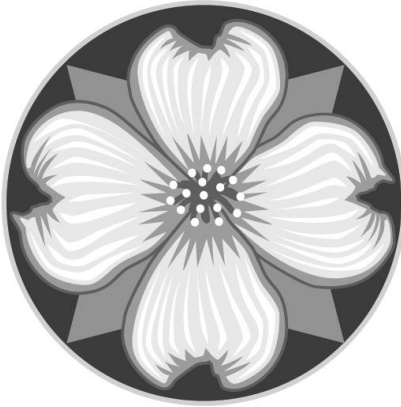
- 2) At least 40% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 10% of newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 40% minimum requirement.

C. **Structured Parking Facilities.** For new structured parking facilities, where new off-street parking spaces are constructed, choose one of the following:

- 1) At least 50% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger;

OR

- 2) At least 20% of the total number of newly constructed parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 EV charger. At least 5% of newly constructed parking spaces must include an installed Level 2 or Level 3 EV charger. Parking spaces with installed chargers count toward the 20% minimum requirement.



RS Agenda Item

9

Council Reports

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN SUPPORT OF RESTRICTING THE SALE OF FLAVORED TOBACCO PRODUCTS AND PROTECTING KIDS FROM A LIFETIME OF NICOTINE ADDICTION.**

WHEREAS Big Tobacco's use of candy flavors like bubblegum, root beer, and minty menthol hooks generations of consumers – especially kids, students, and communities of color – on the massive hits of nicotine their tobacco products can deliver; and

WHEREAS the millions Big Tobacco spends on lobbying so retailers can continue selling their predatory, candy-flavored products has triggered what the Surgeon General and the FDA have called an “epidemic” of e-cigarette use across the nation; and

WHEREAS big Tobacco spends \$115 million for marketing in Oregon each year; and

WHEREAS 10.8% of Oregon 11th grade students use e-cigarettes, and 5,000 Oregon kids under 18 try cigarettes for the first time each year; and

WHEREAS tobacco companies are creating a cycle of addiction that puts taxpayers – whether they smoke or not – on the hook for \$373.6 million in annual Medicaid costs caused by smoking in Oregon; and

WHEREAS each year, tobacco use kills over 8,000 Oregonians and costs almost \$5.7 billion in medical expenses and lost productivity; and

WHEREAS in 2022, 25% of tobacco retailers inspected in Oregon sold tobacco to underage buyers; and

WHEREAS nine of 10 adults who smoke report that they started smoking by 18; and

WHEREAS two thirds of Oregon youth tobacco users use flavored tobacco compared to about 26% of older adult tobacco users, thus beginning a life of addiction because of the attraction of flavors.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, that the Oregon State Legislature is encouraged to pass legislation ending the sale of flavored tobacco products to protect kids from Big Tobacco's candy-flavored and minty-menthol tobacco.

Introduced and adopted by the City Council on **October 17, 2023**

This resolution is effective immediately.

ATTEST:

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN SUPPORT OF RESTRICTING THE SALE OF FLAVORED TOBACCO PRODUCTS AND PROTECTING KIDS FROM A LIFETIME OF NICOTINE ADDICTION.

WHEREAS Big Tobacco's use of candy flavors like bubblegum, root beer, and minty menthol hooks generations of consumers – especially kids, students, and communities of color – on the massive hits of nicotine their tobacco products can deliver and 90% of adults who smoke report that they started before age 18; and

WHEREAS the millions Big Tobacco spends on lobbying so retailers can continue selling their predatory, candy-flavored products has triggered what the Surgeon General and the FDA have called an “epidemic” of e-cigarette use across the nation; and

WHEREAS big Tobacco spends \$115 million for marketing in Oregon each year, ~~and~~
~~WHEREAS nearly 1140.8%~~ of Oregon 11th grade students use e-cigarettes, and 5,000 Oregon kids under age 18 try cigarettes for the first time each year; and

WHEREAS each year, tobacco use kills over 8,000 Oregonians and costs almost \$5.7 billion in medical expenses and lost productivity; and

WHEREAS tobacco companies are creating a cycle of addiction that puts taxpayers – whether they smoke or not – on the hook for \$373.6 million in annual Medicaid costs caused by smoking in Oregon; and

~~WHEREAS each year, tobacco use kills over 8,000 Oregonians and costs almost \$5.7 billion in medical expenses and lost productivity; and~~

WHEREAS in 2022, 25% of tobacco retailers inspected in Oregon sold tobacco to underage buyers, ~~and~~

~~WHEREAS nine of 10 adults who smoke report that they started smoking by 18; and~~

~~WHEREAS two-thirds of Oregon youth tobacco users use flavored tobacco compared to about 26% of older adult tobacco users, thus beginning a life of addiction because of the attraction of flavors.~~

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, encourages both that the Oregon State Legislature and the Clackamas County Board of Commissioners is encouraged to pass legislation ending the sale of flavored tobacco products to protect kids from Big Tobacco's candy flavored and minty-menthol tobacco, our children and end the allure of tobacco and vaping products for underage users.

Introduced and adopted by the City Council on **October 17, 2023**

This resolution is effective immediately.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Sample Resolution in Support of Restricting the Sale of Flavored Tobacco Products and Protecting Kids from a Lifetime of Nicotine Addiction.

WHEREAS Big Tobacco's use of candy flavors like bubblegum, blue raspberry, root beer, and minty menthol hooks generations of consumers – especially kids, students and communities of color – on the massive hits of nicotine their tobacco products can deliver¹; and

WHEREAS the millions Big Tobacco spends on lobbying so retailers can continue selling their predatory, candy-flavored products has triggered what the Surgeon General and the FDA have called an “epidemic” of e-cigarette use across the nation²; and

WHEREAS big Tobacco spends \$115 million for marketing in Oregon each year³; and

WHEREAS 10.8% of Oregon 11th grade students use e-cigarettes⁴, and 5,000 Oregon kids under 18 try cigarettes for the first time each year; and

WHEREAS tobacco companies are creating a cycle of addiction that puts taxpayers – whether they smoke or not – on the hook for \$373.6 million in annual Medicaid costs caused by smoking in Oregon⁵; and

WHEREAS each year, tobacco use kills over 8,000 Oregonians and costs almost \$5.7 billion in medical expenses and lost productivity⁶; and

WHEREAS in 2022, 25% of tobacco retailers inspected in Oregon sold tobacco to underage buyers⁷; and

WHEREAS nine of 10 adults who smoke report that they started smoking by 18⁸; and

¹ <https://www.doj.state.or.us/media-home/news-media-releases/oregon-leads-438-million-agreement-with-juul-labs/>

² <https://www.fda.gov/news-events/congressional-testimony/epidemic-continues-youth-vaping-america-06232021>

³ Oregon Health Authority Public Health Division, Health Promotion and Chronic Disease Prevention Section.

Oregon tobacco facts. Available at

<https://www.oregon.gov/oha/ph/preventionwellness/tobaccoprevention/pages/oregon-tobacco-facts.aspx#f71>

⁴ <https://www.samhsa.gov/data/release/2021-national-survey-drug-use-and-health-nsduh-releases>

⁵ Oregon Health Authority Public Health Division, Health Promotion and Chronic Disease Prevention Section.

Oregon tobacco facts. Available at

<https://www.oregon.gov/oha/ph/preventionwellness/tobaccoprevention/pages/oregon-tobacco-facts.aspx#t63>

⁶ https://www.tobaccofreekids.org/facts_issues/toll_us/oregon

⁷ Oregon Health Authority Public Health Division, Health Promotion and Chronic Disease Prevention Section.

Oregon Tobacco Inspection Report 2022. Available at

https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCPREVENTION/Documents/Tobacco%20Inspections%20Report_2022_Final.pdf?utm_medium=email&utm_source=govdelivery

⁸

https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm#:~:text=Tobacco%20product%20use%20is%20started%20and%20established%20primarily%20during%20adolescence.&text=Nearly

WHEREAS two thirds of Oregon youth tobacco users use flavored tobacco compared to about 26% of older adult tobacco users, thus beginning a life of addiction because of the attraction of flavors⁹;

NOW, THEREFORE, BE IT RESOLVED that the _____ (LOCAL GOV) strongly encourages the Oregon Legislature to pass legislation ending the sale of flavored tobacco products. We must protect kids from Big Tobacco's candy-flavored and minty-menthol tobacco used to lure young people into a lifetime of addiction.

%209%20out%20of%2010,try%20smoking%20by%20age%2026.&text=Each%20day%20in%20the%20U.S.,youth%20start%20smoking%20every%20day.

9

https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm#:~:text=Tobacco%20product%20use%20is%20started%20and%20established%20primarily%20during%20adolescence.&text=Nearly%209%20out%20of%2010,try%20smoking%20by%20age%2026.&text=Each%20day%20in%20the%20U.S.,youth%20start%20smoking%20every%20day.

October 17th, 2023

To: Mayor Bately, Council President Nicodemus, and Milwaukie City Councilors
From: Emerson Hamlin, Political Organizer, Oregon Nurses Association
Re: Support for the Flavored Tobacco Ban Resolution

Mayor Bately, Council President Nicodemus, and members of the Council,

Thank you for the opportunity to submit testimony in support of the Flavor Tobacco Ban Resolution on behalf of the Oregon Nurses Association (ONA). ONA is a nurses union and professional association representing over 16,000 health care workers and providers, including registered nurses, advanced practice nurses, and allied health workers. Our members work in urban and rural hospitals, clinics, school-based health centers, home health, and county health departments across Oregon.

ONA has been proud to support various county and state-level efforts to eliminate flavored tobacco products. We are taking action because nurses know that tobacco use is the number-one cause of preventable death and disease in Oregon, resulting in nearly 8,000 deaths each year.¹ Tobacco also has a measurable financial impact, with Oregonians spending \$5.7 billion dollars annually on health care costs and lost productivity due to tobacco products.² Furthermore, these costs are not evenly distributed among all people; our marginalized communities bear the burden of being targeted by tobacco companies and the associated impacts of tobacco use.³

Young people are also at increased risk of adverse impacts: nearly 9 out of 10 adults who smoke started before the age of 18, and nearly all started by age 26.⁴ Unfortunately, tobacco companies are increasingly targeting kids via candy-like flavored products, risking young people's brain development, and worsening their attention, mood, and impulse control.⁵ Long term use can lead to

¹ Oregon Health Authority. "Oregon Tobacco Facts." *Oregon Health Authority : Oregon Tobacco Facts : Tobacco Prevention : State of Oregon*.

² Oregon Health Authority. "Oregon Tobacco Facts."

³ Public Health Law Center, Mitchell Hamline School of Law. *The Tobacco Industry & The Black Community*, Mitchell Hamline School of Law , St. Paul , MN, 2021.

⁴ "Youth and Tobacco Use." Centers for Disease Control and Prevention, Centers for Disease Control and Prevention, 10 Nov. 2022.

⁵ "Quick Facts on the Risks of E-Cigarettes for Kids, Teens, and Young Adults." Centers for Disease Control and Prevention, Centers for Disease Control and Prevention, 30 Aug. 2023.



cancer, heart disease, and lung disease.⁶ Currently, 68,000 Oregon kids under 18 are estimated to prematurely die due to tobacco use, unless we act.⁷

Passing this resolution to support a statewide flavored tobacco ban is critical in convincing state legislators to create policies that reduce tobacco use and its associated health impacts. It is through passing measures like this one that we can protect community health and ensure that all our neighbors, especially young people, can live long, healthy, and meaningful lives. ONA urges a yes vote on the resolution. Thank you.

Sincerely,

Emerson Hamlin

⁶ “Overviews of Diseases/Conditions.” Centers for Disease Control and Prevention, Centers for Disease Control and Prevention, 28 Feb. 2022, www.cdc.gov/tobacco/campaign/tips/diseases/index.html.

⁷ Youth and Tobacco Use.” Centers for Disease Control and Prevention, Centers for Disease Control and Prevention, 10 Nov. 2022.

Parents Against Vaping e-cigarettes
Written Comment - Milwaukie, OR
Flavored Tobacco Resolution 10/17/23

My name is Charlie Moses and I am submitting written testimony on behalf of Parents Against Vaping e-cigarettes. We are a national organization with Oregon volunteers that prioritizes the health and well-being of youth. We fully support a resolution that ends the sale of all flavored commercial tobacco products, especially e-cigarettes, in the city of Milwaukie.

Parents from every background imaginable write to us each day looking for support and resources to help them deal with the struggles their children face who have been targeted by the tobacco industry. 95% of commercial tobacco users start before the age of 21. Given that half of our population carries a gene that causes substance use disorder, the addiction to flavored nicotine products and e-cigarettes happens extremely fast. While kids feel invincible and do not think they will be vulnerable, the high levels of nicotine and the specially formulated nicotine salts used in e-cigarettes cause youth to easily fall prey to this targeting.

The result is the once promising futures of youth being derailed.

E-cigarettes are designed to be discrete so that they can fly under the radar of adults. Kids are vaping in school - in the bathrooms, even in classrooms. The physical and behavioral changes that are associated with nicotine addiction are intense, and each year, tobacco use kills over 8,000 Oregonians and costs almost \$5.7 billion in medical expenses and lost productivity.

It is well known in the parent community that retailers are selling to underage youth without repercussions. It is time that we all join together to help children, parents, families, and schools to reduce current and future healthcare costs and negative physical and emotional impacts that burden all of us.

Please take a leadership position in Milwaukie and support a resolution to end the sale of all flavored commercial tobacco products, especially e-cigarettes. Thank you for your time.