



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

2394th Meeting**AGENDA**

JANUARY 2, 2024

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to 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-363>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 895 1701 8421 and Passcode 657661. 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.)****2****3. PROCLAMATIONS AND AWARDS****A. None Scheduled.****4. SPECIAL REPORTS****A. Natural Gas Policy and Rates – Report (6:05 p.m.)**

Presenter: Carra Sahler, Lewis & Clark College

5. COMMUNITY COMMENTS (6:20 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 (6:25 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:**4****1. December 5, 2023, work session, and****2. December 5, 2023, regular session.****B. Establishment of the 2024 Council Meeting Schedule – Resolution****10****C. Establishment of the 2024 Papers of Record – Resolution****13****D. Authorization of a Contract for the Stanley Reservoir Project – Resolution****16**

7. BUSINESS ITEMS

- A. Lewelling Safe Routes to School Grant – Update** (6:30 p.m.) **21**
Presenter: Nick d'Alonzo, Milwaukie Resident
- B. Community Survey Briefing – Report** (6:45 p.m.) **22**
Staff: Emma Sagor, Assistant City Manager

8. PUBLIC HEARINGS

- A. Repeal of the Downtown and Riverfront Public Area Requirements – Ordinance** (7:30 p.m.) **67**
Staff: Jennifer Garbely, City Engineer

9. COUNCIL REPORTS

- A. Legislative and Regional Issues – Discussion** (7:45p.m.)
Staff: Scott Stauffer, City Recorder

10. ADJOURNMENT (8:15 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)

2394th Meeting

MINUTES

JANUARY 2, 2024

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
Justin Gericke, City Attorney
Ann Ober, City Manager
Peter Passarelli, Public Works Director

Natalie Rogers, Climate & Natural Resources Manager
Emma Sagor, Assistant City Manager
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 5:59 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including the city's volunteer of the year award, a Christmas tree habitat recycling program, Martin Luther King Jr. Day facility closures, and a city manager's open-door session.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. Natural Gas Policy and Rates – Report

Bob Jenks, Oregon Citizens Utility Board (CUB), remarked on CUB's work and the challenges of implementing decarbonization policies and encouraged Council to continue to adopt natural gas regulations. **Carra Sahler**, Green Energy Institute at Lewis and Clark College, provided an overview of the authority of cities to regulate energy utilities and carbon emissions through public right-of-way (ROW) and building codes. **Jenks** and **Sahler** noted recent court rulings related to natural gas regulations, how cities are impacted by natural gas use and climate change.

Councilor Stavenjord, **Sahler**, and **Jenks** discussed differences between city and county authority to regulate public health issues and how local governments can lead on issues that county and state governments struggle to address.

Councilor Khosroabadi remarked on how cities could lead on climate change issues and expressed concern about recent utility rate increases. **Jenks** commented on electricity rate increases and how Portland General Electric (PGE) determines its rates. **Sahler** observed that it didn't make sense to require rate payers to pay carbon taxes on natural gas and electricity utilities. **Khosroabadi**, **Jenks**, and **Sahler** noted programs that assisted low-income households to pay utility bills.

Councilor Massey and **Sahler** noted what cities in Oregon are working on adopting a decarbonization ordinance and what risks might come with being the first city to adopt a new regulation policy.

Council President Nicodemus expressed concern about rate increases for low-income households. **Sahler** suggested it would help for Council to let PGE know about its concerns about the rate increases and noted low-income utility assistance programs the Oregon Department of Energy (ODOE) was working to implement. **Mayor Batey**, **Sahler**, and **Jenks** noted when ODOE's assistance programs might be implemented.

Mayor Batey and **Jenks** noted that the Oregon Public Utility Commission (PUC) had acted in the last year to reduce the subsidies for utility companies. They noted what arguments NW Natural Gas had made in response to the PUC's actions. **Sahler** suggested Council work through the CUB and Green Energy Institute to express its positions on natural gas regulation policies.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the December 19 community comments.

Greer Ryan, Milwaukie resident, **Ann Pernicke**, Portland resident, **Dylan Plummer**, Sierra Club, and **Danny Noonan**, Breach Collective, noted safety concerns related to the use of natural gas and encouraged Council to continue to adopt electrification policies.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. December 5, 2023, work session, and
2. December 5, 2023, regular session.

B. Resolution 1-2024: A resolution of the City Council of the City of Milwaukie, Oregon, establishing the 2024 City Council meeting schedule.

C. Resolution 2-2024: A resolution of the City Council of the City of Milwaukie, Oregon, designating the 2024 papers of record.

D. Resolution 3-2024: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a public improvement contract with T Bailey Inc. to provide construction services for the Stanley Reservoir Improvement Project.

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

7. BUSINESS ITEMS

A. Lewelling Safe Routes to Schools (SRTS) Grant – Update

Garbely introduced Nick d'Alonzo and Stephan Lashbrook, Milwaukie residents.

d'Alonzo provided an update on the Lewelling neighborhood's work to prepare a SRTS grant for the city, noting the possibility of receiving more funding from the state than had previously been applied for and application guidelines that should favor the city's application, and asked Council to sign a letter in support of the application.

The group reviewed the grant application and review process timeline, noting the role of the neighborhood in supporting city staff in applying for and implementing the SRTS projects. They also noted what projects additional funding could pay for if received.

There was a consensus among Council to sign the SRTS grant application letter.

Mayor Batey announced that Council would proceed to agenda item 8. A.

8. PUBLIC HEARING

A. Repeal of the Downtown and Riverfront Public Area Requirements (DRPAR) – Ordinance

Call to Order: **Mayor Batey** called the public hearing on the proposed repeal of the DRPAR, to order at 7:24 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to hear the staff report and take public comment on the proposed repeal of the DRPAR.

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

Staff Presentation: **Garbely** explained that because the policy intentions of the DPRAR had been adopted elsewhere in city policies and regulations, the DRPAR was obsolete and should be repealed.

Correspondence: No correspondence on the hearing topic had been received.

Audience Testimony: No audience member wished to address Council.

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

Close Public Comment: **It was moved by Council President Nicodemus and seconded by Councilor Massey to close the public testimony part of the DRPAR repeal hearing. Motion passed with the following vote: Councilors Stavenjord, Khosroabadi, Massey, Nicodemus, and Mayor Batey voting “aye.” [5:0]**

Mayor Batey closed the public comment part of the hearing at 7:26 p.m.

Council Decision: **It was moved by Council President Nicodemus and seconded by Councilor Massey for the first and second readings by title only and adoption of the ordinance, repealing the Downtown and Riverfront Public Area Requirements. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]**

Ober read the ordinance two times by title only.

Stauffer polled the Council with Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Ordinance 2238:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, REPEALING THE DOWNTOWN AND RIVERFRONT PUBLIC AREA REQUIREMENTS.

7. BUSINESS ITEMS (continued)

B. Community Survey Briefing – Report

Sagor introduced Miranda Everitt, FM3 Research, and provided an overview of the city’s periodic community survey.

Everitt explained the methodology used to conduct the survey and reported on the surveys' results. The survey found that the city enjoyed a high approval rating from residents and that crime/safety, homelessness, affordable housing, and roads were top concerns. The group reviewed responses to survey questions that covered utility costs, services, parks, events, neighborhoods, the library, and city communications.

Councilor Stavenjord, Everitt, and Sagor noted why the question about accessibility to downtown had been removed from this year's survey and remarked on the survey findings about the cost of housing for lower-income residents, noting which income and ethnicity demographics found Milwaukie more affordable.

Councilor Khosroabadi remarked on what the survey reported in terms of housing affordability for low-income and Black, Indigenous, and People of Color (BIPOC). **Khosroabadi** and **Everitt** commented on why fewer community members were engaging with the city as reported in the survey.

Councilor Massey and Everitt discussed how the city could gauge residents' intensity of interest for the top issues of concern that had been reported. **Massey, Everitt, and Sagor** noted the impact and possible benefits of changing survey questions over time and how Milwaukie's survey responses compared to other cities.

Mayor Batey and Everitt remarked on why crime/safety had increased as a concern of residents, noting the impact of regional issues on resident perspectives. They commented on how the survey results filtered out respondents who report a lack of knowledge about any given topic, what the results said about resident perspectives on downtown parking, and the difference in responses from east Milwaukie and west Milwaukie residents regarding the library question.

Councilor Khosroabadi agreed that the increase in crime/safety as a top issue was concerning. **Khosroabadi** and **Everitt** remarked on what the survey showed in terms of resident concerns about the cost of living in Milwaukie. **Sagor** and **Everitt** noted what different demographic groups thought about housing costs.

Mayor Batey observed that the survey results showing resident support for a parks levy was encouraging.

9. COUNCIL REPORTS

A. Legislative and Regional Issues – Discussion

Stauffer noted that the 2024 state legislative session would be short and asked for Council feedback on which bills and issues to track during the session.

Mayor Batey noted there would be fewer issues to track given the short session and noted the League of Oregon Cities (LOC) interest in supporting changes to Measure 110. **Batey** also noted possible legislation in follow-up to housing bills considered in the 2023 session and **Briglio** noted that a 2023 bill allowing commercial zoned properties to be used for residential housing had gone into effect. **Batey, Briglio, and Ober** noted there was interest in using commercial properties in Milwaukie for residential uses.

Council Reports

Mayor Batey commented on the decision of the North Clackamas Parks and Recreation District (NCPRD) Board to terminate leases at the district-owned Wichita Center in Milwaukie and a charter school in unincorporated Clackamas County. **Batey** believed the district board's action was contrary to what they had agreed to do when the properties

had been acquired from the North Clackamas School District (NCSD). **Batey** also noted that two leaders of the NCPRD District Advisory Committee (DAC) had resigned.

Resignation of Council President Nicodemus

Council President Nicodemus announced his resignation from Council effective immediately, citing a lack of time to work full time and serve on Council.

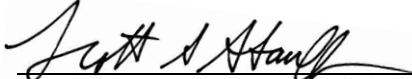
Council and staff thanked Council President Nicodemus for serving Milwaukie.

10. ADJOURNMENT

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

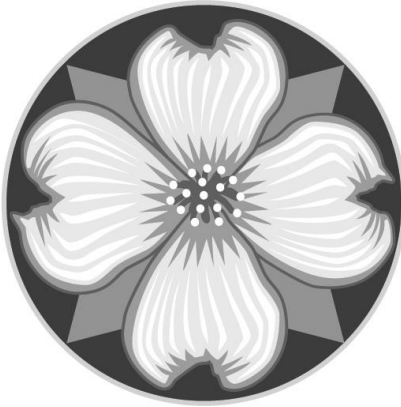
Mayor Batey adjourned the meeting at 8:37 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder

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RS Agenda Item

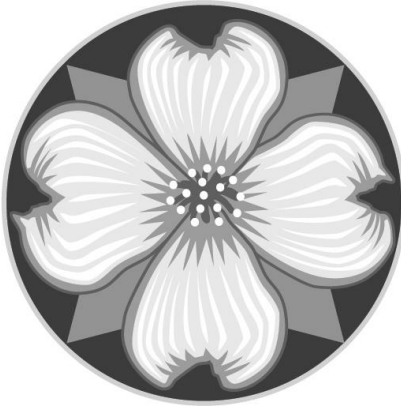
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Announcements



Mayor's Announcements – January 2, 2024

- **2023 Volunteer of the Year – Nominations Accepted Until Feb. 14, 2024**
 - Anyone who resides in Milwaukie or is a member of a non-profit or business that serves Milwaukie is eligible.
 - Those nominating the person are asked to discuss the nominee's volunteer work and how it has improved Milwaukie.
 - Nominations can be submitted at engage.milwaukieoregon.gov.
- **Drop off your Christmas Tree and Help Improve Fish Habitat – Sat., Jan 6, 2024 (10 AM – 2 PM)**
 - Organized by the North Clackamas Watersheds Council (NCWC) and the North Clackamas Parks and Recreation District (NCPRD)
 - Takes place in North Clackamas Park, 5440 SE Kellogg Creek Dr., Parking Area A
 - No plastic, tinsel, or frosted trees accepted
 - Suggested \$5 fee
 - Volunteers also welcome to help tie down trees at Spring Park on Sat., Jan. 27
- **City Offices and Library Closed on Jan. 15, 2024 in Observance of Martin Luther King Jr. Day**
- **City Manager Open Door Session – Fri., Jan. 26, 2024 (9 AM – 10 AM)**
 - City Manager, Ann Ober, hosts another open-door session for community members.
 - No sign-up is necessary. First come, first served.
 - Sessions take place at City Hall (10501 SE Main St.).
- **LEARN MORE AT [WWW.MILWAUKIEOREGON.GOV](https://www.milwaukieoregon.gov) OR CALL 503-786-7555**



RS Agenda Item

4

Special Reports

**RS 4. A. 1/2/24
Presentation**

Legal Pathways for Local Governments to Regulate Natural Gas in Oregon

Agenda

2

- ❑ Authority
- ❑ Barriers – The Layer Cake
 - ❑ Franchise agreements / licensing ordinances
 - ❑ Uniform Building Code
 - ❑ *California Restaurant Ass'n v. Berkeley*(EPCA)
- ❑ Potential Pathways to Regulate Natural Gas

General Principles of Local Authority in Oregon

3

Oregon Constitution allows cities and counties to govern by *home rule*.

Home rule authority grants local governments the authority to exercise “police powers.”

Two Questions:

- (1) whether the local law is authorized and permissible under the locality’s charter and more broadly under principles of home rule in Oregon; and
- (2) whether the local law is *preempted* by state and/or federal law.

General Principles of Preemption in Oregon

4

Express preemption occurs when the state legislature “clearly” and “unambiguously” expresses its intent to preempt local policymaking on a particular subject.

Implied preemption occurs when the two laws are in conflict such that they cannot operate concurrently. In other words, the local law is preempted when the operation of the local law makes it impossible to comply with a state statute.

Courts generally start analysis by assuming that local enactments function consistently **with state laws**.

Uniform Building Code

5

State ex rel Haley v. Troutdale, 218 Or. 203, 576 P.2d 1238 (1978)

ORS 456.775(1) provided:

“The state building code shall be applicable and uniform throughout this state and in all municipalities therein, and no municipality shall enact or enforce any ordinance, rule or regulation **in conflict** therewith.”

Troutdale could adopt more stringent building code provisions so long as they were compatible with the state code.

The next session, the Oregon legislature amended the law

Now ORS 455.020(1) provides:

“The state building code shall be applicable and uniform ... and no municipality shall enact or enforce any ordinance, rule or regulation **relating to the same matters encompassed by the state building code but which provides different requirements** unless authorized by the Director of the Department of Consumer and Business Services.”

Energy Policy and Conservation Act (EPCA)

6

EPCA preempts any state or local regulation “concerning the energy efficiency, energy use, or water use of [a] covered product.”

Building code exception in 42 U.S.C. § 6297(f)(3).

California Restaurant Assoc v. Berkeley

7

“EPCA is concerned with the end-user’s ability to use installed covered products at their intended final destinations.”

“EPCA preempts Berkeley’s regulation here because it prohibits the installation of necessary natural gas infrastructure on premises where covered natural gas appliances are used.”

“A regulation on ‘energy use’ fairly encompasses an ordinance that effectively eliminates the ‘use’ of an energy source.”

“States and localities can’t skirt the text of broad preemption provisions by doing *indirectly* what Congress says they can’t do *directly*.”

Strategies for Local Governments

8

- ❑ Prohibition of fossil fuel piping in ROW
- ❑ Building Code Local Amendment
- ❑ Licensing Programs
- ❑ Building Performance Standards
- ❑ Voluntary Zoning Incentives

- ❑ **Building Emissions Ordinance**

Emissions Ordinances

City could adopt an ordinance regulating residential building emissions.

- ❑ Modeled after NY City's CO₂ building emissions ordinance and SCAQMD and BAAQMD NO_x appliance standards
- ❑ Set limits on the pollutant(s)--e.g. a "budget"
- ❑ Triggered if a building would emit or have the potential to emit (through the operation or installation of any appliance, equipment or process) one or more named pollutants
- ❑ Make ordinance applicable to a specified kind of "covered building"

Concept Ordinance

10

One

Notice of construction if “covered building” would emit or have the potential to emit NO_x (the sum of nitric oxide and nitrogen dioxide).

Two

The building shall not emit or have the potential to emit through the operation or installation of any appliance, equipment or process, NO_x emissions that exceed the regulated amount. Refer to EPA’s existing emissions rate calculations.

Three

Within 30 days of construction completion, a report must be filed listing the appliances and equipment installed in the building that emit or have the potential to emit NO_x.

Preemption Analysis

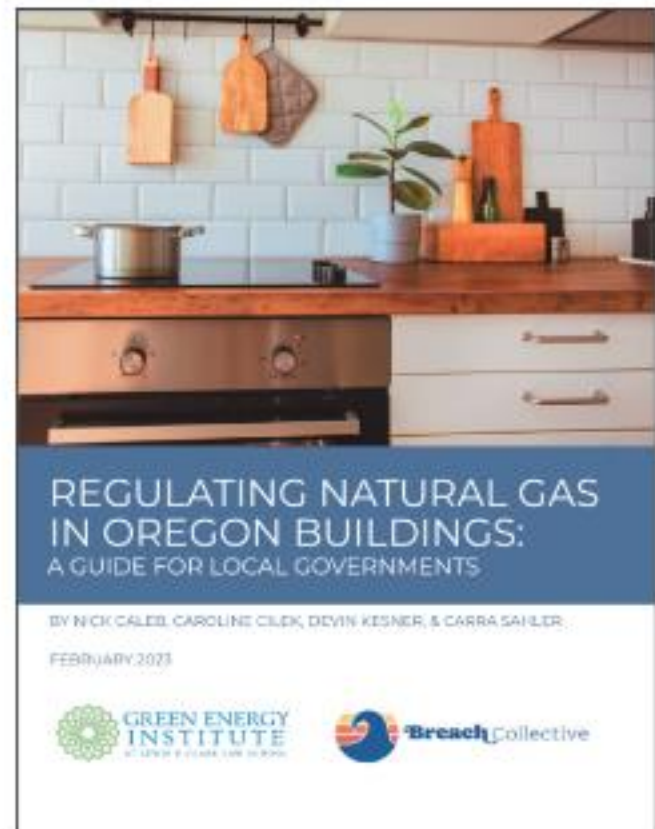
- ❑ Does the City's charter permit the adoption of such a regulation?
- ❑ Does any existing ordinance preclude the adoption of such a regulation?
- ❑ Does state law preclude the regulation?
- ❑ Does federal law preclude the regulation?
 - Clean Air Act
 - EPCA (as interpreted by the Ninth Circuit)

Contact Information

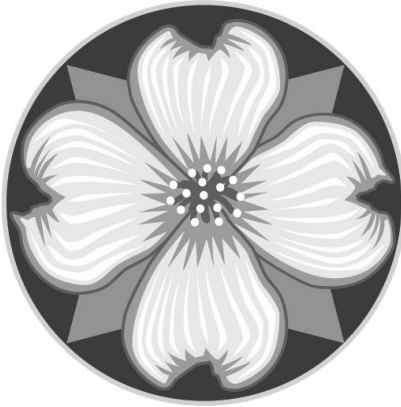
12



sahler@lclark.edu



Check out our [Guide!](#)



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: ANNE PERNICK

Organization:

Address: 4630 SE MITCHELL ST., Portland
Phone: 503-390-8516
Email: anne@stand.earth

Meeting Date: 1/2/24

Topic: _____

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:

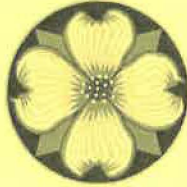
You are Speaking...

☐ **in Support**

☐ **in Opposition**

☐ **from a Neutral Position**

☐ **to ask a Question**



**CITY OF MILWAUKIE
CITY COUNCIL**

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Speaker Card

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Name: Greer Ryan

Organization: N/A

Address: 4418 SE Jackson St, Milwaukie

Phone: 812-345-8571

Email: greerbo11@gmail.com

Meeting Date: 1/2/24

Topic: _____

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**



January 2, 2024

Milwaukie City Council

Re: Support for Clean Energy Proposals

Mayor Batey and Milwaukie City Council;

Climate Solutions is a regional non-profit working in Oregon and Washington to accelerate clean energy solutions to the climate crisis. **We strongly support the proposals: (1) to commit to all-electric public buildings in Milwaukie; and (2) to raise the fee on NW Natural in the city's existing right of way ordinance to 10% in order to support staffing the city's climate program.**

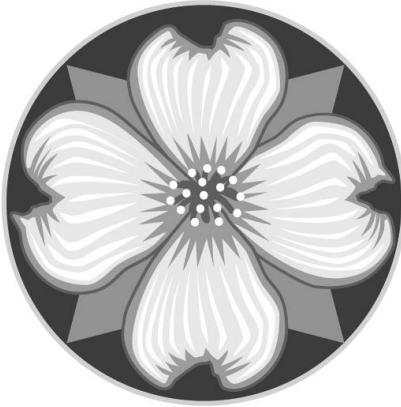
Climate change is one of the most existential threats to our planet, earth's species and ecosystems and our communities, and it is essential that Oregon's cities respond to this threat and decarbonize their buildings and energy systems. It is critical that the City require that all new buildings are all-electric and create a plan to transition all existing buildings to be all-electric, with an emphasis on supporting low-income, BIPOC and historically-marginalized communities in this transition. To do this, it is essential to ensure that the climate program at the City is properly funded and staffed.

In adopting these proposals, Milwaukie will be following leaders across the country at both the municipal and state levels. Numerous municipalities have adopted policies to shift building energy use off natural gas and towards electricity.

Weaning our homes and businesses off fossil fuels is an urgent necessity to combat the climate crisis. **We urge you to vote yes on these proposals. Thank you for your consideration.**

Sincerely,

Meredith Connelly
Oregon State Director
Climate Solutions



RS Agenda Item

6

Consent Agenda

COUNCIL WORK SESSION

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

MINUTES

DECEMBER 5, 2023

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

Staff Present: Emma Sagor, Assistant City Manager
Jennifer Garbely, City Engineer
Justin Gericke, City Attorney
Dan Harris, Events & Emergency
Management Coordinator
Ann Ober, City Manager
Tessie Prentice, Associate Engineer
Scott Stauffer, City Recorder

Council President Nicodemus announced that before the work session Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(o) to consider matters relating to the safety of the governing body and of public body staff and volunteers and the security of public body facilities and meeting spaces.

Council President Nicodemus called the meeting to order at 4:37 p.m.

1. Public Works Standards Update – Discussion

Garbely reviewed proposed updates to the city's Public Works Standards, explaining that Council would be asked to adopt the updated Standards in January 2024. It was noted that the Downtown and Riverfront Public Area Requirements (DRPAR) part of the Standards had been superseded by newer sections of the Milwaukie Municipal Code (MMC) and traffic regulations.

Councilor Khosroabadi and **Prentice** noted the Standards did not reference recycling cans alongside garbage cans and they agreed staff should look at adding recycling cans.

The group remarked on whether the DRPAR document still needed to exist given its regulations had been incorporated elsewhere. **Mayor Batey** expressed support for adding recycling cans with garbage cans.

Councilor Stavenjord, **Prentice**, and **Garbely** noted the Standards included language that allowed staff to update them without Council approval and that staff was seeking Council approval for these changes because of the proposal to repeal the DRPAR.

It was Council consensus that staff should bring the revised Public Work Standards for Council adoption in January.

2. Kellogg Creek Grant Update – Discussion

Neil Schulman, North Clackamas Watersheds Council (NCWC) executive director, reported on the Kellogg Creek dam removal project, noting project goals, federal and state support, project funding, and the construction timeline and conceptual design.

Prentice and **Schulman** reported that the Oregon Department of Transportation (ODOT) had signed agreements with the Union Pacific Railroad (UPRR) related to the dam removal. They noted nighttime sediment testing and the next steps in the project.

Schulman remarked on the need for additional funding for project construction.

Ober thanked Prentice, Schulman, and Council for leading the project and **Schulman** expressed appreciation to the city for partnering with the NCWC on river projects.

Council President Nicodemus and **Schulman** commented on the educational outreach opportunity of the dam removal and creek restoration projects.

Councilor Massey, Schulman, and **Ober** noted the importance of finding more funding to complete the project and keeping the public updated.

Prentice and **Schulman** commented on how the project would impact downtown Milwaukie and what initial sediment testing had found.

Mayor Batey expressed appreciation for the project and asked about the dewatering and UPRR work on the train trestle over Kellogg Creek. **Prentice** and **Schulman** confirmed the trestle work was not related to the dam removal project and they explained what dewatering work meant related to the trestle. They noted that ODOT's recent contracting work was for Phase 2 and possibly Phase 3 of the dam removal project.

Mayor Batey and **Schulman** noted that the public would receive more project updates as the project progressed to contracting and construction work.

3. Adjourn

Council President Nicodemus adjourned the meeting at 5:36 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL REGULAR SESSION

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

MINUTES**DECEMBER 5, 2023**

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

Staff Present: Ryan Burdick, Police Captain
Tony Cereghino, Police Captain
Jennifer Garbely, City Engineer
Justin Gericke, City Attorney
Dan Harris, Events & Emergency Management Coordinator
Mark Inman, Police Sergeant

Brandi Leos, Human Resources Director
Ann Ober, City Manager
Peter Passarelli, Public Works Director
Scott Stauffer, City Recorder
Luke Strait, Polic Chief
Glen Suchanek, Behavioral Health Specialist

Council President Nicodemus noted that Mayor Batey was participating in the meeting via Zoom and would therefore not chair the meeting.

Council President Nicodemus called the meeting to order at 6:03 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Council President Nicodemus announced upcoming activities including leaf drop sessions, the Milwaukie Historical Society's Christmas at the Museum event, the Clackamas Fire District (CFD) Operation Santa Claus donation event, the city's Winter Solstice event, and the 2023 Volunteer of the Year award nomination process.

3. PROCLAMATIONS AND AWARDS**A. Christmas Ships and Winter Events – Proclamation**

Harris remarked on the Christmas Ships sailing season and plans for the Winter Solstice event and **Council President Nicodemus** proclaimed December 1-17, 2023, to be Christmas Ships Days.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Council President Nicodemus reviewed the public comment procedures. **Ober** reported that staff had been working on several utility rate projects related to comments made during the November 14 community comments. **Ober** also noted the need for Council members to participate in the city's work with Clackamas County to locate a 23-hour stabilization center in Milwaukie.

It was noted that no audience members wished to speak to Council.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. October 17, 2023, regular session,
2. November 7, 2023, work session, and
3. November 7, 2023, regular session.

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

7. BUSINESS ITEMS

A. Behavioral Health and Housing Services Update – Report

Burdick and **Suchanek** provided an overview of the work of the Milwaukie Police Department’s (MPDs) behavioral health specialist (BHS) and associated support services provided over the first year of the BHS position’s existence. They noted MPD’s work with the Clackamas County Housing Authority and non-profit groups such as LoveOne, Inc.

Brandi Johnson, with LoveOne and A Father’s Hearth Ministries, and **Don Holden**, with LoveOne, remarked on how LoveOne works with MPD and the BHS to coordinate services for community members in need.

Councilor Khosroabadi appreciated the work of the BHS, MPD, and LoveOne, and remarked on the importance of providing mental health support services for veterans.

Councilor Massey asked what gaps the city could work on addressing. **Holden** and **Suchanek** suggested that housing and mental health support work could use more resources, increased community awareness, and long-term residential care facilities. **Burdick** thanked Strait and Ober for supporting the work of the BHS.

Ober noted that Council would receive additional updates on housing and health support services at future meetings.

Mayor Batey remarked on the importance of supporting the BHS and housing services work and asked about a navigation center opening soon. **Johnson** confirmed a new daytime navigation center would be open in 2025 to serve all county residents in need.

Mayor Batey asked about the availability and use of Narcan and noted the impact of providing mental health support services at local businesses. **Johnson**, **Suchanek**, and **Ober** commented on the distribution and use of Narcan in the community.

Councilor Stavenjord remarked on the role of local governments and non-profit organizations in providing mental health and housing services, and the value of using trauma informed language in providing such services and building relationships.

Council President Nicodemus remarked on the impact that the COVID-19 pandemic and tragic societal events had on the city’s urgency in hiring a BHS and the city’s ability to talk about the mental health and housing crises.

Strait expressed appreciation for Holden’s work and presented MPD meritorious service medals to Suchanek and Johnson for their work helping Milwaukie community members.

Ober thanked MPD and LoveOne for their work and asked Council to identify which of its members would serve as liaisons for the city’s housing and mental health work.

Councilors Khosroabadi and Massey volunteered to be liaisons for the city's mental health and housing work. **Councilor Stavenjord** commented on the personal impact of drug addiction and houselessness and offered to serve as a liaison. **Mayor Batey** supported having Councilors Khosroabadi and Stavenjord serve as Council liaisons. The group remarked on which Council members would serve as liaisons and it was Council consensus that Councilors Massey and Stavenjord would serve as liaisons.

Council President Nicodemus recessed the meeting at 7:29 p.m. and reconvened the meeting at 7:38 p.m.

B. Parks Governance Update – Discussion

It was noted there were no staff updates or Council questions on the city's parks work.

8. PUBLIC HEARING

A. 23rd Avenue Right-of-Way (ROW) Vacation – Ordinance

Call to Order: **Council President Nicodemus** called the public hearing on the proposed ROW vacation, to order at 7:40 p.m.

Purpose: **Council President Nicodemus** announced that the purpose of the hearing was to hear the staff report and take public comment on the proposed ROW vacation.

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

Staff Presentation: **Garbely** reported that the requested action was part of the final land use approval for the Milwaukie High School (MHS) reconstruction project, the proposed ROW vacation had been agreed to by city and North Clackamas School District (NCSD) staff, and the Planning Commission had approved the actions.

Correspondence: No correspondence on the hearing topic had been received.

Audience Testimony: No audience member wished to address Council.

Council Questions to Staff: None.

Close Public Comment: It was moved by Councilor Massey and seconded by Councilor Khosroabadi to close the public testimony part of the ROW vacation hearing. Motion passed with the following vote: Councilors Stavenjord, Khosroabadi, Massey, Nicodemus, and Mayor Batey voting “aye.” [5:0]

Council President Nicodemus closed the public comment at 7:44 p.m.

Council Decision: It was moved by Councilor Khosroabadi and seconded by Councilor Massey for the first and second readings by title only and adoption of the ordinance vacating the public street right-of-way within a segment of SE 23rd Avenue. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Ober read the ordinance two times by title only.

Stauffer polled the Council with Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Ordinance 2237:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, VACATING THE PUBLIC STREET RIGHT-OF-WAY WITHIN A SEGMENT OF SE 23RD AVENUE.

9. COUNCIL REPORTS

Councilor Massey provided an update on recent North Clackamas Watershed Council (NCWC) and Clackamas County Water Environment Services (WES) work.

Councilor Stavenjord asked if Council wanted to support a Clackamas County Coordinating Committee (C4) letter on tolling. It was Council consensus to support the regional letter on tolling that Councilor Stavenjord had asked Council to sign-on to.

Mayor Batey suggested Council think about moving the council reports part of regular session agendas to the monthly study session agenda.

10. ADJOURNMENT

Council President Nicodemus announced that after the regular session Council would meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations, and (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 Councilor Massey and seconded by Councilor Khosroabadi to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Council President Nicodemus adjourned the meeting at 7:52 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 13, 2023

Reviewed: Nicole Madigan, Deputy City Recorder

From: Scott Stauffer, City Recorder

Subject: **2024 Council Meeting Dates**

ACTION REQUESTED

Council is asked to designate its regular meeting schedule for calendar year 2024.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Council sets its meeting schedule by adopting a resolution at the beginning of each calendar year.

[January 3, 2023](#): Council adopted [Resolution 2-2023](#), establishing its 2023 meeting schedule.

ANALYSIS

[Milwaukee City Charter Section 20](#) requires Council to hold meetings in the city at least twice a month and [Milwaukee Municipal Code \(MMC\) 2.04.070](#) requires Council to provide notice of its regularly scheduled meeting times and locations. The proposed resolution establishes the dates and times of the work, regular, and study session meetings.

Work sessions are held on the same day as, and usually before, regular sessions. Work sessions are informal meetings where Council may consider a limited number of agenda items and may not take any official action. *Regular sessions* are formal business meetings where ceremonial and business items are considered and acted upon. Work and regular sessions have historically been held on the first and third Tuesdays of each month.

Study sessions are informal meetings where one or two topics may be considered in-depth. These meetings are typically held on the second Tuesday of each month.

In recent years, regular session meetings have started at 6 p.m. However, because of the logistical issues created by the COVID-19 pandemic, in 2020 Council revised its meeting schedule to be more flexible in establishing the starting time of regular session meetings.

Council meetings have historically been held in-person at city facilities such as City Hall, the Public Safety Building (PSB), and the Ledding Library. Due to the COVID-19 pandemic and changes in state public meeting laws enacted in 2021, Council has conducted all possible meetings in-person and via Zoom video conference. The proposed resolution includes language that notes the logistical need to meet via video conference.

Since the city moved to a new city hall building in the last year, the proposed resolution also notes the address of new city hall.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

Staff have not received any requests to change the Council meeting schedule.

STAFF RECOMMENDATION

Staff recommends Council adopt the proposed resolution to establish its 2024 meeting calendar.

ALTERNATIVES

Council may direct staff to set different meeting dates and times for its regular meetings.

ATTACHMENTS

1. Resolution



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING THE 2024 CITY COUNCIL MEETING SCHEDULE.

WHEREAS Milwaukie City Charter Section 20 requires City Council to hold a regular meeting in the city at least twice a month at a time and place that it designates; and

WHEREAS Milwaukie Municipal Code (MMC) 2.04.070 requires the City Council to provide notice of its regular meeting times and locations; and

WHEREAS the City Council adopted Resolution 2-2023, which established that regular session meetings would be held on the first and third Tuesday of each month during the year 2023.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon:

Section 1. Regular Session City Council meetings will be held on the first and third Tuesday of each month at 6:00 p.m., or at a different time if special circumstances warrant, in the Council Chambers at City Hall, 10501 SE Main Street, and via video conference, or at a designated alternate location as required and allowed by the Public Meetings Laws of the State of Oregon.

Section 2. The City Council may schedule work or study sessions, if deemed necessary by the members, and hold them either before or after the regular session or on alternative meeting dates. Further, the City Council may cancel any work session or study session if there are insufficient agenda topics to warrant convening a meeting.

Section 3. The city recorder is directed to provide notice to the public of all City Council meetings as required by law.

Section 4. Resolution 2-2023, adopted January 3, 2023, is repealed.

Section 5. This resolution is effective **January 2, 2024**.

ATTEST:

Lisa M. Batey, Mayor

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

Reviewed: Nicole Madigan, Deputy City Recorder, and
Kelli Tucker, Accounting & Contracts Specialist

From: Scott Stauffer, City Recorder

Subject: **2024 Papers of Record**

Date Written: Dec. 13, 2023

ACTION REQUESTED

Council is asked to designate the city's newspapers of record for calendar year 2024.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Since 1992, the Council has adopted an annual resolution designating the city's papers of record.

[January 3, 2023](#): Council adopted [Resolution 1-2023](#), establishing the 2023 papers of record.

ANALYSIS

To ensure that the people of Milwaukie are informed about the work of their government, and pursuant to Oregon Revised Statute (ORS) 192.620, the city is required to provide public notice of all "deliberations and decisions" of a governing body. To comply with the law, the city posts meeting notices online, in The Pilot newsletter, and in public viewing areas at city facilities. The city may also post certain notices, decisions, and issues in local newspapers.

To ensure that the papers of record continue to meet the definition of a paper of "general circulation" as required by statute, the six papers identified in the proposed resolution are [The Oregonian](#), [The Portland Tribune](#), [The Portland Business Journal](#), [The Daily Journal of Commerce \(DJC\)](#), [The Asian Reporter](#), and [The Portland Observer](#). These papers satisfy the statutory definition as they serve the Milwaukie area, and in the case of the DJC, reach necessary audiences for project bidding and contracting purposes on a both a regional and statewide platform.

Most of the newspapers identified in the resolution have been the city's papers of record for many years, although their official titles have changed over time. For most of the twentieth century The Milwaukie Review, later known as The Clackamas Review, served the city's noticing needs. However, in 2023 the Pamplin Media Group, which owns the Milwaukie Review, announced that [the paper was reverting back to its historical Milwaukie Review name and becoming a monthly publication](#) that does not carry public notices. To provide a replacement option for posting public notices, the Pamplin-owned Portland Tribune has been added to the list of the city's designated papers of record for 2024. The Portland Business Journal has also been added to the list to provide further options for publishing public notices.

In July 2023, the city opted to update public contracting rules that added a requirement to advertise all formal solicitations in minority-focused publications or with minority-focused organizational outlets to improve outreach and increase exposure of contracting opportunities to

businesses certified with the State of Oregon's Certification Office for Business Inclusion and Diversity (COBID). The Asian Reporter and The Portland Observer are the two primary papers of record for 2024 that meet this procurement requirement.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

Staff have not received any requests to change the city's papers of record.

STAFF RECOMMENDATION

Adopt the proposed resolution designating the papers of record.

ALTERNATIVES

Council may direct staff to set identify different newspapers to designate as papers of record.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
DESIGNATING THE 2024 PAPERS OF RECORD.**

WHEREAS Oregon Revised Statute (ORS) 192.620 requires the public be informed of “the deliberations and decisions” of the governing body, and

WHEREAS ORS 193.010 defines a newspaper of general circulation and ORS 193.020 defines a newspaper in which public notices may be published, and

WHEREAS The Portland Tribune, The Oregonian, The Daily Journal of Commerce, The Asian Reporter, and The Portland Observer meet city public noticing needs and state law requirements.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, that The Portland Tribune, The Oregonian, The Daily Journal of Commerce, The Asian Reporter, and The Portland Observer are designated as the papers of record for the City of Milwaukie for calendar year 2024.

Introduced and adopted by the City Council on **January 2, 2024**.

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: Dec. 13, 2023

Reviewed: Jon Hennington (as to form), Administrative Specialist

From: Peter Passarelli, Public Works Director

Subject: **Stanley Reservoir Improvement Project**

ACTION REQUESTED

Council is asked to authorize the city manager to approve a public improvement contract with T Bailey, Inc. in the amount of \$2,645,314 (base bid) for improvements to the 3.0-million-gallon Stanley reservoir.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[June 7, 2022](#): Council adopted the 2023-2024 Biennium Budget and Capital Improvement Plan (CIP) that identified the Stanley Reservoir project and allocated \$2.7 million of American Rescue Plan Act (ARPA) revenues for this project.

ANALYSIS

The 3.0-million-gallon Stanley Reservoir located at 11800 SE Stanley Avenue in Milwaukie is a 128-foot diameter and 34-foot tall ground level welded steel reservoir that was constructed in 1970 and supplied by Well 6 that is adjacent to the reservoir. The exterior coating is failing, and the interior coating is in poor condition as well and needs to be replaced. It is believed that the coatings were last replaced in the 1980s. Construction plans and specifications for this project were developed by Water Systems Consultants, Inc (WSC). Specific project work includes the following:

- Removal of existing exterior coating with heavy metal containment, abatement & disposal.
- Coating exterior of tank with new epoxy/polyurethane system.
- Removal of existing interior coating and painting of tank interior with 3-coat epoxy system.
- Structural repairs including miscellaneous chipping and grinding, seam sealing, grout repair, rafter repair, and foundation repair.
- Replacement of existing 24-inch diameter shell hatch with a 30-inch diameter hatch.
- Installation of clog-resistant vent.
- Installation of flexible connections at tank inlet and outlet pipes.
- Relocation of tank overflow pipe to exterior of the tank.
- Modification of existing drainage piping.
- Ladder modifications include replacing the exterior ladder, installing a safe-climbing device on the new exterior ladder, removal of the exterior ladder safety cage, and modification of platform safety rails.
- Installation of tank mixing system.

The following alternate work was also considered:

- Installation of cathodic protection system.

On December 6, 2023, the city solicited and received the following bids:

Bidder	Base Bid	Additive	Total
Saunders	\$3,219,550	\$64,000	\$3,283,550
Long Painting	\$3,580,277	\$87,750	\$3,668,027
T Bailey, Inc.	\$2,645,314	\$73,750	\$2,718,814
Purcell	\$3,094,300	\$71,400	\$3,165,700
Paso Robles	\$2,817,881	\$65,550	\$2,883,431

The bid received from Paso Robles was untimely and was declared invalid.

After the evaluation of the bids, the project team decided to only accept the base bid and to reject the additive alternative for the cathodic protection system. It was determined that the coatings systems being used would provide adequate protection to the tank and that periodic maintenance of the cathodic protection system would require additional time and financial resources to maintain.

Contractor Responsiveness and Experience

Staff reviewed the low bid received from T Bailey, Inc. for items required for a complete bid package, evaluated bid pricing, and reviewed T Bailey's qualifications, experience, and construction contracting history.

The low bid from T Bailey, Inc. was deemed by staff to be responsive and responsible. The reference projects, experience, and qualifications establish that T Bailey can construct the well house as planned. T Bailey, Inc. is a licensed and bonded company in the State of Oregon and has extensive construction experience with tower and reservoir rehabilitation and construction.

Bid Pricing

No math errors were discovered on T Bailey's bid form and the total bid amount stated in both figures and words were found to be correct and consistent.

Schedule

Upon execution of the contract, it is expected that the contractor will request that the reservoir be drained for inspection and field measurement. This will occur during the spring of 2024 and the tank will be put back into operation with the work commencing in the fall of 2024.

With a minimum of two weeks' notice, the Contractors may request and the city will draw down the Stanley Reservoir for the purposes of fulfilling the work after October 1, 2024. If water demands are unseasonably high, the city may elect to wait up to one (1) month, or until November 1, 2024, to draw down the tank. In this event, the substantial completion date will be extended by the same amount of time caused by the delay. All work shall be substantially complete by April 1, 2025, so that the reservoir can be online and again used by the city.

BUDGET IMPACTS

The planned budget for this project is \$2.7 million and is fully funded with ARPA shared revenues. The base bid from T Bailey, Inc. was \$2,645,314, which was below the budgeted amount. This project is expected to not increase operating expenditure.

WORKLOAD IMPACTS

WSC will provide construction engineering services for the construction phase of the project. City staff will supplement inspection needs of the project as necessary.

COORDINATION, CONCURRENCE, OR DISSENT

Not applicable.

STAFF RECOMMENDATION

Staff recommends that Council authorize the city manager to approve a public improvement contract with T Bailey, Inc. in the amount of \$2,645,314 (base bid) for improvements to the 3.0 million Gallon Stanley reservoir.

ALTERNATIVES

1. Award the project as presented in the amount of \$2,645,314.
2. Award the project in the amount of \$2,718,814 and include the additive alternate.
3. Reject the bid and direct staff to revise and rebid the project.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING A PUBLIC IMPROVEMENT CONTRACT WITH T BAILEY INC. TO PROVIDE CONSTRUCTION SERVICES FOR THE STANLEY RESERVOIR IMPROVEMENT PROJECT.**

WHEREAS the city's 3.0-million-gallon Stanley Reservoir requires the exterior and interior coating systems to be replaced, seismic improvements and other repairs; and

WHEREAS public works staff solicited and received bids on December 6, 2023, for the Stanley Reservoir improvements; and

WHEREAS T Bailey, Inc. was deemed to be responsive and qualified.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager is authorized to approve a public improvement contract with T Bailey, Inc. in the amount of \$2,645,314 to provide construction services Stanley Reservoir Improvement Project.

Introduced and adopted by the City Council on **January 2, 2024**.

This resolution is effective immediately.

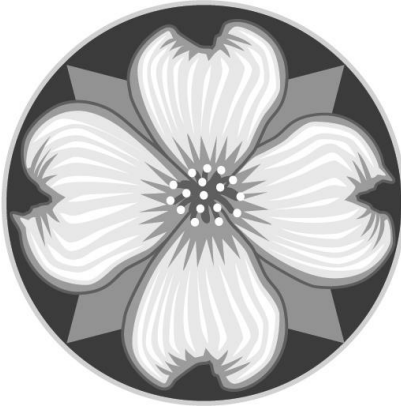
Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



RS Agenda Item

7

Business Items

The City Council fully supports the City of Milwaukie's submission of the Safe Routes To School (SRTS) Construction Grant application for Seth Lewelling Elementary School and the surrounding area, for the funding cycle beginning in 2024.

This application is the culmination of more than two years of focused work by the Lewelling neighborhood to improve traffic safety for students and residents of the area. Spearheaded by the Lewelling Neighborhood District Association and supported by the Lewelling PTO, the work has produced an Action Plan that will serve as the template for the grant application. The Plan is a collaboration of the NDA, Seth Lewelling School, the City's engineering staff and Clackamas County and includes a list of infrastructure projects that will substantially improve the safety of students and residents of the community.

The SRTS project will complement scheduled traffic infrastructure improvements on King Rd and Linwood Ave and represents a coordinated effort by all concerned parties.

Lisa Batey, Mayor, Milwaukie
Desi Nicodemus, City Councilor, Milwaukie
Adam Khosroabadi, City Councilor, Milwaukie
Robert Massey, City Councilor, Milwaukie
Rebecca Stavenjord, City Councilor, Milwaukie

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Dec. 21, 2023

From: Emma Sagor, Assistant City Manager

Subject: **2023 Community Survey Results**

ACTION REQUESTED

Council is asked to receive information on the results of the community survey conducted by FM3 research in November 2023.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[April 19, 2022](#): Former Assistant City Manager Kelly Brooks and FM3 research provided a report of the 2022 Community Survey.

The city has conducted several past community surveys, most recently in spring 2022. While the city typically conducts community surveys every two years, management prioritized conducting a survey in 2023 to inform the development of an organizational strategic plan and the next biennium budget. For the 2023 survey many of the questions were repeated from the previous surveys, but some questions were altered to focus on current city issues and concerns.

ANALYSIS

Research Methodology

The community survey was conducted November 3-15, 2023. The survey consultant, FM3, drew a stratified, random sample of residential households (sourced from city and/or the US Postal Service), then matched against publicly available records to obtain names and current contact information. The resulting data is then weighted using figures from the US Census Bureau to ensure that the survey reflects the demographic diversity of the city.

FM3 used an oversampling strategy to increase the number of Black, Indigenous, and People of Color (BIPOC) residents included in the survey. In total, 563 surveys were conducted, resulting in a 4.9% margin of error at the 95% confidence level.

Questionnaire

The survey was an address-based, dual-mode (telephone and online) via landline, cell phone and email. The pollster followed up via text messages as needed to improve response rates. Respondents were offered the opportunity to take the survey in English and Spanish.

Key Takeaways

A full report of the survey findings can be found in attachment 1. Key conclusions drawn from the data include the following:

- Residents are quite satisfied with the quality of life in Milwaukie and generally approve of how the city provides services, spends tax dollars, and seeks public input.
- Crime, homelessness, road maintenance and affordable housing are key topics that

residents would like the city to address.

- Services most valued by residents include street maintenance, attracting/retaining local businesses, police services, public safety, and utilities.
- Residents largely feel city staff are collaborative, accountable, and accessible. Residents are less sure whether staff are efficient or equitable.
- Residents especially value the Ledding Library's materials, youth programs, and weekend daytime hours.
- The *Milwaukie Pilot* is an important source of local information.

BUDGET IMPACTS

None, although survey findings have been made available to staff and Council with the intent of informing development of the 2025/2026 biennium budget.

CLIMATE & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

Staff sought input from all city departments regarding survey questions.

STAFF RECOMMENDATION

Not applicable.

ALTERNATIVES

Not applicable.

ATTACHMENTS

1. Survey Summary



CITY OF MILWAUKIE

Milwaukie Community Survey

*Results from a Survey of Milwaukie Residents
Conducted November 3-15, 2023*



OPINION
RESEARCH
& STRATEGY

Survey Methodology

Dates	November 3-15, 2023
Survey Type	Dual-mode Resident Survey
Research Population	Residents of Milwaukie ages 18+, Inclusive of Oversamples of Latinx Residents and Residents of Color
Total Interviews	563
Margin of Sampling Error	±4.9% at the 95% Confidence Level
Contact Methods	 Telephone Calls  Email Invitations  Text Invitations
Data Collection Modes	 Telephone Interviews  Online Interviews
Languages	English and Spanish

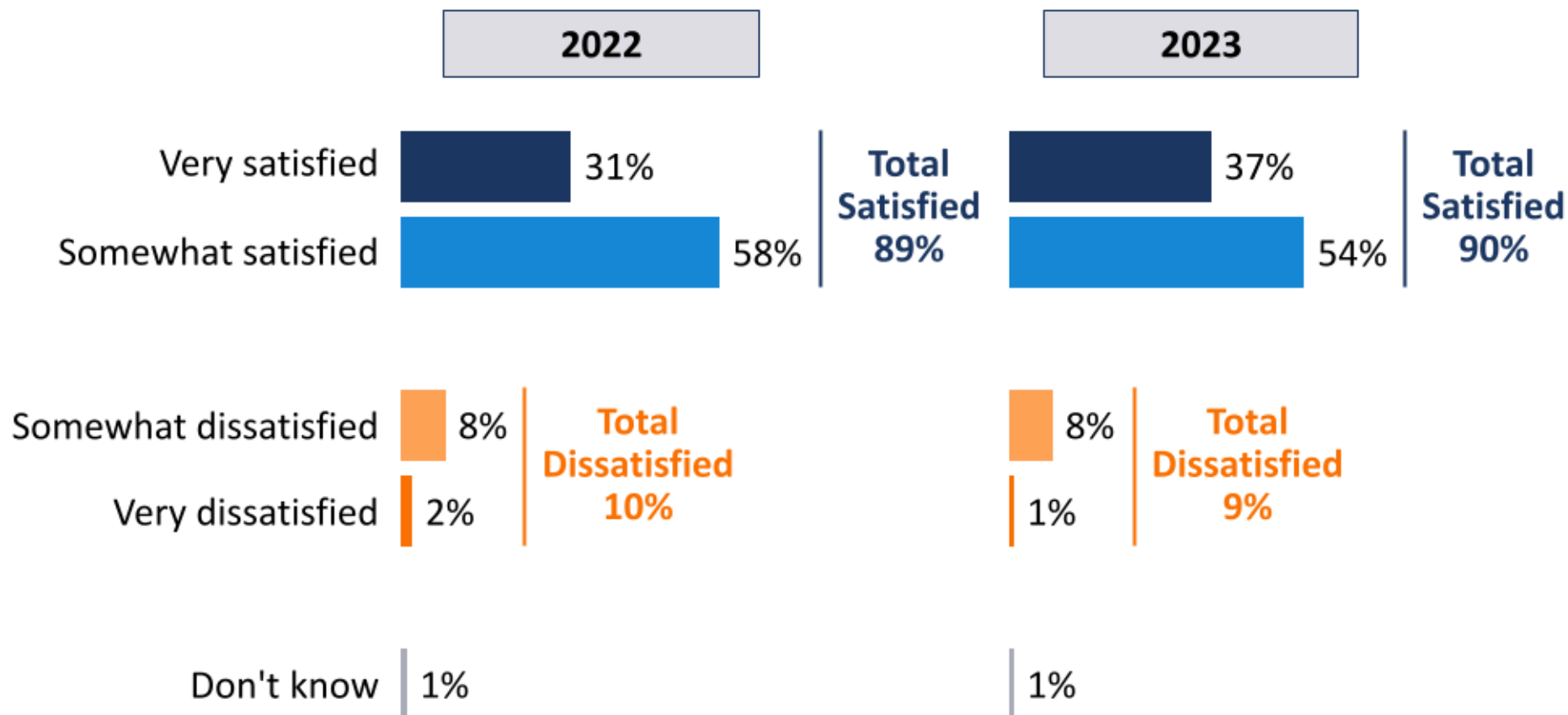
(Note: Not All Results Will Sum to 100% Due to Rounding)



Context

Nine in ten residents are satisfied with the quality of life in Milwaukie.

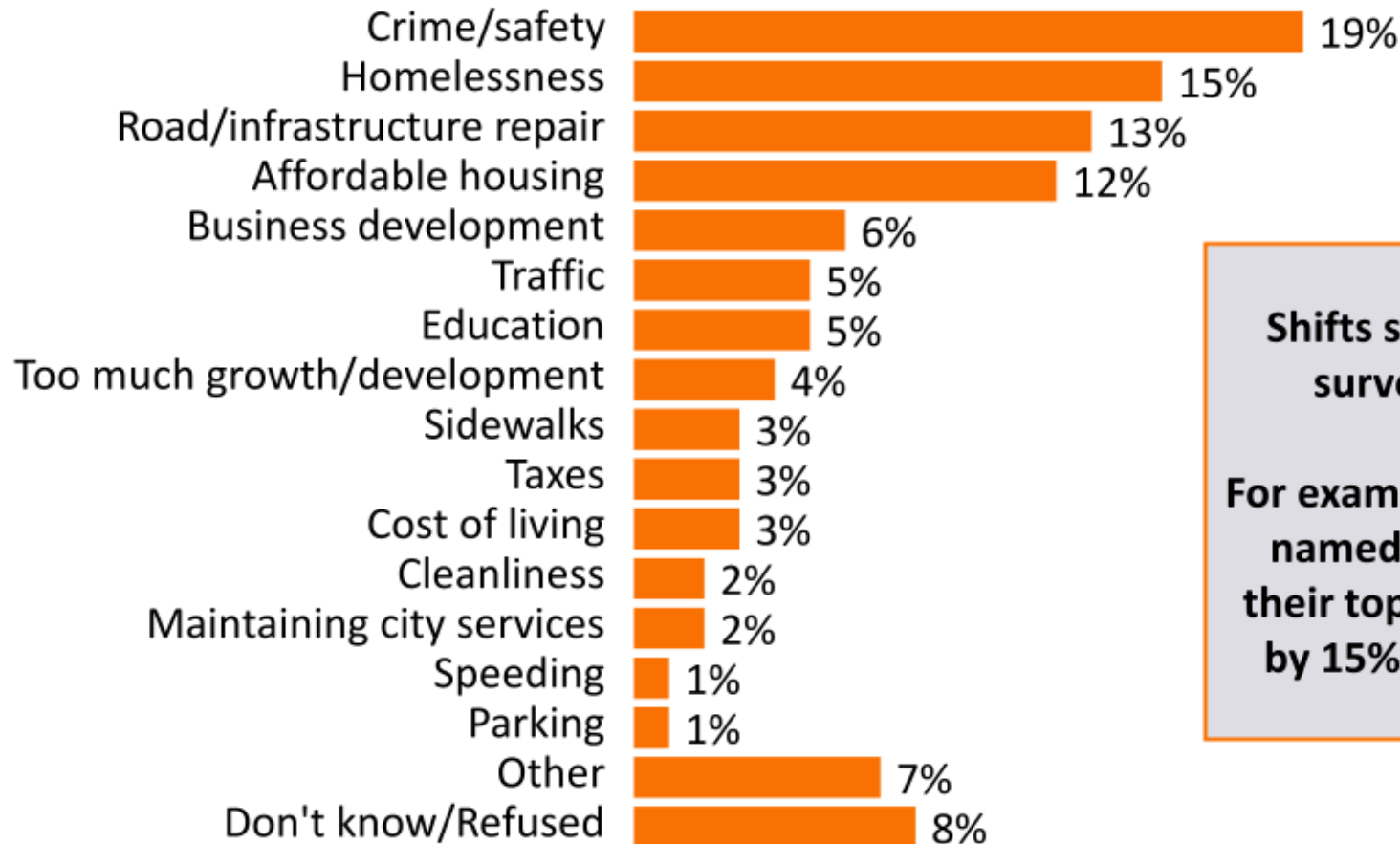
Please tell me how satisfied you are with the overall quality of life in Milwaukie: very satisfied, somewhat satisfied, somewhat dissatisfied, or very dissatisfied.



Residents' top concern is crime, followed closely by homelessness, housing costs and road repairs.

For you personally, what is the single most important issue for the City of Milwaukie to address over the next year?

(Open-ended)



Shifts since last year's survey are small.

For example, in 2022, 16% named homelessness their top issue, followed by 15% naming crime.

Verbatim Responses on Most Important Issue

Continued walkability, maintaining the tree canopy and not allowing homeowners to remove long-standing trees.

They are making the roads too narrow for cars, and too much space for bikes and walking.

They're changing quite a bit of things traffic wise, rather than address the problems like speeders, they're putting up more stop signs and more speed bumps.

Stop building apartments.

Reduction of visible homeless activity.

Property tax increases.

Keeping low-income people housed so they don't become homeless.

Supporting businesses and the continued development of the downtown area to drive additional growth opportunities.

Making downtown more vibrant.

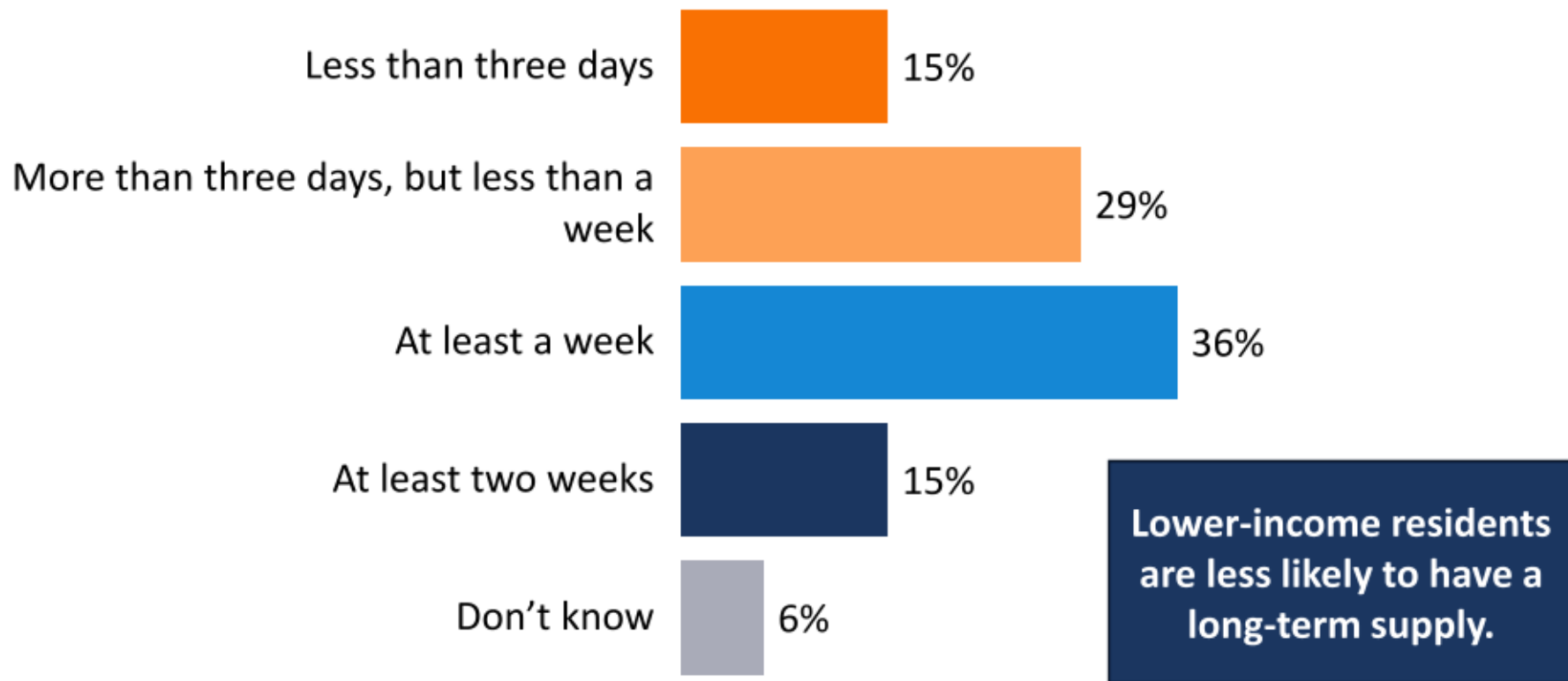
Law enforcement.
Keep drugs and homelessness in check.

Bringing more business to downtown and our local shopping area like SE Oak Street.

More police follow up and investigation.

Most residents have at least a week's worth of supplies on hand in case of major disaster.

My next question is about the supplies you currently have on hand in case of a major disaster. How long could your household go without outside assistance for food, water, and medication?



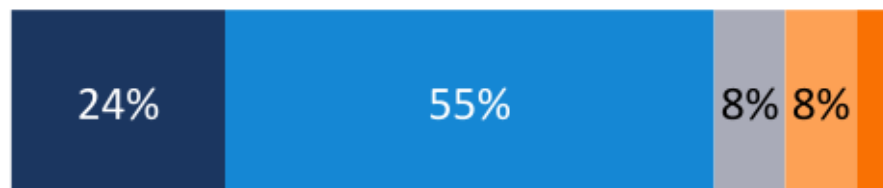


Views of City Services

Four in five approve of the quality of City services; broad majorities also approve of public spending.

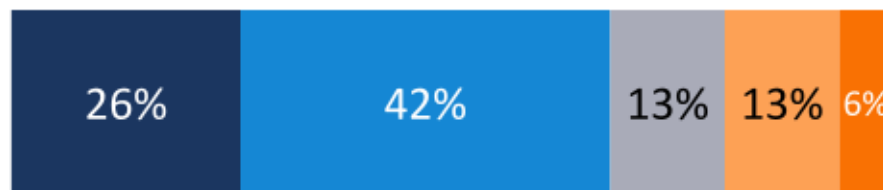
■ Strng. App. ■ Smwt. App. ■ Don't Know ■ Smwt. Disapp. ■ Strng. Disapp. **Total App.** **Total Disapp.**

The quality of services provided by the City of Milwaukie



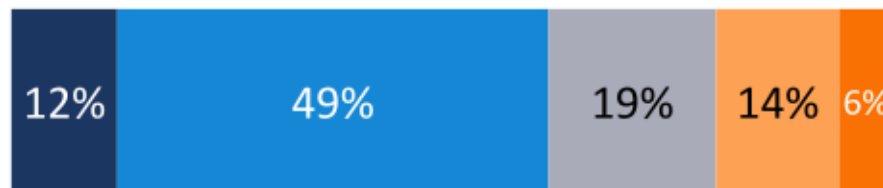
80% **12%**

How the City of Milwaukie seeks input from residents on plans and projects on Engage Milwaukie and other platforms



68% **19%**

How the City of Milwaukie spends the tax dollars it receives



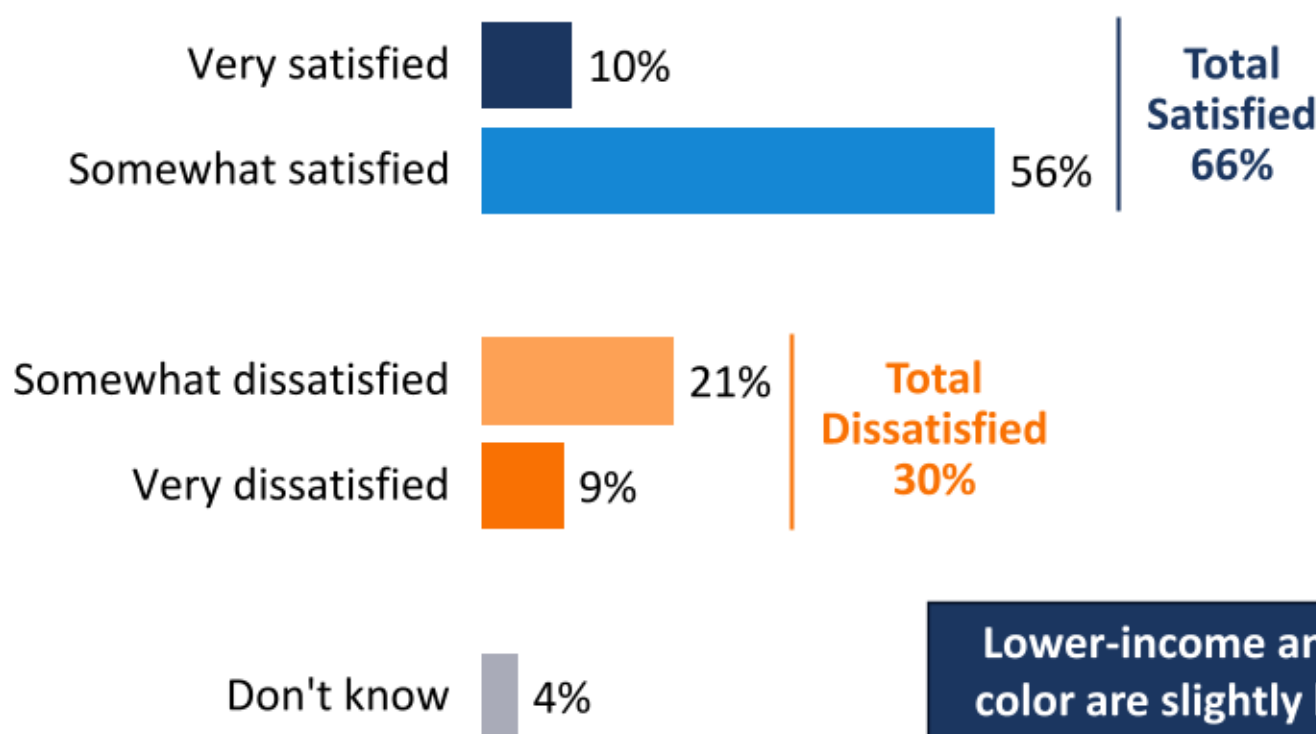
61% **20%**

These attitudes are very consistent with last year.

Aspect of City Government (Total Approve)	2022	2023	Difference
How the City of Milwaukee spends the tax dollars it receives	58%	61%	+3%
The quality of services provided by the City of Milwaukee	79%	80%	+1%
How the City of Milwaukee seeks input from residents on plans and projects on Engage Milwaukee and other platforms	69%	68%	-1%

Two-thirds are satisfied with the value they receive for utility costs in Milwaukee.

Switching gears, are you satisfied or dissatisfied with the value you receive for the price you pay for utilities in the City of Milwaukee?



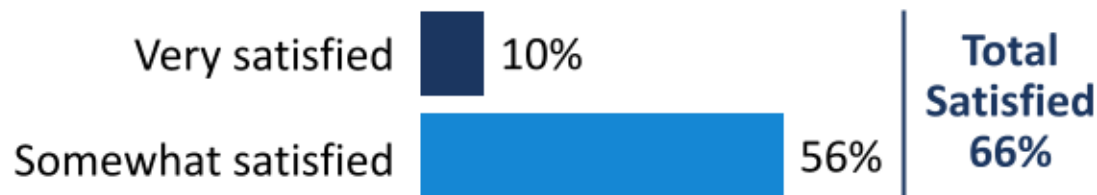
This question was asked slightly differently in the past – 47% said the cost is “about the right amount” in 2022, and 34% said the same in 2020.

Lower-income and non-Latinx people of color are slightly less satisfied and Latinx people are more satisfied.

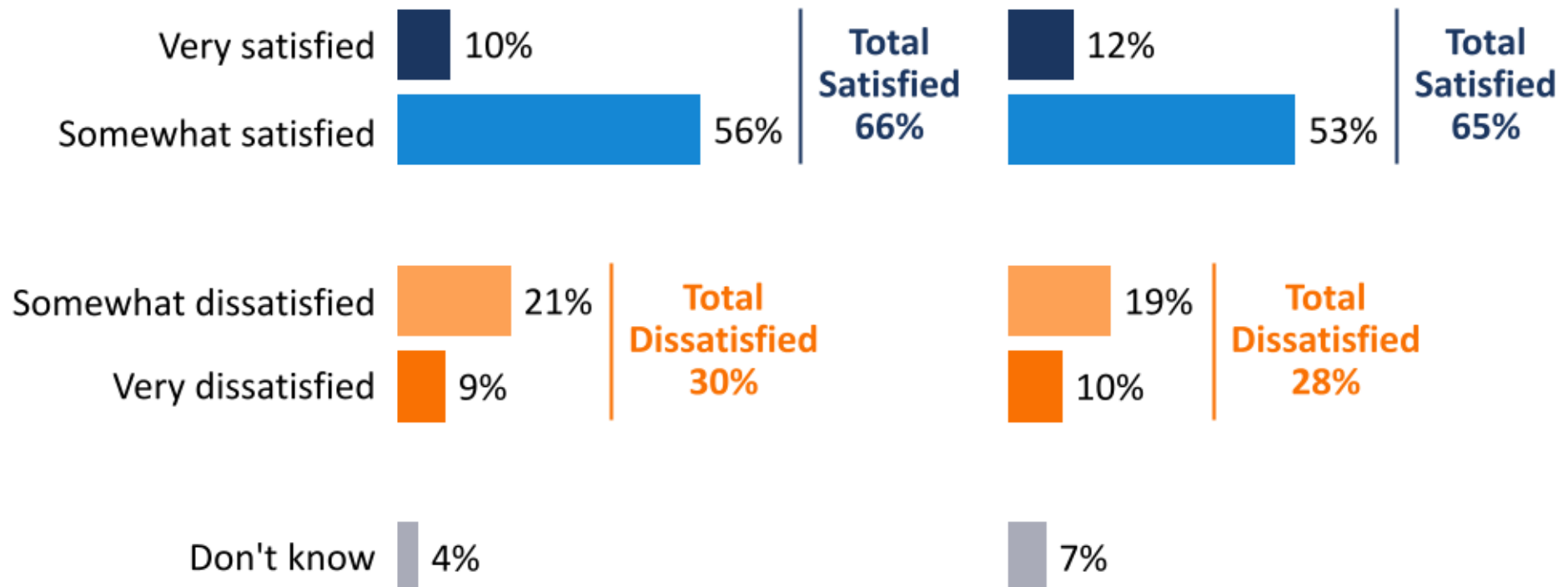
Given specific context about the typical cost, satisfaction levels are the same.

Right now, the average City of Milwaukie utility bill for a single-family household is \$139. This includes water, wastewater, storm water, street, and transportation system charges.

Initial Opinion



After Cost Description



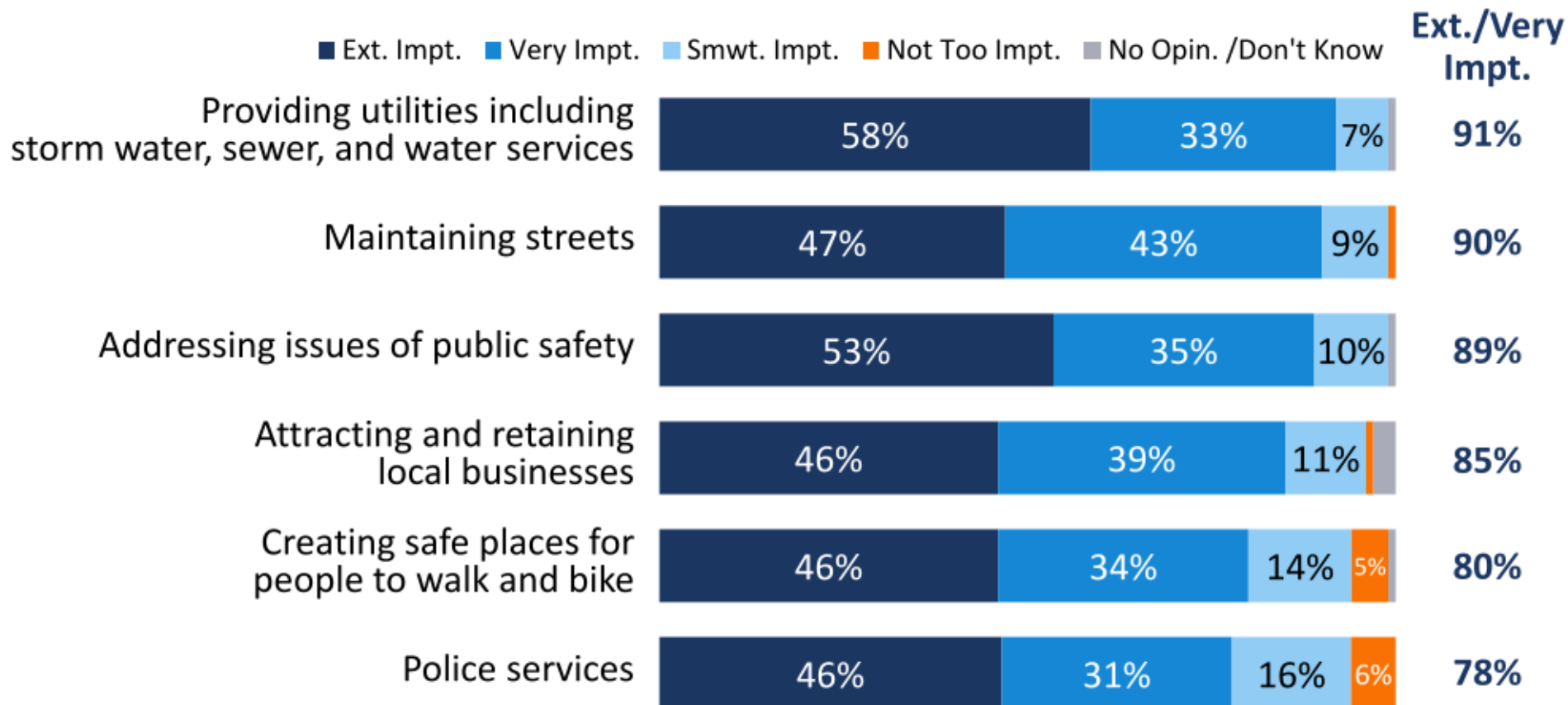
Assessing City Services in Detail



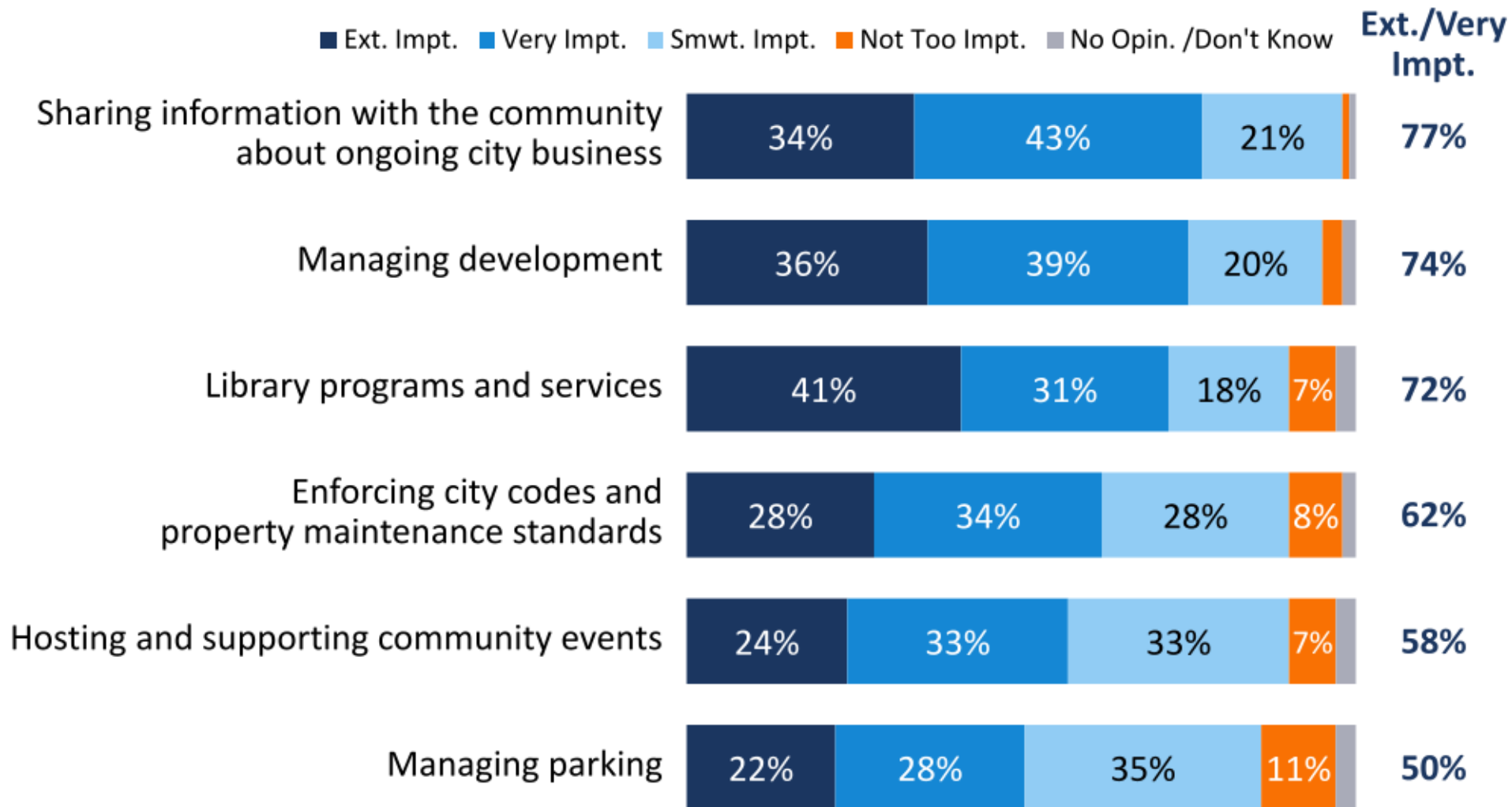
- In order to evaluate City services in more detail, we asked residents two questions about 13 key services:
 - *How important is the service to making Milwaukie a good place to live?*
 - *Are you satisfied or dissatisfied with that service?*
- Because not every resident uses every service, we also show results just for those with an opinion on satisfaction either way.
- Then, by comparing responses on these two metrics of importance and informed satisfaction, we can look at areas where the City is doing well (higher importance, higher satisfaction) and places with a particular need for improvement (higher importance, lower satisfaction).
- The following slides show results for each question and how the results compare.

Residents very broadly value City utilities, streets, public safety and attracting local businesses.

Let me ask you about some specific City services provided to Milwaukie residents. Please tell me how important each service is to making Milwaukie a good place to live: extremely important, very important, somewhat important, or not too important.



Majorities also value things like managing development, library programs, and community events.

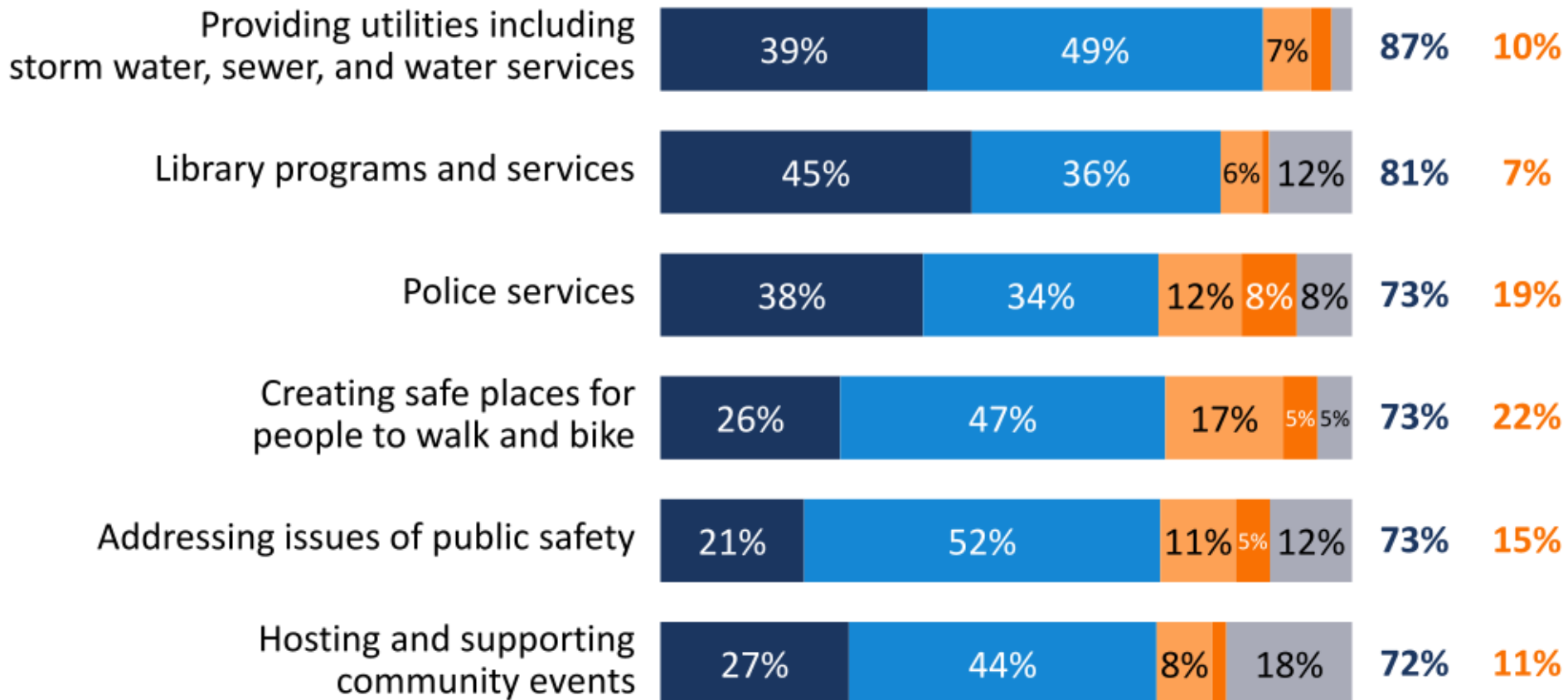


Residents are most satisfied with utilities, library programs, and police services.

I am going to read you the same list of services. Please tell me how satisfied you are with each service. Are you very satisfied, somewhat satisfied, not too satisfied, or not satisfied at all?

■ Very Sat. ■ Smwt. Sat. ■ Not Too Satis. ■ Not Satis. at All ■ Not Sure

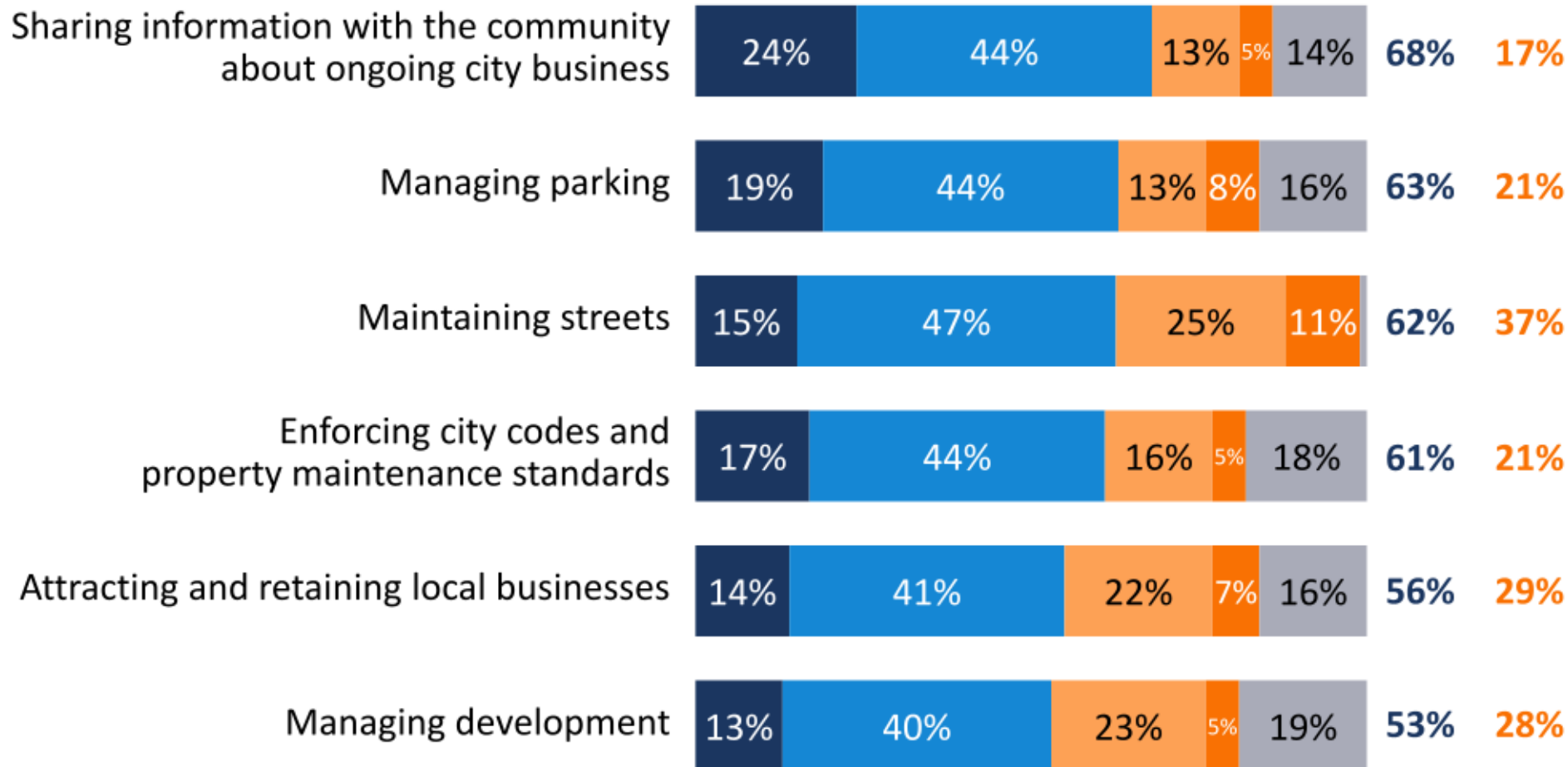
Total Sat. **Total Dissat.**



They see a bit more room for improvement in maintaining streets.

■ Very Sat. ■ Smwt. Sat. ■ Not Too Satis. ■ Not Satis. at All ■ Not Sure

Total Sat. **Total Dissat.**



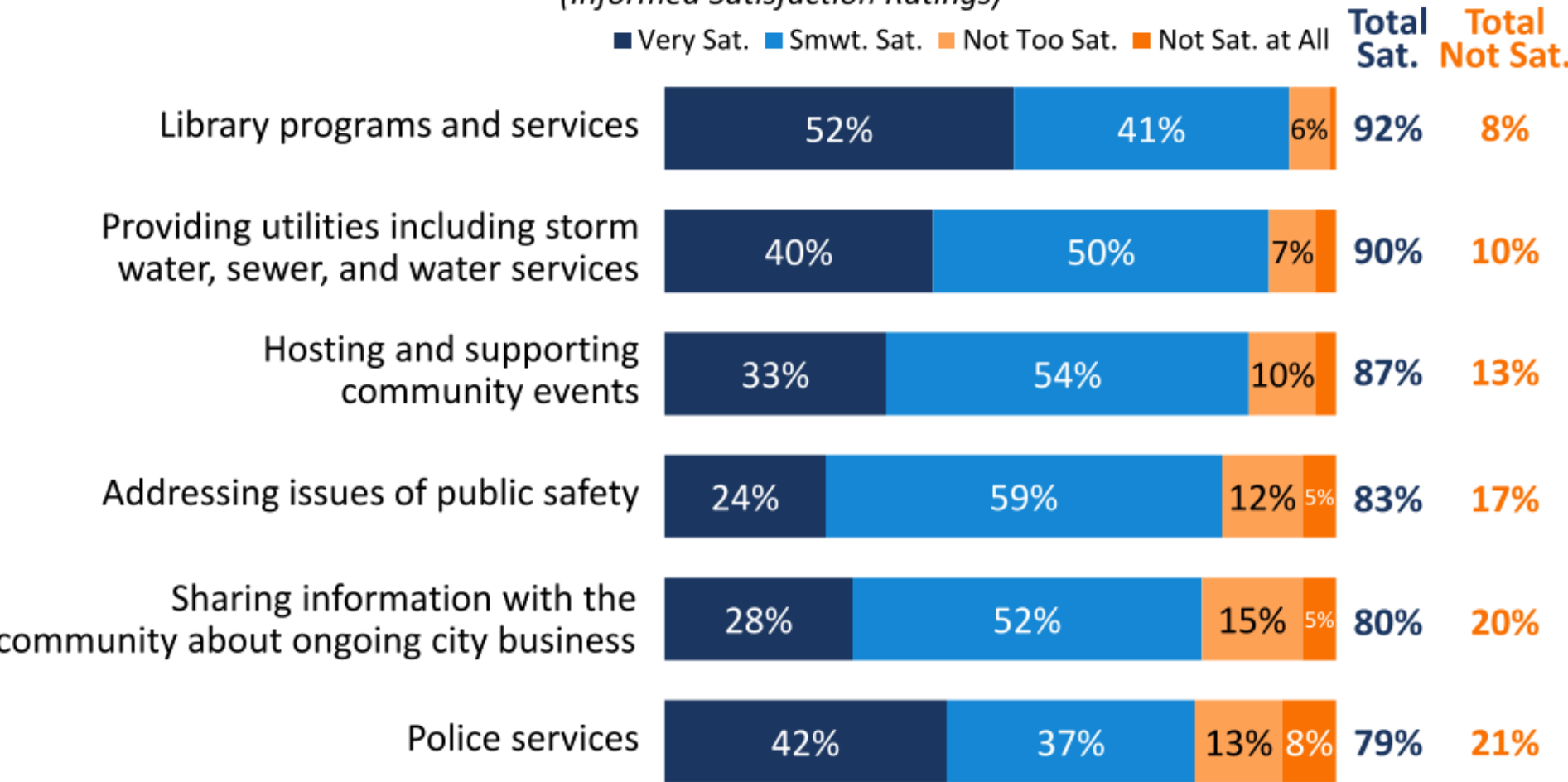
It can be useful to look at “informed satisfaction,” that is, those who had enough experience with specific services to offer a rating.



Looking at satisfaction among those who know enough to offer a rating, libraries and utilities get very high marks.

I am going to read you the same list of services. Please tell me how satisfied you are with each service. Are you very satisfied, somewhat satisfied, not too satisfied, or not satisfied at all?

(Informed Satisfaction Ratings)



Broad shares are also satisfied with park, code enforcement, business retention, and street maintenance.

(Informed Satisfaction Ratings)

■ Very Sat. ■ Smwt. Sat. ■ Not Too Sat. ■ Not Sat. at All

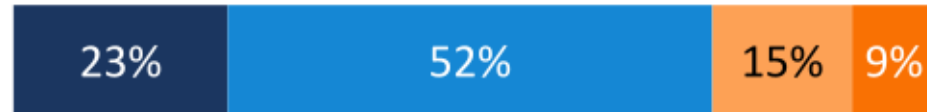
Total Sat. **Total Not Sat.**

Creating safe places for people to walk and bike



77% **23%**

Managing parking



75% **25%**

Enforcing city codes and property maintenance standards



74% **26%**

Attracting and retaining local businesses



66% **34%**

Managing development



66% **34%**

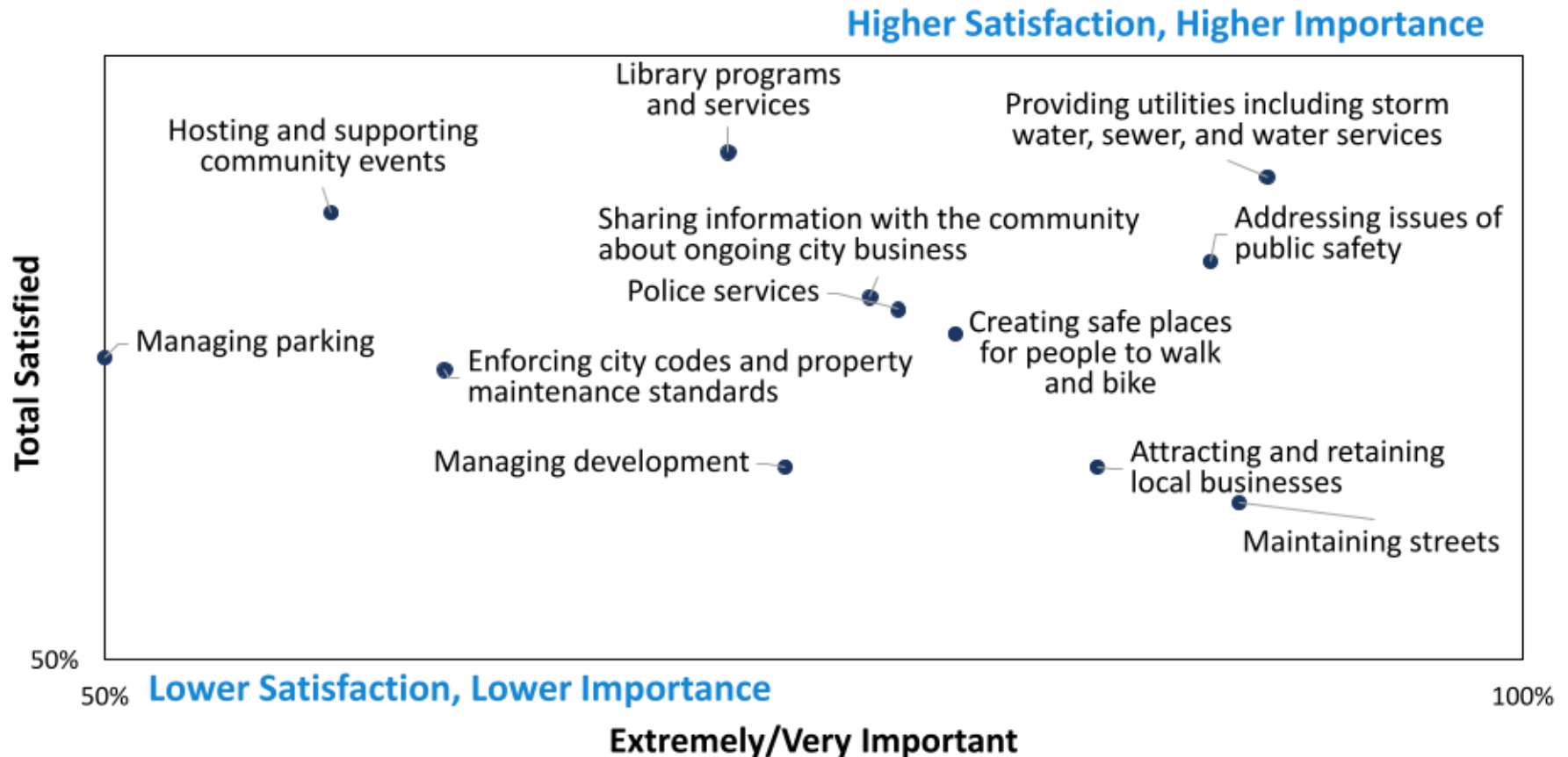
Maintaining streets



63% **37%**

Generally, the services residents value most are the ones they are most satisfied with as well.

(Informed Satisfaction Ratings)



Q5. Let me ask you about some specific City services provided to Milwaukie residents. Please tell me how important each service is to making Milwaukie a good place to live: extremely important, very important, somewhat important, or not too important.

Q6. I am going to read you the same list of services. Please tell me how satisfied you are with each service. Are you very satisfied, somewhat satisfied, not too satisfied, or not satisfied at all?



Views of Milwaukie Parks and Events

Broad majorities are satisfied with parks maintenance and the number of parks.

*I'd like to read you a list of aspects of parks and recreation facilities in Milwaukee.
Please tell me whether you are satisfied or dissatisfied with each one.*

■ Very Sat. ■ Smwt. Sat. ■ Don't Know ■ Smwt. Dissat. ■ Very Dissat. **Total Sat.** **Total Dissat.**

Maintenance of parks and park amenities



82% **11%**

The number of parks in Milwaukee



77% **14%**

The quality of activities at local parks



70% **10%**

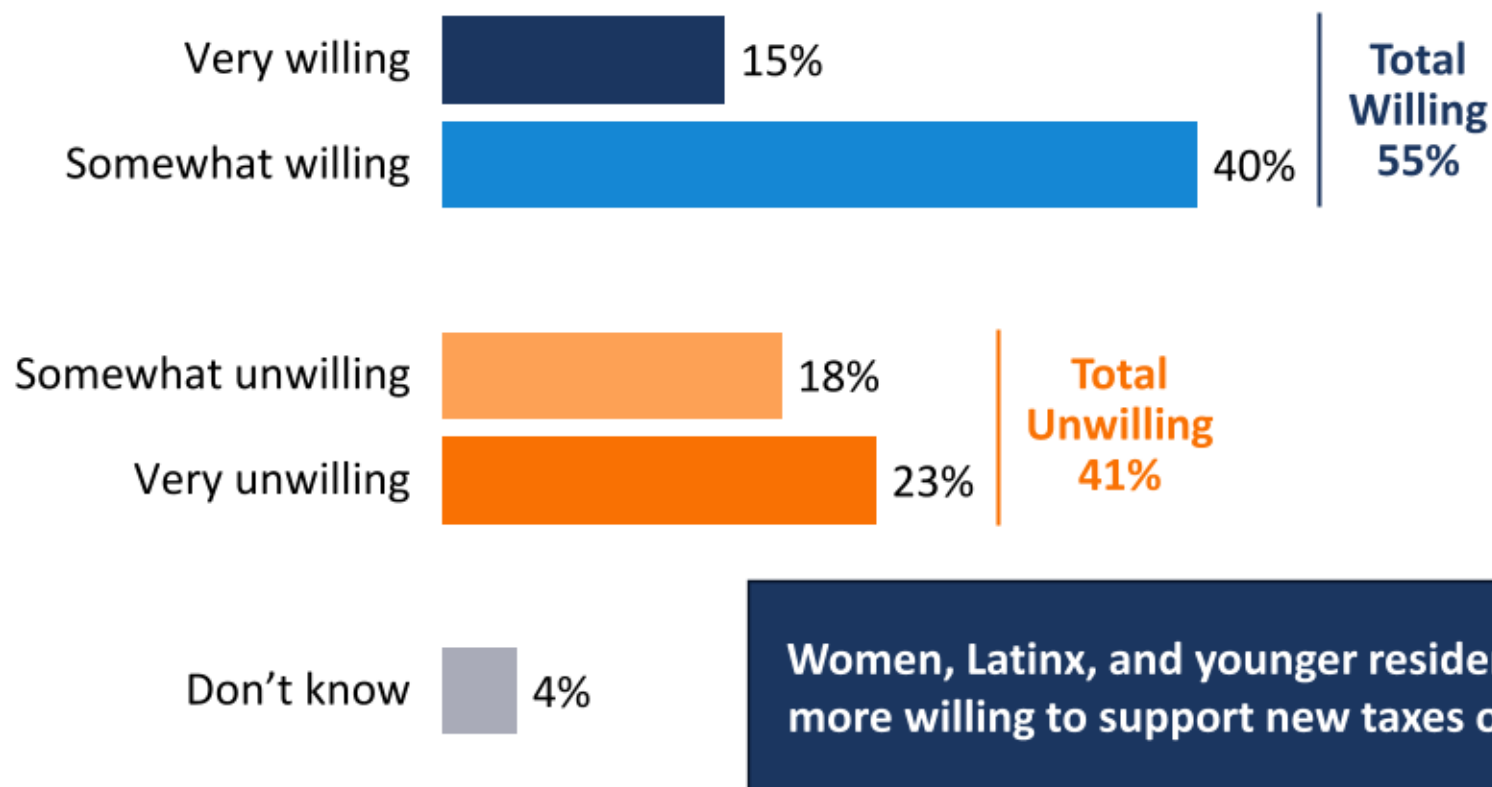
The number of activities at local parks



60% **14%**

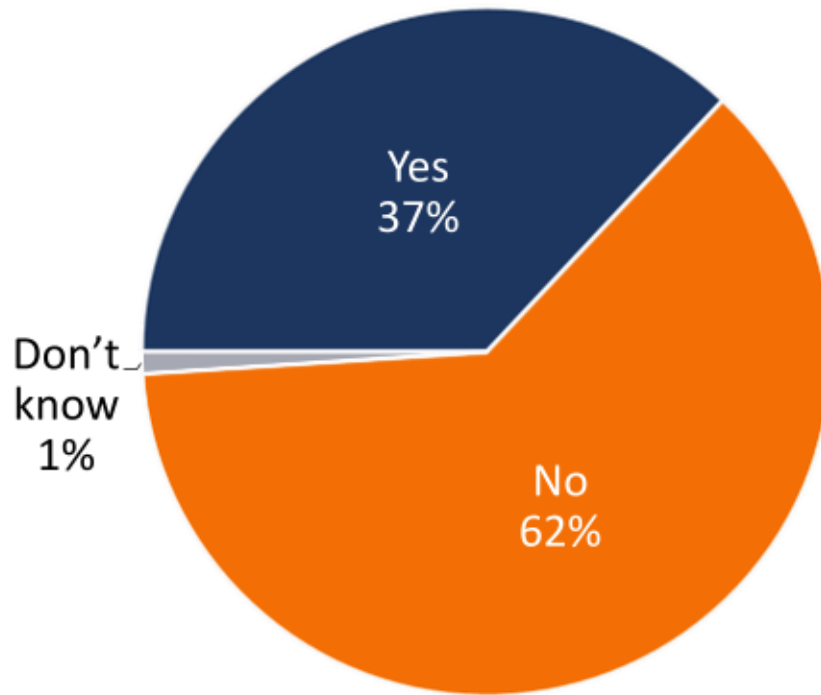
A majority is generally willing to pay more for local parks, though support is soft.

Would you be willing or unwilling to pay more in fees or taxes to maintain and repair existing parks and support development of new parks?



Nearly two in five recall attending a City-led event in the last year or so.

Have you attended any City-led events in the past year or so, such as Umbrella Parade, Winter Solstice, Arbor Day, or Earth Day?



Higher-income households are more likely to attend City events, as are those with children under 18 at home and relative newcomers to the city.

Residents value a number of goals for community events, though none with much intensity.

As the City plans for future events, there are a number of goals they could prioritize. Please tell me whether you think that each one is extremely important, very important, somewhat important, or not too important.

■ Ext. Impt. ■ Very Impt. ■ Smwt. Impt. ■ Not Too Impt. ■ Don't Know **Ext./Very Impt.**

More multicultural events

17%

32%

30%

17%

5%

49%

Helping community groups put on events

18%

27%

40%

10%

46%

More events in different parts of the city

16%

30%

35%

14%

5%

46%

Events more evenly spaced throughout the year

11%

28%

42%

13%

6%

39%

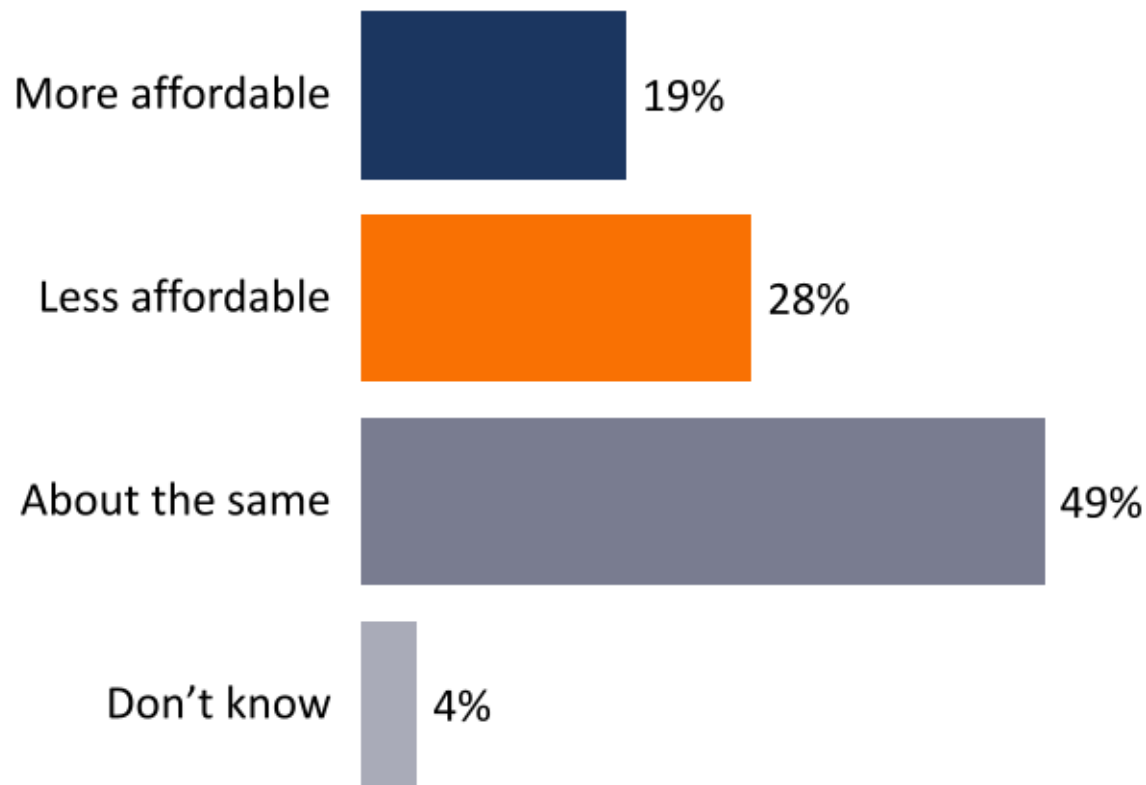
Latinx residents especially value multicultural and community group events.



Views of Downtown and Neighborhoods

A plurality of residents believes the cost of housing in Milwaukie is about the same as the rest of the region.

Do you think the cost of housing in Milwaukie is more affordable, less affordable, or about the same as in the rest of the region?

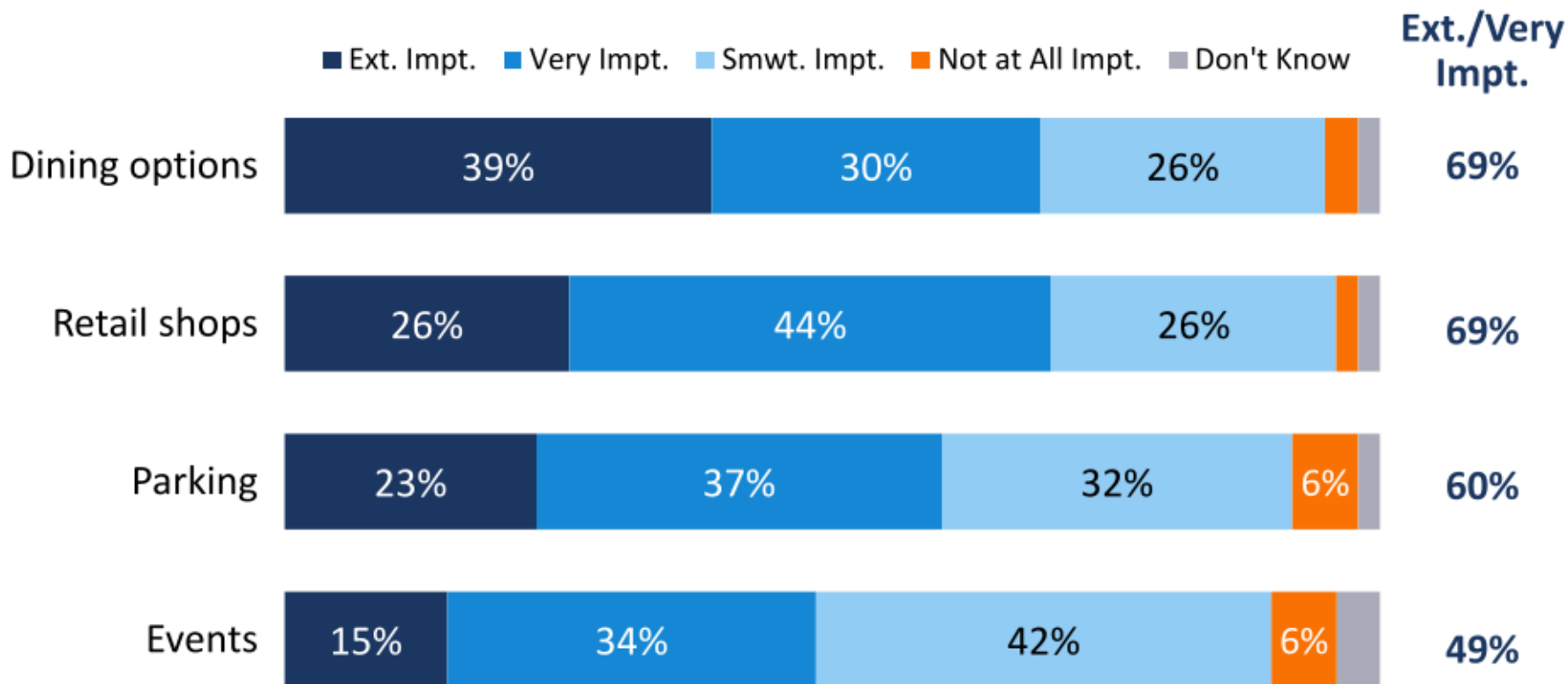


In 2020, 56% of residents said the cost of housing was “too high,” and 75% said the same in 2020.

55% of Latinx residents say the cost is less affordable than other parts of the region.

Residents especially value dining options and retail shops for downtown Milwaukie.

I am going to read you a list of types of shops and services that could be added to Milwaukie's downtown. Please tell me whether adding it is extremely important, very important, somewhat important, or not at all important.



Shopping and dining are higher priorities for high-income residents.

They are a bit less likely to highly prioritize dining options than in 2022.

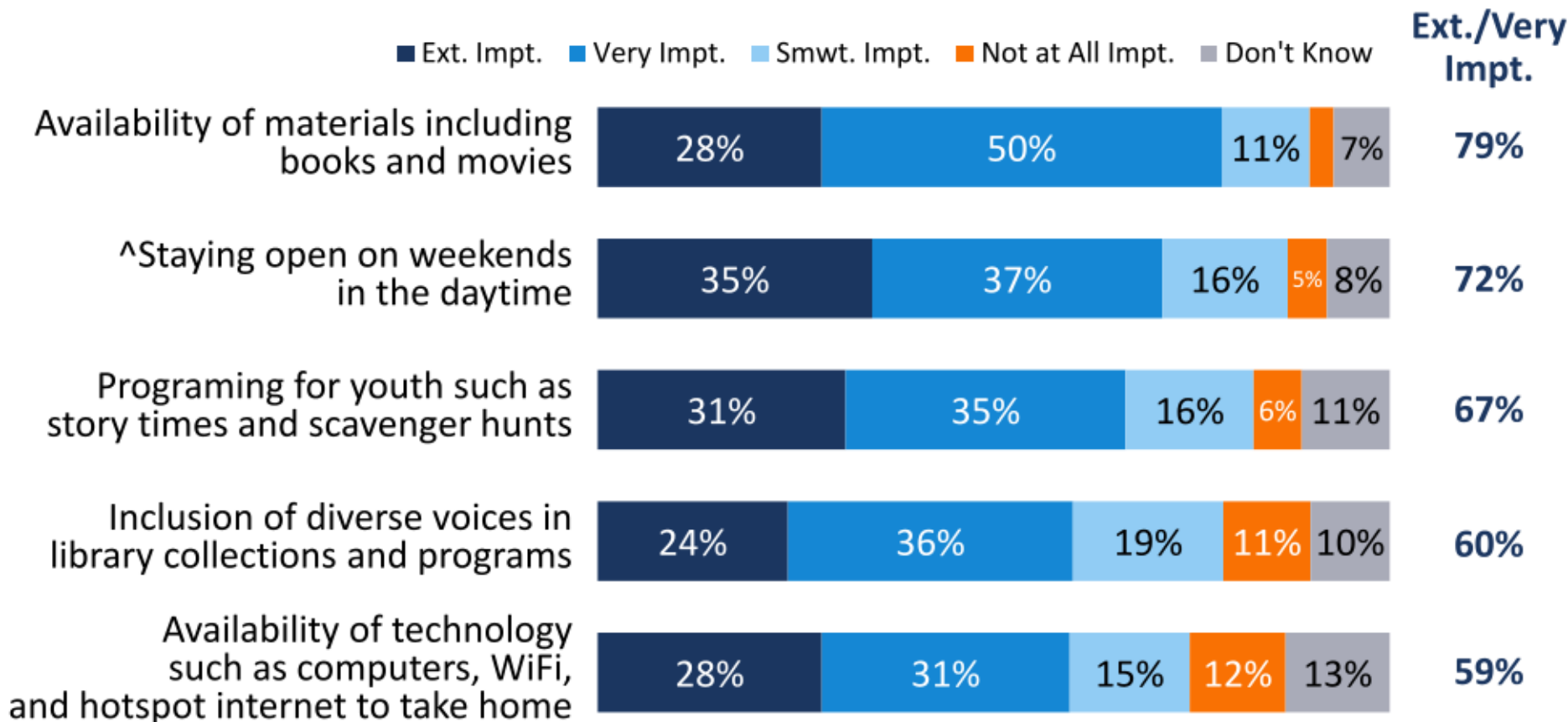
Type of Shop & Service (Extremely/Very Important)	2022	2023	Difference
Events	51%	49%	-2%
Retail shops	73%	69%	-4%
Parking	65%	60%	-5%
Dining options	79%	69%	-10%



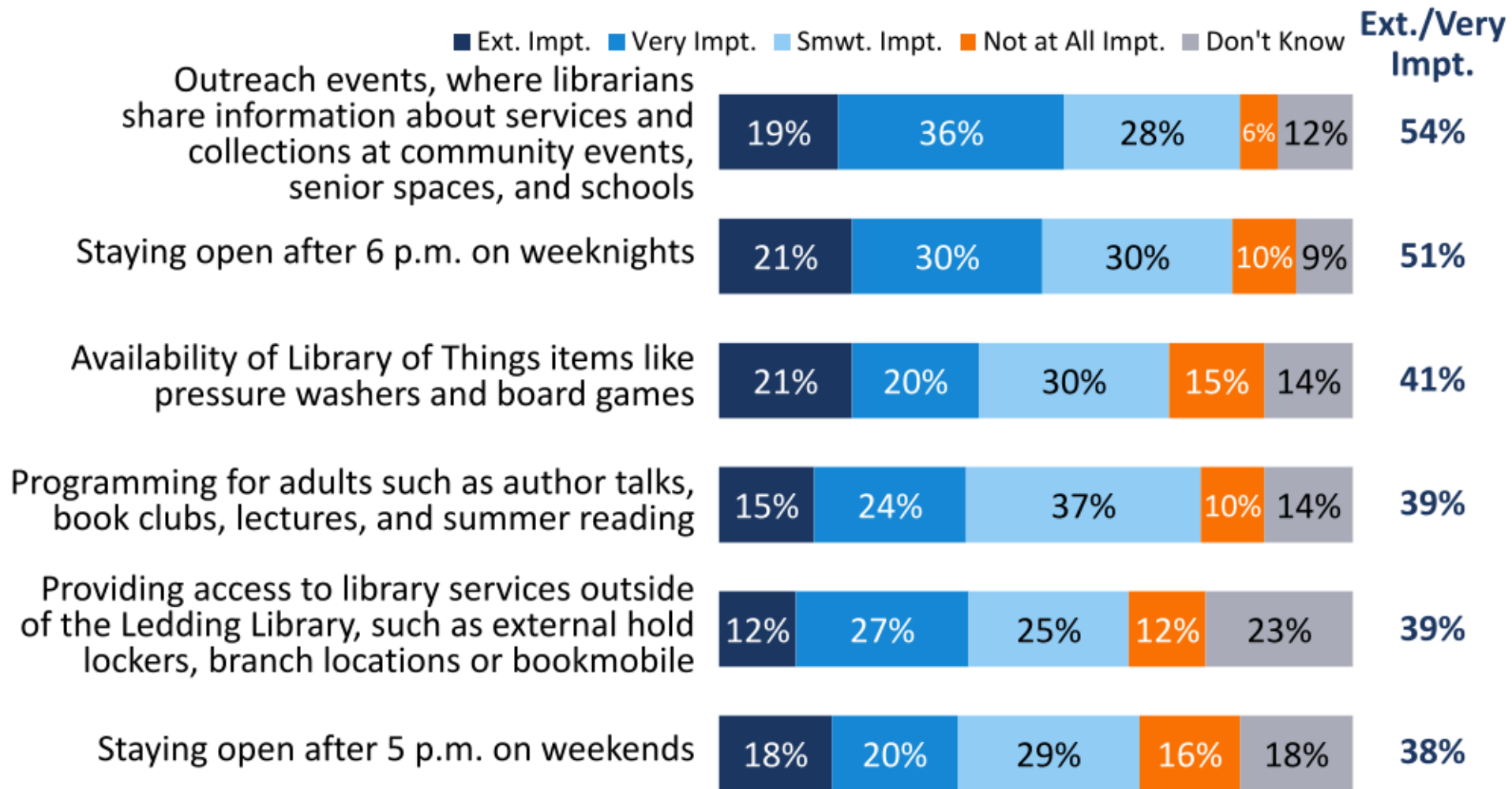
Views of the Ledding Library

Residents especially value the availability of library materials, and weekend daytime hours.

*I am going to read you a list of Ledding Library programs and services.
Please tell me how important each one is to you personally:
extremely important, very important, somewhat important, or not at all important.*



They are less likely to prioritize services outside the library or evening weekend hours.

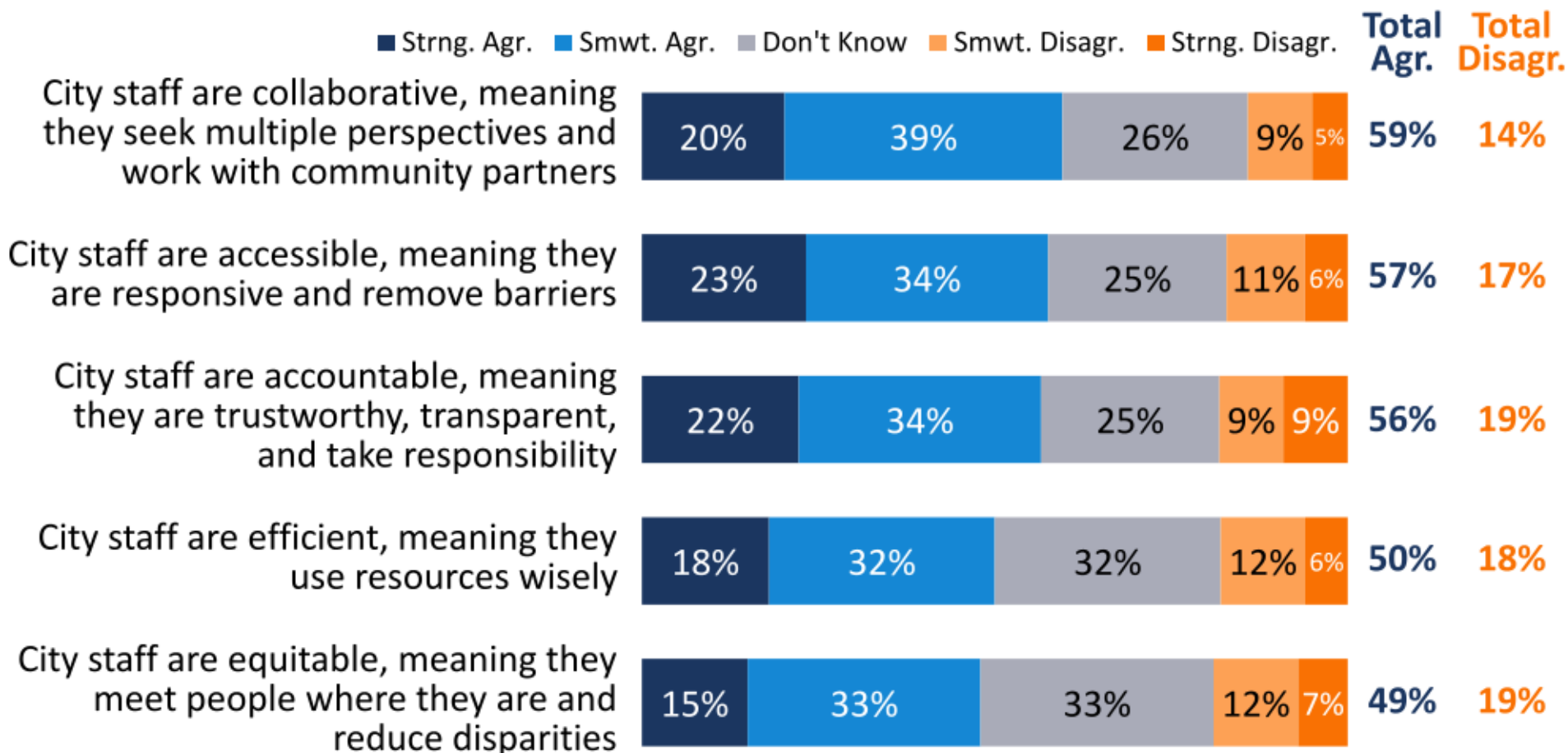




Communication with City Government

Residents broadly see City staff as collaborative, accessible and accountable.

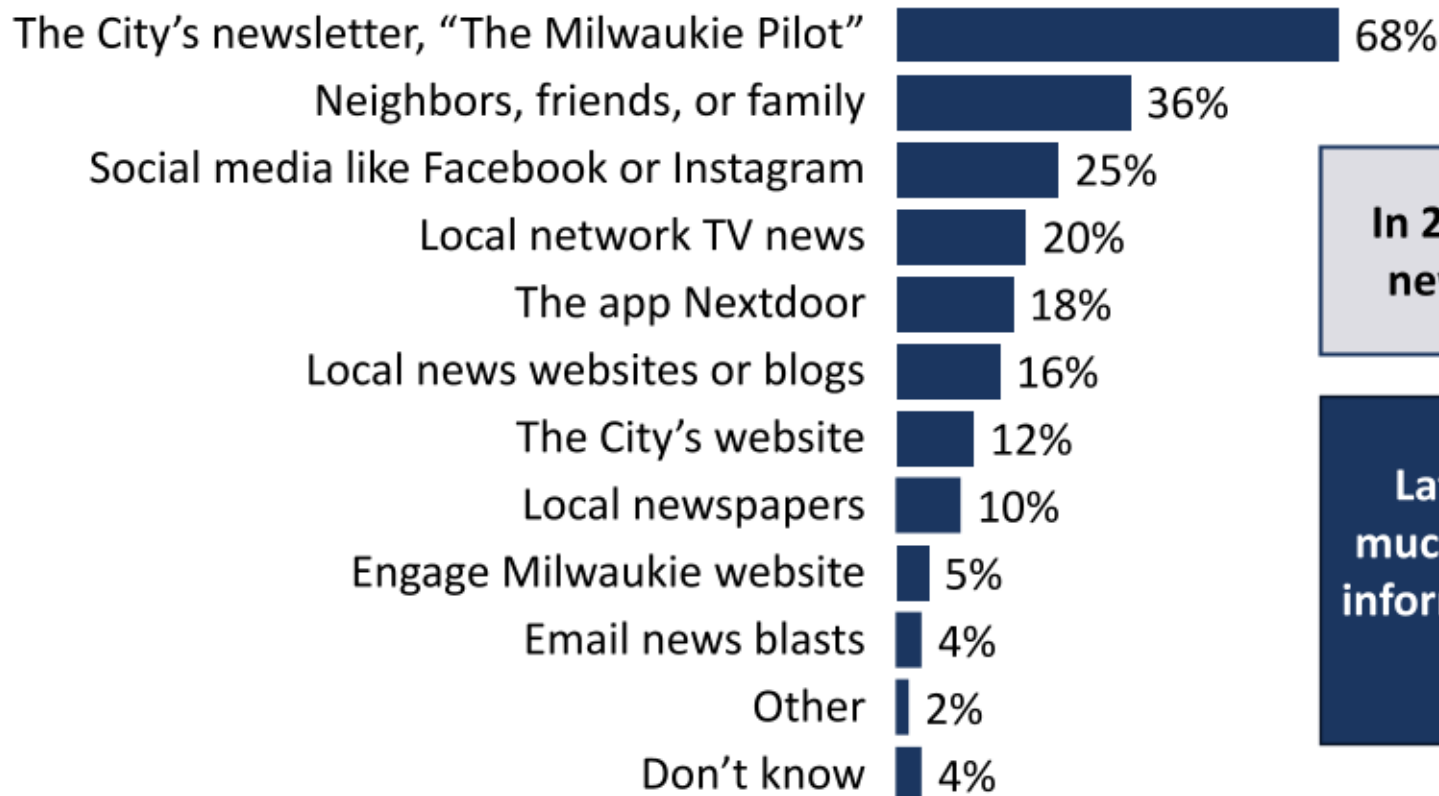
City staff have recently committed to five core values. Please tell me whether you agree or disagree with each statement about how City staff are doing delivering on those values.



Three in five residents get information about City of Milwaukie from “The Milwaukie Pilot.”

From which of the following sources do you generally get most of your news about the City of Milwaukie?

(Multiple Responses Accepted)

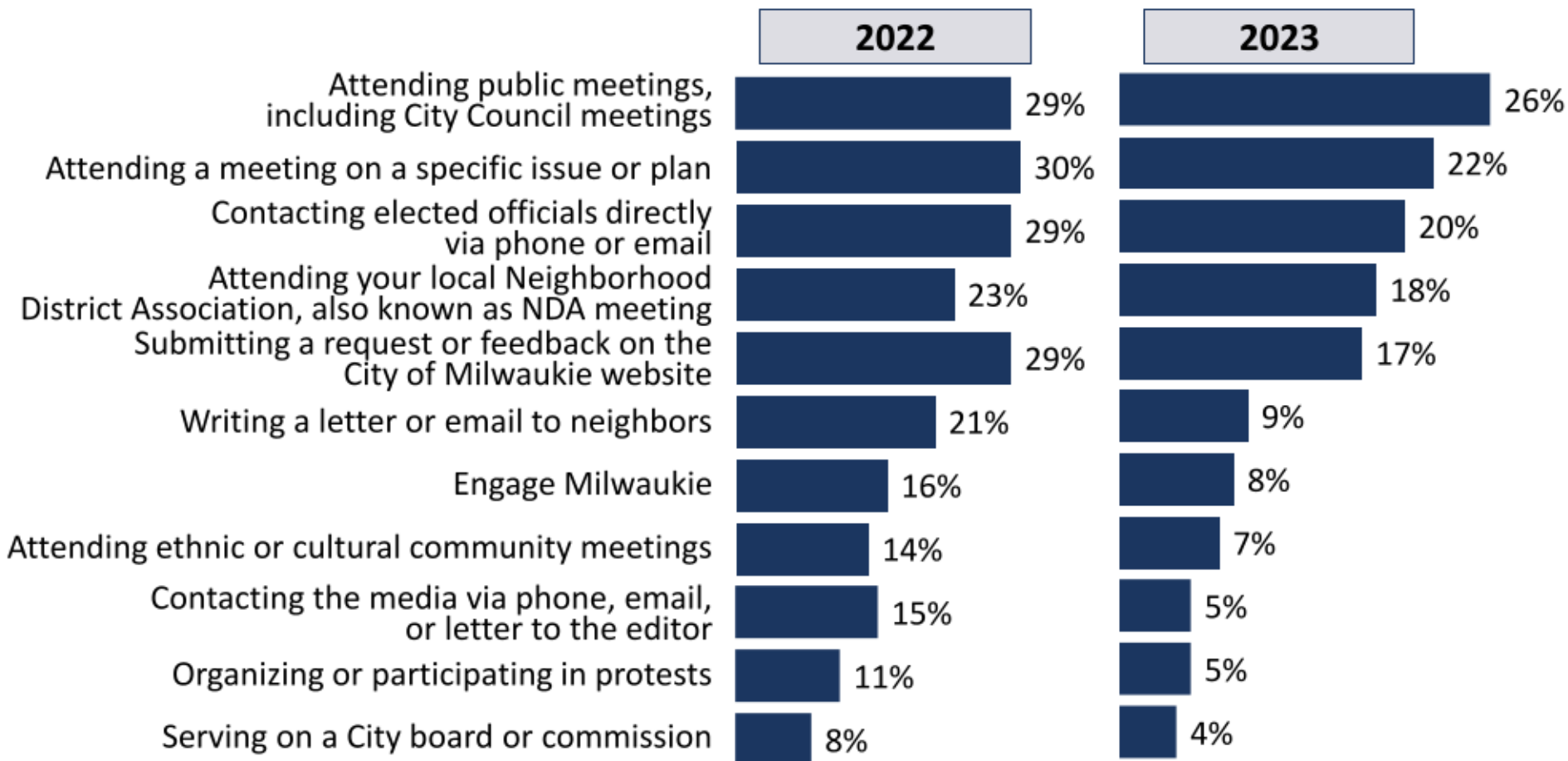


In 2022, 52% got their news from the *Pilot*.

Latinx residents are much more likely to get information from friends and neighbors.

Attending public meetings is a relatively common way to participate in local government.

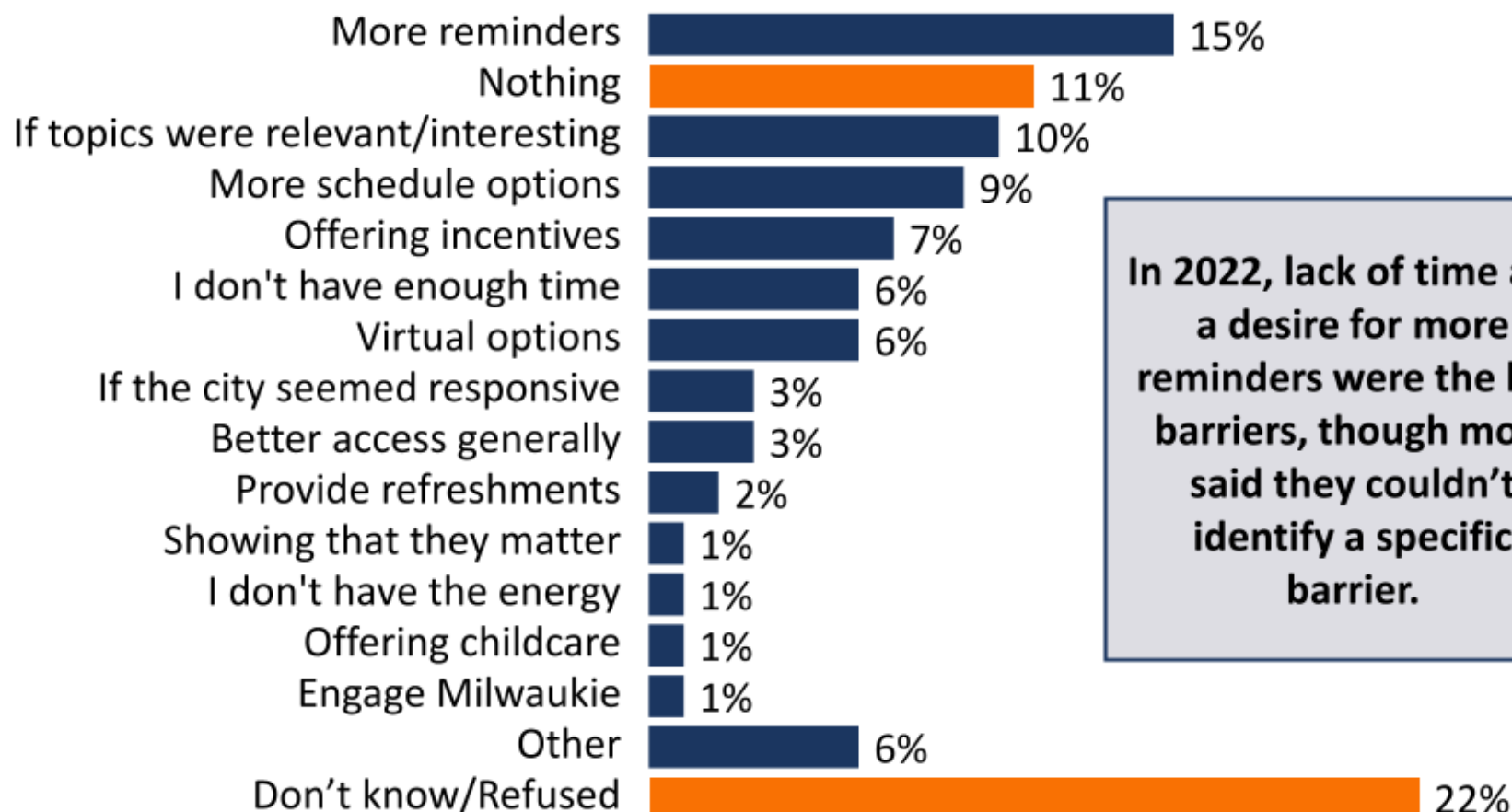
Here is a list of methods that some City of Milwaukie residents use to participate in City government or give their opinion to City decision-makers. Please tell me whether you personally have used that method to participate or give your opinion to the City of Milwaukie.



Barriers to participation in City government vary widely – for many it is lack of interest.

As you may know, the City has many meetings, boards, and other events designed to invite residents to share their opinions and priorities. Regardless of how often you participate in these types of events now, what would make you more likely to participate in these types of events?

(Open-ended)



In 2022, lack of time and a desire for more reminders were the key barriers, though most said they couldn't identify a specific barrier.

Verbatim Responses on Barriers to Participation

If I were more passionate about the issues.

I'm very busy taking care of a senior citizen.

More on weekends.

A posted schedule that is consistent with dates and times and locations.

More minutes in a day.

[Hold them at a] convenient time so I can access them through public transportation.

Have them earlier in the day or on weekends.

Invitations via email.

Free donuts.

Knowing where and when they are. Free refreshments??

If I worked less.

I would participate in events like that more if there were ways to participate remotely and way that I don't have to be there at a certain time because of job restrictions.

If it has some sort of benefit or positive outcome and not a waste of time.



Conclusions

Conclusions

- As in 2022, residents are quite satisfied with quality of life in Milwaukie. They approve of the City's work providing services, spending tax dollars it receives, and seeking public input on their plans and projects.
- Crime, homelessness, roads and affordable housing are key topics that residents would like the City to address. Notably, only 19% believe the cost of housing is more affordable than the rest of the region.
- The services residents value most include street maintenance, attracting/retaining local businesses, police services, public safety and utilities. They are largely satisfied with many of these, with room for improvement on maintaining roads.
- Residents largely agree that City staff are collaborative, accountable, and accessible. They are less sure whether City staff are efficient or equitable.
- Satisfaction ratings for parks and recreational facilities are quite high, and a majority supports paying more in fees or taxes to fund them (though softly).
- Residents value the Ledding Library's materials, youth programs, and weekend daytime hours especially.
- *The Milwaukie Pilot* is an important source of local information.

**For more information,
contact:**



**OPINION
RESEARCH
& STRATEGY**

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Miranda@FM3research.com



CITY OF MILWAUKIE

Milwaukie Community Survey

*Results from a Survey of Milwaukie Residents
Conducted November 3-15, 2023*



OPINION
RESEARCH
& STRATEGY

Survey Methodology

Dates	November 3-15, 2023
Survey Type	Dual-mode Resident Survey
Research Population	Residents of Milwaukie ages 18+, Inclusive of Oversamples of Latinx Residents and Residents of Color
Total Interviews	563
Margin of Sampling Error	±4.9% at the 95% Confidence Level
Contact Methods	 Telephone Calls  Email Invitations  Text Invitations
Data Collection Modes	 Telephone Interviews  Online Interviews
Languages	English and Spanish

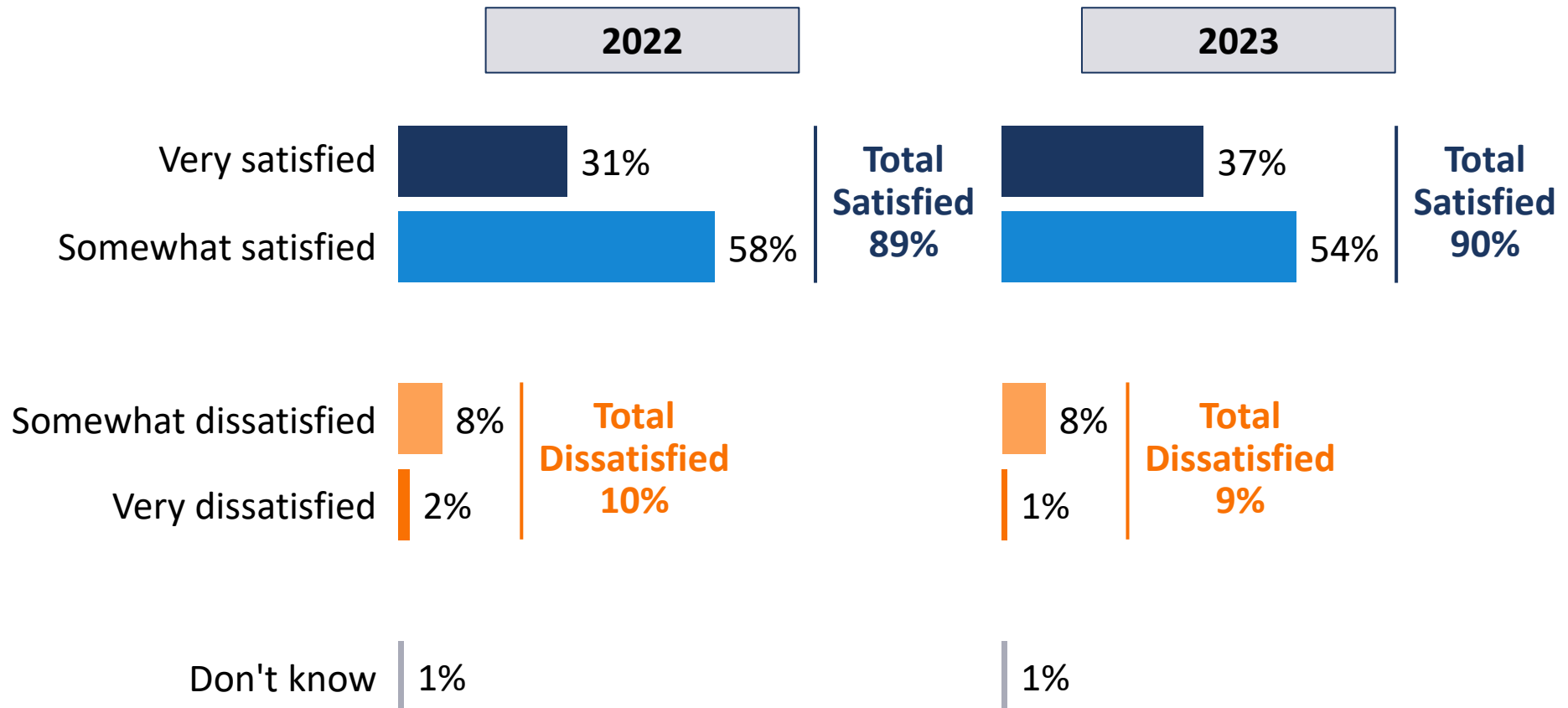
(Note: Not All Results Will Sum to 100% Due to Rounding)



Context

Nine in ten residents are satisfied with the quality of life in Milwaukie.

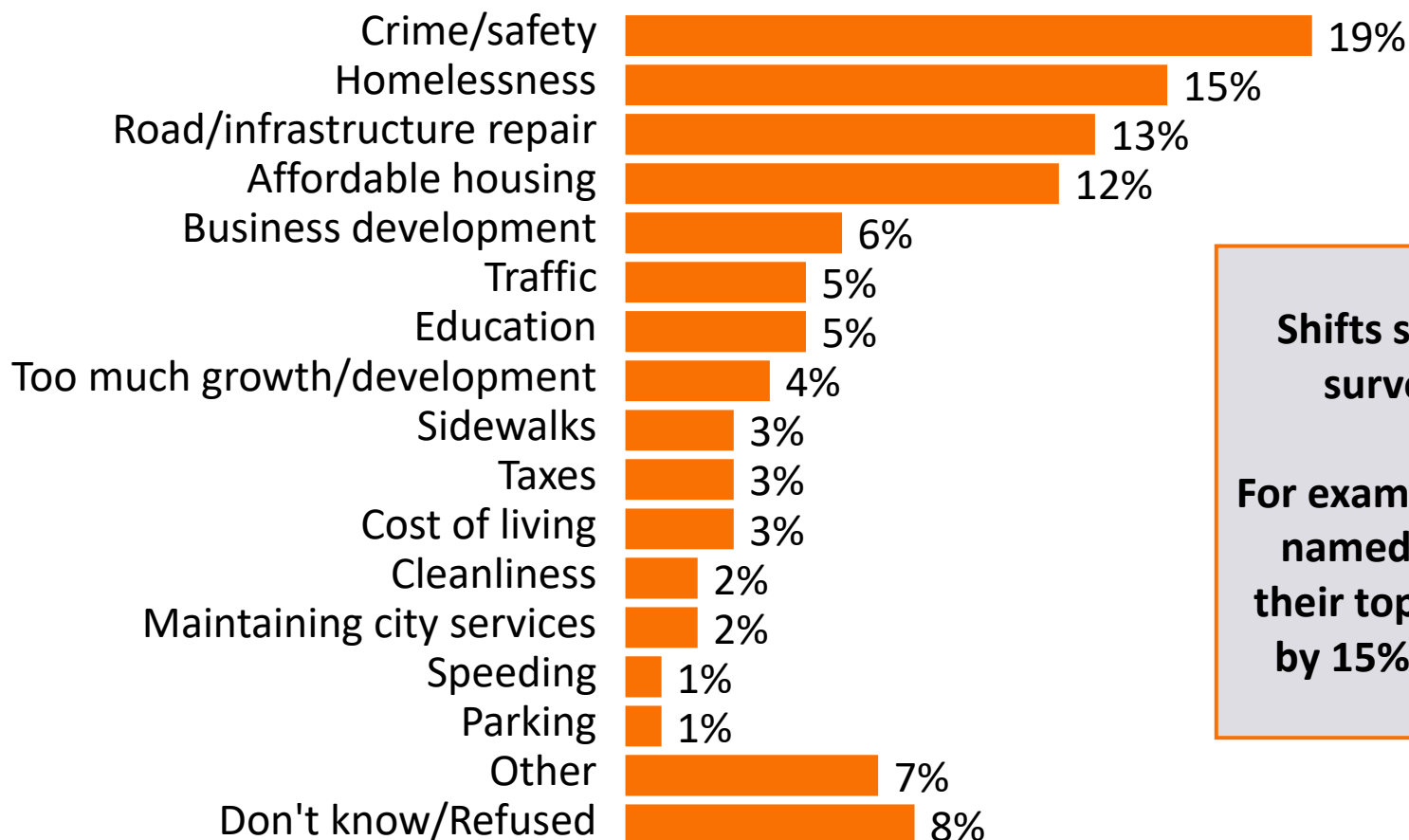
Please tell me how satisfied you are with the overall quality of life in Milwaukie: very satisfied, somewhat satisfied, somewhat dissatisfied, or very dissatisfied.



Residents' top concern is crime, followed closely by homelessness, housing costs and road repairs.

For you personally, what is the single most important issue for the City of Milwaukie to address over the next year?

(Open-ended)



Shifts since last year's survey are small.

For example, in 2022, 16% named homelessness their top issue, followed by 15% naming crime.

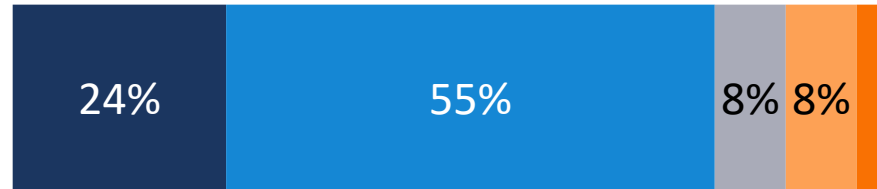


Views of City Services

Four in five approve of the quality of City services; broad majorities also approve of public spending.

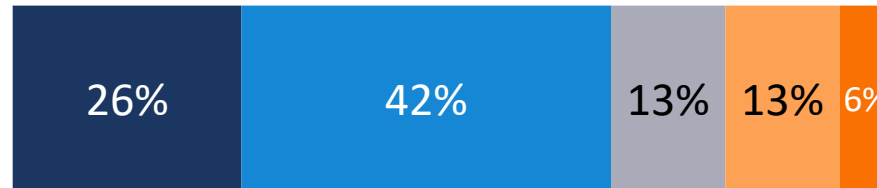
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The quality of services provided by the City of Milwaukee



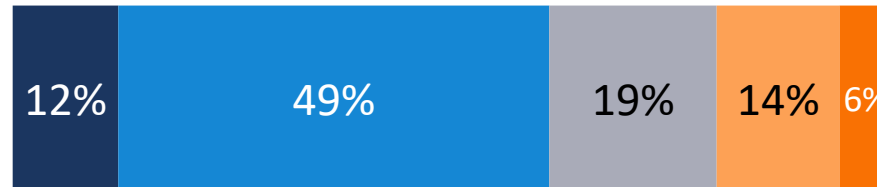
80% **12%**

How the City of Milwaukee seeks input from residents on plans and projects on Engage Milwaukee and other platforms



68% **19%**

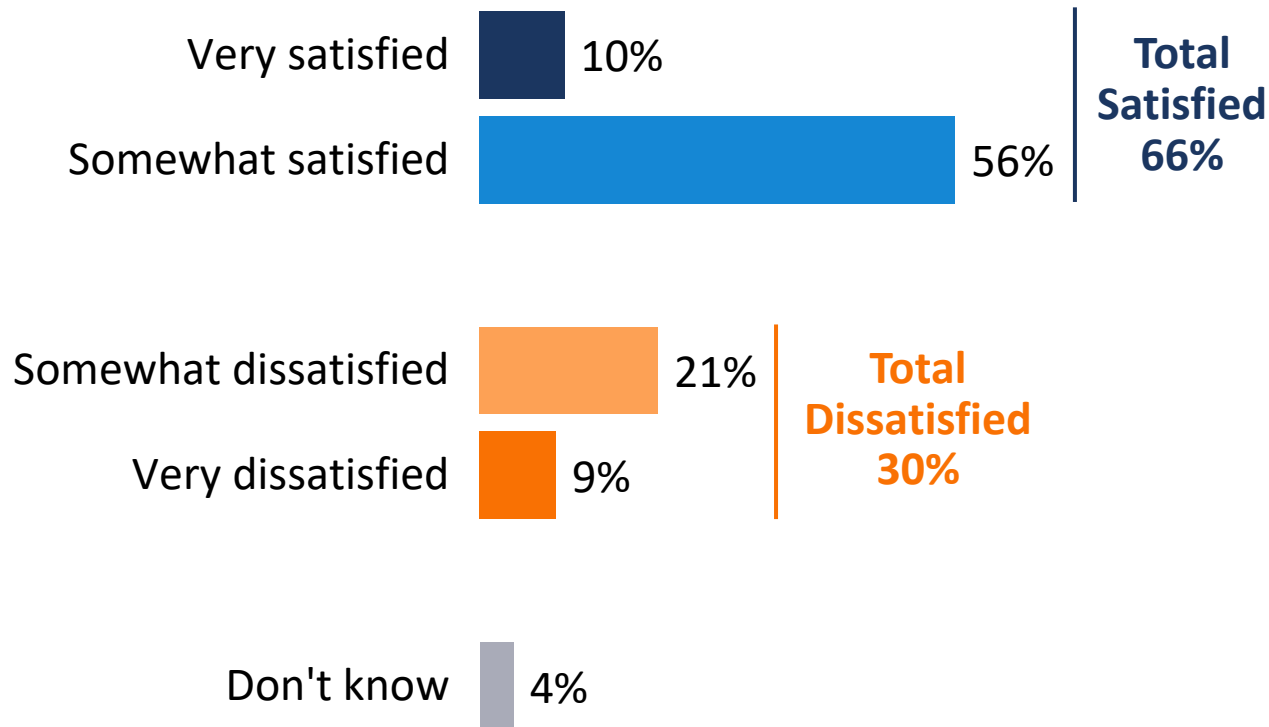
How the City of Milwaukee spends the tax dollars it receives



61% **20%**

Two-thirds are satisfied with the value they receive for utility costs in Milwaukee.

Switching gears, are you satisfied or dissatisfied with the value you receive for the price you pay for utilities in the City of Milwaukee?

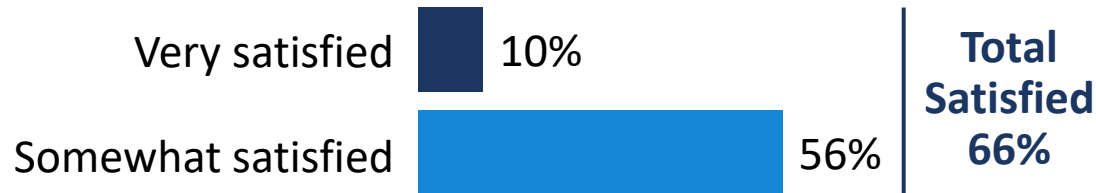


This question was asked slightly differently in the past – 47% said the cost is “about the right amount” in 2022, and 34% said the same in 2020.

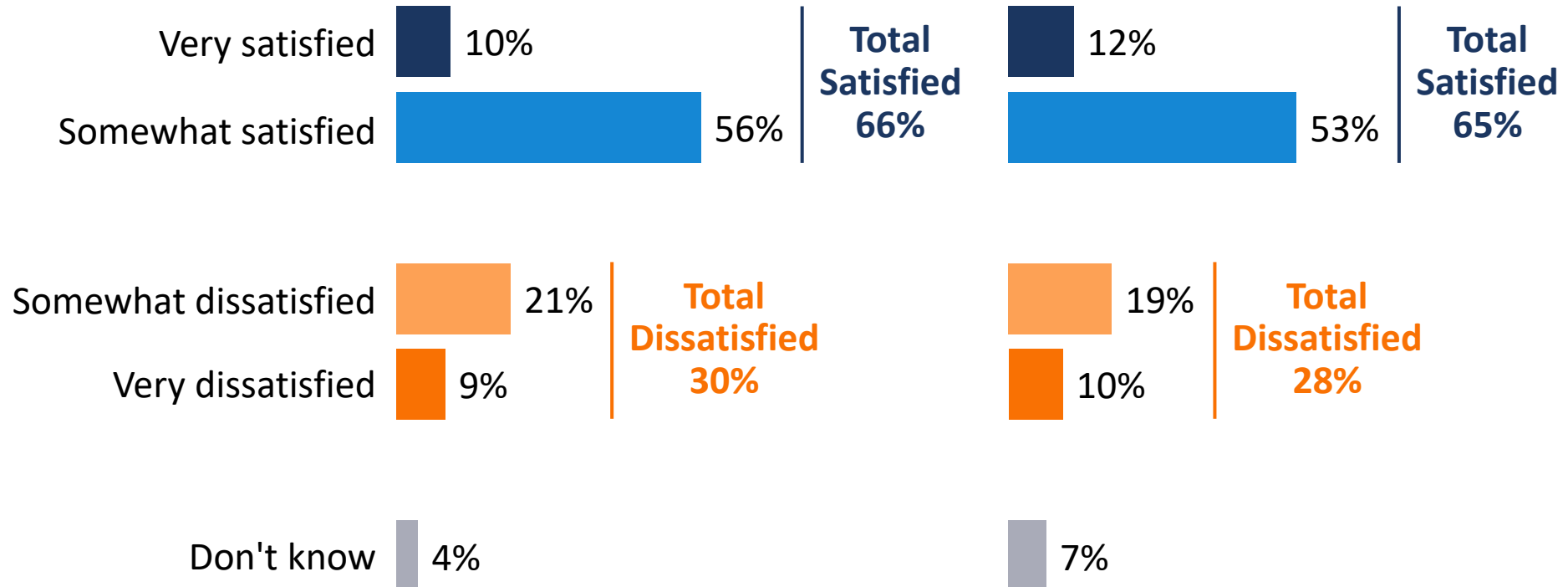
Given specific context about the typical cost, satisfaction levels are the same.

Right now, the average City of Milwaukie utility bill for a single-family household is \$139. This includes water, wastewater, storm water, street, and transportation system charges.

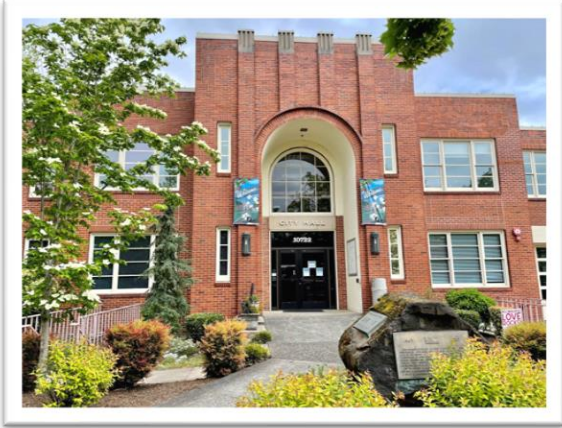
Initial Opinion



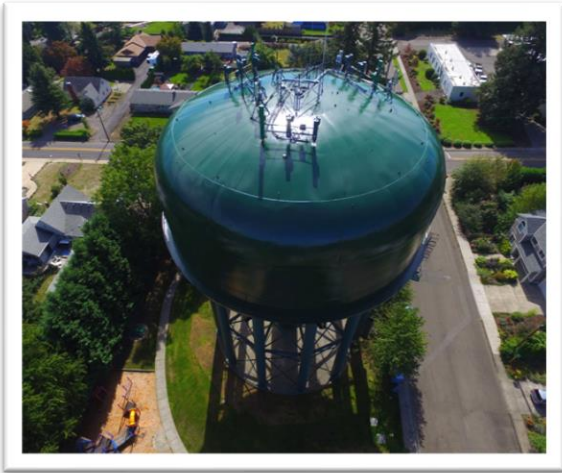
After Cost Description



Assessing City Services in Detail

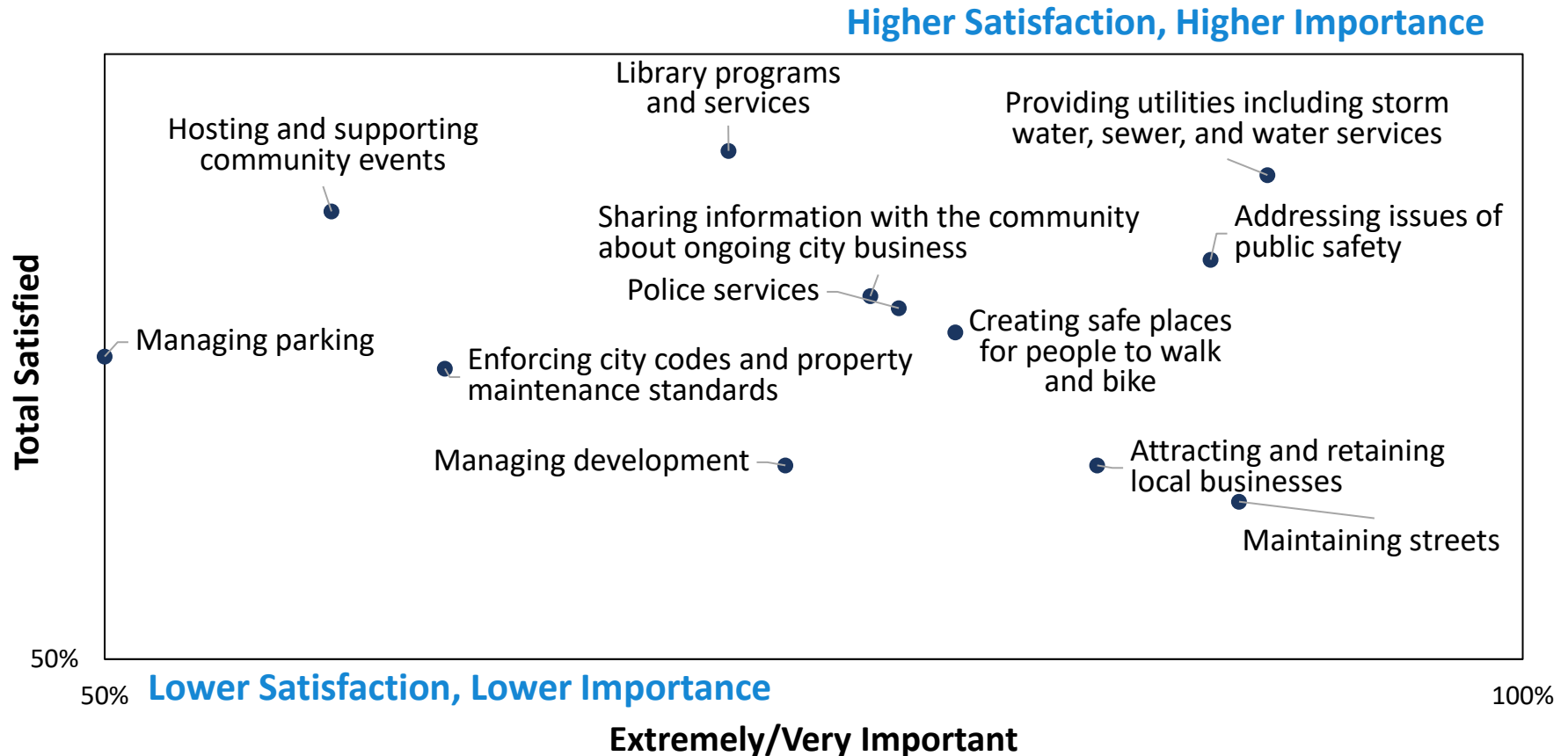


- In order to evaluate City services in more detail, we asked residents two questions about 13 key services:
 - *How important is the service to making Milwaukie a good place to live?*
 - *Are you satisfied or dissatisfied with that service?*
- Because not every resident uses every service, we also show results just for those with an opinion on satisfaction either way.
- Then, by comparing responses on these two metrics of importance and informed satisfaction, we can look at areas where the City is doing well (higher importance, higher satisfaction) and places with a particular need for improvement (higher importance, lower satisfaction).



Generally, the services residents value most are the ones they are most satisfied with as well.

(Informed Satisfaction Ratings)



Q5. Let me ask you about some specific City services provided to Milwaukie residents. Please tell me how important each service is to making Milwaukie a good place to live: extremely important, very important, somewhat important, or not too important.

Q6. I am going to read you the same list of services. Please tell me how satisfied you are with each service. Are you very satisfied, somewhat satisfied, not too satisfied, or not satisfied at all?



Views of Milwaukie Parks and Events

Broad majorities are satisfied with parks maintenance and the number of parks.

*I'd like to read you a list of aspects of parks and recreation facilities in Milwaukie.
Please tell me whether you are satisfied or dissatisfied with each one.*

■ Very Sat. ■ Smwt. Sat. ■ Don't Know ■ Smwt. Dissat. ■ Very Dissat. **Total Sat.** **Total Dissat.**

Maintenance of parks and park amenities



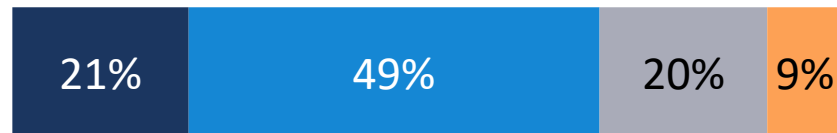
82% **11%**

The number of parks in Milwaukie



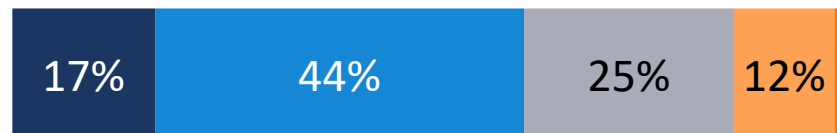
77% **14%**

The quality of activities at local parks



70% **10%**

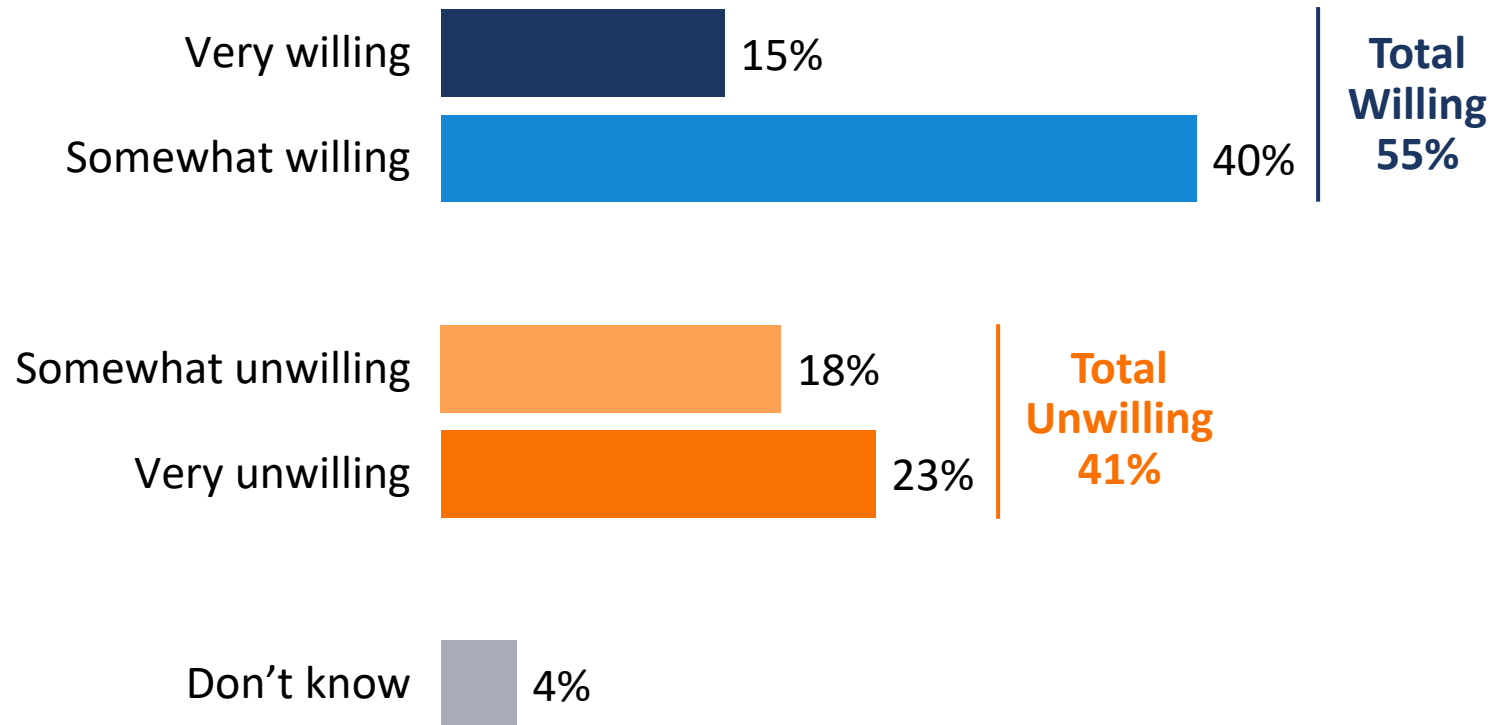
The number of activities at local parks



60% **14%**

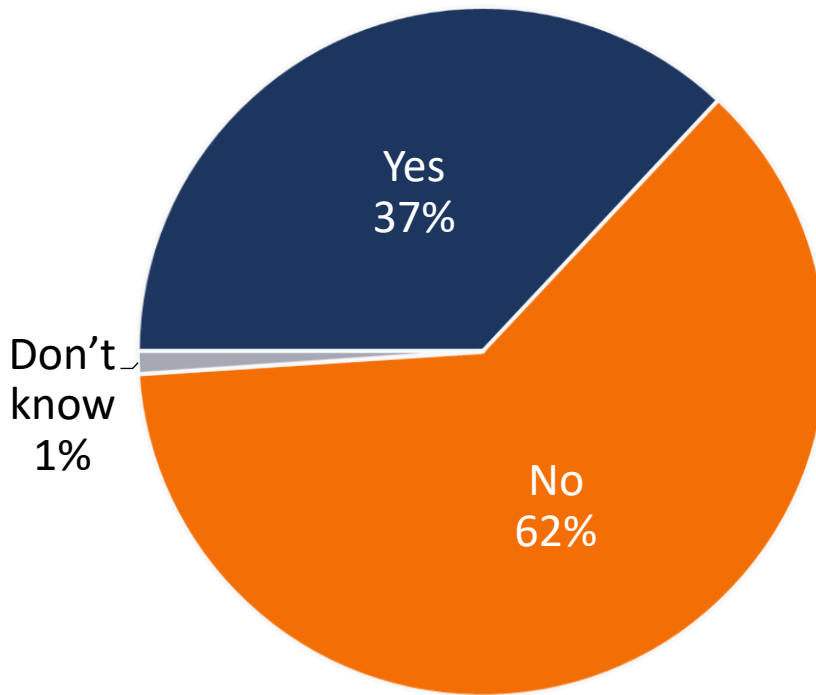
A majority is generally willing to pay more for local parks, though support is soft.

Would you be willing or unwilling to pay more in fees or taxes to maintain and repair existing parks and support development of new parks?



Nearly two in five recall attending a City-led event in the last year or so.

Have you attended any City-led events in the past year or so, such as Umbrella Parade, Winter Solstice, Arbor Day, or Earth Day?



Higher-income households are more likely to attend City events, as are those with children under 18 at home and relative newcomers to the city.

29% of Latinx residents have attended, and 38% of non-Latinx residents of color have.

Residents value a number of goals for community events, though none with much intensity.

As the City plans for future events, there are a number of goals they could prioritize. Please tell me whether you think that each one is extremely important, very important, somewhat important, or not too important.

■ Ext. Impt. ■ Very Impt. ■ Smwt. Impt. ■ Not Too Impt. ■ Don't Know **Ext./Very Impt.**

More multicultural events



49%

Helping community groups put on events



46%

More events in different parts of the city



46%

Events more evenly spaced throughout the year



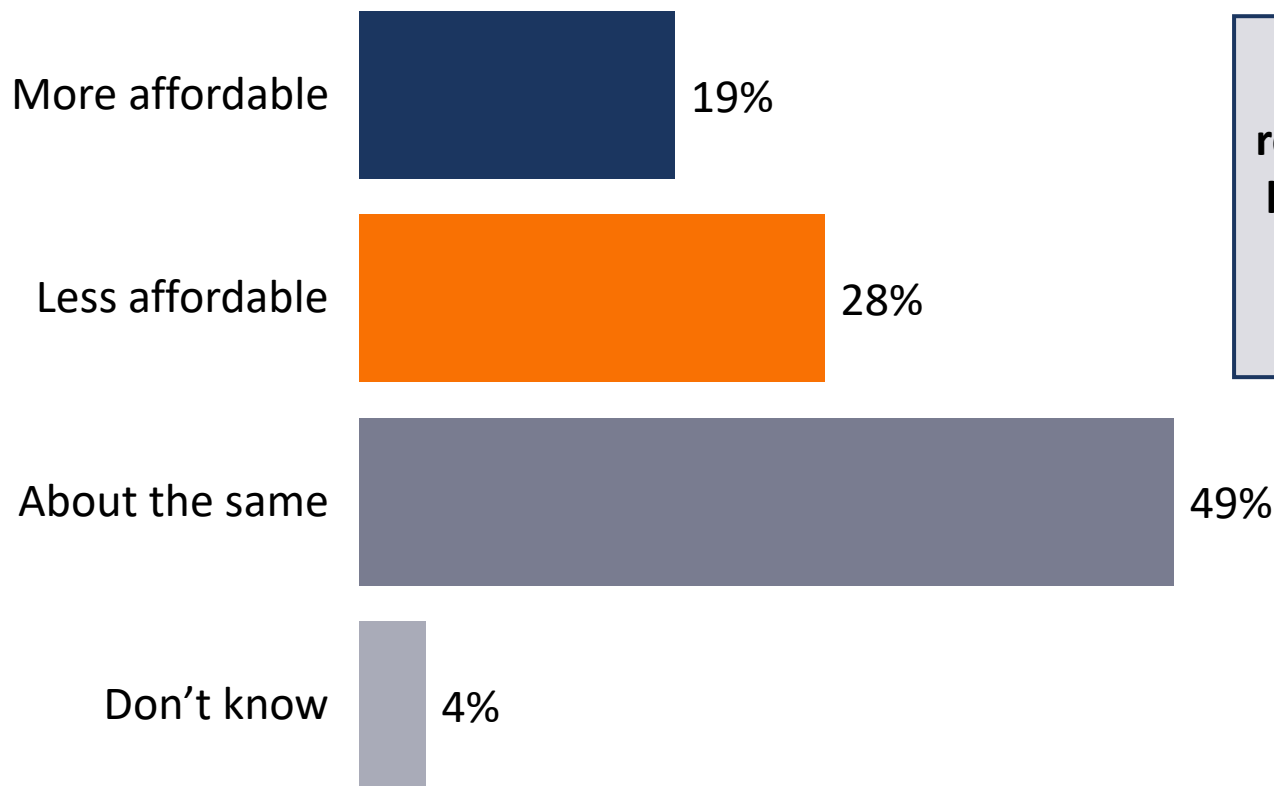
39%



Views of Downtown and Neighborhoods

A plurality of residents believes the cost of housing in Milwaukie is about the same as the rest of the region.

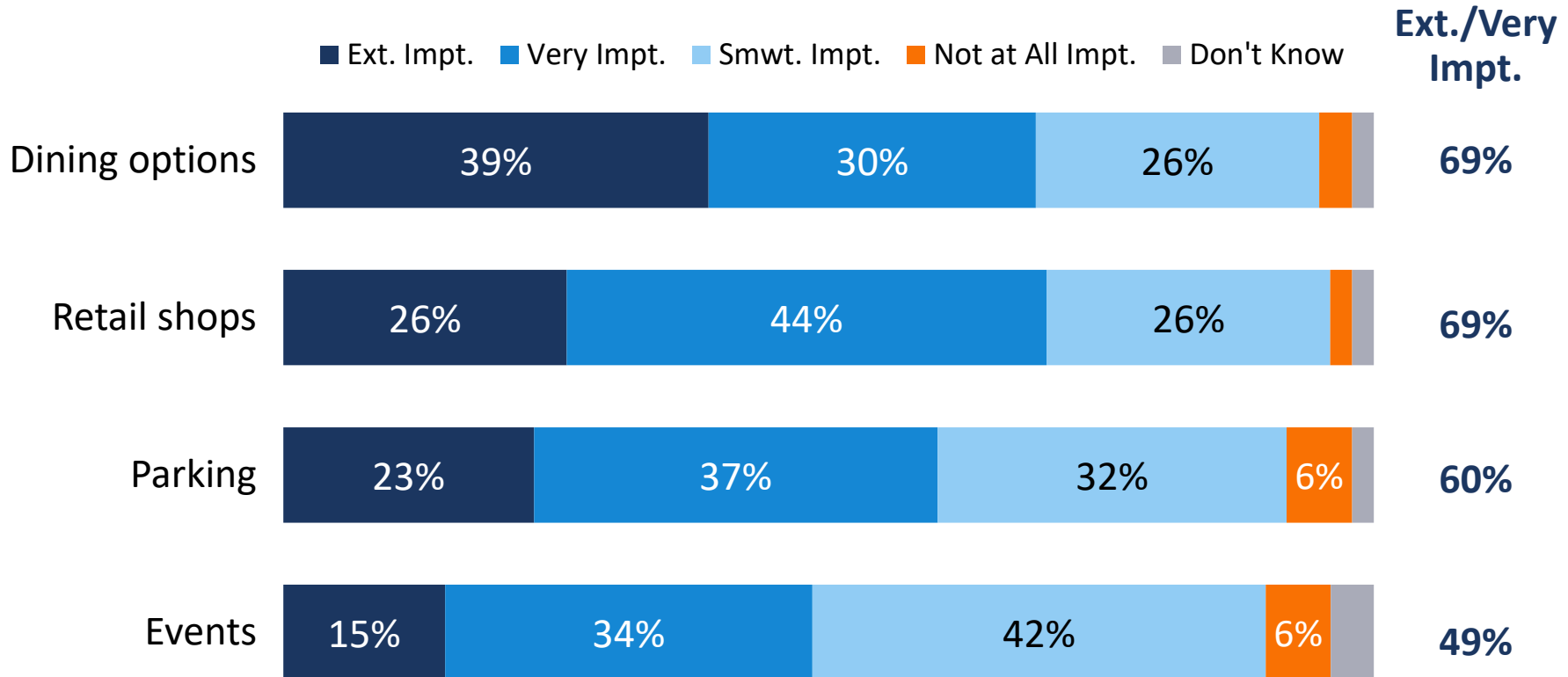
Do you think the cost of housing in Milwaukie is more affordable, less affordable, or about the same as in the rest of the region?



In 2022, 56% of residents said the cost of housing was “too high,” and 75% said the same in 2020.

Residents especially value dining options and retail shops for downtown Milwaukie.

I am going to read you a list of types of shops and services that could be added to Milwaukie's downtown. Please tell me whether adding it is extremely important, very important, somewhat important, or not at all important.

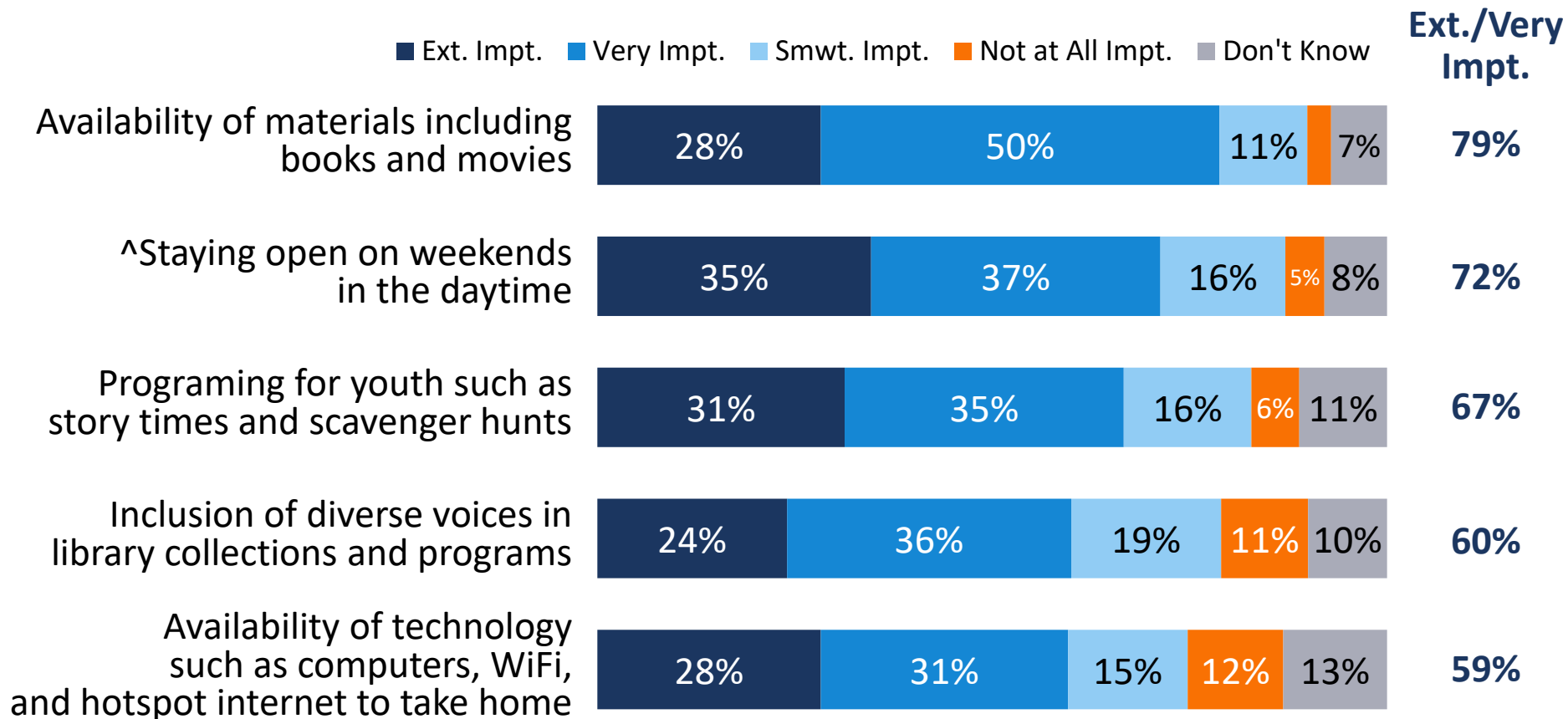




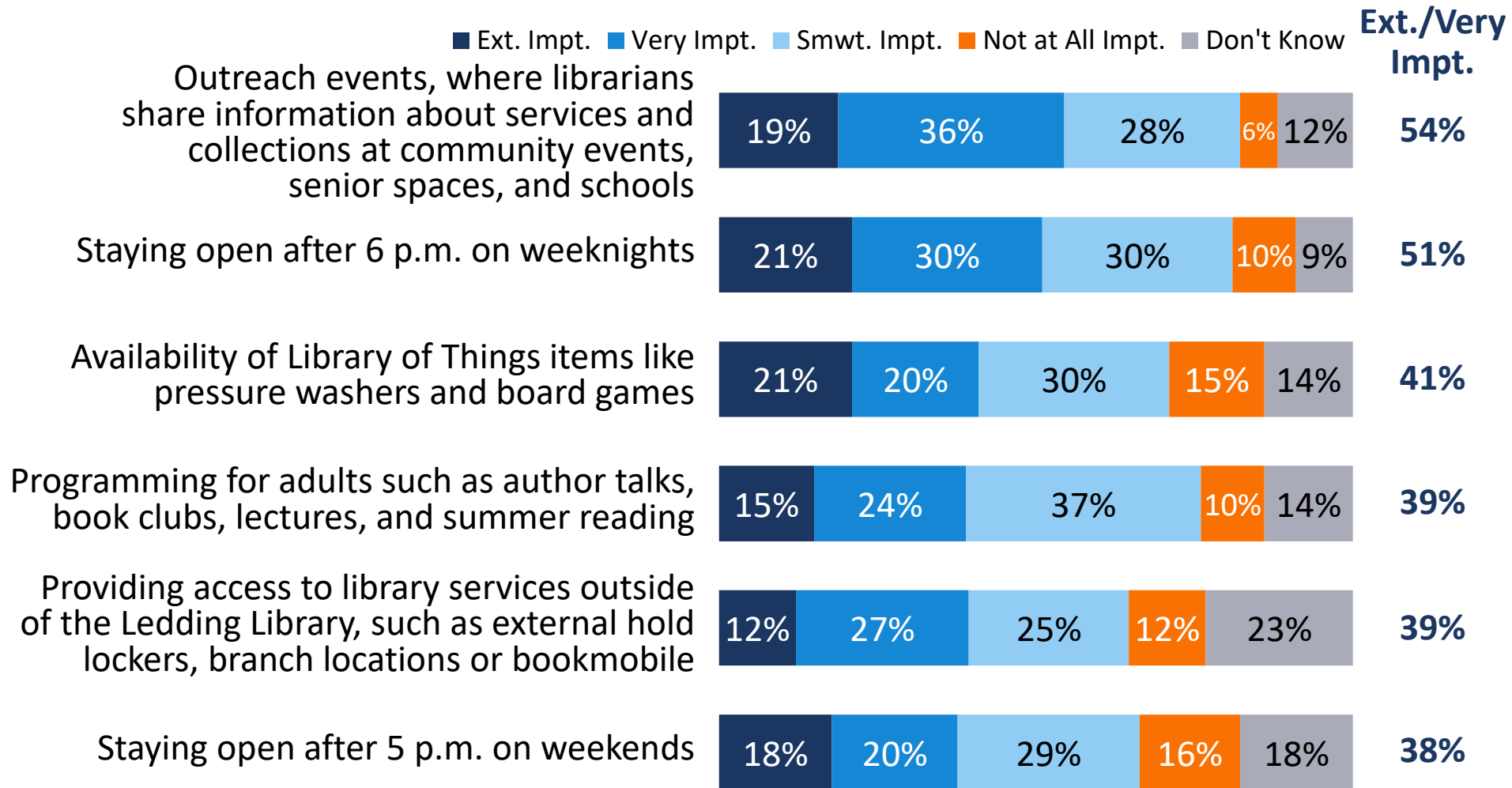
Views of the Ledding Library

Residents especially value the availability of library materials, and weekend daytime hours.

*I am going to read you a list of Ledding Library programs and services.
Please tell me how important each one is to you personally:
extremely important, very important, somewhat important, or not at all important.*



They are less likely to prioritize services outside the library or evening weekend hours.

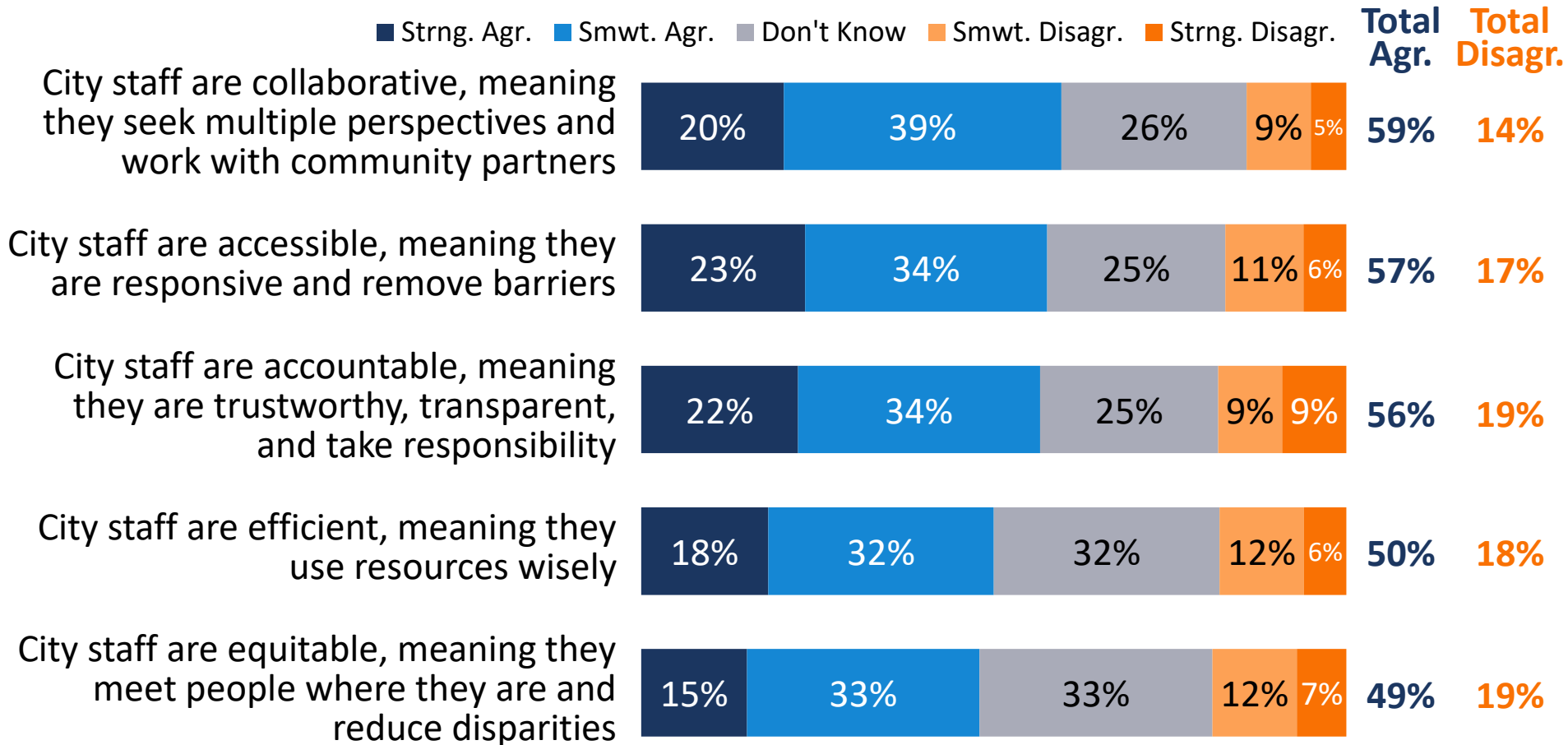




Communication with City Government

Residents broadly see City staff as collaborative, accessible and accountable.

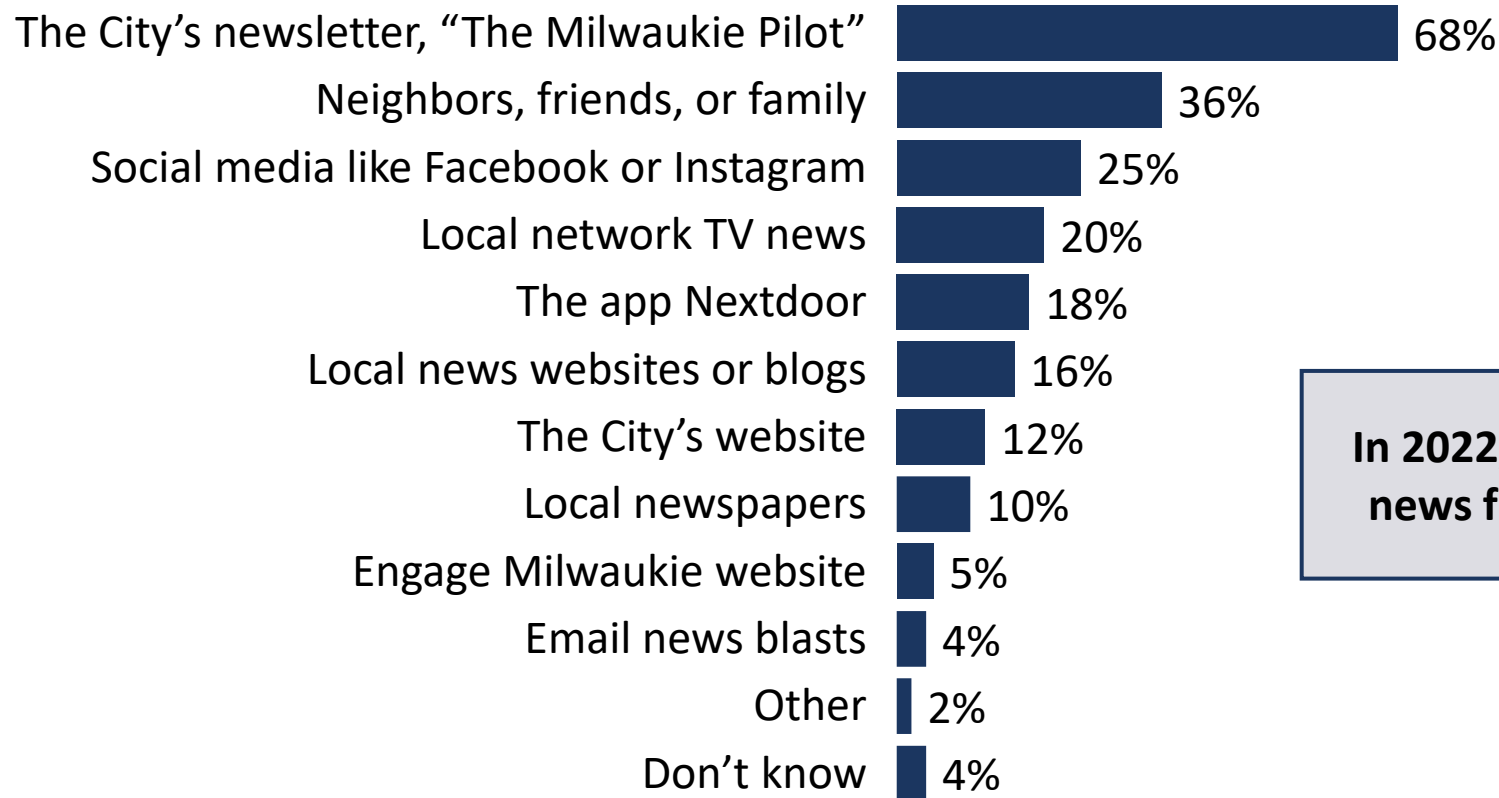
City staff have recently committed to five core values. Please tell me whether you agree or disagree with each statement about how City staff are doing delivering on those values.



Three in five residents get information about City of Milwaukie from “The Milwaukie Pilot.”

From which of the following sources do you generally get most of your news about the City of Milwaukie?

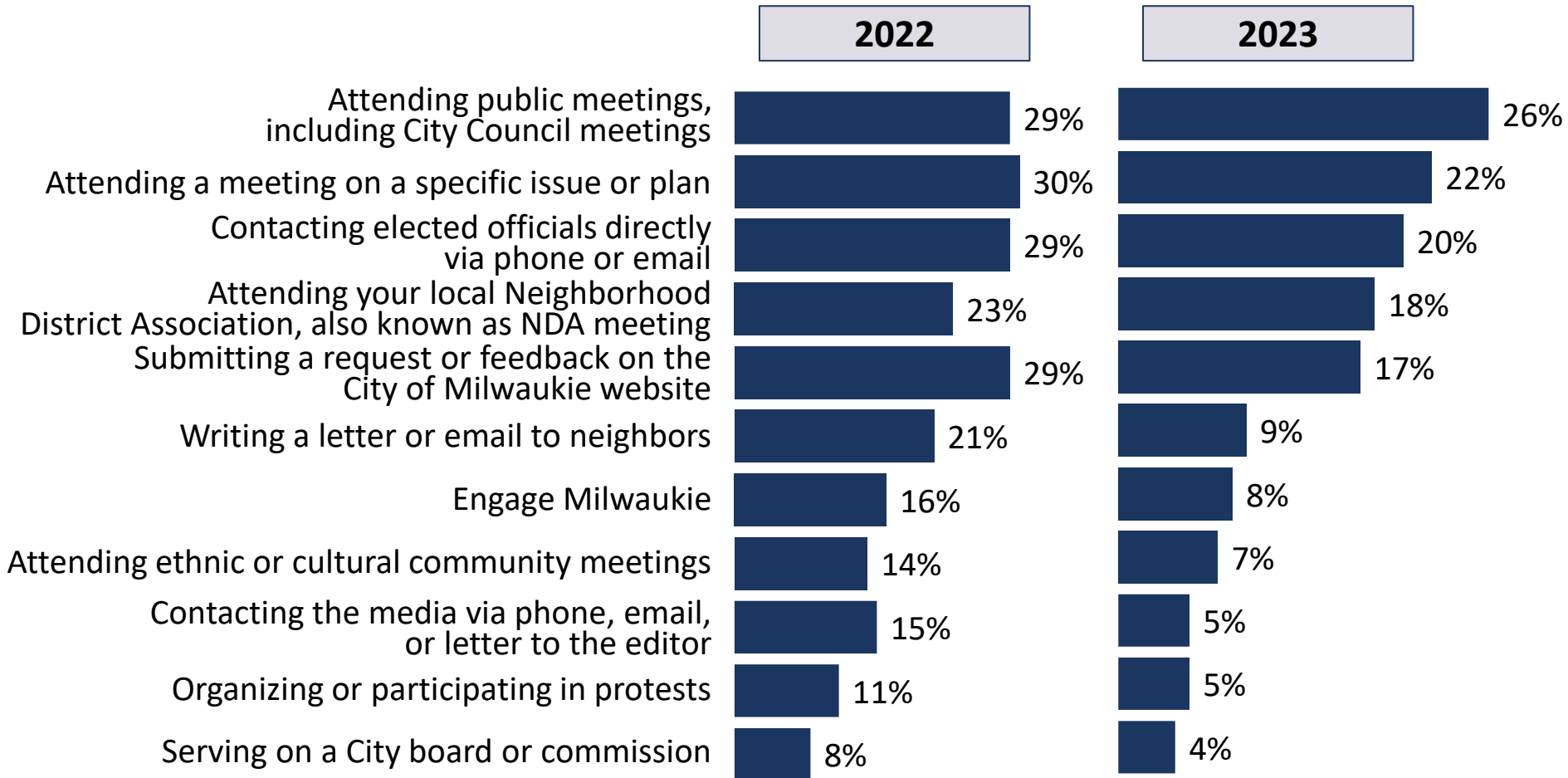
(Multiple Responses Accepted)



In 2022, 52% got their news from the *Pilot*.

Attending public meetings is a relatively common way to participate in local government.

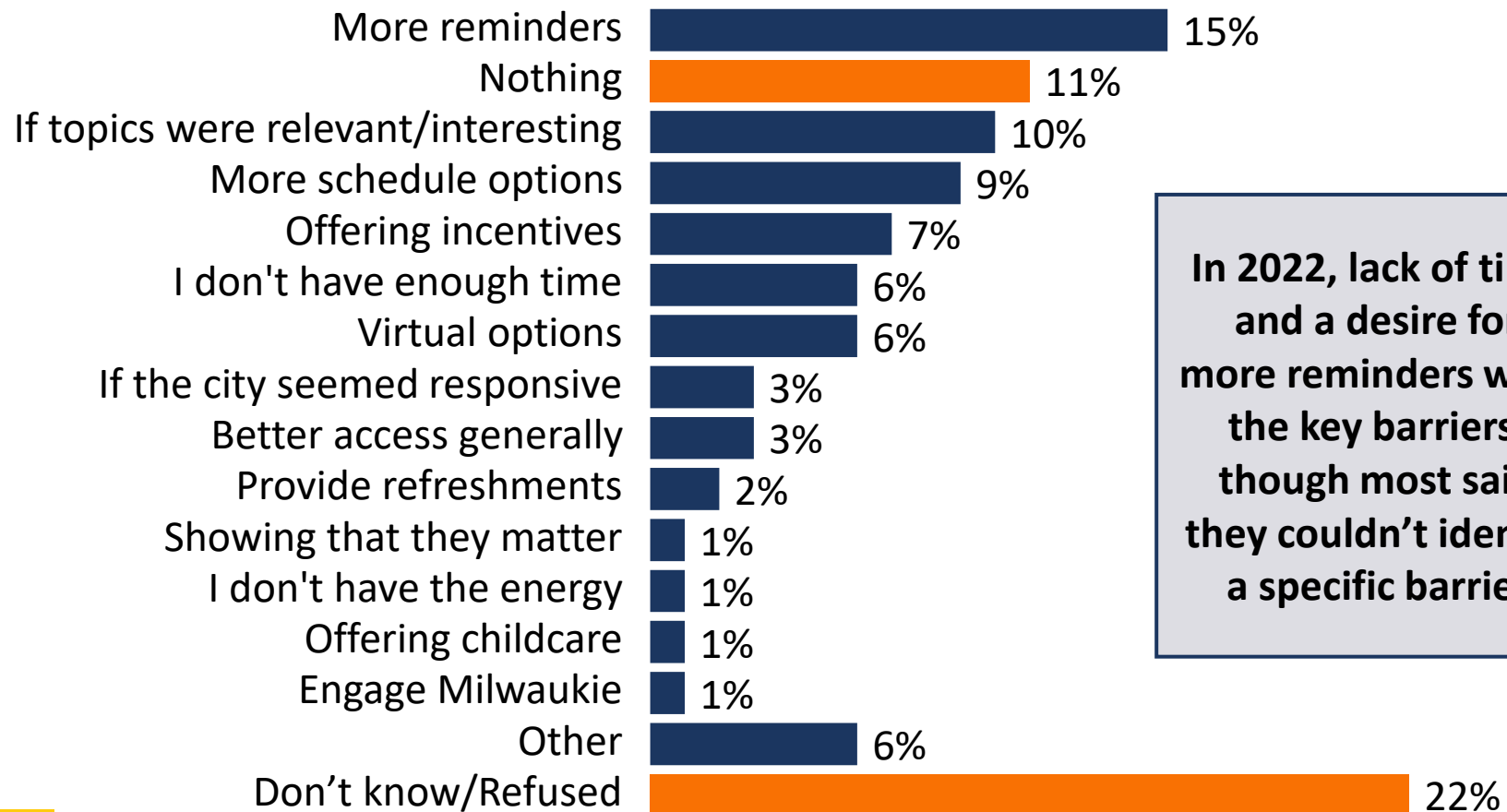
Here is a list of methods that some City of Milwaukie residents use to participate in City government or give their opinion to City decision-makers. Please tell me whether you personally have used that method to participate or give your opinion to the City of Milwaukie.



Barriers to participation in City government vary widely – for many it is lack of interest.

As you may know, the City has many meetings, boards, and other events designed to invite residents to share their opinions and priorities. Regardless of how often you participate in these types of events now, what would make you more likely to participate in these types of events?

(Open-ended)



In 2022, lack of time and a desire for more reminders were the key barriers, though most said they couldn't identify a specific barrier.



Conclusions

Conclusions

- As in 2022, residents are quite satisfied with quality of life in Milwaukie. They approve of the City's work providing services, spending tax dollars it receives, and seeking public input on their plans and projects.
- Crime, homelessness, roads and affordable housing are key topics that residents would like the City to address. Notably, only 19% believe the cost of housing is more affordable than the rest of the region.
- The services residents value most include street maintenance, attracting/retaining local businesses, police services, public safety and utilities. They are largely satisfied with many of these, with room for improvement on maintaining roads.
- Residents largely agree that City staff are collaborative, accountable, and accessible. They are less sure whether City staff are efficient or equitable.
- Satisfaction ratings for parks and recreational facilities are quite high, and a majority supports paying more in fees or taxes to fund them (though softly).
- Residents value the Ledding Library's materials, youth programs, and weekend daytime hours especially.
- *The Milwaukie Pilot* is an important source of local information.

**For more information,
contact:**



**OPINION
RESEARCH
& STRATEGY**

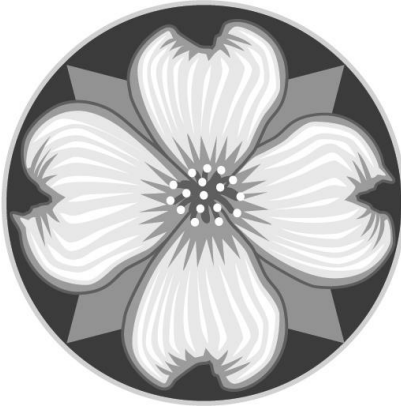
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Dave Metz

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Miranda Everitt

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RS Agenda Item

8

Public Hearings

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Joseph Briglio, Community Development Director, and
Peter Passarelli, Public Works Director

From: Jennifer Garbely, City Engineer, and
Brandon Boutros, Civil Engineer

Subject: Repeal of the Downtown and Riverfront Public Area Requirements

Date Written: Dec. 14, 2023

ACTION REQUESTED

Council is asked to repeal the Downtown and Riverfront Public Area Requirements (DRPAR).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

September 19, 2000: Council adopted the DRPAR in Section 7 of Ordinance No. 1880.

June 7, 2005: Council adopted Resolution 31-2005 amending the Public Area Requirements for the downtown area.

[December 5, 2023:](#) Council received a presentation from staff on the Public Works Standards.

ANALYSIS

Staff assessed the DRPARs and found many features of that document to be incompatible with existing conditions and more current documentation. Some of the issues found by staff, include issue areas such as:

- Public roads and recreational pathways through private properties,
- Exclusion of existing recreation pathways,
- Parking regulations overridden by Traffic Regulation 502,
- Planned street trees that are not permitted per Milwaukie Municipal Code (MMC) 16.32 Tree Code,
- Planned street light locations managed by Portland General Electric (PGE), and
- Street classifications are managed by the current Transportation System Plan (TSP).

Other requirements typically covered in public works standards documents, such as street and sidewalk design, and street furniture, are being incorporated into the Public Works Standards.

BUDGET, CLIMATE, & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

Engineering staff consulted with Council, the city attorney, city recorder, community development, and public works on this issue.

STAFF RECOMMENDATION

Staff recommends that Council repeal the DRPAR.

ALTERNATIVES

Council could decide to maintain the DRPAR.

ATTACHMENTS

1. Ordinance

COUNCIL ORDINANCE No.**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, REPEALING THE DOWNTOWN AND RIVERFRONT PUBLIC AREA REQUIREMENTS.**

WHEREAS Under City of Milwaukie Municipal Code Section 12.02.030 Amendments the public works director may make technical amendments to the city Public Works Standards; and

WHEREAS Ordinance 1880, Section 7, adopted the Downtown and Riverfront Public Area Requirements as a set of Public Works Standards applicable in part of the city; and

WHEREAS Resolution 31-2005 amended and revised the Downtown and Riverfront Public Area Requirements; and

WHEREAS staff subsequently incorporated all relevant sections of the Downtown and Riverfront Public Area Requirements into the latest edition of the city Public Works Standards; and

WHEREAS sections of the Downtown and Riverfront Public Area Requirements not incorporated into or addressed in the City Public Works Standards have been deemed outdated by the city engineer or are addressed elsewhere; and

WHEREAS Council has determined that the Downtown and Riverfront Public Area Requirements as adopted by Ordinance 1880, Section 7 and amended by Resolution 31-2005 are outdated and redundant and should therefore be repealed.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. The Downtown and Riverfront Public Area Requirements adopted by Ordinance 1880, Section 7, and amended by Resolution 31-2005, are repealed.

Section 2. The city engineer is directed to initiate whatever actions are necessary to remove and/or redirect to the city Public Works Standards any reference to the now repealed Downtown and Riverfront Public Area Requirements.

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 _____.

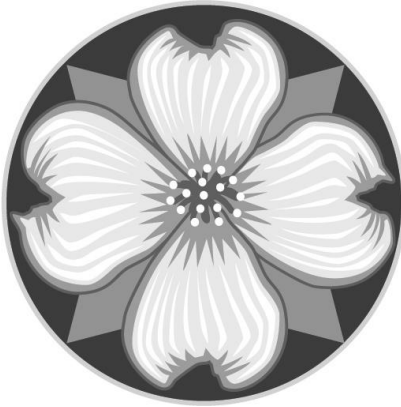
ATTEST:

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



RS Agenda Item

9

Council Reports

City Council Reports

January 2, 2024

Mayor Batey





NCPRD Partnership Webpage



Learn more about the Strategic Partnership and how you can get involved by clicking the tabs below.

Benefits of the Strategic Partnership

Public Engagement

Helpful Documents

For questions, email info@ncprd.com.

<https://ncprd.com/partnership>



NCPRD Partnership Webpage

“Once the transaction is complete, North Clackamas Parks and Recreation District will open discussions to the public so that the community can decide how to revitalize and repurpose these three facilities and the surrounding greenspaces for the enrichment of everyone who lives, works and plays in Clackamas County.”



NCPRD Strategic Partnerships FAQs Webpage



The screenshot shows the NCPRD Strategic Partnerships FAQs Webpage. The header features a navigation menu with links: ABOUT US, PARKS & TRAILS, AQUATIC PARK, MILWAUKIE CENTER, SPORTS, RECREATION, and RENTALS & PERMITS. There is also a language selector showing 'EN' with a flag icon. Below the header, the left sidebar contains the North Clackamas Parks & Recreation District logo, a search bar labeled 'Search NCPRD', a green 'Register Here' button, and a list of program categories: Youth Programs, Adult Programs, and Adaptive and Inclusive. The main content area has a breadcrumb trail 'Home » Strategic Partnership FAQs' and a title 'Strategic Partnership FAQs'. Below the title is a sub-header 'What will happen to the programs, staff and tenants currently housed at Wichita, Clackamas and Concord Schools?'. The main text contains three bullet points detailing the transition of programs and staff from Wichita Elementary School, Clackamas Elementary School, and Concord Elementary School to the Parks District facility.

ABOUT US | PARKS & TRAILS | AQUATIC PARK | MILWAUKIE CENTER | SPORTS | RECREATION | RENTALS & PERMITS | EN ^

Home » Strategic Partnership FAQs

Strategic Partnership FAQs

What will happen to the programs, staff and tenants currently housed at Wichita, Clackamas and Concord Schools?

- **Wichita Elementary School:** The Parks District and School District intend to work on an agreement to continue current use, programs, and facility maintenance responsibilities at Wichita Elementary School (until 6/30/2020) and Hood View Park (until 1/1/2021). The former school building is now the site of Wichita Center for Family & Community, which was established in 2009 by the School District. There are no current plans or discussions to make changes to fees, access or programs. If School District programs and staff eventually need to be relocated from Wichita Elementary School, they will likely be moved to another school district facility.
- **Clackamas Elementary School:** The school will be operated by the Parks District immediately upon assuming ownership. NCPRD intends to assume the existing lease terms with the current tenant, Cascade Heights Public Charter School.
- **Concord Elementary School:** The school has been closed for many years and there are no tenants or programs currently housed in that facility.



NCPRD Strategic Partnerships FAQs Webpage

Why is the School District selling Wichita; this seems contrary to the District's goals of helping needy families/students?

- The School District's mission is "Preparing graduates who are inspired and empowered to strengthen the quality of life in our local and global communities."
- The School District's goals are: Student Achievement – Each student will meet or exceed grade-level standards and graduate, Equity – Create inclusive learning environments for each student, and Resources and Quality Programs – Improve financial stability, leverage assets, and expand efficiencies throughout the system."
- Selling the building does not necessarily mean that programs which help needy families go away. The programs will stay at Wichita in the near future and may stay at Wichita, pending decisions regarding future use of the building. The programs may also move to another location within the school district. The Strategic Partnership will provide new services to our community, families and students.



NCPRD Strategic Partnerships FAQs Webpage

Why is the Parks District selling Hood View Park?

- Within three years of Happy Valley entering the District, NCPRD developed the City's number one priority at the time: Hood View Community Park. The \$18 M Hood View Park, with its impressive sports fields, is the largest park development in NCPRD's history.
- Hood View Park sits adjacent to Rock Creek Middle School in Happy Valley. The middle school is targeted for conversion to a new high school in 2020-21, which will require sports fields for athletic and educational programs. The acquisition of Hood View Park provides the School District with a cost-effective alternative to building a new sports complex nearby, while providing for planned development of the new high school.
- Hood View Park stays in the community to provide students with athletic fields, and will continue to serve as a venue for sports programming and league rentals during non-school use times.
- The sale, which is more than a year in the making, will help to decentralize the Park District's capital currently held in Hood View Park and free up annual SDC revenue to allow for more investment in new community centers, open spaces and recreation opportunities throughout the District.



NCPRD Strategic Partnerships FAQs Webpage

How would the sale of Hood View Park impact existing NCPRD sports programs and community league access to the sports complex?

- Even after the School District takes ownership of Hood View Park, the sports complex will stay in the community to provide students with athletic fields, and will continue to serve as a venue for sports programming and league rentals during non-school use times.
- Pending approval of the proposed facility use agreement, the Parks District will continue current use, programs, and facility maintenance responsibilities at Hood View Park (until 1/1/2021). It is anticipated that there will be little to no changes to current sports programming and league access at Hood View Park leading up to the completion of the future high school in the summer of 2021.

When will the new high school start using the fields?

- The new high school at the converted Rock Creek Middle School will be completed in the summer of 2021. School District high school fields can be accessed by the community via the School District's [Facility Use Policy](#).



NCPRD Strategic Partnerships FAQs Webpage

Will there be public engagement for the visioning of the future use of Concord, Wichita and Clackamas Schools?

- The Parks District's mission is "To enrich community vitality and promote healthy living through parks and recreation." This collaborative agreement will help increase recreational opportunities and quality of life for residents through new indoor community centers and open spaces in multiple strategic locations throughout the district.
- NCPRD is dedicated to a thorough, inclusive and transparent public engagement process for the development of new parks and facilities. Extensive public outreach processes will take place to allow all District residents and interested groups to take part in shaping the vision for these buildings and surrounding properties.

