



Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

REVISED AGENDA

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

JUNE 18, 2024

(Revised June 14, 2024)

Council will hold this meeting in-person and by video conference. The public may come to City Hall, join the Zoom webinar, or watch 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-374>.
 Written comments may be delivered to City Hall or emailed to ocr@milwaukieoregon.gov.

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

Page #

Swearing-In of New Councilor – Oath of Office. (6:00 p.m.) Before the meeting begins the oath of office will be administered to newly elected Councilor Will Anderson.

1. **CALL TO ORDER** (6:05 p.m.)
 - A. **Pledge of Allegiance**
 - B. **Native Lands Acknowledgment**

2. **ANNOUNCEMENTS** (6:06 p.m.) **2**

3. **PROCLAMATIONS AND AWARDS**
 - A. **None Scheduled.**

4. **SPECIAL REPORTS**
 - A. **None Scheduled.**

5. **COMMUNITY COMMENTS** (6:10 p.m.) **3**

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 at 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** (6:15 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:** **7**
 1. **May 14, 2024, study session,**
 2. ~~May 21, 2024, work session, and~~
 3. ~~May 21, 2024, regular session.~~ (removed from the agenda)
 - B. **Certification of the May 21, 2024, Election – Resolution** **9**
 - C. **Removal and Appointment of Tree Board Members – Resolution** **15**
 - D. **Appointment to the Public Safety Advisory Committee – Resolution** **18**
 - E. **Adoption of the Neighborhood Enhancement Program – Resolution** **21**
 - F. **Authorization of a Fleet Fuel Management Service Purchase – Resolution** **29**
 - G. **Authorization of Park Projects Contingency – Resolution** **32**
 - H. **Authorization of a Deferred Compensation Contract – Resolution** **36**

7. BUSINESS ITEMS

A. Council President Election – Motion (6:25 p.m.)

Presenter: Lisa Batey, Mayor

8. PUBLIC HEARINGS

A. None Scheduled.

9. COUNCIL REPORTS (6:35 p.m.)

10. ADJOURNMENT (6:45 p.m.)

Executive Session. After the regular session, Council will 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 (a) to consider the employment of a public officer, employee, staff member, or individual agent.

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)

2405th Meeting

MINUTES

JUNE 18, 2024

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

Staff Present: Joseph Briglio, Acting Assistant City Manager
Justin Gericke, City Attorney
Brent Husher, Library Director

Brandi Leos, Human Resources Director
Emma Sagor, Acting City Manager
Scott Stauffer, City Recorder

Swearing-In of New Councilor – Oath of Office

Graves administer the oath to Councilor Anderson.

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

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming community activities including a Kellogg Dam removal event, a city manager open door session, a Milwaukie Pride event, July First Friday activities, the Porchfest music event, and a concert fundraiser at Milwaukie Bay Park.

Mayor Batey read a haiku poem.

Stauffer noted the upcoming filing window for those interested in running for Council.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures. In response to comments made at the June 4 regular session **Sagor** noted the city was in ongoing negotiations with the American Federation of State, County, and Municipal Employees (AFSCME) and reported that staff had spoken with Milwaukie resident Rod Smith.

Terrell Garret, Greenway Recycling, expressed concern about the city's use of the Metro South Transfer Station due to low construction material recovery rates.

David and Dean Chitsazan, Milwaukie residents, expressed frustration with Council's lack of response to requests for a proclamation regarding the Palestinian conflict.

6. CONSENT AGENDA

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

- A. City Council Meeting Minutes:
 - 1. May 13, 2024, study session,
 - 2. ~~May 21, 2024, work session, and (removed from the agenda)~~
 - 3. ~~May 21, 2024, regular session.~~
- B. Resolution 31-2024: A resolution of the City Council of the City of Milwaukie, Oregon, certifying the results of the May 21, 2024, election.
- C. Resolution 32-2024: A resolution of the City Council of the City of Milwaukie, Oregon, removing and appointing members of the Tree Board.
- D. Resolution 33-2024: A resolution of the City Council of the City of Milwaukie, Oregon, making an appointment to the Public Safety Advisory Committee (PSAC).
- E. Resolution 34-2024: A resolution of the City Council of the City of Milwaukie, Oregon, adopting revisions to the Neighborhood Grant Program, including a new title and criteria for approval.
- F. Resolution 35-2024: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing the acting city manager to sign a purchase order not to exceed \$1,000,000 with PetroCard to provide cardlock and fuel services.
- G. Resolution 36-2024: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing increased contingency for Contract #C2024-003 for Paul Brothers, Inc. for Scott, Bowman-Brae, and Balfour Parks Project.
- H. Resolution 37-2024: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an administrative services agreement with MissionSquare for the administration and record keeping of employee deferred compensation accounts.

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

7. BUSINESS ITEMS

A. Council President Election – Motion

Batey explained that a council president was elected following the seating of newly elected Council members.

It was moved by Councilor Anderson and seconded by Councilor Stavenjord to appoint Councilor Massey to serve as Council President. Motion passed with the following vote: Councilors Anderson, Khosroabadi, and Stavenjord and Mayor Batey voting “aye,” and Council President Massey abstaining. [4:0:1]

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

Mayor Batey announced that 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 (a) to

consider the employment of a public officer, employee, staff member, or individual agent.

Councilor Anderson thanked family and friends for attending the swearing-in ceremony and remarked on the city's housing work and Providence Milwaukie's nurses' strike.

Councilor Khosroabadi and **Mayor Batey** remarked on the Clackamas County Children's Commission's move to a location in Milwaukie.

Councilor Stavenjord reported on housing discussions held during the Clackamas County Coordinating Committee (C4) retreat.

Sagor noted Council would revisit its communication agreement and committee assignments at its upcoming retreat.

10. ADJOURNMENT

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

Mayor Batey adjourned the meeting at 6:35 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder

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CITY OF MILWAUKIE

June 18, 2024, 6:00 p.m.
City Hall Council Chambers

**Swearing-in Ceremony of the
Councilor
Elected on May 21, 2024**

Administered By
Municipal Court Judge Kimberly Graves

City Councilors
Will Anderson



CITY OF MILWAUKIE

June 18, 2024, 6:00 p.m.
City Hall Council Chambers

**Swearing-in Ceremony of the
Councilor
Elected on May 21, 2024**

Administered By
Municipal Court Judge Kimberly Graves

City Councilors
Will Anderson

The ceremony will be broadcast live on the city's YouTube Channel,
Comcast Cable Channel 30 in city limits, and via Zoom video conference.

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RS Agenda Item

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Announcements

Mayor's Announcements – June 18, 2024



- **Kellogg Creek Restoration Project Community Tour – Wed., Jun. 19 (5:30 – 6:30 PM)**
 - Join the North Clackamas Watersheds Council (NCUWC) for a guided tour.
 - Participants will meet at Milwaukie Bay Park (11211 SE McLoughlin Blvd.)
- **City Manager Open Door Session – Fri., Jun. 28 (9-10 AM)**
 - No sign-up is necessary, those attending are seen on a first-come, first-served basis.
 - Milwaukie City Hall (3rd Floor Council Chambers), 10501 SE Main St.
- **Pride Celebration – Sat., Jun. 29 (10 AM – 12 PM)**
 - Celebrate LGBTQIA+ Pride Month
 - South Downtown Plaza, SE Washington St. and SE Main St.
- **First Friday – July 5 (5-PM)**
 - Join the downtown community for the city's largest block party.
 - More information at [FirstFridayMilwaukie.com](https://www.firstfridaymilwaukie.com).
- **Milwaukie Porchfest – July 12, 19 & 26 – Sign up to be a performer, host, or volunteer**
 - Porchfest is a free festival of performances all around the city.
 - Learn more, including how to get involved, at [milwaukieporchfest.com](https://www.milwaukieporchfest.com).
- **Concert at Milwaukie Bay Park – Petty Fever – Sat., Jul. 13 (5-8 PM, Duck Race Over Kellogg Dam at 5:30 PM, Music at 6 PM)**
 - Enjoy waterfront views while dancing to your favorite Tom Petty hits.
 - Come early at 5:30 PM for duck races over Kellogg Dam provided by Milwaukie Parks Foundation and North Clackamas Watersheds Council.
 - Food and beverages will be available for sale.
 - Milwaukie Bay Park, 11211 SE McLoughlin Blvd.
- **LEARN MORE AT [WWW.MILWAUKIEOREGON.GOV](https://www.milwaukieoregon.gov) OR CALL 503-786-7555**



RS Agenda Item

5

Community Comments

From: [Lisa Batey](#)
To: [City Council](#)
Cc: [Milwaukie Police](#); [Jennifer Garbely](#); [Jeff Tolentino](#)
Subject: FW: SE 29th Ave. Greenway Update Request
Date: Friday, June 7, 2024 2:46:20 PM
Attachments: [6 7 24 Super Fast Truck.mp4](#)

Adding the Council mailbox so it reaches Emma, Joseph and Scott:

From: Lindsey Davis <arneson.lindsey@gmail.com>
Sent: Friday, June 7, 2024 2:42 PM
To: Adam Khosroabadi <KhosroabadiA@milwaukieoregon.gov>; Robert Massey <MasseyR@milwaukieoregon.gov>; Shane Abma <AbmaS@milwaukieoregon.gov>; Rebecca Stavenjord <StavenjordR@milwaukieoregon.gov>; Lisa Batey <BateyL@milwaukieoregon.gov>
Cc: Milwaukie Police <Police@milwaukieoregon.gov>; Jennifer Garbely <GarbelyJ@milwaukieoregon.gov>; Jeff Tolentino <TolentinoJ@milwaukieoregon.gov>
Subject: SE 29th Ave. Greenway Update Request

This Message originated outside your organization.

Dear City Council Members,

My name is Lindsey Davis and my family: husband, two children (almost 6 and 8.5) and 1.5 year old dog, have lived on the corner of SE 29th and SE Kelvin St. since 2013.

I have attached a video of a truck traveling down SE 29th Ave. at 9:51 AM this morning. You can see the high rate of speed it is traveling, the fact that it doesn't even tap the breaks approaching the intersection with SE Kelvin St., and that the construction workers working on my neighbor's house commented that it was "hauling ass".

This is just the most recent of many examples I could send you of this vehicle and others using SE 29th without any respect for its greenway status.

There are no two ways about it, this truck would have killed me, my children, husband, dog or any pedestrian or bicyclist that it came into contact with on what is meant to be a street that prioritizes non-motor vehicle modes of transportation.

I have been following the plans related to the SE 29th Ave. greenway project and was disheartened to see how seemingly frustrated the city engineer was with hearing the concerns of my neighbors back in February. However since then, per my understanding of the city council work session back in May, it has been determined that the best solution for making the street that I live, walk, bike and drive on safer, is to paint areas of

the ground and put up signage to raise awareness of bicyclists.

While I might not agree that this is the best course of action to keep my neighbors and myself safe from drivers like those in the attached video (I would very much like to see speed reduction devices like mini traffic circles installed, which would have forced this truck to slow WAY down), I can appreciate that there is a proposed a path forward.

I am writing to ask for an update on that painting and signage, which in my understanding is set to begin after a slurry seal has been added to SE 29th.

I fully understand that the pot of funding can only go so far, but my neighbors and I were offered a glimmer of hope at making our street safer and I would hate to see that snuffed out by the slurry seal process being dragged out.

I appreciate you taking the time to watch the attached video. I hope it gives some perspective as to why my neighbors and I are pushing so hard to see progress on making our street safer.

Thank you for your time,

Lindsey Davis

Scott Stauffer

From: Lisa Batey
Sent: Friday, June 14, 2024 5:28 PM
To: _City Council; Joseph Briglio
Subject: Fwd: Draft Resolution: City of Milwaukie City Council
Attachments: We sent you safe versions of your files; RESOLUTION MILWAUKIE.pdf

Copying the council mailbox and Joseph
Sent from my iPhone

Begin forwarded message:

From: Customer Service <info@parkuniversal.com>
Date: June 14, 2024 at 4:51:34 PM PDT
To: Adam Khosroabadi <KhosroabadiA@milwaukieoregon.gov>, Robert Massey <MasseyR@milwaukieoregon.gov>, Shane Abma <AbmaS@milwaukieoregon.gov>, Rebecca Stavenjord <StavenjordR@milwaukieoregon.gov>, Lisa Batey <BateyL@milwaukieoregon.gov>
Subject: Draft Resolution: City of Milwaukie City Council

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This Message originated outside your organization.

Greetings and Happy Summer!

I am looking to expand my parking operation in Milwaukie and have drafted the attached resolution for your review and possible vote. Traffic and congestion are increasing in the City of Milwaukie and towing vehicles from private property may create an economic disparity for vehicle owners. An alternative to towing is the issuance of a parking penalty. This operation is less of a burden and more equitable for the general public at large. My hopes are to have an approved resolution officially authorizing this business operation just like in the City of Portland. Please let me know your thoughts or if you have any questions or concerns. Thank you for your time and consideration.

Warm regards,

Dimitri Moustakas
(He, Him)



Universal Parking

P.O. Box 4634 Portland, Oregon 97208

Office: 971.599.3793 Fax: 971.228.1500

www.parkuniversal.com

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RESOLUTION NO. _____

Resolution Title: Parking Enforcement on Private Property

A RESOLUTION TO AUTHORIZE PRIVATE PROPERTY OWNERS TO ISSUE PARKING VIOLATIONS AS AN ALTERNATIVE TO TOWING VEHICLES ON PRIVATE PROPERTY IN VIOLATION OF POSTED RESTRICTIONS

WHEREAS, parking congestion on private property in the City of Milwaukie has become a growing concern impacting safety, accessibility, and property management,

WHEREAS, unregulated parking on private property in the City of Milwaukie often leads to disputes, inconvenience, and potential hazards for property owners, tenants, and visitors,

WHEREAS, effective parking enforcement requires clear guidelines, procedures, and legal frameworks to ensure fairness, accountability, and compliance,

WHEREAS, The City of Milwaukie recognizes the economic disparity towing a vehicle may cause and the issuance of a Parking Violation promotes an equitable alternative

WHEREAS, The City of Milwaukie recognizes the need to grant authorization to private property owners to issue parking violations as an alternative to towing vehicles

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MILWAUKIE, OREGON: The City of Milwaukie hereby authorizes the implementation of parking enforcement measures on designated private properties within its jurisdiction.

Designation of Authorized Personnel: Authorized personnel, including but not limited to property owners, appointed representatives, or contracted enforcement agencies, are granted the authority to enforce parking regulations on designated private properties.

Establishment of Parking Regulations: Property owners or their designated representatives shall establish and prominently display clear parking regulations, including permissible parking hours, designated areas, permit requirements, and any associated penalties for violations.

Notice of Enforcement: Prior to initiating enforcement actions, property owners or their designated representatives shall provide adequate notice to tenants, visitors, and the public regarding the implementation of parking regulations and enforcement measures.

Compliance with Legal Requirements: All parking enforcement activities on private property shall comply with applicable local, state, and federal laws, including regulations governing signage, towing, privacy, and due process rights.

Fair and Transparent Enforcement: Parking enforcement personnel shall carry out their duties in a fair, transparent, and consistent manner, ensuring equitable treatment of all individuals and vehicles subject to enforcement actions.

Appeals Process: Property owners or enforcement agencies shall establish an appeals process allowing individuals to contest parking violations through a fair and impartial review mechanism, with provisions for providing evidence, presenting arguments, and receiving timely decisions.

Data Protection and Privacy: Property owners and enforcement agencies shall implement adequate measures to safeguard the privacy and confidentiality of personal data collected during parking enforcement activities, in compliance with applicable data protection regulations.

Community Engagement and Education: Property owners shall engage with tenants, residents, and relevant stakeholders to raise awareness about parking regulations, encourage compliance, and address concerns or feedback related to enforcement activities.

Periodic Review and Evaluation: The City of Milwaukie shall conduct periodic reviews and evaluations of parking enforcement measures on private property to assess their effectiveness, address emerging issues, and make necessary adjustments to ensure the equitable and efficient management of parking resources.

BE IT FURTHER RESOLVED, the City of Milwaukie shall recognize that this resolution shall take effect immediately upon adoption.

BE IT FURTHER RESOLVED, this resolution aims to provide a framework for enabling parking enforcement on private property while upholding principles of fairness, accountability, and legality. It emphasizes the importance of clear regulations, transparent enforcement processes, and community engagement to address parking challenges effectively.

Adopted by the Council this _____ day of _____, 2024

Approved by the Mayor this _____ day of _____, 2024

Ayes: _____

Nays: _____

ATTEST:

APPROVED:

City Recorder

Mayor

From: [David Chitsazan](#)
To: [OCR](#)
Subject: Community Comments for City Council Meeting Tonight 6-18-2024
Date: Tuesday, June 18, 2024 12:00:18 PM
Attachments: [We sent you safe versions of your files.msg](#)
[Proposed Palestine Proclamation v3.docx](#)
[Community Comments 6.18.24.pdf](#)

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

This Message originated outside your organization.

Hi Scott, OCR team,

Please see attached for my comments for today's city council meeting in the community comments section, along with a proposed proclamation (attached v3). Depending on whether or not Dean naps today, I may be in attendance to provide my comments.

Also, can you confirm that we are in the same position as last time Emma spoke on the matter regarding the proclamation? Last I heard the city is still awaiting action from Milwaukie, but wanted to double check.

Let me know if you have any questions. Thank you!

Sincerely,
David

To: Milwaukie City Council

From: David Chitsazan, Milwaukie Resident (in his personal capacity)

Re: Palestine Proclamation

Date: June 18, 2024

Note: Comments in red from early May, purple for late May comments, green for current comments.

Dear City Council,

I would like to provide some further information to help explain the dire situation in Palestine, and express support towards a proposed proclamation (attached 'Proposed Palestine Proclamation v3'). **Figures updated in green are updates from my May 21st comments to today.**

I'd like to emphasize the impact of inaction. Here's the figures on the war from when I first presented in late February 2024 (figures as of February 16, 2024):



And here are the figures as of today, ~~April 16, 2024~~ ~~May 7, 2024~~ ~~May 20, 2024~~ June 18, 2024:



Note that the figures in Israel remain the same, while the Palestine numbers have increased by a minimum 5,092 ~~6,014~~ ~~6,897~~ ~~8,750~~ deaths and ~~8,113~~ ~~9,652~~ ~~11,600~~ ~~17,650~~ injured. For perspective, that's ~~~62%~~ ~~~73%~~ ~~~86%~~ ~~~123%~~ of the population of Milwaukie¹ dead/injured (*getting closer and closer to 100% well over Milwaukie's population*). Also, in the time since we last spoke on the matter, the IDF murdered seven World Central Kitchen members, who were from Australia, Poland, the UK, a US/Canadian dual citizen, and Palestine². In addition, UNICEF estimates that at least 17,000 children are estimated to be unaccompanied or separated from their parents in the Gaza³. I'll repeat a second time for emphasis, 17,000 children are effectively orphans due to this war.

The city of Milwaukie did a great job exercising support with a proclamation in support of the Ukrainian people 20 days into the Ukraine-Russia war, and I'd like to note that we are over 250 days into the Israel-Palestine war.

¹ MilwaukieOregon.gov Milwaukie Community Quick Facts, https://www.milwaukieoregon.gov/sites/default/files/fileattachments/economic_development/page/43561/milwaukie_facts_flyer_2023_update.pdf

² World Central Kitchen, <https://wck.org/news/gaza-team-update>

³ UNICEF, <https://www.unicef.org/press-releases/stories-loss-and-grief-least-17000-children-are-estimated-be-unaccompanied-or>

I'm a Middle Eastern American and I'm **really** hurting. Every Middle Eastern person I know is hurting. And the entire world is hurting as civilians and aid givers are being murdered over and over again. I can't begin to imagine how the families of those directly impacted by this war are feeling, as it's exponentially worse than any pain I can imagine.

We've seen protests emerge at Portland State and our neighboring Reed College since we last spoke. The youth of Oregon understand the severity of the situation, it's time for the leaders to step up as well.

Here's a story from a Portland nurse who recently worked in a burn unit in Gaza (<https://katu.com/news/local/portland-nurse-describes-grim-conditions-in-war-torn-gaza#>):

Johnston said they repeatedly had to "delegate resources. That happened with a 7-year-old burn patient who had burns to 90% of their body. And I was part of the team that made the decision not to continue with wound care. He passed away two days later with his wounds infested with maggots.

"It feels like you are working against the inevitability of death," she said.

Additionally, the United Nations Relief and Works Agency for Palestine Refugees announced today it has suspended food distribution in Rafah "due to lack of supplies and insecurity."⁴ They are one of the largest suppliers of vital food and medicine to the people of Gaza, and this is the result entirely of Israel blocking the flow of supplies into Gaza.

In late May the IDF bombed a Palestinian refugee camp in Rafah, which led to hundreds of dead and injured civilians, including one video of a man holding up the headless body of a toddler.⁵

While Milwaukie doesn't have any direct say over the IDF's horrific attacks on the Palestinian people, the United States remains one of the largest suppliers of weapons to Israel and is the only veto when Israel is called to a ceasefire by the UN⁶. Change occurs through people, especially leaders, stepping up and calling out abhorrent actions when they occur. The Civil Rights and Gay Rights movements didn't get to where they are today with a snap of the finger, it took many brave individuals coming together to stand against oppression. Y'all have a similar call to action here, and I hope that the city will adopt the proposed resolution. Let me know if you have any questions, and thank you very much for listening.

Sincerely,

David

P.S. I'll continue to say it... don't be someone Harriet Tubman would have shot 😊 .

⁴ The Jerusalem Post, <https://www.jpost.com/breaking-news/article-802083>

⁵ CNN: <https://edition.cnn.com/2024/05/27/middleeast/gaza-rafah-displaced-people-camp-israel-strike-mime-intl/index.html>

⁶ Reuters, [https://www.reuters.com/world/us-casts-third-veto-un-action-since-start-israel-hamas-war-2024-02-20/#:~:text=UNITED%20NATIONS%2C%20Feb%2020%20\(Reuters,to%20the%20release%20of%20hostages](https://www.reuters.com/world/us-casts-third-veto-un-action-since-start-israel-hamas-war-2024-02-20/#:~:text=UNITED%20NATIONS%2C%20Feb%2020%20(Reuters,to%20the%20release%20of%20hostages)

***Proposed* PROCLAMATION**

A Proclamation in Opposition to the Israeli Defense Forces (“IDF”) and in Support of the Palestinian People.

WHEREAS invading a neighboring country, killing its civilian population, and destroying the infrastructure and cultural richness of that country is never to be countenanced; and

WHEREAS the IDF initiated unwarranted acts of aggression against Palestine in 2014, by killing over 2,000 Palestinians¹; and

WHEREAS the IDF forces have targeted civilians, committing crimes against humanity, to include attacking every hospital in Gaza, killing at least ~~20,000~~ **25,000** women and children², and blocking of routes for fleeing refugees, demonstrating an utter lack of regard for human life and dignity; and

WHEREAS on this, the 137th day of the war ravaging their cities and towns, the Palestinian people remain steadfast in their defense of their homeland, having earned the admiration of people around the world; and

WHEREAS Milwaukie is home to many Palestinian families and congregations who have family in Palestine or as refugees around the world for whose lives and freedom they are deeply concerned.

NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do declare that the City of Milwaukie joins communities across the globe, in the U.S., and locally, to condemn the attack on the sovereignty of Palestine, and stands with the people of Palestine and their right to self-determination, freedom, and democracy.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie I have set my hand on this 20th day of February, 2024.

¹ Source: Israeli Ministry of Foreign Affairs, mfa.gov.il/ProtectiveEdge/Documents/PalestinianFatalities.pdf.

² Source: US Defense Secretary Lloyd Austin, <https://www.aljazeera.com/news/2024/3/1/more-than-25000-women-and-children-killed-in-gaza-us-defence-secretary>



**CITY OF MILWAUKIE
CITY COUNCIL**

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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: Terrell Garrett

Address: 15204 SE River Forest Dr. Milwaukie, OR 97267

Organization: GreenWay Recycling & Thunderbird Dropbox

Phone: (503) 893-4123

Email: terrell@greenway.net

Meeting Date: June 18, 2024

Topic: Solid Waste Recycling/Construction & Demolition Debris

Agenda Item You Wish to Speak to:

You are Speaking...

- #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:** _____

- in Support
- in Opposition
- from a Neutral Position
- to ask a Question

Comments:

Regarding City Policies on Solide Waste Recycling for Construction and Demolition materials and Franchse Agreements.



LA CIUDAD DE MILWAUKIE
Concejo Municipal

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

Formulario de comentarios del orador

La ciudad de Milwaukie alienta a todos los residentes a expresar sus puntos a los líderes de su ciudad de manera **respetuosa**. Si desea hablar ante el Ayuntamiento, complete este formulario y entréguelo al Registrador de la Ciudad. Tenga en cuenta que cuando este formulario de comentarios del orador es enviado al Registrador de la Ciudad pasa a formar parte del registro público.

Nombre: Tomell Garrey

Organización: _____

Dirección: _____

Número de teléfono móvil: _____

Correo electrónico: _____

Fecha: 18th

El Tema: solid waste

Punto de la agenda con el que desea hablar:

#5 Comentarios de la comunidad

Nota: El consejo generalmente no responde a los comentarios durante esta reunión. El administrador de la ciudad responderá a los comentarios en la próxima sesión ordinaria.

#7 Otros asuntos, el tema: _____

#8 Audiencia pública, el tema: _____

Estas hablando...

en apoyo

en oposición

desde una posición neutral

para hacer una pregunta

Comentarios:



**CITY OF MILWAUKIE
CITY COUNCIL**

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

Speaker Card

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Name: DAVID CHIBAZAN

Address:

Organization:

Phone:

Email:

PALESONE

Meeting Date: 6/18

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



RS Agenda Item

6

Consent Agenda

COUNCIL STUDY SESSION

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

MINUTES

MAY 14, 2023

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

Staff Present: Nicole Madigan, Deputy City Recorder
Emma Sagor, Acting City Manager

Gabrieal Santoyo Gutierrez, Equity and
Inclusion Coordinator

Mayor Batey called the meeting to order at 5:15 p.m.

1. Council Equity Training

Council participated in a training on Fostering a Culture of Belonging presented by Parfait Bassalé of Parfait Bassalé Consulting.

2. Council Reports

Council reviewed a letter to the United States (US) Secretary of Transportation, Pete Buttigieg, and a letter to Toni Karter of the Housing Authority of Clackamas County (HACC). Council agreed to sign and send the letters.

Council President Massey provided an Audit Committee update that included insight as to which auditor firm the Committee was considering for the city. The group discussed the audit firm Moss Adams.

Councilor Khosroabadi provided an update on Community Action Board (CAB) meeting that included information on community outreach presentations to each city and how CAB was planning to reach underserved communities.

Mayor Batey recessed the meeting at 7:20 p.m. so that Council could meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Mayor Batey reconvened the study session at 7:53 p.m.

The group discussed Board and Committee (BC) interviews.

Councilor Stavenjord noted the upcoming Clackamas County Coordinating Committee (C4) retreat. Council discussed the history of the retreat and what was to be expected for that year. **Stavenjord** provided an update on a meeting with the new youth BC members, a rental assistance program through Clackamas Service Center, noted that there would be more relevant Transportation System Plan (TSP) updates coming soon, reported on the emergency warming center work with a downtown Milwaukie church, shared notes on a meeting that occurred with staff and Milwaukie business That One Vintage Shop regarding a temporary event permit. **Stavenjord** explained that the liaison role to the Homeless Solutions of Clackamas County (HSCC) had expanded to include working on the Coalition Board and noted that the Board was looking to expand into Milwaukie.

Councilor Abma noted that Milwaukie's Pride event was scheduled for June 29 from 10:00 a.m. to noon at the South Downtown Plaza.

3. Adjourn

Mayor Batey adjourned the meeting at 8:13 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: June 7, 2024

Reviewed: Nicole Madigan, Deputy City Recorder

From: Scott Stauffer, City Recorder

Subject: **Certification of the May 2024 Election Results**

ACTION REQUESTED

As required by the Milwaukie City Charter, Council is asked to acknowledge and certify the results of the election held on Tuesday May 21, 2024, as reported by the Clackamas County Elections Office.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Milwaukie City Councilors and the Mayor are elected to four-year terms that end at staggered times so that every two years either two or three positions appear on the ballot. When a Council member resigns before the end of their term, a special election is triggered as required by Charter Chapter V. On January 2, 2024, Councilor Desi Nicodemus resigned from Council position 3 triggering a special election on May 21.

To qualify to serve on Council, an individual must be a registered voter in the State of Oregon and have resided within the city limits for at least six months prior to the election. In 2024, the deadline to reside in city limits was November 21, 2023.

Individuals interested in running for Council positions begin the process by filing candidate and petition forms with the city's elections officer during the 30-day filing period as outlined in the Charter. As of the 2024 filing special election deadline, March 12, one individual, Will Anderson, had filed and qualified to run for Council position 3.

In Oregon, counties administer all elections. Therefore, the Clackamas County Elections Office distributed, collected, and counted all ballots issued to Milwaukie voters. Historically, there have been a handful of registered voters who live in the Multnomah County part of the city. However, as of the 2022 election the only property within city limits located in Multnomah County is an industrial building, therefore there are no registered Milwaukie voters in Multnomah County. Canvass reports submitted by the counties are attached to this staff report as Attachment 1. As shown in the canvass reports, Will Anderson was elected to Position 3.

ANALYSIS

Per chapter IV, section 13 of the Charter, election results "shall be made a matter of record in the record of the proceedings of the Council." Accordingly, the city elections officer asks that Council adopt a resolution acknowledging and certifying the results of the May 21, 2024, election.

Further, the charter also directs that a certificate of election be issued to each elected person. Therefore, the city elections officer will issue the attached certificate to the elected individual.

BUDGET & WORKLOAD IMPACTS

None.

CLIMATE & EQUITY IMPACTS

In recent years, Council has adopted climate and equity related goals and elected members of Council decide what their goals and policies focus areas are. Any given elected Council member therefore carries influence on the climate and equity goals and objectives set for the city.

COORDINATION, CONCURRENCE, OR DISSENT

The city elections officer worked with the Clackamas County Elections Office to ensure a smooth administration of the election. The Clackamas County Elections Office provided the election results attached to this staff report.

STAFF RECOMMENDATION

Staff recommends that Council accept and certify the results of the May 21, 2024, special election in accordance with the charter directive to make the results a part of the Council record.

ALTERNATIVES

None.

ATTACHMENTS

1. Resolution
2. Election Results
3. Certificates of Election

COUNCIL RESOLUTION No.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
CERTIFYING THE RESULTS OF THE MAY 21, 2024, ELECTION.**

WHEREAS Chapter IV, Section 13 of the Milwaukie City Charter requires election results to be included in the proceedings of the City Council, and

WHEREAS the election results from the May 21, 2024, election have been certified by the Clackamas County Elections Office.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the certified election results attached to this resolution as “Exhibit A” are now made a part of the record of proceedings of the City Council.

Introduced and adopted by the City Council on **June 18, 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

City of Milwaukie

Clackamas County

Official Results

Official Ballots

May 21, 2024 Primary Election

Registered Voters
5773 of 312859 = 1.85%

Run Time 12:34 PM
Run Date 06/14/2024

5/21/2024
Page 1

Precincts Reporting
118 of 118 = 100.00%

City of Milwaukie, Councilor, Position 3

Completion of Unexpired 4 Year Term - Nonpartisan - Vote for one

| Precinct | Will Anderson | Misc. Write-in (W) | Cast Votes | Undervotes | Overvotes | Miscellaneous Write-in | Vote by Mail Ballots Cast | Total Ballots Cast | Registered Voters | Turnout Percentage |
|---------------|---------------|--------------------|--------------|--------------|-----------|------------------------|---------------------------|--------------------|-------------------|--------------------|
| 622 | 581 | 23 | 604 | 418 | 0 | 0 | 1,022 | 1,022 | 2,892 | 35.34% |
| 626 | 1,064 | 34 | 1,098 | 777 | 0 | 0 | 1,875 | 1,875 | 5,239 | 35.79% |
| 628 | 224 | 6 | 230 | 160 | 0 | 0 | 390 | 390 | 1,192 | 32.72% |
| 630 | 1,298 | 30 | 1,328 | 1,157 | 1 | 0 | 2,486 | 2,486 | 6,606 | 37.63% |
| Totals | 3,167 | 93 | 3,260 | 2,512 | 1 | 0 | 5,773 | 5,773 | 15,929 | 36.24% |



CERTIFIED COPY OF THE ORIGINAL
CATHERINE MCMULLEN, COUNTY CLERK

BY: Catherine McMullen

Official Precinct Results - City of Milwaukie
May 2024 Primary Election - Multnomah County
All Precincts, CITY OF MILWAUKIE (JT), All ScanStations, City of Milwaukie, Councilor, Position 3, All Boxes
Total Ballots Cast: 0

City of Milwaukie, Councilor, Position 3 (Vote for 1)

| Precinct | Ballots Cast | Reg. Voters | Total Votes | Will Anderson | Write-in | Over Votes | Under Votes |
|---------------|--------------|-------------|-------------|---------------|----------|------------|-------------|
| Precinct 4101 | 0 | 0 | 0 | 0 0.00% | 0 0.00% | 0 | 0 |
| Total | 0 | 0 | 0 | 0 0.00% | 0 0.00% | 0 | 0 |

Certificate

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.



Tim Scott, Director of Elections
Multnomah County, Oregon

CERTIFICATE OF ELECTION



This certifies that at the **May 21, 2024**, Special Election held in the City of Milwaukie, County of Clackamas, State of Oregon,

Will Anderson

was elected to the **Office of City Council Position No. 3** for a term beginning **June 18, 2024**, and ending **December 31, 2024**.

As directed by the City Charter, I have placed the seal of the City of Milwaukie and signed this certificate, on **June 18, 2024**.

Scott S. Stauffer, City Recorder



COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, Acting City Manager

Reviewed: Scott Stauffer, City Recorder

From: Nicole Madigan, Deputy City Recorder

Subject: **Tree Board Member Removal and Appointment**

Date Written: June 6, 2024

ACTION REQUESTED

As outlined in the Milwaukie Municipal Code (MMC) and detailed in the Boards and Committees (BC) Code of Conduct, Council is asked to consider approving a resolution to remove a member of the Tree Board and make an appointment to fill the vacancy.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The individual who currently occupies Tree Board position 4, Ashley Lookenhouse, has never attended a meeting or responded to correspondence regarding meetings or attendance. Therefore, staff recommend that Council remove and replace Ms. Lookenhouse. The individual recommended for appointment as a replacement to position 4 has been nominated by an interview panel consisting of members of Council, the Tree Board staff liaison and board chair.

ANALYSIS

As detailed in the Code of Conduct, Council has the authority to remove members from BCs for misconduct, nonperformance of duty, or failure to obey the federal, state, or local laws. As the Tree Board member in position 4 has failed to attend board meetings or correspond with the staff liaison or the Mayor, Council can take necessary actions to remove the member in violation from the board as authorized by MMC Chapter 2.10.040.

Authority to fill city BC vacancies is granted to the Mayor and Council by Section 26 of the City Charter. To fill vacant positions, members of Council, and appropriate staff liaisons and BC chairs, conduct interviews from applications received by the city. The interview panel makes appointment recommendations to Council, which considers and typically approves recommendations through the regular session consent agenda. Appointed individuals serve for a term length determined by the MMC. Upon the completion of a term, if the individual is eligible, they may be reappointed by Council to serve another term.

All Tree Board positions are term limited, meaning there is a limit to the number of times that members can be re-appointed. If appointed, this would be the nominated individual's first time serving on the Board and their first term would be served as a zero term, meaning their first term was not complete and had been started before they were appointed. Per the city's customary practice, zero terms are not counted for the purposes of term limits.

BUDGET IMPACT

It is vital for the city to have functional BCs that reflect the community they support. By making the proposed removal and appointment, Council is helping to ensure that the Tree Board can

continue that vital work. The proposed Board appointment has no financial impact, however certain BCs have authority to make fiscal decision recommendations.

CLIMATE IMPACT

Making appointments to the Tree Board ensures we have robust representation of community voices that will help to shape and meet Milwaukie’s climate goals.

EQUITY IMPACT

Staff strive to make participation with the city’s BCs as accessible as possible by holding hybrid meetings and offering BC applications translated into other languages. The recommended Tree Board appointment would help the city achieve its goal of providing a diverse spectrum of voices. The nominated individual brings experience and expertise to their nominated position.

WORKLOAD IMPACT

By holding an annual recruitment process, staff can dedicate less time throughout the year to arranging interviews and BCs can continue work uninterrupted.

COORDINATION, CONCURRENCE, OR DISSENT

The office of the city recorder (OCR) worked with the Tree Board’s staff liaison and the Mayor to attempt to reach the individual named for removal.

STAFF RECOMMENDATION

Staff recommends making the following removal and appointments:

Tree Board: three-year terms, limit of three consecutive terms.

Individual to be removed:

| Position | Name | Term Start Date | Term End Date |
|-----------------|--------------------|------------------------|----------------------|
| 4 | Ashley Lookenhouse | 7/1/2023 | 6/30/2025 |

Individual to appoint:

| Position | Name | Term Start Date | Term End Date |
|-----------------|----------------|------------------------|----------------------|
| 4 | Olivia Padilla | 7/1/2024 | 6/30/2025 |

ALTERNATIVES

Council could decline to make the recommended removal and/or appointment, which would result in a vacancy on the noted committee.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REMOVING AND APPOINTING MEMBERS OF THE TREE BOARD.**

WHEREAS the removal portion of the Boards and Committees appointment section of the Milwaukie Municipal Code (MMC) states that members of the city’s boards, commissions, and committees serve at the pleasure of the governing body, and

WHEREAS the boards and committees code of conduct states that members are expected to attend all board and committee meetings with allowance to miss up to 25% of meetings a year, and that members may be removed at any time by the City Council for nonperformance of duty, and

WHEREAS the Tree Board member named below for removal has never attended a meeting or responded to correspondence regarding meetings or attendance, and

WHEREAS Milwaukie Charter Section 26 authorizes the Mayor, with the consent of the Council, to make appointments to boards and committees, and

WHEREAS a vacancy will occur once the current Tree Board member is removed from position 4, and

WHEREAS the individual named below for appointment has been nominated by an interview panel consisting of members of Council, the Tree Board staff liaison, and Board Chair, staff recommends the following qualified individuals be appointed.

Tree Board:

Individual to be removed:

| Position | Name | Term Start Date | Term End Date |
|----------|--------------------|-----------------|---------------|
| 4 | Ashley Lookenhouse | 7/1/2023 | 6/30/2025 |

Individual to appoint:

| Position | Name | Term Start Date | Term End Date |
|----------|----------------|-----------------|---------------|
| 4 | Olivia Padilla | 7/1/2024 | 6/30/2025 |

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the individuals named in this resolution are as named removed and appointed to the Tree Board of the City of Milwaukie for the term dates noted.

Introduced and adopted by the City Council on **June 18, 2024.**

This resolution is effective immediately.

ATTEST:

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, Acting City Manager

Date Written: June 6, 2024

Reviewed: Scott Stauffer, City Recorder

From: Nicole Madigan, Deputy City Recorder

Subject: **Appointments & Reappointments to City Boards and Committees**

ACTION REQUESTED

As outlined in the Milwaukie Municipal Code (MMC), Council is asked to consider approving a resolution making appointments and reappointments to city boards and committees (BCs).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The individual recommended for appointment has been nominated by the Island Station Neighborhood Association (NDA) during NDA elections. NDAs hold their elections in May.

ANALYSIS

Authority to fill city BC vacancies is granted to the Mayor and Council by Section 26 of the City Charter. To fill vacant NDA-nominated positions on the Public Safety Advisory Committee (PSAC), NDA's make appointment recommendations to Council, which considers and typically approves recommendations through the regular session consent agenda. Appointed individuals serve for a term length determined by the MMC. Upon the completion of a term, if the individual is eligible, they may be reappointed by Council to serve another term.

BC appointments are made when a term has expired or when a position has been vacated. BC terms expire on June 30, but appointments are also made as needed to fill vacancies.

All BC positions, except PSAC NDA representation positions, are term limited, meaning there is a limit to the number of times that members can be re-appointed. If appointed, this would be the nominated individual's first time serving as the Island Station NDA representative to PSAC.

BUDGET IMPACT

It is vital for the city to have functional BCs that reflect the community they support. By making the proposed appointments, Council is helping to ensure that the BCs can continue that vital work. The proposed BC appointments have no financial impact, however certain BCs have authority to make fiscal decisions recommendations.

CLIMATE IMPACT

Making appointments to BCs such as the Park and Recreation Board (PARB), Public Safety Advisory Committee (PSAC), and the Tree Board ensure we have robust representation of community voices that will help to shape and meet Milwaukie's climate goals.

EQUITY IMPACT

Staff strive to make participation with the city’s BCs as accessible as possible by holding hybrid meetings and offering BC applications translated into other languages.

WORKLOAD IMPACT

By holding an annual recruitment process, staff can dedicate less time throughout the year to arranging interviews and BCs can continue work uninterrupted.

COORDINATION, CONCURRENCE, OR DISSENT

The office of the city recorder (OCR) worked with the NDA staff liaison to confirm that the individual listed below would like to serve on PSAC.

STAFF RECOMMENDATION

Staff recommends making the following appointments:

Public Safety Advisory Committee (PSAC): two-year terms, limit of three consecutive terms for at-large members, no term limit for NDA representatives.

| Position | Name | Term Start Date | Term End Date |
|----------|-------------|-----------------|---------------|
| 6 | Jeff Landry | 7/1/2024 | 6/30/2026 |

ALTERNATIVES

Council could decline to make the recommended appointment, which would result in a vacancy on the noted committee.

ATTACHMENTS

- 1. Resolution

COUNCIL RESOLUTION No.**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
MAKING AN APPOINTMENT TO THE PUBLIC SAFETY ADVISORY COMMITTEE (PSAC).**

WHEREAS Milwaukie Charter Section 26 authorizes the Mayor, with the consent of the Council, to make appointments to boards and committees (BCs), and

WHEREAS the Milwaukie Municipal Code authorizes neighborhood district associations (NDAs) to nominate residents for certain BCs; and

WHEREAS there is a vacancy on the PSAC; and

WHEREAS the individual named below is eligible to serve, and

WHEREAS staff recommends the following qualified individual be appointed.

Public Safety Advisory Committee (PSAC):

| Position | Name | Term Start Date | Term End Date |
|-----------------|-------------|------------------------|----------------------|
| 6 | Jeff Landry | 7/1/2024 | 6/30/2026 |

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the individual named in this resolution is appointed to the identified committee of the City of Milwaukie for the term dates noted.

Introduced and adopted by the City Council on **June 18, 2024**.

This resolution is effective immediately.

ATTEST:

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, Acting City Manager

Date Written: May 29, 2024

Reviewed: Joseph Briglio, Acting Assistant City Manager

From: Jason Wachs, Community Engagement Coordinator

Subject: **Milwaukie Neighborhood Enhancement Program (MNEP) Adoption**

ACTION REQUESTED

Council is asked to adopt resolution creating the Milwaukie Neighborhood Enhancement Program (MNEP), which replaces the Neighborhood Grant Program (Resolution 9-1998).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[March 17, 1998](#): Council passed Resolution 9-1998, adopting the Milwaukie Neighborhood Grant Program, and provided a mechanism by which the city funds neighborhood district associations (NDAs). The resolution adopting the program included criteria for approval, review committee composition, and reporting requirements. The original program required NDAs to apply to the city for funding for each project and match the amount requested with a matching contribution (volunteer labor, cash, and cash value of donations) of equal or greater value.

NDA Grant Program (2010 – present): The administration of the program changed in 2010 from a matching grant fund to the city providing the funds to each NDA annually as a lump sum of \$4,000. The NDAs were also given the opportunity to provide small grants to local non-profits and other community groups through an application process. The permitted uses of the funds have remained the same as they are written in Resolution 9-1998. Current guidelines for the program are contained within an [NDA Grants Policy](#).

[June 1, 2021](#): Council received an NDA Grant Program update regarding its processes and guidelines and reviewed a draft NDA Code of Conduct. A code of conduct for all NDA officers was put into place afterwards that all NDA officers are asked to agree to and sign.

[April 16, 2024](#): Council reviewed and provided feedback on revisions to the Neighborhood Grant Program and the creation of the MNEP.

ANALYSIS

Key revisions to the Neighborhood Grant Program creating the MNEP were discussed with Council on April 16. Most of these revisions are included in the attached program criteria, but the program criteria will not include specific dollar amounts. Specific dollar amounts will be included in the newly created MNEP Administrative Policy, which will be reviewed and updated annually. The key revisions include:

1. Change the name of the program from Neighborhood Grant Program to Milwaukie Neighborhood Enhancement Program (MNEP).

- a. Using the term “grant” was confusing as NDAs receive an annual lump sum and do not apply for the funding on a project-by-project basis as they had prior to 2010.
2. Formalize and renew the process and name of the small grants that the NDAs provide to non-profit organizations and other community groups. Those revisions include:
 - a. Naming the small grants Community Connection Grants.
 - b. Capping requests at \$500 or less.
 - c. Developing a new application form that is clearer about the process.
 - d. Requiring all recipients of small grants to report back to the NDA at the conclusion of the projects to finalize the connections to the NDA.
 - e. Asking applicants in the application to illustrate how the request has direct public benefit within the NDA’s boundaries. This is currently contained in the NDA Grant Program, but there is no mechanism to review or measure it.
3. Revise the four categories for projects permitted under the program by removing outdated ideas and aligning them with current city priorities and goals. The new categories would include:
 - a. Neighborhood Capacity Building Initiatives: Activities, services, and materials that create, diversify, and increase participation in the NDA and support and educate leadership toward the NDA’s development and continued operation.
 - b. Neighborhood Cultural, Social, and Recreational Initiatives: Activities, services and materials that bring people together, build community, and promote diversity, equity, and inclusion within the neighborhood.
 - c. Neighborhood Physical Improvements: Materials and services to be used toward minor physical improvements approved by the city (or other appropriate public entity) on publicly owned land.
 - d. Neighborhood Sustainability, Resilience, and Safety: Activities, materials and services that support the neighborhood’s ecological health and vitality and/or ability to prevent, withstand and recover from the harmful impacts of natural hazards.
4. Projects designated by an NDA to receive funding for a particular purpose (i.e. earmarked, set aside, allocated to, etc.) must be **achieved in two years or less**. If an earmarked project isn’t completed in two years the NDA must then consider that funding be available for other projects within the neighborhood.
5. NDAs with gross bank account balances exceeding \$15,000 at the end of the fiscal year will not be eligible to receive the next allotment of funding until the gross balance falls below \$15,000 as demonstrated to the city’s satisfaction on a bank statement.

BUDGET IMPACT

Each NDA will continue to receive \$4,000 annually after submitting an annual report. The total for all seven of the city’s NDAs will be \$28,000 annually.

CLIMATE IMPACT

Projects and events funded by the MNEP do have an environmental impact, but they differ widely by project.

EQUITY IMPACT

The recommended revisions to the NDA Grant Program creating the MNEP include more references to diversity, equity, and inclusion to further align with city goals. That includes added language in the categories of projects that are eligible for funding. Additional revisions include accessibility and clarity in its name change, application form, and reporting process.

Analytics for measuring community impact still need to be established. There are no measures in place to know how diverse the current NDA leadership group is compared to the city's overall demographics, and there isn't a specific recruitment strategy in place to diversify NDAs. These are separate concerns that the Equity Steering Committee (ESC) shared.

Everyone that lives or owns/represents a business or non-profit organization in Milwaukie is a member of their NDA, but we know that there are many barriers to participation. With the adoption of the MNEP, we are attempting to address this barrier by increasing participation and by encouraging NDA funds to be used to further diversity, equity, and inclusion.

WORKLOAD IMPACT

The NDA Grant Program is currently administered by the city's community engagement coordinator. The proposed revisions creating the MNEP will increase the workload on that position primarily due to the additional reporting requirements for community partners to report back about how small grants received from NDAs resulted in benefits to the NDAs and the community.

COORDINATION, CONCURRENCE, OR DISSENT

The proposed changes were discussed with the finance department, who agreed that the proposed changes will improve both internal and external processes for administering the program.

STAFF RECOMMENDATION

Adopt the attached resolution and criteria creating the MNEP.

ALTERNATIVES

Not applicable.

ATTACHMENTS

1. Resolution
2. Program Criteria

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING REVISIONS TO THE NEIGHBORHOOD GRANT PROGRAM, INCLUDING A NEW TITLE AND CRITERIA FOR APPROVAL.

WHEREAS Council passed Resolution 9-1998 on March 17, 1998, adopting the Milwaukie Neighborhood Grant Program and providing a mechanism by which the city funds neighborhood district associations (NDAs); and

WHEREAS the City Council recognizes the importance of neighborhood-based activities that improve neighborhoods by developing neighborhood leadership, supporting activities and improvements of public benefit to the neighborhood, expanding community involvement in neighborhoods, encouraging collaboration among community organizations and neighborhoods, fostering neighborhood pride, and promoting diversity, equity, and inclusion; and

WHEREAS the City Council supports the continued development of its NDAs and their efforts to enhance and improve the quality of life for everyone in the community; and

WHEREAS the City Council supports collaborative partnerships between its officially recognized neighborhoods and other community organizations through the granting of project-specific funds.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, to adopt the attached Milwaukie Neighborhood Enhancement Program (MNEP) criteria for implementation in the 2024-2025 fiscal year.

Introduced and adopted by the City Council on **June 18, 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

Milwaukie Neighborhood Enhancement Program (MNEP)

Purpose: The City of Milwaukie provides Neighborhood Enhancement Program (MNEP) funding to the Neighborhood District Associations (NDAs) operating in conformance with **Resolution _____**. These funds are to support neighborhood-based activities that improve neighborhoods by developing neighborhood leadership, supporting activities of public benefit to the neighborhood, expanding community involvement in neighborhoods, encouraging collaboration among community organizations and neighborhoods, fostering neighborhood pride, and promoting diversity, equity, and inclusion.

Eligibility: MNEP funding may be disbursed to those NDAs that are officially recognized by the city and that are enabled by and operating in accordance with NDA bylaws. Other community organizations are encouraged to partner with NDAs for projects of mutual interest. Funds must be used for projects that provide a direct public benefit within the NDA boundaries.

Fund Availability: MNEP funds must be made equally available to each of Milwaukie's officially recognized NDAs. Currently there are seven officially recognized neighborhoods in Milwaukie including Ardenwald-Johnson Creek, Hector Campbell, Historic Milwaukie, Island Station, Lake Road, Linwood, and Lewelling. In the event that other neighborhoods become officially recognized as NDAs, funds would continue to be equitably allocated. The allocation is reviewed and approved as part of the budget adoption process.

Administration of Funding: NDAs utilizing MNEP funds must adhere to the project criteria outlined below and in accordance with the MNEP Administrative Policy. The MNEP Administrative Policy is reviewed and updated annually and contains further details about current funds allocated to each NDA, maximum NDA gross bank accounts permitted before receiving further funding, maximum amounts that can be requested of each NDA from community groups, and other details.

Distribution of Funding:

- **NDA led projects:** MNEP funding that is allocated as part of the budget adoption process is provided to each NDA annually through a lump sum payment deposited into NDA bank accounts once all of the reporting requirements have been met. Reporting requirements are outlined below and in the MNEP Administrative Policy that is updated annually.
- **Community Connection Grants:** Non-profit organizations and other community groups can apply for MNEP funding from each NDA through an application process that is reviewed and approved by each NDA. All of the requirements and guidelines for NDA led projects apply to the Community Connection Grants.
 - Non-profit organizations and community groups may apply for **small grants each fiscal year (July 1 – June 30) from each eligible NDA**. For an NDA to be eligible, applicants are asked to explain how grant requests provide a direct public benefit within the NDA's boundary.

- The application process, maximum amount that can may be requested per project, and requirements for doing so are outlined in the MNEP Administrative Policy, which is updated annually.

Eligible Categories: MNEP funding can only be used for projects that fall into one of the following categories.

1. **Neighborhood Capacity Building Initiatives:** Activities, services, and materials that create, diversify, and increase participation in the NDA and support and educate leadership toward the NDA's development and continued operation.
2. **Neighborhood Cultural, Social and Recreational Initiatives:** Activities, services and materials that bring people together, build community, and promote diversity, equity and inclusion within the neighborhood.
3. **Neighborhood Physical Improvements:** Materials and services to be used toward minor physical improvements approved by the city (or other appropriate public entity) on publicly owned land.
4. **Neighborhood Sustainability, Resilience, and Safety:** Activities, materials and services that support the neighborhood's ecological health and vitality and/or ability to prevent, withstand and recover from the harmful impacts of natural hazards.

Project Criteria: All projects must adhere to the requirements in the MNEP Administrative Policy that is updated annually. Some key requirements are described below.

Projects supported by MNEP funds must meet the following criterial to be eligible to receive funding:

- Projects that are free and open to all members of the public.
- Projects within Milwaukie city limits.
- Projects that provide a direct public benefit within the NDA's boundaries.
- Projects designated to receive funding for a particular purpose (i.e. earmarked, set aside, allocated to, etc.) must be achieved in two years or less. If an earmarked project isn't completed in two years, the NDA must make that funding available for other projects within the neighborhood.
- Any equipment, materials, or services purchased shall remain the property of the NDA and shall not be converted to personal use or benefit.

In no case shall MNEP funds be used for the following groups, project ideas, or expenses:

- Projects that conflict with existing city policy;
- Capital or operating costs for private businesses or facilities;
- Projects that have fees for participation or are not open to all members of the public;
- Anything that is for personal use or benefit;
- Alcoholic beverages, marijuana, e-cigarette/vaping products, or tobacco products;

- Political donations or advocacy, election campaign activities, or any related items;
- Religious organizations, activities or services (This does not apply to the rental of space for public meetings, events, or other activities open to the general public.);
- Any type of legal fees including the costs associated with the use of professional legal services. This includes attorneys, paralegals, and other professionals involved in the legal process;
- Fines or monetary punishments;
- Debt reduction or settlement and any fees associated with debt;
- Cash withdrawals or “cash back” using debit cards;
- Purchase of land or buildings;
- Private travel expenses, lodging, or hotel expenses;
- Private transportation expenses including mileage, gas, insurance, car rentals, etc.;
- Projects that don’t have property owner permission for proposed improvements. This includes publicly owned property such as parks;
- Service or activity contrary to federal, state, or local statute, ordinance, or regulations.

Review:

- At any time, the City of Milwaukie can request, and NDAs must provide, the latest NDA account bank statement, actual receipts for any transactions, and/or online bank account access.

Reporting:

- **NDA led projects:**

- The NDA shall provide the city with an annual report on the use of MNEP funds every May and an update on NDA goals. The report will include at a minimum, as described in the MNEP Administrative Policy, all of the following:
- The completion of the most up to date Neighborhood Enhancement Fund Reporting Form.
 - Any “carryover” MNEP funds (amounts from prior fiscal year(s)) exceeding one year’s worth of MNEP funding shall be accounted for and explained in detail. As described in the criteria, projects designated to receive funding for a particular purpose (i.e. earmarked) must be achieved in two years or less.
- A copy of the NDA’s most recent bank statement.
- Each authorized signer on the NDA’s bank account must read, agree to, and sign a Bank Account Access Contract each year.
- Materials that illustrate the success of the NDA over the past year such as photos, testimonials, cards, thank you letters/emails, etc.)
- Copies of Community Connection Grant Reporting Forms as described below.

- **Community Connection Grants**

- All applicants that receive funding must complete a final report at the conclusion of each project and report back the results to the NDA using city provided Reporting Forms. The report includes an overall description of how it benefitted

the neighborhood, an itemized list of how the funding was spent, and additional materials that illustrate how it benefitted the neighborhood.

- Grant recipients are not eligible for future grants until they have closed the loop with the NDA and provided a final report to the NDA.

Improper Use of Funds:

- Any NDA, non-profit or community group that is determined by the City Manager to be in violation of the MNEP Administrative Policy will not be eligible for future funding until the city has adequately determined that the NDA, non-profit or community group has both come into compliance with this policy and has demonstrated the ability to manage the funding properly moving forward. It is the city's sole discretion whether or not an NDA, non-profit, or community group continues to receive MNEP funding after a violation has occurred.
- Any NDA, non-profit, or community group designee(s) found to be using MNEP funding in violation of the MNEP Administrative Policy will be subject to investigation and will forfeit their right to access the funds.
- The City of Milwaukie reserves its right to pursue any and all available remedies, including legal action, to secure the return of improperly used funds.

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, Acting City Manager

Date Written: May 21, 2024

Reviewed: Keisha Brewster (as to form), Administrative Specialist III, and
Keven Worden, Fleet Lead Mechanic

From: Damien Farwell, Fleet & Facilities Supervisor, and
Peter Passarelli, Public Works Director

Subject: Public Works Secondary Fueling System, Key/Card-Lock Services

ACTION REQUESTED

Council is asked to authorize the purchase order for PetroCard Secondary Fueling System, Key/Card-Lock Services and Mobile on site fueling from the Oregon Buyer's Guide Price Agreement No. 8519 in the amount of \$1,000,000.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

2021: Council Resolution No. 29-2021 approved the purchase order with PetroCard using Price Agreement No. 8519 for cardlock and fuel services in the amount not to exceed \$200,000.

ANALYSIS

The city currently owns a fleet of 83 internal combustion engine vehicles and 96 pieces of equipment that require fossil fuels. The city currently has 10 light and medium duty all electric vehicles (EV) and 30 pieces of equipment powered by electricity.

In 2022, the city completed the removal of underground fuel storage tanks due to the age and condition of the tanks and made the decision purchase fuel for its fleet. The city installed a 2,000 gallon above ground tank at the Johnson Creek Boulevard (JCB) campus to provide diesel fuel for our off-road equipment and largest trucks. The city continues to use R-99 diesel, which has a carbon intensity approximately 60 percent less than petroleum diesel and is derived from biological sources.

The purchase of fuel services with PetroCard are available through a state pricing agreement, which complies with the city's procurement requirements. The state recently amended its agreement with PetroCard on April 26, 2024, and extended the term for another two years, allowing the city to increase the amount of fuel purchased under the agreement for another two years. Staff expects that the \$1,000,000 authorization will cover the purchase of fuel over the next two-year time period.

BUDGET IMPACT

No Impact.

WORKLOAD IMPACT

No Impact.

CLIMATE IMPACT

Transportation emissions are the second largest sector of greenhouse gas emissions in Milwaukie. The purchase of fuel as needed rather than undertaking infrastructure repairs aligns with the city's climate action goals. The city is in the process of transitioning its light and medium duty fleet from internal combustion engines to electric and it would be contrary to its goals to invest in new fossil fuel infrastructure.

In addition, the transition away from underground infrastructure helps achieve the Climate Action Plan (CAP) action to "review the location of the fleet yard and fuel storage to examine flood vulnerability. Look at fuel movement during flood conditions and diversify fuel sources to prepare for climate event-related import challenges." The city is further reducing its environmental liability by removing the underground storage facilities that could leak and contaminate soil and groundwater.

EQUITY IMPACT

Not applicable.

COORDINATION, CONCURRENCE, OR DISSENT

Not applicable.

STAFF RECOMMENDATION

Staff recommend that Council authorize the purchase order for PetroCard Secondary Fueling System, Key/Card-Lock Services and Mobile on site fueling in the amount of \$1,000,000.

ALTERNATIVES

Not applicable.

ATTACHMENTS

1. Resolution



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING A PURCHASE ORDER NOT TO EXCEED \$1,000,000 WITH PETROCARD TO PROVIDE CARDLOCK AND FUEL SERVICES.

WHEREAS the city’s vehicle fleet is primarily dependent on fuel; and

WHEREAS in 2021 the city decommissioned its underground fuel storage tanks, with exclusion to the diesel fuel tank and transferred light and medium duty fleet from internal combustion engines to electric to meet the city’s Climate Action Plan (CAP) to invest in new fossil fuel infrastructure; and

WHEREAS PetroCard fuel services are available through a state price agreement, which will allow the city to purchase and conveniently fuel vehicles at local PetroCard locations, rather than investing in new fossil fuel infrastructure.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager is authorized to sign a purchase order in the amount not to exceed \$1,000,000 with PetroCard for cardlock and fuel services.

Introduced and adopted by the City Council on **June 18, 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,
Emma Sagor, Acting City Manager

Date Written: June 6, 2024

Reviewed: Jherica Zink (as to form), Administrative Specialist II

From: Peter Passarelli, Public Works Director, and
Adam Moore, Parks Development Coordinator

Subject: **Neighborhood Park Project Construction Contract Contingency**

ACTION REQUESTED

Council is asked to authorize up to an additional \$317,000 in expenditures on public improvement contract with Paul Brothers, Inc. for enhancements and additional construction services for the Balfour Park, Bowman-Brae Park, and Scott Park projects to fully utilize the available grant funding, if necessary.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**Park Development Project**

[January 18, 2023](#): Council adopted a resolution authorizing a grant agreement with the State of Oregon Department of Administrative Services (DAS).

[February 1, 2023](#): Council adopted a resolution authorizing a contract for park design and development services with GreenWorks, P.C.

[December 6, 2023](#): Council approved the concept plans for Scott Park, Bowman-Brae Park, and Balfour Park by resolution.

[February 6, 2024](#): Council authorized the park construction contract to Paul Brothers, Inc.

ANALYSIS

A formal procurement process was held between November 15, 2023, and January 9, 2024, to solicit construction bids for Scott, Balfour, and Bowman-Brae parks. The basis for award of the contract was the lowest combined base price for all three parks. Two qualified bids were submitted with base prices ranging between \$1,719,247 and \$2,313,657. After a review of both bids, Paul Brothers, Inc. was found to be the lowest priced qualified bid and an Intent to Award was issued on January 10, 2024.

| Bidder | Base Bid |
|-----------------------------|-----------------|
| Paul Brothers, Inc | \$1,719,247 |
| GT Landscape Solutions, Inc | \$2,313,657 |

The basis of award for the construction contract was the base construction design without design alternatives, however, several optional alternatives were also bid out. Given the project's construction budget, the price of the winning bid, and the price of the alternatives, staff recommended including all the additive alternatives with the base bid. The inclusion of the additive alternatives brings the contract value to \$1,827,767.

| Neighborhood Park Development Project Costs | |
|--|--------------|
| Base Bid | \$ 1,719,247 |
| Additive Alternates | \$ 108,520 |
| Initial 5% Contingency on Bid | \$ 91,388 |
| Increased Contingency on Initial Contract | \$ 317,000 |
| Increased Not-to-Exceed Contract | \$ 2,236,155 |

Since the contract award on February 21, 2024, staff has worked with its consulting team and the Park and Recreation Board (PARB) to identify enhancements and additional necessary construction services for all three parks that would utilize the total grant funding.

Enhancements to Scott Park include the creation of an outdoor natural classroom in the northwest corner of the park, public art, interactive interpretive signage, additional lighted bollards, additional decorative fencing, additional plantings, parking lot safety features, and additional public utilities. Additional privacy fencing, additional public utilities, additional plantings, and additional rock boulder retaining walls have been identified to enhance Balfour Park. The design of Bowman-Brae Park will be enhanced to include additional privacy fences and additional public utilities. Public utility enhancements at the parks include additional storm water management infrastructure, electrical system upgrades, and water infrastructure for irrigation systems. In addition to the identified enhancements, staff will also retain a project contingency for any unforeseen obstacles that come up during the remainder of construction.

The contract currently requires the substantial completion of all three parks by October 11, 2024. Grant deadlines require all work to be completed by December 31, 2024. The adoption of this resolution will allow the utilization of all grant funds prior to the established grant deadlines.

BUDGET IMPACTS

Total funding available for the project is just over \$3,324,000 consisting of primarily of grants and donations. Grants funds include \$2,250,000 from the federal American Recovery Plan Act (ARPA) distributed through the Oregon state legislature, \$350,000 from the Metro Nature in Neighborhoods program, \$317,000 from the Metro Local Share program, and \$300,000 for Scott Park from the Oregon State Parks' Local Government Grant Program. The Ardenwald-Johnson Creek Neighborhood District Association (NDA) provided a \$22,603 donation for the construction of Balfour Park playground. The city is contributing \$60,000 from the general fund and \$25,000 from the Safe Access for Everyone (SAFE) program. The total construction budget including playgrounds is approximately \$2.6 million for all three parks combined.

EQUITY IMPACTS

This project conducted extensive community engagement guided by a public involvement plan created by members Milwaukie's Equity Steering Committee (ESC) and Parks and Recreation Board (PARB). Multiple pathways were provided for community members to participate in the planning and design process of these three parks including six focus groups that convened Black, Indigenous, and other people of color (BIPOC) community members, people with disabilities, people who primarily speak Spanish, children from the local Boys and Girls Club, people working with FACT Oregon, and local groups from neighborhood associations, the

Ledding Library Board, the Equity Steering Committee, and the Parks and Recreation Board. Of the 1,073 surveys received over the course of this project, 14% have come from people who identify as BIPOC, 38% have been new to the Milwaukie planning process, and 62% have been Milwaukie residents. Thanks to their input, all three parks and play areas were designed to be inclusive by selecting play features and large pathways that are accessible for people who use mobility devices, by creating spaces for families to come together, and by considering how park policies impact historically marginalized communities.

Additionally, community materials such as event flyers, design plans, and other neighborhood communications were consistently translated in Spanish and English throughout almost all phases of the project in order to meaningfully maintain park engagement and communications. For this process, we utilized the city's language contracts with Effectiff LLC, and our subcontract with IZO PR & Marketing.

Grant funding from Metro requires a review by Metro staff to ensure that the tenets of the program have been followed in planning, designing, and constructing projects using the funds. The program requires specific requirements for meeting racial equity during all phases of the project. More information can be found at: <https://www.oregonmetro.gov/tools-partners/grants-and-resources/local-share>

WORKLOAD IMPACTS

Construction will be overseen by the parks development coordinator and public works director. City staff will coordinate construction with staff from other city departments and from the North Clackamas Parks and Recreation District (NCPRD), the city's current parks provider. GreenWorks, P.C. has been retained to assist with construction management services.

COORDINATION, CONCURRENCE, OR DISSENT

City staff will coordinate construction with staff from NCPRD. Monthly project updates will continue to be held at the city's regularly scheduled Parks and Recreation Board (PARB) meetings. Updates will be provided to Council and through the city's project website.

STAFF RECOMMENDATION

Staff recommends that Council authorize the city manager or their designee to approve up to an additional \$317,000 in expenditures to the personal services agreement with Paul Brothers, Inc. for additional park construction services at Balfour, Bowmen-Brae, and Scott parks in the amount up to \$2,236,155.

ALTERNATIVES

Council could decide to:

1. Not adopt the resolution for the additional change orders and direct staff to work within the previously authorized amount, or
2. Not adopt the resolution for the additional change orders and direct staff to amend the resolution and not-to-exceed value on the contract.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING INCREASED CONTINGENCY FOR CONTRACT #C2024-003 FOR PAUL BROTHERS, INC. FOR SCOTT, BOWMAN-BRAE, AND BALFOUR PARKS PROJECT.

WHEREAS the final park designs were completed in October 2023 and a competitive formal procurement process held from November 15, 2023, to January 9, 2024, and

WHEREAS Paul Brothers, Inc. was found to be the lowest responsible bidder, and

WHEREAS the city executed a contract with Paul Brothers, Inc. on February 21, 2024, and

WHEREAS the city and the city’s Park and Recreation Board have identified additional enhancements and safety improvements for Scott, Balfour, and Bowman-Brae Parks that would utilize the total grant funding secured for these projects, and

WHEREAS to deliver these enhancements and utilize the total grant funding secured for these projects, the city needs authorization to add \$317,000 of contingency budget to the contract.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city manager or their designee is authorized to approve change orders to the professional services contract with Paul Brothers, Inc. to provide additional construction services for Balfour Park, Bowman-Brae Park, and Scott Park to utilize the full grant-funded construction budget.

Introduced and adopted by the City Council on **June 18,2024.**

This resolution is effective immediately.

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Emma Sagor, Acting City Manager

Date Written: June 10, 2024

Reviewed: Kelli Tucker, Accounting and Contracts Specialist, and
Justin Gericke, City Attorney

From: Brandi Leos, Human Resources Director

Subject: **Administrative Services Agreement for Deferred Compensation Management**

ACTION REQUESTED

Council is asked to approve an administrative services agreement with MissionSquare for the purposes of administering city employees' deferred compensation accounts.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

In 2017, the city entered a five-year contract with MissionSquare (formerly ICMA-RC) for the administration and record keeping of city employees' deferred compensation accounts following a formal solicitation. That contract was renewed in December 2022 through the adoption of [Resolution 77-2022](#).

In 2024, the city completed a formal solicitation process and re-selected MissionSquare for the administration and record keeping of city employees' deferred compensation accounts.

ANALYSIS

As an employee benefit, the city provides access to deferred compensation (457(b)) plans to aid employees in saving for retirement using pre-tax dollars. It is important that this benefit is administered by a trusted partner such as MissionSquare and that services are continuous.

Although these services and plan options are not subject to the city's Public Contracting Rules (PCR), staff chose to follow a formal competitive solicitation process like the process outlined in the PCR. The city's investment consultant for 457 plan options, Hyas Group LLC, assisted staff in administering the formal solicitation, proposal analysis, and evaluation process. There were six proposals received and it was determined that MissionSquare was deemed most qualified and rate-competitive for the plan.

BUDGET IMPACT

None, as fees for administration of the deferred compensation plan are paid by plan participants.

WORKLOAD IMPACT

City staff will provide plan oversight and perform limited additional tasks related to plan administration.

CLIMATE AND EQUITY IMPACT

None.

STAFF RECOMMENDATION

Staff recommends that Council approve the resolution to authorize execution of the administrative services agreement for a term not to exceed eight (8) years.

ALTERNATIVES

Council could decline to approve the resolution and/or request changes to the agreement before considering approving it.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING AN ADMINISTRATIVE SERVICES AGREEMENT WITH MISSIONSQUARE FOR THE ADMINISTRATION AND RECORD KEEPING OF EMPLOYEE DEFERRED COMPENSATION ACCOUNTS.

WHEREAS the city provides access to deferred compensation (457(b)) plans to aid employees in saving for retirement using pre-tax dollars; and

WHEREAS it is important that this benefit is administered by a trusted partner and that services are continuous; and

WHEREAS in 2024, staff and investment consultant Hyas Group LLC, completed a formal competitive solicitation process and selected MissionSquare as the administrator and record keeper of employee deferred compensation accounts; and

WHEREAS staff recommended authorization of the agreement with MissionSquare to ensure that city employees' deferred compensation accounts continue to be administered in an efficient and effective manner.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the human resources director is authorized to sign an administrative services contract for administration and record keeping of employee deferred compensation accounts that shall not exceed a term of eight (8) years.

Introduced and adopted by the City Council on **June 18, 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