



**Work Session**

**WS**

**Milwaukie City Council**

## COUNCIL WORK SESSION

Zoom Video Conference  
[www.milwaukieoregon.gov](http://www.milwaukieoregon.gov)

## AGENDA

DECEMBER 1, 2020

**Video Meeting:** due to the governor's "Stay Home, Stay Healthy" order, the City Council will hold this meeting through Zoom video meetings. The public is invited to watch live on the [city's YouTube channel](#), Comcast Cable channel 30 in city limits, or by joining the Zoom webinar (visit <https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-267> for details).

**Written comments** may be submitted by email to [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov). Council may take limited verbal comments. **To speak during the meeting**, see the Zoom webinar login information (see meeting page link above).

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

**Page #**

**1. Downtown Milwaukie Business Association - Quarterly Update (4:00 p.m.)**

Staff: Alison Wicks, Development Project Manager

**2. Municipal Court Judge - Update (4:15 p.m.)**

Staff: Kimberly Graves, Municipal Court Judge

**3. Municipal Court Amnesty Program - Update (4:45 p.m.)**

Staff: Bonnie Dennis, Finance Director

**4**

**4. Adjourn (5:30 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](mailto:ocr@milwaukieoregon.gov) or phone at 503-786-7502. To request Spanish language translation services email [espanol@milwaukieoregon.gov](mailto: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](mailto:ocr@milwaukieoregon.gov) o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a [espanol@milwaukieoregon.gov](mailto: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 WORK SESSION

Zoom Video Conference  
www.milwaukieoregon.gov

## MINUTES

DECEMBER 1, 2020

**Council Present:** Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy,  
Mayor Mark Gamba

**Staff Present:** Assistant City Manager Kelly Brooks      Community Development Director Leila Aman  
City Attorney Justin Gericke      Development Project Manager Alison Wicks  
City Manager Ann Ober      Finance Director Bonnie Dennis  
City Recorder Scott Stauffer      Municipal Court Judge Kimberly Graves  
Court Operations Supervisor Carla Bantz

**Mayor Mark Gamba** called the meeting to order at 4:01 p.m.

### 1. Downtown Milwaukie Business Association (DMBA) – Quarterly Update

**Ms. Wicks** introduced DMBA President Rory Dunnaback. **Mr. Dunnaback** reported on new tenants on Main Street and thanked city staff for their work to help DMBA find ways to bring customers downtown. He reported on the downtown businesses' involvement in the city's miniature umbrella decorating contest.

**Mr. Dunnaback** reported on DMBA's ideas to help businesses. He noted the City of Portland's limit on food delivery fees for services like GrubHub and suggested Milwaukie could consider a similar fee limit. He suggested the city consider helping business' employees by forgiving city parking pass fees.

**Ms. Wicks** noted that the delivery fees conversation would likely be brought up by a business owner at the public comment section of the December 1 regular session meeting. **Councilors Batey and Parks** discussed food delivery fees and how to help businesses.

**Mr. Dunnaback** noted that the local chamber of commerce had developed a business resource office (BRO) to help develop new ideas that can assist businesses. **Ms. Wicks** noted additional local organizations that have developed resources to help businesses.

**Councilor Hyzy** asked if the DMBA had ideas for how to encourage people to visit downtown businesses during the Christmas Ships parade evenings. **Mr. Dunnaback** reported that the DMBA had stopped planning an event after the state's latest COVID-19 pandemic freeze. He noted the challenge of changing event plans.

**Mr. Dunnaback** expressed appreciation for retiring Councilor Parks and all she had done for the city.

### 2. Municipal Court Judge – Update

**Judge Graves** reported that the state's moratorium on traffic citations that could not be issued due to Department of Motor Vehicle (DMV) office pandemic closures was set to expire at the end of December. She noted that the moratorium's biggest effect on citations was the inability of law enforcement officers to stop people based on expired registration tags or lack of a license plate.

**Judge Graves** reported on the municipal court's online deferred sentencing program. She commented that the court would soon hold its first video conference attorney trials. She noted she would be extending the waiver on the failure to appear fee and commented on the observations that more people were willing to pay their fine without the failure to appear fee than before when the fee was included.

### **3. Municipal Court Amnesty program – Update**

**Judge Graves** briefly provided an update on the court's amnesty program and confirmed that cases closed through the program made up a small percentage of the outstanding cases. **Mayor Gamba** asked if Judge Graves had suggestions for how to increase the percentage of people using the amnesty program. **Judge Graves** observed that the information could be sent to social service agencies to help spread the word. The group brainstormed how to best to spread the word about the program.

**Ms. Dennis** reviewed the program details, noting it began on July 1 and ended August 30. She noted it was the first time Milwaukie had done such a program and she discussed the advertising the city did to promote the program. She confirmed the program did not perform as well as they hoped, with only 1.75% of outstanding cases having been closed through the program. She noted possible reasons why the program was not as successful and noted how the City of Oregon City's program had gone. She observed the program successes and staff's recommendation to continue the program.

**Councilor Hyzy** remarked that creative outreach could help and commented on the effect the pandemic may have had on the program. She supported the city doing this program again.

**Mayor Gamba** asked if the program carried a large cost that would prevent it from being ongoing. He noted the benefits of both restoring people's drivers' licenses and the city getting some of the funds it was owed. **Ms. Bantz** explained payment options available to people once their fine was transferred to the collection agency.

The group discussed when the city should continue the program. **Ms. Ober** summarized that Council wanted staff to run the amnesty program at least one more time, to tie it to when taxes are due next year, to further discuss the future of the program, and adjust the program outreach.

**Mayor Gamba** noted that even if taxes were not due in April 2021, many people paid their taxes early in the new year. **Ms. Ober** suggested the city could start advertising the program in January 2021 and have a longer time period that the program was active.

**Council President Falconer** asked about Oregon City's program details and **Ms. Dennis** and **Ms. Bantz** noted the differences and similarities to Milwaukie's program.

**Judge Graves** thanked Councilor Parks for her service to Milwaukie.

### **4. Adjourn**

**Mayor Gamba** adjourned the meeting at 4:43 p.m.

Respectfully submitted,



Amy Aschenbrenner, Administrative Specialist II



# CITY OF MILWAUKIE

## Memorandum

**To:** City Council

**From:** Leila Aman, Community Development Director

**CC:** Ann Ober, City Manager

**Date:** November 24, 2020

**Re:** Community Development Department Projects – City Council Update for  
December 1, 2020 Council meeting

Community Development/Economic Development/Housing	Planning	Building
<ul style="list-style-type: none"><li>▪ Business Relief Fund</li><li>▪ ADU SDC Waiver</li><li>▪ Housing Emergency and Renter Protections</li><li>▪ Rent Relief</li><li>▪ City Hall Blue Ribbon Committee</li></ul>	<ul style="list-style-type: none"><li>▪ Comprehensive Plan Update</li><li>▪ Comprehensive Plan Implementation</li><li>▪ Planning Commission</li><li>▪ Design and Landmarks Committee</li><li>▪ Land Use/Development Review</li></ul>	<ul style="list-style-type: none"><li>▪ <b>Nov</b> 2020 in review to come</li></ul>

### COMMUNITY DEVELOPMENT/ECONOMIC DEVELOPMENT/HOUSING

#### **Business Relief Fund**

- Applications have closed for Round 3 of the Business Relief Fund (BRF) and all grants will be disbursed to businesses by the second week of December. All 25 businesses that qualified will be awarded with a total of \$85,257 for this final round. The total BRF awards result in \$252,000 of funds for our local businesses.
- A survey is being sent out to all grant recipients to provide feedback about the impact of the BRF and how the city can assist Milwaukie businesses in the future. Staff will be providing a full and final update to City Council at the work session meeting on December 15.

#### **ADU SDC Waiver**

- Council received an update on November 17 for a full update on the program. To date 10 applicants have completed waiver forms and are in line for the program that is scheduled to end on June 30, 2020. Staff are maintaining a waitlist for others interested, or for learning more about potential future funding or other ADU development updates. More details about that program, and who to contact to place a name and address on the waitlist, can be found here: <https://www.milwaukieoregon.gov/housingaffordability/adu-waiver-pilot-program>

### **Housing Emergency and Renter Protections**

- At the October 13 annual MHAS update, Council asked staff to review the legal requirements and need for maintaining the city Housing Emergency and to make permanent the renter protections measure that currently provides tenants with 90 days' notice. Staff are still evaluating options for making the renter protections permanent and so are recommending that the housing emergency and renter protections be renewed for another six months at the City Council meeting on December 1.

### **Rent Relief**

- There are currently 19 Milwaukie households that have received rental assistance or are in process of receiving a rental assistance grant from the City. These 19 relief grants account for \$24,467 of the \$25,000. The city partnered with Northwest Housing Alternatives to administer \$25,000 for Round 1 of emergency rent relief allocated by Milwaukie's City Council to assist households financially impacted by COVID-19. The city and NHA are now finalizing a contract for a Round 2 of \$25,000 in rent assistance, to be disbursed beginning this December.

### **City Hall Blue Ribbon Committee**

- The City Hall Open House is now live on the Engage Milwaukie platform, <https://engage.milwaukieoregon.gov/>. Staff asking the Milwaukie community to weigh in on what is next for the City Hall building through December 18, 2020. The Open House will gather information about community values and priorities for a new use at City Hall. The City Hall Blue Ribbon Committee will use information gathered at the Open House to create draft goals to recommend to City Council.

## **PLANNING**

### **Comprehensive Plan Implementation**

- The next CPIC meeting was held on November 19. The main topics for discussion were:
  - the summary of the initial stakeholder outreach effort to develop a baseline understanding of the key issues and/or concerns about housing in Milwaukie;
  - updates on the first public engagement event underway from November 12 – 29;
  - updates on public outreach for the virtual open house, which has included email blasts, social media posts, an article in the November Pilot, and printed copies of fliers and all open house materials in both English and Spanish. Printed materials were delivered to the Ledding Library, Wichita Center, and Hillside Manor. Printed materials will also be available at the holiday farmers market on November 22<sup>nd</sup>.
  - a discussion about middle housing types;
  - an interactive exercise asking CPIC members to talk about their experiences living in different types of housing; and
  - key findings from the code audit.

Key efforts now are finalizing the code audit report and planning for the next CPIC meeting on December 17, which will be a joint meeting with the DLC and the Tree Board to discuss code concepts.

The virtual open house will be on the city's new interactive engagement website until November 29: [engage.milwaukieoregon.gov](https://engage.milwaukieoregon.gov/). Staff will continue to update the new interactive project webpage that provides general information about the project, the overall schedule, and links to various related documents and other background information.

### **Planning Commission**

- PD-2020-001 – The Planning Commission held a public hearing on October 27 for the application for a Planned Development at Waverly Woods. The proposal is for the phased development of four apartment buildings, a community center with a swimming pool, and a community room totaling 100 dwelling units. The public hearing with the Planning Commission was continued to December 8.
- ZA-2020-001 – Community Development and Planning staff are proposing a set of code amendments related to Milwaukie Municipal Code (MMC) Chapter 11.05 Temporary Uses, Permits, and Regulations. Staff is proposing a few strategic code fixes to provide language that defines indoor temporary emergency housing as an allowed use for a temporary use permit. Staff believe this will both clarify and simplify the process for both applicants and staff administering the permits allowing staff to respond quickly in the event of an emergency, such as weather-related events. Work sessions with both the Planning Commission and City Council have been scheduled. The Planning Commission public hearing on the proposed code amendments is scheduled for December 8, 2020; the City Council public hearing is scheduled for January 19, 2021.
- VR-2020-004, ADU-2020-005 – The Planning Commission held a public hearing on November 10 for the application for a variance to the ADU building footprint standard. The proposal was to convert 200 sq ft of an existing accessory into an ADU. The existing structure has a footprint of 840 sq ft where the maximum for a structure with an ADU is 800 sq ft. The Planning Commission approved the proposal with conditions on Nov. 10. A Notice of Decision was sent out on Nov. 13.

### **Design and Landmarks Committee**

- The DLC is taking a break from meetings in December and January unless needed. The next regular meeting is scheduled for February 1, 2021.

### **Land Use/Development Review<sup>1</sup>**

- PD-2020-001: A Type IV application for preliminary planned development review for the Hillside Master Plan was submitted on November 17. The application is in completeness review.

<sup>1</sup> Only land use applications requiring public notice are listed

## **BUILDING**

- Nov 2020 in review to come

**COUNCIL STAFF REPORT**

**To:** Mayor and City Council  
Ann Ober, City Manager

**Date Written:** Nov. 9, 2020

**Reviewed:** Keith McClung, Assistant Finance Director

**From:** Bonnie Dennis, Finance Director, and  
Carla Bantz, Court Operations Supervisor

**Subject:** **Municipal Court Amnesty Program - Update**

---

**ACTION REQUESTED**

Council is asked to receive a progress update of the Court Amnesty Pilot Program.

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

September 3, 2019: Council and Municipal Court Judge Kimberly Graves briefly discussed an amnesty program.

March 3, 2020: Council discussed the proposed amnesty program with staff and provided direction to bring a resolution forward with a two-month pilot program starting July 1, 2020 and for citations two years and older. The citations would include traffic, parking and marijuana.

March 17, 2020: A resolution was introduced and adopted by Council establishing a court amnesty program from July 1 through August 30, 2020.

**ANALYSIS**

The amnesty program established for Council included citations for traffic, parking, and marijuana that were two years or older and in a non-judgment status. Program outreach included 4,553 postcards sent to individuals inviting them to take advantage of the pilot program and articles published in the Milwaukie Pilot and on social media. In addition, staff from both the city and the city's collection agency, Valley Credit, promoted the program when speaking to individuals, which resulted in a lot of positive feedback for the program.

**Amnesty Program Results**

Over the past two months, the rate of return on the number of individuals with citations participating in the program was 3%. Although this is a lower than expected return, the result resulted in closing of 75 traffic, seven parking, and zero marijuana citations. Total revenue collected from the program was \$29,981.

Below is a breakdown of the total number of citations and violations that were cleared via the program:



Citation Type	# of Citations Outstanding	# of Closed Court Files	Rate of Return
Traffic	3,838	75	2%
Parking	696	7	1%
Marijuana	106	0	0%
<b>TOTAL</b>	<b>4,640</b>	<b>82</b>	<b>3%</b>

#### **BUDGET IMPACT**

The amnesty program had a negligible impact on municipal court receivables and revenue. Costs for the mailing of postcards including postage was \$1,860.

#### **WORKLOAD IMPACT**

Staff workload did temporarily increase in order to coordinate and reconcile accounts with Valley Credit and the related process to reinstate driver licenses.

#### **CLIMATE IMPACT**

None.

#### **COORDINATION, CONCURRENCE, OR DISSENT**

The municipal court judge and city manager concur with the program and see mutual benefit to the city and community. City staff coordinated with Valley Credit to clear default accounts and follow the driver license reinstatement process.

#### **STAFF RECOMMENDATION**

Staff recommends that Council consider a second program in the spring 2021. If Council agrees, staff will return with a resolution in February.

#### **ALTERNATIVES**

None.

#### **ATTACHMENTS**

None.