



Special Session

SPS

Milwaukie City Council

COUNCIL SPECIAL SESSION

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

AGENDA

JULY 11, 2023

Council will hold this meeting in-person and through video conference. The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. For Zoom login visit <https://www.milwaukieoregon.gov/citycouncil/city-council-study-session-143>.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 837 5111 0754 and Passcode: 107967. To raise hand by phone dial *9.

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

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

Page #

1. CALL TO ORDER (5:15 p.m.)

A. Pledge of Allegiance

B. Native Lands Acknowledgment

2. ANNOUNCEMENTS (5:17 p.m.)

2

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. Paul Klein Remembrance – Remarks (5:20 p.m.)

Presenter: Lisa Batey, Mayor

5. COMMUNITY COMMENTS (5:25 p.m.)

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

6. CONSENT AGENDA (5:30 p.m.)

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

A. Approval of Council Meeting Minutes of:

4

1. June 6, 2023, work session, and

2. June 6, 2023, regular session.

B. Nomination of a City Representative to the North Clackamas Parks and Recreation District (NCPRD) Advisory Committee – Resolution

12

C. Oregon Liquor and Cannabis Commission (OLCC) Application for the Taqueria Portland, 5821 SE Johnson Creek Blvd – On-Premises Sales

15

Agenda Note: after the consent agenda, Council will recess the regular session to meet as the Milwaukie Redevelopment Commission (MRC); Council will reconvene after the MRC meeting. For information about the MRC meeting visit <https://www.milwaukieoregon.gov/bc-rc/redevelopment-commission-14>.

7. BUSINESS ITEMS

- A. Neighborhood Parks Update – Report (5:45 p.m.)**
Staff: Adam Moore, Parks Development Coordinator

17

8. PUBLIC HEARINGS

- A. None Scheduled.**

9. COUNCIL REPORTS

10. ADJOURNMENT (6:15 p.m.)

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

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

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

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

Executive Sessions

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



COUNCIL SPECIAL SESSION

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

MINUTES

JULY 11, 2023

Council Present: Councilors Adam Khosroabadi and Robert Massey and Mayor Lisa Batey

Council Absent: Councilor Rebecca Stavenjord and Council President Desi Nicodemus

Staff Present: Adam Moore, Parks Development Coordinator Scott Stauffer, City Recorder
Ann Ober, City Manager

Mayor Batey called the meeting to order at 5:16 p.m. and announced that Council President Nicodemus and Councilor Stavenjord had been excused from the meeting.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including concerts in the park, Milwaukie's Porchfest events, and a city manager open door session.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. Paul Klein Remembrance – Remarks

Mayor Batey remarked on the life and community involvement of longtime Milwaukie resident Paul Klein who had recently passed away.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures. **Ober** reported there was no follow-up report from the June 20 comments. No audience member wished to address Council.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. June 6, 2023, Work Session, and
2. June 6, 2023, Regular Session.

B. Resolution 34-2023: A resolution of the City Council of the City of Milwaukie, Oregon, affirming the nomination of a Park and Recreation Board (PARB) member to represent the city on the North Clackamas Parks and Recreation District (NCPRD) District Advisory Committee (DAC).

C. An Oregon Liquor and Cannabis Commission (OLCC) application for Taqueria Portland, 5821 SE Johnson Creek Boulevard – On-Premises Sales

Motion passed with the following vote: Councilors Khosroabadi and Massey and Mayor Batey voting “aye.” [3:0]

Mayor Batey recessed the meeting at 5:28 p.m. so Council could meet as the Milwaukie Redevelopment Commission (MRC). The meeting reconvened at 5:31 p.m.

7. BUSINESS ITEMS

A. Neighborhood Parks Update – Report

Moore provided an update on the development and funding of three neighborhood parks, noted construction timelines, and reported on park design engagement events.

Councilor Massey appreciated staff’s community engagement work and **Moore** noted the involvement of city staff from multiple departments.

Mayor Batey and **Moore** commented on how many contracts would be needed for the three park projects, steps staff would take to keep project costs down, and what inclusive playground design elements each park would include. **Moore** explained why the city would use rubber surfacing around park playgrounds instead of wood chips.

Mayor Batey and **Moore** remarked on the city’s grant funding applications for the park projects and whether Council or PARB could do anything more to support the applications.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

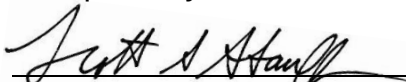
There were no Council reports.

10. ADJOURNMENT

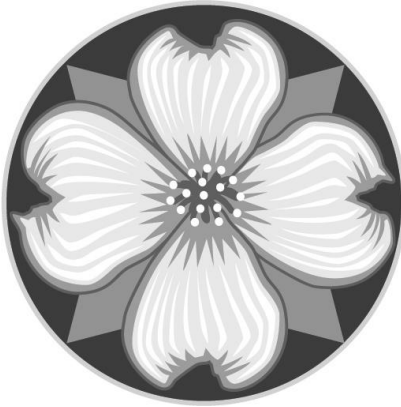
It was moved by Councilor Massey and seconded by Councilor Khosroabadi to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi and Massey and Mayor Batey voting “aye.” [3:0]

Mayor Batey adjourned the meeting at 6:04 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder



SPS Agenda Item

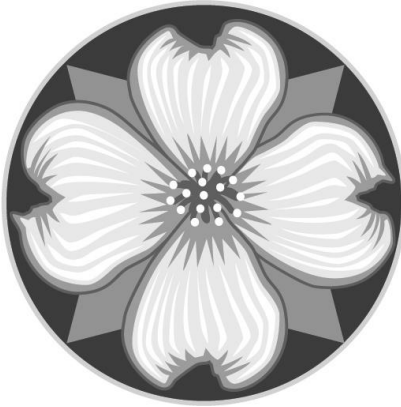
2

Announcements



Mayor's Announcements – July 11, 2023

- **NCPRD Concert in the Park – Kenari Saxophone Quartet – Friday, July 14 (7 - 8 PM)**
 - Grab a blanket and bring the entire family to enjoy free live music
 - North Clackamas Park, 5440 SE Kellogg Creek Dr.
 - Learn more about NCPRD concerts this summer at ncprd.com/concerts
- **Milwaukie Porchfest – Fridays, July 14, 21, & 28 (6:30 – 8:30 PM)**
 - Come out to enjoy a free festival of performances on porches, driveways and public spaces across the city organized by the Milwaukie Arts Committee.
 - Anyone can participate! If you have a porch (or front yard or driveway).
 - Learn more at milwaukieporchfest.com
- **NCPRD Concert in the Park – Red Yarn – Thursday, July 20 (5:30 – 7 PM)**
 - Enjoy a free live performance by acclaimed family performer Red Yarn (aka Andy Ferguson)
 - Performance weaves folksongs and puppetry into high-energy, interactive shows
 - Ardenwald Park, 3667 SE Roswell St.
 - Learn more about NCPRD concerts this summer at ncprd.com/concerts
- **City Manager Open Door Session – Friday, July 28 (9 – 10 AM)**
 - Ask questions, raise concerns, or just find out more about what the city is doing
 - No-sign up is necessary. First come, first served.
 - Session takes place at City Hall (Council Chambers), 10722 SE Main St.
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV OR CALL 503-786-7555**



SPS Agenda Item

4

Special Reports

A stylized graphic of a flower with light-colored petals and a dark center, set against a green and brown background, all within a circular frame.

**SPS 4. A. 7/11/23
Presentation**

Paul Klein Remembrance

City Council
Special Session
July 11, 2023



2016 Downtown Walking Tour Characters



The Explorer



The Architect

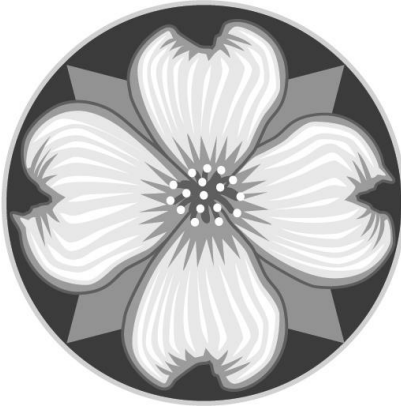






Thank you, Paul!





SPS Agenda Item

5

Community Comments

Scott Stauffer

From: Howie Oakes <howie@crazycat.org>
Sent: Tuesday, July 11, 2023 11:42 AM
To: OCR
Subject: Hidden stormwater fee for properties with an ADU

This Message originated outside your organization.

Dear Mayor and Councilors,

We recently had water service turned on for a house with an ADU here in Milwaukie. We were very surprised that our first water bill was ~\$200 even though our water usage for that period was zero. I contacted the billing department and they walked me through all of the fees. They were all documented in the City fee schedule except for the stormwater charge. We are currently being charged twice the stormwater fee for a single family residential property (\$58.94).

I could not find any reference in the fee schedule or the city code that provides the authority to charge this extra fee for a property with an ADU. The billing department explained that this is how the stormwater fee has always been charged and that a house with an ADU is charged as "Multi-family" and that is billed "per unit".

In looking at the City Fee schedule (section 14, utilities) There are only 3 cases where utility fees are billed "per unit":

- 1) A reference to the treatment fee being charged per unit in the "2" footnote under wastewater. (page 37)
- 2) The SSMP being charged per unit (page 38)
- 3) The SAFE fee being charged per unit (page 38)

I pointed this out and they suggested that I further contact the City to get some clarification here as they could not find a specific reference that explains why this fee is being doubled.

I then contacted Peter Passarelli. He also could not find anything in the fee schedule or code that referenced ADUs. He then had some discussions with Toby Lafrance and let me know that this is something that needed further discussion and direction from City Council.

He also stated that, "The stormwater code when adopted did not contemplate accessory dwelling units, our staff has interpreted and applied the additional stormwater fee to these circumstances in part because of the increased impervious surface area that is created with the detached ADU."

The City does allow for a 5% increase in lot coverage for an ADU. However, there is not a corresponding decrease in required vegetated area or any other adjustments in the code for an ADU that could substantially increase the impervious area beyond what is already allowed on a residential lot with a single family structure. A 100% increase in the stormwater fee certainly does not seem justified here.

Additionally, the City now requires all stormwater from a property to be addressed on site, following the City of Portland 2016 Stormwater Management Manual. We are being required to build stormwater facilities that treat all the stormwater on the property, including the ADU. We are required to maintain and inspect this facility every year going forward. The impact of our property to the City stormwater infrastructure is minimal, if at all.

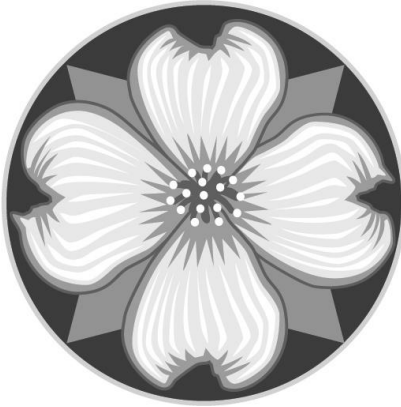
Having to pay the same fee as a property who does zero treatment of their stormwater is already frustrating. Having to pay it twice is, as I hope you can understand, extremely frustrating.

When we were evaluating building an ADU we calculated all of the expected fees based on the approved City fee schedule. There is nothing in the fee schedule that gives any indication that there will be an additional \$353 yearly stormwater fee from the City for a property with an ADU.

I believe that Peter is planning to bring this issue to you at the next Council work session. I hope the City, given its desire to encourage ADU development, will consider eliminating this hidden additional stormwater fee for properties with an ADU. I would also encourage the City to re-evaluate the stormwater fees and consider basing them on the proportional impact to the stormwater system for a given property.

I would also hope that in the future, if there is any ambiguity on if a fee should be charged, that the City would default to not charging that fee until there is clarification of the authorization of the fee and proper notice to residents.

Respectfully,
Howie Oakes
9315 SE Stanley Ave
Milwaukie



SPS Agenda Item

6

Consent Agenda

COUNCIL WORK SESSION

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

MINUTES

JUNE 6, 2023

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

Staff Present:

Steve Adams, City Engineer	Peter Passarelli, Public Works Director
Joseph Briglio, Community Development Director	Tessie Prentice, Civil Engineer
Jennifer Garbely, Assistant City Engineer	Emma Sagor, Assistant City Manager
Justin Gericke, City Attorney	Scott Stauffer, City Recorder
Ann Ober, City Manager	

Mayor Batey called the meeting to order at 4:04 p.m.

1. Supervisory Control and Data Acquisition (SCADA) – Update

Passarelli explained what a SCADA is and how it is used, when the system was installed and reported that major upgrades had never occurred, and the city needed to award contracts to begin upgrades. **Passarelli** advised how the city had arrived at the contract award process and how the upgrades to the system would occur.

Councilor Massey and **Passarelli** commented on SCADA's cyber security protections.

Councilor Stavenjord asked what precautions were in place for loss of electricity and **Passarelli** advised the system had either backup generators or an uninterruptible power supply (UPS) which are batteries that can run for up to four hours.

Mayor Batey and **Passarelli** discussed whether solar was used to power SCADA systems, concerns over supply chain issues for system upgrades, why the city was awarding two contracts for the upgrades, and how the city's water quality was monitored.

2. Safe Access for Everyone (SAFE) and Street Surface Maintenance Program (SSMP) – Annual Report

Garbely and **Adams** reported on the SAFE and SSMP program goals, plans for achieving those goals over nine years and how those goals may change based, and the status of ongoing and upcoming SAFE projects and city-wide engineering projects.

Garbely and **Adams** reviewed the 2023 list of regional transportation plan (RTP) projects for Milwaukie. They advised that prior to the recent update, the RTP list was last updated in 2018. During the update some projects had been removed as they were completed, and others were assigned to other entities such as Clackamas County and the Oregon Department of Transportation (ODOT). No new projects were added. **Mayor Batey** asked if all Metro region cities were updating their RTP lists and **Garbely** advised that the window for updates had closed, and all lists had been submitted for review. **Ober** noted that the projects were part of the city's Capital Improvement Plan (CIP) and **Garbely** added that staff would next be seeking federal funding for the Railroad Avenue capacity improvements.

Councilor Massey and **Garbely** discussed the timeline for the Washington Street Area Improvements and addressed concerns regarding traffic impacts around Milwaukie El Puente Elementary School.

Council President Nicodemus raised concerns regarding drainage issues around Americans with Disability Act (ADA) ramp upgrades in the Ardenwald North improvements project. **Garbely** advised that staff was working to address drainage issues and would upsize or add catch basins as needed.

Mayor Batey, **Garbely**, and **Councilor Stavenjord** discussed definitions regarding RTP list funding groups.

The group commented on ADA ramp compliancy throughout the city and confirmed that the Oak Grove/Lake Oswego pedestrian bridge was not on the city's RTP list.

3. Adjourn

Mayor Batey announced that after the work session Council will 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.

adjourned the meeting at 5:03 p.m.

Respectfully submitted,

Nicole Madigan, Deputy City Recorder

COUNCIL REGULAR SESSION

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

MINUTES**JUNE 6, 2023**

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

Staff Present: Joseph Briglio, Community Development Director
Jennifer Garbely, Assistant City Engineer
Justin Gericke, City Attorney
Brett Kelter, Senior Planner
Toby LaFrance, Finance Director
Ann Ober, City Manager

Peter Passarelli, Public Works Director
Natalie Rogers, Climate & Natural Resources Manager
Emma Sagor, Assistant City Manager
Scott Stauffer, City Recorder
Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 6:05 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Ober introduced Sagor, the city's new assistant city manager.

Mayor Batey announced upcoming activities including a heritage lecture and an architectural heritage walking tour, bulky waste collection days, a watershed discovery and clean-up days, and Juneteenth and Pride celebrations.

3. PROCLAMATIONS AND AWARDS

A. Pride Month – Proclamation

Karin Power and **Meg Elston**, Milwaukie residents, introduced the proclamation and remarked on the importance of marking Pride Month and the group discussed the community Pride event. **Mayor Batey** proclaimed June to be Pride Month in Milwaukie.

B. Juneteenth – Proclamation

Council President Nicodemus commented on the importance of Juneteenth and **Mayor Batey** proclaimed June 19, 2023, to be Juneteenth in Milwaukie.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures and **Ober** reported there was no report from the May 16 comments. No audience members wished to speak to Council.

6. CONSENT AGENDA

Mayor Batey removed item 6. C. from the consent agenda for separate consideration.

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi to approve consent agenda as presented except for item C.

A. City Council Meeting Minutes:

1. May 2, 2023, work session,
2. May 2, 2023, regular session,
3. May 9, 2023, study session, and
4. May 16, 2023, work session.

B. Resolution 23-2023: A resolution of the City Council of the City of Milwaukie, Oregon, making appointments to city boards and committees.

C. ~~Adoption of an Elk Rock Island work plan.~~ (Removed from the consent agenda).

D. Resolution 24-2023: A resolution of the City Council of the City of Milwaukie, Oregon, amending the Ledding Library Board Bylaws.

E. Resolution 25-2023: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing a contract with Beeman Artworks for artwork creation and installation at new city hall.

F. Resolution 26-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a public improvement contract with Technical Services Inc. (TSI) to provide construction services for the SCADA system upgrade.

G. Resolution 27-2023: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing an engineering services contract with Tetra Tech, Inc. to provide professional services for the SCADA system upgrade.

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

C. Elk Rock Island 2024 Work Plan (Removed from the consent agenda)

Mayor Batey explained that members of the Island Station Neighborhood District Association (NDA) wanted to address Council regarding the island.

Pam Denham, Island Station NDA, commented on concerns about human waste at Spring Park and Elk Rock Island and encouraged the city to ask the North Clackamas Parks and Recreation District (NCPRD) to place a portable toilet at the park. **Denham** also relayed a neighborhood request that the city fund activities listed in the work plan.

Mayor Batey and **Stauffer** noted other written comments regarding the Elk Rock Island work plan that had been received.

Batey and **Ober** commented on how the city had worked with NCPRD to meet the requirements of the intergovernmental agreement (IGA) with the City of Portland regarding the island’s maintenance.

The group discussed the proposed changes to the work plan and how to address the human waste issue. It was Council consensus to send a letter to NCPRD requesting that a portable toilet be placed at the park.

It was moved by Council President Nicodemus and seconded by Councilor Stavenjord to approve the resolution adopting a 2024 work plan for Elk Rock Island. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Resolution 28-2023:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING A 2024 WORK PLAN FOR ELK ROCK ISLAND.

Mayor Batey announced that Council would proceed to public hearing items 8. A. and 8. B. before business item 7. A.

8. PUBLIC HEARING

A. Supplemental Budget Adjustment – Resolution

Call to Order: **Mayor Batey** called the public hearing on the proposed supplemental budget adjustment to order at 6:47 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to take public comment and consider adoption of the proposed supplemental budget adjustment.

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

Staff Presentation: **LaFrance** provided an overview of the proposed budget changes, noting that the changes had been presented to the Budget Committee and that an additional change related to construction excise tax (CET) funds had been added.

Mayor Batey and **LaFrance** discussed and clarified the intent of changes related to the CET funds, police department staffing, and the C800 emergency radio system. They also commented on budget changes requested for the new city hall project and **Ober** added that new city hall project cost increases had been previously reported by staff.

Correspondence: no correspondence had been received about the budget changes.

Testimony: no audience member wished to speak to Council about the budget changes.

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

Mayor Batey closed the public hearing at 7:00 p.m.

Council Decision: **It was moved by Councilor Khosroabadi and seconded by Council President Nicodemus to approve the resolution authorizing a budget supplemental for the 2023-2024 biennium. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]**

Resolution 29-2023:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING BUDGET SUPPLEMENTAL FOR THE 2023-2024 BIENNIUM.

B. Housing Capacity Analysis (HCA) / Housing Production Strategies (HPS) Adoption – Ordinance and Resolution

Call to Order: **Mayor Batey** called the public hearing on the proposed adoption of the HCA and HPS, file #CPA-2023-001, to order at 7:01 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to open the hearing, take public comment, and consider adoption of the HCA and HPS.

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

Staff Presentation: **Briglio** and **Weigel** provided an overview of the HCA and HPS process including state requirements, Planning Commission and Council discussions, the work of the Housing Capacity Technical Committee (HCTC), and staff and consultant engagement work. **Weigel** reviewed Council's decision-making options.

Mayor Batey and **Weigel** noted that there had been no substantive changes to the HCA or HPS document since Council had last seen them.

Correspondence: no correspondence had been received on the HCA or HPS.

Testimony: no audience member wished to speak to Council about the HCA or HPS.

Close Public Comment: **It was moved by Councilor Khosroabadi and seconded by Council President Nicodemus to close the public comment part of the HCA / HPS adoption hearing. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye."** [5:0]

Mayor Batey closed the public hearing at 7:09 p.m.

Council Decision: **It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi for the first and second readings by title only and adoption of the ordinance amending the Comprehensive Plan by adding the Housing Capacity Analysis, an ancillary document, to maintain compliance with state requirements (File #CPA-2023-001). Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye."** [5:0]

Ober read the ordinance two times by title only.

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

Ordinance 2230:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE COMPREHENSIVE PLAN BY ADDING THE HOUSING CAPACITY ANALYSIS, AN ANCILLARY DOCUMENT, TO MAINTAIN COMPLIANCE WITH STATE REQUIREMENTS (FILE #CPA-2023-001).

It was moved by Council President Nicodemus and seconded by Councilor Khosroabadi to approve the resolution adopting a housing production strategy. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting "aye." [5:0]

Resolution 30-2023:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING A HOUSING PRODUCTION STRATEGY.

7. BUSINESS ITEMS

A. Design and Landmarks Committee (DLC) – Update

Weigel provided an overview of the DLC's history and work and suggested it was time to retire the committee as its development application review and historic resources functions were covered by staff processes and the Planning Commission. **Weigel** explained how the DLC's function would be shifted if it was dissolved.

The group commented on the state's certified local government (CLG) program related to state preservation rules and noted that the city had previously participated in the CLG program and had received funding for preservation projects.

Lauren Loosveldt, Planning Commissioner and former DLC member, remarked on the DLC's challenges and suggested giving a committee more authority could help. **Loosveldt** commented on the risk of losing the historic preservation viewpoint as new development occurs.

Council President Nicodemus expressed concern about the lack of preservation of Black and Indigenous people's landmarks. The group discussed how historical preservation efforts had often resulted in upholding White history and institutions. They discussed reconsidering what cultural heritage and historic preservation meant and how the CLG program could help promote Black and Indigenous businesses.

Mayor Batey, **Weigel**, and **Ober** discussed whether to keep the DLC to work with the Milwaukie Historical Society on a historic resource inventory or utilize an ad hoc task force for inventory type projects and to review development applications.

Mayor Batey and **Kelver** acknowledged that two DLC members had just been reappointed and that the DLC was aware of the proposal to dissolve the committee.

It was noted that a majority of Council supported disbanding the DLC. **Weigel** observed that Council would like staff to look for opportunities to have an historic resources conversation in the future.

Mayor Batey and **Kelver** noted who on the DLC had architectural experience and **Weigel** noted the need to recruit architectural experts to fill future Planning Commission vacancies. Staff noted that the code changes to dissolve the DLC would be presented to Council in the coming months.

Mayor Batey recessed the meeting at 7:55 p.m. and reconvened at 8:01 p.m.

9. COUNCIL REPORTS

A. Legislative and Regional Issues – Discussion

Stauffer provided an update on bills the city had been tracking. The group discussed the status of bills and noted that most legislative activity had stopped due to the walk out of Republican senators.

Council President Nicodemus and **Mayor Batey** provided an update on recent city Park and Recreation Board (PARB) and NCPRD District Advisory Committee (DAC) meetings. The group commented on a park design engagement event and noted that the city may receive additional funding for neighborhood park projects.

Councilor Massey and **Mayor Batey** reported on the North Clackamas Watershed Council's (NCWCs) work on the Kellogg Dam removal project.

Councilor Khosroabadi noted an upcoming community advisory board meeting.

Councilor Stavenjord provided an update on the Clackamas County Coordinating Committee (C4) retreat that covered housing and transportation issues. The group remarked on local and state efforts to encourage residents of manufactured homes to become property owners.

Stavenjord noted an opportunity for residents to become local inclement weather reporters.

Mayor Batey reported attending part of the C4 retreat and noted a conversation with the county and TriMet about the lack of transit access to a new county health clinic site.

Councilor Stavenjord presented the Milwaukie community Pride poster and the group remarked on the upcoming Pride event.

10. ADJOURNMENT

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

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

Mayor Batey adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Scott Stauffer, City Recorder

From: Natalie Rogers, Climate & Natural Resources Manager

Subject: **Nomination of a City Representative to the NCPRD DAC**

Date Written: June 29, 2023

ACTION REQUESTED

Council is asked to adopt a resolution affirming the nomination of Park and Recreation Board (PARB) member Ali Feuerstein to serve as the city's representative to the North Clackamas Parks and Recreation District (NCPRD) District Advisory Committee (DAC).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

March 2023: The city's previous NCPRD DAC representative, Ben Johnson, resigned from the PARB and DAC.

June 28, 2023: The PARB agreed to recommend that Council nominate PARB Member Ali Feuerstein to represent the city on the DAC.

ANALYSIS

The NCPRD DAC was established to advise the NCPRD Board of Directors on the acquisition, design, planning, and development of parks and recreation facilities in the district. The city's PARB has a matching directive as outlined in Milwaukie Municipal Code (MMC) 2.12.010. To coordinate these similar work plans, and as outlined in Article IV of the DAC Bylaws, the City Council nominates an individual to serve on the DAC as a city representative. Because of the familiarity with parks issue, Council has previously nominated PARB members to represent the city on the DAC.

At its June 28, 2023, meeting, the PARB acknowledged that the previous city representative to the DAC, Ben Johnson, had resigned and agreed to recommend that Council nominate PARB member Ali Feuerstein to serve as the city's next DAC representative.

BUDGET, CLIMATE & WORKLOAD IMPACTS

None.

COORDINATION, CONCURRENCE, OR DISSENT

The PARB staff liaison worked with PARB members to confirm this recommendation.

STAFF RECOMMENDATION

The PARB staff liaison recommends that Council affirms the PARB recommendation to nominate Ali Feuerstein to serve as the city's next DAC representative.

ALTERNATIVES

Council could decline to make the recommended nomination which would leave the city's seat on the DAC vacant.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AFFIRMING THE NOMINATION OF A PARK AND RECREATION BOARD (PARB) MEMBER TO REPRESENT THE CITY ON THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT (NCPRD) DISTRICT ADVISORY COMMITTEE (DAC).

WHEREAS a primary role of the PARB is to advise the City and NCPRD in recreation programs and facilities, and

WHEREAS Milwaukie Municipal Code (MMC) 2.10.010 calls for the City Council to designate a city representative to serve on the NCPRD DAC, and

WHEREAS Article IV of the NCPRD DAC Bylaws calls for representatives of the City to be nominated by the City Council for appointment to the DAC by the NCPRD Board of Directors, and

WHEREAS PARB has recommended that the City Council nominate Ali Feuerstein to serve as the City's representative to the NCPRD DAC.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the nomination of Park and Recreation Board member Ali Feuerstein to represent the City of Milwaukie on the District Advisory Committee of the North Clackamas Parks and Recreation District is hereby affirmed.

Introduced and adopted by the City Council on **July 11, 2023**.

This resolution is effective immediately.

ATTEST:

Lisa M. Batey, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



MILWAUKIE POLICE DEPARTMENT

Memorandum

To: Mayor Batey and Milwaukie City Council

From: Ryan Burdick, Police Captain *Ryan Burdick*

Through: Ann Ober, City Manager

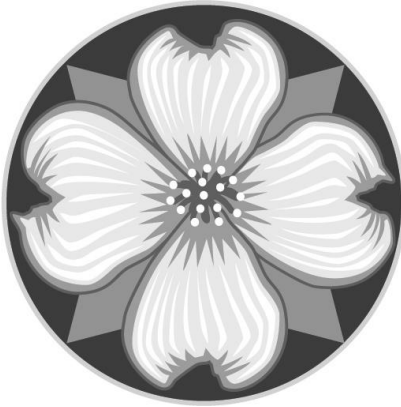
Date: March 6, 2023

Re: OLCC Application – Taqueria Portland LLC – 5821 SE Johnson Creek Blvd

Action requested:

It is respectfully requested the council approve the OLCC application for Taqueria Portland LLC, located at 5821 SE Johnson Creek, Milwaukie OR 97222.

We have conducted a background check and find no reason to deny the request for the liquor license.



SPS Agenda Item

7

Business Items

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: June 29, 2023

Reviewed: Peter Passarelli, Public Works Director, and
Sasha Freeman, Administrative Specialist II

From: Adam Moore, Parks Development Coordinator

Subject: **Neighborhood Parks Update – July 2023**

ACTION REQUESTED

Staff is providing an update on the neighborhood parks project status, budget, and recent engagement on playground and park designs.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Park Development Project

[September 14, 2021](#): The park development project was presented by staff and discussed by Council during a study session.

[January 4, 2022](#): An update on the status of the park development project was presented by staff and discussed by Council during a study session.

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

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

[June 7](#): An update on the status of the park development project was presented by staff and discussed by Council during a study session.

[September 20](#): An update on the status of the park development project was presented by staff and discussed by Council during a study session.

[November 1](#): An update on the status of the park development project was presented by staff and discussed by Council during a study session.

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

ANALYSIS

After an eight-month public engagement process, the new concept plans for Scott, Balfour, and Bowman-Brae parks were unanimously approved by Council on December 6, 2022. The planning process followed a public involvement plan created with members of the city's Equity Steering Committee (ESC) and Park and Recreation Board (PARB). Community feedback from the concept plan was solicited at multiple planning events, online surveys, and focus groups.

Since approval of the plan, staff have received initial playground designs based on the current project budget and additional cost estimates for construction of the park. To ensure that the play features at the three parks meet the community’s expectations and Council direction, and to ensure that the project budget accounts for expected rising costs due to inflation, staff applied for two grants.

Metro’s Nature in Neighborhoods – Neighborhood Livability program provides funding for park amenities on a reimbursement basis. The grant program will require a minimum 2-to-1 match of grant funds, which will be covered by federal American Rescue Plan Act (ARPA) funding. Staff was notified on June 29, 2023, by the Metro Council that the city would receive the grant. Funds will be available for select items at Scott, Balfour, and Bowman-Brae parks. The Metro grant will provide \$350,000 in project funding.

Oregon State Parks offers the local government grant program from which staff applied for a \$300,000 grant for Scott Park. Per Council’s direction, Scott Park is to provide both nature-based play and inclusive play. The grant requires a 40% match, which is covered by ARPA funding and a donation by the Ledding Library Foundation. Grant award notice is expected in July or August of 2023.

Staff partnered with PARB, [FACT Oregon](#), and the [Boys and Girls Club of Portland Metropolitan Area](#) – Oak Grove Club, to select playground equipment at three separate design charrettes. FACT Oregon is a non-profit that works with families raising children with disabilities. The [Oak Grove Club](#) of the Boys and Girls Club has approximately 45 first through fifth graders who attend school at either Ardenwald, Seth Lewelling, Riverside, or Oak Grove elementary schools. PARB will also invite members of the ESC and representatives from the effected neighborhood district associations (NDAs) to their charette.

Staff also conducted community engagement at Milwaukie’s recent Pride and Juneteenth celebrations. Outreach was conducted in six local elementary schools, via email, and through flyers. Outreach was conducted in both English and Spanish. Events were also posted on the city’s website. Details on the feedback provided at the engagement sessions and on the park budget will be provided. Final park design including playgrounds is expected in October 2024.

Playground designs will be based on each parks budget and be based on feedback and direction given in previous rounds of community engagement. If the grant is not received Council could decide to reallocate other park funds to make up the amount of the grant in part or in full. If any value engineering or design changes are necessary for budgetary reasons, additional public engagement will be conducted and those people who helped design the concept plans or playground designs will be invited to give feedback on the necessary changes.

Projected Timeline- Upcoming

Summer 2023

- Expected grant announcement.
- 75% design (August)
- Public Hearings (August)

Fall 2023

- Final design & permitting.
- Final plan engagement.

Winter 2024 – Fall 2024

- Construction (January 2024)

Fall 2024

- Ribbon Cutting (October 2024)

CLIMATE IMPACTS

The park development project will help the city address climate change adaptation and mitigation goals at the neighborhood level. This project will add park amenities, vegetation, stormwater facilities, and permeable sidewalks to existing city parkland. These new park amenities have the potential to limit automotive trips as residents living in the Historic Milwaukie neighborhood will have developed parks within a walkable distance of their homes. Additional trees and plants will help meet the city's 40% tree cover goals, while small rain gardens will help with storm water detention. Any development project will have a carbon footprint, though this project will strive to keep its carbon footprint small using natural, recycled, and/or locally sourced products wherever possible.

BUDGET IMPACTS

Staff will work on a budget amendment to account for any revenue and expenses in the fiscal year the grants are received. Award of the grants is expected to be announced by July 2023 with a grant agreement in November of 2023. Both grants are reimbursable and require at least a 40% match. This project is primarily paid for with ARPA funds received through the state, which makes up most of the match. A donation from the Ledding Library Foundation is supporting Scott Park construction. A donation from the Ardenwald-Johnson Creek NDA is supporting Balfour Park construction.

WORKLOAD IMPACTS

Public works staff will be leading the effort to develop these three parks while coordinating with other city departments and outside agencies as required. Under the direction of the public works director, the parks development coordinator will collaborate with North Clackamas Parks and Recreation District (NCPRD) staff where appropriate, and staff in the city manager's office and the planning and engineering departments. In addition to Council, other public boards, and commissions, such as the ESC, PARB, and the Planning Commission will all be engaged, particularly as park master plans are created and refined. Staff will manage workloads and currently have the capacity to manage the work detailed in this report.

COORDINATION, CONCURRENCE, OR DISSENT

Development of new public recreation space will require close collaboration between departments within the city, related outside agencies, and the public.

STAFF RECOMMENDATION

Not applicable.

ALTERNATIVES

Not applicable.

ATTACHMENTS

None.

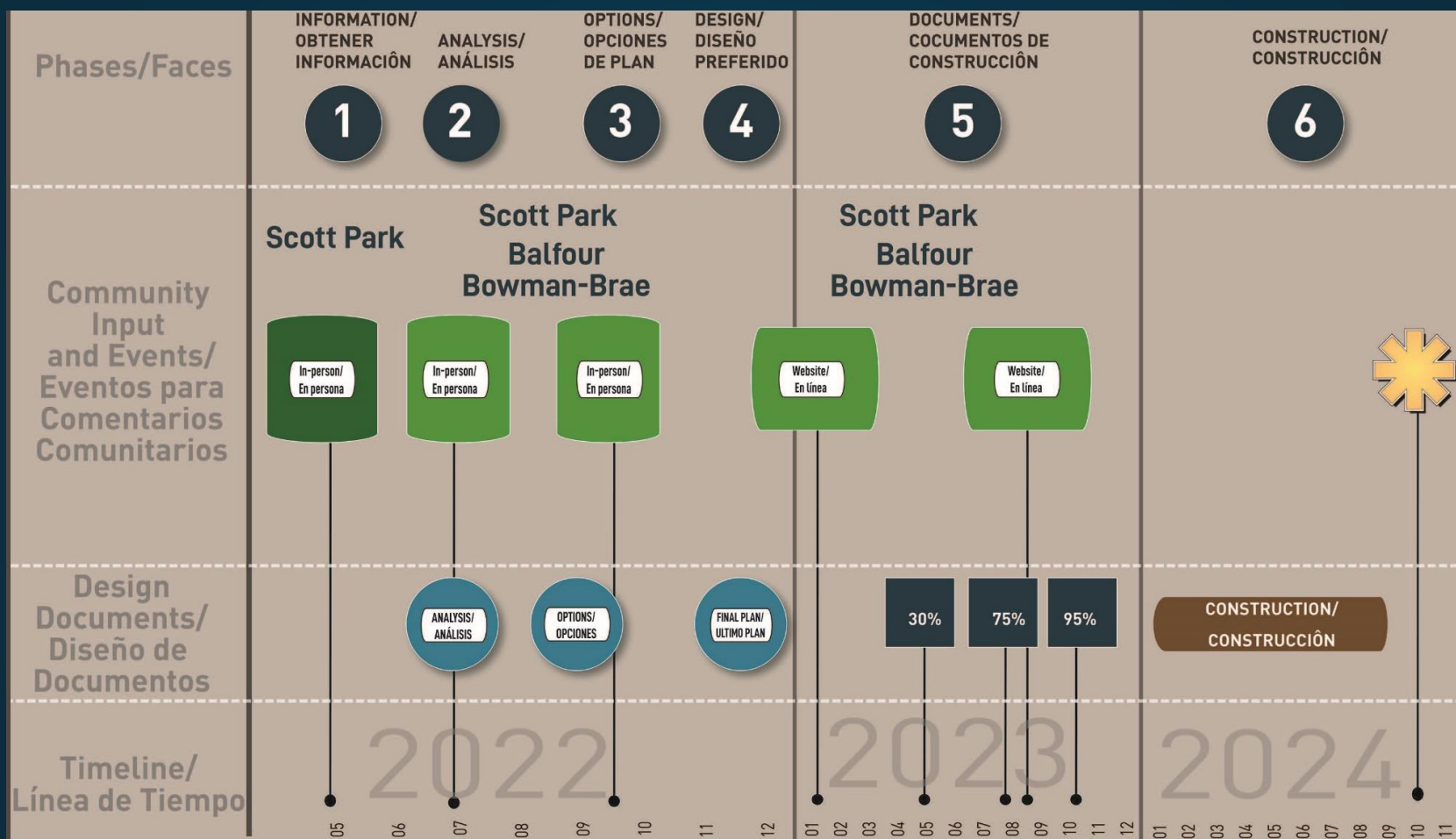
A stylized graphic of a flower with light-colored petals and a dark center, set against a green and brown background, all within a circular frame.

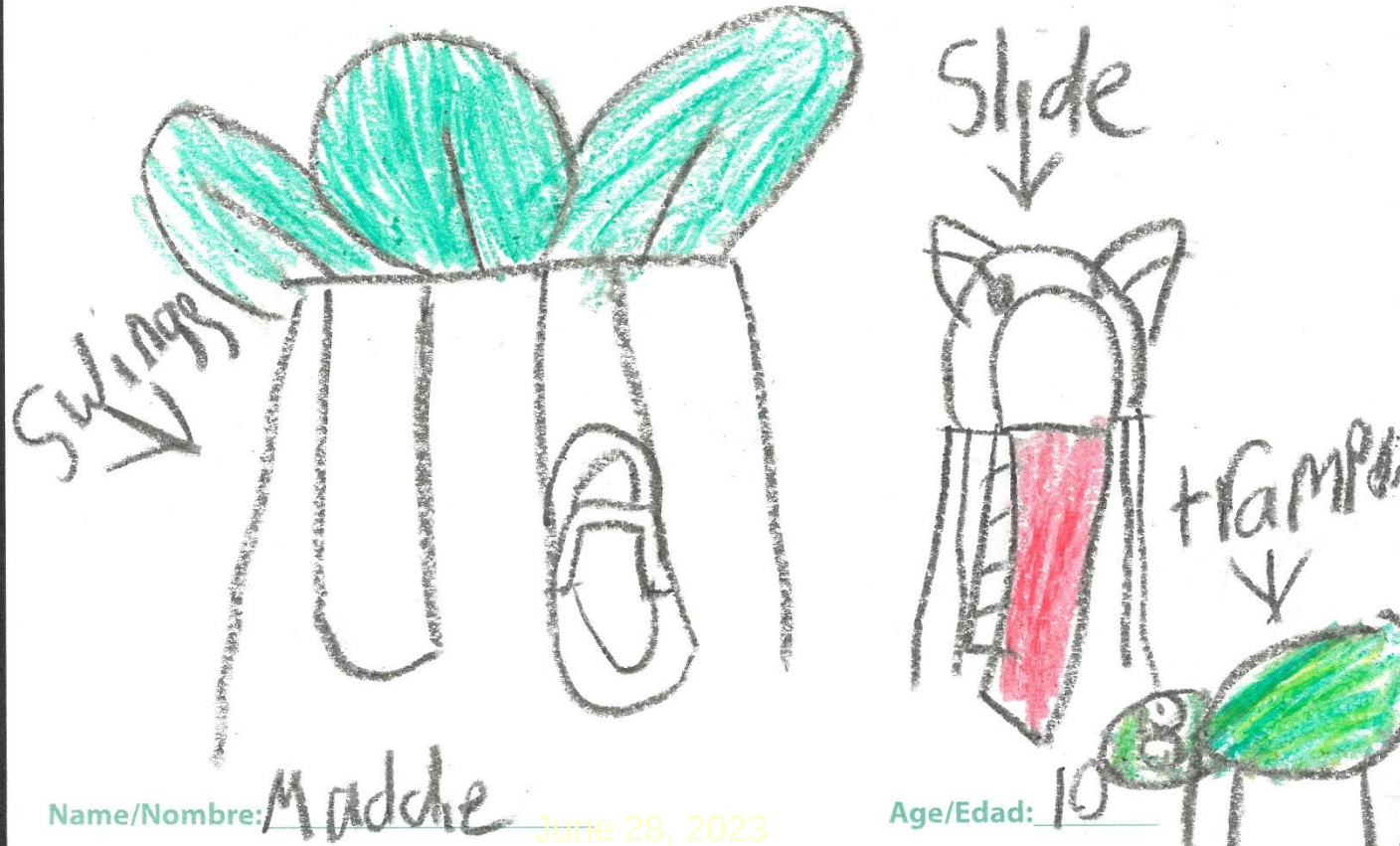
SPS 7. A. 7/11/23
Presentation

Neighborhood Park Update

July 11, 2023

Milwaukie City Council





Recent Playground Engagement Breakdown

Total Dots: 2,718

Families / Individuals: ~302

Surveys: 236

-New Participates: 133: 56%

-BIPOC: 49: 21%



Quick Take Aways

- Families with disabilities are looking for secure & enclosed parks
- Participants asked to adjust designs to older age groups
- Participants want active & passive uses
 - structured & unstructured



Quick Take Aways

- Feedback generally positive
- Lots of thoughtful constructive suggestions
- Revision of demographic data and assistance from an equity program manager necessary



Next Steps

- **75% Design Compete:** August
- **Estimated Public Hearings:** August
- **Final Plan Engagement:** October
 - Includes Engage Milwaukie survey
 - Open House at Ledding Library
 - Playground designs & precedent images will be shared



Potential Budget: \$3.3m

ARPA	City Funds	Library Foundation	A-JC NDA	Metro Local Share	Metro NIN Grant	State LGGP	SAFE Streets
\$2,250,000	\$60,000	\$10,000	\$20,000	\$317,000	\$350,000	\$300,000	\$25,000

30% Design Cost Estimate:

Project Costs	Scott Park	Balfour Park	Bowman-Brae	Total*
\$718,000	\$749,000	\$875,000	\$988,000	\$3,330,000



July 11, 2023

Neighborhood Parks Project

Important Points

- State grant is highly competitive – unknown if it will be received.
- 75% Design will have less contingency & inflation
- Unknown if there will be a need for any value engineering.



Questions?

Adam Moore

Parks Development Coordinator

moorea@milwaukieoregon.gov

