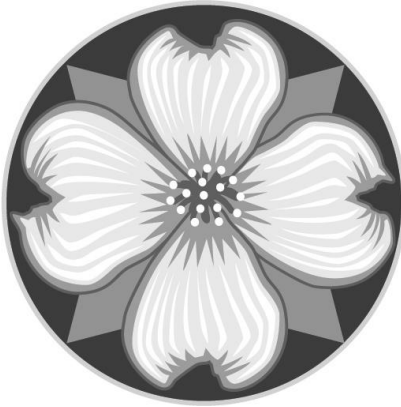




Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

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

2387th Meeting**REVISED AGENDA****SEPTEMBER 5, 2023**

(Revised September 1, 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-regular-session-355>.

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

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

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

Page #

- 1. CALL TO ORDER (6:00 p.m.)**
 - A. Pledge of Allegiance**
 - B. Native Lands Acknowledgment**
- 2. ANNOUNCEMENTS (6:01 p.m.)** **3**
- 3. PROCLAMATIONS AND AWARDS**
 - A. Middle School Teacher of the Year Award – Proclamation (6:05 p.m.)** **5**
Recipient: Lucas Dix, Rowe Middle School
 - B. Service Month – Proclamation (6:15 p.m.)** **6**
Presenters: Members of Milwaukie Area Elks, Lions, and Rotary Clubs
 - C. National Preparedness Month – Proclamation (6:20 p.m.)** **7**
Staff: Dan Harris, Events & Emergency Management Coordinator
- 4. SPECIAL REPORTS**
 - A. None Scheduled.**
- 5. COMMUNITY COMMENTS (6:25 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 (6:30 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:** **9**
 - 1. August 1, 2023, work session,
 - 2. August 1, 2023, regular session,
 - 3. August 8, 2023, site visit, and
 - 4. August 8, 2023, study session.
- B. Authorization of a Contract for the Washington Street Area Improvements Project – Resolution** (Removed from the agenda.)
- C. Authorization of a Contract Amendment for Janitorial Services – Resolution** **17**

7. BUSINESS ITEMS

- A. Planning Department Workplan – Discussion (6:35 p.m.)** **21**

(Moved up the agenda.)

Staff: Laura Weigel, Planning Manager

Agenda Order Note: Council will conduct the public hearing item 8. A. before the business item 7. B. The estimated times noted below reflect this change in the agenda order.

8. PUBLIC HEARINGS

- A. Design and Landmarks Committee (DLC) Code Update – Ordinance, 2nd Reading (6:45 p.m.)** (Moved down the agenda.) **110**

Staff: Laura Weigel, Planning Manager

7. BUSINESS ITEMS (continued)

- B. Equity Study Report and Workplan – Discussion (7:45 p.m.)** **27**

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

9. COUNCIL REPORTS (9:15 p.m.)

10. ADJOURNMENT (9:30 p.m.)

Executive Session. After the regular 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.

Representatives of the news media and designated staff may attend executive sessions. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on or otherwise disclose any of the deliberations or anything said about these subjects during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session.

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, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

2387th Meeting

MINUTES

SEPTEMBER 5, 2023

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

Council Absent: Councilor Rebecca Stavenjord

Staff Present: Joseph Briglio, Community Development Director Justin Gericke, City Attorney Dan Harris, Events & Emergency Management Coordinator Brandi Leos, Human Resources Director Ann Ober, City Manager	Peter Passarelli, Public Works Director Emma Sagor, Assistant City Manager Gabriela Santoyo Gutierrez, Equity & Inclusion Coordinator Scott Stauffer, City Recorder Laura Weigel, Planning Manager
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Mayor Batey called the meeting to order at 6:03 p.m. and announced that Councilor Stavenjord had been excused from the meeting.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced agenda item 8. A. Design and Landmarks Committee (DLC) Code Update – Ordinance, 2nd Reading would be rescheduled to September 19.

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

3. PROCLAMATIONS AND AWARDS

A. Middle School Teacher of the Year Award – Proclamation

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

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

B. Service Month – Proclamation

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

C. National Preparedness Month – Proclamation

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

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

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

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

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

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

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

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

7. BUSINESS ITEMS**A. Planning Department Workplan – Discussion**

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

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

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

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

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

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

8. PUBLIC HEARING**A. DLC Code Update – Ordinance, 2nd Reading**

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

B. Equity Study Report and Workplan – Discussion

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

9. COUNCIL REPORTS

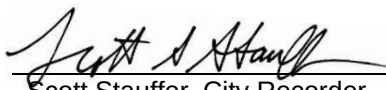
None.

10. ADJOURNMENT

It was moved by Councilor Khosroabadi and seconded by Councilor Massey to adjourn the Regular Session. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Mayor Batey voting “aye.” [4:0]

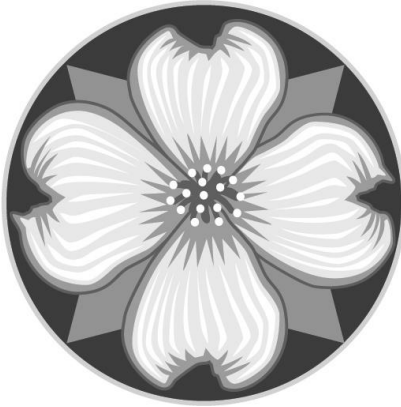
Mayor Batey adjourned the meeting at 7:26 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder

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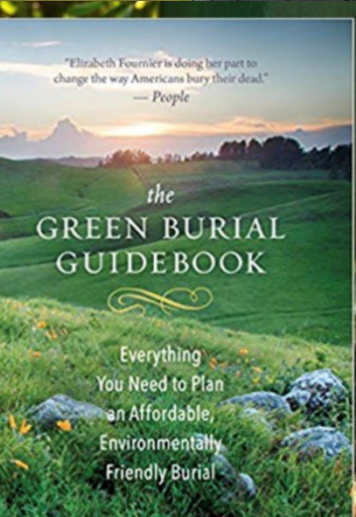
RS Agenda Item

2

Announcements

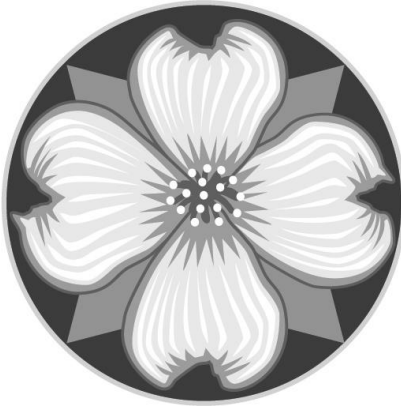
Social Emotional Arts Workshop

Saturday, September 9 at 10:30am



Mayor's Announcements – September 5, 2023

- **Social Emotional Arts Workshop – Sat., Sep. 9 (10:30 AM)**
 - Discover how breath, drumming, music, movement, visual arts, poetry, and theater can enhance your life.
 - No registration required.
 - Ledding Library, 10660 SE 21st Ave.
- **Milwaukie Museum Performances: Stefano Iaboni – Sat., Sep. 9 (11:30 AM and 1:30 PM)**
 - Performances combine magic, juggling, and comedy
 - Event is free. Museum is located at 3737 SE Adams St.
- **Poetry Reading – Richard Lehnert – Wed., Sep. 13 (6-7:30 PM)**
 - Milwaukie Poetry Series kicks off its 17th season
 - Ledding Library, 10660 SE 21st Ave. or Library's YouTube Channel
- **Fall Author Series – Elizabeth Fournier – Wed., Sep. 20 (6 PM)**
 - Author of "The Green Burial Guidebook" and TEDx talk called "Going Green: The Last Act of Environmental Volunteerism"
 - Ledding Library, 10660 SE 21st Ave.
- **Sustainability Fair – Sat., Sep. 23 (10 AM – 2 PM)**
 - Milwaukie Environmental Stewards Group hosts this annual event
 - Learn more at www.milwaukieesg.org/events
- **LEARN MORE AT WWW.MILWAUKIEOREGON.GOV OR CALL 503-786-7555**



RS Agenda Item

3

Proclamations & Awards

PROCLAMATION

WHEREAS middle school aged children in Milwaukie are served by the North Clackamas School District's Wilbur D. Rowe Middle School; and

WHEREAS Rowe Middle School teacher Lucas Dix has been named a 2023 OnPoint Community Credit Union Educator of the Year; and

WHEREAS Mr. Dix has served as an educator in the North Clackamas School District at Rowe Middle School for 13 years, where he has focused on educating the whole child using an equity mindset to implement innovative techniques that are result-oriented; and

WHEREAS Mr. Dix has been recognized as an outstanding educator who builds his students' confidence at every stage of the creative process and with his encouragement, students blossom, starring in videos, finding community, and taking on new challenges; and

WHEREAS the City of Milwaukie is proud of Mr. Dix's achievements and appreciates his dedication and work on behalf of this City's students.

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 hereby recognize **Rowe Middle School teacher Lucas Dix** for dedication to the students and community of Milwaukie and congratulate him for being named a 2023 OnPoint Educator of the Year.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 5th day of **September 2023**.

Lisa M. Batey, Mayor

ATTEST:

Scott Stauffer, City Recorder



Lucas Dix: Middle School Teacher of the Year

- **The Shamrock News** video topics range from social-emotional development (Teach 100) to grammar (Comma Dance). And they go viral, garnering more than 40,000 views, news coverage, and a keynote speaking role for Dix at the Association for Middle Education annual conference.
- **Dix's official role is media arts and journalism instructor.** His unofficial one is school culture champion. He created the Rowe Zine, a magazine featuring writing pieces from language arts classes. He invented the 1 Million Word Club to encourage student reading. He brought back the tradition of school dances. On top of all that, he revitalized the track and cross-country teams.
- **Dix builds his students' confidence at every stage of the creative process.** His students have helped him apply for grants, including one that provided \$4,000 for the school library. With his encouragement, students blossom, starring in his videos, finding community, and taking on new challenges.
- **LEARN MORE AT rowems.nclack.k12.or.us/activities/shamrock-news**

PROCLAMATION

WHEREAS Service clubs are the heart and soul of vibrant communities, helping residents old and young in dozens of ways that enhance day to day life such as feeding the hungry, providing clothing, awarding scholarships, assisting our city and county, and

WHEREAS the Rotary Club of Milwaukie, Milwaukie-Portland Elks, Milwaukie Lions Club, and Clackamas Sunrise Rotary Club are examples of service organizations in which volunteers from our community give their time every day, and

WHEREAS those critical services have impacted a wide variety of needs including hunger, literacy, sight, hearing, environment, education, personal hygiene, and other life altering services and the efforts of those volunteers should be acknowledged.

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 hereby proclaim **SEPTEMBER 2023** to be **SERVICE MONTH** and encourages all citizens to recognize our local Rotary, Elks, Lions, and other service clubs in Milwaukie for outstanding contributions to the well-being of our community, and further encourage all Milwaukie residents to volunteer in some way in the community for a few hours this month.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 5th day of **September 2023**.

Lisa M. Batey, Mayor

ATTEST:

Scott S. Stauffer, City Recorder

PROCLAMATION

WHEREAS the month of September is recognized by emergency responders and public safety agencies nationwide as a time to actively promote emergency preparedness in our communities through planned activities, events, and public awareness campaigns, and

WHEREAS the theme of this year's National Preparedness Month is "Preparing for Older Adults," recognizes the unique vulnerabilities of older adults to natural disasters and reminds us all to be better prepared to protect ourselves and our neighbors against natural disasters, and

WHEREAS investing in personal and community preparedness can reduce injuries, fatalities, and economic devastation in our community and in our nation, and

WHEREAS, during September, the City of Milwaukie urges residents to prepare themselves for emergencies by assembling an emergency "go kit" including three days of water, medications and other emergency supplies, by enrolling in communication platforms to receive emergency alerts, and by learning about regional and statewide evacuation procedures, which you can find at www.ready.gov/september.

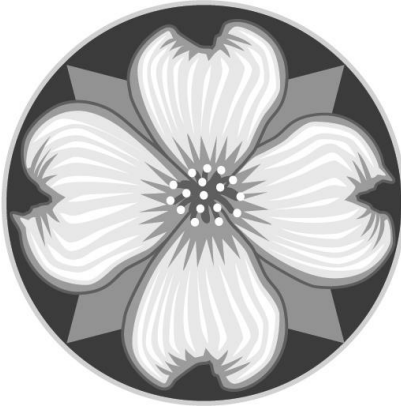
NOW, THEREFORE, I, Lisa Batey, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **SEPTEMBER 2023** to be **NATIONAL PREPAREDNESS MONTH** in Milwaukie.

IN WITNESS, WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 5th day of September **2023**.

Lisa Batey, Mayor

ATTEST:

Scott Stauffer, City Recorder



RS Agenda Item

5

Community Comments

Scott Stauffer

From: Leesa Gratreack <leesa.gratreack@gmail.com>
Sent: Tuesday, September 5, 2023 9:05 AM
To: _City Council
Subject: Dismantling the DLC

Hello,

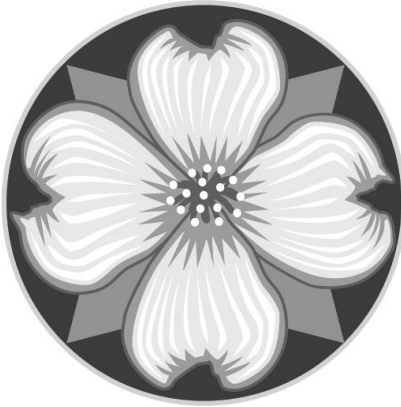
I wanted to speak one last time about my dismay over the Design Landmarks Committee being eliminated.

Just a few short months ago, I spoke in front of the Council during the Historic Proclamation for Historic Preservation Month. It was the first time in the past 20 years that I felt the City was taking a step to at least consider historic preservation, sustainability, and Milwaukie's unique history. I have been very sad to see such a drastic turn in the Council's stance in a short period of time. Without the DLC and with no prospects showing the City has any interest in historic preservation, I feel confident that downtown will look very different in 20 years and will have made changes that cannot be undone. I fear that many of the changes will have eliminated the character that drives people to downtown today. I am thankful that the City Hall building is in private hands, as now it will be saved. I have seen the library 'renovation' that I voted for turn into a full demo, and was heart-broken when not even one aspect of the building's setting was retained or even attempted to be reused. These short sighted actions will only increase without the DLC.

Without the DLC, we will not be able to become a Certified Local Government and take advantage of grant opportunities, we will not be able to allow preservation to at least have a voice at the table while downtown makes drastic changes that could be cumulatively discussed, and Milwaukie is at risk of losing all character as Portland's oldest suburb. I feel strongly that dismantling the DLC is a mistake for the City of Milwaukie and its residents. Please recognize the long-term, permanent ramifications of what is to come.

Regards,

Leesa Gratreack, MSHP
Architectural Historic and Milwaukian



RS Agenda Item

6

Consent Agenda

COUNCIL WORK SESSION

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

MINUTES

August 1, 2023

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

Planning Commission Present: Commissioners Aaron Carpenter, Joseph Edge, Josh Freeman, Will Mulhern, and Chair Jacob Sherman

Staff Present: Joseph Briglio, Community Development Director	Nicole Madigan, Deputy City Recorder
Justin Gericke, City Attorney	Ann Ober, City Manager
Dan Harris, Events & Emergency Management Coordinator	Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 4:00 p.m.

1. Natural Hazard Mitigation Plan (NHMP) Update – Discussion

Harris explained which types of hazards are included in the NHMP, how frequently the plan is updated, the purpose of the plan, how the plan was being developed, and what the next steps would be leading to adoption.

Councilor Stavenjord and **Harris** discussed community engagement during the NHMP development process. **Stavenjord**, **Harris**, and **Ober** discussed the Federal Emergency Management Agency (FEMA) reimbursement process, and Metro's role as the city's designated debris hauler.

Councilor Khosroabadi asked for clarification regarding the winter storms rating on the hazard vulnerability analysis matrix. **Harris** explained the differences in how the hazard vulnerabilities were rated and noted the rating did not discredit that winter storms were still a hazard to be prepared for.

The group discussed the type of destruction that would likely befall Milwaukie during the Cascadia earthquake, making a connection between the continuity of operation plan and the NHMP, and how pandemics fit into emergency preparation plans.

Mayor Batey and **Harris** discussed shelter sites, emergency preparedness engagement materials, and Milwaukie's vulnerability to wildfires in comparison to Clackamas County overall. **Batey** and **Ober** discussed flood insurance. **Batey** and **Harris** commented on undergrounding powerlines.

Mayor Batey and **Harris** noted how the public could engage in the NHMP process.

2. Council – Planning Commission Meeting – Joint Session

Weigel shared what staff and the Commission had worked on to date, what had resulted from the joint Commission and neighborhood district association (NDA) meeting, and what the Commission should expect to cover for the next year.

The group discussed how Council goals connected to the work of the Commission, the upcoming neighborhood hubs project, and middle housing.

3. Adjourn

Mayor Batey adjourned the meeting at 5:33 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

August 1, 2023

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

Council Absent: Council President Desi Nicodemus

Staff Present: Ryan Dyar, Assistant Planner
Justin Gericke, City Attorney
Vera Kolias, Senior Planner
Toby LaFrance, Finance Director

Nicole Madigan, Deputy City Recorder
Ann Ober, City Manager
Peter Passarelli, Public Works Director
Laura Weigel, Planning Manager

Mayor Batey called the meeting to order at 6:01 p.m. and noted that Council President Nicodemus 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 neighborhood park concerts, a picnic, and the August First Friday event.

3. PROCLAMATIONS AND AWARDS**A. National Farmers Market Week Proclamation**

Melanie Bennett, Celebrate Milwaukie, Inc. (CMI) Board President, thanked Council for recognizing the market, noted it was the market's 25th season, and commented on the value of the market for the community. **Mayor Batey** proclaimed national farmers week.

4. SPECIAL REPORTS**A. Parks Governance Check-In**

Ober explained that Council would discuss parks governance at a future meeting and the group briefly discussed the format of the next parks discussion item.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures and **Ober** reported there was no follow-up report from the July 18 community comments.

Greg Hemer, Milwaukie Historical Society, encouraged the city to name the community room in the new city hall building after Dorothy and Hurtis Hadley, owners of the first Black-owned bakery in Oregon. **Hemer** remarked on the historical society's work with city staff and the Equity Steering Committee (ESC) on the naming proposal.

Philip Moen, Milwaukie resident, remarked on the city's environment-related policies and suggested the city had levied excessive fines for climate-related code violations and that residents would regret not having natural gas to use when the power goes out.

6. CONSENT AGENDA

Mayor Batey removed Consent Agenda item 6. B. for separation consideration.

It was moved by Councilor Khosroabadi and seconded by Councilor Stavenjord to approve the Consent Agenda items A, C, D, E, and F.

A. City Council Meeting Minutes:

1. July 11, 2023, special session

~~B. Authorization of revised fees and charges and updated consolidated fee schedule for fiscal year 2024.~~

C. Resolution 39-2023: authorizing the city manager to approve a professional services contract with Water Systems Consulting, inc. (WSC) in the amount of \$349,512 to provide professional services related to the development of a stormwater system plan.

D. Resolution 40-2023: A resolution, acting as the Local Contract Review Board, approving the award of a contract for construction of 2023 Surface Streets Maintenance Program (SSMP) improvements (CIP-2023-S28) to Knife River Corporation - Northwest.

E. Resolution 41-2023: A resolution acting as the Local Contract Review Board, reinstating a personal services agreement with General Code, LLC for codification services.

F. Resolution 42-2023: A resolution authorizing a public improvements contract with Stantec Consulting Services Inc. for a not to exceed amount of \$840,090 for the Waverly Heights Sewer Reconfiguration Project (CIP-2023-X41)

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

B. Authorization of revised fees and charges and updated consolidated fee schedule for fiscal year 2024. (Removed from the Consent Agenda)

Mayor Batey and Ober explained a proposed wording change to the item resolution that clarified that only certain sections of the fee schedule were attached to resolution.

It was moved by Councilor Stavenjord and seconded by Councilor Massey to approve the resolution authorizing a revision of the fees and charges and updating sections of 7, 11, 14, and 17 of the consolidated fee schedule for Fiscal Year 2024. Motion passed with the following vote: Councilors Stavenjord, Khosroabadi, Massey, and Mayor Batey voting “aye.” [4:0]

Resolution 38-2023:

**A RESOLUTION AUTHORIZING REVISION OF FEES AND CHARGES AND
UPDATING THE CONSOLIDATED FEE SCHEDULE FOR FISCAL YEAR 2024.**

7. BUSINESS ITEMS

A. Annexation of 9931 SE Hollywood Avenue – Ordinance

Dyar asked if Council had questions about the annexation and it was noted that no Council member had any questions for staff regarding the annexation.

It was moved by Councilor Khosroabadi and seconded by Councilor Stavenjord for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30DD04900 and located at 9931 SE Hollywood Avenue into the city limits of the City of Milwaukie (File #A-2023-004).

Ober read the ordinance two times by title only.

Madigan polled the Council with Councilors Stavenjord, Khosroabadi, Massey, and Mayor Batey voting “aye.” [4:0]

Ordinance 2233:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30DD04900 AND LOCATED AT 9931 SE HOLLYWOOD AVE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2023-004).

8. PUBLIC HEARING

A. Psilocybin Code Adoption – Ordinance

Call to Order: **Mayor Batey** called the public hearing on the proposed code adoption, file #ZA-2023-003, to order at 6:31 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to take public comment on the proposed psilocybin code adoption.

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

Staff Presentation: **Kolias** provided of an overview of the proposed psilocybin code amendments, reviewed the applicable state laws, and noted staff work, Council discussions, and Planning Commission hearings on the amendments.

Councilor Khosroabadi asked about the psilocybin facility applications that had been received while the city had been working on the code amendments and **Kolias** reported on the status of the two applications the city had received.

Mayor Batey and **Kolias** noted that the Oregon Health Authority (OHA) was the state governing body for psilocybin. They remarked on regulatory and reporting differences between marijuana and psilocybin production facilities.

Correspondence: No correspondence on the code adoption had been received.

Audience Testimony: No audience member addressed Council on the adoption.

Close Public Comment: **It was moved by Councilor Khosroabadi and seconded by Councilor Massey to close the public testimony part of the psilocybin code adoption hearing. Motion passed with the following vote: Councilors Stavenjord, Khosroabadi, Massey, and Mayor Batey voting “aye.” [4:0]**

Mayor Batey closed the public comment part of the hearing at 6:42 p.m.

Council Decision: **It was moved by Councilor Khosroabadi and seconded by Councilor Massey for the first and second readings by title only and adoption of the ordinance amending Milwaukie Municipal Code (MMC) Title 19 zoning to make changes to select sections for the purpose of regulating psilocybin facilities (file #ZA-2023-003).**

Ober read the ordinance two times by title only.

Madigan polled the Council with Councilors Stavenjord, Khosroabadi, Massey, and Mayor Batey voting “aye.” [4:0]

Ordinance 2234:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE TITLE 19 ZONING TO MAKE CHANGES TO SELECT SECTIONS FOR THE PURPOSE OF REGULATING PSILOCYBIN FACILITIES (FILE #ZA-2023-003).

9. COUNCIL REPORTS

Ober noted a state-led affordable housing conversation that Council would be looped into soon.

10. ADJOURNMENT

It was moved by Councilor Massey and seconded by Councilor Stavenjord to adjourn the Regular Session. Motion passed with the following vote: Councilors Stavenjord, Khosroabadi, Massey, and Mayor Batey voting “aye.” [4:0]

Mayor Batey adjourned the meeting at 6:47 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL SITE VISIT

New City Hall, 10501 SE Main Street
(www.milwaukieoregon.gov)

MINUTES

AUGUST 8, 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 Emma Sagor, Assistant City Manager
Ann Ober, City Manager

Members of Council and staff participated in a site visit starting at 4:00 p.m. The group toured the city's new city hall. The tour ended at 4:40 p.m. and Council took no actions.

Respectfully submitted,

Ann Ober, City Manager

COUNCIL STUDY SESSION

Lake Oswego City Hall
380 A Ave, Lake Oswego, OR 97034

MINUTES

AUGUST 8, 2023

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

Staff Present: Lukie Strait, Police Chief

Ann Ober, City Manager

Mayor Batey called the meeting to order at 5:45 p.m.

Council and staff participated in a tour to the Lake Oswego Communications Center. They heard reports on the facility operations. Council took no actions.

1. Lake Oswego Communications Center (LOCOM) – Tour

380 A Ave, Lake Oswego, OR 97034

2. Adjourn

Mayor Batey adjourned the meeting at 6:20 p.m.

Respectfully submitted,

Ann Ober, City Manager

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Keisha Brewster, Administrative Specialist III, and
Kelli Tucker, Accounting & Contracts Specialist

From: Damien Farwell, Facilities Supervisor

Subject: **Janitorial Services Contract Amendment**

Date Written: Aug. 24, 2023

ACTION REQUESTED

Council is asked to adopt a resolution authorizing the city manager to sign a contract amendment to modify the scope of work and increase compensation for janitorial services that will add services at new city hall and remove services at historic city hall.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

October 2022: Staff conducted a formal solicitation with state-certified, qualified nonprofit companies for janitorial services in compliance with Oregon Revised Statutes (ORS) 279.835 to 279.855 and selected Diversified Abilities as the most qualified contractor to provide the services.

December 6, 2022: Council adopted Resolution [74-2022](#) authorizing the city manager to execute a contract with Diversified Abilities in the amount of \$219,910.92 per year with the amount not to exceed \$1,099,554.60 over the initial five-year term.

ANALYSIS

The city is not equipped or sufficiently staffed to provide in-house janitorial services at the six major building sites. As several departments prepare to move buildings and the city begins occupying the new city hall building in September, staff has determined that changes will be needed to the current janitorial scope of work.

The proposed amendment will add janitorial services at new city hall, remove historic city hall services, reduce services at the Johnson Creek Boulevard (JCB) Community Development buildings for two months, and a few other minor scope changes. Compensation for these changes will increase the contract total by \$257,426.98 for the remainder of the initial five-year term through December 2027. The regularly scheduled janitorial services will increase by \$5,009.30 per month as a result of these scope changes.

BUDGET IMPACT

The janitorial services contract amount will increase by \$257,426.98 for the duration of the initial term. Funds are budgeted in the facilities maintenance division for biennium budget years 2023-2024.

WORKLOAD IMPACT

Facilities division oversees the contract and work, and minimal impact is anticipated.

CLIMATE IMPACT

None.

COORDINATION, CONCURRENCE, OR DISSENT

Not applicable.

STAFF RECOMMENDATION

Staff recommends Council adopt a resolution authorizing the city manager to sign an amendment to the janitorial services contract with Diversified Abilities that modifies the scope of work to include services at new city hall and increases the contractor's compensation.

ALTERNATIVES

Not applicable.

ATTACHMENTS

1. Resolution

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING A CONTRACT AMENDMENT WITH DIVERSIFIED ABILITIES TO PROVIDE JANITORIAL SERVICES FOR THE DURATION OF THE INITIAL FIVE-YEAR TERM FOR AN AMOUNT NOT TO EXCEED \$279,317.15 PER YEAR.

WHEREAS the city is not equipped or sufficiently staffed to provide in-house janitorial services at five of its major building sites; and

WHEREAS the city is required to contract with qualified nonprofit agencies employing individuals with disabilities under Oregon Revised Statute (ORS) 279.835 to 279.855; and

WHEREAS funds are budgeted in the facilities maintenance division for fiscal years 2023 and 2024.

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 sign an amendment with Diversified Abilities in the amount of \$279,317.15 per year with the amount not to exceed \$1,356,981.58 for the duration of the initial term.

Introduced and adopted by the City Council on **September 5, 2023**.

This resolution is effective immediately.

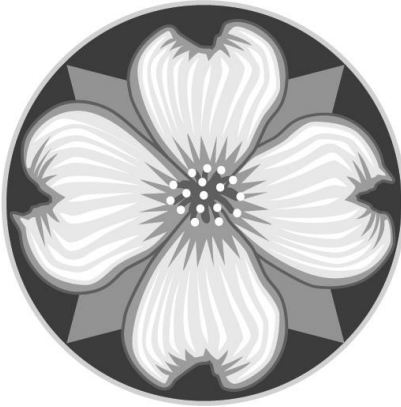
Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney



RS Agenda Item

7

Business Items

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Ann Ober, City Manager, and
Joseph Briglio, Community Development Director

From: Laura Weigel, Planning Manager

Subject: **Planning Department Work Program**

Date Written: Aug. 24, 2023

ACTION REQUESTED

Council is asked to review the draft planning department five-year work program.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Each year Council holds a joint meeting with the Planning Commission to review the planning department work plan. The most recent joint discussion with the Commission focused on the next few years. This Council discussion will focus on the five-year work program.

On [December 17, 2019](#), Council held a joint session with the Commission to discuss the planning work program for 2020 and beyond.

On [April 20, 2021](#), Council held a joint session with the Commission to discuss the planning work program for 2021-2026.

On [April 19, 2022](#), Council held a joint session with the Commission to discuss the planning work program for 2022-2026.

On [August 1, 2023](#), Council held a joint session with the Commission to discuss the upcoming work program.

DISCUSSION

Staff has been making progress on the projects outlined in the existing work program (Attachment 1) since 2019. Staff has shared the work program with Council and the Planning Commission every year (except 2020 which was a time of transition) since the Comprehensive Plan was developed to ensure that projects are in alignment with Council expectations and goals. With new members of Council onboard, the consideration of Council goals, new projects added to the work program due to state initiatives, and with staff looking to the future, now is a good time to review the current work program with Council.

The original order of the projects was based on priorities coming out of the Comprehensive Plan and Council goals. Staff believes the order of projects is still correct with a few minor adjustments to consider.

Originally, it was anticipated that reviewing/updating the city's flood protection regulations would be done at the same time as the Natural Resource Assessment. However, based on the fact that the city adopted updated flood hazards regulations (Milwaukie Municipal Code

(MMC) Title 18) in 2021 to be in compliance with the Oregon Department of Land Conservation and Development (DLCD) and since there are likely changes coming from the state and the Federal Emergency Management Agency (FEMA) in 2026/2027 that would require the city to update its standards, it does not seem prudent to undertake that work at this time. The MMC complies with state requirements and any additional work should begin after new regulations are in place. As a result, staff proposes not starting this project now, but waiting until the regulations are in place.

Phase two of the neighborhood hubs projects is currently underway. A series of community meetings are scheduled for the last two weeks of October and staff will be ready to discuss potential code concepts and economic development strategies with Council in December. In addition to the work identified as part of phase two and given the high degree of interest from the community, staff may propose a third phase of Hubs work to further accomplish the project goals. If staff does propose a third phase of work, we would also propose undertaking that work on the heels of phase three to keep the momentum going.

There are three strategies, in the form of potential code packages, that the city is committed to exploring based on the city's recently adopted Housing Production Strategy (HPS). Those three strategies have been added to the planning department work program.

The Business Industrial (BI) and Manufacturing (M) zones in the city have not been updated in over a decade and need to be brought up to date. This code package has been added to the work program after all other tasks have been completed.

Column one on Attachment 2 shows the original order of work tasks that Council has seen since 2019. Column two shows the proposed task order for discussion. Attachment 3, the potential revised 2023-2027 work program, shows updated estimated timelines for existing and new tasks.

Staff would like to know if Council agrees with the proposed order of task/projects? And are there any projects missing?

BUDGET IMPACT

The planning department has sufficient funding to carry out the objectives for the current biennium.

WORKLOAD IMPACT

The work for the current biennium has been assigned to specific staff and workloads are being adjusted to accommodate projects in addition to providing a high level of customer service at the development review counter.

CLIMATE IMPACT

Planning staff will be working on a variety of projects that may impact the climate goals for the community.

COORDINATION, CONCURRENCE, OR DISSENT

The work program has been reviewed with community development staff.

STAFF RECOMMENDATION

Staff recommends that the Council review and discuss the work program.

ALTERNATIVES

None.

ATTACHMENTS

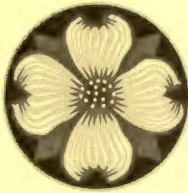
1. 2023-2026 Planning Work Program (As of 2022)
2. Original and Proposed Work Tasks
3. Potential Revised 2023-2027 Work Program

Planning Work Forecast 2023-2026																						
Task	Plan/Zone Map	Code Change	Engagement Level	Team	Consultant Needed	2023				2024				2025				2026				
						Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	
CURRENT PLANNING																						
A. Comp Plan Implementation- Phase 1 + HB 2001																						
1. Housing, Tree and Parking Code						Yes		Yes		High		Yes										
B. Comp Plan Implementation - Phase 2																						
1. Transportation Systems Plan						Yes		Yes		High	Lead: Planning Support: Engineering + Outreach: CMO	Yes										
2. Neighborhood Hubs (Phase 2)						Yes		Yes		High	Lead: Planning Support: CD	Yes										
3. Housing Needs Analysis Update/Housing Production Strategy (Required)						Yes		Yes		Moderate	Lead: Planning Support: None	Yes										
4. Downtown Design Review Update						Yes		Yes		Moderate	Lead: Planning Support: None	Yes										
5. Residential High Density Zones Review						Yes		Yes		Low	Lead: Planning Support: None	No										
C. Comp Plan Implementation - Phase 3																						
1. Natural Resources Assessment and Code Update						Yes		Yes		Moderate	Lead: Planning Support: Public Works	Yes										
2. Flood Protection – Consider creating a zoning overlay for added protection. New changes from Fed/State in 2026						Yes		Yes		Moderate	Lead: Planning Support: Engineering	Maybe										
3. Potential Parks and Institutions Zone/CSU Analysis						Yes		Yes		Moderate	Lead: Planning Support: None	Maybe										
4. Willamette Greenway *Establish 2 tiers of review clear and objective standards for housing *Adjust boundary						Yes		Yes		Moderate	Lead: Planning Support: None	Maybe										
5. New Town Center Plan - Replace current 1997 Plan and potentially consolidate the Downtown/Riverfront Plan as components of the TC Plan						Yes		Yes		Moderate/High	Lead: Planning Support: None	Yes										
6. Historic Resources Inventory and potential code update						Yes		Yes		Moderate	Lead: Planning Support: CMO + Outreach: CMO	Potentially										
7. Urban Growth Management Agreement – prepare and adopt a new agreement with the County						Yes		No		Low	Lead: Planning & City Attorney Support: Public Works, CMO, & Engineering	Not likely										
8. Potential Neighborhood Hubs (Phase 3) *NMU Boundary Adjustments along 32nd/Olsen *Area plans (Trolley Trail and Chapel Theater) *Home Occupations/Accessory Commercial Units						Yes		No		Moderate/High	Lead: Planning, CD Support: None	Potentially										
D. Other Planning Code Amendments																						
1. EV Charging Code Update* (HB 2180 & Gov Climate Order)						No		Yes		Low												
2. Climate Friendly Equitable Communities (Gov. Brown Executive Order 20-04)*						Yes		Yes		Low												
3. Psilocybin Code Update*																						
4. Sign Code Update - Eliminate provisions for electronic signs or reduce light intensity.						No		Yes		Low	Lead: Planning Support: City Attorney	Not likely										
5. Bi-annual Housekeeping Code Amendments						No		Yes		Low	Lead: Planning Support: None	No										
6. Title 17 Update (Land Division)						No		Yes		Low	Lead: Planning Support: City Attorney	No										
7. Bicycle Parking Standards*						No		Yes		Low	Lead: Planning Support: None	No										
8. HPS Implementation- Increase Capacity in HDR Zone*						Yes		Yes		Low	Lead: Planning Support: None	No										
9. HPS Implementation- Evaluate Incentives for Affordable Housing*						Yes		Yes		Low	Lead: Planning Support: CD	No										
9. HPS Implementation- Develop pre-approved Plan Sets for ADUs and Middle Housing Typologies*						No		No		Low	Lead: Planning Support: CD	Maybe										
10. Business Industrial and Manufacturing Zone Updates						Maybe		Yes		Low	Lead: Planning Support: CD	Maybe										
*State initiated																						
Yellow = Underway																						
Blue = New																						
Grey = Complete!																						

Attachment 7. A. 2.

Original Work Task Order	Proposed Task Order for Discussion
1. Natural Resource Assessment/Code Update 2. Expand floodplain protection (originally w/ Natural Resources) 3. Sign Code Update 4. Parks and Institutions Zone 5. Revise the Willamette Greenway zone to: a. establish two tiers of review and b. create a clear and objective path for housing 6. New Town Center Plan/Consolidation 7. Update Historic Resources Inventory 8. Urban Growth Management Agreement	1. Natural Resource Assessment/Code Update 2. Sign Code Update - Electronic Signs 3. Neighborhood Hubs Phase 3 (potentially) -NMU Zoning Boundary adjustment along 32nd/Olsen -Area Plans -Home Occupations/Accessory Commercial Units 4. HPS - Evaluate Incentives for Affordable Housing 5. Parks and Institutions Zoning Code Update (CU/CSU code) 6. Revise the Willamette Greenway zone to: a. establish two tiers of review and b. create a clear and objective path for housing 7. HPS - Increase Capacity in HDR zone 8. Review/consolidate/update Downtown and Central Milwaukie plans to potentially create one plan 9. HPS - Develop per-approved plan sets for ADU's and Middle Housing 10. Update Historic Resources Inventory 11. Urban Growth Management Agreement 12. Business Industrial and Manufacturing Zone Updates 13. Expand floodplain protection (originally w/ Natural Resources)
	Blue = New
	Brown = New Timeframe

Planning Work Forecast 2023-2027																													
Task	Plan/Zone Map	Code Change	Engagement Level	Team	Consultant Needed	2023				2024				2025				2026				2027							
						Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4				
CURRENT PLANNING																													
A. Complete																													
1. Housing, Tree and Parking Code	Yes	Yes	High		Yes																								
2. Housing Needs Analysis Update/Housing Production Strategy*	Yes	Yes	Moderate	Lead: Planning Support: None	Yes																								
3. Downtown Design Review Update	Yes	Yes	Moderate	Lead: Planning Support: None	Yes																								
4. Residential High Density Zones Review	Yes	Yes	Low	Lead: Planning Support: None	No																								
5. EV Charging Code Update* (HB 2180 & Gov Climate Order)	No	Yes	Low	Lead: Planning Support: PW	No																								
6. Psilocybin Code Update*	No	Yes	Low	Lead: Planning Support: None	No																								
B. Underway																													
1. Transportation Systems Plan	Yes	Yes	High	Lead: Planning Support: Engineering + Outreach: CMO	Yes																								
2. Climate Friendly Equitable Communities (Gov. Brown Executive Order 20-04)*	Yes	Yes	Low																										
3. Neighborhood Hubs (Phase 2)	Yes	Yes	High	Lead: Planning Support: CD	Yes																								
4. Bi-annual Housekeeping Code Amendments	No	Yes	Low	Lead: Planning Support: None	No																								
5. Title 17 Update (Land Division)	No	Yes	Low	Lead: Planning Support: City Attorney	No																								
6. Bicycle Parking Standards*	No	Yes	Low	Lead: Planning Support: None	No																								
7. Natural Resources Assessment and Code Update	Yes	Yes	Moderate	Lead: Planning Support: Public Works	Yes																								
C. Future																													
Flood Protection – Consider creating a zoning overlay for added protection. New changes from Fed/State in 2026	Yes	Yes	Moderate	Lead: Planning Support: Engineering	Maybe																								
1. Sign Code Update - Eliminate provisions for electronic signs or reduce light intensity.	No	Yes	Low	Lead: Planning Support: City Attorney	Not likely																								
2. Potential Neighborhood Hubs (Phase 3) *NMMU Boundary Adjustments along 32nd/Olsen *Area plans (Trolley Trail and Chapel Theater) *Home Occupations/Accessory Commercial Units	Yes	No	Moderate/High	Lead: Planning, CD Support: None	Maybe																								
3. HPS Implementation- Evaluate Incentives for Affordable Housing* (2025)	Yes	Yes	Low	Lead: Planning Support: CD	No																								
4. Potential Parks and Institutions Zone/CSU Analysis	Yes	Yes	Moderate	Lead: Planning Support: None	Maybe																								
5. Willamette Greenway *Establish 2 tiers of review *Create clear and objective standards for housing *Adjust boundary	Yes	Yes	Moderate	Lead: Planning Support: None	Maybe																								
6. HPS Implementation- Increase Capacity in HDR Zone* (2025)	Yes	Yes	Low	Lead: Planning Support: None	No																								
7. New Town Center Plan - Replace current 1997 Plan and potentially consolidate the Downtown/Riverfront Plan as components of the TC Plan	Yes	Yes	Moderate/High	Lead: Planning Support: None	Yes																								
8. HPS Implementation- Develop pre-approved Plan Sets for ADUs and Middle Housing Typologies* (2026)	No	No	Low	Lead: Planning Support: CD	Maybe																								
9. Historic Resources Inventory and potential code update	Yes	Yes	Moderate	Lead: Planning Support: CMO + Outreach: CMO	Potentially																								
10. Urban Growth Management Agreement – prepare and adopt a new agreement with the County	Yes	No	Low	Lead: Planning & City Attorney Support: Public Works, CMO, & Engineering	Not likely																								
11. Business Industrial and Manufacturing Zone Updates	Maybe	Yes	Low	Lead: Planning Support: CD	Maybe																								



CITY OF MILWAUKIE
CITY COUNCIL

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

Speaker Card

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

Name: Lees A Gratreack Address: 6735 SE Catalina Lane
Organization: _____ Phone: 503 805 6481
Email: leesa.gratreack@gmail.com
Meeting Date: 8/5/23 Topic: Planning Department Work Plan

Agenda Item You Wish to Speak to:

☐ #5 Community Comments

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

☐ #7 Other Business, Topic: _____

☒ #8 Public Hearing, Topic: _____

You are Speaking...

☒ in Support

☐ in Opposition

☐ from a Neutral Position

☐ to ask a Question

Comments:

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Aug. 27, 2023

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

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

ACTION REQUESTED

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

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

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

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

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

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

ANALYSIS

Background

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

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

Assessment methodology and engagement

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

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

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

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

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

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

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

- **Employment:**
 - Further expand recruiting of diverse groups for jobs with few diverse workers.

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

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

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

Next steps and inclusion in organizational strategic plan

The ESC requested more time as a group to refine their priorities and advise staff, which will occur at meetings in September and October. Staff will also incorporate feedback on Council priorities and share this with the ESC.

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

BUDGET IMPACT

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

WORKLOAD IMPACT

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

CLIMATE IMPACT

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

COORDINATION, CONCURRENCE, OR DISSENT

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

STAFF RECOMMENDATION

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

- Strategies to improve diversity and representation in employment (recruitment, hiring, and retention).
- Communication opportunities, including around storytelling around our DEI work, Milwaukie's full history, and improving understanding of city processes and procedures.
- Engagement and outreach with BIPOC community members—particularly youth—to increase participation in city opportunities, such as hiring panels, internships, and committees.

- Collaboration with other committees to embed equity throughout the city's work.
- Ensuring capital projects (like parks) create opportunities for bringing people together accessibly and result in investment in diverse firms through equitable contracting.
- Accessibility practices, including language access, disability access, and inclusion of all ages.
- Naming policies for city spaces and places.

ALTERNATIVES

Council could suggest other priorities for staff to consider.

ATTACHMENTS

1. DEI Assessment Report Final Draft from Keen Independent Research



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

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Draft Public Report
August 2023



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PUBLIC REPORT — Introduction

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

Research Approach

This study concluded in July 2023, using information from:

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

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

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

Organization of the Report

This report is organized in four parts:

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

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

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

Key Terms

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

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

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

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

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

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

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

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



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

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

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

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

Why DEI?

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

Internal Benefits of DEI

Benefits of DEI to employers include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

Why DEI?

External Benefits of DEI

External benefits include the following.

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

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

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

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

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

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

Usefulness of Communicating Benefits

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

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

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

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

¹¹ Ibid.

Summary of Findings — Context

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

Comprehensive Plan

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

Budgeting

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

DEI Training

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

Policing

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

Summary

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

Summary of Findings — Employment

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

Snapshot of Employees of Color and Women at the City

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

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

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

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

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

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

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

Summary of Findings — Employment

Hiring and Retention

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

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

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

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

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

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

2. Disparity indices for hiring between 2017 and 2022

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

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

Summary of Findings — Employment

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

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

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

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

3. Disparity indices for City employees, 2023

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

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

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

Summary of Findings — Procurement

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

Perceptions of DEI in Procurement

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

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

Vice President of Sales for a certified ESB

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

Vice President of Sales for a certified ESB

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

Representative from a large corporation

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

Senior Account Executive for a privately owned business

Bid Management System

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

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

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

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

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

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

Coordinator for a certified Women Business Enterprise (WBE)

Summary of Findings — Services to the Community

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

Fees and Utility Rates

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

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

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

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

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

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

Other Service Delivery Suggestions

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

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

Recent (<5 years) Black female Milwaukie resident

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

Longtime (11+ years) Milwaukie resident

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

Longtime (11+ years) female Milwaukie resident

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

Longtime (11+ years) Asian male Milwaukie resident

Summary of Findings — Services to the Community

Events

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

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

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

6. Participants in the Umbrella Parade



Source: City of Milwaukie.

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

Recent (<5 years) Black male Milwaukie resident

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

Recent (<5 years) Black female Milwaukie resident

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

Longtime (5+ years) white female Milwaukie resident

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

Longtime (11+ years) female Milwaukie resident

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

Longtime (11+ years) female Milwaukie resident

Summary of Findings — Public engagement and communication

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

Methods of Public Engagement

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

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

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

Communication of DEI Values

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

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

Recent (<5 years) Black female Milwaukie resident

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

Female employee of color

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

Male employee of color

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

White employee

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

White male employee

Summary of Findings — Diversity, equity and inclusion plan

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

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

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

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

7. Diversity, equity and inclusion strategic process



Summary of Findings — Diversity, equity and inclusion plan

8. Recommended employment DEI goals

Employment

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

Summary of Findings — Diversity, equity and inclusion plan

9. Recommended procurement DEI goals

Procurement

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

Summary of Findings — Diversity, equity and inclusion plan

10. Recommended service DEI goals

Services and service delivery

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

Summary of Findings — Diversity, equity and inclusion plan

11. Recommended public engagement and communication DEI goals

Public engagement and communications

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

Summary of Findings — Implementation

Next Steps

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

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

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

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

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

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

Comprehensive Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Budgeting

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

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

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

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

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

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

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

Policing

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

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

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

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

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

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

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

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

A. Current Plans and Activities — DEI training

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

DEI Training Content

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

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

Training Frequency

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

Training Recommendations

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

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

APPENDIX B. Recruitment and Hiring

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

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

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

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

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

Job Descriptions and Posting

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

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

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

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

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

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

Internships

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

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

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

Section Process

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

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

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

Employment of Relatives Policy

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

Classification System

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

B. Recruitment and Hiring — Opportunities for attracting diverse talent

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

Websites and Job Boards

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

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

Partnerships with Colleges

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

B. Recruitment and Hiring — Opportunities for attracting diverse talent

Pipeline Initiatives

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

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

B-1. Examples of pipeline initiatives

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

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

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

B. Recruitment and Hiring — Opportunities for attracting diverse talent

Recruitment and Selection Policy Changes under Discussion at the City

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

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

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

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

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

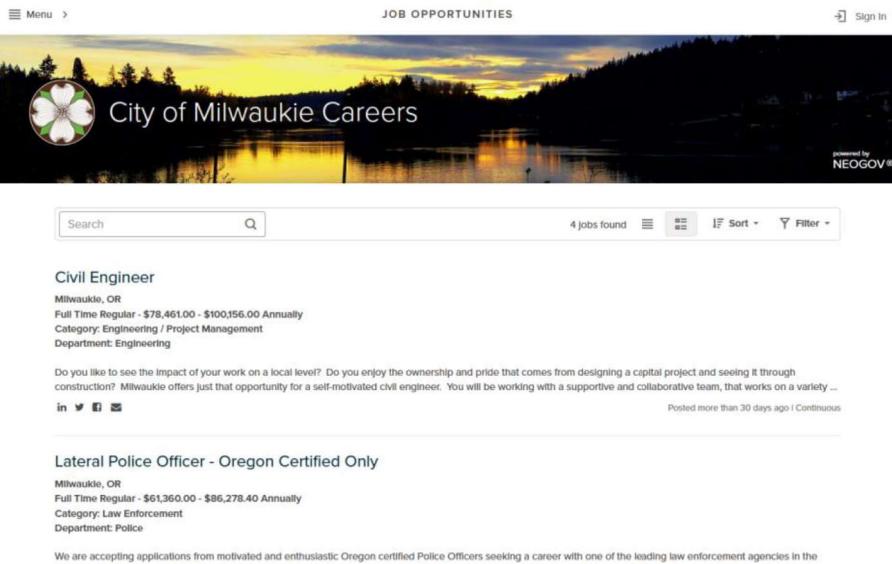
B. Workforce Policies and Practices — Recruitment materials

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

Current City Job Listing Webpage

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

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



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

B. Workforce Policies and Practices — Recruitment materials

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

Opportunities to Communicate DEI Values

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

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

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

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

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

B. Workforce Policies and Practices — Employment policies

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

Employment Policies

City of Milwaukie employment policies include the following.

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

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

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

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

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

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

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

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

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

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

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

APPENDIX F. Procurement Analysis — Policies and procedures

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

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

Appendix F is organized into the following two parts:

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

Procurement Rules

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

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

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

F. Procurement Analysis — Policies and procedures

Decentralization

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

Individual department responsibilities. Steps City departments follow include:

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

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

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

F. Procurement Analysis — Policies and procedures

Procurement Process

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

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

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

F. Procurement Analysis — Policies and procedures

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

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

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

F. Procurement Analysis — Policies and procedures

F-2. City procurement practices for federally funded contracts

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

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

F. Procurement Analysis — Policies and procedures

Bidding Thresholds

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

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

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

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

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

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

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

Bidding Requirements

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

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

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

F. Procurement Analysis — Policies and procedures

Basis for Award

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

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

Means of Advertising or Other Public Notice

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

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

Subcontractors

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

Emergency Contracts

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

F. Procurement Analysis — Policies and procedures

Bid Management System

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

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

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

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

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

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

F. Procurement Analysis — Equity in procurement

Equity in Public Procurement

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

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

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

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

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

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

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

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

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

APPENDIX G. Vendor Virtual Workshop — Procurement process

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

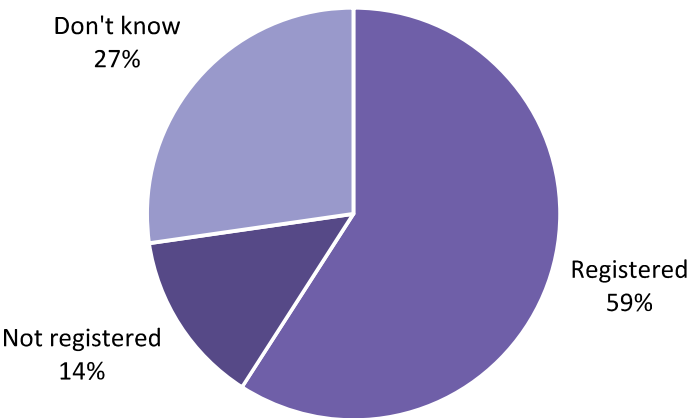
Similar in format to an online survey, a virtual workshop offers a platform for participants to provide thoughtful feedback. The City invited 134 business contacts to provide input and 23 people participated. The response rate was 17 percent. Respondents included business owners (22% of the total) and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

Feedback on Procurement Processes

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

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

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



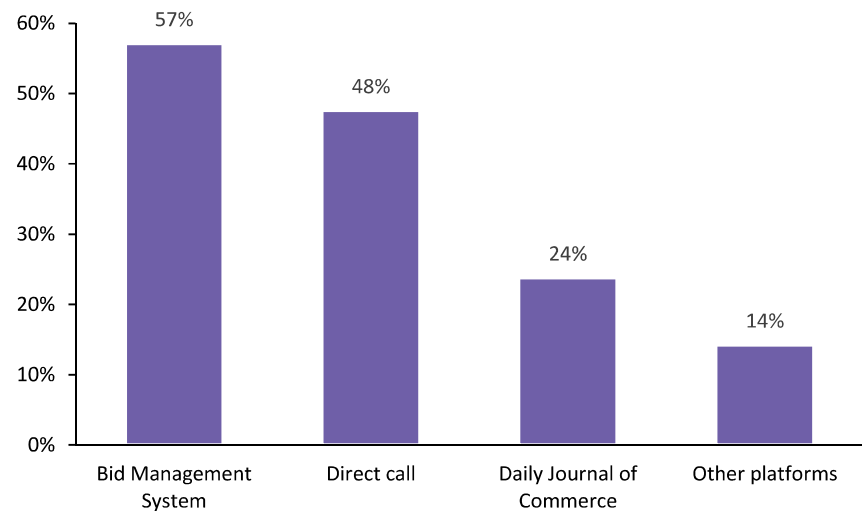
Note: N = 23.
Source: Keen Independent Research.

G. Vendor Virtual Workshop — Procurement process

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

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

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



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

Source: Keen Independent Research.

G. Vendor Virtual Workshop — Procurement process

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

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

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

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

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

Coordinator for a certified Women Business Enterprise (WBE)

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

Senior Account Executive for a privately owned business

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

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

G. Vendor Virtual Workshop — Equity in procurement

Imagining an Equitable Procurement Process

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

Examples of comments are shown to the right.

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

Representative from a large corporation

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

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

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

Marketing Coordinator for a certified WBE

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

White female Principal Engineer and owner of a certified WBE

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

White female owner of a certified WBE

G. Vendor Virtual Workshop — Equity in procurement

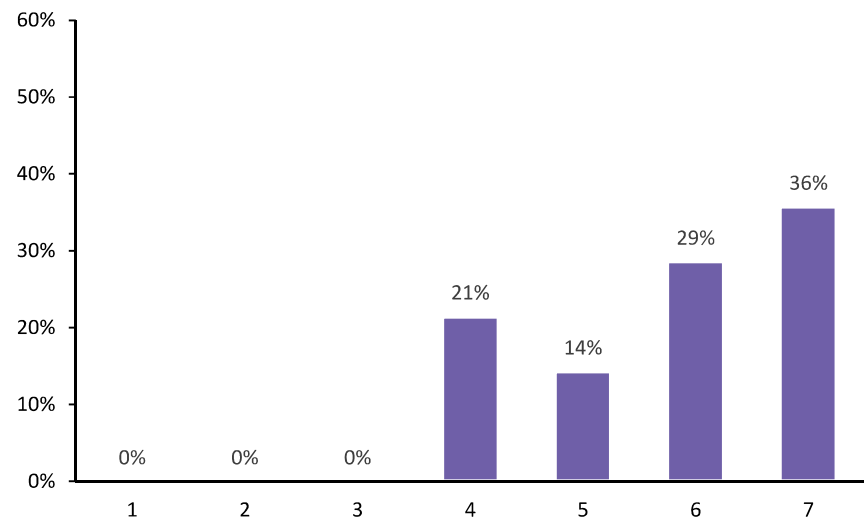
Comments about the City’s Current Procurement Process

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

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

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

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



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

G. Vendor Virtual Workshop — Equity in procurement

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

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

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

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

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

Vice President of Sales for a certified ESB

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

Vice President of Sales for a certified ESB

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

Representative from a large corporation

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

Representative from a large corporation

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

Vice President of a privately owned business

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

Senior Account Executive for a privately owned business

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

Representative from a Washington state-based business

G. Vendor Virtual Workshop — Equity in procurement

Communicating a Commitment to Equity in Procurement

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

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

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

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

Continuous outreach and attendance of minority group meetings.

Representative from a large corporation

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

Hispanic/Latino male Principal of a certified MBE

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

White female owner of a WBE

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

Project manager for a large corporation

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

White female Principal Engineer and owner of a certified WBE

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

Business representative

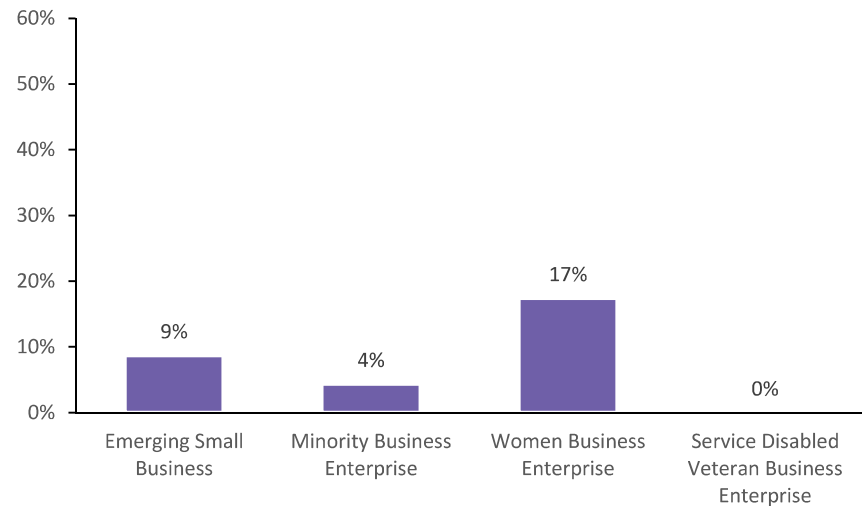
G. Vendor Virtual Workshop — Businesses participating in the virtual workshop

Business Demographics

Respondents were asked several descriptive questions about their businesses.

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

G-4. Certifications of respondents' businesses



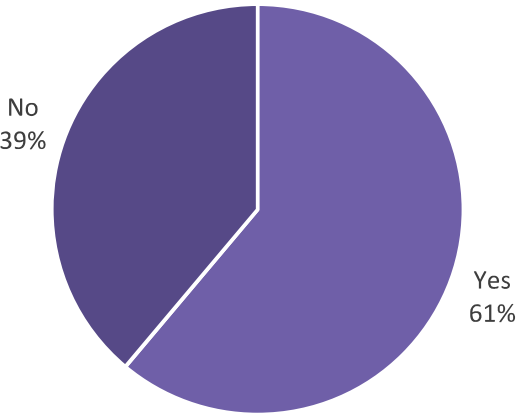
Note: N = 23.

Source: Keen Independent Research.

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

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

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



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

APPENDIX H. Allocation of City Resources and Public Services

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

Data Sources

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

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

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

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

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

Demographics

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

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

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

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

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

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

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

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

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

Fees and Utility Rates

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

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

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

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

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

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

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

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

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

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

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

Services

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

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

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

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

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

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

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

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

APPENDIX I. Public Virtual Workshop

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

Methodology

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

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

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

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

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

Questions

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

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

This appendix is organized by each of these categories.

I. Public Virtual Workshop — Demographic characteristics of participants

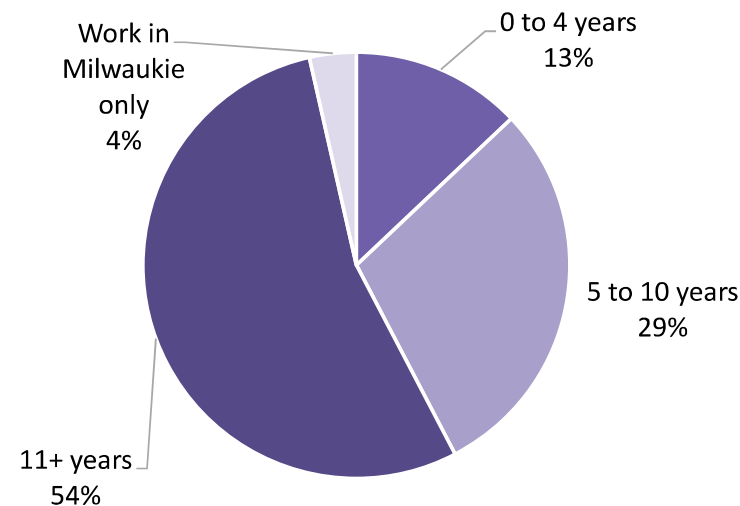
First, we describe the demographic characteristics of public virtual workshop participants.

Residency Demographics

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

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

I-1. Residency status of virtual workshop participants



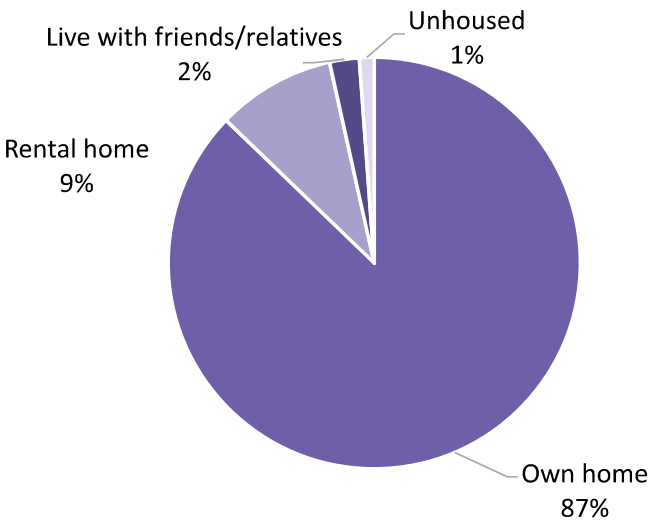
Note: n = 85.
Source: Keen Independent Research, City of Milwaukee Public Virtual Workshop.

I. Public Virtual Workshop — Demographic characteristics of participants

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

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

I-2. Housing status of virtual workshop participants



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

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

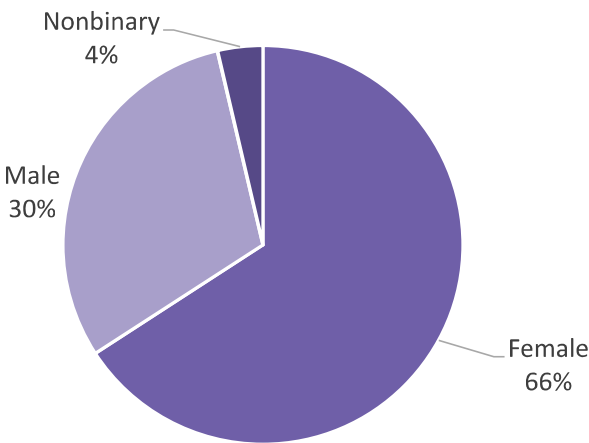
I. Public Virtual Workshop — Demographic characteristics of participants

Personal Demographics

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

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

I-3. Gender identity of virtual workshop participants



Note: n = 82.

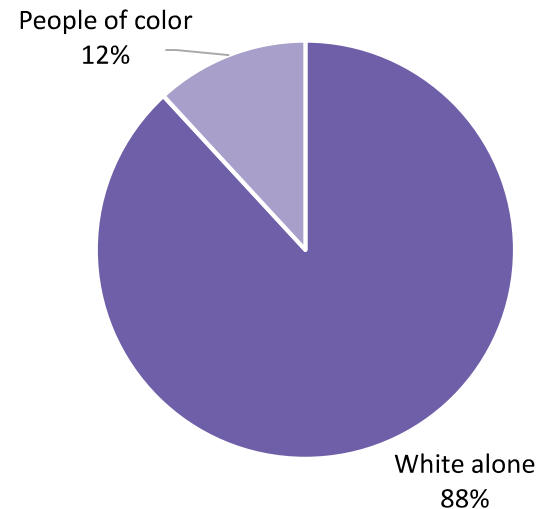
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

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

I. Public Virtual Workshop — Demographic characteristics of participants

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

I-4. Race and ethnicity of virtual workshop participants



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

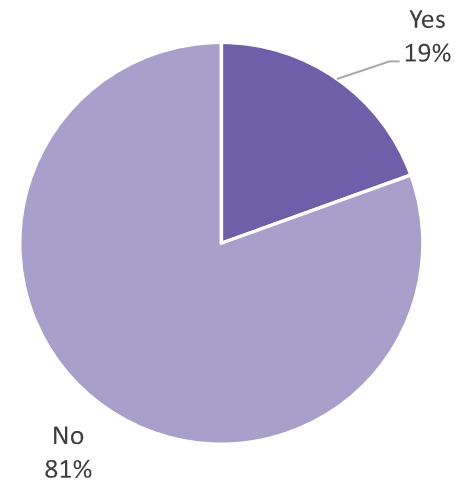
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

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

I. Public Virtual Workshop — Demographic characteristics of participants

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

I-5. LGBTQ+ status of virtual workshop participants



Note: n = 86.

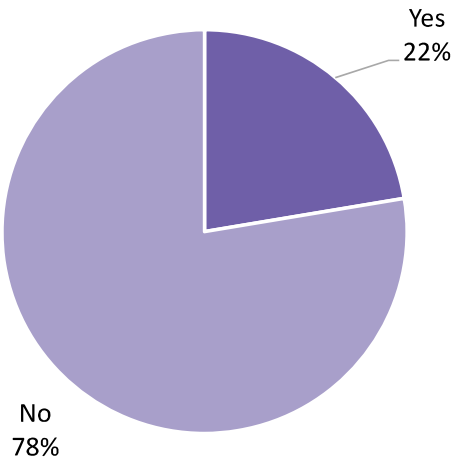
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

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

I. Public Virtual Workshop — Demographic characteristics of participants

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

I-6. Disability status of virtual workshop participants



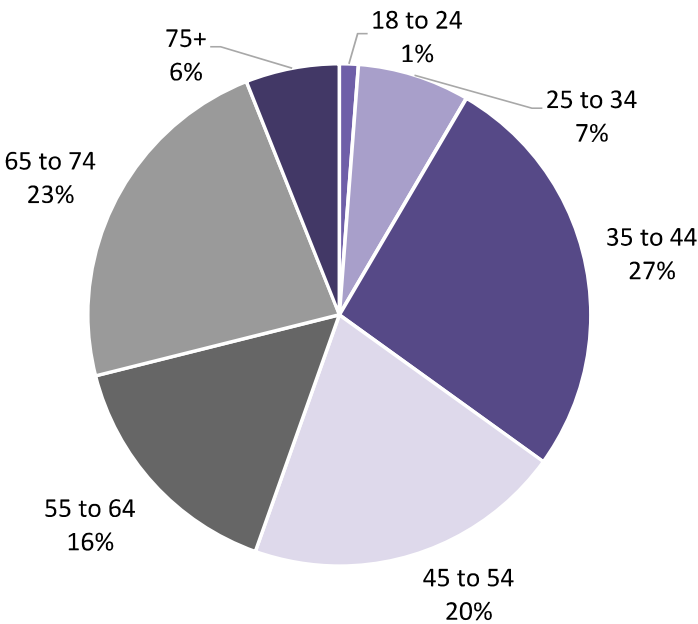
Note: n = 86.
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

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

I. Public Virtual Workshop — Demographic characteristics of participants

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

I-7. Age of virtual workshop participants



Note: n = 88.
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

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

⁷ Ibid.

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

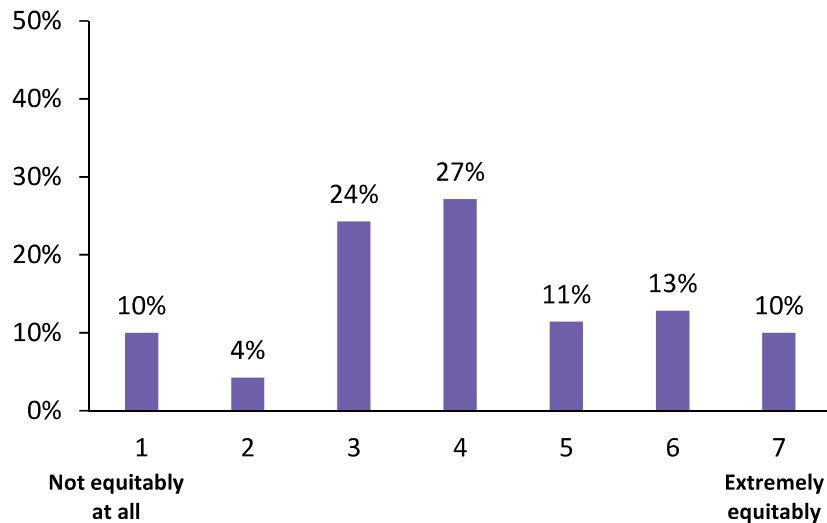
Keen Independent asked virtual workshop participants to reflect on how equitably the City provides services and the extent to which the City prioritizes DEI for its residents.

Scores Concerning Equity in Delivery of Services

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

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

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



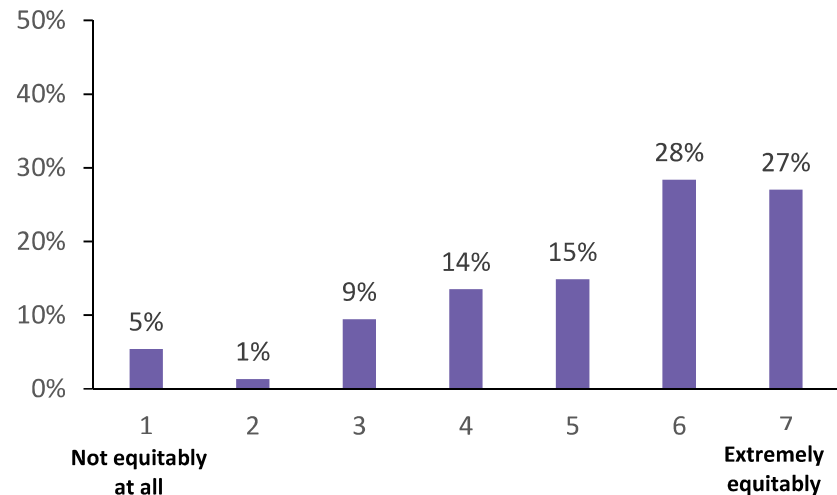
Note: n = 70.

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

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

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

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



Note: n = 74.

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

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

Open-ended Responses

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

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

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

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

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

Recent (<5 years) Black male Milwaukie resident

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

Recent (<5 years) Latina Milwaukie resident

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

Recent (<5 years) Black female Milwaukie resident

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

Longtime (11+ years) white Milwaukie resident

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

Longtime (11+ years) white female Milwaukie resident

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

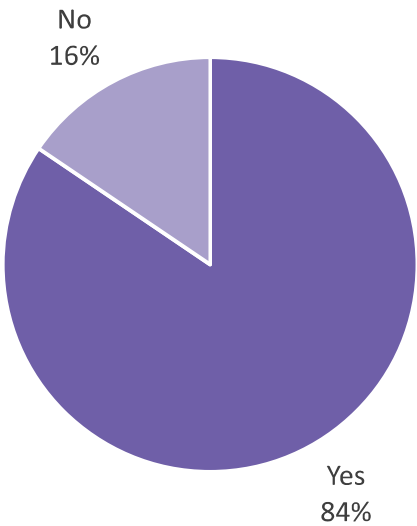
Longtime (11+ years) Asian male Milwaukie resident

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

Communication of DEI Values

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

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



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

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

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

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

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

The libraries do a fine job of encouraging all communities.

Longtime (11+ years) Milwaukie resident

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

Recent (<5 years) Black female Milwaukie resident

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

Longtime (11+ years) Milwaukie resident

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

Longtime (11+ years) female Milwaukie resident

Hire more [people of color].

Nonbinary Latinx Milwaukie resident

Stop alienating your long-term older residents by only listening to the 2%.

Longtime (11+ years) Milwaukie resident

I. Public Virtual Workshop — City events

Virtual workshop participants were asked to respond to several questions regarding their impressions of DEI in City-sponsored events.

Attendance at City-Sponsored Events

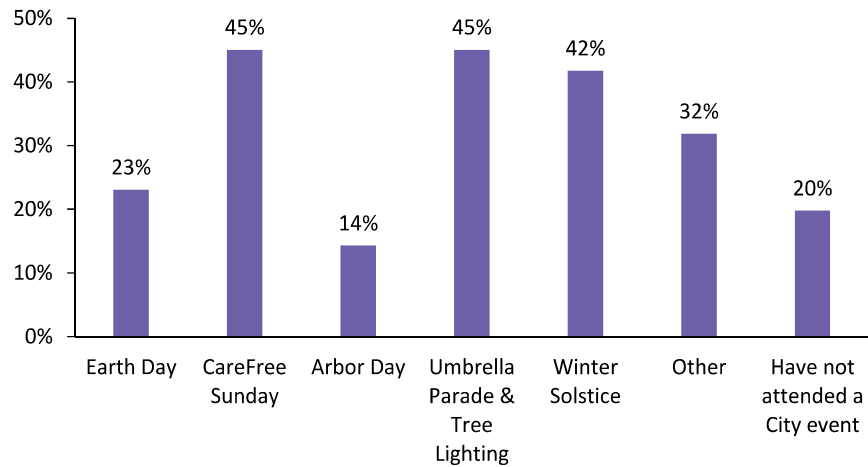
The virtual workshop presented participants with a list of City-sponsored events and asked them to indicate whether they have ever attended one of these events.

The most frequent responses were for:

- Carefree Sunday (45% of respondents said they had attended);
- Umbrella Parade and Tree Lighting (45%); and
- Winter Solstice event (42%).

Some participants selected “other” for City-sponsored events they have attended, but none indicated which event.

I-11. Virtual workshop participants’ attendance at City-sponsored events



Note. n = 70. Participants were able to select as many events as they had attended so percentages do not add to 100.

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

I. Public Virtual Workshop — City events

Quality of Events and Suggested Future Events

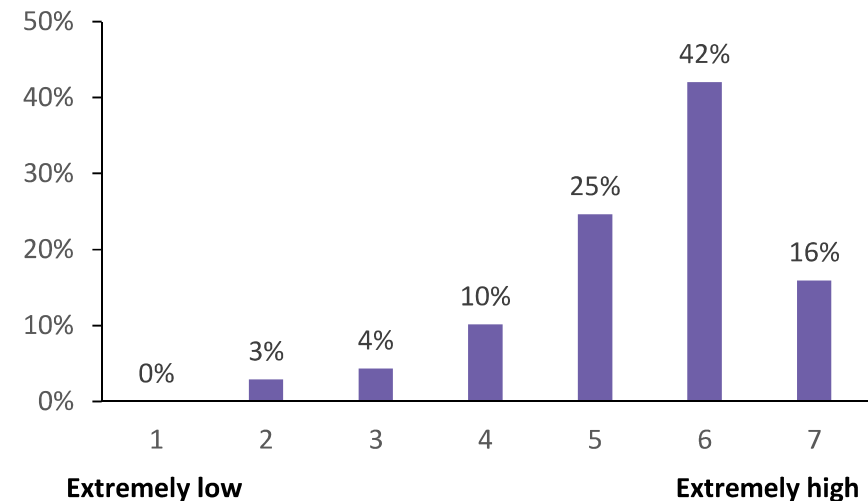
Quality of events. Virtual workshop participants were asked to rate the overall quality of the City-sponsored events they have attended on a scale from 1 (“extremely low quality”) to 7 (“extremely high quality”). The most common rating participants selected was a “6” and the average rating was 5.5.

Suggested events. The virtual workshop gave participants the opportunity to indicate the types of events they would like to see the City sponsor in the future. Suggestions participants wrote in include:

- Art festivals;
- Concerts in Milwaukie Bay;
- Creator Day;
- Events that highlight local businesses;
- Farmer’s markets;
- Fourth of July celebrations;
- Free music events;
- Kid-friendly and family events;
- Milwaukie Daze⁸;
- Multicultural events;
- Multigenerational events that include adults over 65;
- New Year’s Eve concerts;
- Parades; and
- Pride events.

⁸ Multiple respondents indicated they were interested in the City resurrecting Milwaukie Daze, though it was a privately run event.

I-12. Virtual workshop participants’ ratings of quality of City-sponsored events



Note. n = 72.

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

I. Public Virtual Workshop — City events

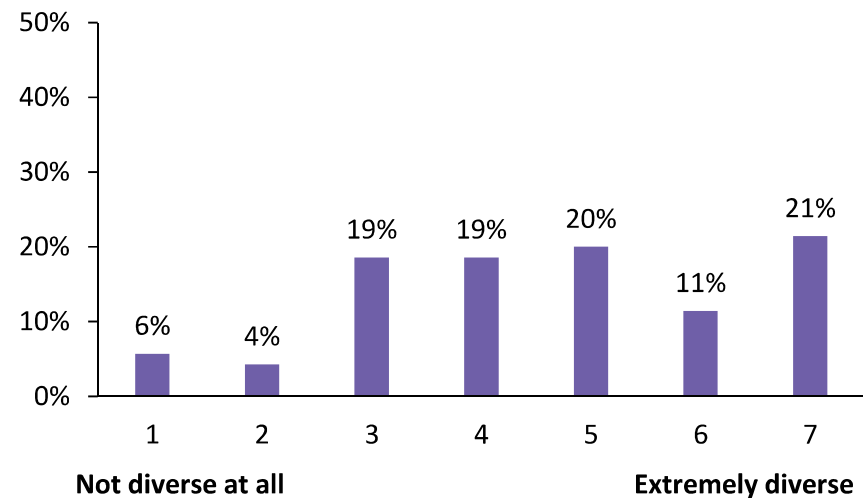
Diversity of City-Sponsored Events

Virtual workshop participants were asked about their perceptions of the diversity of City-sponsored events.

Participants rated their perception of how diverse the City’s sponsored events were on a scale from 1 (“not diverse at all”) to 7 (“extremely diverse”). The average rating for this question was 4.2.

Although respondents’ most frequently selected rating was “7,” ratings of “3,” “4” and “5” were selected at nearly the same levels.

I-13. Virtual workshop participants’ ratings of the diversity of City-sponsored events



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

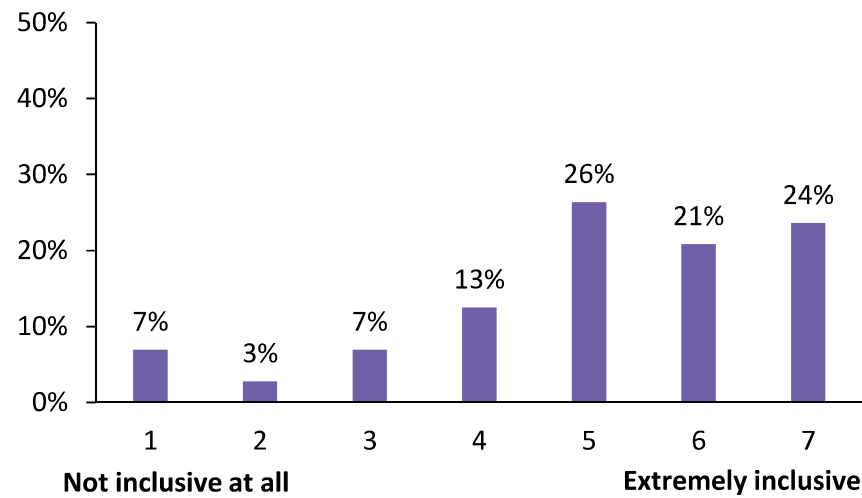
Inclusivity of City-Sponsored Events

Virtual workshop participants were asked about their perceptions of the inclusivity of City-sponsored events.

The virtual workshop prompted participants to rate their perception of how inclusive the City’s sponsored events were on a scale from 1 (“not inclusive at all”) to 7 (“extremely inclusive”).

Respondents most frequently selected a rating of “5” for this question and the average rating was 5.1.

I-13. Virtual workshop participants’ ratings of inclusivity of City-sponsored events



Note. n = 72.
Source: Keen Independent Research, City of Milwaukie Public Virtual Workshop.

I. Public Virtual Workshop — City events

Open-ended Responses

The virtual workshop prompted respondents to suggest how, if at all, the City may make its events more diverse and inclusive.

Several participants mentioned expanding the types of cultural holidays the City celebrates. Many emphasized that individuals in the community from those cultures or who celebrate those holidays should be involved in the planning of the events. A few cautioned against “pandering” to specific groups.

A selection of representative comments appears to the right.

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

Recent (<5 years) Black male Milwaukie resident

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

Recent (<5 years) Black female Milwaukie resident

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

Longtime (5+ years) white female Milwaukie resident

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

Longtime (11+ years) female Milwaukie resident

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

Longtime (11+ years) female Milwaukie resident

I. Public Virtual Workshop — Communication of DEI values

Participants were provided with an opportunity to leave final comments relating to DEI in the City of Milwaukee.

Additional Comments

When asked to report any final comments, many participants expressed that the City already does a good job of being inclusive and welcoming.

A few participants mentioned having ongoing public dialogue would go a long way toward supporting the City's DEI goals. Additionally, a few comments focused on poverty and indicated that the City has become more inequitable along socioeconomic lines.

Finally, a few respondents indicated that they felt the long-term residents of Milwaukee were being left behind in DEI efforts.

Examples of comments are provided to the right.

Have honest conversations and allow individuals and employees to think for themselves and be supportive in their endeavors. Imagination and practical application of these worthy goals can result in a diverse, equitable and inclusive city.

Longtime (11+ years) white female Milwaukee resident

First I think it is a plus that Milwaukee has a very diverse council, the members of which can bring their insights and experience forward into discussion of public services. Second, as a now older (and not never getting any younger) member of the community I am beginning to see the ways in which communications technologies can themselves be a barrier. For example, someone who can't hear well, or use a smart phone might simply not know what City services are available to assist.

Longtime (11+ years) white female Milwaukee resident

Remember that although our town is growing, and we have lots of new residents, we also have many families that have been Milwaukians for 50 and 100 years. Their interests also need to be represented.

Longtime (11+ years) multiracial male Milwaukee resident

Really want to stress how unwelcoming the city has begun to feel to people below the poverty line. It used to be a great mix, now it feels like accommodations for poor people are slowly being stripped away.

Longtime (5+ years) white female Milwaukee resident

APPENDIX J. Public Complaints Analysis

Keen Independent reviewed the process the public can use to file complaints with the City of Milwaukie and analyzed the content of the complaints from recent years. The study team received a report from the City containing 17 complaints that were filed between July 2016 and April 2022.

Public Complaints Process

Members of the public may file a complaint to the City of Milwaukie for a variety of reasons. Individuals and City employees can file a complaint through a third-party portal called EthicsPoint Anonymous Reporting by telephone (toll free hotline) or the internet. The system operates 24 hours a day, 7 days a week. EthicsPoint allows for anonymous submissions, which encourages honest and transparent reporting from the public.

Filing an online complaint. The following are steps that a member of the public can take to file a complaint with the City via the internet:

- Navigate to the City's website and click on EthicsPoint Anonymous Reporting web link;
- Select the "To Make a Report" link at the top of this web page;
- Select from a list of topics to report on, such as embezzlement, employee benefits abuses and time abuse;
- After being guided to the complaint form, write about the issue and then choose whether to remain anonymous or give one's name; and
- At the end of the report, create a password and receive a Report Key (which allows the individual to return to the portal in 5–6 business days to review any follow-up questions or submit more information).

After a report has been filed. Based on the type of violation and location of the incident, these reports are available only to specific individuals within the City and Audit Committee, such as the Chief of Police or Finance Director. These individuals are tasked with evaluating the report and are trained to keep these reports confidential.

During the investigation process, the designated investigator(s) will inspect the report. This includes talking to the parties involved and other personnel who can provide more information about the situation.

When the investigation has been completed, the investigator will use EthicsPoint to either provide clarification about the situation or inform the filer that the situation is being handled internally and no further information is needed.

If a violation occurred, a City employee may receive disciplinary action based on the City of Milwaukie policy or they may be given a warning.

J. Public Complaints Analysis

Complaint Content

Keen Independent categorized the allegations in public complaints as:

- Discrimination or harassment;
- Falsification of credentials;
- Misuse of City's resources and benefits; and
- Other complaints.

Discrimination or harassment. One complainant claimed she was pulled over by officers who assumed her vehicle was stolen because she was Black. The complaint stated that the officer stopped her because her car did not have a license plate. She explained that this was out of her control because the DMV in Oregon did not have any available appointments. The complainant described this traffic stop as racial discrimination.

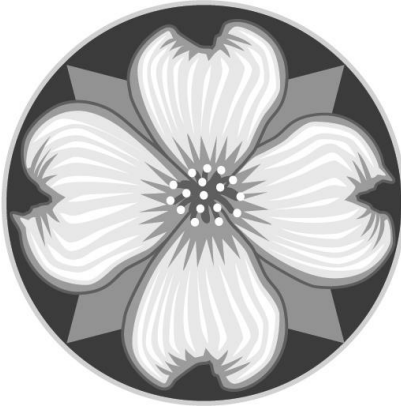
Falsification of credentials. Regarding falsification of certification, one complaint alleged that a City employee claimed to have a professional certification though there was no proof the employee had that credential.

Misuse of City's resources and benefits. A majority of the complaints filed were by City employees about another employee(s) misusing City's resources and benefits. Complaints include misuse of sick time, auditing and accounting matters, improper receiving of gifts and abuse of City resources.

- **Misuse and abuse of sick time.** A number of complaints alleged that City employees misused and abused their sick time, were not punctual or took long, unauthorized breaks.
- **Auditing and accounting.** The complainant alleged that leadership was using money from one fund to improperly cover the cost of equipment that they thought should be covered by another fund.
- **Improper receiving of gifts.** A complainant alleged that two City employees received paid lunches from a consultant, which they alleged is a violation of the ethics policy as the lunches (gifts) were greater than \$50.
- **Abuse of City resources.** One complainant alleged that a City employee left a City vehicle running unattended in a parking lot while running a personal errand.

Other miscellaneous complaints. Numerous complaints were filed that were outside of the City of Milwaukie's jurisdiction. Complainants were redirected to the proper authorities. Content of these types of complaints included:

- Theft in another city;
- Reporting of a hit and run accident in the City of Milwaukie;
- Light pollution caused by police lights;
- The City's DEI training should not include religions; and
- Fraud in another county.



RS Agenda Item

8

Public Hearings

COUNCIL STAFF REPORT

To: City Council
Reviewed: Joseph Briglio, Community Development Director
From: Laura Weigel, Planning Manager, and
Brett Kelter, Senior Planner
Subject: **DLC Code Update**

Date Written: Aug. 24, 2023

ACTION REQUESTED

Council is asked to move to the second reading of the ordinance approving the proposed amendments to the municipal code that would officially retire the Design and Landmarks Committee (DLC) (land use file #ZA-2023-005).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

August 16, 1976: Ordinance 1344 established design review regulations and a Design Review Board.

July 6, 1978: Ordinance 1397 repealed the design review program due to budgetary issues.

August 8, 1990: Resolution 27-1990 established the Historic Review Committee (HRC) to oversee newly adopted regulations for historic resources (November/December 1989).

May 18, 1993: Resolution 10-1993 changed the HRC from a committee to a commission, with decision-making authority concerning historic resources.

May 21, 1996: Ordinance 1799 changed the HRC from Historic Review Commission to Historic Resources Commission.

September 19, 2000: Ordinance 1880 adopted the Downtown Framework Plan and renamed the HRC as the Design and Landmarks Commission, responsible for both historic resource review and downtown design review.

October 5, 2004: Ordinance 1936 downgraded the DLC's status from a commission to a committee, with authority only to make recommendations to the Planning Commission.

June 6, 2023: Discussion with Council about amending the code to retire the DLC.

July 25, 2023: Planning Commission held a public hearing on the code amendments to retire the DLC.

August 15, 2023: Council voted 3-to-2 in favor of code amendments that would officially retire the DLC.

ANALYSIS**The DLC today**

The DLC has played an important role over the past 20-plus years in setting the foundations of both downtown design review and historic resource protection. The DLC makes recommendations to the Planning Commission, which is the primary decision maker on downtown design and historic resource applications.

Currently the DLC is comprised of five members with a mix of backgrounds in architecture, design, and historic preservation. Until the COVID-19 pandemic hit in March 2020, the DLC met regularly (usually the first Monday of each month) and spent much of the last six-plus years working on amendments to the downtown design review (DDR) portion of the municipal code (adopted by Council in March 2023 ([OR2226](#))). During that period, the committee also reviewed a handful of land use applications related to downtown design and historic resources (HR), making recommendations to the Commission.

For the past year, however, the prioritization of other projects to implement various aspects of the city's Comprehensive Plan (updated in 2020), state required code revisions, and the lack of a new long-range project for the DLC have effectively put the committee on hiatus. It is currently convening only when needed for application review (meeting only twice since August 2022). The next big project that could involve the DLC will be updating the historic resources inventory; however, that work is not scheduled to begin until at least 2025 based on other project schedules and staff capacity.

When the DLC was meeting every month pre-pandemic, a high level of staff time was required to manage the monthly meetings and the work associated with the committee. The staff liaison is responsible for creating the meeting agenda and preparing minutes, as well as completing the work coming out of the committee. Monthly management of this committee is very staff intensive.

Downtown design review

The recent updates to the DDR code were intended to provide more clarity and guidance for new building design. The new code has replaced the earlier guidelines that were much more diffuse and not as pointed about desired effects. The newly reshaped guidelines make it less critical to have the DLC as an advisory body and easier for the planning commission to be the primary reviewer when downtown projects require discretionary review. The enhanced clarity and specificity of the design standards also do more to influence building designs to match the preferences expressed by the community. The proposed designs for the most recent several downtown buildings have not required significant adjustments in response to local review.

On a few occasions over the past decade, developers have approached the DLC for an informal design review prior to submitting their application, seeking input from the group about their proposed design. Such preapplication meetings are not required by the code and they have not resulted in radical changes to plans, as projects are still usually far along in the design process by the time they are ready to be shared for even a preliminary review.

The volume of DDR applications is low, with only five applications needing discretionary review since 2017. In fact, in the 23 years that the DLC has participated in the DDR process, the DLC has reviewed only approximately 12 DDR applications (out of 50 total). For these few applications, DLC has provided relevant and insightful recommendation points for applicants and the Commission to consider. In a few cases, the DLC recommendations have resulted in the applicant making a small adjustment to the design or the Commission imposing a condition of approval. But the DLC's input, while clearly appreciated, has not been critically influential on many final decisions regarding design. Especially in light of the newly updated downtown design review code, the Commission is more than capable of handling those applications on its own.

Historic resources

The city's protections for historic resources are established in Milwaukie Municipal Code (MMC) Section 19.403. Interestingly, since 2004 the code offers no formal role to the DLC for historic

resource issues. Proposals to alter or demolish a listed historic property, as well as to add or remove properties from the city's historic resources list, do not require input from the DLC. However, staff has made it a practice to involve the DLC in the processing of historic resource applications that require discretionary review, having the committee provide recommendations to the Commission. In 33 years, the DLC has reviewed approximately 10 HR applications (out of 30 total). To be clear, the protections currently provided for historic resources do not depend on the DLC. The code is the driver in these decision-making processes. The Commission is already the sole party with an official role involving historic resources.

Milwaukie Historical Society comments (submitted to Planning Commission)

In advance of the Commission's public hearing to consider the proposed amendments on July 25, 2023, the Milwaukie Historical Society submitted comments in opposition. The historical society emphasized the importance of maintaining the DLC for purposes of keeping the city eligible for certified local government (CLG) status, which allows the city to seek certain types of funding for projects related to historic preservation and economic development downtown. The historical society pointed to the various goals and policies in the Comprehensive Plan related to Milwaukie's heritage and economic development and stressed the importance of the DLC in actualizing them. There was also an invitation to have the DLC participate in the historic resources inventory that the historical society is currently undertaking, as a way to keep the committee active.

Staff has confirmed that the DLC serves as an acceptable body for purposes of CLG status if the city were to decide to participate in that program and take advantage of the resources it offers. As noted above, an update to the city's historic resources code and inventory is forecast for initiation in two to five years. It is not clear whether the CLG program is one that the city will want to pursue, and it is not necessary or prudent to maintain the DLC until that project gets underway. As previously discussed by Council at its June 6 work session on this topic, there is a larger conversation to be had about historic preservation and the shape and form the community wants it to take. The DLC or a similar qualifying body can be (re)established at that point if necessary, with a clear mandate and dedicated resources at that time.

In the meantime, the Comprehensive Plan goals cited by the historical society are being addressed in one form or another by the existing code and programs in place. Without clear direction from Council to shift priorities to focus more on historic resources, there are no resources available to engage at the level the historical society advocates for. DLC members who wish to join the historical society's inventory effort are welcome to do that, but that project alone is not a reason to maintain the committee.

PC discussion and considerations

The Commission held a public hearing on the proposed amendments on [July 25, 2023](#), and voted 4-1 to recommend denial of the proposed amendments. A majority of the Commissioners expressed a sense of value for the DLC's role in downtown design review and thought the committee has an important role in actualizing the Comprehensive Plan goals and policies related to Milwaukie's heritage. Acknowledging that Council has given staff direction regarding priorities for implementing the updated Comprehensive Plan, the Commissioners seemed inclined to support a proposal to maintain the DLC on an ad hoc basis until the historic resource topic could be more actively addressed.

As noted above, pre-submittal design consultations are not common and not required in the current code. Staff believes that the updated code makes it easier for the planning commission to

handle downtown design review without the credentialed expertise that the more narrowly focused DLC has provided over the years. And when it is time to engage the community in the larger discussion of historic resources, people in the community with interest and expertise can be recruited to participate.

STAFF RECOMMENDATION

In consideration of the analysis and discussion presented above, staff recommends that Council approve the proposed amendments to retire the DLC and adopt the ordinance and findings in support of approval.

ALTERNATIVES

If Council chooses to not move forward with the proposed amendments to dissolve the DLC, staff has identified the following alternatives:

1. Retain the DLC and meet as needed

With a small adjustment to the committee's bylaws, the DLC could convene only when needed for a land use application (downtown design or historic resource). This arrangement would involve acceptance of the following:

- Meetings would be infrequent, making it harder to create a sense of group culture and cohesion.
- The DLC's active workplan would be limited to application review.
- Members would have to be versed in the code and prepared to review a downtown design or historic resource application when the occasion presents.
- Future recruitment efforts would need to set clear expectations about the group's limited operation and scope.

2. Retain the DLC and return to monthly meetings

The DLC could resume its regular schedule, with staff supporting monthly meetings and identifying a new long-range project for the group to tackle between downtown design and historic review applications. The most effective implementation of this alternative would involve Council shifting its goals to prioritize the DLC work over other planning projects.

BUDGET IMPACTS

Retiring the DLC will have no budgetary impacts.

WORKLOAD IMPACTS

The planning department has a long list of planning projects. Providing support for regular meetings of the DLC requires staff time and resources. Retiring the DLC will allow staff to concentrate their efforts on other projects—Comprehensive Plan implementation and others.

CLIMATE IMPACTS

The proposed amendments will have no direct impact on climate.

COORDINATION, CONCURRENCE, OR DISSENT

Staff discussed the proposal to retire the DLC with the committee members themselves. They accepted the rationale and acknowledged the challenges of supporting the group in the face of other priorities. However, they also lamented the loss of the opportunity to volunteer and play an advisory role for the Commission.

As discussed above, the Commission discussed the proposal in a public hearing and voted to recommend denial of the proposed amendments, citing the importance of the DLC as an advisor on design and a body dedicated to the Comprehensive Plan policies related to Milwaukie's history and heritage.

ATTACHMENTS

1. Ordinance (revised, strikeout and clean versions)
 - Exhibit A. Findings in support of approval
 - Exhibit B. Code amendments (strikeout/underline format)
 - Exhibit C. Code amendments (clean format)

COUNCIL ORDINANCE No.**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING VARIOUS PARTS OF THE MUNICIPAL CODE (MMC) AS NECESSARY TO FORMALLY RETIRE THE DESIGN AND LANDMARKS COMMITTEE (DLC) (FILE #ZA-2023-005).**

WHEREAS the DLC was established to advise the Planning Commission on matters related to downtown design and historic preservation; and

WHEREAS the DLC has provided recommendations to the Planning Commission on applications for downtown design review and historic resource review and has been involved in a variety of special efforts related to downtown design and historic preservation; and

WHEREAS the DLC worked for several years on amendments to the downtown design review portion of the zoning code to facilitate the review process and ensure the code is delivering the quality of design the city desires, with the amendments adopted by City Council in March 2023; and

WHEREAS the volume of downtown design and historic resource applications needing DLC review has been low and infrequent over the past several decades, the Planning Commission has the capacity to evaluate those applications on its own, and there are no other long-range projects for the DLC on the near horizon; and

WHEREAS the City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

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

Section 1. Findings. Findings of fact in support of the proposed amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The MMC is amended as described in Exhibit B (strikeout/underline format) and Exhibit C (clean format).

Section 3. Effective Date. The amendments will become effective 30 days from the date of adoption.

Read the first time on _____ and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Lisa M. Batey, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

EXHIBIT A
Recommended Findings in Support of Approval
File #ZA-2023-005
Code Amendments to Retire the Design and Landmarks Committee

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend the Milwaukie Municipal Code (MMC) to formally retire the Design and Landmarks Committee (DLC). Amendments are proposed to various sections of MMC Title 2 Administration and Personnel, MMC Title 14 Signs, and MMC Title 19 Zoning. The land use application file number is ZA-2023-005.
2. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - MMC Section 19.1008 Type V Review

The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on July 25, 2023, and August 15, 2023, as required by law.

3. MMC Section 19.902 Amendments to Maps and Ordinances

MMC 19.902 establishes the general process for amending the City's Comprehensive Plan and land use regulations within the municipal code. MMC Subsection 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows:

- a. MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the municipal code be evaluated through a Type V review per MMC Section 19.1008.

The Planning Commission held a duly advertised public hearing on July 25, 2023, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on August 15, 2023, and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- b. MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (1) MMC Subsection 19.905.B.1 requires that the proposed amendments be consistent with other provisions of the Milwaukie Municipal Code.

The proposed amendments are consistent with other provisions of the Milwaukie Municipal Code, including Title 2 Administration and Personnel, Title 14 Signs, and Title 19 Zoning.

This standard is met.

- (2) MMC Subsection 19.902.5.B.2 requires that the proposed amendments be consistent with the goals and policies of the Comprehensive Plan.

The following goals and policies of the Comprehensive Plan support the proposed amendments:

Section 2 – History, Arts, & Culture

Encourage and implement projects and programs that weave history, art, and culture into the fabric of the city, and that celebrate Milwaukie’s diversity and unique historic, archaeological, and cultural heritage.

Goal 2.1 – Milwaukie’s Heritage

Research, celebrate, document, and protect Milwaukie’s unique and diverse historic, archaeological, and cultural heritage.

Policy 2.1.1 – Work with local residents, businesses, and organizations to document and preserve Milwaukie’s diverse history.

Policy 2.1.4 – Provide educational materials and information regarding preservation to property owners and other interested persons and assist property owners in applying for designation as a locally significant historic resource.

Policy 2.1.7 – Maintain an official inventory of Milwaukie’s historic and cultural resources and regularly update the inventory as additional properties become eligible and are nominated for designation.

Policy 2.1.8 – Ensure that City processes for inventorying, altering, removing, or demolishing historic and cultural resources remain consistent with state and federal criteria as well as community priorities.

Policy 2.1.9 – Coordinate historic preservation activities with the Milwaukie Historical Society and the Oregon State Historic Preservation Office and follow all state and federal regulations for identifying and protecting archaeological resources.

Section 8 – Urban Design & Land Use

Promote the design of private development and public spaces and facilities to enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

Goal 8.1 – Design

Use a design framework that considers location and development typology to guide urban design standards and procedures that are customized by zoning district.

Policy 8.1.1 – Downtown Milwaukie Policies

- f) Ensure that design standards and guidelines reflect a well-defined community vision for the downtown.

Goal 8.3 – Process

Provide a clear and straightforward design review process for development in Milwaukie along with incentives to achieve desired outcomes.

Policy 8.3.1 – Use a two-track development review process to ensure that new non-residential development and redevelopment projects are well designed. Provide a clear and objective set of standards as well as an optional, discretionary track that allows for greater design flexibility provided design objectives are satisfied.

Policy 8.3.2

Ensure that a clear and objective process is available for all housing types that meet design standards, provide adequate open space, and fit into the community, while offering an alternative discretionary path for projects that cannot meet these standards.

The proposed amendments do not diminish the Planning Commission's charge to implement the goals and policies of the comprehensive plan related to historic preservation and urban design. Even without the assistance of the DLC, staff and the Planning Commission will continue to be responsible for maintaining an inventory of Milwaukie's historic and cultural resources and coordinating activities with the Milwaukie Historical Society and other similar entities to ensure the City is following state and federal regulations for historic properties. These activities help educate the public about historic preservation. Staff and the Planning Commission will utilize the newly updated downtown design review process to ensure that new development and redevelopment projects provide the desired high quality of design.

This standard is met.

- (3) MMC Subsection 19.902.5.B.3 requires that the proposed amendments be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendments are consistent with the Metro Urban Growth Management Functional Plan. A detailed analysis of the Functional Plan will be provided if requested.

This standard is met.

- (4) MMC Subsection 19.902.5.B.4 requires that the proposed amendments be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments are consistent with the following relevant statewide planning goals:

Goal 1 – Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

The City has an adopted and acknowledged amendment process and has followed that process in making the proposed amendments. Public hearings on the proposed amendments have been held and public notice was published prior to each hearing. In addition, the Planning Commission members are appointed by an elected City Council, following an open and public selection process.

Goal 2 Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City's zoning code has an established process for reviewing land use applications related to downtown design and historic resources. The proposed amendments remove the DLC and its advisory role from those types of review but retain the Planning Commission as the primary decision maker and do not change the approval criteria for either review.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

To protect natural resources and conserve scenic and historic areas and open spaces.

The City's zoning code includes protections for designated historic resources. The proposed amendments remove the DLC and its advisory role for that review but retain the Planning Commission as the primary decision maker and do not change the approval criteria.

This standard is met.

- (5) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

The proposed amendments are not inconsistent with any relevant federal regulations.

This standard is met.

The City Council finds that the proposed amendments to MMC Title 2 (Administration and Personnel), Title 14 (Signs), and Title 19 (Zoning) are consistent with the applicable approval criteria for zoning text amendments as established in MMC 19.902.5.B.

The City Council finds that the proposed zoning text amendments are approvable in accordance with the applicable procedures and standards of MMC 19.902.

4. MMC Section 19.1008 Type V Review

MMC 19.1008 establishes the procedures and requirements for Type V review, which is the process for legislative actions. The City Council, Planning Commission, Planning Manager, or any individual may initiate a Type V application.

The amendments were initiated by the Planning Manager on June 20, 2023.

- a. MMC Subsection 19.1008.3 establishes the public notice requirements for Type V review.

(1) MMC Subsection 19.1008.3.A General Public Notice

MMC 19.1008.3.A establishes the requirements for public notice.

- (a) MMC Subsection 19.1008.3.A.1 requires opportunity for public comment.

The City Council had a work session about the proposed code amendments on June 6, 2023. Proposed code amendments were first posted on the application webpage on June 20, 2023, and have been updated since as needed. On July 12, 2023, staff emailed Neighborhood District Association (NDA) leaders with information about the proposed amendments and a link to the July 25 Planning Commission meeting page.

- (b) MMC Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission's July 25, 2023, hearing was posted as required on June 23, 2023. A notice of the City Council's August 15, 2023, hearing was posted as required on July 14, 2023.

- (c) MMC Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The proposed amendments apply to the existence of the DLC and its role in reviewing specific types of land use applications, so there is no direct impact to any specific property.

(2) MMC Subsection 19.1008.3.B DLCD Notice

MMC Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was provided to DLCD on June 20, 2023.

(3) MMC Subsection 19.1008.3.C Metro Notice

MMC Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on June 20, 2023.

(4) MMC Subsection 19.1008.3.D Property Owner Notice (Measure 56)

MMC Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments will not affect the permissible uses of land, they will effectively retire the DLC and remove its role from the downtown design and historic resource review processes. A Measure 56 notice is not relevant.

b. MMC Subsection 19.1008.4 Type V Decision Authority

MMC 19.1008.4 establishes that the City Council is the review authority for Type V applications and may approve, approve with conditions, amend, deny, or take no action on a Type V application after a public hearing.

The City Council held a public hearing to consider this application on August 15, 2023, and approved the proposed amendments as presented.

c. MMC Subsection 19.1008.5 Type V Recommendation and Decision

MMC 19.1008.5 establishes the procedures for review and a decision on Type V applications. The process includes an initial evidentiary hearing by the Planning Commission and a recommendation to the City Council, followed by a public hearing and decision by the City Council.

The Planning Commission held an initial evidentiary hearing on July 25, 2023, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on August 15, 2023, and approved the proposed amendments as presented.

The City Council finds that the applicable requirements of MMC 19.1000 have been met.

Exhibit B

PROPOSED CODE AMENDMENTS RELATED TO RETIREMENT OF THE DESIGN AND LANDMARKS COMMITTEE (DLC) (~~strikeout~~/underline version)

TITLE 2 ADMINISTRATION AND PERSONNEL

CHAPTER 2.10 BOARDS, COMMITTEES, AND COMMISSIONS GENERALLY

SECTION 2.10.010 APPLICABILITY

This chapter applies to all City boards, commissions, and committees unless mandated otherwise by State statute or City ordinance, including but not limited to the following boards, commissions, and committees:

- A. Budget Committee (ORS 294.336 and MMC 2.14, exclusive from monthly meetings);
- B. Center/Community Advisory Board (MMC 2.20 and IGA);
- C. Citizens Utility Advisory Board (MMC 2.11);
- ~~D. Design and Landmarks Committee (MMC 2.18);~~
- E.D. Library Board (ORS 357.400 to 357.621 and MMC 2.28);
- ~~F.E.~~ Park and Recreation Board (MMC 2.12);
- ~~G.F.~~ Planning Commission (ORS 227.010—227.030 and MMC 2.16);
- ~~H.G.~~ Public Safety Advisory Committee (MMC 2.24); and
- ~~I.H.~~ Milwaukie Arts Committee (MMC 2.17).

CHAPTER 2.16 PLANNING COMMISSION

SECTION 2.16.010 ESTABLISHED—PURPOSE

- ~~B. Coordination with the Design and Landmarks Committee~~

~~The Planning Commission shall meet at least twice annually with the Design and Landmarks Committee for reviewing prospective work program tasks related to urban design, architecture and design guidelines, historic preservation, and other areas of responsibility assigned to the Committee in Section 2.18.010.A.~~

CHAPTER 2.17 MILWAUKIE ARTS COMMITTEE

SECTION 2.17.010 ESTABLISHMENT

There is created a Milwaukie Arts Committee whose duties and responsibilities ~~shall be~~ are as follows:

- A. Support and promote the arts, artists, and art education within the Milwaukie area;
- B. Work cooperatively with other community groups and sources including, but not restricted to, Milwaukie's neighborhood district associations, ~~Design and Landmarks Committee~~, North Clackamas School District, North Clackamas Parks and Recreation District, Clackamas Arts Action Alliance, New Century Players, Portland Waldorf and other schools in and around

Milwaukie, Ledding Library, local businesses, area arts guilds and other groups already existing, or hereafter established, to promote the arts in the community.

CHAPTER 2.18 ~~DESIGN AND LANDMARKS COMMITTEE~~ *[reserve chapter number for future use]*

SECTION 2.18.010 ~~ESTABLISHED—PURPOSE, APPOINTMENT AND COMPOSITION, COORDINATION WITH PLANNING COMMISSION~~

A. ~~The Design and Landmarks Committee is established to advise the Planning Commission on all matters specified in Sections 2.16.010.A.9 through 2.16.010.A.12.~~

B. ~~Appointment and Composition~~

~~The Design and Landmarks Committee shall have five (5) members appointed by the City Council for two (2) year terms. The Council shall have discretion to reappoint or remove Committee members. One (1) Committee member shall have demonstrated special interest, experience, training, or knowledge in the field of historic preservation or history. One (1) Committee member shall have demonstrated special interest, experience, training, or knowledge in the field of architecture, planning, landscape design, or similar field.~~

C. ~~Annual Meetings~~

~~The Design and Landmarks Committee shall meet with the Planning Commission in accordance with Section 2.16.010.B.~~

D. ~~Review and recommend appropriate design guidelines and design review processes and procedures to the City Council.~~

E. ~~Any other duties assigned by the City Council.~~

TITLE 14 SIGNS

CHAPTER 14.04 GENERAL PROVISIONS

SECTION 14.04.030 DEFINITIONS

Sign, Nonconforming. “Nonconforming sign” means a sign that complied with applicable standards when created or modified but which does not comply with existing standards. Signs that did not require Planning Commission or ~~Design and Landmarks Committee~~ approval when created ~~shall~~ will not be considered nonconforming if approval from ~~these bodies~~ that body is currently required.

CHAPTER 14.16 SIGN DISTRICTS

SECTION 14.16.060 DOWNTOWN ZONES

H. Illumination

Illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted.

2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.
3. Awning signs ~~shall~~ must not be internally illuminated. Features on an awning sign may be externally illuminated subject to review ~~by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings,~~ and approval by the Planning Commission, per Section 19.1006 Type III Review, according to the following criteria:
 - a. Sign lighting should be designed as an integral component of the building and sign composition.
 - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
 - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.
4. Sign illumination ~~shall~~ must be directed away from, and not be reflected upon, adjacent premises.
5. Internally illuminated cabinet signs are discouraged in the downtown zones. Internal illumination of cabinet signs may be permitted subject to review ~~by the Design and Landmarks Committee, per Section 19.1011 Design Review Meetings,~~ and approval by the Planning Commission, per Section 19.1006 Type III Review, according to the following criteria:
 - a. The sign should be a unique design that responds to the ~~Milwaukee Downtown Design Guidelines~~ downtown design guidelines in Subsection 19.508.4.
 - b. The sign copy should be lighter than the sign background.
 - c. The sign background should use a predominance of dark color or be opaque when the light source is on.

CHAPTER 14.32 ADJUSTMENTS

SECTION 14.32.010 AUTHORIZATION TO GRANT OR DENY ADJUSTMENTS

- A. The Planning Commission may authorize adjustments to the requirements of this chapter per Section 19.1006 Type III Review where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard ~~shall~~ will not be a basis for granting an adjustment. In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.
- ~~B. The Design and Landmarks Committee shall hold a public meeting and prepare a report for adjustment applications that require Planning Commission review per Section 19.1011 Design Review Meetings. The Planning Commission shall consider the findings and recommendations contained in the report during the public hearing on the proposal.~~
- ~~C.~~ B. Adjustments may be granted where it can be shown that there are special and unusual circumstances related to the specific property or sign, the adjustment is consistent with the guiding principles of the ~~Downtown Design Guidelines~~ downtown design guidelines in Subsection 19.508.4, and the adjustment meets either of the following criteria:

1. Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard ~~shall~~ does not constitute a hardship; or
2. The adjustment serves to protect or enhance significant features such as, but not limited to, trees, historic or culturally significant buildings, or landmark signs.

In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.

TITLE 19 ZONING

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

SECTION 19.401 WILLAMETTE GREENWAY ZONE WG

Subsection 19.401.6 Criteria

The following ~~shall~~ will be taken into account in the consideration of a conditional use:

- A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan;
- B. Compatibility with the scenic, natural, historic, economic, and recreational character of the river;
- C. Protection of views both toward and away from the river;
- D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable;
- E. Public access to and along the river, to the greatest possible degree, by appropriate legal means;
- F. Emphasis on water-oriented and recreational uses;
- G. ~~Maintain~~ Maintenance of or increase in views between the Willamette River and downtown;
- H. Protection of the natural environment according to regulations in Section 19.402;
- ~~I. Advice and recommendations of the Design and Landmark Committee, as appropriate;~~
- ~~J. I.~~ Conformance to applicable Comprehensive Plan policies;
- ~~K. J.~~ The request is consistent with applicable plans and programs of the Division of State Lands;
- ~~L. K.~~ A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C.

CHAPTER 19.900 LAND USE APPLICATIONS

SECTION 19.907 DOWNTOWN DESIGN REVIEW

Subsection 19.907.3 Review Process

- B. Review Types

To achieve the purpose of the downtown design standards and guidelines, there are three downtown design review processes through which to apply for approval:

1. Type I

The ministerial review track provides for a Type I review process pursuant to Section 19.1004 using the design standards in Section 19.508.

2. Type II

The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the design standards and applicable guidelines in Section 19.508.

3. Type III

The discretionary review track provides for a Type III review process pursuant to Section 19.1006, through which the ~~Design and Landmarks Committee~~ and Planning Commission determines compliance with the downtown design guidelines in Section 19.508.

~~Subsection 19.907.6 Report and Recommendation by Design and Landmarks Committee~~

~~The Design and Landmarks Committee will hold a public meeting and prepare a downtown design review report for Type III applications pursuant to Section 19.1011. The Planning Commission shall consider the findings and recommendations contained in the downtown design review report during a public hearing on the proposal.~~

Subsection 19.907.76 Variances

- A. Variances cannot be granted for the downtown design standards of Section 19.508. Applications unable to meet one or more standards must meet the applicable downtown design guideline(s) in Subsection 19.508.4 instead and use the Type III discretionary downtown design review process.
- B. Variances can be granted for the downtown development standards of Section 19.304 unless otherwise specified, through the variance review process in Section 19.911.

SECTION 19.911 VARIANCES

Subsection 19.911.6 Building Height Variance in the Downtown Mixed Use Zone

C. Review Process

The building height variance ~~shall~~ will be subject to Type III review and approval by the ~~Design and Landmarks Committee~~ and the Planning Commission, in accordance with Chapter 19.907 and ~~Section 19.1011~~. The building height variance ~~shall~~ will be consolidated with downtown design review.

- 1. Because the building height variance provides substantial flexibility and discretion, additional time ~~will~~ may be required for public input and technical evaluation of the proposal. To use this option, the applicant ~~shall~~ will sign a waiver of the 120-day decision requirement.
- 2. ~~The applicant may request design advice from the Design and Landmarks Committee prior to submitting an application. Design advice requests provide the opportunity to~~

~~assess approval potential prior to committing excessive time or money to detailed design plans.~~

- ~~3. Design advice requests may not be made for a specific project or site with an active land use review application.~~
- 4.2. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

CHAPTER 19.1000 REVIEW PROCEDURES

SECTION 19.1005 TYPE II REVIEW

Subsection 19.1005.3 Type II Public Notice

A. Referral

Within 7 days after the application has been deemed complete, the City ~~shall~~ will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.
- ~~2. The Design and Landmarks Committee for applications in downtown zones or involving a designated historic resource.~~
- 3.2. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

SECTION 19.1006 TYPE III REVIEW

Type III applications are quasi-judicial in nature and are subject to approval criteria that require the exercise of discretion and judgment and about which there may be broad public interest. Impacts may be significant and development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with applicable approval criteria and development standards. The review process requires notice to nearby property owners and at least one public hearing before the Planning Commission.

~~When the Design and Landmarks Committee is required to conduct a design review meeting for applications in the downtown zones per Section 19.907, the design review meeting shall be in addition to the public hearing before the Planning Commission. The procedures for a design review meeting are contained in Section 19.1011.~~

Subsection 19.1006.3 Type III Public Notice

C. Referral

Within 7 days after the application has been deemed complete, the City ~~shall~~ will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of the referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.
- ~~2. The Design and Landmarks Committee for applications in downtown zones or involving a designated historic resource.~~
- ~~3.2.~~ Affected City departments and any governmental agency that is entitled to notice by the municipal code.

SECTION 19.1007 TYPE IV REVIEW

Subsection 19.1007.3 Type IV Public Notice

C. Referral

Within 7 days after the application has been deemed complete, the City ~~shall~~ will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of the referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 400 ft of the subject property.
- ~~2. The Design and Landmarks Committee for applications in downtown zones or involving a designated historic resource.~~
- ~~3.2.~~ Affected City departments and any governmental agency that is entitled to notice by the municipal code.

SECTION 19.1010 APPEALS

Subsection 19.1010.6 Specific Provisions for Appeal of a Type III Decision

- A. A Type III decision may be appealed by the applicant, applicant's representative, or any other person or organization who participated in the original decision by providing either testimony or evidence on the record leading to the decision by the review authority.
- B. At least 20 days prior to the appeal hearing, the City ~~shall~~ will mail written notice of the appeal hearing to all parties who were entitled to Type III public notice per Subsection 19.1006.3.D.1, interested persons, the appellant(s), and Planning Commission, ~~and Design and Landmarks Committee if they made a recommendation on the initial land use application.~~

~~SECTION 19.1011 DESIGN REVIEW MEETINGS~~

~~The Design and Landmarks Committee shall conduct a design review meeting when required by Section 19.907 for applications in the downtown zones. The meeting shall occur prior to the initial Planning Commission hearing on the application. Design review meetings provide an opportunity for the Design and Landmarks Committee to hear public comment, evaluate the proposal against relevant approval criteria, and vote on a recommendation to forward to the Planning Commission.~~

~~Subsection 19.1011.1 Responsibility of City for Design Review Meetings~~

~~The City shall:~~

- A. ~~Schedule land use applications for design review before the Design and Landmarks Committee at the earliest available scheduled meeting. If the Design and Landmarks Committee is unable to schedule a design review meeting with sufficient time for the Planning Commission to hold a public hearing in compliance with the 120-day decision requirement (or within 100 days for a project meeting all provisions of ORS 197.311), one of the following shall occur:~~
1. ~~The applicant may extend the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311) per Subsection 19.1001.7.C in order to accommodate Design and Landmarks Committee review of the application.~~
 2. ~~If the applicant does not extend the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311), the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection 19.907.6.~~
- B. ~~Provide public notice of the design review meeting per Subsections 19.1011.2.A-C below.~~
- C. ~~Prepare minutes for the design review meeting that include the Design and Landmarks Committee recommendation and the reasons for the recommendation.~~

~~Subsection 19.1011.2 Design Review Meeting Notice Requirements~~

- A. ~~When a design review meeting is required by Section 19.907, the City shall mail written notice of the design review meeting at least 10 days prior to the meeting. The written notice shall be mailed to:~~
1. ~~The applicant and/or applicant's authorized representative.~~
 2. ~~The owner(s) of record of the subject property.~~
 3. ~~Owners of record of properties located within 300 ft of the perimeter of the subject property.~~
 4. ~~Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.~~
- B. ~~The mailed public notice shall meet the requirements of Subsection 19.1006.3.D.2.~~
- C. ~~At least 5 days prior to the design review meeting, notice of the application shall be posted on the subject property by the applicant and shall remain posted continuously until the meeting. Sign notice shall meet the requirements of Subsection 19.1001.6.C.1.b.~~

~~Subsection 19.1011.3 Rules of Procedure~~

- A. ~~Design review meetings shall be conducted in accordance with the bylaws and rules of procedure adopted for the Design and Landmarks Committee by City Council. Additionally, the provisions in Subsections 19.1011.4-11 below apply to all design review meetings.~~
- B. ~~At the commencement of a design review meeting, a statement shall be made to those in attendance that:~~
1. ~~Lists the applicable approval criteria.~~

- ~~2. States that public comment must be directed toward the applicable approval criteria or other criteria in the Zoning Ordinance or Comprehensive Plan that the person commenting believes is applicable to the proposal.~~
- ~~C. The design review meeting is not a public hearing, but shall be organized in the following manner:
 - ~~1. The applicant shall have an opportunity to make a presentation on the application.~~
 - ~~2. The public shall be allowed to comment on the application.~~
 - ~~3. The Design and Landmarks Committee shall deliberate on the application and presentation and shall make findings and a recommendation on the application per Subsection 19.1011.10.~~~~
- ~~D. An abstaining or disqualified member of the committee shall be counted for purposes of forming a quorum. If all members of the committee abstain or are disqualified, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection 19.907.6.~~

~~Subsection 19.1011.4 Challenges to Impartiality~~

- ~~A. A meeting participant may challenge the qualifications of a member of the committee to participate in the recommendation. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, or other facts from which the challenger has concluded that the member of the committee cannot participate in an impartial manner.~~
- ~~B. The challenged person shall have an opportunity to respond to the challenge. The challenge and any response to the challenge shall be incorporated into the record of the meeting.~~

~~Subsection 19.1011.5 Financial Interests and Conflicts of Interest~~

~~An employee or elected or appointed official of the City who has a direct or substantial financial interest in a proposal may not give an official opinion to the hearing body on the proposal. An elected or appointed official of the City who has a conflict of interest shall refrain from participating as a public official in any discussion or debate on the proposal out of which the actual conflict arises or from voting on the proposal per ORS 244.~~

~~Subsection 19.1011.6 Ex Parte Contacts~~

~~Committee members shall reveal any relevant premeeting or ex parte contacts at the commencement of the design review meeting. If such contacts have impaired the member's impartiality or ability to vote on the proposal, the member shall so state and shall abstain from voting. In addition, parties who had the communication with the member have the right to rebut the substance of the communication at the commencement of the meeting on the proposal.~~

~~Subsection 19.1011.7 Disqualification~~

~~Disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of the committee who are present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.~~

~~Subsection 19.1011.8 Burden and Nature of Proof~~

~~The applicant shall bear the burden of proof and persuasion that the proposal complies with all applicable approval criteria and development standards. The applicant and any opponents may~~

~~submit a set of written findings or statements of factual information which are intended to demonstrate that the proposal complies, or fails to comply, with any or all applicable criteria and standards.~~

~~Subsection 19.1011.9 Continuance of Meeting~~

- A. ~~A design review meeting may be continued if the Planning Director determines that there is sufficient time to hold a continued meeting before the Design and Landmarks Committee and a public hearing before the Planning Commission within the required 120 days or if the applicant waives the 120-day decision requirement (or the 100-day decision requirement for a project meeting all provisions of ORS 197.311) per Subsection 19.1001.7.C.~~
- B. ~~Design review meeting continuance proceedings shall be per Subsection 19.1009.11.~~

~~Subsection 19.1011.10 Design Review Recommendation~~

~~Following the close of the public portion of the design review meeting, the Design and Landmarks Committee shall prepare a written report to the Planning Commission that recommends either approval, approval with conditions, or denial of the application.~~

- A. ~~The written recommendation shall contain the following:~~
- ~~1. The applicable approval criteria against which the application was evaluated.~~
 - ~~2. A statement of the facts that the committee relied upon to determine whether the application satisfied or failed to satisfy each applicable approval criterion and development standard.~~
 - ~~3. The decision to recommend approval or denial of the application, and, if the recommendation is for approval, any recommended conditions of approval. Recommended conditions of approval shall ensure conformance with the applicable approval criteria and development standards and mitigate the anticipated impacts, if any, of the proposal.~~
- B. ~~The recommendation of the Design and Landmarks Committee shall be forwarded to the Planning Commission, which shall consider the recommendation and integrate it into the review process applicable to the proposal.~~
- C. ~~Design and Landmarks Committee recommendations are not appealable.~~

~~Subsection 19.1011.11 Record of Proceedings~~

~~The City shall prepare and maintain minutes of all proceedings in accordance with the bylaws adopted by the City Council for the Design and Landmarks Committee.~~

Exhibit C

PROPOSED CODE AMENDMENTS RELATED TO RETIREMENT OF THE DESIGN AND LANDMARKS COMMITTEE (DLC) (clean version)

TITLE 2 ADMINISTRATION AND PERSONNEL

CHAPTER 2.10 BOARDS, COMMITTEES, AND COMMISSIONS GENERALLY

SECTION 2.10.010 APPLICABILITY

This chapter applies to all City boards, commissions, and committees unless mandated otherwise by State statute or City ordinance, including but not limited to the following boards, commissions, and committees:

- A. Budget Committee (ORS 294.336 and MMC 2.14, exclusive from monthly meetings);
- B. Center/Community Advisory Board (MMC 2.20 and IGA);
- C. Citizens Utility Advisory Board (MMC 2.11);
- D. Library Board (ORS 357.400 to 357.621 and MMC 2.28);
- E. Park and Recreation Board (MMC 2.12);
- F. Planning Commission (ORS 227.010—227.030 and MMC 2.16);
- G. Public Safety Advisory Committee (MMC 2.24); and
- H. Milwaukie Arts Committee (MMC 2.17).

CHAPTER 2.16 PLANNING COMMISSION

SECTION 2.16.010 ESTABLISHED—PURPOSE

~~B.~~—*[subsection deleted]*

CHAPTER 2.17 MILWAUKIE ARTS COMMITTEE

SECTION 2.17.010 ESTABLISHMENT

There is created a Milwaukie Arts Committee whose duties and responsibilities are as follows:

- A. Support and promote the arts, artists, and art education within the Milwaukie area;
- B. Work cooperatively with other community groups and sources including, but not restricted to, Milwaukie's neighborhood district associations, North Clackamas School District, North Clackamas Parks and Recreation District, Clackamas Arts Action Alliance, New Century Players, Portland Waldorf and other schools in and around Milwaukie, Ledding Library, local businesses, area arts guilds and other groups already existing, or hereafter established, to promote the arts in the community.

CHAPTER 2.18 ~~DESIGN AND LANDMARKS COMMITTEE~~ *[chapter content deleted—reserve chapter number for future use]*

TITLE 14 SIGNS

CHAPTER 14.04 GENERAL PROVISIONS

SECTION 14.04.030 DEFINITIONS

Sign, Nonconforming. “Nonconforming sign” means a sign that complied with applicable standards when created or modified but which does not comply with existing standards. Signs that did not require Planning Commission approval when created will not be considered nonconforming if approval from that body is currently required.

CHAPTER 14.16 SIGN DISTRICTS

SECTION 14.16.060 DOWNTOWN ZONES

H. Illumination

Illuminated signs may be permitted subject to the following:

1. Signs with opaque letters or symbols that are backlit, having a light source behind the opaque area and not directly visible from in front of the sign, are permitted.
2. Par spot or reflective-type bulbs may be used for indirect illumination of the display surface if properly shielded from direct glare onto streets.
3. Awning signs must not be internally illuminated. Features on an awning sign may be externally illuminated subject to review and approval by the Planning Commission, per Section 19.1006 Type III Review, according to the following criteria:
 - a. Sign lighting should be designed as an integral component of the building and sign composition.
 - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
 - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.
4. Sign illumination must be directed away from, and not be reflected upon, adjacent premises.
5. Internally illuminated cabinet signs are discouraged in the downtown zones. Internal illumination of cabinet signs may be permitted subject to review and approval by the Planning Commission, per Section 19.1006 Type III Review, according to the following criteria:
 - a. The sign should be a unique design that responds to the downtown design guidelines in Subsection 19.508.4.
 - b. The sign copy should be lighter than the sign background.
 - c. The sign background should use a predominance of dark color or be opaque when the light source is on.

CHAPTER 14.32 ADJUSTMENTS

SECTION 14.32.010 AUTHORIZATION TO GRANT OR DENY ADJUSTMENTS

- A. The Planning Commission may authorize adjustments to the requirements of this chapter per Section 19.1006 Type III Review where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard will not be a basis for granting an adjustment. In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.
- B. Adjustments may be granted where it can be shown that there are special and unusual circumstances related to the specific property or sign, the adjustment is consistent with the guiding principles of the downtown design guidelines in Subsection 19.508.4, and the adjustment meets either of the following criteria:
 - 1. Strict application of this chapter would cause an undue or unnecessary hardship. The cost of meeting the standard does not constitute a hardship; or
 - 2. The adjustment serves to protect or enhance significant features such as, but not limited to, trees, historic or culturally significant buildings, or landmark signs.

In granting an adjustment, the Planning Commission, in addition to the time limitations of Section 14.32.040, may attach conditions which it finds necessary to protect the welfare of the City and otherwise achieve the purposes of this chapter.

TITLE 19 ZONING

CHAPTER 19.400 OVERLAY ZONES AND SPECIAL AREAS

SECTION 19.401 WILLAMETTE GREENWAY ZONE WG

Subsection 19.401.6 Criteria

The following will be taken into account in the consideration of a conditional use:

- A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan;
- B. Compatibility with the scenic, natural, historic, economic, and recreational character of the river;
- C. Protection of views both toward and away from the river;
- D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable;
- E. Public access to and along the river, to the greatest possible degree, by appropriate legal means;
- F. Emphasis on water-oriented and recreational uses;
- G. Maintenance of or increase in views between the Willamette River and downtown;

- H. Protection of the natural environment according to regulations in Section 19.402;
- I. Conformance to applicable Comprehensive Plan policies;
- J. The request is consistent with applicable plans and programs of the Division of State Lands;
- K. A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C.

CHAPTER 19.900 LAND USE APPLICATIONS

SECTION 19.907 DOWNTOWN DESIGN REVIEW

Subsection 19.907.3 Review Process

B. Review Types

To achieve the purpose of the downtown design standards and guidelines, there are three downtown design review processes through which to apply for approval:

1. Type I

The ministerial review track provides for a Type I review process pursuant to Section 19.1004 using the design standards in Section 19.508.

2. Type II

The administrative review track provides for a Type II process pursuant to Section 19.1005 that requires staff review utilizing the design standards and applicable guidelines in Section 19.508.

3. Type III

The discretionary review track provides for a Type III review process pursuant to Section 19.1006, through which the Planning Commission determines compliance with the downtown design guidelines in Section 19.508.

Subsection 19.907.6 Variances

- A. Variances cannot be granted for the downtown design standards of Section 19.508. Applications unable to meet one or more standards must meet the applicable downtown design guideline(s) in Subsection 19.508.4 instead and use the Type III discretionary downtown design review process.
- B. Variances can be granted for the downtown development standards of Section 19.304 unless otherwise specified, through the variance review process in Section 19.911.

SECTION 19.911 VARIANCES

Subsection 19.911.6 Building Height Variance in the Downtown Mixed Use Zone

C. Review Process

The building height variance will be subject to Type III review and approval by the Planning Commission, in accordance with Chapter 19.907. The building height variance will be consolidated with downtown design review.

1. Because the building height variance provides substantial flexibility and discretion, additional time may be required for public input and technical evaluation of the proposal. To use this option, the applicant will sign a waiver of the 120-day decision requirement.
2. A special application fee may be required to use this Type III option to allow the City to contract with a registered architect to assist in the review of the height variance application.

CHAPTER 19.1000 REVIEW PROCEDURES

SECTION 19.1005 TYPE II REVIEW

Subsection 19.1005.3 Type II Public Notice

A. Referral

Within 7 days after the application has been deemed complete, the City will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.
2. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

SECTION 19.1006 TYPE III REVIEW

Type III applications are quasi-judicial in nature and are subject to approval criteria that require the exercise of discretion and judgment and about which there may be broad public interest. Impacts may be significant and development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with applicable approval criteria and development standards. The review process requires notice to nearby property owners and at least one public hearing before the Planning Commission.

Subsection 19.1006.3 Type III Public Notice

C. Referral

Within 7 days after the application has been deemed complete, the City will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of the referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.
2. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

SECTION 19.1007 TYPE IV REVIEW

Subsection 19.1007.3 Type IV Public Notice

C. Referral

Within 7 days after the application has been deemed complete, the City will provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of the referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 400 ft of the subject property.
2. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

SECTION 19.1010 APPEALS

Subsection 19.1010.6 Specific Provisions for Appeal of a Type III Decision

- A. A Type III decision may be appealed by the applicant, applicant's representative, or any other person or organization who participated in the original decision by providing either testimony or evidence on the record leading to the decision by the review authority.
- B. At least 20 days prior to the appeal hearing, the City will mail written notice of the appeal hearing to all parties who were entitled to Type III public notice per Subsection 19.1006.3.D.1, interested persons, the appellant(s), and Planning Commission.

~~SECTION 19.1011 DESIGN REVIEW MEETINGS~~ *[entire section deleted]*