Mayor Mark Gamba called the Council meeting to order at 6:04 p.m.

Council Present: Council President Angel Falconer; Councilors Lisa Batey, Wilda Parks, Kathy Hyzy

Design and Landmarks Committee (DLC) Present: Chair Cynthia Schuster, Vice Chair Brett Laurila, Members Evan Smiley, Tracey Orvis, Mary Neustadter

Staff: Assistant City Manager Kelly Brooks
      Associate Planner Brett Kelver
      City Attorney Justin Gericke
      City Manager Ann Ober
      City Recorder Scott Stauffer

      Community Development Director Leila Aman
      Climate Action & Sustainability Coordinator Natalie Rogers
      Emergency Manager Steve Hoffeditz
      Police Chief Luke Strait
      Planning Director Denny Egner
      Public Works Director Peter Passarelli

1. CALL TO ORDER
Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

A. Outstanding Milwaukie High School (MHS) Student Achievement Award for December presented to Saron Katema

Carmen Gelman, MHS Principal, introduced Ms. Katema and Council congratulated her on her academic and extra-curricular accomplishments.

Ms. Gelman provided an update on MHS programs and construction. Councilor Hyzy and Ms. Gelman remarked on the school’s emergency response plan. Ms. Gelman reported that the school would be undergoing a rebranding campaign. The group remarked on the seismic standards of the new MHS building and how wood from trees removed from the site would be reused. Mr. Stauffer noted that the city and MHS were working to recruit students to serve as youth members on city boards and committees.

3. CONSENT AGENDA

It was moved by Councilor Parks and seconded by Councilor Hyzy to approve the Consent Agenda as presented.

A. City Council Meeting Minutes:
   1. December 3, 2019 Work Session;
   2. December 3, 2019, Regular Session;
   3. December 10, 2019, Study Session;
   4. December 10, 2019, Special Session;
   5. December 17, 2019, Work Session; and
   6. December 17, 2019, Regular Session.

B. Resolution 6-2020: A Resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the city manager to execute an agreement for Municipal Court judge services.

Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]
4. AUDIENCE PARTICIPATION

Mayor Gamba noted that no audience member wished to address Council on a non-agenda topic and Ms. Ober reported there was no follow-up from the last meeting.

5. PUBLIC HEARING
A. None scheduled.

6. OTHER BUSINESS
A. Climate Emergency – Resolution

Councilor Hyzy explained why a climate emergency resolution was needed and noted similar actions taken by other governments. She reported that the resolution would accelerate the city's Climate Action Plan (CAP) goals by five years. Mayor Gamba expressed support for the resolution and read the resolution as originally presented into the record:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE.

WHEREAS, in April 2016 world leaders recognized the urgent need to combat climate change by signing the Paris Agreement, agreeing to keep global warming "well below 2°C above pre-industrial levels" and to "pursue efforts to limit the temperature increase to 1.5°C;" and

WHEREAS, the damage done by the current average global warming of 1 °C demonstrates that the Earth is already too hot for safety and justice, as seen through stronger and more frequent wildfires, floods, rising seas, diseases, droughts, and extreme weather; and

WHEREAS, according to the United Nations' Special Rapporteur on Extreme Poverty, 1.5°C of global warming could expose 500 million people to water poverty, 36 million people to food insecurity because of lower crop yields, and 4.5 billion people to deadly heat waves; and

WHEREAS, in October 2018, the United Nations released a special report which projected that limiting warming to even the dangerous 1.5°C target this century will require a complete transformation of every sector of the global economy by 2030; and

WHEREAS, climate change and the global industrialized economy's overshoot of ecological limits are driving the Sixth Mass Extinction of species, according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services; and

WHEREAS, the United States of America has disproportionately contributed to the climate and ecological emergencies and thus bears an extraordinary responsibility to rapidly solve these crises; and

WHEREAS, in July 2019, legislators introduced a concurrent Congressional resolution to declare a national climate emergency in the United States; and

WHEREAS, restoring a safe and stable climate requires an emergency mobilization on a scale not seen since World War II in order to reach zero greenhouse gas emissions across all sectors of the economy; to rapidly and safely drawdown and remove all the excess carbon from the atmosphere at emergency speed and until safe, pre-industrial climate conditions are restored; and to implement measures to protect all people and species from the consequences of abrupt climate breakdown; and

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WHEREAS, the measures to restore a safe climate include a rapid, just, managed phase-out of fossil fuels; ending greenhouse gas emissions as quickly as possible to establish a zero-emissions economy; a widespread effort to reduce excess carbon in the atmosphere; a full transition to a regenerative agriculture system; and an end to the Sixth Mass Extinction through widespread conservation and restoration of ecosystems; and

WHEREAS, the scale of action necessary to achieve these measures will require unprecedented levels of public awareness, engagement, and deliberation to develop and implement effective, just, and equitable policies to address the climate emergency; and

WHEREAS, Milwaukie can act as a global leader through initiating an emergency Climate Mobilization to rapidly move from an ecologically, socially, and economically extractive local economy to one that is regenerative, as well as advocating for the regional, national, and international efforts necessary to reverse global warming and the ecological crisis.

NOW BE IT THEREFORE RESOLVED, by the City Council of the City of Milwaukie, Oregon, that a climate and ecological emergency which threatens our city, region, state, nation, civilization, humanity and the natural world, is hereby declared; and

BE IT FURTHER RESOLVED, that Milwaukie renews its community-wide commitment to addressing our part in the global climate crisis through the fifty-three actions outlined in our Climate Action Plan (CAP) and enacts the acceleration of our climate action goals by five years. By 2030, Milwaukie will have no net carbon emissions from its electricity use; by 2035, Milwaukie’s buildings will have no net carbon emissions, and by 2045, Milwaukie will be a fully carbon-neutral city; and

BE IT FURTHER RESOLVED, that Milwaukie commits to a qualitative update of its Climate Action Plan on a three-year cycle, and to refining those actions as needed to achieve our community’s carbon reduction targets through the most appropriate and effective solutions available, with the intent that these actions will result in a just and equitable transition for vulnerable and historically marginalized people; and

BE IT FURTHER RESOLVED, that the Milwaukie City Council directs staff to include climate impact statements in all relevant Council staff reports and motions, much as it currently includes fiscal impact statements; and

BE IT FURTHER RESOLVED, that the Milwaukie City Council commits to educating our residents about the financial and regulatory actions needed to eliminate greenhouse gas emissions as quickly as possible in order to achieve our accelerated climate action goals; and

BE IT FURTHER RESOLVED, that by the adoption of this resolution, the Milwaukie City Council hereby declares its support for H.Con.Res.52 and S.Con.Res.22, “Expressing the sense of Congress that there is a climate emergency which demands a massive-scale mobilization to halt, reverse, and address its consequences and causes”; and

BE IT FURTHER RESOLVED, that Milwaukie calls on the State of Oregon to declare a climate emergency; revise its statewide Renewable Portfolio Standards to achieve 50% renewable energy by 2030 and 100% clean and renewable energy by 2050; and to adopt meaningful climate legislation in the 2020 short legislative session. Milwaukie also calls on Clackamas County, Metro, the United States Congress, the President of the United States, and all governments and people worldwide to declare a climate emergency, initiate a Climate Mobilization to reverse global warming and the ecological crisis, and provide maximum protection for all people and species of the world, particularly those most vulnerable to the effects of the crisis; and

BE IT FURTHER RESOLVED, in furtherance of this resolution, the City of Milwaukie shall submit a certified copy of this resolution to the President of the United States;
Governor Kate Brown; Senators Jeff Merkley and Ron Wyden; Representative Kurt Schrader; the Metro Council and the Board of Clackamas County Commissioners and request that all relevant support and assistance in effectuating this resolution be provided.

Councilor Hyzy noted that Clackamas County adopted a climate action plan recently.

Mikayla Bishop and Colin Herring, SunrisePDX Movement members, remarked on Milwaukie’s ability to influence the world by addressing climate change. They encouraged Council to adopt the climate emergency resolution.

Dave Robertson, Portland General Electric (PGE) vice president, thanked the city for partnering on clean energy projects and reported that PGE supported the climate emergency resolution. He noted PGE’s clean energy programs.

Councilor Batey noted she had changes to the resolution and asked for clarification about speeding up the CAP goals. Ms. Rogers and Mr. Passarelli confirmed that the resolution would speed up the timing of the CAP goals and that staff supported the accelerated timelines. They remarked on the staff time required to collect greenhouse gas data. The group remarked on the proposal to add a climate impact section to city staff reports. Mayor Gamba and Councilor Batey commented on the benefits of speeding up when the city would review the CAP goals.

Councilor Batey explained her proposal to add language to the resolution that would recognize the contribution of meat and cheese producers to climate change. The group discussed and agreed to add the such language to the ninth “whereas” sentence.

Councilor Batey proposed a wording change to the fourth “be it further resolved” sentence that she believed would clarify the intention of the referenced regulatory actions. The group discussed and agreed to reword the sentence to read as “personal and community-wide actions”.

Council President Falconer and Mayor Gamba thanked the SunrisePDX Movement for their regional climate action work.

Councilor Batey and Mayor Gamba commented on the importance of sending copies of the resolution to certain government officials by certified mail.

Mr. Stauffer noted there had been several versions of the resolution including the original, Councilor Hyzy’s revised version, and the final version based on Councilor Batey’s changes. Councilor Hyzy noted the changes made in her version.

It was moved by Councilor Batey and seconded by Councilor Parks to approve the resolution endorsing the declaration of a climate emergency and emergency mobilization effort to restore a safe climate, as amended and read into the record by staff and with two further amendments discussed at the dais. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 7-2020:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE.
B. Home Energy Score (HES) Adoption – Ordinance

Mr. Passarelli explained that Council was asked to adopt the proposed HES program. He commented that the program aligned with the climate emergency resolution and remarked on how the program would encourage energy efficiency. Mayor Gamba noted other cities were using Milwaukie’s CAP as a model and suggested that staff inform those cities that the CAP goal timelines had been accelerated.

Ms. Rogers reviewed changes made to the program, including score card text changes, references to the low-income assistance program, and definition changes. She provided an overview of the outreach work that would be done once the program was adopted. She noted the city would coordinate the program with PGE, the Energy Trust of Oregon (ETO), and the Community Energy Project (CEP). She remarked on the benefits of helping residents improve the energy efficiency of their homes.

Councilor Batey noted she had submitted questions to staff before the meeting and remarked on the use of terms that referred to dwelling units in the Milwaukie Municipal Code (MMC). She expressed concern about how the proposed code language referred to the required documentation needed to show work was done to improve a home’s energy efficiency. She and Council President Falconer discussed how to refer to situations when a homeowner has lost the receipts for energy efficiency improvements. Mr. Passarelli suggested that after the program was adopted staff would develop a program guide and ask Council to review the language used. The group discussed using “not recorded” and “not documented” in referring to lost receipts and it was the group consensus to use either phrase.

Councilor Batey did not want the code language referring to the low-income assistance program to be too rigid. She wanted it to direct people to the right place to get help. Ms. Rogers remarked on where low-income assistance program information would be made available. Councilor Parks thanked staff for improving the assistance program and working to ensure funding would be available to help homeowners.

Jay Ward, ETO Community Relations Manager, read a written statement that reviewed ETO’s work with the Oregon Public Utilities Commission, PGE, and the city. He noted the energy efficiencies implemented in the new Ledding Library building. Ms. Ober mentioned that the library project had received financial contributions from ETO.

Jackie Zusi-Russell, CEP, commented on her experience working with homeowners and real estate agents to meet the requirements of the City of Portland’s HES program. She expressed support for Milwaukie’s HES program. Council President Falconer and Ms. Zusi-Russell remarked on whether wall insulation was part of a HES inspection.

Mayor Gamba commented that he had taken advantage of ETO’s program for his older Milwaukie home and it had improved the home’s energy efficiency.

It was moved by Councilor Batey and seconded by Councilor Hyzy to approve the Ordinance amending the municipal code by adding a new Chapter 16.40 adopting residential energy performance rating and disclosure requirements as amended and read into the record by staff with the additional change made from dais. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Ms. Ober read the ordinance two times by title only.
Mr. Stauffer polled the Council with Councilors Parks, Hyzy, Falconer, and Batey, and Mayor Gamba voting “aye.” [5:0]

Ordinance 2187:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 16.40 ADOPTING RESIDENTIAL ENERGY PERFORMANCE RATING AND DISCLOSURE REQUIREMENTS.

The group noted that Milwaukie was the second city in Oregon to adopt a HES program.

C. Natural Hazard Mitigation Plan (NHMP) Adoption – Resolution

Chief Strait explained that Council was asked to adopt the city’s updated addendum to the county NHMP. He explained that the plan supported regional responses to natural hazards. He provided an overview of the city’s addendum, the process to review the plan, the proposed revisions, and how the plan would be maintained going forward.

Mayor Gamba noted the city’s long-standing concerns about the outdated Federal Emergency Management Administration (FEMA) flood maps and asked if the NHMP process would help get updated maps. Chief Strait and Mr. Hoffeditz noted city staff’s work to update floodplain maps and said they would check on the FEMA maps.

Chief Strait reported that the county’s NHMP project manager had accepted a text change regarding community involvement that had been proposed by Councilor Batey. He reviewed the revised language change.

Councilor Hyzy was pleased to see the NHMP reference the city’s CAP and Chief Strait remarked on the importance of integrating high level policy documents.

Councilor Batey noted the lack of movement on the 2013 NHMP action items. Chief Strait suggested the revised action items would set the city up for better success.

Councilors Hyzy and Batey commented on the importance of building inter-agency relationships and cross-referencing policy documents to prepare for disasters.

It was noted that the plan adoption date would be updated to 2020.

Council President Falconer remarked that the demographic information in the plan needed to be updated. Ms. Ober suggested the motion adopting the resolution could reference the need to use the latest United States Census Bureau data. The group remarked on the most recent census data and the shift in income levels in Milwaukie.

It was moved by Council President Falconer and seconded by Councilor Hyzy to approve the resolution adopting updates to the city’s addendum to the Clackamas County Multi-Jurisdictional Natural Hazards Mitigation Plan as amended and read into the record by staff and amended by staff to reflect the current census data and correct scriveners errors. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting “aye.” [5:0]

Resolution 8-2020:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING UPDATES TO THE CITY’S ADDENDUM TO THE CLACKAMAS COUNTY MULTI-JURISDICTIONAL NATURAL HAZARDS MITIGATION PLAN.
D. Design and Landmark Committee (DLC) – Annual Update

It was noted that all DLC members were present. Mr. Kelver provided an overview of the DLC’s work over the last year and suggested the committee would finish its review of the downtown design standards in the coming year.

Mayor Gamba remarked on the importance of the DLC referencing the Milwaukie community vision and CAP in its various projects. Mr. Kelver did not think the vision or CAP had played a major role in the DLC’s work to-date but would as the committee shifted to Comprehensive Plan related policy work. He commented on the impact of green building goals on downtown design standards. Ms. Schuster, DLC Chair, commented on how the downtown design standards had taken into consideration energy efficiency and related land use review processes.

Mr. Laurila remarked that he would like Council and the Planning Commission to use the DLC more on projects like the Ledding Library, the Pond House, and affordable housing projects. He commented on the possibility of the DLC helping apply energy efficiency requirements on the redevelopment of the Pond House. The group remarked on how the DLC had weighed-in on the city’s work to replace windows at City Hall. Mayor Gamba and Ms. Schuster commented on ways the city was working to push changes to the state energy code.

Mr. Kelver summarized the DLC’s workplan for the year and asked if Council had any additional items for the committee to work on. Mayor Gamba suggested the DLC could consider ways to make affordable and missing middle housing types less expensive.

Mr. Kelver noted that in the next year the DLC wanted to work more on historic preservation policy and code. Councilor Batey expressed support for the DLC working on historic preservation and noted the upcoming code work related to the Comprehensive Plan review. Ms. Neustadter noted that historic preservation work required a big investment and wondered if the DLC would have the necessary resources to do such work. The group commented on how staff resources could be dedicated to updating the city’s historic resources inventory over several years.

E. Council Input on Legislative and Regional Issues – Discussion

Ms. Brooks provided an update on the status of state legislation the city was tracking. The group noted the status of bills addressing the City of Happy Valley’s legal dispute with the North Clackamas Parks and Recreation District (NCPRD), a carbon cap-and-trade program, broadband grants, gun control, prevailing wages, and enterprise zones.

Councilor Batey asked for an update on the North Clackamas Watersheds Council’s work to remove the Kellogg Creek dam. Ms. Brooks reported on recent meetings on the project with state and regional partners. She noted the possibility of making the Kellogg Dam removal an Oregon Solutions project to better position it for funding opportunities. Mayor Gamba and Ms. Brooks remarked on the feasibility of again seeking Oregon Department of Transportation culvert program funding and the likelihood of waiting for future legislative sessions to get funding.

Councilor Batey reported that there had been some pushback from environmental groups about projects included in Metro’s planned Transportation 2020 bond measure. She wondered if the city should push to include the Kellogg Dam project in the bond measure. Ms. Brooks commented that it was unlikely that the dam could be included in the bond measure. The group noted the status of the bond measure.
Ms. Brooks announced that the neighborhood district association leadership meeting had been rescheduled to February 3.

7. INFORMATION

Mayor Gamba announced upcoming events, including a Ledding Cultural Forum event, a Spring Park and Elk Rock Island enhancement project day, the grand opening of the Kronberg Park Multi-use Pathway, a community conversation on affordable housing, a meet the author event, and the annual state of the city address. Councilor Batey remarked that the park enhancement project would be finished in time for participants to attend the pathway grand opening. Councilor Hyzy noted that the Clackamas Community College state of the college address was scheduled to occur at the Harmony Road Campus.

8. ADJOURNMENT

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

Mayor Gamba moved to adjourn the regular session at 8:30 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder