



## COUNCIL REGULAR SESSION

City Hall Council Chambers, 10722 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

2350<sup>th</sup> Meeting

## MINUTES

JANUARY 18, 2022

**Council Present:** Councilors Lisa Batey, Angel Falconer, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

<p><b>Staff Present:</b> Joseph Briglio, Community Development Director Kelly Brooks, Assistant City Manager Justin Gericke, City Attorney Brandon Gill, Information Technology (IT) Manager Vera Kalias, Senior Planner Ann Ober, City Manager</p>	<p>Peter Passarelli, Public Works Director Natalie Rogers, Climate and Natural Resources Manager Scott Stauffer, City Recorder Courtney Wilson, Urban Forester</p>
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**Mayor Gamba** called the meeting to order at 6:03 p.m.

### 1. CALL TO ORDER

**A. Pledge of Allegiance.**

**B. Native Lands Acknowledgment.**

### 2. ANNOUNCEMENTS

**Mayor Gamba** announced opportunities for the public to comment on the Milwaukie Redevelopment Commission's (MRC's) five-year urban renewal plan and nominate individuals for the annual volunteer of the year award and noted community events commemorating the 80<sup>th</sup> anniversary of the incarceration of Japanese Americans during World War II and a clean-up event at Spring Park and Elk Rock Island. **Councilor Batey** announced a watersheds workshop series sponsored by the North Clackamas Watershed Council (NCWC).

**Mayor Gamba** asked staff to provide a Zoom user overview during the community comment part of the agenda.

**Ober** reported that the Confederated Tribes of the Grand Ronde would be presenting a proposal for a First Fish Herons artwork at Milwaukie Bay Park during the January 19 Arts Committee meeting.

### 3. PROCLAMATIONS AND AWARDS

**A. Outstanding Milwaukie High School (MHS) Student – Award**

**Carmen Gelman**, MHS Principal, introduced outstanding student Jacob Cooper and Council congratulated them on their academic and extra-curricular activities.

**B. MHS Update – Report**

**Gelman** provided an update on school operations during the ongoing surge in COVID-19 cases, noting that drama performances had been delayed to later in the spring.

### 4. SPECIAL REPORTS

**A. None Scheduled.**

## **5. COMMUNITY COMMENTS**

The group reviewed how the public can participate in the Zoom meeting by video or phone. **Mayor Gamba** reviewed the public comment procedures. **Ober** reported that Mayor Gamba was in the process of responding to the January 4 community comments from the Island Station Neighborhood District Association (NDA) about the dissolution of the Kellogg Good Neighbor Committee (KGNC).

## **6. CONSENT AGENDA**

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

### **A. City Council Meeting Minutes:**

1. December 7, 2021, regular session,
2. December 14, 2021, study session,
3. December 21, 2021, work session, and
4. December 21, 2021, regular session.

### **B. A motion approving the 2022 Council committee assignments.**

**C. Resolution 6-2022:** A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing execution of separate contracts with Bridgetech LLC, Ednetics, and Timmons Group for technology support services.

**D. Resolution 7-2022:** A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing execution of a contract with Online Solutions LLC for software as a service to support permitting, licensing, land use, and code enforcement.

**E. Resolution 8-2022:** A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, approving the award of a contract for construction of the Safe Access for Everyone (SAFE) / Street Surface Maintenance Program (SSMP) Fiscal Year (FY) 2021 Improvements Project (CIP-2020-A12) to Kerr Contractors Oregon LLC.

**F. Resolution 9-2022:** A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a grant agreement with the Oregon Department of Administrative Services for community engagement, design, and development services for Balfour, Bowman-Brae, and Scott parks.

**G. Resolution 10-2022:** A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, approving the award of a contract for on-call public information and engagement services.

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

## **7. BUSINESS ITEMS**

### **A. Rent Relief Services Funding – Resolution** (removed from the agenda)

**Ober** explained that the topic had been removed as Council had previously directed staff to work with community partners to fund rent relief programs.

### **B. Natural Gas Ban – Resolution**

**Mayor Gamba** explained that the resolution was meant to start a conversation about how to address the threat to humanity and the environment posed by methane gas use.

**Mayor Gamba** noted other cities had banned or limited the use of natural gas and clarified that Council would not vote on the resolution at the current meeting but would take comment and continue the conversation at a future meeting.

**Mayor Gamba** expressed support for a natural gas ban, citing the increase in natural disasters that had resulted from climate change.

**Council President Hyzy** clarified that the resolution was meant to ban natural gas in new construction, not in existing structures, and expressed support for Council further considering the resolution along with its other Climate Action Plan (CAP) work.

**Mayor Gamba** read the proposed resolution into the record:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DIRECTING THE CITY MANAGER TO BEGIN THE PROCESS TO REACH OUR GOAL OF BEING NET ZERO BUILDING ENERGY BY 2035.

WHEREAS climate change is an existential crisis, posing one of the most serious threats to the existence of humanity and all species on the planet; a threat that intersects and compounds all other crises facing humanity and our earth; and

WHEREAS the 11th United Nations Intergovernmental Panel on Climate Change (“IPCC”) report from October 2018 states that we must cut greenhouse gas emissions in half by 2030 to limit devastating global warming and avoid a climate catastrophe; and

WHEREAS the United States and other leading economies recently agreed to the Global Methane Pledge to reduce Methane emissions 30 percent by 2030; and

WHEREAS the Milwaukie City Council has prioritized Climate Action as one of its two goals; and

WHEREAS the Milwaukie Climate Action Plan (CAP) requires the city to achieve Net Zero Building Energy by 2035; and

WHEREAS action regarding natural gas will be the biggest piece of that goal; and

WHEREAS other cities in the Pacific Northwest are beginning to tackle this issue and there is strength in numbers; and

WHEREAS thirteen years is a short timeline given all the work and investment required to meet this goal.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the city attorney is directed to coordinate with other cities engaged in this effort and then schedule work sessions to discuss a path forward to make changes to the city code that would require all newly constructed residential, commercial, and industrial buildings to be electric only by February 5, 2024.

And be it Further Resolved that the Milwaukie City Council will amend its CAP to provide a roadmap for how the city can achieve decarbonization of existing residential, commercial, and industrial buildings by 2035 with consideration for how low income and historically marginalized households will be impacted, including strategies for existing rental housing stock.

And be it Further Resolved that the City Council directs the city manager to ensure that all newly constructed city-owned buildings and major renovations of existing city buildings that receive \$50,000 or more of city funding are all electric becoming effective July 2022.

**Councilors Batey and Falconer** agreed a natural gas ban was a complicated issue that had generated a lot of public comment and would require more Council discussion.

**Kathryn Williams**, NW Natural Gas Vice President for Public Affairs and Sustainability, provided an overview of NW Natural's work to meet its 2050 carbon neutral goals and suggested the public supported the continued use of natural gas. **Mayor Gamba** and **Williams** remarked on whether NW Natural would support proposed building standards legislation being considered by the state legislature.

**Paul Lisac**, owner of Lisac's Fireplace and Stoves shop, asked Council to remember the experience of living through the 2021 winter ice storm when many community members relied on natural gas lines to stay warm when the power was out.

**Elijah Cetas** and **Sofie Jokela**, Milwaukie residents, expressed support for the proposed natural gas ban, citing the environmental benefits of not using natural gas.

**Nick Caleb**, an attorney with the Breach Collective, remarked on the negative health effects of using natural gas.

**Meredith Connolly**, Oregon Director of Climate Solutions, expressed support for the proposed resolution banning the use of natural gas and remarked on the regional effort to encourage cities to ban natural gas and take other climate action steps.

**Ann Turner**, a physician, expressed support for the proposed natural gas ban to decarbonize and address socio-economic, environmental, health, and justice issues.

**Melanie Plaut**, a retired physician, suggested the claims of the natural gas industry regarding the safety and benefits of using natural gas were incorrect, and encouraged Council to adopt the proposed natural gas ban resolution.

**Brad Reed**, Milwaukie resident, expressed support for banning the use of natural gas.

**Jonny Kocher**, an Associate with the Rocky Mountain Institute (RMI), referenced reports on the benefits of not using natural gas and encouraged Council to adopt the proposed natural gas ban.

**Dylan Plummer**, Campaign Representative with the Sierra Club, expressed support for the natural gas ban and cited health and safety issues related to using natural gas.

**Brian Stewart**, founder of Electrify Now, expressed support for the proposed natural gas ban and promoting the use of electricity instead of fossil fuels.

**Anthony Allen**, Milwaukie resident, asked if existing buildings would be required to change energy systems. **Mayor Gamba** explained that the resolution called for city buildings to be net zero energy use and the resolution did not mandate any conversion of existing natural gas systems to electric systems.

**Micah Meskel**, unincorporated Clackamas County resident, supported the natural gas ban and suggested natural gas cost increases were hard for low-income residents.

**Anne Pernicke**, with the Safe Cities Team at Stand.Earth, explained their work to promote building electrification and encouraged Council to adopt the natural gas ban.

**David Heslam**, Executive Director of Green Advantage, explained their work of promoting energy efficient buildings and supported the proposed natural gas ban.

**Jodi Parker**, Laborers Insertional Union of North America Local 737 representative, commented on the union's interest in renewable energy and encouraged the community to work together for a solution.

**Mayor Gamba** thanked the speakers and Council for starting the conversation and suggested Council would have further discussions on the topic in the future.

**Mayor Gamba** recessed the meeting at 7:41 p.m. and reconvened at 7:53 p.m.

## **8. PUBLIC HEARING**

### **A. Comprehensive Plan Implementation, Tree Code Amendments – Ordinance**

**Mayor Gamba** announced that due to the time Council would not take public comment at the current hearing but would take comments at the February 1 hearing.

**Councilor Batey** encouraged Council to start the hearing at the current meeting but not finish it and adopt the ordinance until Council held in-person meetings.

**Council President Hyzy** and **Mayor Gamba** encouraged the public to email comments to [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov). **Gericke** noted that staff would provide additional information on the proposed tree code fee structure at the February 1 hearing.

Call to Order: **Mayor Gamba** called the public hearing on the proposed amendments to the code, file #ZA-2021-002, to order at 7:58 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to take public comment on the proposed tree code amendments.

Conflict of Interest: The group discussed whether Council could have conflicts of interest to declare for legislative actions such as the tree code. **Gericke** and **Councilor Falconer** explained that the script called for such statements so that Council members could declare any bias and recuse themselves from participating in the hearing.

**Ober** noted that Councilor Nicodemus had left the meeting during the recess and would not be returning.

Staff Presentation: **Kolias** provided an overview of how the tree code had been developed as part of the Comprehensive Plan update project, noting Council and Planning Commission discussions and hearings on the code. **Kolias** noted that separate housing and parking code packages, also from the Comprehensive Plan project would be presented to Council in hearings over the next several meetings. **Kolias** and **Councilor Batey** remarked on the public outreach effort for the code packages and the many comments that had been received.

**Rogers** introduced the residential tree code proposal, explaining how the code had been developed, where the 40% tree canopy goal came from, and why trees are important for cooling the planet.

**Rogers** reviewed the proposed removal processes for trees on residential non-development properties and asked for Council feedback on whether agricultural trees should be exempt from the code. **Council President Hyzy** encouraged staff to look at ways the code could recognize agricultural uses. **Councilor Batey**, **Rogers**, and **Passarelli** commented on the lack of a definition of agricultural trees and how the Tree Board had looked at the idea of an agricultural tree as a commercial operation. **Mayor Gamba** expressed support for leaving the definition of agricultural tree vague.

**Rogers** provided an overview of how the tree code would impact the removal of trees on new residential developments, explaining how tree canopy is measured. **Mayor Gamba** believed the definition of “crown” in the proposed code was confusing and **Rogers** noted staff would review that definition. **Councilor Batey** asked if there was a generally accepted standard for an ideal tree canopy. **Rogers** noted the guidance provided by Oregon State University (OSU) for trees in urban settings.

**Rogers** discussed tree preservation standards for residential developments and the fees developers would pay to mitigate the removal of trees. **Council President Hyzy** and **Rogers** commented on the complexities of developing a fee structure based on tree canopy percentages while also balancing the city's housing goals.

**Rogers** discussed tree canopy standards for new residential developments, explaining how trees would need to be planted to get a property to the minimum canopy coverage percentage. **Councilor Batey** and **Rogers** remarked on using a fixed number of years for maturity when determining canopy instead of the canopy at maturity standard.

**Rogers** reviewed the proposed tree code's protection and soil volume standards, mitigation standards for when a developer did not replace the required canopy percentage, and what actions could trigger the development tree code, and reported that the tree code would include a low-income assistance program.

**Rogers** noted next steps in the hearing process for the tree code and **Ober** asked for Council input on the hearing schedule and when a vote on the tree code would occur. **Gericke** suggested Council continue the hearing before talking about the schedule.

Continue Hearing: **It was moved by Councilor Batey and seconded by Councilor Falconer to continue the hearing on the Comprehensive Plan Code Amendments, file #ZA-2021-002, to a date certain of February 1, 2022. Motion passed with the following vote: Councilors Falconer, Batey, and Hyzy and Mayor Gamba voting "aye." [4:0]**

The group discussed the hearing schedule and when a final vote on the tree code package could occur. **Councilor Falconer** and **Council President Hyzy** supported voting on the tree code after the other packages had been presented, **Councilor Batey** believed the tree code should be voted on before the other packages, **Mayor Gamba** believed the earliest Council should vote on the tree code was February 15. **Ober** summarized that Council would not vote on the tree code on February 1.

**Gericke** suggested staff needed to revisit the hearing schedule and the group discussed when Council should deliberate on the tree code and when the housing and parking code hearings could begin. It was Council consensus to receive a staff report on the tree code fee schedule and reevaluate the hearing schedule on February 1.

## **9. COUNCIL REPORTS**

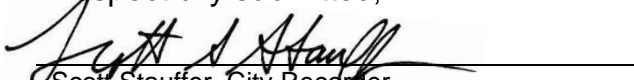
None.

## **10. ADJOURNMENT**

**It was moved by Councilor Falconer and seconded by Councilor Batey to adjourn the Regular Session. Motion passed with the following vote: Councilors Falconer, Batey, and Hyzy and Mayor Gamba voting "aye." [4:0]**

**Mayor Gamba** adjourned the meeting at 9:14 p.m.

Respectfully submitted,

  
Scott Stauffer, City Recorder