



COUNCIL STUDY SESSION

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

MINUTES

August 9, 2022

Council Present: Councilors Adam Khosroabadi, Lisa Batey, Desi Nicodemus, Council President Kathy Hyzy, and Mayor Mark Gamba

Staff Present: Justin Gericke, City Attorney
Galen Hoshovsky, Natural Resources Technician I
Nicole Madigan, Deputy City Recorder
Ann Ober, City Manager

Natalie Rogers, Climate and Natural Resources Manager
Peter Passarelli, Public Works Director
Scott Stauffer, City Recorder
Courtney Wilson, Urban Forester

Mayor Gamba called the meeting to order at 5:19 p.m.

1. Climate Goal Update - Discussion

Rogers and **Passarelli** provided an overview of the topics that would be presented. **Rogers** reviewed the city's updated climate goals and noted the added goal of a 40% increased tree canopy by 2040. **Rogers** presented key points from the greenhouse gas (GHG) inventory conducted by the consulting firm Good Company, that used data from 2020. Building energy emissions were down, which showed the climate work the city had conducted was paying off, but transportation and community consumption emissions were up. **Rogers** reminded the group that 2020 was an unusual year and therefore the data may not be reflective of what has and will occur in 2022/2023.

The group discussed where transportation data is collected, the impact of home deliveries on transportation emissions, and the Linwood Ave Safe Access For Everyone (SAFE) project and it's connection to parents driving their children to school.

Rogers presented the results of the sector-based emissions and the group discussed natural gas collection and the sources for consumption and burning of fossil fuel emissions. The group discussed how local impacts can be made, large power consumers ability to use direct access to source their electricity, what programs Milwaukee has in place, and new programs Portland General Electric (PGE) is working on.

Rogers presented the comparison of emissions from the 2016 and 2020 GHG inventories. It was noted that consumption emissions are hard for the city to address and that is why community-based organizations have taken the lead on educating community members. Staff hopes to make consumption emission education a city led process. **Passarelli** and **Rogers** noted how the city had worked to lead by example on transportation emission reduction noting acquisition of new electric vehicles (EVs) and 100% renewable diesel for use in other fleet vehicles. **Rogers** commented on emissions related to construction and the group discussed EVs and rebates.

Rogers presented a sample of the upcoming 2020 Climate Action Plan (CAP) update. **Rogers**, **Passarelli**, and **Councilor Khosroabadi** discussed the newer home energy score (HES) program. **Rogers** shared how the city's climate action work has been recognized by and inspired other communities. **Rogers** presented upcoming climate collaborative events in 2022 and **Council President Hyzy** commented on the release of an energy an electricity comic book for kids.

Wilson presented with **Rogers** on how the city’s new tree permit program had been utilized so far, they mentioned the types of calls and conversations that were occurring with urban forest department staff, reported that testing was occurring with the new permit system, provided information on how the community could submit permits and ask questions in person, and how staff are working on pre-development applications.

Rogers and **Wilson** presented outreach materials, where they can be found, where diameter-at-breast-height (DBH) measurement tape can be rented and noted that more technical information is available. The group discussed other outreach ideas.

2. Parks Update - Discussion

Ober reminded Council of the discussion during the May 10, 2022, special session where Council directed staff to review options for creating a parks department and what legal path the city had to leave the North Clackamas Parks and Recreation District (NCPRD).

Ober provided an overview of the topics that would be presented and shared about how Milwaukie had experienced an 18% increase in new housing units in 8 years and presented a list of development projects that ranged from the last five years to 2025. **Council President Hyzy** clarified that 400 of the 600 units at the Clackamas County Housing Authority’s Hillside Manor and Park development would be new. **Ober** stated that the increase in housing units shows how the city is being underserved by parks and **Passarelli** added that the numbers do not include new single-family homes.

Ober shared how NCPRD had been formed in 1990, that the city did not annex in like other districts and had been operating under an intergovernmental agreement (IGA) since 1990 with 2020’s city-NCPRD IGA being the fifth iteration. The IGA dictates how the city functions with NCPRD and in 2008 and 2020 language was included that laid out how the city could leave the district by using Oregon Revised Statute (ORS) 222.524. With Council’s direction to investigate the legal departure options, staff had started looking into ORS 222.524 and followed the procedure outlined in the IGA that states the city and NCPRD would need to meet through mediation if the two were in conflict. City staff sent a letter to NCPRD to confirm if using ORS 222.524 would lead to conflict and NCPRD said the city would need to use ORS 198 to leave. ORS 198 places the decision to leave the district in the hands of the Clackamas Board of County Commissioners, which serves as the NCPRD Board, instead of the City Council. **Ober** reported that the city and NCPRD had met in mediation and could not come to agreement.

Mayor Gamba, Ober, and **Councilor Khosroabadi** discussed why NCPRD may have wanted to make changes to the IGA and that one of the reasons why NCPRD is concerned with the city using ORS 222.524 is that the district fears other entities will try to leave using that ORS, but it was noted that the city is the only agency that has not annexed in and has this stipulation.

Ober and **Gericke** explained the validation process. **Gericke** and **Councilor Batey** discussed the validation timeline.

Ober presented a third option for leaving the district – the possible reformation of NCPRD in May 2023. **Ober** stated that should Council decide to continue down the current path a decision would also need to be made on how the parks department would be funded.

Gericke informed Council that while the validation process was underway, NCPRD had responded to the petition but had also requested another session of mediation to discuss a letter the city submitted of how the city and NCPRD could work together if the city

departed the district. The second round of mediation should be scheduled for the end of August. **Ober** clarified that the letter is not about how the city would leave, but how it would partner with NCPRD if Milwaukie had its own parks department. The goal is to make sure NCPRD can continue providing programming to all county residents and continue to allow Milwaukie's residents access to NCPRD services.

Ober presented an option for funding a Milwaukie parks department with a voter approved levy that could be placed on the November ballot. If the city left the district, the city would collect the same funds currently paid to NCPRD. Voters would not see a change in cost, the only change would be that the funds would go to the city. The proposed levy would be for five-years. **Ober** presented the positives and negative of using a levy.

The group discussed other funding options, different ways to collect park fees, how other cities collect parks fees, the positive and negatives of using levies versus flat fees, and if the city would have to wait the full five years before bringing a request to increase the levy back on the ballot.

Ober stated that the city does most of its own funding for parks development and that leaving NCPRD and/or going out for a levy would not affect park projects already in development. **Ober** shared different ways the city has procured funding for parks development and discussed how funds from urban renewal and the general fund had been allocated for parks in the past.

Ober stated that the city's growth affects the collection of parks system development charges (SDCs). **Council President Hyzy** asked **Ober** to define SDCs and **Ober** explained that SDCs are a one-time fee paid by a developer that contributes to a system that existing residents have been paying into. More development brings in more people which increases the need for more parks. **Ober** explained that usually parks cannot be solely funded by SDCs, but Milwaukie had built and funded parks from different funding sources. **Ober** presented the growth of SDCs since 2011 and noted the major increase in collection of SDC fees in 2022, just under \$1.1 million. If the city had its own parks department it could control where and how those funds were spent. **Ober** noted that conservative projections of SDCs collected over the next couple of years show a significant amount potentially coming in due to ongoing or upcoming development projects in Milwaukie. **Mayor Gamba** commented on the SDC revenue trend.

The group discussed the 2018 resolution approved by Council that supported the elimination of fund zones which would allow NCPRD to use SDCs from Milwaukie outside of the city. They noted that NCPRD had not yet eliminated the fund zones but were moving to do so now, that staff had alerted NCPRD that Council may feel differently now, and how with the city's growth and the social changes brought on by the pandemic that outdoor gathering spaces became more important than ever.

Ober confirmed that Council would like to bring the levy and SDC resolution to the next regular session on August 16. Staff would move forward with the parks department concept provided in the report and will present more details in September.

Gericke advised Council they would receive an email with the packet from the April 2018 meeting when the SDC resolution was approved. **Gericke** stated the NCPRD SDC resolution was approved on consent and paired with a study from NCPRD. **Councilor Batey** did not recall the resolution.

The group discussed **Ober's** report and next steps.

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3. Adjourn

Mayor Gamba adjourned the meeting at 7:41 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Nicole Madigan". The signature is written in a cursive style and is positioned above a horizontal line.

Nicole Madigan, Deputy City Recorder