



COUNCIL REGULAR SESSION

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

2368th Meeting

MINUTES

NOVEMBER 1, 2022

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

Staff Present: Damien Farwell, Fleet & Facilities Supervisor
Justin Gericke, City Attorney
Brett Kelter, Associate Planner
Ann Ober, City Manager

Peter Passarelli, Public Works Director
Natalie Rogers, Climate & Natural
Resources Manager
Scott Stauffer, City Recorder

Mayor Gamba called the meeting to order at 6:01 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Gamba announced upcoming community activities, including the city's leaf drop events, an online watershed workshop, a parks community forum, the special pre-thanksgiving Milwaukie Farmers Market, and a city manager open door session.

Stauffer, Gamba, and Council President Hyzy noted the location of ballot boxes in the city that were open for the November 8 general election and that ballots needed to be postmarked on election day to count if sent by mail.

Councilor Batey announced a habitat clean-up event and **Councilor Nicodemus** noted that Milwaukie residents who were part of the air pollution lawsuit against Precision Castparts would be receiving their settlement checks soon.

Ober reported that the city's public works department had sandbags available for residents who may need them during the upcoming wet weather.

3. PROCLAMATIONS AND AWARDS

A. Veterans Day – Proclamation

Jerry Craig, American Legion Post 180 member, remarked on the services provided by Post 180 and **Stauffer** thanked Post 180 for their work in the community. **Mayor Gamba** proclaimed November 11, 2022, to be Veterans Day in Milwaukie.

4. SPECIAL REPORTS

~~**A. City Manager Updates – Report** (removed from the agenda)~~

5. COMMUNITY COMMENTS

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

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. October 4, 2022, Work Session, and
2. October 4, 2022, Regular Session.

B. ~~A resolution making appointments to the Transportation System Plan Advisory Committee (TSPAC)~~ (removed from the agenda)

C. Resolution 72-2022: A resolution of the City Council of the City of Milwaukie, Oregon, making an appointment to the Ledding Library Board.

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

7. BUSINESS ITEMS

A. Annexation of 5731 SE Laurel Street – Ordinance

Kelver reported that the annexation had been triggered by a sewer system connection.

It was moved by Councilor Khosroabadi and seconded by Council President Hyzy for the first and second readings by title only and adoption of the ordinance annexing a tract of land identified as Tax Lot 1S2E30AD04400 and located at 5731 SE Laurel St into the city limits of the City of Milwaukie (File #A-2022-001). Motion passed with the following vote: Councilors Nicodemus, Hyzy, Khosroabadi, and Batey and Mayor Gamba voting “aye.” [5:0]

Ober read the ordinance two times by title only.

Stauffer polled the Council with Councilors Nicodemus, Hyzy, Khosroabadi, and Batey, and Mayor Gamba voting “aye.” [5:0]

Ordinance 2220:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AD04400 AND LOCATED AT 5731 SE LAUREL ST INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE (FILE #A-2022-001).

B. New Building Energy and Climate – Resolutions, continued

Rogers explained that staff had reviewed the building energy resolutions proposed at the September 6, 2022, regular session and reported that the resolutions would not require natural gas users to change anything. Rogers discussed how the resolutions related to the city’s Climate Action Plan (CAP) programs and goals.

Council President Hyzy, Rogers, and Farwell clarified that the resolution addressing city-owned buildings would impact the new city hall building and remarked on what “service impact” meant in terms of electrifying a city-owned building. Ober noted that the Milwaukie Community Center was city-owned but operated by the North Clackamas Parks and Recreation District (NCPRD) which would impact when it would be electrified. Rogers noted when city-owned facilities may be exempt from being electrified.

Councilor Batey asked about the effective date for city-owned buildings being electrified. Rogers and Passarelli remarked on the staff processes that determine when the city moves forward with electrification projects. Mayor Gamba suggested the resolution would require staff to replace gas equipment with electric equipment as older equipment fails, and Ober agreed that the resolution included that requirement.

Rogers discussed the resolution that would establish a voluntary electrification program for existing buildings, reporting that staff supported the proposed programming. **Rogers** observed that Council would need to provide future input on and identify funding for the programming. **Council President Hyzy** and **Rogers** remarked that the programming could be city-run or offered by other governments, utilities, and community partners.

Rogers reviewed the resolution that would require new buildings be electrified. **Councilor Batey** and **Rogers** noted that a similar proposal under consideration by the City of Eugene, Oregon, focused only on low-rise residential buildings. **Rogers** recommended that Milwaukie wait to see what Eugene adopts before proceeding with the resolution addressing the electrification of new buildings.

It was noted that Council would take community comments on the proposed resolutions.

Dave Adams, Milwaukie resident, asked if staff had investigated the weatherization needs of city-owned buildings and whether those buildings would need to be brought up to code. **Ober** and **Passarelli** replied that staff had investigated those issues and would do so in more depth if the resolution addressing city-owned buildings was adopted.

Ashley Haight, Portland resident, remarked on personal experiences dealing with the effects of climate change and encouraged Council to adopt the resolutions.

Ali Lee, Climate Solutions, encouraged Council to adopt the resolutions and commented on the negative health impacts of using natural gas.

Laura Edmonds, North Clackamas Chamber of Commerce, suggested the business community's voice had not been heard on the use of natural gas, expressed concern about the unknown impacts of banning natural gas, and urged Council to refer the issue to voters and include business groups in the community conversation.

Alma Pinto, Community Energy Project (CEP), noted CEP's work to electrify homes and encouraged Council to adopt the resolutions.

Ann Pernick, Safe Cities at Stand.Earth, noted the pro-electrification work done by other local governments and encouraged Council to adopt the resolutions.

Xanthia Wolland, Oregon Environmental Council, remarked on the impact of buildings on climate change and encouraged Council to adopt the resolutions.

Greer Ryan, Climate Solutions, encouraged Council to adopt the resolutions and commented on the negative health impacts of natural gas.

Councilor Khosroabadi asked about the impact of a natural gas ban on businesses. **Rogers** commented that the resolutions would not require existing gas users to stop using gas and encouraged businesses to participate in an online survey. **Mayor Gamba** explained that the resolution would not stop current gas users from getting new pipes, it would prevent new gas lines to new buildings.

Councilor Nicodemus, **Rogers**, and **Passarelli** remarked on existing incentive programs that encourage building owners to switch to electric energy and whether a ban on new gas lines would be limited to residential or commercial buildings.

The group discussed the resolution addressing the electrification of city-owned buildings, noting that revisions to the resolution were needed. **Mayor Gamba** and **Councilor Batey** concurred with the staff recommendations regarding city-owned buildings. Staff clarified what situations would trigger a city facility being electrified, confirmed that all city facilities participated in energy savings programs, and explained how the cost estimates for electrifying city buildings had been determined to-date.

Rogers and **Passarelli** asked for Council feedback on whether city-owned buildings should be electrified when it was part of a donation process. **Council President Hyzy** and **Mayor Gamba** believed it would be hard to draft a policy for all donated properties and suggested the city should consider donations on a case-by-case basis.

The group discussed the resolution establishing a voluntary electrification program for existing buildings. **Councilors Batey, Khosroabadi, and Nicodemus** and **Council President Hyzy** supported electrification but believed the resolution addressing the electrification of existing buildings had created confusion and more community engagement was needed. **Mayor Gamba** observed that a campaign had been undertaken to cause confusion and noted that the resolution only underscored the city CAP requirement that buildings in the city be net-zero by 2035. The group remarked on what community outreach about electrification could look like in the next year and discussed the impact of banning natural gas as new housing units were built.

Council President Hyzy and **Gericke** noted that the city's right-of-way (ROW) franchise agreement with NW Natural Gas would expire in February 2024. The group remarked on how banning new gas lines could impact new building construction.

The group remarked on the inclusion of businesses in conversations about natural gas use and whether the resolution addressing the use of natural gas in existing buildings should just focus on residential buildings.

The group discussed the resolution addressing the use of natural gas in new buildings. **Council President Hyzy** expressed concern about the legal and fiscal impacts of the city banning natural gas and suggested Milwaukie should wait to see what Eugene does. The group remarked on the legal processes that NW Natural Gas could take to counter any action taken by Council to stop the use of natural gas.

Councilor Khosroabadi remarked that NW Natural's push survey had undermined its relationship with the city. **Khosroabadi** and **Council President Hyzy** observed that NW Natural had tried to raise its rates.

The group noted that the intent of the Council resolutions related to natural gas use were to direct staff to pursue policy goals and did not carry the weight of an ordinance. **Councilor Batey** and **Council President Hyzy** suggested building code and natural gas use issues might be more appropriately addressed by the state legislature. **Mayor Gamba** noted the city had the authority to regulate the use of public ROWs.

Council discussed how to proceed with the resolutions. It was Council consensus that the resolution electrifying city-owned buildings should be brought for adoption.

The group discussed the resolution addressing natural gas use in existing buildings. **Councilors Batey and Khosroabadi** and **Council President Hyzy** suggested further community conversation was necessary on the resolution before Council adopted it. **Mayor Gamba** remarked on the threat of climate change. The group discussed what actions the resolution called for and the impact of those actions on staff workload. They discussed community engagement steps needed and the timing of promoting the electrification of buildings and banning new natural gas lines.

The group summarized that Council supported considering the resolutions addressing the electrification of city-owned buildings and a revised version of the resolution addressing natural gas use in new buildings at the December 6 regular session.

Mayor Gamba and **Rogers** noted that part of the resolution addressing the use of natural gas in existing buildings would be discussed at the November 15 regular session. Council briefly discussed whether the resolution should only address the use of natural gas in existing residential buildings. It was Council consensus to structure a resolution addressing existing buildings' use of natural gas based on what actions were taken by the City of Eugene.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS

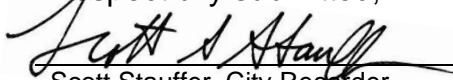
None.

10. ADJOURNMENT

It was moved by Councilor Nicodemus and seconded by Councilor Batey to adjourn the Regular Session. Motion passed with the following vote: Councilors Nicodemus, Hyzy, Khosroabadi, and Batey and Mayor Gamba voting "aye." [5:0]

Mayor Gamba adjourned the meeting at 9:19 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder

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