



COUNCIL REGULAR SESSION

City Hall Council Chambers, 10501 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

2394th Meeting

MINUTES

JANUARY 2, 2024

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
Justin Gericke, City Attorney
Ann Ober, City Manager
Peter Passarelli, Public Works Director

Natalie Rogers, Climate & Natural Resources Manager
Emma Sagor, Assistant City Manager
Scott Stauffer, City Recorder

Mayor Batey called the meeting to order at 5:59 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities, including the city's volunteer of the year award, a Christmas tree habitat recycling program, Martin Luther King Jr. Day facility closures, and a city manager's open-door session.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. Natural Gas Policy and Rates – Report

Bob Jenks, Oregon Citizens Utility Board (CUB), remarked on CUB's work and the challenges of implementing decarbonization policies and encouraged Council to continue to adopt natural gas regulations. **Carra Sahler**, Green Energy Institute at Lewis and Clark College, provided an overview of the authority of cities to regulate energy utilities and carbon emissions through public right-of-way (ROW) and building codes. **Jenks** and **Sahler** noted recent court rulings related to natural gas regulations, how cities are impacted by natural gas use and climate change.

Councilor Stavenjord, **Sahler**, and **Jenks** discussed differences between city and county authority to regulate public health issues and how local governments can lead on issues that county and state governments struggle to address.

Councilor Khosroabadi remarked on how cities could lead on climate change issues and expressed concern about recent utility rate increases. **Jenks** commented on electricity rate increases and how Portland General Electric (PGE) determines its rates. **Sahler** observed that it didn't make sense to require rate payers to pay carbon taxes on natural gas and electricity utilities. **Khosroabadi**, **Jenks**, and **Sahler** noted programs that assisted low-income households to pay utility bills.

Councilor Massey and **Sahler** noted what cities in Oregon are working on adopting a decarbonization ordinance and what risks might come with being the first city to adopt a new regulation policy.

Council President Nicodemus expressed concern about rate increases for low-income households. **Sahler** suggested it would help for Council to let PGE know about its concerns about the rate increases and noted low-income utility assistance programs the Oregon Department of Energy (ODOE) was working to implement. **Mayor Batey**, **Sahler**, and **Jenks** noted when ODOE’s assistance programs might be implemented.

Mayor Batey and **Jenks** noted that the Oregon Public Utility Commission (PUC) had acted in the last year to reduce the subsidies for utility companies. They noted what arguments NW Natural Gas had made in response to the PUC’s actions. **Sahler** suggested Council work through the CUB and Green Energy Institute to express its positions on natural gas regulation policies.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the public comment procedures and **Ober** reported that there was no follow-up report from the December 19 community comments.

Greer Ryan, Milwaukie resident, **Ann Pernicke**, Portland resident, **Dylan Plummer**, Sierra Club, and **Danny Noonan**, Breach Collective, noted safety concerns related to the use of natural gas and encouraged Council to continue to adopt electrification policies.

6. CONSENT AGENDA

It was moved by **Councilor Khosroabadi** and seconded by **Council President Nicodemus** to approve the Consent Agenda as presented.

- A. City Council Meeting Minutes:**
 - 1. December 5, 2023, work session, and
 - 2. December 5, 2023, regular session.
- B. Resolution 1-2024: A resolution of the City Council of the City of Milwaukie, Oregon, establishing the 2024 City Council meeting schedule.**
- C. Resolution 2-2024: A resolution of the City Council of the City of Milwaukie, Oregon, designating the 2024 papers of record.**
- D. Resolution 3-2024: A resolution of the City Council of the City of Milwaukie, Oregon, authorizing a public improvement contract with T Bailey Inc. to provide construction services for the Stanley Reservoir Improvement Project.**

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

7. BUSINESS ITEMS

A. Lewelling Safe Routes to Schools (SRTS) Grant – Update

Garbely introduced **Nick d’Alonzo** and **Stephan Lashbrook**, Milwaukie residents.

d’Alonzo provided an update on the Lewelling neighborhood’s work to prepare a SRTS grant for the city, noting the possibility of receiving more funding from the state than had previously been applied for and application guidelines that should favor the city’s application, and asked Council to sign a letter in support of the application.

The group reviewed the grant application and review process timeline, noting the role of the neighborhood in supporting city staff in applying for and implementing the SRTS projects. They also noted what projects additional funding could pay for if received.

There was a consensus among Council to sign the SRTS grant application letter.

Mayor Batey announced that Council would proceed to agenda item 8. A.

8. PUBLIC HEARING

A. Repeal of the Downtown and Riverfront Public Area Requirements (DRPAR) – Ordinance

Call to Order: **Mayor Batey** called the public hearing on the proposed repeal of the DRPAR, to order at 7:24 p.m.

Purpose: **Mayor Batey** announced that the purpose of the hearing was to hear the staff report and take public comment on the proposed repeal of the DRPAR.

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

Staff Presentation: **Garbely** explained that because the policy intentions of the DRPAR had been adopted elsewhere in city policies and regulations, the DRPAR was obsolete and should be repealed.

Correspondence: No correspondence on the hearing topic had been received.

Audience Testimony: No audience member wished to address Council.

Council Questions to Staff: Council had no questions for staff.

Close Public Comment: **It was moved by Council President Nicodemus and seconded by Councilor Massey to close the public testimony part of the DRPAR repeal hearing. Motion passed with the following vote: Councilors Stavenjord, Khosroabadi, Massey, Nicodemus, and Mayor Batey voting “aye.” [5:0]**

Mayor Batey closed the public comment part of the hearing at 7:26 p.m.

Council Decision: **It was moved by Council President Nicodemus and seconded by Councilor Massey for the first and second readings by title only and adoption of the ordinance, repealing the Downtown and Riverfront Public Area Requirements. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]**

Ober read the ordinance two times by title only.

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

Ordinance 2238:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, REPEALING THE DOWNTOWN AND RIVERFRONT PUBLIC AREA REQUIREMENTS.

7. BUSINESS ITEMS (continued)

B. Community Survey Briefing – Report

Sagor introduced Miranda Everitt, FM3 Research, and provided an overview of the city's periodic community survey.

Everitt explained the methodology used to conduct the survey and reported on the surveys’ results. The survey found that the city enjoyed a high approval rating from residents and that crime/safety, homelessness, affordable housing, and roads were top concerns. The group reviewed responses to survey questions that covered utility costs, services, parks, events, neighborhoods, the library, and city communications.

Councilor Stavenjard, Everitt, and Sagor noted why the question about accessibility to downtown had been removed from this year’s survey and remarked on the survey findings about the cost of housing for lower-income residents, noting which income and ethnicity demographics found Milwaukie more affordable.

Councilor Khosroabadi remarked on what the survey reported in terms of housing affordability for low-income and Black, Indigenous, and People of Color (BIPOC). **Khosroabadi** and **Everitt** commented on why fewer community members were engaging with the city as reported in the survey.

Councilor Massey and Everitt discussed how the city could gauge residents’ intensity of interest for the top issues of concern that had been reported. **Massey, Everitt, and Sagor** noted the impact and possible benefits of changing survey questions over time and how Milwaukie’s survey responses compared to other cities.

Mayor Batey and Everitt remarked on why crime/safety had increased as a concern of residents, noting the impact of regional issues on resident perspectives. They commented on how the survey results filtered out respondents who report a lack of knowledge about any given topic, what the results said about resident perspectives on downtown parking, and the difference in responses from east Milwaukie and west Milwaukie residents regarding the library question.

Councilor Khosroabadi agreed that the increase in crime/safety as a top issue was concerning. **Khosroabadi** and **Everitt** remarked on what the survey showed in terms of resident concerns about the cost of living in Milwaukie. **Sagor** and **Everitt** noted what different demographic groups thought about housing costs.

Mayor Batey observed that the survey results showing resident support for a parks levy was encouraging.

9. COUNCIL REPORTS

A. Legislative and Regional Issues – Discussion

Stauffer noted that the 2024 state legislative session would be short and asked for Council feedback on which bills and issues to track during the session.

Mayor Batey noted there would be fewer issues to track given the short session and noted the League of Oregon Cities (LOC) interest in supporting changes to Measure 110. **Batey** also noted possible legislation in follow-up to housing bills considered in the 2023 session and **Briglio** noted that a 2023 bill allowing commercial zoned properties to be used for residential housing had gone into effect. **Batey, Briglio, and Ober** noted there was interest in using commercial properties in Milwaukie for residential uses.

Council Reports

Mayor Batey commented on the decision of the North Clackamas Parks and Recreation District (NCPRD) Board to terminate leases at the district-owned Wichita Center in Milwaukie and a charter school in unincorporated Clackamas County. **Batey** believed the district board’s action was contrary to what they had agreed to do when the properties

had been acquired from the North Clackamas School District (NCSD). **Batey** also noted that two leaders of the NCPRD District Advisory Committee (DAC) had resigned.

Resignation of Council President Nicodemus

Council President Nicodemus announced his resignation from Council effective immediately, citing a lack of time to work full time and serve on Council.

Council and staff thanked Council President Nicodemus for serving Milwaukie.

10. ADJOURNMENT

It was moved by Councilor Massey and seconded by Council President Nicodemus to adjourn the regular session. Motion passed with the following vote: Councilors Khosroabadi, Massey, Nicodemus, and Stavenjord and Mayor Batey voting “aye.” [5:0]

Mayor Batey adjourned the meeting at 8:37 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder

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