



COUNCIL REGULAR SESSION

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

2416th Meeting

MINUTES

DECEMBER 17, 2024

Council Present: Councilors Will Anderson, Adam Khosroabadi, Rebecca Stavenjord, and Council President Robert Massey, and Mayor Lisa Batey

Staff Present: Joseph Briglio, Assistant City Manager
Ryan Burdick, Police Chief
Katie Gavares, Climate & Natural Resources Manager
Justin Gericke, City Attorney
Emma Sagor, City Manager
Scott Stauffer, City Recorder
Courtney Wilson, Urban Forester

Mayor Batey called the meeting to order at 6:32 p.m.

1. CALL TO ORDER

A. Pledge of Allegiance.

B. Native Lands Acknowledgment.

2. ANNOUNCEMENTS

Mayor Batey announced upcoming activities including a free drop-in flu shot clinic, the city's annual Winter Solstice and Christmas Ships viewing event, and the annual Bing in the New Year event. **Batey** noted that the city was accepting nominees for the 2024 volunteer of the year award and would be recruiting for Planning Commissioners.

Councilor Stavenjord announced the Longest Night of the Year Vigil in honor of houseless individuals event in Oregon City the same evening as the Winter Solstice.

Mayor Batey read a Council service themed Haiku.

3. PROCLAMATIONS AND AWARDS

A. None Scheduled.

4. SPECIAL REPORTS

A. None Scheduled.

5. COMMUNITY COMMENTS

Mayor Batey reviewed the comment procedures. **Sagor** reported on staff follow-up to December 3 comments regarding an ongoing code enforcement case. No audience member wished to address Council.

6. CONSENT AGENDA

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

A. City Council Meeting Minutes:

- 1. November 12, 2024, study session,**
- ~~**2. November 19, 2024, work session, and**~~ (removed from the agenda)
- ~~**3. November 19, 2024, regular session.**~~ (removed from the agenda)

- B. Resolution 64-2024: A resolution of the City Council of the City of Milwaukie, Oregon, certifying the results of the November 5, 2024, election.**
- C. Resolution 65-2024: A resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing the city manager to enter into an intergovernmental agreement (IGA) with the North Clackamas School District (NCSD) for school resource officer (SRO) services.**

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

7. BUSINESS ITEMS

C. Downtown Open Container Policy – Discussion (added, moved up the agenda)

Mayor Batey explained when public comment would be taken during this agenda item and clarified that the proposal was to allow individuals to walk around with open containers of alcohol in downtown Milwaukie.

Burdick provided an overview of the proposed open container policy, noting public safety, health, and legal concerns and the benefits of encouraging a vibrant downtown environment. How event permits for open container activities in Milwaukie had been processed to date were reviewed and it was noted that the only city in Oregon with an open container policy was Hood River.

Councilor Anderson and **Burdick** remarked on the lack of data regarding open container policies given there were few cities with an open container policy. **Sagor** suggested this was the beginning of a conversation and that there was a belief that such a policy could increase pressures on public safety resources.

Council President Massey remarked on the importance of knowing the policy details when preparing to implement it and was skeptical about adopting a wide-open policy.

Councilor Khosroabadi asked if an open container policy would lead to more impaired driving. **Burdick** remarked that there would likely be an increase in the number of driving under the influence (DUI) incidents with such a policy and explained how the Milwaukie Police Department (MPD) generally handles intoxicated individuals.

Councilor Stavenjord, Burdick, and **Sagor** noted that the proposal was to identify a specific area where individuals could carry around open alcoholic beverages in the public right-of-way (ROW). They remarked on how Hood River’s policy functioned.

Councilor Stavenjord and **Burdick** commented on how such a policy could be implemented for a trial period and then revisited by Council. **Mayor Batey, Burdick,** and **Sagor** discussed whether the Oregon Liquor and Cannabis Commission (OLCC) would allow such policies and noted the need for special event insurance and that insurance requirements would impact the implementation of an open container policy.

Sagor asked community members to speak about their vision of the proposed policy.

Mayor Batey reviewed the comment procedures.

Mike Lesch, Beer Store Milwaukie owner, remarked on the benefits of allowing the open drinking and carrying of store-bought alcoholic beverages to support downtown events such as First Friday.

Karen Baranick, Downtown Association of Milwaukie (DAM) representative and Milwaukie Sport and Spine owner, supported implementing an open container policy.

Tyler King, unincorporated Clackamas County resident, supported implementing an open container policy by allowing the policy for specific times and events at first.

Shalena Havens, Havens Acupuncture owner, supported implementing an open container policy to encourage a vibrant downtown area.

Councilor Stavenjord and **Burdick** noted that it was possible to get a DUI for drinking while riding a bicycle and the group discussed how MPD enforces public intoxication laws during such events as the citywide Porchfest concert.

Council President Massey appreciated that the community proposal focused on events and encouraged the city to take baby steps if the policy is implemented.

Councilor Anderson supported an open container policy and revisiting the special events permit policy to allow for open container and consider removing the financial impact of open container citations. **Anderson** suggested the concerns about the policy was more about society at-large's attitude toward drinking and **Mayor Batey** noted public health aspects of drinking on a daily basis.

Councilor Khosroabadi remarked on the public safety and health aspects of drinking in public and asked if the benefits of allowing increased public drinking were worth it given the health effects.

Councilor Stavenjord appreciated the discussion, remarked on the benefits and concerns about allowing increased alcohol consumption in public, and suggested the conversation continue with public health and economic experts invited to participate. **Mayor Batey** and **Councilor Stavenjord** noted that Stavenjord supported exploring the policy on an event-basis.

Mayor Batey summarized there was Council support for exploring an event-based approach to an open container policy. **Councilor Anderson** and **Batey** noted that staff had heard Anderson's request to look at removing the financial penalty of open container citations.

Mayor Batey expressed support for exploring an event-based approach to such a policy and remarked on the challenges of drawing a line around an open container area and suggested insurance requirements could stop the implementation of such a policy.

Sagor thanked the community for coming to the meeting and confirmed staff had enough Council input to further develop policy implementation options, including MPD's enforcement of open container laws. **Councilor Anderson** expressed discomfort with having a financial penalty if MPD was not actively enforcing the open container citation. **Mayor Batey** supported MPD's work to avoid issuing an open container citation.

Rod Smith, Milwaukie resident, remarked on the open container policy in the City of New Orleans, Louisiana, whether an open alcoholic beverage container policy would lead to an open marijuana use policy, and suggested such a policy would require additional law enforcement services.

Mayor Batey suggested staff would bring the issue back to Council in earl 2025.

A. Tree Code Amendments Adoption – Ordinance

Sagor reported that comments about the tree code changes had been received, and staff would like additional time to review those before Council adopts the code changes.

Stauffer noted that the agenda item was a business item and not a public hearing.

Wilson reviewed the proposed tree code amendments, noting that the changes would provide organizational clarity and enhance enforcement capabilities.

Gavares noted the code amendments had been presented to Council at a previous meeting. **Mayor Batey, Sagor, and Gericke** explained that comments from Mayor Batey had been received just before the present meeting and staff needed time to review those comments. **Batey** observed that no public comments had been received.

The group noted that the Mayor's comments would be reviewed, and the tree code amendment ordinance would be rescheduled to a future meeting.

B. Sparrow Site Goals and Next Steps – Discussion

Briglio noted previous Council discussion on the project and asked for Council to confirm that the development goal was to build affordable homeownership units for buyer who could afford 80-to-100 percent of area median income (AMI).

The group discussed the project affordability goal, how a request for proposals (RFP) process that aimed for different AMI percentages, and noted that an RFP process with multiple rounds, if no developer bids at lower AMI percents, could take a long time. **Briglio** was confident it would take a long time to get houses built on the site.

Mayor Batey summarized that it was Council consensus to prepare the first RFP for a homeownership model with a cap at 80-percent of AMI. The group acknowledged there was more than one land trust model the city could pursue to secure an initial developer, owners, and maintain affordability on the site into the future.

Sagor and Briglio reviewed the other project goals Council had agreed to at previous meetings and it was Council consensus that the goals had been agreed to.

Councilor Anderson and Mayor Batey remarked on how the city works with the county to improve county owned roads adjacent to city properties.

Briglio noted next steps in releasing an RFP for the Sparrow Site in early 2025.

Briglio asked for Council input on whether construction excise tax (CET) funds should be used on the project. It was Council consensus to wait until bids had been received on the project to determine if CET funds should be used.

8. PUBLIC HEARING

A. None Scheduled.

9. COUNCIL REPORTS (moved to the December 17, 2024, work session agenda)

10. ADJOURNMENT

It was moved by **Councilor Anderson** and seconded by **Council President Massey** to adjourn the Regular Session. Motion passed with the following vote: **Councilors Anderson, Khosroabadi, Massey, and Stavenjord** and **Mayor Batey** voting "aye."
[5:0]

Mayor Batey adjourned the meeting at 8:17 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder