



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

MINUTES

Commission Chambers, 625 Center Street, Oregon City
Wednesday, October 21, 2020 at 7:00 PM

EXECUTIVE SESSION OF THE CITY COMMISSION

Executive session was held immediately following the General Business item #7C.

- a. *Pursuant to ORS 192.660(2)(i): To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.*

Executive session was held immediately following the regular meeting of the City Commission.

- b. *Pursuant to ORS 192.660(2)(f): To consider information or records that are exempt by law from public inspection.*

7:00 PM - REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor Dan Holladay called the meeting to order at 7:11 PM.

PRESENT 4 – Mayor Dan Holladay, Commissioner Denyse McGriff, Commissioner Frank O'Donnell and Commissioner Rocky Smith, Jr.

ABSENT 1 - Commissioner Rachel Lyles Smith

STAFFERS 12 – City Manager Tony Konkol, City Attorney Bill Kabeiseman, City Recorder Kattie Riggs, Community Development Director Laura Terway, Public Works Director John Lewis, Parks & Recreation Director Kendall Reid, Interim Finance Director Ryan Bredehoeft, Human Resource Director Patrick Foiles, Police Chief Jim Band, Library Director Greg Williams, Assistant to the City Manager Lisa Oreskovich and Economic Development Manager James Graham.

2. FLAG SALUTE

3. CEREMONIES, PROCLAMATIONS, AND PRESENTATIONS

3a. Clackamas Fire District #1 Presentation

Chief Fred Charlton, with the Clackamas Fire District #1, provided an update on the recent wildfires and their containment status. Public donations had been dispersed to those in need. There would be an after-action report compiled regarding the performance of the fire district. Chief Charlton provided an update on the proposed merger of Clackamas Fire and the Estacada Fire District # 69, which comprise two ballot measures on the November 3, 2020 election.

Commissioner McGriff asked if the proposed annexation would make the fire district too

large, and Chief Charlton explained their success in absorbing other smaller fire districts and the efficiencies that result.

Commissioner O'Donnell asked if there were existing mutual aid agreements and Chief Charlton explained the existing agreements.

4. CITIZEN COMMENTS

William Gifford, resident of Oregon City, expressed his appreciation for Commissioners O'Donnell and McGriff's participation in the recent candidate forums.

Betty Mumm, resident of Oregon City, asked why the investigative report regarding Mayor Holladay had not been made public, why an incident involving Commissioner McGriff had not been brought forward for investigation and disapproval of the recall effort of Mayor Holladay. Mr. Konkol responded and explained the existing process to register a complaint against a Commissioner, which was to bring it to the Commission and the complainant regarding the incident with Commissioner McGriff did not follow-up. Commissioner McGriff expressed her frustration with the accusation mentioned by Ms. Mumm.

Mayor Holladay provided comment on the recall effort against him and offered his reasoning for recent events.

5. ADOPTION OF THE AGENDA

The agenda was adopted as presented.

6. PUBLIC HEARINGS

7. GENERAL BUSINESS

- 7a. Real Estate Contract for the Sale of the Oregon City Police Department Property Located at 320 Warner Milne Road to Clackamas County Vector Control District.

Chief Jim Band, Police Chief, provided the overview. The real estate contract was for the purchase of 320 Warner Milne Road by Clackamas County Vector Control District. The Buyer, Clackamas County Vector Control, was offering a non-refundable earnest money deposit of \$5,000 that would be applied toward the \$2,800,000 million dollar purchase price. The Buyer's due diligence period will be no more than ninety days and expire on the date of the signed final agreement.

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the Real Estate Contract for the Sale of the Oregon City Police Department Property Located at 320 Warner Milne Road to Clackamas County Vector Control District. The motion carried with the following vote:

Aye: 3 - Mayor Holladay, Commissioner McGriff, and Commissioner O'Donnell

Ney: 1 - Commissioner Smith

- 7b. Resolution No. 20-30, Extending Temporary Restaurant Parklets in the Right-of-Way and Temporary Dining and Retail in Private Parking Lots Through the Winter

Laura Terway, Community Development Director, provided the overview of the staff report. In response to social distancing guidelines related to COVID-19, the City Commission adopted a program to allow temporary outdoor dining in parking spaces in the right-of-way (parklets) and temporary dining and retail in private parking lots from July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021. Resolution No. 20-30 would allow the temporary facilities that submitted a permit by November 30, 2020 to continue from December 1, 2020 to March 14, 2021. The standards had been updated to reflect the extension through the winter.

Mayor Holladay asked about whether the parklets could have roofing and Ms. Terway indicated that would only be allowable for restaurants with parking lot dining area and would be dependent on the material.

Liz Hannum, Executive Director of the Downtown Oregon City Association, expressed her support for extending the parklets through the winter.

Yvette Kirwin, owner of the downtown Oregon City restaurant Nebbiolo, expressed her support for extending the parklets through the winter.

The Commissioners had further discussion regarding the positive/negative aspects of extending the program and addressing any resulting parking issues downtown in the Spring of 2021 as businesses reopened.

Motion made by Commissioner Smith, seconded by Commissioner McGriff, to approve Resolution No. 20-30, Extending Temporary Restaurant Parklets in the Right-of-Way and Temporary Dining and Retail in Private Parking Lots Through the Winter. The motion carried with the following vote:

Aye: 4 - Mayor Holladay, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

7c. Media Request to Attend Executive Session

Kattie Riggs, City Recorder, presented the staff report to the Commission. The City had received a request from The Canby Current to attend future Oregon City – City Commission Executive Sessions. The City Commission needed to review the established policy regarding media in Executive Session and the application with supplemental materials submitted, to determine if it met the criteria in the policy. Then a decision of approval or denial would need to be determined based on the criteria and submitted materials.

The Commissioners, Mr. Konkol and Mr. Kabeiseman had discussions regarding if the Canby Current was considered a news outlet and there was consensus that it was.

Motion made by Commissioner Smith, seconded by Commissioner McGriff, to approve the Media Request to Attend Executive Session. The motion carried with the following vote:

Aye: 4 - Mayor Holladay, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

The Commission adjourned into Executive Session at 7:56 PM.

The Commission reconvened the regular meeting at 8:38 PM.

7d. Request for Local Designation of Historic Landmarks: The Community Cannery & Workshop Annex Camp Adair Buildings (122 and 220 S. John Adams Street)

Ms. Terway and Mr. Kabeiseman provided an overview. This is the second time that the City has received a request for local designation of historic landmarks for the Community Cannery & Workshop Annex Camp Adair buildings located at 122 and 220 S. John Adams Street. After the first application was filed in 2017, the City Manager withheld property owner consent so that no further designation action could not be considered. After an appeal and remand from the Land Use Board of Appeals, the City Commission supported and refined the position. The Commission's decision was affirmed by LUBA, the Court of Appeals and the Oregon Supreme Court denied review. The new designation application for local designation is identical, except for the name of the applicant.

Commissioner McGriff asked about the process and accepting public comment. Mr. Kabeiseman explained this and indicated receiving public comment may help in the future, should there be an appeal or litigation.

The Commissioners had further discussion on the various approaches available. There was not consensus, as Commissioners Smith and McGriff wished to hear the public comment of James Nicita.

Motion made by Commissioner O'Donnell, seconded by Mayor Holladay to take no further action relying on the previous decision to revoke consent to designation

The motion did not carry with the following vote:

Voting Aye: 2- Mayor Holladay, Commissioner O'Donnell,

Voting Ney- 2- Commissioner Smith, Commissioner McGriff

Mayor Holladay instructed Mr. Konkol to bring this item back to the City Commission meeting on November 4th.

7e. Investigation Report of the Actions of Mayor Dan Holladay

It was determined that Commissioner O'Donnell would Chair this item of the meeting and this was the opportunity for the Commissioners to comment on the investigation report completed regarding the actions of Mayor Dan Holladay. Mr. Konkol indicated the Commission had authorized him to release the investigation report to the public.

Commissioner Smith supports the release of the report unredacted, although he does not feel the report is complete.

Commissioner O'Donnell also feels the report is not complete but should be released to the public so they can be informed. The recall is not the result of just one violation, but multiple violations.

Commissioner McGriff agreed with the statements of Commissioners Smith and O'Donnell.

Mayor Holladay felt the report vindicated him and agreed the public should see the report.

Motion made by Mayor Holladay, seconded by Commissioner O'Donnell, to release the investigation report to the public regarding Mayor Dan Holladay. The motion carried with the following vote:

Aye: 4 - Mayor Holladay, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

8. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the consent agenda containing items 8a – 8f. The motion carried with the following vote:

Aye: 4 – Mayor Holladay, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

- 8a. Resolution No. 20-32, Declaring an Emergency and Exempting the Molalla Avenue Streetscape Project from Prohibition Against Unlawful Noises on a Temporary Basis
- 8b. Personal Services Agreement with Wallis Engineering for the 2021 Oregon City Roadway Reconstruction Project (CI 20-011)
- 8c. OLCC: Liquor License Application – Limited On-Premises, applying as an LLC, Shelton Holdings LLC (dba VIP Deli), 1346 Leland Road, Suite C, Oregon City
- 8d. Minutes of the August 19, 2020 Regular Meeting
- 8e. Minutes of the July 7, 2020 Work Session
- 8f. Minutes of the July 1, 2020 Regular Meeting

9. COMMUNICATIONS

City Manager

There was no City Manager report.

Commissioners

There were no comments by the Commissioners.

Mayor

There were no comments by the Mayor.

10. ADJOURNMENT

Mayor Holladay adjourned the meeting at 9:14 PM.

Respectfully submitted,



Kattie Riggs, City Recorder