



CITY OF OREGON CITY

CITY COMMISSION SPECIAL MEETING - REVISED MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Monday, October 17, 2022 at 7:00 PM

1. CONVENE MEETING AND ROLL CALL

Mayor McGriff convened the meeting at 7:02 PM.

PRESENT: 4 - Commissioner Adam Marl, Commissioner Frank O'Donnell, Commissioner Rocky Smith, Mayor Denyse McGriff

STAFFERS: 10 - City Manager Tony Konkol, City Recorder Jakob Wiley, Community Development Director Aquilla Hurd-Ravich, Parks and Recreation Director Kendall Reid, Economic Development Manager James Graham, Finance Director Matt Zook, Library Director Greg Williams, Public Works Director John Lewis, Assistant City Recorder Angelique Nomie, Planning Manager Pete Walter

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

3a. Oregon City - West Linn Rivalry Day Proclamation

Mayor McGriff read the proclamation declaring October 28, 2022 as Oregon City/West Lynn Rivalry Day.

3b. Extra Mile Day Proclamation

Mayor McGriff read the proclamation declaring November 1, 2022 as Extra Mile Day.

4. CITIZEN COMMENTS

Jackie Hammond-Williams, resident of Oregon City, expressed concern with the lack of sidewalks in the Park Place neighborhood. The striping along the streets had narrowed the shoulders along Holcomb Boulevard, making it more dangerous for pedestrians.

John Lewis, Public Works Director, said he would look into the striping changes on Holcomb. He said they were working on finding funding for the sidewalks.

Dan Berge, resident of Oregon City, discussed qualifications for running for mayor. He requested a video be played for the Commission.

Tony Konkol, City Manager, explained that he considered the video a written comment, and thought the Commission could review it on their own, but that they were not going to play it as a citizen comment.

There was consensus to not accept pre-recorded video submissions as citizen comments. Citizen comments should be made either in person or on Zoom.

Bill Kabeiseman, City Attorney, said the point Mr. Berge was making in the video was that Mayor McGriff was not eligible to serve as mayor because of term limit provisions in the Charter. Mr. Kabeiseman thought she was eligible, and the situation was the same as former Mayor Lyles Smith.

The Commission agreed.

5. PRESENTATIONS

6. ADOPTION OF THE AGENDA

Item 7a was pulled from the Consent Agenda. The Commission adopted the agenda as amended.

7. CONSENT AGENDA

Motion made by Commissioner Smith, Seconded by Commissioner O'Donnell, to approve the consent agenda except Item 7a. The motion carried by the following vote:

Voting Yea: Commissioner Marl, Mayor McGriff, Commissioner O'Donnell, and Commissioner Smith

7a. Oregon Patrol Service Amendment

Mayor McGriff asked for an explanation of the need for the patrol service.

Commissioner Smith thought more sites might require security. The Municipal Elevator was vandalized on October 14, 2022 while staff was present at the location.

Kendall Reid, Parks and Recreation Director, discussed research conducted to address the after-hours vandalism in the City's parks. The City had good success with the private security patrols during the summer. Public Works's Fir Street building and the End of the Oregon Trail were added as locations and noticed a reduction in vandalism. They could reevaluate and add additional facilities.

Commissioner Smith wondered if a more cohesive approach could be used, prioritizing it in the next budget cycle, and evaluating what was needed for all City facilities.

Commissioner O'Donnell asked if there had been a cost-analysis of the damage versus the cost of the contract, and whether cameras might be a cheaper solution. Mr. Reid mentioned that, in his experience, the cameras did not deter the vandalism.

Motion made by Commissioner Marl, Seconded by Commissioner Smith, to approve Item 7a. The motion carried by the following vote:

Voting Yea: Commissioner Marl, Mayor McGriff, Commissioner O'Donnell, and Commissioner Smith

7b. Minutes of the August 9, 2022 Special Meeting

7c. Minutes of the August 17, 2022 Regular Meeting

7d. Minutes of the September 13, 2022 Work Session

7e. Minutes of the September 27, 2022 Special Meeting

8. PUBLIC HEARINGS

8a. Appeal of the Park Place Crossing General Development Plan (AP-22-00003; GLUA-21-00045; MAS-21-00006; VAR-22-00001)

Mayor McGriff noted the public testimony portion of the hearing was closed on October 11, 2022.

Bill Kabeiseman, City Attorney, noted that James Nicita wanted to raise a procedural issue.

Mayor McGriff asked if any Commissioner had ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site since the October 11, 2022 meeting. There was none.

James Nicita, resident of Oregon City, discussed his procedural objection and substantial rights. He disagreed with allowing the decision matrix into the record without the opportunity to challenge the City Attorney's categorization of the issues raised before the Planning Commission. He also thought the City Attorneys should have recused themselves due to conflict of interest from participation at the Planning Commission meeting. He asked that the record be selectively reopened to address this concern.

Mr. Kabeiseman said everyone who testified at the last meeting had full opportunity to present rebuttal. The matrix was a summary of the issues, and the City Commission had the final word on the weight of the evidence. This was not new evidence, and the matrix was not a binding document. He did not think attorney bias was an issue as the Commission was free to make their own decision.

Commissioner O'Donnell supported the conclusion of the City Attorney and considered the matrix a reference document. The Commission agreed.

Commissioner O'Donnell reviewed the procedural issues raised in the letter from the applicant's legal counsel including the fee waiver for the appellants and notice of the Neighborhood Association meeting.

There was consensus that the meeting was posted on the City's website and was properly noticed and that the fee waiver did not deny the applicant's rights as they had the opportunity to rebut testimony. The process preserved the rights of all.

Commissioner O'Donnell suggested that the procedural issues raised regarding the Planning Commission meeting did not address the substantive issues of the appeal. These procedural issues could be addressed internally. Another issue was raised about changes to the Park Place Concept Plan requiring review and acceptance as well as a notice to be sent to all residents. There was also the issue of conflicts between the Park Place Concept Plan and the proposed General Development Plan.

Mayor McGriff questioned whether the request for variances or exceptions to the Concept Plan would constitute an amendment. She noted that there was a level of expectation due to the participation in the process that the Concept Plan would be used as adopted. The proposed development attempted to include some of the items in the Concept Plan, but not all of them. She considered these items as key components, especially the green street features and location of stormwater facilities.

Commissioner O'Donnell thought the General Development Plan did not meet the requirements of the Park Place Concept Plan by the lack of north/south connections and when they were proposed to be done.

Mayor McGriff noted that the two connections were proposed to be built in Phase 3 and the threshold for building the new connections was 2,000 daily trips, which was unworkable. She also had concerns about the traffic study data.

Commissioner O'Donnell considered transportation and safety to be key components of the Concept Plan that were not followed.

Mayor McGriff said the Concept Plan did not envision the smaller lots as proposed.

Commissioner Smith agreed that the proposed development did not meet the general themes of the Concept Plan. He also had concerns about the traffic study.

Commissioner Marl was concerned that they did not have an updated Comprehensive Plan. The ordinance adopting the Concept Plan occurred after the last Comprehensive Plan update and implied that it was incomplete. Pete Walter, Planning Manager, noted that other ordinances not in the record had been adopted after the original adoption that referenced the Park Place Concept Plan specifically, as suggested by the original ordinance.

Commissioner Marl agreed with the concerns about transportation, which he thought was a safety issue.

Mayor McGriff discussed dimensional standards, reduction of lot sizes, and building on topographically constrained lots and steep slopes. Commissioner O'Donnell noted that the application was submitted before the changes to the code regarding steep slopes. Commissioner Marl said there was no minimum lot size and the applicant reduced the density taking the community's concerns into account.

Mayor McGriff thought they should amend the condition that talked about traffic calming, taking out the words "where feasible." She thought they should add a condition to encourage the stormwater facility to utilize natural waterways and wetlands. The condition related to placing roads in geohazard areas should be amended to say that it should be avoided.

Commissioner Smith outlined the issues that had been discussed by the City Commission.

Mayor McGriff suggested adding a condition to require any development in the Neighborhood Commercial zone to be at least two stories and have ground floor retail. She expressed disappointment that the innovative components of the Park Place Concept Plan were omitted and it appeared to be a standard residential development. There was also no solar access components in the application.

Commissioner Marl agreed that mixed use included more than large blocks of residential areas.

Mr. Walter said the issues included: timing of the north-south connection and need for a redundant system for safety, consistency with the Park Place Concept Plan in urban design, integration of the residential lots and the north village area, condition for the Neighborhood Commercial zone, issues with the traffic analysis, adjusting the condition for routing of streets to avoid geohazard areas, how the green edges and streets concept was not integrated into the plan, and need for more naturalistic form for the storm pond and hierarchy of stormwater management.

Commissioner O'Donnell said in addition to the north/south connections, the network of streets that provided redundancy and emergency access was not included in the proposal.

Mayor McGriff also thought it also did not provide the trails and pedestrian/bicycle connections.

Commissioner O'Donnell noted the General Development Plan did not include residential on the second or third floors of the buildings along Livesay Lane.

Mayor McGriff discussed the pinch point and modification for that section of road without traffic calming. She thought it was a safety issue.

Mr. Kabeiseman suggested the City Commission outline any conditions that could resolve their concerns or vote to deny the proposal justified by the issues listed.

Mayor McGriff thought the concerns could mostly be resolved with conditions.

Commissioner O'Donnell said some of the issues were of such magnitude, especially the north/south roads that were key, that conditions would not solve the issues.

Commissioner Smith agreed that the small pieces they mentioned could be settled by conditions, but the big issues could not.

Motion made by Commissioner O'Donnell, seconded by Commissioner Smith, to tentatively approve the appeal and deny the application based on the Commission's discussion tonight.

Mayor McGriff thought many components could be conditioned and they could achieve greater consistency with the Concept Plan. The north/south connections could be conditioned to be done sooner.

Mr. Walter discussed the conditions that talked about the north-south connections and the timing requirements.

The motion passed by the following vote:

Voting Yea: Commissioner Marl, Commissioner O'Donnell, and Commissioner Smith

Voting Nay: Mayor McGriff

The City Commission took a seven-minute break at 9:33 PM.

Motion made by Commissioner Marl to reconsider the vote. The motion died for lack of a second.

There was consensus to meet Friday, October 21, 2022 at 9:00 AM to adopt the final findings.

9. GENERAL BUSINESS

10. COMMUNICATIONS

11. City Manager

None

12. Commissioners

Commissioner Smith discussed the funeral for Don Anderson's wife, Joan Anderson. He acknowledged both for all their work for the City.

Commissioner O'Donnell mentioned a few items that the City Commission needed to resolve, including the 10th and Main property, disposition the marina, disposition the old Public Works building, and reporting of the City Attorney to the City Commission instead of the City Manager.

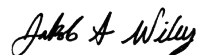
13. Mayor

Mayor McGriff discussed public outreach efforts of the City of West Linn and their creation of an Urban Renewal District. She also discussed the League of Oregon Cities meeting and American Rescue Plan Act funding.

14. ADJOURNMENT

Mayor McGriff adjourned the meeting at 9:53 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jakob S. Wiley".

Jakob S. Wiley, City Recorder