



# CITY OF OREGON CITY

## CITY COMMISSION REGULAR MEETING - REVISED MINUTES

---

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City  
Wednesday, August 18, 2021 at 7:00 PM

---

### **6:00 PM - EXECUTIVE SESSION OF THE CITY COMMISSION:**

*The Executive Session began at 6:00 PM and was not continued after the meeting.*

- a. *PURSUANT TO ORS 192.660(2)(a): To consider the employment of a public officer, employee, staff member or individual agent.*
- b. *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.*

### **7:00 PM - REGULAR MEETING OF THE CITY COMMISSION**

#### **1. CONVENE MEETING AND ROLL CALL**

**PRESENT: 5 -** Mayor Rachel Lyles Smith, Commissioner Adam Marl, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, and Commissioner Rocky Smith, Jr.

**STAFFERS: 12 -** City Manager Tony Konkol, Asst. City Recorder Jakob Wiley, Community Development Director Laura Terway, City Recorder Kattie Riggs, Ec. Dev. Manager James Graham, Library Director Greg Williams, Finance Director Matt Zook, Parks & Rec. Director Kendall Reid, Assistant Planner Diliانا Vassileva, Police Support Captain Bill Kler, City Attorney Bill Kabeiseman, Human Resources Director Patrick Foiles, and Asst. to the City Manager Lisa Oreskovich

#### **2. FLAG SALUTE**

#### **3. CEREMONIES AND PROCLAMATIONS**

#### **4. CITIZEN COMMENTS**

*Doug Neeley, resident of Oregon City, spoke about comments made at the last meeting regarding the Planning Department and transparency. He thought the comments were false and found no fault with what had been done.*

*Bob Mahoney, resident of Oregon City, discussed issues that the Planning Department dealt with every day. They did so with transparency and distinguished, professional ethics.*

*Mindy Redburn, resident of Oregon City, noted comments the Mayor had made on social media regarding flags present at schools. She asked the Mayor to share her thoughts on this issue.*

*Kimberly Walsh, resident of Oregon City, gave an update on Unite Oregon City. They had implemented an anti-bullying program, provided food for those in need, met with the Police Chief to discuss systemic racism and use of force policies, hosted events, and provided support to the City and School District.*

*Mayor Lyles Smith said it was her personal opinion that city and school facilities should fly the American flag only.*

**5. PRESENTATIONS**

**6. ADOPTION OF THE AGENDA**

*The agenda was adopted as presented.*

**7. CONSENT AGENDA**

**Motion made by Commissioner McGriff, seconded by Commissioner Marl, to adopt the consent agenda. The motion carried by the following vote:**

**Aye: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith**

- 7a. Personal Services Agreement with Kittelson & Associates for the Street Design Standards Project (PS 21-022)
- 7b. Personal Services Agreement with Keller Associates for the Loder Road Extension Alternatives Analysis (PS 21-025)
- 7c. Minutes of the July 13, 2021 Work Session
- 7d. Minutes of the July 13, 2021 Joint Work Session with Planning Commission
- 7e. Minutes of the July 21, 2021 Regular Meeting

**8. PUBLIC HEARINGS**

- 8a. GLUA-21-00019/CU-21-00002: The Father's Heart Street Ministry Conditional Use Permit for a Warming Shelter

*Mayor Lyles Smith opened the public hearing.*

*Bill Kabeiseman, City Attorney, said the applicant had requested reopening the record to clarify an issue and several additional comments had been received. He asked if the Commission wanted to allow new evidence, and if so, how did they want to proceed. He then discussed the options.*

*There was discussion regarding the options and clarifying the number of nights the warming shelter had been open in the past.*

**Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to keep the record closed. The motion carried by the following vote:**

**Aye: 4 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, and Commissioner O'Donnell**

**Nay: 1 - Commissioner Smith**

*Diliana Vassileva, Assistant Planner, presented the staff report. This was a Conditional Use Permit application for The Father's Heart Street Ministry to allow a warming shelter at the facility. She described*

the subject site. There was a day use shelter on the property serving low and no income populations. They had received emergency resolution approval to operate as a night time warming shelter the past four winters. The Conditional Use would allow them to operate as a temporary warming shelter when the outside temperature was predicted to be 33 degrees or below including wind chill factor without the need for emergency resolution approval. No alterations to the building were being proposed. Some conditions of approval were to provide a finalized community engagement plan and an annual community meeting. Staff thought the characteristics of the site were suitable for the proposed use and that the proposed use would not alter the character of the surrounding area. It would remain the same as the past four years. Staff also thought the application satisfied the goals and policies of the Comprehensive Plan. Other conditions of approval were to maintain a log of nights of operation, post the good neighbor agreement and community engagement plan on The Father's Heart website, and an additional community meeting. The Planning Commission voted 4-1 to recommend approval. Additional information regarding the number of nights of operation was provided following the Planning Commission meeting. The 43 nights identified in the original application was changed to about 11 nights per year over the last four years. Staff recommended approval. She described the additional public comments that had been received.

Laura Terway, Community Development Director, said they could not accept new facts or evidence into the record, but they could accept new public testimony that was on the facts in the record.

Mr. Kabeiseman discussed the federal laws that prohibited the Commission from considering the personal circumstances of the patrons in making this decision. He then read the public hearing statement and asked the Commission if they had any ex parte contacts, conflicts of interest, bias, or any other statements to declare.

Commissioner Smith lived about five blocks away from the site. Commissioners O'Donnell and Marl had watched the Planning Commission meeting on this application. Commissioner McGriff lived in proximity to the site and drove by it regularly.

Marty Gant, applicant, said he respected the neighbors' concerns. However, he wanted to fulfill the needs of the homeless. His staff was capable of operating a warming shelter. The application met all of the criteria. He planned to work closely with the neighborhood to resolve the issues and misunderstandings. This was an emergency situation and the City, County, and State were depending on them.

Commissioner O'Donnell asked about the community engagement program. Mr. Gant said there had not been a program in the past, but they had one now. It was not a requirement in the past.

Wendy Marshall, representative of the McLoughlin Neighborhood Association, said this site did not accommodate the services and a different site should be used. There needed to be more two-way communication and interaction between Father's Heart and the Neighborhood Association. The conditions needed to be amended to require more interaction and to address the neighborhood's concerns.

Sharon Nicholson, resident of Oregon City, discussed the criteria that she did not think had been met. These included the characteristic of the site and its suitability, altering the character of the neighborhood, and citizen involvement and neighborhood livability.

Dale Gehring, resident of Oregon City, discussed the effects of this facility on the neighborhood and that the process had not involved the neighbors. He thought the facility should be in a different location that enhanced livability for everyone.

Jessica Murry, resident of Oregon City, lived in close proximity and discussed the substantial impact and experiences she had when Father's Heart was open and when it was closed. The proposed use would substantially impair the use of her property. She was concerned about her family's safety and security. She urged the City to help Father's Heart find a new location. The criteria had not been met and the application should be denied.

*Monica Wright, resident of Oregon City, said this would alter the character of the neighborhood. She explained the harassment, threats, theft, and violence from Father's Heart clients. The building was too close to surrounding neighbors. Nothing had been done about these issues and it had affected her family and neighbors. She agreed the City and County should help them find a new location.*

*Amanda Alwine, resident of Oregon City, said the warming shelter would affect the livability of the historic neighborhood and should be denied. The current location was too small to provide adequate services to the growing homeless population. She asked that the \$5,000 fee be waived for this permit.*

*Amy Ha, resident of Oregon City, spoke about the impact of a warming shelter to the neighborhood. It would alter the character of the surrounding area. Father's Heart had numerous opportunities to communicate with the neighborhood in the past, but had not. The current facility was too small and they did not have mental health or substance abuse resources available. It should be denied and relocated.*

*John Keyantash, resident of Oregon City, said this facility was poorly suited for these activities and he was opposed to the warming shelter, especially in a residential neighborhood. This type of facility belonged in a commercial district. This was not a residential activity and it would alter the character of the neighborhood.*

*Karla Laws, resident of Oregon City, thought this facility was a disservice to the neighborhood and homeless population. It affected families and children.*

*Terry Poppino, resident of Oregon City, was concerned about how the warming shelter would alter the character of the neighborhood. People came to the location any time of day or night, and when Father's Heart was not open it fell on the neighbors to provide services.*

*Jay Pearce, resident of Oregon City, asked for denial of the application. The facility was not adequate for its current use, much less an expanded use. There were other places in the county that had both warming and cooling shelters as well as services and efforts were underway to find solutions for the homeless population.*

*Mr. Gant provided rebuttal. He described what they were doing for the homeless population in finding housing, providing mental health programs, and communicating with the neighborhood. He was willing to enter into negotiations and processes that would help the community and if he needed to relocate, he would. But it could not be done today. He was going through this process at the urging of the City Commission. If there was overflow, they always found someone a bed. They did not put someone on the street.*

*Commissioner McGriff asked how things would change. Mr. Gant said he was willing to do what was necessary and to open up the dialogue. It was necessary to be open at night when it was cold. He could not change the location today. He would do everything he could to make it better.*

*Commissioner Marl asked about mental health staffing. Mr. Gant said he had five case managers and one was on site every day. They would have a case manager on site for the warming shelter as well.*

*Mayor Lyles Smith asked about turning people away at night. Mr. Gant said they had in the past when there had been behavioral issues, but that was years ago. Today Clackamas County had other resources. There were times when police officers and ambulances dropped someone off at their facility at night, but that was rare. If they were full, they would find someone a bed elsewhere.*

*Commissioner O'Donnell asked if people could leave in the middle of the night. Mr. Gant said he could not prevent them from leaving. When they left, they did not come back later that night.*

*Mayor Lyles Smith asked about the good neighbor agreement. Mr. Gant said that had been in place for a long time. Some of the issues in the neighborhood were from the homeless population that they were not serving.*

*Elizabeth Hart, resident of Oregon City, said this was not the place for a warming shelter. It was not safe for the neighborhood that had families and children. Expanding services would only expand the problems the neighbors were already experiencing. The application did not meet all of the criteria. The characteristics of the site were not suitable for the proposed use and it would alter the character of the area.*

*Mr. Gant provided further rebuttal. They were not expanding services. The presence of Father's Heart was not responsible for all of the problems. They were trying to mitigate homeless issues.*

*Ms. Terway identified new information in the testimony that the Commission should disregard.*

*Mayor Lyles Smith closed the public hearing.*

*The Commission took a break from 9:10 PM to 9:26 PM.*

*Commissioner Smith asked if this application was not approved, would they be able to continue requesting emergency resolutions to allow a warming shelter? Mr. Kabeiseman said yes.*

*Commissioner Smith said the Commission had made a point of not wanting this to come back as an emergency resolution every year and had encouraged the applicant to go this direction.*

*Mayor Lyles Smith said the Commission wanted to expand this conversation and allow the neighbors to weigh in and set a precedent for other applications. An emergency resolution was temporary and she agreed the facility should be in a different location.*

*Commissioner McGriff agreed there was no entitlement. If they went back to an emergency resolution, the only way she would support it was under strict conditions.*

*Mayor Lyles Smith asked about the permit fee. Ms. Terway clarified there was no refund if the application was denied.*

*Mr. Konkol discussed the issues related to HB 2006 (2021) and emergency shelters.*

*Commissioner O'Donnell noted tonight's application was made before HB 2006 went into effect.*

*Mayor Lyles Smith discussed areas where she disagreed with the staff report, which was largely around livability and neighborhood character. She did not think the emergency resolutions permanently established those services. Night time was different in safety concerns and noise and activity preventing people from sleeping. The proposed community engagement plan needed to include the ability to provide feedback and dialogue.*

*Commissioner McGriff agreed there was no established entitlement. She agreed it would alter the character of the neighborhood and would affect neighborhood livability. The application did not meet all of the criteria. The community engagement program was one sided.*

*Commissioner Marl said there had been a lack of community engagement for several years. He did not think it met the criteria for neighborhood livability.*

*Commissioner O'Donnell agreed the application did not meet the criteria for altering the character of the neighborhood and neighborhood livability. He thought instead of a warming shelter, Father's Heart could be a referral service and arrange transport to other shelters. They had not been a good neighbor and increasing the hours would impact the neighborhood even more. He saw no way to mitigate that effect.*

*There was consensus to continue the meeting past 10:00 PM.*

*Commissioner Smith thought the use had altered the character of the neighborhood. He would like to work together on solutions.*

*Commissioner McGriff discussed options for moving forward.*

*Mayor Lyles Smith agreed that they should work together on solutions. She was concerned that Father's Heart had to pay the \$5,000 fee.*

**Motion made by Commissioner O'Donnell, seconded by Commissioner McGriff, to tentatively deny GLUA-21-00019/CU-21-00002: The Father's Heart Street Ministry Conditional Use Permit for a warming shelter and to direct staff to come back with revised findings on September 15, 2021. The motion carried by the following vote:**

**Aye: 5 - Mayor Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.**

**9. GENERAL BUSINESS**

**10. COMMUNICATIONS**

*There were no communications.*

**11. City Manager**

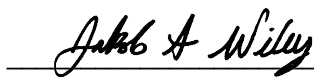
**12. Commissioners**

**13. Mayor**

**14. ADJOURNMENT**

*Mayor Lyles Smith adjourned the meeting at 10:16 PM.*

Respectfully submitted,



Jakob Wiley, Assistant City Recorder