



# CITY OF OREGON CITY

## CITY COMMISSION REGULAR MEETING - REVISED MINUTES

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Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City  
Wednesday, July 21, 2021 at 7:00 PM

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### REGULAR MEETING OF THE CITY COMMISSION

#### 1. CONVENE MEETING AND ROLL CALL

*Mayor Rachel Lyles Smith called the meeting to order at 7:13 PM.*

**PRESENT: 4 -** Mayor Rachel Lyles Smith, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, and Commissioner Rocky Smith, Jr.

**ABSENT: 1 -** Commissioner Adam Marl

**STAFFERS: 15 -** City Manager Tony Konkol, City Attorney Bill Kabeiseman, City Recorder Kattie Riggs, Asst. City Recorder Jakob Wiley, Community Development Director Laura Terway, Public Works Director John Lewis, Economic Development Manager James Graham, Library Director Greg Williams, Finance Director Matt Zook, Parks & Recreation Director Kendall Reid, Police Chief Jim Band, Human Resources Director Patrick Foiles, Project Engineer Patty Nelson, Senior Planner Christina Robertson-Gardiner, and Tourism Coordinator Matthew Weintraub

#### 2. FLAG SALUTE

#### 3. CEREMONIES AND PROCLAMATIONS

##### 3a. Oath of Office for New Oregon City Police Officers:

Ariah Cookingham

William Guthridge

Walter Harper

Matthew Huspek

K-9 Named Ronnie

*Jim Band, Police Chief, introduced each of the officers. Mayor Lyles Smith administered the oaths of office.*

##### 3b. Mayoral Appointment of Hunter Pico to the Citizen Involvement Committee as the Second Representative from Hillendale Neighborhood Association

*Mayor Lyles Smith announced her appointment of Hunter Pico to the Citizen Involvement Committee.*

**4. CITIZEN COMMENTS**

*There were no citizen comments.*

**5. PRESENTATIONS**

**6. ADOPTION OF THE AGENDA**

**7. CONSENT AGENDA**

**Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the consent agenda. The motion carried by the following vote:**

**Yea: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.**

- 7a. Resolution No. 21-31, Adjusting the Threshold Amount for Reimbursement District Eligibility
- 7b. National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Contract (PS 21-024) with Brown and Caldwell, Inc. for 2021-22.
- 7c. Minutes of the June 16, 2021 Regular Meeting

**8. PUBLIC HEARINGS**

- 8a. First and Second Reading of Ordinance No. 21-1012, Amending the Oregon City Municipal Code Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #3 Geo Hazard Overlay District Code) and Declaring an Emergency

*Christina Robertson-Gardner, Senior Planner, presented the staff report and discussed the rationale for the emergency adoption and the letter provided as public comment. Laura Terway, Community Development Director, summarized the public comment and noted that no applications has been received today and two applications were pending.*

*Commissioner O'Donnell asked about any pending applications and whether notice must be provided to applicants about changes to the Development Code. There was discussion of the purpose of the emergency and if changes to the slope value could be made to the Ordinance and still be passed in a single meeting. Bill Kabeiseman, City Attorney, described that the City Charter would require unanimous approval to be passed in a single meeting.*

**Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the first reading of Ordinance No. 21-1012, amending the Oregon City Municipal Code, Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #3 Geo Hazard Overlay District Code) and Declaring an Emergency. The motion carried by the following vote:**

**Yea: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.**

**Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the second reading and final adoption of Ordinance No. 21-1012, amending the Oregon City Municipal Code, Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #3 Geo**

Hazard Overlay District Code) and Declaring an Emergency. The motion carried by the following vote:

**Yea: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.**

*Commissioner McGriff asked if the Ordinance was in effect immediately. Mr. Kabeiseman confirmed that the Ordinance took effect immediately.*

8b. Resolution No. 21-42, Calling for an Election to Authorize Borrowings for Water System Improvements to the Electors of Oregon City

*Mayor Lyles Smith opened the public hearing.*

*Patty Nelson, Special Project Senior Engineer, presented the staff report. Ms. Nelson provided samples of the rusting pipes and flaking liner from Henrici Reservoir to the City Commission for inspection. The flake of liner was found floating at the top of the reservoir. Ms. Nelson discussed the borrowing authority to increase the rates up to 6% total, which would be 3% over the limit imposed by the City Charter. Commissioner O'Donnell suggested to add dollar amounts to the communication with residents, since the percentages can be confusing.*

*Ms. Nelson discussed the ballot measure language and the need to ensure that voters know that the two water ballot measures are connected. Ms. Nelson discussed the explanatory statement. Ms. Nelson discussed the public engagement effort and how the proposed rate was determined. The proposed 6% increase appeared to be the most supported increase. Commissioner O'Donnell asked what part of the utility bill would increase. Ms. Nelson noted that only the water distribution portion would increase, not the water treatment portion.*

*Mayor Lyles Smith asked for any public comment. There was none.*

*Commissioner O'Donnell commented that the language should be clear regarding the year-over-year increase over several years, adding up to a much higher value than 6% total, and close to a 43% increase by the end of 6 years.*

*There was discussion of the complexity of the title language and the use of plural for "borrowings" and the confusion it could create. Mayor Lyles Smith suggested changing the name to "Authorize the City to Borrow Funds for Water System Improvements." John Lewis, Public Works Director, thought the language was suggested by the bond attorney to indicate multiple smaller loans rather than a single one. The Commissioners also discussed adding the word "total" to the amount authorized to borrow.*

*The Commissioners discussed the explanatory statement. Matt Zook, Finance Director, provided some information about the phrase "full faith and credit" and how including it may provide a lower interest rate.*

*Kattie Riggs, City Recorder, discussed that there will be additional changes to ensure that the language does not advocate for or against the measure, and the City Commission would revisit the language at the August 4, 2021 regular meeting.*

*Mayor Lyles Smith closed the public hearing.*

8c. Resolution No. 21-43, Calling for an Election to Authorize Water Rate Increases of up to 3% Annually Above the Charter Limit for 6 Years to the Electors of Oregon City

*Mayor Lyles Smith opened the public hearing.*

*Ms. Nelson provided the three options for consideration regarding the water rate increases. Commissioner O'Donnell noted that the current language does not encompass the total 6% increase, since voters might not know the City Charter limit of 3% annually. There was discussion of switching to "may the City" at the beginning of the question and "an additional" instead of "up to."*

*Ms. Nelson discussed the summary statement and the estimated increases in bills.*

*The Commissioners discussed the explanatory statement.*

*Mayor Lyles Smith asked for public comment. Amy Willhite, resident of Oregon City, provided public comment that the total increase in the rates should be clear in the ballot language.*

*Mayor Lyles Smith closed the public hearing.*

*There was consensus that both Resolution Nos. 21-42 and 21-43 would come back to the Commission at the August 4, 2021 meeting.*

## **9. GENERAL BUSINESS**

- 9a. First Reading of Ordinance No. 21-1011, Amending the Oregon City Municipal Code Chapter 15.28 and Establishing a Public Art Mural Program (Legislative File LEG-21-00002)

*Laura Terway, Community Development Director, discussed the proposed amendments to the sign code related to murals. The changes discussed at the March 9, 2021 Work Session were incorporated into this version of the Ordinance.*

**Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the first reading of Ordinance No. 21-1011, amending the Oregon City Municipal Code, Chapter 15.28 and Establishing a Public Art Mural Program. The motion carried by the following vote:**

**Yea: 4- Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.**

## **10. COMMUNICATIONS**

### **City Manager**

*Tony Konkol, City Manager, discussed the re-imposition of parking meter fees in the downtown area following the suspension due to COVID-19 business restrictions. Commissioner McGriff asked if warning will be given initially or if there will be a waiting period before imposing fines. Mr. Konkol noted that there had been an extensive outreach effort and signs posted downtown for the time leading up to the reimposition of fines.*

### **Commissioners**

*There were no City Commissioner communications.*

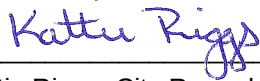
### **Mayor**

*There was no Mayor's report.*

**11. ADJOURNMENT**

*Mayor Lyles Smith adjourned the meeting at 8:53 PM.*

Respectfully submitted,



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Kattie Riggs, City Recorder