



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

MINUTES

Commission Chambers, 625 Center Street, Oregon City
Wednesday, July 15, 2020 at 7:00 PM

REGULAR MEETING OF THE CITY COMMISSION

The public is strongly encouraged to relay concerns and comments to the Commission in one of three ways:

- *Email at any time up to 12 p.m. the day of the meeting to recorderteam@orc.org.*
- *Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505, all messages will be relayed and/or citizens can sign-up to be called during the meeting to provide over-the-phone testimony.*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

1. CONVENE MEETING AND ROLL CALL

Mayor Holladay called the meeting to order at 7:03 PM.

Present: 4 -

Mayor Dan Holladay,
Commissioner Frank O'Donnell,
Commissioner Rocky Smith, Jr.
Commissioner Denyse McGriff

Absent: 1 -

Commissioner Rachel Lyles Smith

Staffers: 12-

City Manager Tony Konkol, City Attorney William Kabeiseman, Police Chief James Band, Community Development Director Laura Terway, Senior Planner Christina Robertson-Gardiner, City Recorder Kattie Riggs, Assistant City Recorder Charlie Killian, Assistant to the City Manager Lisa Oreskovich, Economic Development Manager James Graham, Finance Director Wyatt Parno, Library Director Greg Williams, Human Resources Director Patrick Foiles, Public Works Director John Lewis, and City Engineer Dayna Webb

2. FLAG SALUTE

3. CEREMONIES, PROCLAMATIONS, AND PRESENTATIONS

- 3a. Mayoral Appointment of Project Advisory Team for the OC2040 Comprehensive Plan Update

Mayor Holladay announced the appointments to the Project Advisory Team.

4. CITIZEN COMMENTS

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Commission does not generally engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Commission.

Elizabeth Graser-Lindsey, resident in Beavercreek, thought the Mayor was being villainized by a mob mentality for speaking ordinary conservative ideas. She did not think what he did was racist and thought free speech needed to be preserved.

Betty Mumm, resident of Oregon City, addressed comments made by Commissioner Smith at the last meeting that made her feel her comments had no value because she lived with the Mayor.

Commissioner Smith apologized.

5. ADOPTION OF THE AGENDA

Item 8a was pulled from the consent agenda. The agenda was adopted as amended.

6. PUBLIC HEARINGS

7. GENERAL BUSINESS

7a. Resolution No. 20-22, To Allow Temporary Parklets in the Right-of-Way and Temporary Outdoor Dining and Retail in Private Parking Lots

Laura Terway, Community Development Director, explained this was a program proposed to help businesses in the face of the Covid-19 pandemic. The program included temporary parklets in the rights-of-way and temporary outdoor dining and retail in private parking lots. It would be in effect July 16, 2020 to November 30, 2020 and March 15, 2021 to November 30, 2021. She summarized the standards for the program including buffers from cars, one parklet per business per frontage, on streets that were 25 mph or less, limited to certain locations, ADA compliant, physical distance, certain materials were not allowed, and maintenance was required. She discussed questions posed about the program including speed limits, number of trips on the streets, fees, and only allowing restaurants to have parklets. She reviewed the After-Hours Parking Program and available parking stalls.

There was discussion regarding fees, inspections, aesthetics, ability to rescind the resolution, not allowing pallets or construction fencing as a barrier, and speeding on 7th Street.

Ms. Terway discussed the outdoor dining and retail in private parking lots program which would be a limited size, barriers would be required, tents/membrane structures would be allowed, existing landscaping would need to be protected, there would be no change to site ingress/egress, additional signage would be allowed, and certain materials were not allowed.

There was discussion regarding anchoring the tents/membrane structures for storms, review process, not allowing pallets or construction fencing, and not allowing additional signage.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to adopt Resolution No. 20-22, allowing temporary parklets in the right-of-way and temporary outdoor dining and retail in private parking lots as amended to not allow pallets or construction fencing as barriers and to not allow additional signage. The motion carried by the following vote:

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

7b. Park Place Neighborhood Transportation Presentation

John Lewis, Public Works Director, introduced the topic.

Dayna Webb, City Engineer, gave an overview of the Transportation and Growth Management grant and Safe Routes to Schools infrastructure grant applications. She discussed existing transportation studies, proposed TGM grant application for the Park Place area, application deadline, and letters of support. There was discussion regarding Holcomb Boulevard projects.

Ms. Webb then discussed the Safe Routes to Schools grant for the Holcomb Elementary School area, process for the final project, proposed bicycle/pedestrian enhancements on Holcomb Boulevard, application deadline, and letters of support.

Lisa Novak, resident of Oregon City, thought traffic calming and safety improvements on Holcomb Boulevard should be a priority and there was dire need for crosswalks. She was disappointed that these improvements had been delayed for many years and that the City was trying to get grant funding instead of using City funds. Other roads had been improved, and she asked why Holcomb Boulevard was being excluded.

Commissioner Smith agreed this area needed to be a priority whether or not the grant was awarded. There was still a gap on Oaktree Terrace.

Mr. Lewis said the City had tried for a grant five years ago and was unsuccessful. The project was expensive because of the topography and need to fix the stormwater system.

There was discussion regarding options for Oaktree Terrace, timeline for the project and being under construction by 2023, re-examining the capital projects to make progress in this area, what happened if they did not get the grants, the pedestrian crossings prioritization discussion on August 5, and request to lower the speed limit on Holcomb Boulevard which was still in the queue at ODOT.

Bob La Salle, resident of Oregon City, said ten years ago citizens got permission from homeowners on Holcomb Boulevard to use their property for sidewalks on the north side between Winston and School Drives, but the City did not move forward. There had not been discussions regarding where the proposed crosswalks should be and the exact figures and the projects kept getting delayed.

7c. Resolution No. 20-17, Authorizing the Nomination of the Park Place Urbanization Study for the 2020 Transportation and Growth Management Grant Program

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to adopt Resolution No. 20-17, authorizing the nomination of the Park Place Urbanization Study for the 2020 Transportation and Growth Management Grant Program. The motion carried by the following vote:

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

- 7d. Resolution No. 20-23, Authorizing the Nomination of the Holcomb Boulevard Safe Routes to School Infrastructure Project for the 2020 Safe Routes to School Infrastructure Grant Program

Mayor Holladay said if the grant was not approved, staff needed to have a plan ready to go to get this project moving before 2023.

Commissioner O'Donnell thought staff could start working on the design of the project before the grant was approved.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to adopt Resolution No. 20-23, authorizing the nomination of the Holcomb Boulevard Safe Routes to School Infrastructure Project for the 2020 Safe Routes to School Infrastructure Grant Program. The motion carried by the following vote:

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

- 7e. Second Reading of Ordinance No. 20-1008, Amending Chapter 2.30 of the Oregon City Municipal Code (Citizen Involvement Committee)

A motion was made by Commissioner Smith, seconded by Commissioner McGriff, to approve the second reading and final adoption of Ordinance No. 20-1008, amending Chapter 2.30 of the Oregon City Municipal Code (Citizen Involvement Committee). The motion carried by the following vote:

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

- 7f. Public Improvement Contract with Paul Brothers, Inc. for the Construction of D.C. Latourette Park

Don Robertson, Interim Community Services Director, said the construction of Latourette Park was a long-term project that had been on the books for many years. He discussed the bid process and cost of the project.

Commissioner Smith asked how the existing mural fit in with the design of the park. Mr. Robertson said it would be maintained.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve the public improvement contract with Paul Brothers, Inc. for construction of D.C. Latourette Park. The motion carried by the following vote:

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

Mr. Konkol thanked Mr. Robertson for all his work as the interim Parks and Recreation Director. The Commission thanked him as well.

- 7g. Real Estate Contract for the Sale of the Oregon City Police Department Property Located at 320 Warner Milne Road to F & F Structures, Inc.

Tony Konkol, City Manager, said the Commission had directed staff to prepare a real estate contract for the sale of this property to F&F Structures. The sale would close on October 30, 2020. He explained what was included in the contract including a bump clause. The bump clause would be triggered by the submittal of a letter of intent from another buyer and would require F&F Structures to move within 24 hours on the closure of the sale. A letter of intent was non-binding and they would have to move through a new process with the potential buyer. He discussed the risks on either option. There was a request to exclude F&F so they could assign the contract to another entity.

John Miller, F&F Structures, said their concern with a non-binding offer with a potential bump was that anyone could make an offer without doing any due diligence or commitment and F&F had already expended earnest money.

Commissioner McGriff was uncomfortable with the uncertainty of a letter of intent. She asked what due diligence had been done and why F&F needed 75 more days.

Mr. Miller explained the process they had gone through to do all of the plans and work with Danielson to get the access they needed. The partner that was going to buy the existing building now planned to buy the entire site and they needed additional time to do their own analysis. He discussed the difference between a non-binding and binding letter of intent. He thought as a compromise they could change the language to require a binding letter of intent.

Commissioner McGriff wanted to make sure the wetland in the back of the property was preserved and utilized as part of the new development. Ms. Terway said this property was in the Natural Resources Overlay District and would be subject to those standards.

Commissioner O'Donnell said F&F had not put down earnest money and had tied up the property for ten months. The City had said the last offer they gave them was non-negotiable and now they were talking about changing the terms. He thought they did not have a contract and should move on with other buyers.

Commissioner Smith said they had already given concessions and he thought they should not move forward with this deal.

Mr. Miller thought they had complied with the contract as no funds were required.

Mr. Konkol said there had been an initial contract and then amendment #1 included a \$125,000 promissory note with the bank. The City thought it had been submitted, but the loan officer let them know last week that it had not happened.

Jim Band, Police Chief, said there had been confusion in emails about whether or not they had received the promissory note.

Dan Fowler, business owner in Oregon City, thought they had followed the agreement. A second amendment had changed the contract to include a 60-day extension and a \$15,000 promissory note. He had sent in the \$125,000 promissory note in March, but it never became due and payable because the agreement was amended. The buyer needed the due diligence period.

Commissioner O'Donnell said they had received notice that no promissory note was ever in the custody of the title company. He was not prepared to go forward under these terms. There was discussion regarding what would happen financially to the new Police Department project if this did not go through and using internal fund loans.

Mr. Fowler forwarded the email to the Commission that showed the \$125,000 promissory

note was sent on March 30. The bank had this one, but the second promissory note that was amended was what the bank said they did not have. He thought the current agreement was flawed and was not ready to sign it.

Kattie Riggs, City Recorder, said written comments were received from Jim Nicita and there were scrivener's errors in the contract that would be updated.

A motion was made by Commissioner McGriff, seconded by Mayor Holladay, to approve the real estate contract for the sale of the Oregon City Police Department property located at 320 Warner Milne Road to F & F Structures, Inc. The motion failed by the following vote:

Aye: 2 - Mayor Holladay and Commissioner McGriff

Nay: 2 - Commissioner O'Donnell and Commissioner Smith, Jr.

Mr. Konkol said staff would move forward with hiring a broker.

8. CONSENT AGENDA

This section allows the City Commission to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.

8a. Resolution No. 20-16, By-Laws for the Citizen Involvement Committee (CIC)

Ms. Terway said this item was pulled from the consent agenda to add an Appendix A which was an explanation of the neighborhood association representatives and their job description.

A motion was made by Commissioner McGriff, seconded by Commissioner O'Donnell, to adopt Resolution No. 20-16, by-laws for the Citizen Involvement Committee (CIC). The motion carried by the following vote:

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

8b. National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Contract with Brown and Caldwell, Inc.

8c. City Manager Salary Adjustment

8d. Minutes of the May 6, 2020 Regular Meeting

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve items 8b – 8d. The motion carried by the following vote:

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

9. COMMUNICATIONS**City Manager**

Mr. Konkol would be out of the office next week.

Commissioners

Commissioner Smith discussed the letter from the Confederated Tribes of the Grand Ronde regarding the Willamette Falls Trust. He was concerned that the Commission had just renewed the agreement with Willamette Falls Trust and the tribes had asked for a re-examination of the appropriate roles of the Trust.

Ms. Terway read the letter from Brian Moore stating the Trust was working on a formal apology and response to the tribes. They acknowledged the way the presentations were structured and delivered had a lot of room for improvement. They planned to focus on interpretive signage, funding, and access and to give a refresher presentation on these topics at the next Partner meeting.

Mayor Holladay suggested letting staff look into this issue and also scheduling an Executive Session for the next meeting to discuss the contract between the City and the Trust.

Commissioner McGriff said they needed to tell the story of all the tribes connected to Willamette Falls and there had not been the opportunity to do that yet. She viewed these as ideas about directions to go in, and nothing had been decided yet. She concurred with the Mayor.

There was consensus to move forward as the Mayor suggested.

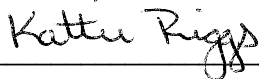
Mayor

There were no Mayor communications.

10. ADJOURNMENT

Mayor Holladay adjourned the meeting at 9:45 PM.

Respectfully submitted,



Kattie Riggs, City Recorder