



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Tuesday, July 11, 2023 at 6:00 PM

CONVENE WORK SESSION AND ROLL CALL

Mayor McGriff convened the meeting at 6:07 PM.

PRESENT: 5 - Commissioner Frank O'Donnell, Commissioner Mike Mitchell, Commissioner Adam Marl, Commissioner Rocky Smith, Mayor Denyse McGriff

STAFF: 9 - City Manager Tony Konkol, Community Development Director Aquilla Hurd-Ravich, Parks and Recreation Director Kendall Reid, Police Captain David Edwins, Finance Director Matt Zook, Library Director Greg Williams, Public Works Director John Lewis, IT Director Mike Dobaj, Assistant City Recorder Angelique Nomie

FUTURE AGENDA ITEMS

1. List of Future Work Session Agenda Items

Tony Konkol, City Manager, proposed future work session agenda items, including discussions about the Promenade Charter Park, a Business License Amendment for summer events, developing City-owned properties within the Urban Renewal District, and policies and procedures for public meetings.

Mayor McGriff asked if a discussion about Citizen Involvement Committee (CIC) mailings should occur, in light of a recent set of CIC mailings that had contained political language. Mr. Konkol reported that this discussion had taken place with the CIC. Commissioner Marl added that the CIC mailings in question had been more expensive to produce than necessary and suggested that the money for these postcards ought to be reimbursed to the city. Commissioner O'Donnell expressed agreement with Commissioner Marl. There was discussion about how to provide appropriate oversight regarding CIC communications without overstepping the city's role. Mr. Konkol suggested holding a discussion about communication guidelines with the CIC. There was consensus that this should take place.

Commissioner Mitchell expressed an interest in how much the recent set of CIC mailings cost compared to usual mailings. Mr. Konkol said a directive to reimburse the city to the person who supported these mailings ought to come from a public meeting, and that he would like to discuss the matter with the City Attorney as well. There was consensus to discuss this matter further.

Commissioner O'Donnell expressed concern about declining membership in the Downtown Oregon City Association (DOCA). He suggested reevaluating the city's relationship with this organization. Mayor McGriff reported that the group was on track with accomplishing items in their Memorandum of Understanding (MOU) and that they were due to offer the city a report soon. There was discussion about how DOCA's 501c3 status precluded a membership structure, which could make it undesirable for downtown businesses to offer funding to the association. Commissioner Marl expressed partial agreement with Commissioner O'Donnell's points. There was discussion about when DOCA would offer its next report and Mr. Konkol explained that their previous agreement required them to report annually. He also explained

that DOCA's previous agreement had expired, that they had not made a new agreement with the city, and hence were not currently receiving City funds. There was discussion about how previous DOCA documents had failed to include the city logo as required in their agreement with the city. Commissioner Marl suggested reevaluating the city's relationship with DOCA after its current leadership transition is resolved.

Commissioner Marl suggested having a future discussion about planning a 4th of July cultural event for the following year. Commissioner Smith suggested a larger conversation to plan ahead for summer events.

Mayor McGriff suggested it was time for the South Fork Water Board to offer an annual report, and also suggested scheduling a joint meeting with the City of West Linn to discuss the South Fork Water Board and homelessness on I-205.

DISCUSSION ITEMS

2. Natural Resources Committee Work Plan for 2023 – 2025

Samantha Wolf, Vice-Chair of the Natural Resources Committee (NRC), presented the committee's 2023-2025 Work Plan. The plan included a street tree inventory; communicating regularly with neighborhood associations; improving public awareness of natural resources; providing the city with input on tree protection; supporting the city's application to participate in the Bee City program; promoting protection of invertebrate habitat; promoting public awareness of the dangers of pesticides; and reviewing and commenting on Type 3 applications. Ms. Wolf also reported that the NRC meets monthly and had just acquired a new member, and is in need of more members. She emphasized that the NRC wishes to collaborate with the Parks and Recreation Committee (PRAC) and welcomed PRAC members to attend NRC meetings.

Commissioner Smith suggested searching for trees on City-owned properties, such as schools, that can be designated as Heritage Trees.

3. Clackamas Water Environmental Services State of the District Report

Greg Geist, Director of Clackamas County Water Environmental Services (WES), presented a slideshow giving an overview of the organization's annual report. He expressed appreciation for Public Works' collaboration with WES on addressing inflow and infiltration issues. He discussed the WES organizational structure and services, financial stewardship, and rate determination parameters. He also provided an overview of WES's Capital Improvement Plan and discussed plans for WES's various facilities. Mr. Geist discussed partnering with City governments to improve the shared sewer system. He also reported updates on the Willamette Pump Station and a new Force Main, and WES's 3-Creeks Natural Area Floodplain Enhancement Project. He discussed various community collaboration projects with organizations such as Clackamas Community College's Environmental Learning Center, as well as community events sponsored by the organization.

Commissioner O'Donnell asked about the city collaborating with WES to provide membrane filtered water in Clackamette Cove. Mr. Geist explained that he had been approached in regard to this proposal and explained that Department of Environmental Quality (DEQ) regulations forbid additional discharge into the Willamette. Mr. Geist reported that he had been conversing with a DEQ representative who might be able to help with classifying the Cove as part of the Willamette in order to address this hurdle, and that new state legislation will allow review and revision of current water reuse rules.

There was discussion about the function of the new Tri-City outfall system planned by WES and how it would impact the water of the Cove.

Commissioner Marl asked about how rate differentials are calculated. Mr. Geist explained that Rate Zone

Two has a different rate because of legacy debt that it took on, but that in 2031 the debt service will be gone and rates will be uniform district wide.

Mayor McGriff expressed concern that rate harmonization would, in effect, cause the cities to subsidize smaller entities. She also suggested reengaging a Technical Advisory Committee to examine the technical details of these arrangements more thoroughly than the laypeople of the Clackamas Water Environment Services Policy Committee can do. She suggested that there might be ways to consolidate administrative tasks that the city and WES are both addressing. Mr. Geist replied that all of WES's ratepayers receive the same wastewater services, and that rate harmonization benefits all ratepayers by allowing WES to address anywhere in its districts from the collected payments of all ratepayers. Many larger projects have directly benefitted Oregon City. Mayor McGriff suggested that communication from WES about rate changes was not sufficiently clear and that future changes could be discussed with the three cities as they are in a sense "major shareholders" in the WES services.

Commissioner Smith asked about the current number and makeup of the WES advisory group, and Mr. Geist replied that the group contains 20 members and represents officials from Happy Valley, Milwaukie, Johnson City, Oregon City, West Linn, and Gladstone. Commissioner Smith suggested that the current makeup of the advisory group is weighted away from the cities. Mr. Geist replied that there is a procedure in place to allow cities and the county to address conflicts in WES separately from the advisory board.

Mr. Geist said he appreciated the level of attention to detail and accountability that Oregon City representatives brought to the WES Advisory group. Commissioner O'Donnell expressed agreement with the thoughts expressed by Mayor McGriff and Commissioner Smith.

The commission took a break from 8:17 PM to 8:29 PM.

4. Parks and Recreation Master Plan Update - Comprehensive Findings and Recommendations

Kendall Reid, Parks and Recreation Director, introduced Neelay Bhatt with PROS Consulting, Inc., who gave a PowerPoint presentation on findings and recommendations for the Parks and Recreation Master Plan. The presentation explored the city's geographical provision of parks and recreational facilities to determine which areas of the city needed more access, and which areas had facility overlaps where resources could be given to other needs. Mr. Bhatt emphasized the importance of considering the quality of available facilities, not just their service area, noting facilities in need of updates. The presentation also offered Priority Investment Ratings based on community survey input and discussed core values and action items determined by the Parks and Recreation staff, including increasing accessibility, addressing deferred maintenance, marketing, and exploring new funding mechanisms.

Mayor McGriff observed that the industry standard definition of "pocket parks" differed from the general understanding of the term. Mr. Bhatt observed that the industry standards were merely guidelines, and that patterns of use should also be considered when describing these types of parks.

Mayor McGriff asked if the school district's football field had been included the report's inventory of accessible walking paths, and Mr. Bhatt replied that it had not. Mayor McGriff suggested that the field be added to the inventory since it had been accessible to the public in the past and had the potential to do so again. Mr. Reid observed that many school districts had been trending away from collaboration with Parks and Recreation departments in facility sharing and that it was valuable to limit reliance on such collaborations. Commissioner Smith suggested not adding the football field to the inventory without conversing with the school district first. Mr. Bhatt suggested leaving the field off the inventory so as not to artificially show access needs being met, and Mayor McGriff suggested noting the issue as a topic of future discussion with the school district.

There was discussion about public complaints of park users not abiding by park rules, such as allowing dogs off-leash. Mayor McGriff observed that there were limitations to the things Parks and Recreation staff could control. Commissioner O'Donnell suggested reinstituting the role of Park Hosts, and discussion occurred about how to more clearly advertise this role and solicit applications.

There was discussion regarding the difficulty of determining whether respondents discussing water access in the Priority Investment Ratings survey were referring to boat access or other kinds of water use.

Mayor McGriff suggested looking into a playground facility for children with disabilities, stating that grants were available for such projects. Mr. Bhatt observed that new playgrounds are often built to accommodate all levels of sensory and physical ability.

There was discussion about who uses City facilities. It was observed that both residents and non-residents use the RV park. Mayor McGriff observed that the needs of Oregon City residents should be prioritized over non-residents.

Commissioner Smith suggested adding Ermatinger House to the list of facilities that required a business master plan, suggesting that the historical and unusual resources of the city should be viewed as tourism assets. Mayor McGriff also suggested viewing the Buena Vista Clubhouse in this manner.

Commissioner O'Donnell suggested evaluating each of the "big moves" or action items in the presentation in terms of how much each item benefits the community.

Commissioner Marl emphasized the importance of the presentation's data regarding the expressed needs of community members. There was discussion about collaboration between departments and how the proposed Parks and Recreation action items could benefit and interact with other departments, such as Tourism.

Commissioner Mitchell observed that Tyrone Woods Park did not serve its entire marked area conveniently because residents on the other side of Beaver Creek Road and Highway 213 cannot safely access the park by foot. He also suggested that a potential bond would likely be more successful if it provided for continued maintenance and added new indoor facilities to the Parks and Recreation offerings.

5. Discussion of Elected Officials Participating as Nonprofit Board of Directors

Mr. Konkol reviewed Oregon Revised Statute 244.020(13), defining a conflict of interest. He added that a conflict of interest seems clearly defined to require a personal, familial, business, or financial benefit to the elected official.

Mayor McGriff described several situations in which she abstained from board votes having to do with funding for Oregon City.

Commissioner Marl said he requested this discussion topic to specifically examine the City Commission's relationship with the Downtown Oregon City Association. He suggested that requiring stricter standards in this matter might protect against possible future breaches of ethics and suggested that such breaches had occurred in past administrations.

Mayor McGriff explained that during onboarding with DOCA she made it clear that the city's elected officials would not vote on issues involving the city's funding of the association.

Commissioner Marl asked if DOCA's bylaws allowed for a voting member from City government. Commissioner Mitchell explained that DOCA's original bylaws called for a City Commission

representative as an ex-officio, non-voting member, but that the rule had been changed when Mayor McGriff became a City Commissioner. Mayor McGriff said the change in rules had affected several ex-officio members of the DOCA Board and stated that, when it occurred, she told the board she would abstain from voting on issues she considered a conflict of interest.

Commissioner O'Donnell suggested that future commission members serving on nonprofit boards might not self-monitor as well as Mayor McGriff does, and that stricter rules could safeguard against ethics violations. Commissioner Mitchell expressed agreement with Commissioner O'Donnell and Commissioner Marl, adding that DOCA's unique relationship with the city necessitates different treatment than with other nonprofit organizations.

Commissioner Smith suggested that allowing an elected official to serve as a nonvoting board member in a liaison role could be valuable, but that it was inappropriate for an elected official to be a voting member or an officer of a nonprofit board. He added that, although he has the right to serve on boards or attend meetings as a private citizen, his role as a city commissioner means that extra care is needed to prevent any perception that he is using his position for influence.

Commissioner Marl expressed agreement with Commissioner Smith and observed that, as a nonvoting liaison to the CIC, he is not even called in the roll at meetings because his job there is only to listen and facilitate communication.

Mayor McGriff agreed to take the commissioners' remarks under advisement and reiterated that her current involvement with the DOCA Board was due to her professional expertise, with no relation to issues of funding from the city to DOCA.

Mr. Konkol asked Assistant City Attorney Carrie Richter if the commission was allowed to implement a conflict-of-interest policy more stringent than what was required in Oregon Revised Statutes. He invited Ms. Richter to comment on this issue via videocall. Ms. Richter said the city is allowed to set ethical guidelines above and beyond what is required regarding the issue of elected officials serving on boards. She added that it was important to be specific about which entities are included and excluded in such rules.

Mr. Konkol suggested exploring new guidelines specifically in regard to the membership of elected officials on boards with a closer than usual financial connection to the city, such as DOCA and a potential Destination Management Organization (DMO).

Commissioner Mitchell suggested that an organization that only receives grant money from the city could have an elected official – who would abstain from votes about the grant – as a voting member, but that an organization with a Memorandum of Understanding (MOU) with the city or with consistent City funding should not have an elected official on its board. Commissioner O'Donnell expressed agreement with Commissioners Mitchell and Smith.

Mr. Konkol and Ms. Richter agreed to draft a policy to reflect the commission's desire to create more stringent regulations for elected officials serving on nonprofit boards for the commission to review upon completion.

CITY MANAGER'S REPORT

6. Update on City Projects

Mr. Konkol reported that the next work session would include a discussion of encroachments on the McLoughlin Promenade in light of a survey the city has just completed. He also reported that regular meetings with the Confederated Tribes of the Umatilla had been taking place regarding drafting signage for the Cayuse Five memorial. Mr. Konkol agreed to set a joint meeting with the Confederated Tribes of the Umatilla, potentially on July 28, 2023.

Mr. Konkol reported that there were no additional changes regarding the Courthouse or the Canemah rights-of-way issue, and that work was ongoing with Engineering and Planning staff on the Tumwater Village project.

Mr. Konkol reported that an agreement had been reached between the Willamette Falls Trust and Portland General Electric to begin a feasibility study on potential public access to the West Linn side of Willamette Falls. Mr. Konkol suggested that progress on developing the West Linn side of the river could help move forward plans for the Oregon City side.

Commissioner Smith expressed frustration that the commission had not been involved in this discussion or informed about the agreement. He expressed concern that this development might make Oregon City lose the funding and public enthusiasm for development on its side of the river. He suggested that West Linn and Oregon City ought to communicate more about projects on both sides of the Willamette Falls.

Mr. Konkol suggested that funding for a Riverwalk on the West Linn side of the Willamette might not preclude funding for a Riverwalk on the Oregon City side, and that this could be an opportunity to implement one of the current biennium goals and work more closely with the many sovereign nations involved broadly in the Willamette Falls riverwalk project in order to find solutions that benefit everyone. Mr. Konkol also observed that the sticking point with Riverwalk discussions had been the need to balance the interests of the private owner of the development site with the cultural needs of the historic residents of the area and that the city needs to engage more with that challenge.

Commissioner O'Donnell expressed agreement with Commissioner Smith and suggested that Metro had been slowing down progress on the potential project.

There was discussion that this Riverwalk issue should be discussed at the upcoming meeting with West Linn in order to advocate for Oregon City's interests.

COMMISSION COMMITTEE REPORTS

7. Commissioner O'Donnell

- South Fork Water Board

Commissioner O'Donnell had no updates to report.

8. Commissioner Smith

- Clackamas Heritage Partners
- Oregon City Tourism Stakeholder's Group
- South Fork Water Board

Commissioner Smith reported that the South Fork Water Board had been working on the intake issue, received an update on a new building, and had a discussion about controlling vendors.

9. Commissioner Marl

- Citizen Involvement Committee Liaison
- Clackamas County Coordinating Committee (C4)
- Clackamas County I-205 Tolling Diversion Committee
- Youth Advisory Committee Liaison

Commissioner Marl reported that the recent Youth Advisory Committee meeting had featured discussion around hosting an event that focused on student mental health and resources. He reported that the Youth Advisory Committee also wished to meet more frequently, and that they had been on the front page of the Oregon City News for speaking at the Juneteenth event.

Commissioner Marl also reported that the I-205 Tolling Diversion Committee had been discussing its future mission in light of tolling developments.

10. Commissioner Mitchell

- Clackamas County Coordinating Committee (C4) – Metro Subcommittee
- Clackamas County I-205 Tolling Diversion Committee (alternate)
- Metro Policy Advisory Committee (MPAC) (alternate)

Commissioner Mitchell had no reports at this time.

11. Mayor McGriff

- Clackamas Water Environment Services Policy Committee
- Clackamas Heritage Partners (alternate)
- Downtown Oregon City Association Board
- Metro Policy Advisory Committee (MPAC)
- Oregon City Tourism Stakeholder's Group
- South Fork Water Board
- Willamette Falls and Landings Heritage Area
- Willamette Falls Legacy Project Liaisons
- Youth Advisory Committee Liaison

Mayor McGriff reported that she may not be able to attend the upcoming meeting of the Clackamas Water Environmental Services Policy Committee. She reported that the Downtown Oregon City Association was actively looking for a new Executive Director. Mayor McGriff reported that the project on the Bridgeview Building is moving forward, and that the Metro Policy Advisory Committee had a discussion about regional transportation and rapid bus routes, where concern was expressed about whether the bus routes would benefit residents further from the core service area.

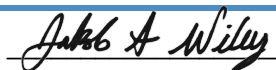
Mayor McGriff reported that the Willamette Falls Landings Heritage Area group would be meeting on Monday and were slated to discuss community engagement and maintaining cordial relationships between members. She reported that a project was underway identifying areas of the Willamette where persons of Chinese heritage had been involved.

Mayor McGriff reported that she had had meetings with Andrew Mason and Julie Hernandez regarding the Riverwalk project on the West Linn side of the Willamette, and that Ms. Hernandez had assured her that the progress on this project was merely exploratory at this stage. Mayor McGriff had asked Mr. Mason how the West Linn project affected funding for the Oregon City Riverwalk, and Mr. Mason replied that that funds raised for Oregon City would not be co-opted for West Linn.

ADJOURNMENT

Mayor McGriff adjourned the meeting at 10:07 PM.

Respectfully submitted,

A handwritten signature in black ink, reading "Jakob S. Wiley". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Jakob S. Wiley, City Recorder