



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - 2ND REVISED MINUTES

Virtual Meeting
Wednesday, July 07, 2021 at 7:00 PM

EXECUTIVE SESSION OF THE CITY COMMISSION:

Immediately following the regular meeting of the City Commission.

a. 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.

VIRTUAL MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor Rachel Lyles Smith called the meeting to order at 7:04 PM.

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

STAFFERS: 15 - City Manager Tony Konkol, City Attorney Bill Kabeiseman, City Recorder Kattie Riggs, Finance Director Matt Zook, Community Development Director Laura Terway, Public Works Director John Lewis, Library Director Greg Williams, Parks & Rec. Director Kendall Reid, Police Captain Shaun Davis, Human Resources Director Patrick Foiles, Econ. Dev. Manager James Graham, Planner Kelly Reid, IT Supervisor David Knoll, Project Engineer Bob Balgos, and Tourism Program Specialist Matthew Weintraub

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

4. CITIZEN COMMENTS

Betty Mumm, resident of Oregon City, commented on the possible use of the residential pavement maintenance utility fee to address the current sidewalk/street tree issue. Ms. Mumm reminded the Commissioners that the fee is intended for issues with city streets and not sidewalks or associated issues.

Tracy Rock, resident of Oregon City, commented on the lack of short-term rental opportunities in the McLoughlin District and encouraged the Commission to consider amending the code to allow for more short-term rentals for tourist use.

5. PRESENTATIONS

6. ADOPTION OF THE AGENDA

Commissioner McGriff asked to pull agenda item 7a from of the Consent Agenda and added to the General Business. The agenda was adopted as amended.

7. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the Consent Agenda (items 7b. through 7p.), except for item 7a. The motion carried by the following vote:

Yea: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

- 7a. Update on Resolution No. 21-32, Authorizing the Use of Tree Mitigation Funding for the Tree Recovery Program in Response to the 2021 Winter Storm Damage

Commissioner McGriff wanted to verify the waiver would only apply to trees that were damaged or fell down due to the February 2021 ice storm. She would like to add a few changes to clarify the language about using the street tree list and the options for saving money. On the upcoming utility bill insert, she asked the language be changed to damaged tree canopy instead of lost. She asked that the insert emphasize that the waiver applies to trees that were damaged by the ice storm event in February 2021 and not other causes. Commissioner McGriff asked that the insert refer homeowners to the approved street tree list on the City's website and include contact information for the Friends of Trees.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve Resolution No. 21-32, Authorizing the Use of Tree Mitigation Funding for the Tree Recovery Program in Response to the 2021 Winter Storm Damage as amended. The motion carried by the following vote:

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

- 7b. Resolution No. 21-34, Vacating a Section of Public Sanitary Sewer Easement at 11837 Skellenger Way
- 7c. Resolution No. 21-36, Reactivation of the Oregon City Arts Commission
- 7d. Local Agency Agreement with the Oregon Department of Transportation for the Beavercreek Road ARTS Project
- 7e. Purchase of Panasonic Toughbook Computers, Warranty, Docking Stations, and Car Adapters from ExtenData Solutions
- 7f. Five-year Agreement with Axon Enterprise, Inc. for Body-worn Cameras and Associated Hardware, Analytical Software, Training, and Digital Evidence Storage
- 7g. Metro Community Enhancement Grant Agreements for 2021-2022
- 7h. Intergovernmental Agreement with Metro Continuing the Community Enhancement Grant Program
- 7i. State of Oregon Price Agreement with Professional Credit Service (PCS) for Accounts

Receivable Management/Debt Collection

- 7j. Three-year Disaster Recovery Services Contract with ThinkGard
- 7k. Three-year Ransomware and Threat Protection Solution Contract with DarkTrace
- 7l. Recommendation Letter for the Appointment of Rachel Lyles Smith to the Governor's Willamette Falls Locks Commission
- 7m. Minutes of the May 5, 2021 Regular Meeting
- 7n. Minutes of the May 24, 2021 City Commission Special Work Session
- 7o. Minutes of the June 2, 2021 Regular Meeting
- 7p. Minutes of the June 8, 2021 Work Session

8. PUBLIC HEARINGS

- 8a. Resolution No. 21-35, Adopting a Methodology, Project List, Amounts for the City's Stormwater System Development Charges and Establishing Effective Dates and Repeals Resolution No. 04-47

John Lewis, Public Works Director, provided the background. John Ghilarducci, FCS Group consultant, discussed stormwater system development charges (SDCs) used to support the City's Capital Improvement Plan (CIP). Staff recommends updating the stormwater SDCs to align with the newly adopted July 2019 Stormwater Master Plan. In March 2020, the City contracted with FCS Group to gather information from the Stormwater Master Plan and analyze the City's SDCs. Adjusting SDC rates ensures that development contributes its share of infrastructure costs. In March 2021, the FCS Group and City staff presented the proposed Stormwater SDC fee to the City Commission. The SDC fee included the reimbursement fee and improvement fee. A few capital projects from the CIP list were determined to be growth-related, resulting in an increase of the stormwater SDC from the current \$956/equivalent residential unit (ERU) to \$1,070/ERU.

Mayor Lyles Smith opened the public hearing. As there were no public comments, Mayor Lyles Smith closed the public hearing.

Commissioner O'Donnell asked about the calculation and equity between the burden on new development and costs imposed on existing users. Mr. Lewis responded with information on project costing and itemization and how that will affect rates.

Mayor Lyles Smith asked about an annual inflation statement in the resolution that is based on a Seattle construction cost index and Mr. Lewis explained that the Seattle cost index is the closest index in the region that can be utilized.

Motion made by Commissioner McGriff, seconded by Mayor Lyles Smith, to approve Resolution No. 21-35, Adopting a Methodology, Project List, Amounts for the City's Stormwater System Development Charges and Establishing Effective Dates and Repealing Resolution No. 04-47. The motion carried by the following vote:

Yea: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

There was discussion and consensus to amend the agenda order and allow Tracy Rock to provide a public comment for an item not on the agenda after the vote on Resolution No. 21-35.

9. GENERAL BUSINESS

9a. Resolution No. 21-18, Establishing a Minimum Equivalent Residential Unit Monthly Rate to be Charged for Stormwater Service Provided to Customers Served by Oregon City's Stormwater System

The City Commission had requested City staff to investigate additional rate scenarios that consider reducing the capital projects list and extending the short-term rate increases from three years to five years. Three levels of services funded by cash or debt issuances were presented in the March 2021 Commission meeting. The Commission favored pursuing Level of Service 2, cash funded option at that time.

Mr. Lewis reviewed the proposed capital projects, rate methodology and the Level of Service scenarios.

Mr. Ghilarducci addressed the public comments from Craig Danielson and felt the average Equivalent Residential Unit based on a 2500 square foot residence was typical for cities. Altering this value would increase the burden on residences and decrease the burden on large properties since the infrastructure costs do not change.

Commissioner O'Donnell asked if there was a credit system that would allow a developer to decrease their impact and the fees. Mr. Lewis indicated the kinds of improvements that would provide a credit are typically required as part of the development code. For developments prior to these requirements, the City would need to evaluate the Development Intensity Factor on a case-by-case basis.

Mayor Lyles Smith asked about the 5-year duration under option 2 and if that was enough time to generate revenue to complete the stormwater projects. Mr. Lewis indicated the 5-year period was adequate.

Motion made by Commissioner O'Donnell, seconded by Commissioner Smith, Jr., to approve Option #3, an 8% increase over 5 years with an 80% cap on capital improvements - Resolution No. 21-18, Establishing a Minimum Equivalent Residential Unit Monthly Rate to be Charged for Stormwater Service Provided to Customers Served by Oregon City's Stormwater System. The motion carried by the following vote:

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

The Commission took a break from 8:23 to 8:30 PM.

9b. 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)

Kelly Reid, Planner, provided the overview regarding the amendments to the Oregon City Municipal Code Chapter 15.28 Sign Code. The Mural Code would need to be content neutral. She discussed the Zoning areas that would allow murals, the Arts Commission would provide the oversight with the Economic Development Department. Staff has received favorable comments in support of the Code amendments.

Commissioner Smith asked questions about the difference between Murals and Signs. Ms. Reid and Mr. Kabeiseman provided explanation that mural surfaces are dedicated to the City through an easement.

Commissioner McGriff had concerns about allowing murals on historic residential houses that are currently zoned commercial. She also doesn't support the language of allowing staff to make decisions if the Arts Commission is no longer meeting or active.

Commissioner Smith asked what happens to the murals that have been created when the City didn't allow murals. Ms. Reid thought those had been handled through Code Enforcement and will have the opportunity to submit to the Arts Commission.

Mayor Lyles Smith asked if the historic homes that are commercially zoned could be exempt in this Code language. Ms. Reid suggested the option that the Historic Review Board would need to review any mural on a historic home as well as amending the code to prohibit any historic home from having a mural.

There was a consensus to prohibit murals on historic homes completely in the Code. There was also consensus to have murals go to the City Commission rather than staff if there is no active Arts Commission.

Mayor Lyles Smith asked what the appeal fee would be. Laura Terway, Community Development Director, said the appeal fee would be \$250.00 and the fees will come to the Commission by resolution at the same meeting of the second reading of the Ordinance. Non-approved murals can be allowed as signs, but are not considered public art.

The Commission discussed proposed changes to the Ordinance to (1) replace review by staff with review by the City Commission, (2) prohibit murals on historic homes zoned commercially, (3) add language regarding rooftop murals.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to continue the 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) to the July 21, 2021 meeting. The motion carried by the following vote:

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

- 9c. Second Reading of Ordinance No. 21-1010, amending Oregon City Municipal Code Chapter 3.20 – Reimbursement Districts.

The City Commission briefly discussed the item and proceeded to vote.

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the second reading of Ordinance No. 21-1010, Amending Oregon City Municipal Code Chapter 3.20 – Reimbursement Districts. The motion carried by the following vote:

Yea: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

- 9d. 2021 – 2023 City Commission Biennium Goals and Strategies

Tony Konkol, City Manager, provided an overview of the City Commission Goals. He explained the items that had been added during the budget process, but not included in the actual Goals.

Motion made by Commissioner Smith, Jr., seconded by Commissioner McGriff, to adopt the 2021 - 2023 City Commission Biennium Goals and Strategies. The motion carried by the following vote:

Yea: 5 - Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell,

and Commissioner Smith, Jr.

10. COMMUNICATIONS

City Manager

Mr. Konkol asked Shawn Davis, Police Captain, to provide an update about the fireworks during the 4th of July 2021.

Mr. Davis mentioned all complaints received were investigated. No citations or warnings were issued. There was no property damage or structure damage, but there were two tree fires. There were 48 calls total. Commissioner McGriff asked if any warnings had been issued related to fireworks. Mr. Davis indicated that no written warnings had been issued. Commissioner O'Donnell suggested a stronger approach should be taken to encourage compliance. Mr. Davis also briefly provided an update about the riot at Clackamette Park on June 18, 2021.

Commissioners

Commissioner O'Donnell felt there were three things the Commission needed to address in the near future: mitigation efforts in Clackamette Cove, street trees and buckling sidewalks, dredging to improve water quality in the Clackamette Cove.

Commissioner McGriff reported on the Arch Bridge clean-up and new Executive Director for the Willamette Falls and Landings Heritage Area Coalition.

Mr. Konkol updated the Commission on the items coming to the City Commission over the next couple of months for work sessions. He also provided an update regarding the mitigation and restoration work at Clackamette Cove.

There were questions about the permit with the Army Corp of Engineers regarding the mouth of Clackamette Cove and removing a gravel bar forming in the Clackamas River. The Commission also discussed water quality in Clackamette Cove and RestoreCap effort to acquire wetland mitigation credits.

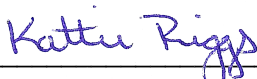
Mayor

Mayor Lyles Smith announced the kick-off of the new Oregon City Connector Shuttle which will begin service on July 12, 2021.

11. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 9:32 PM.

Respectfully submitted,



Kattie Riggs, City Recorder