



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

MINUTES

Commission Chambers, 625 Center Street, Oregon City
Tuesday, July 07, 2020 at 6:00 PM

5:30 PM - EXECUTIVE SESSION OF THE CITY COMMISSION

Executive Session will be held in the Commission Chambers at City Hall beginning at 5:30 PM.

- i. 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.*

6:00 PM - CITY COMMISSION WORK SESSION

CONVENE WORK SESSION AND ROLL CALL

Commission President Rachel Lyles Smith called the meeting to order at 6:17 PM.

PRESENT - 4

*Commissioner Denyse McGriff
Commissioner Frank O'Donnell
Commissioner Rachel Lyles Smith
Commissioner Rocky Smith, Jr.*

ABSENT - 1

Mayor Dan Holladay

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, and Human Resources Director Patrick Foiles

FUTURE AGENDA ITEMS

1. List of Future Work Session Agenda Items

Tony Konkol, City Manager, reviewed the list of upcoming agenda items.

Commissioner O'Donnell would like to discuss the Farmer's Market banner request. He had misunderstood Doug Neeley's and Karla Laws' comments from the July 1, 2020 Commission meeting regarding the upper yard. He would like to clarify their intentions.

The Commission added both items to the Work Session agenda.

Commissioner McGriff asked about the Metro food waste requirements review. Mr. Konkol said it would be coming back to the Commission in August.

Commissioner McGriff suggested delaying the Clackamette Park boat ramp discussion until the new Parks Director was hired. She would like to move up the Park Place crosswalks discussion.

Commissioner Lyles Smith would like to get an update on Trillium Drive. Mr. Konkol said that would be part of the Park Place crosswalks and prioritization of projects discussion.

Commissioner Lyles Smith suggested a discussion regarding the requirement to have personal cell phone numbers listed on the City's website.

Commissioner O'Donnell would like to discuss these issues at a Retreat including how to be more efficient together and Commission conduct.

Commissioner Lyles Smith asked about using an equity lens for City operations and procedures. Mr. Konkol explained that the City hired a consultant to provide training for staff. Commissioner McGriff would like to see the training extended to the Commission.

CITY MANAGER'S REPORT

Mr. Konkol invited James Graham to speak on the Oregon City Debt Relief Program.

James Graham, Economic Development Manager, provided an overview of the Debt Relief Program round one which took place in May through the City's General Fund and mentioned that there would be a round two with funds provided by the State from grant funds the City applied for. This second round of funding would be available to both non-profit and for-profit businesses affected by the COVID-19 pandemic. The businesses that already received other funding would not be eligible. These were businesses with 1-5 employees and sole proprietorships. Staff was currently doing outreach for the program. Applications could be submitted from July 15, 2020, 9:00 am until August 19, 2020. There might be a round three available through the state and he planned to submit an application for more funding.

The Commission complimented Mr. Graham for his work.

Commissioner McGriff asked if round two would have the same requirements as round one. Mr. Graham said yes, they would be the same only with less documentation required. If a business received funding in round one they would not be eligible for round two.

DISCUSSION ITEMS

2. Citizen Involvement Committee (CIC) Draft By-Laws

Laura Terway, Community Development Director, introduced the topic.

Bob La Salle, Chair of the Citizen Involvement Committee (CIC), explained that the CIC didn't have current by-laws. He had used the old by-laws as the template and he was in favor of the recommended changes from staff.

Ms. Terway noted the by-laws would match the purpose language in the code. The by-laws would come back to the Commission on July 15, 2020

Commissioner Lyles Smith would like to change the language to read, "The City Recorder shall maintain the official copy of the meeting minutes."

Commissioner O'Donnell agreed with the comments submitted by William Gifford about having two representatives for each neighborhood, but he would like to leave the language the way it was right now and if it didn't work it could be changed at a later date.

3. Proposed Revisions to Oregon City Municipal Code 17.44 - Geologic Hazards

John Lewis, Public Works Director, introduced the topic and turned it over to Josh Wheeler to provide the presentation.

Josh Wheeler, Assistant City Engineer, provided a history of the City's geologic hazard code, the new landslide hazard guidelines published in October 2019, and areas for code enhancement. The proposed code enhancements included clarifying when a review was required, clarifying exemptions, referencing the new State guide, additional application requirements for stormwater management, construction phasing, and construction methods, requirement to include a hydrology report for any property within a mapped landslide, codifying the waiver process, clarity on the weather window, certification by a professional engineer, clarity on density calculation, clarity on storm drainage, clarity of construction standards, and clarity on liability. He then discussed the existing resources which included the City code, OC maps, DOGAMI guides, City website, Geologic Hazard Development Checklist, and presentation from October 13, 2011. The next steps were: Option 1, proceed with a public open house and seek legislative approval or Option 2, do not proceed further.

There was discussion regarding the additional code enhancements, the unpredictability of weather in the area, and subjective vs. clear and objective standards,

Commissioner Lyles Smith would like staff to move forward with Option 1. She asked when the Measure 56 notice would go out to the public, before the open house or later when they were closer to the legislative process.

Commissioner McGriff wanted to make sure notice was sent to the hamlet of Beavercreek.

Ms. Terway said they could send the Measure 56 notice out before the open house. They would also send notice to the hamlet of Beavercreek and residents on Holly Lane.

Commissioner O'Donnell was also in favor of Option 1 and would like the open house to be recorded.

Commissioner McGriff would like to know if there was a provision for denial and if an application was denied, could they use a density transfer. She thought a building permit should be required for anything over 200 square feet, not 500 square feet as it was currently. Were they requiring proof for the exemptions and emergencies to explain why there was an exemption or to show there was an emergency?

Mr. Wheeler said once potential applicants were given all of the requirements, many of them did not move forward because it was either cost prohibitive or they could not meet code. The 500 square feet was in the current code, but he could look into changing it. They currently documented exemptions and now the information was being added to OC maps.

There was consensus for staff to move forward with Option 1.

4. Permitting and Notification Draft Process for Tree Removal on Institutional and City Owned Properties

The Commission took a break at 7:51 PM and reconvened at 7:56 PM.

Ms. Terway introduced Pete Walter and turned the presentation over to him.

Pete Walter, Senior Planner, said in response to a recent tree removal on City property, the City Manager directed staff to draft code amendments and policies to avoid inappropriate tree removal on City owned property. To be included were a public notification process and an internal approval process. The City Commission had directed that the policy apply to all institutional properties throughout the City, to reuse the wood from removed trees, and to require larger caliper replacement trees rather than many smaller caliper trees. One of the proposed amendments to the code included a new definition for institutional lands. He explained the comments received from the Natural Resources Committee, Planning Commission, Public Works, and Parks and Recreation staff. Public Works recommended maintaining the current code and process due to financial and efficiency issues. Parks and Recreation staff thought a 1.5 inch caliper replacement was a good standard.

Mr. Walter said the proposed policy steps were: determine if the tree was exempt, obtain an arborist report, apply for permits, notice process, and removal, mitigation, and re-use. Staff suggested not imposing the additional process and standards on institutional properties until the Comprehensive Plan update process was completed. Options to discuss were: adopt an internal policy for notice and mitigation applicable to only city-owned lands and city tree removals or continue the current permit process and adopt a new code section for notification and mitigation applicable to all institutional lands.

There was discussion regarding permit requirements for Heritage Trees and trees in the public right-of-way.

Commissioner Lyles Smith was concerned that staff had different opinions on the policy and that a quarter inch lift in a sidewalk was considered a tripping hazard. She thought the policy should only apply to City owned land, not all institutional lands.

Commissioner McGriff thought if the City required citizens to do something, then the City should be required to do it as well. She suggested changing the code for trip hazards to require mitigation before a tree was removed. She thought a quarter inch was unreasonable. Something needed to be done in the interim and not wait until the end of the Comprehensive Plan process.

Commissioner O'Donnell agreed about the quarter inch. He mentioned the letter from Craig Danielson who thought the City should have to follow all the same requirements the public was required to follow. He did not think an arborist report was necessary in all circumstances. He thought replacing trees with larger caliper trees was preferred. He agreed there should be an interim plan.

Commissioner Smith wanted the departments to come to more of an agreement on the policy. He thought the requirements should only apply to City owned properties and not all trees needed to go through the same process. He agreed with the comments about the quarter inch tripping hazard.

There was discussion regarding possibly adding a fine for tree removal without a permit, more staff training, removal of the tree was not the first resort but the last resort, how the quarter inch sidewalk lift was a requirement of the Americans with Disabilities Act, setting up a budget for alternatives other than tree removal, and the difference between a tree in the right-of-way and a tree in a park.

Commissioner Lyles Smith said there was consensus to move forward with a resolution as an interim measure that applied to City property only, however the details needed to come back to another Work Session.

5. Oregon City Farmer's Market Banner Request

Commissioner O'Donnell would like to see if there was an exemption due to the pandemic for the Farmer's Market banner to be placed on Clackamas County property. He would like this to be a temporary 90-day exemption.

Ms. Terway explained the Farmer's Market was located on Clackamas County property and previously had a banner. The City's sign code was changed and did not allow this particular type of banner anymore. The City Manager had the authority to exempt things related to COVID-19, and this could be a short term solution. A long term solution would be exempting all government agencies from the sign code.

Commissioner Lyles Smith read the request from the Farmer's Market.

There was discussion regarding setting a precedent by allowing this exception, how this was not COVID-19 related, other options for the Farmer's Market sign that did not violate the sign code, and discussing an exemption for special events in the future.

The consensus of the Commission was to not approve the request.

6. Upper Yard Charter Park Clarification

Commissioner O'Donnell clarified the letters submitted by Doug Neeley and Karla Laws who thought there was no need for any more public process before designating the property as a Charter park. If the land was designated as a park, there should be a public process for the development of the park. Commissioner O'Donnell suggested removing the public process for the designation, using the 2004 survey, and describing the property lines with the boundary being the basalt cliffs to expedite moving forward with this item.

There was discussion regarding the timeline and getting the designation done before the end of the year.

Mr. Konkol gave an update on where he was in the process. He could give the Commission monthly updates.

COMMISSION COMMITTEE REPORTS

Commissioner McGriff was recently appointed to the Metro South Relocation Committee.

- A. Beaver Creek Employment Area Blue Ribbon Committee** - Commissioner Frank O'Donnell
- B. Brownfield Grant Committee** - Mayor Dan Holladay
- C. Citizen Involvement Committee Liaison** - Commissioner Rachel Lyles Smith
- D. Clackamas County Coordinating Committee (C4)** - Mayor Dan Holladay and Commissioner Rachel Lyles Smith
- E. Clackamas Heritage Partners** - Commissioner Rocky Smith, Jr.

Commissioner Smith explained the Clackamas Heritage Partners was working with the tribes to get a movie developed to show at the End of the Oregon Trail Interpretive Center.

- F. Downtown Oregon City Association Board** - Commissioner Denyse McGriff

Commissioner McGriff provided an update regarding the parklets and take-out dining. Downtown Oregon City Association was looking at doing a fundraiser with more information to come.

There was discussion regarding COVID-19 impacts to DOCA's revenue.

G. Metro Policy Advisory Committee (MPAC) - Commissioner Rachel Lyles Smith

Commissioner Lyles Smith mentioned MPAC would be meeting tomorrow night.

H. Oregon Governor's Willamette Falls Locks Commission - Mayor Dan Holladay

Commissioner McGriff stated Representative Mark Meek would not be able to bring this bill forward in the short legislative session.

I. South Fork Water Board (SFWB) - Mayor Dan Holladay, Commissioners Frank O'Donnell and Rocky Smith, Jr.

J. Willamette Falls and Landings Heritage Area - Commissioner Denyse McGriff

Commissioner McGriff said they would be changing the meeting date to allow a Clackamas County Commissioner to attend. They were moving forward with acquisition of the former West Linn City Hall.

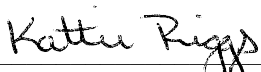
K. Willamette Falls Legacy Project Liaisons - Mayor Dan Holladay and Commissioner Frank O'Donnell

Commissioner O'Donnell said the action of the Grand Ronde to not allow access through Main Street added to the cost of the project as a bridge would be required. If they did not demonstrate some progress, the funding from the state could be in jeopardy.

ADJOURNMENT

Commission President Lyles Smith adjourned the meeting at 9:47 PM.

Respectfully submitted,



Kattie Riggs, City Recorder