



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

MINUTES

Virtual Meeting
Wednesday, June 16, 2021 at 7:00 PM

CITY COMMISSION VIRTUAL EXECUTIVE SESSION:

The City Commission held a virtual Executive Session immediately following the regular City Commission meeting. Please contact the City Recorder's office with any questions: recorderteam@orc.org.

- a. *PURSUANT TO ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*

VIRTUAL MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor Rachel Lyles Smith convened the meeting at 7:16 PM.

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

STAFFERS: 14 - City Manager Tony Konkol, Finance Director Matt Zook, Community Development Director Laura Terway, Public Works Director John Lewis, Asst. City Recorder Jakob Wiley, Planner Kelly Reid, Public Works Director John Lewis, Econ. Dev. Manager James Graham, Library Director Greg Williams, Police Chief Jim Band, City Attorney Bill Kabeiseman, Assistant Parks and Recreation Director Denise Conrad, Human Resources Director Patrick Foiles, and Project Engineer Bob Balgos.

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

3a. Proclaiming June 19, 2021 as Juneteenth Day in Oregon City

Mayor Lyles Smith proclaimed June 19, 2021 as Juneteenth Day in Oregon City.

4. CITIZEN COMMENTS

Karen Lynch, resident of Oregon City, was representing Unite Oregon City. She expressed appreciation for the proclamation and making a positive change in the City, especially in light of recent issues with white supremacy groups.

William Gifford, resident of Oregon City, thanked Tony Konkol, City Manager, for his efforts during the evacuations, wildfire, ice storm, and other efforts at the helm of Oregon City. He also shared the motto of Scott City, where history and progress meet, to be used as a guideline for Oregon City.

Mr. Konkol recognized staff's efforts in addressing these difficult times.

5. PRESENTATIONS**6. ADOPTION OF THE AGENDA**

Commissioner McGriff asked to remove item 7a from the Consent Agenda. The agenda was adopted as amended.

7. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve the consent agenda items 7b through 7m, excluding item 7a. The motion passed with the following vote:

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

7a. Resolution No. 21-32, Authorization of the Tree Recovery Program in Response to the 2021 Winter Storm Damage

Commissioner McGriff was concerned about the application of the tree removal policy for damaged trees. She did not think removals should be approved without a review.

Mayor Lyles Smith suggested for trees to be removed by the City, they should set a tree size for review.

Commissioner O'Donnell wanted to make the distinction between damaged and diseased trees.

Laura Terway, Community Development Director, discussed the current City tree policies. City Code only required mitigation and did not prevent the removal of trees.

The Commission expressed concerns with extending the exemption until October 2021 and that viable trees might be removed without adequate justification.

Mr. Konkol clarified they were talking about damaged trees in Singer Creek Park, Water Board Park, and the Cemetery. Currently in the Code there was no way to deny the removal of trees. If citizens lost a tree or had to remove a tree due to the ice storm and reported it, they did not have to replace it unless they were in an overlay district and would be on a list to get a tree from Friends of Trees.

Mayor Lyles Smith was willing to support the tree removal in the parks and cemetery, but not a City-wide exemption.

Commissioner McGriff agreed, but did not think it should be extended to October 2021.

Kelly Reid, Planner, said the date in October 2021 was to give people time to report their tree removal and get on the list. It was hard to get a contractor scheduled at this time.

Mayor Lyles Smith suggested changing the wording to clarify citizens had until October 31, 2021 to report any trees that were removed due to damage in the ice storm, not that they could remove trees up to that date.

The consensus was to direct staff to return with this item after adjusting the language and intent of the policy. The Commission would like to see the notice about the reporting before it was sent in the water bills.

- 7b. Resolution No. 21-33, Support of a Technical Assistance Grant to Implement Housing Choices Code Update (HB 2001)
- 7c. Intergovernmental Agreement Transferring a Portion of Maplelane Court and Maplelane Road from Clackamas County to Oregon City
- 7d. Intergovernmental Agreement with Water Environment Services Transferring a Portion of Sanitary Sewer in and near Clackamette Drive to the City of Oregon City
- 7e. Personal Services Agreement with Blue Horizons Technical Solutions, Inc. for the Security Systems and Software for the Oregon City Operations Complex (CI 18-009)
- 7f. Personal Services Agreement with Friends of Trees for the Tree Recovery Program
- 7g. Public Improvement Contract with D & D Concrete and Utilities, Inc. for the Veterans Memorial Plaza Renovation at the Mt. View Cemetery
- 7h. Public Improvement Contract with Paul Brothers, Inc. for the Construction of Filbert Run Park
- 7i. Management, Supervisory and Confidential Employee Salary Cost of Living Adjustment (COLA) FY 2021-22
- 7j. OLCC: Liquor License Application – Distillery, applying as an LLC, Alluvial Beverage Company, LLC, 1625 Washington Street, Suite 101, Oregon City
- 7k. Minutes of the May 19, 2021 Regular Meeting
- 7l. Minutes of the May 11, 2021 Work Session
- 7m. Minutes of the February 23, 2021 Additional City Commission Retreat Meeting

8. PUBLIC HEARINGS

- 8a. Request to Continue the Public Works Code Amendments Package #3 (GLUA 20-33, LEG 20-01) to July 21, 2021

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to continue the public hearing and consideration of GLUA 20-33, LEG 20-01 to July 21, 2021. The motion passed with the following vote:

Aye: 4 - Mayor Lyles Smith, Commissioner Marl, Commissioner O'Donnell, and Commissioner Smith

Nay: 1 - Commissioner McGriff

9. GENERAL BUSINESS

- 9a. First Reading of Ordinance No. 21-1010, Amending the Oregon City Municipal Code Chapter 3.20 – Reimbursement Districts.

Matt Zook, Finance Director, discussed the context and background of the ordinance. These changes would allow for the adjustment of fees based on annual inflation.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve the first reading of Ordinance No. 20-1010, amending Oregon City Municipal Code Chapter 3.20 - Reimbursement Districts. The motion passed by the following vote:

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

- 9b. Second Reading and Final Adoption of Ordinance No. 21-1009, Annexation Code Amendments Title 14, Chapter 14.04 and LEG-21-00001

Mayor Lyles Smith said public comment had been received late this afternoon.

Bill Kabeiseman, City Attorney, said the record was closed and consideration of the material would require reopening of the record. He recommended the City Commission reject the letter.

Motion made by Commissioner O'Donnell, seconded by Commissioner McGriff, to reject the public comment. The motion passed by the following vote:

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

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the second reading and final adoption of Ordinance No. 21-1009, annexation code amendments Title 14, Chapter 14.04 and LEG-21-00001. The motion passed by the following vote:

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

- 9c. 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

John Lewis, Public Works Director, presented the purpose of the rate increase, proposed capital and maintenance projects, rate methodology, American Rescue Plan (ARP) package, funding options with ARP comparison, customer impacts and examples, and direction options from the City Commission.

The Commission expressed concerns about the substantial increase in the rates for large commercial properties. They discussed the challenges to taking it to a vote, debt scenarios, and the rate calculations. The Commission considered options to reduce the burden on these properties including a discount plan, vacant properties paying their share, cap on the commercial rate, phased in approach, extending the implementation timeline, giving a credit for building additional stormwater facilities on the property, reducing the number of stormwater improvement projects, or adopting a separate rate for commercial properties.

John Ghilarducci, FCS consultant, cautioned the Commission about looking at impacts on individual customers and making accommodations to meet their interests. The rate needed to apply consistently to all customers.

Mr. Kabeiseman confirmed that rates should be uniform and applied equally or it might increase the potential for equity challenges.

There was further discussion regarding giving a credit for pervious surfaces, voter fatigue, competing interests, slowing down the rate increase, and delaying projects.

Motion made by Commissioner O'Donnell, seconded by Commissioner Marl, to deny Resolution No. 21-18 and to direct staff to come back with options to slow down the rate increase over a longer period of time. The motion passed by the following vote:

Aye: 4 - Mayor Lyles Smith, Commissioner Marl, Commissioner O'Donnell, and Commissioner Smith

Abstain: 1 - Commissioner McGriff

9d. Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses

Ms. Terway gave a background on the update to the Transportation Impact Analyses (TIA). The changes would bring the guidelines into compliance with current code standards and practices.

Ray Atkinson, resident of Oregon City, was in support of adopting the resolution and wanted to work with the City on future transportation policies. He referenced his more detailed public comments provided at a previous meeting.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve Resolution No. 20-37. The motion passed by the following vote:

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

10. COMMUNICATIONS

City Manager

There was no City Manager's report.

Commissioners

Commissioner Smith discussed an event to be held June 18, 2021 at the Municipal Elevator celebrating Sarah Chase's infamous lawsuit about the construction of the elevator.

Commissioner Marl noted that his first appearance before the City Commission was one year ago.

Commissioner McGriff discussed an Arch Bridge cleanup event on June 22, 2021.

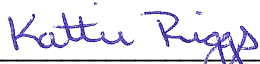
Mayor

Mayor Lyles Smith discussed the recent ribbon cutting for D.C. Latourette Park.

11. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 10:00 PM.

Respectfully submitted,



Kattie Riggs, City Recorder