



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

MINUTES

Virtual Meeting
Wednesday, June 02, 2021 at 7:00 PM

VIRTUAL MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor Rachel Lyles Smith called the meeting to order at 7:03 PM.

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

STAFFERS: 11 - City Manager Tony Konkol, Asst. City Attorney Carrie Richter, Community Development Director Laura Terway, Public Works Director John Lewis, City Recorder Kattie Riggs, Police Captain Shaun Davis, Public Works Director John Lewis, Finance Director Matt Zook, Library Director Greg Williams, Parks & Rec. Director Kendall Reid, and Planner Kelly Reid.

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

3a. Commission Appointments

Mayor Lyles Smith announced the appointments of each of the City Commissioners to various boards and committees. Mayor Lyles Smith made the following appointments:

*1. Beavercreek Employment Area Blue Ribbon Committee
Appointed: Commissioner Frank O'Donnell*

*2. Brownfield Grant Committee
Appointed: None*

*3. Citizen Involvement Committee Commission Liaison
Appointed: Commissioner Adam Marl*

*4. Clackamas County Coordinating Committee (C4)
Appointed: Mayor Rachel Lyles Smith
Alternate: Commissioner Adam Marl*

*4a. C4 Sub-committee
Appointed: Mayor Rachel Lyles Smith*

*5. Clackamas County I-205 Tolling Diversion Committee
Appointed: Commissioner Adam Marl
Alternate: Commissioner Frank O'Donnell*

*6. Clackamas Heritage Partners
Appointed: Commissioner Rocky Smith*

7. Clackamas Water Environment Services Policy Committee
Appointed: Commissioner Rocky Smith

8. Downtown Oregon City Association Board
Appointed: Commissioner Denyse McGriff

9. Metro Policy Advisory Committee (MPAC)
Appointed: Mayor Rachel Lyles Smith
Alternate: Commissioner Denyse McGriff

10. OC 2040 Project Advisory Team
Appointed: Commissioner Adam Marl
Appointed: Commissioner Denyse McGriff

11. Oregon Governor's Willamette Falls Locks Commission
Appointed: Mayor Rachel Lyles Smith – once officially appointed

12. Oregon City Tourism Stakeholder's Group
Appointed: Commissioner Frank O'Donnell
Appointed: Commissioner Rocky Smith

13. Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan Project Advisory Committee (PAC) lead by ODOT
Appointed: Commissioner Denyse McGriff

14. South Fork Water Board
Appointed: Mayor Rachel Lyles Smith
Appointed: Commissioner Frank O'Donnell
Appointed: Commissioner Rocky Smith

15. Willamette Falls and Landings Heritage Area (Previously Willamette Falls Heritage Area Coalition)
Appointed: Commissioner Denyse McGriff
Alternate: Commissioner Frank O'Donnell

16. Willamette Falls Legacy Project Liaison
Appointed: Mayor Rachel Lyles Smith
Appointed: Commissioner Frank O'Donnell

4. CITIZEN COMMENTS

Karin Morey, resident of Oregon City, provided public comment regarding the Water Board Park and Charter parks related to item 7b.

5. PRESENTATIONS

6. ADOPTION OF THE AGENDA

The Commission pulled item 7b. from the Consent Agenda and placed it under 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 (7a and 7c through 7g) excluding item 7b. The motion carried by the following vote:

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

7a. Resolution No. 21-27, Establishing Eligibility to Receive State Revenues

7b. Resolution No. 21-30, Supplemental Budget for the 2019-21 Biennium

Commissioner McGriff asked about the cost associated with cleaning the site of the Public Works Upper Yard/Lower Waterboard Park.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the Resolution No. 21-30, a supplemental budget for the 2019-2021 biennium. The motion carried by the following vote:

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

7c. Public Improvement Contract with ICON Construction & Development, LLC for the 2021 Waterline Improvements Project (CI 20-013)

7d. Resolution No. 21-25, Revocable Permanent Obstruction in the Right-of-Way at 15941 Agnes Avenue

7e. Amendment No. 1 to a Personal Services Agreement with the Friends of Willamette Falls Media Center for a Community Media Center for Production and Channel Management

7f. Minutes of the January 29, 2021 - Day One City Commission Retreat

7g. Minutes of the January 30, 2021 - Day Two City Commission Retreat

8. PUBLIC HEARINGS

8a. Resolution No. 21-28, Declaring Oregon City's Election to Receive State Revenues

Mayor Lyles Smith opened the public hearing.

Tony Konkol, City Manager, discussed the staff report and the requirement to pass a resolution to receive state shared revenues. The City Commission discussed how this resolution interacts with the budget.

Mayor Lyles Smith closed the public hearing.

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to adopt Resolution No. 21-28, Declaring Oregon City's Election to Receive State Revenues. The motion carried by the following vote:

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

8b. Resolution No. 21-29, Adopting the Budget, Making Appropriations, Imposing Taxes and Categorizing Taxes for the 2021-2023 Biennium

Mayor Lyles Smith opened the public hearing.

Mr. Konkol presented the staff report. Mr. Konkol discussed that the staff recommends a change to the approved budget to include a permanent full-time building inspector rather than a limited-duration building inspector. This change is recommended due to new projects and retirements that were unforeseen.

Mayor Lyles Smith asked for public testimony on the item. David Goldberg, resident of Oregon City and Chair of the Library Board, supported the Library's requests in the budget. Karin Morey, resident of Oregon City, supported the Library requests in the budget.

Mayor Lyles Smith closed the public hearing.

Commissioner Smith would like to see the Commission add the Charter Park work, the restrooms at the Mountain View Cemetery, and the website update to the budget for 2021-2023. He also does not agree with the Urban Renewal expenditures.

There was discussion regarding Federal Emergency Management Agency (FEMA) money that is yet to be allocated to the City. Mr. Konkol noted that the money may arrive at some point in the future but the amount is not settled.

Commissioner O'Donnell was supportive of the Charter Park work, the restroom facility upgrade at the Mountain View Cemetery, and the website update with a limit up to \$100,000 and no more. Mayor Lyles Smith, Commissioner McGriff, and Commissioner Marl were also supportive of the Charter Park work, the restrooms at the Mountain View Cemetery, and the website update. There was discussion regarding the need to improve the website to make it easier to use and more initiative. There was further discussion on these items and the costs for the memorial for the Cayuse Five.

There was discussion that the costs for these items would come from a reduction in the General Fund contingency and not from funds received from FEMA. A supplemental budget would be adopted at the time that the FEMA funds arrive and are finalized.

Motion made by Commissioner McGriff, seconded by Commissioner Marl, to approve Resolution 21-29, amended to add \$20,000.00 for recognizing all parks as City Charter Parks, \$100,000.00 to improve the City's website, \$350,000.00 to improve the restrooms at the Mountain View Cemetery, and change the building inspector from a temporary to a permanent employee, and reduce the General Fund contingency by the appropriate amount. The motion carried by the following vote:

Yea: 3 - Mayor Lyles Smith, Commissioner Marl, and Commissioner McGriff

Nay: 1 - Commissioner Smith, Jr.

Abstaining: 1 - Commissioner O'Donnell

- 8c. AP 21-02 and AP-21-03: Adoption of Findings and Modified Conditions of Approval for Two Separate Appeals of the March 23, 2021 Historic Review Board Approval with Conditions of Planning Files GLUA-21-00001/ HR 21-00001 Through 21-00005 for Five Cottage Homes in the Canemah National Register District

Mayor Lyles Smith opened the public hearing and clarified that the record was closed at the prior meeting on May 19, 2021. Carrie Richter, Deputy City Attorney, asked if the Commissioners had any ex parte contact from the last public hearing on May 19, 2021. There were none.

Laura Terway, Community Development Director, introduced the item. Ms. Terway discussed that the current recommendation includes upholding the decision of the Historic Review Board (HRB) with modified conditions, including removal of the textured siding, adding basalt rock facing on the 5-foot retaining wall, removal of visible skylights on homes 2, 4, and 5, and a replacement of all windows on all five houses.

Mayor Lyles Smith closed the public hearing.

The commissioners briefly discussed the modified conditions of approval.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve planning files GLUA-21-00001/ HR 21-00001 Through 21-00005 for five cottage homes in the Canemah National Register District, with modified conditions of approval identified in the staff report. The motion carried by the following vote:

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

Commission took a break from 8:30 - 8:35 PM.

8d. First Reading of Ordinance No. 21-1009, Annexation Code Amendments Title 14, Chapter 14.04 and LEG-21-00001

Pete Walter, Senior Planner, discussed the changes the Planning Commission approved, including adding a statement regarding wireless communication infrastructure, considerations of housing and/or jobs in the approval criteria, landslides, significant adverse impacts to certain resources identified in the current comprehensive plan, and conditions for site grading and tree removal.

Mayor Lyles Smith opened the public hearing.

Roseann Johnson, resident of Portland, Oregon and with the Home Builders Association, provided public comment regarding concerns with the annexation code and "clear and objective" standards.

Mayor Lyles Smith closed the public hearing.

There was discussion regarding the proposed factors for annexation and the language of some of the amendments.

Ms. Richter identified that the changes might be challenged as "clear and objective" standards under ORS 197.307 and SB 1573 (2016). She also indicated she would add some language regarding this issue in the findings, which currently focus on Goal 10, to be adopted at the second reading.

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the first reading of Ordinance No. 21-1009, Amending Oregon City Municipal Code (OCMC) Title 14, Annexations, Chapter 14.04 – City Boundary Changes and Extension of Services, with the addition of the findings to be drafted by the City Attorney and the transposition of the order of "housing" and "jobs" under the proposed OCMC 14.04.060.A.6(b). The motion carried by the following vote:

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

9. GENERAL BUSINESS

10. COMMUNICATIONS

City Manager

There was no City Manager report.

Commissioners

Commissioner McGriff would like the Commission to reiterate the Commission supports Resolution No. 20-19. Each commissioner affirmed their support for Resolution No. 20-19, including Commissioner Marl who was not a member of the City Commission when it was adopted.

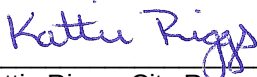
Mayor

Mayor Lyles Smith provided an overview of the emails and comments she has received over the last two weeks.

11. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 9:28 PM.

Respectfully submitted,



Kattie Riggs, City Recorder