



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

DRAFT MINUTES

Virtual Meeting
Wednesday, May 19, 2021 at 7:00 PM

1. CONVENE MEETING AND ROLL CALL

Mayor Rachel Lyles Smith called the meeting to order at 7:06 PM.

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

STAFFERS: 12 - 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, Finance Director Matt Zook, Library Director Greg Williams, Human Resources Director Patrick Foiles, Parks & Rec. Director Kendall Reid, Planner Kelly Reid, and Project Engineer Bob Balgos

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

3a. Ruth McBride Powers Preservation Award and Presentation

The Historic Review Board nominates an individual or group for the Ruth McBride Powers Preservation Award yearly during Preservation Month to applaud the efforts of citizens, building/business owners and others who show passion for preservation. This year, the Board nominated two nonprofit groups to share the award:

- 1. Friends of the Ermatinger House, for their efforts to provide virtual events and programs during COVID-19-related closures.*
- 2. Volunteers from the Clackamas County Historical Society for their work in maintaining the grounds of the Stevens Crawford Heritage House.*

Cheryl Rice, representing the Friends of the Ermatinger House, accepted the award and thanked the City for honoring the group with this award and encouraged the public to attend all upcoming events.

Jenna Barganski was not available to accept the award on behalf of the Clackamas County Historical Society.

Commissioner McGriff provided some additional background and positive comments regarding Ms. Powers and all of her preservation efforts locally and throughout Oregon.

Commissioner Smith also provided comments regarding all the hard work of the Friends of the Ermatinger House and especially the efforts of Ms. Rice.

4. CITIZEN COMMENTS

There were no citizen comments.

5. PRESENTATIONS**5a. Update on Temporary Shower Trailer at Milner Veterinary Hospital**

At the September 16, 2020 City Commission meeting, the Commission approved the continued use of the Milner Veterinary Hospital property as a temporary shower location through the end of the COVID pandemic and when social service providers are capable of providing pre-COVID shower resources to the homeless community. The Commission also requested that LoveOne provide an update to the Commission on May 19, 2021 regarding activities that have occurred. The COVID pandemic has not subsided and LoveOne continues to provide temporary shower and laundry services.

Brandi Johnson, from LoveOne, provided an update on the temporary shower trailers at Milner Veterinary Hospital including the services and that they have not received any complaints and have added several volunteers from the community. They have been averaging forty-five showers a month since the last update.

Bill Stewart, Asst. District Attorney, explained that one of his roles at the District Attorney's office is to help address homelessness and thanked the Commission for supporting this pilot project. He felt this was making a huge impact with the homelessness issue and is good for the community.

Commissioner McGriff asked if having the shower unit at the Milner Clinic was allowing the homeless to access additional information to help them get out of homelessness and Mr. Stewart did confirm that LoveOne is establishing trust with individuals in order to pursue other services.

Commissioner O'Donnell asked if there were any statistics as to how many individuals served have been able to successfully get housing assistance and Ms. Johnson indicated at least forty individuals have been able to do so between last December through March 2021.

Mayor Lyles Smith commented that she was pleased with how the program was going and asked the Commission as to the frequency of future updates and whether in written form or presentation. Commissioner McGriff advocated for a presentation so the public can be aware by watching the meeting. The Commission had consensus to ask LoveOne to provide an update presentation at a November 2021 City Commission meeting.

6. ADOPTION OF THE AGENDA**7. CONSENT AGENDA**

Commissioner O'Donnell asked a procedural question about the vetting process for awarding bids for public contracts.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the consent agenda. 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. 21-24, Extending the State of Emergency Declaration in Oregon City due to the COVID-19 Pandemic

- 7b. Public Improvement Contract with Brown Contracting, Inc. for the Oregon City 2021 Rectangular Rapid Flashing Beacons (RRFB) Project (CI 20-009)
- 7c. Public Improvement Contract with Sierra Santa Fe Corporation for the 2021 Preventive Pavement Maintenance – Chip Seal/Fog Seal and Striping (CI 21-002)
- 7d. Public Improvement Contract with S-2 Contractors for the 2021 Oregon City Roadway Reconstruction Project (CI 20-011)
- 7e. Public Improvement Contract with VSS International for the 2021 Preventive Pavement Maintenance Type II Slurry Seal (CI 21-005)
- 7f. Personal Services Agreement with Nail It! Roofing Company for the Replacement of City Hall Roof Due to Continued Active Leaks
- 7g. Minutes of the April 7, 2021 Special Meeting
- 7h. Minutes of the April 7, 2021 Regular Meeting
- 7i. Minutes of the April 30, 2021 Special Meeting
- 7j. Minutes of the April 29, 2021 Special Meeting

8. PUBLIC HEARINGS

- 8a. AP 21-02 and AP-21-03: 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

The Historic Review Board (HRB) recently approved alterations to a cottage home development in the Canemah National Register Historic District. In 2017, the HRB approved five cottage homes over four lots of record near the corner of 4th Avenue and Miller Street (files MD-17-01 through MD-17-06, and AP-17-04). The Historic Review alteration request was limited to the following design elements of the development: retaining wall height, window placement, materials and design, skylight locations, siding material, and porch design and well as other changes. The Historic Review Board unanimously approved the alteration request with modifications in the conditions of approval requiring, among other things, the removal of rough-textured cement siding installed on all of the homes and replacement with smooth fiber cement siding or wood siding.

Mayor Lyles Smith opened the Public Hearing.

There was discussion about the request the Commission received to re-open the record and accept additional testimony during the hearing.

Motion made by Commissioner O'Donnell, seconded by Commissioner McGriff, to keep the record closed and not accept any materials or additional testimony. The motion carried by the following vote:

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

Carrie Richter, Assistant City Attorney, clarified the Commission has agreed to not accept the materials sent to them prior to the meeting. Ms. Richter asked the Commission if they had any ex parte contacts, conflicts of interest or bias to declare since the May 5, 2021 hearing. She also asked if any of the Commissioners had visited the site. There were no new disclosures. There was no one from the public that wished to challenge these disclosures.

Kelly Reid, City Planner, provided a brief presentation regarding the issues before the Commission and suggestions of items to discuss.

The Commissioners posed questions and held discussions regarding the allowable retaining wall height.

Commissioner McGriff would like to see the wall built to mimic existing walls in the area using large stones and dark colored basalt. She asked questions about the 3.5-foot wall and how the plan deviated from that condition. Ms. Richter clarified that the original plan included more than one retaining wall that would have broken the same elevation into several terraces rather than one taller wall.

The Commissioners agreed to address each of the three issues separately, beginning with the retaining wall.

Mayor Lyles Smith asked Ms. Reid regarding an existing wall being built and what the requirements were. Ms. Reid was not sure if the wall was completed or not. There was consensus the retaining walls should be built to resemble existing stone walls in the area.

The Commission had discussion on window depth and shadowing in relation to the proposed window alterations. There was consensus that the current windows should be replaced with windows there were more historically appropriate in design that increased the depth, altered the shadow line, and the sill plate. Mayor Lyles Smith asked if the Commissioners would consider requiring the applicant to replace the windows with the type that would comply with the design standards. There was consensus to require the applicant to replace the windows with the proper type.

The Commission discussed the installation of the skylights and whether they met the requirement to be inconspicuous. There was consensus that the skylights in question should be removed since the skylights were visible from the adjacent streets.

Laura Terway, Community Development Director, summarized the changes that the Commission agreed upon in discussion: replacement of all windows as specified in the design guidelines with single-hung or double-hung windows, retention of the 5-foot retaining wall provided the wall texture is corrected to mimic the existing walls, and the removal of skylights that are visible from the street on houses 2, 4, and 5.

There was additional discussion regarding window requirements in the historic districts. There was discussion as to whether all the windows should be replaced rather than only those identified with red colored marks on the sitemap by the HRB. There was consensus to require replacement of all the windows with single-hung or double-hung windows.

The Commission took a break from 8:55 - 9:00 PM.

The Commission discussed the siding used on the cottages. There was consensus not to revisit the tentative decision to require replacement of the siding on all the cottages.

Motion made by Commissioner O'Donnell, seconded by Commissioner Marl, to modify the approval of the Historic Review Board for the modification application, requiring the retaining wall behind house 1 be faced with quarry stones from the area and all the windows be replaced with single-hung or double-hung wood or aluminum clad windows that give the appearance of wood

with trim that provides shadow lines, and removal of all skylights on houses 2, 4 and 5, to be adopted as a final decision at the June 2, 2021 City Commission meeting. The motion carried by the following vote:

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

- 8b. Continuation of Public Works Code Amendments Package #3 (GLUA 20-33, LEG 20-01) to June 16, 2021

Motion made by Commissioner O'Donnell, seconded by Commissioner Smith, Jr., to continue the Public Works Code Amendments Package #3 GLUA 20-33, LEG 20-01 to a date certain of June 16, 2021. The motion carried by the following vote:

Yea: 4 - Mayor Lyles Smith, Commissioner Marl, Commissioner O'Donnell, and Commissioner Smith, Jr.

Nay: 1 - Commissioner McGriff

9. GENERAL BUSINESS

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

The Guidelines for Transportation Analyses is used by developers to identify the information needed within a traffic study. The Guidelines identify the items which transportation engineers need to analyze to demonstrate that development will minimize traffic impacts. The Guidelines themselves simply identify the data that needs to be collected, not what is done with that data. The studies undertaken by developers' traffic engineers and are submitted to the City as part of the land use application and thus open to the community for review and comment. City staff and transportation engineering consultants review the Transportation Impact Analyses (TIAs) and use the results to help develop conditions of approval for the land use action to comply with the criteria in the Municipal Code. No changes to the criteria in the Code or the amount of acceptable congestion is proposed.

Ms. Terway explained what data needed to be included in Traffic Impact Analyses (TIA) and information regarding what the system looked like today, how much traffic there was and how much there would be in the future, along with what the impact would be after the full build-out. She provided examples of types of data that are typically included in reports.

Ray Atkinson, resident of Oregon City, provided comments and supported the updating of the TIA guidelines. Mr. Atkinson suggested adding criteria for multimodal transportation and level of traffic stress that included other components as performance measures.

Commissioner McGriff advocated simplifying the TIA guidelines and the analyses reports including the multimodal transportation and level of traffic stress criteria. Ms. Terway indicated that including those items would require modification of the City Code to include those criteria and adding them to the TIA document would make this misalign with the City Code. Ms. Terway, Mr. Lewis and Mr. Konkol provided some additional clarification on what analysis criteria can be changed and the timing involved in that process.

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to continue Resolution No. 20-37, Update to the Guidelines for Transportation Impact Analyses. The motion carried by the following vote:

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

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

There was consensus to move this item to a future meeting.

Motion made by Commissioner O'Donnell, seconded by Commissioner Smith, Jr., to postpone Resolution No. 21-18 to a subsequent meeting. The motion carried by the following vote:

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

- 9c. Resolution No. 21-26, Adoption of Policy for Naming or Changing Names of Parks, Recreation/Cemetery Facilities

Kendall Reid, Parks and Recreation Director, provided a brief overview of the policy for naming or changing names of parks and recreation/cemetery facilities. He explained that the policy had been used since 2001 but did not appear to have been approved by the City Commission.

Commissioner McGriff asked if any community engagement had been conducted to review this policy. Mr. Reid discussed that the Parks and Recreation Advisory Committee had reviewed the policy, but no other groups. The policy itself includes citizen engagement in the process. Commissioner McGriff noted that the Neighborhood Associations no longer have a liaison, and it was unclear if a member of the Citizen Involvement Committee (CIC) would be included in the standing committee.

Commissioner McGriff suggested adding a CIC member to have additional citizen input.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve Resolution No. 21-26, Adoption of Policy for Naming or Changing Names of Parks and Recreation/Cemetery Facilities as amended, to add a member of the Citizen Involvement Committee. The motion passed with the following vote:

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

10. COMMUNICATIONS

City Manager

Tony Konkol, City Manager, reminded the Commissioners of the upcoming work session on May 24, 2021 with a presentation of the members of the Confederated Tribes of the Grande Ronde on the progress and vision for the Willamette Falls Legacy Project site.

Commissioners

There were no Commissioner communications.

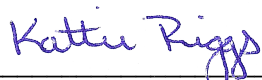
Mayor

There were no Mayor communications.

11. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 9:46 PM.

Respectfully submitted,



Kattie Riggs, City Recorder