



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

MINUTES

Virtual Meeting
Wednesday, April 21, 2021 at 7:00 PM

VIRTUAL MEETING OF THE CITY COMMISSION

1. CONVENE MEETING

Mayor Rachel Lyles Smith convened the meeting at 7:02 PM.

2. ROLL CALL

PRESENT: 4 - Mayor Rachel Lyles Smith, Commissioner Rocky Smith, Jr., Commissioner Frank O'Donnell, and Commissioner Denyse McGriff

STAFFERS: 10 - City Manager Tony Konkol, City Attorney Bill Kabeiseman, Library Director Greg Williams, Police Chief Jim Band, Parks and Recreation Director Kendall Reid, Community Development Director Laura Terway, Public Works Director John Lewis, Finance Director Matt Zook and Asst. City Recorder Jakob Wiley

3. CEREMONIES AND PROCLAMATIONS

4. CITIZEN COMMENTS

Tom Geil, resident of Oregon City, received a letter from the City regarding the buckling sidewalks caused by street tree roots and the residents of the Trailview Neighborhood received the same letter. Mr. Geil requested that the City provide assistance to the neighborhood due to the costs of tree removal, sidewalk replacement, and fees. Mr. Geil referred to a separate letter with enclosures submitted prior to the meeting to supplement his testimony.

Don Dodson, resident of Oregon City, also spoke regarding the letter received by the residents of the Trailview Neighborhood and opposed the removal of trees in the area in response to the letter. He requested that the City develop another approach that would avoid tree removal.

Tony Konkol, City Manager, provided a summary of the situation in the Trailview area regarding the sidewalk buckling and that a citizen complained regarding trip hazard incidents in that neighborhood. Mr. Konkol and the Commissioners discussed the letter sent by City staff was sent by mistake and not the typical letter used to contact residents with these issues. The City typically sends a standard letter and brochure with recommendations for resolving buckling sidewalks. There was discussion about what strategies should be considered to resolve this issue going forward and the need to investigate how the neighborhood was developed with incorrect tree species installed as street trees. There was consensus for this topic to be a future work session item.

5. PRESENTATIONS

- 5a. Metro's Regional Priorities Presentation by Metro Council President Lynn Peterson
Lynn Peterson, Metro Council President, presented an update on Metro priorities and efforts. Christine Lewis, Metro Councilor, began the presentation with a brief overview of how the pandemic had affected its operations, most visibly the laying off of nearly 750 employees in the first three weeks of the pandemic

last March. Metro helps to operate not only more than a dozen parks and recreation sites throughout the region, but also the Oregon Zoo and performing arts venues in Portland such as the Arlene Schnitzer Concert Hall, Keller Auditorium, Expo Center and the Convention Center.

Ms. Peterson commented that one of Metro's efforts that has been on hold throughout the pandemic was the update to the regional 2040 Growth Concept Plan. Peterson said that plan had been on the backburner for the better part of 12 months as Metro turned its time and energy to working with Greater Portland, Inc., on a five-year economic recovery plan with jurisdictional partners across the region as everyone focused on pulling out of the economic crisis caused by the pandemic.

Ms. Peterson also noted that the agency is in the process of distributing \$475 million in bond funding to Metro-area jurisdictions for natural projects and preservation passed by voters in 2019, as well as an additional \$652 million for affordable housing passed by voters in 2018. Both funds have spurred development of new projects in Clackamas County.

Ms. Lewis also briefly touched on transportation, saying that Metro's Joint Policy Advisory Committee on Transportation (JPACT) had come up with a list of Clackamas County infrastructure assets that should be prioritized for earmarks in the upcoming congressional transportation bill. Ms. Lewis said that JPACT had met with some members of Oregon's federal delegation to talk about earmarking projects such as the I-205 Abernethy Bridge, Highway 43 and others in Gladstone, Oregon City, and Happy Valley.

Ms. Peterson also covered affordable housing and supportive housing projects in the region. Metro has committed 34 percent of the money approved by the voters, which is supporting the construction of 2,100 units – more than halfway to the original goal. Nearly 700 of those units already funded are for families who earn annual incomes lower than \$26,000.

Metro is working towards the opening of the 240-acre Newell Creek Nature Park in the Fall.

Commissioner O'Donnell asked the Metro staff to investigate the recycling rates on the Portland eastside compared to the westside and come back to the Commission with that information. Commissioner O'Donnell and Ms. Lewis discussed the issues concerning the Willamette Falls Legacy Project and how they can move the project forward.

Mayor Lyles Smith asked about how the Newell Creek Nature Park can open given the current COVID situation and transient camps in the canyon. Ms. Lewis provided information on Metro's efforts to mitigate the homeless camps and the ongoing COVID concerns.

Commissioner Smith commented on the fire concerns in the Newell Creek canyon. Mayor Lyles Smith would like to see a coordinated effort with Clackamas Fire and Metro on fire response. Ms. Peterson and Ms. Lewis provided comment on efforts being made to be more responsive, as Metro now has a dedicated emergency response staff person.

5b. I-205 Improvements: Stafford Road to OR 213 Project Update

Mandy Putney, the I-205 Improvement Project Director with the Oregon Department of Transportation (ODOT), and Allen Hendy, Resident Engineer with the Oregon Department of Transportation, discussed the engineering aspects of the future I-205 project.

The I-205 Improvement Project is part of a Comprehensive Congestion Management and Mobility Plan to reduce congestion and crashes, while also making travel times shorter and more predictable. As part of the plan, ODOT is evaluating tolling as a way of raise revenue and manage congestion on I-205 between Stafford Road and Highway 213 under the National Environmental Policy Act process.

Mr. Hendy presented on the phases of the project and the stages of the bridge construction, including seismic upgrades. Currently the designs of Phase 1 are in development. Oregon City staff had assisted with design considerations for Clackamette Drive and Main Street. Nighttime and weekend detours will be required while these different phases are worked on. An online open house is being offered through April 30, 2021.

Commissioner Smith asked about the process of installing sound walls while development was going on. Mr. Hendy indicated there is a process, but he was not sure of the details at the time of the presentation. Also, clarification on the extension of sidewalk from the Cove apartments to Main Street.

Commissioner McGriff expressed concerns about how the nighttime closures and detours would be done. Mr. Hendy indicated detailed plans were being worked on with City staff.

Commissioner O'Donnell asked if there had been any discussions about alternatives to tolling. Ms. Putney responded that it had been mandated by recent legislation. Commissioner O'Donnell commented whether the local cities impacted by the construction and potential tolling could address their concerns with the Governor and whether companies that provide variable tolling had contacted ODOT.

Lucinda Brouard, Director of the Tolling Program, joined the meeting and indicated that ODOT had not been contacted by any companies, but would be using such vendors when the time came.

6. ADOPTION OF THE AGENDA

Commissioner McGriff requested to move items 9c, 9d, and 9e to the beginning of the General Business before considering the remaining items (9a and 9b). There was consensus to approve the re-arrangement of the agenda and the agenda was adopted as amended.

7. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the Consent Agenda. The motion passed by the following vote:

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

- 7a. Resolution No. 21-19, Declaring an Emergency and Temporarily Exempting the Construction Activities in Center Street Right-of-Way and Associated with the Union Pacific Railroad 12th Street Bridge Replacement Project from Prohibition Against Unlawful Noises
- 7b. Resolution No. 21-21, Declaring an Emergency and Temporarily Exempting the Water and Sewer Construction Activities in Beavercreek Road Right-of-Way and Travel Lanes Associated with the Timberview Multi-Family Development Offsite Utility Improvements from the Prohibition Against Unlawful Noises
- 7c. Personal Services Agreement with ACMS Northwest, LLC for the Timberview Private Development for Night Inspection Services (PS 21-012)
- 7d. Cost Reimbursement Agreement with Pahlisch Commercial, Inc. for the Timberview Private Development for Night Inspection Services (PS 21-011)
- 7e. Banner Permit Fee Waiver Request for the Oregon City Farmers Market and the Oregon City High School Graduation Committee
- 7f. Public Improvement Contract with Clackamas Construction, Inc. for the Trillium Park Drive Sanitary Sewer Relocation Project (CI 20-003)

- 7g. OLCC: Liquor License Application – Full On-Premises, Commercial, applying as LLJJ, Inc. (dba Lucky Rooster), 13547 S. Redland Rd, Oregon City
- 7h. Minutes of the February 16, 2021 Special Emergency City Commission Meeting
- 7i. Minutes of the February 17, 2021 City Commission Regular Meeting
- 7j. Minutes of the March 3, 2021 Regular Meeting
- 7k. Minutes of the March 9, 2021 Work Session
- 7l. Minutes of the March 29, 2021 Special City Commission Meeting

8. PUBLIC HEARINGS

There were no public hearings.

9. GENERAL BUSINESS

The Commissioners took a five-minute break prior to discussing items 9a and 9b.

9a. Discussion of Vehicular Access through Park Place Park

At the March 17, 2021 City Commission meeting, a representative for the Park Place Neighborhood Association testified that the neighborhood association was concerned about future development of a vacant property adjacent to Park Place Park. The property, located at Clackamas County Map 2-2E-28BB, Tax Lot 1201, had right of way frontage/access only on Hiram Avenue. This section of Hiram Avenue is platted at 34' in width and is currently developed with a 14' wide gravel maintenance access which is located in the park. The neighborhood expressed concern about the impacts that a future improved street or an improved single-family driveway could have on the park and suggested the City acquire the vacant property to avoid the need for access improvements and instead expand the park.

Tony Konkol, City Manager, provided a review of the current right of way path running through Park Place Park. Mr. Konkol reviewed the Park Place Park Master Plan and the planned road to a vacant lot north of the park boundary (APN 2-2E-28BB-01201, tax lot 1201 located in Section 28 of T.2S, R.2E., W.M.). The planned road would provide access to the vacant lot through the parking lot. Mr. Konkol noted that two lots would potentially use the platted, but never developed, Hiram Avenue. The other vacant lot farther to the north (APN 2-2E-21CC-00600, tax lot 600 located in Section 21 of T.2S., R.2E., W.M.) does not have any existing plans for development and is currently used as a back yard for an adjacent parcel.

Commissioner Smith asked clarification regarding access on Hiram Avenue.

Lisa Novak, resident of Oregon City, discussed the need to prevent development of Hiram Avenue and supported purchase of the vacant parcel and adoption of the 1996 Park Place Master Plan.

Armondo Borboa, resident of Oregon City, provided public comment regarding his use of the park, suggested development of the right of way as a nature trail, provided a graphical depiction of his proposed development, and noted that several adjacent landowners had proposed to purchase and donate or lease the properties to the City. The Commissioners discussed Mr. Borboa's proposal.

Dorothy Dahlrud, resident of Oregon City, commented on access to the park from Hiram Avenue and encouraged the Commissioners to not pursue this access through the park and preserve heritage trees.

Dara Kramer, resident of Oregon City, did not support access through the park via Hiram Avenue and encouraged the City to support other options and support City parks.

Commissioner McGriff recommended looking for other solutions than allowing access through the middle of Park Place Park via Hiram Avenue as currently surveyed.

Mayor Lyles Smith desired to find a workable resolution.

Mr. Konkol provided information on some of the vacant property lots adjacent to the park and the difficulty in developing the lots. The two parcels are land-locked with slope issues with no right of way access. The parcels appear to have originated from before the City annexed the area into the City limits and would not have been allowed under the modern City Code.

Bill Kabeiseman, City Attorney, noted that the property to the far north indicated on the map provided by the City Manager does not have frontage to Hiram Avenue. However, the landowner could sue for an easement by necessity to access the adjacent property corners to access the right of way. This outcome is possible but unlikely, since the vacant lot is currently under common ownership and adjacent parcel with street access. Mr. Kabeiseman noted that the home at the end of the Park Place Park parking lot does not have clear access at this time through the parking lot, but such access was contemplated in the Park Place Master Plan. He outlined that the access through the parking lot had been used for 25 years, since the time of the adoption of the Park Place Master Plan. He noted that the Park Place Park was not designated as a charter park until a few years ago, so a vote related to the charter park designation may not be required since the use was established prior to the designation. A validation suit could be used to ensure that the approach is legally valid.

The Commissioners discussed possible next steps and explored other options which include encouraging the neighborhood association to seek if the vacant lot can be purchased by area residents and dedicate to park use.

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

There was consensus by the Commissioners to move this item to the next meeting on May 5, 2021.

9c. Resolution No. 21-22, Adopting the Undergrounding Private Utilities Standard Operating Policy

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve Resolution No. 21-22. Adopting the Undergrounding Private Utilities Standard Operating Policy. The motion passed by the following vote:

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

9d. Second Reading of Ordinance No. 21-1007, Amending the Oregon City Municipal Code; Title 13: Public Services, Title 16: Land Divisions, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #2)

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the second reading and final adoption of Ordinance No. 21-1007, Amending the Oregon City Municipal Code; Title 13: Public Services, Title 16: Land Divisions, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #2) and continuance to the meeting of May 19th. The motion passed by the following vote:

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

- 9e. Second Reading of Ordinance No. 21-1008, Approving an Emergency Annexation Proposal GLUA-20-00030: AN-20-00002 and Approving the Annexation of Certain Property Located at 11330 Forest Ridge Road to the City of Oregon City

Motion made by Commissioner McGriff, seconded by Commissioner Smith, Jr., to approve the second reading and final adoption of Ordinance No. 21-1008, Approving an Emergency Annexation Proposal GLUA-20-00030: AN-20-00002 and Approving the Annexation of Certain Property Located at 11330 Forest Ridge Road to the City of Oregon City. The motion passed by the following vote:

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

10. COMMUNICATIONS

City Manager

Mr. Konkol announced the drug take-back would be held at the Police Department on Saturday, April 24, 2021. He also announced the airing of the 2021 State of the City on Tuesday, April 27, 2021.

Commissioners

There were no Commissioners communications.

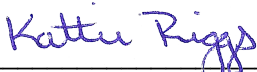
Mayor

There were no Mayor communications.

11. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 10:04 PM.

Respectfully submitted,



Kattie Riggs, City Recorder