



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - REVISED MINUTES

Virtual Meeting
Wednesday, March 17, 2021 at 7:00 PM

VIRTUAL MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Commission President Rocky Smith called the meeting to order at 7:03 PM.

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

STAFFERS: 11 - City Manager Tony Konkol, City Recorder Kattie Riggs, Assistant City Recorder Jakob Wiley, Assistant City Attorney Carrie Richter, Community Development Director Laura Terway, Public Works Director John Lewis, Finance Director Matt Zook, Chief of Police Jim Band, City Engineer Dayna Webb, Parks & Recreation Director Kendall Reid, and Senior Planner Pete Walter

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

3a. Proclamation for the 100th Oregon City / West Linn Rivalry Day

Commission President Smith discussed the history of the proclamation and the historic football competition with the City of West Linn, this year's game will be played on April 2, 2021.

4. CITIZEN COMMENTS

Lisa Novak, resident of Oregon City, discussed the proposed development near Park Place Park and the potential construction of a road through Park Place Park. Ms. Novak requested the Commission discuss this topic at a future meeting. Commission President Smith indicated the Commission was aware and they would discuss the matter at the April 21, 2021 City Commission meeting.

William Gifford, resident of Oregon City, encouraged Oregon City residents to apply for an open position on the Clackamas Fire District Board. He also encouraged public participation in the upcoming Oregon City Business Alliance meeting on March 23, 2021.

5. PRESENTATIONS

5a. Clackamas County Housing Authority Presentation

Jill Smith, Director of Housing with the Clackamas County Housing Authority, presented on the Affordable Housing Bond Program. Metro-area voters recently approved a \$652.8 million general obligation bond, a proactive measure to address the shortage of affordable housing within Metro's urban growth boundary. The bond allows the region the opportunity to invest in the development of new housing resources for

vulnerable and marginalized residents. Ms. Smith reviewed the production goals and site locations, which include creating 812 affordable housing units for over 2,500 Clackamas County residents.

Commissioner McGriff asked about any new construction of housing units on the Housing Authority Park Place Campus. Ms. Smith indicated it is very expensive to replace the existing units and that current residents would need to be moved to the new units at sites discussed in the presentations. Commissioner McGriff suggested there be new construction done on the Park Place Campus and residents moved to the new units as they become available.

Commissioner Lyles Smith asked if there are waiting lists for the new units. Ms. Smith commented they are not doing that currently but will do so as the new units are constructed. Commissioner Lyles Smith asked if these new units with additional wrap-around services offered, will attract more homeless individuals. Ms. Smith indicated that they have seen most of the homeless go to Multnomah County locations, as Clackamas County does not offer services for homeless families.

Commissioner O'Donnell asked if the new units were rental only. Ms. Smith indicated that was correct.

Commissioner McGriff asked what representation was on the advisory committees. Ms. Smith said the committees are composed of experts and people who have experienced homelessness.

Commissioner O'Donnell suggested that cities should also be represented on those advisory committee.

5b. ODOT Summary Update on I-205 Projects with an Emphasis on Oregon City/West Linn Pedestrian and Bicycle Bridge Concept Plan Update

John Lewis, Public Works Director, introduced Rian Windsheimer, Oregon Department of Transportation (ODOT) Region 1 Manager, who presented on the proposed pedestrian-bicycle bridge and the conceptual locations for the new bridge. Mr. Windsheimer discussed the rationale against adding bike and pedestrian (bike-ped) uses to the new I-205 bridge, including noise and pollution concerns identified by their advisory committees. Funding for the bridge should arrive in 2024, and Mr. Windsheimer recommended having a plan established to be eligible for the funding.

Commission President Smith commented that the presentation did not provide new information. He asked about the "share-o" lanes on the Arch Bridge and their removal after 2012. Mr. Windsheimer did not know why the lanes were removed. Commission President Smith commented on the important history of the bridge for Oregon City and West Linn and the fact that the hundredth-year anniversary of the bridge is next year, and he hopes ODOT is working towards a realistic solution.

Commissioner McGriff provided some information from her meetings with West Linn and that the City is not at a decision point.

Commissioner O'Donnell asked if the current Arch Bridge was inadequate for the current level of bike and foot traffic. Marc Butorac, Kettelson & Associates, Inc consultant, discussed that the current bridge is difficult for individuals that require American Disability Act (ADA) access and unattractive for the majority of bicycle riders.

Commission President Smith asked if the extra space provided by wide-set supports for the future design for the Abernethy Bridge could support bike-ped lanes and was frustrated that the design was limited.

Commissioner Lyles Smith asked if adding bike-ped could be added to the alternatives considered for the Abernethy Bridge. She also asked about the online Open House and the participation details. Mr. Butorac confirmed the Open House would be running continuously between March 29th thru April 13, 2021 and that additional information would be forthcoming on how ODOT arrived at their current recommendations.

Tony Konkol, City Manager, asked the Commission to consider future development in the area, including the Clackamette Cove and the Willamette Falls Legacy Project, when evaluating the need of the proposed bridge.

Mary Baumgardner, City of West Linn City Councilor, discussed the importance of working together on the development of the areas adjacent to the Willamette River.

Commission President Smith commented that ODOT should make the public aware that the I-205 improvements, the Abernethy Bridge bike-ped concept plan and the I-205 tolling projects are interrelated. Mr. Windsheimer commented all of the projects came about at different times and had not been previously viewed as a group of projects but that the related websites could be interlinked going forward.

Commissioner McGriff commented that the I-205 tolling project should be a dedicated discussion for the Oregon City Commission.

Ray Atkinson, resident of Oregon City, provided comment that he does not support the Arch Bridge for bike-ped use and supports a bridge alignment that would connect with Main Street farther down.

6. ADOPTION OF THE AGENDA

The agenda was adopted as presented.

7. CONSENT AGENDA

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to adopt the consent agenda. The motioned carried with the following vote:

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

- 7a. Resolution No. 21-17, Extending the Declaration of a State of Emergency in Oregon City due to Winter Storm Destruction
- 7b. OLCC: Liquor License Application – Full On-Premises, Commercial, applying as R&G Express LLC (dba Toki Sushi and Teriyaki), 19061 S Beaver Creek Rd, Oregon City
- 7c. Minutes of the January 20, 2021 Regular Meeting
- 7d. Minutes of the January 20, 2021 Work Session
- 7e. Minutes of the February 9, 2021 Work Session

8. PUBLIC HEARINGS

- 8a. Adoption of Findings and Upholding the Planning Commission's Approval with Modified Conditions for a 30-Bed Memory Care Residential Facility at 182 Warner Parrott Road - AP-21-00001 (Planning Files GLUA-20-00020: CU-20-00002 Conditional Use / SP-20-00043 Site Plan and Design Review)

Carrie Richter, Assistant City Attorney, asked for any ex parte contacts, conflicts of interests, or biases developed since the last meeting. No Commissioners had any ex parte contacts, conflicts, or biases to declare. There was no one in the audience that questioned the Commissioner on these declarations.

Peter Walter, Senior Planner, provided a brief staff report reviewing the appeal and the issues identified in the last meeting. Mr. Walter discussed the amendments to the amended findings and conditions of approval. On March 3, 2021, the City Commission denied the appeal and upheld the Planning Commission's approval of a conditional use permit and site plan application to allow a 30-bed adult memory care facility at 182 Warner Parrott Road but modified the conditions of approval to comply with the twenty-foot setback required within the R-10 low density residential zone. The report supplemented the Planning Commission findings of January 11, 2019 and the staff report dated February 9, 2021. The findings modified the Planning Commission's decision, addressing additional Code requirements that were affected by the condition of approval to meet the twenty-foot setback such as off-street parking, landscaping and institutional design standards.

Commissioner Lyles Smith asked if the City Code required some of the other conditions under Criteria 39. Mr. Walter confirmed that some of the conditions originate from requirements within the City Code concerning residential setbacks.

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to adopt the supplemental findings and upholding the Planning Commission's approval with modified conditions of approval for a 30-bed memory care residential facility at 182 Warner Parrott Road - AP-21-00001, GLUA-20-00020, CU-20-00002, and SP-20-00043. The motion carried with the following vote:

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

8b. First Reading of Ordinance No. 21-1006, Vacating a Section of Public Right-of-Way Adjacent to 1625 Washington Street

John Lewis, Public Works Director, discussed the vacation of the portion of the street and the reasons supporting the vacation. An application was received for the vacation of a section of public right-of-way (an alley) adjacent to 1625 Washington Street. The alley is encumbered by an existing building, a large elevation drop on one end, and Abernethy Creek on the other end.

Motion made by Commissioner Lyles Smith, seconded by Commissioner McGriff, to approve the first reading of Ordinance No. 21-10016, vacating a section of public right-of-way adjacent to 1625 Washington Street. The motion carried with the following vote:

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

8c. Request Continuance for the Sale of Public Works Property Located at 306 S. Center Street

Mr. Lewis discussed the property and the continuance requested due to delays caused by a required property appraisal. Pursuant to ORS 221.725, the City Commission needs to hold a public hearing regarding the sale of City-owned real property. The City would like to sell the home adjacent to other Public Works property located at 306 S. Center Street. The public hearing for this property was advertised in the public newspaper to take place at the City Commission meeting on March 17, 2021. Staff would like the City Commission to open the public hearing and accept any public testimony, then close the public hearing and continue to a date certain of April 7, 2021.

Commissioner McGriff suggested she would like to see the home occupied by a family rather than used as a rental. Commissioner Lyles Smith asked if there was the ability to limit the sale to a family and Mr. Konkol and Mr. Lewis clarified that only one offer had been received and that buyer would be the only one accepted.

Commissioner O'Donnell asked what the sale price was and asked for specific information to be presented at the April 7, 2021 meeting. Kattie Riggs, City Recorder, clarified the purchase and sale agreement would be brought back to the Commission on April 7th because of the ORS requirement to advertise the hearing needed to be on the agenda. Commissioner O'Donnell discussed that homes have been selling for over the asking price.

Mr. Konkol provided background on the property and how it came to be for sale and its connection to the Public Works upper yard property. Commissioner O'Donnell asked that the method of advertising the property for sale be presented at the next Commission meeting to make the process transparent.

Motion made by Commissioner McGriff, seconded by Commissioner O'Donnell, to close the public hearing and continue the item to a date certain of April 7, 2021. The motion carried with the following vote:

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

The Commission took a break from 9:14 PM to 9:19 PM.

9. GENERAL BUSINESS

9a. Resolution No. 21-15, Revisions to the Parklet & Private Property Restaurant/Retail Guide for March 17, 2021 - November 30, 2021

Mr. Lewis introduced the discussion of the sidewalk and the related resolutions on the agenda. He noted that his presentation would cover all four resolutions for consideration.

Mr. Lewis began discussion with Resolution 21-03. On July 15, 2020, the City Commission adopted a parklet and outdoor dining/retail services pilot program that began July 16, 2020. Resolution 21-03 established the applicability, exceptions, and general requirements for the temporary use of this pilot program which allowed temporary outdoor dining/retail use of on-street parking stalls in the right-of-way and in private parking lots. From July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021. On October 21, 2020, the City Commission approved Resolution 20-30 extending the timeframe that businesses could use parklets to include the months through the 20/21 winter (December 1, 2020 to March 14, 2021). The City Commission held a work session on February 9, 2021 to review the standards as well as the comments received from the community regarding the program requirements.

Mr. Lewis discussed the size of sidewalks being small in the downtown area, making obstructions a larger concern. Mr. Lewis also discussed the temporary obstruction rules in the City Code.

Commissioner O'Donnell commented on the need for safety of the enclosures, enforcement issues and compliance and that the City would work with the property owners but there would be repercussions for violations.

Commissioner McGriff thanked staff for being nimble with these issues through the pandemic.

Commissioner Lyles Smith suggested some language that could be improved to make the rules clearer.

Mr. Konkol commented on what direction regarding enforcement the Commission wanted to pursue. Jim Band, Police Chief, commented on his recent visit to the downtown area and the enforcement issues. Mr. Band suggested that if an issue arose, the permit could be revoked or the permit could be modified and that he preferred these options over citations to encourage compliance. Commissioner O'Donnell was concerned with repeat offenders. Commissioner McGriff commented that continuing non-compliance, with notice of issues and repeated issues, should result in permit revocation.

Mr. Lewis then discussed Resolution 21-01, which proposed to authorize display and sale of goods and merchandise in the downtown and along 7th Street using either a temporary obstruction in the right of way (ROW) permit or renewable right-of-way permit.

Commissioner McGriff asked if a person could get multiple permits in the same location, like sale of goods and restaurant seating. Mr. Lewis said they have not had anyone request multiple permits, but public safety is a factor in the issuance of these kinds of permits.

Mr. Lewis then continued the discussion with Resolution 21-05, noting that a single change had been included. The change was to reduce the fees after review of other cities' fees. The engineering fee schedule was being updated to reduce the renewable right-of-way permit fee from \$170 to \$85. Mr. Lewis noted that no fees would be charged until November 30, 2021 under Resolution 20-22.

Mr. Lewis began discussion of Resolution 21-15 related to parklets. In December 2019, the City Commission heard a presentation from Public Works describing the sidewalk seating program based on an internal policy that implemented Oregon City Municipal Code 12.04.120 for obstructions. The program had been implemented earlier that year on an honor system basis. Five businesses complied. City Commission directed staff in December 2019 to propose City Code revisions that would more explicitly define obstructions like sidewalk seating which were temporary in nature but were intended to be used year-round. The City Commission also requested a policy be adopted by resolution rather than remain an internal staff guidance document. Due to the COVID-19 pandemic, the schedule to provide revisions to the Code and adoption of the policy was delayed. Instead, the COVID-19 relief program was implemented to address parklets and seating in the right-of-way. Mr. Lewis reviewed the significant changes included in Resolution 21-15.

Commissioner McGriff asked about a new restaurant temporary structure adjacent to the Arch Bridge in a ODOT space, but no information was known.

Commission President Smith did not agree with some of the changes if they were to be considered on a permanent basis, but understood the need given the current situation.

Laura Terway, Community Development Director, presented on the changes for private space use, including patios and non-parking lot areas. There would be clarification on pedestrian walkways, landscaping concerns, and requirements for physical barriers with these permits.

Commissioner McGriff asked Ms. Richter if a single vote could be used to approve all four resolutions. Ms. Richter recommended separate voting on each resolution in case the outcomes were different for each. The vote for the resolutions was done in the number order of the resolutions.

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve Resolution No. 21-15. The motion passed by the following vote:

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

- 9b. Resolution No. 21-01, Designating Certain Areas of the City Public Sidewalk to be Used for the Display and Sales of Goods and Merchandise

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve Resolution No. 21-01. The motion passed by the following vote:

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

- 9c. Resolution No. 21-03, Adopting the Sidewalk Obstructions Standard Operating Policy

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve Resolution No. 21-03. The motion passed by the following vote:

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

- 9d. Resolution No. 21-05, Modifying the Public Works Engineering Fee Schedule, and Amending Resolution No. 20-36

Motion made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve Resolution No. 21-05. The motion passed by the following vote:

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

10. COMMUNICATIONS

City Manager

Mr. Konkol asked the City Commission for guidance on two options for the advertising process of the future vacant City Commission Position No. 4. There was consensus to wait until the Mayor-elect was sworn-in to office before advertising the vacant commissioner seat created.

Commissioners

Mayor

11. ADJOURNMENT

Commission President Smith adjourned the meeting at 10:18 PM.

Respectfully submitted,

Kattie Riggs, City Recorder