



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

MINUTES

Virtual Meeting

Wednesday, January 20, 2021 at 7:00 PM

EXECUTIVE SESSION:

To immediately follow the regular meeting of the City Commission.

- 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

Commission President Rocky Smith called the meeting to order at 7:02 PM.

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

STAFFERS: - 16 City Manager Tony Konkol, City Attorney Bill Kabeiseman, Community Development Director Laura Terway, Public Works Director John Lewis, City Recorder Kattie Riggs, Police Chief Jim Band, Public Works Director John Lewis, Finance Director Matt Zook, Library Director Greg Williams, Parks & Rec. Director Kendall Reid, ROW Program Manager Dante Posadas, Sr. Planner Christina Robertson-Gardiner, Asst. City Engineer Josh Wheeler, Community Communications Coordinator Kristin Brown, Asst. Planner Diliانا Vassileva, Project Engineer Patty Nelson

2. FLAG SALUTE

3. CEREMONIES, PROCLAMATIONS, AND PRESENTATIONS

The Commission agreed to move agenda Item 4, Citizen Comments, up on the agenda to go before presentations.

4. CITIZEN COMMENTS

Heidi Blackwell, resident of Oregon City, was speaking on behalf of Unite Oregon City. They were calling for the resignation of Clackamas County Commissioner Mark Shull because of comments he made on social media. She hoped that the Oregon City Commission would do the same. She thought they needed to hold each other accountable and not let these things go unchecked. She would like to know about the City's equity plan and suggested forming a Diversity, Equity, and Inclusion Committee or hiring an Equity Officer to provide ongoing training and oversight of the City's equity plan.

Yvette Kirwin, owner of Nebbiolo Wine Bar, discussed the materials for the parklets and the cost of temporary structures which made the parklets unrealistic. She would like to have something up by Valentine's Day for her business, but the wood structure she proposed was not approved.

William Gifford, resident of Oregon City, reminded the Commission of the Oregon City Business Alliance (OCBA) meeting next Tuesday, January 26, 2021, where the City Manager would discuss past accomplishments of 2020 and expectations for 2021.

Commissioner McGriff said they did not have anything in the Code to address what Ms. Kirwin was proposing for parklets.

Commissioner Lyles Smith wondered if the Work Session meeting in February would give businesses enough time to prepare for Valentine's Day weekend.

There was consensus to continue this discussion at the end of the meeting.

3a. Planning Commission Annual Update

Mike Mitchell, Planning Commission Chair, provided the annual update which included the work the Planning Commission accomplished in 2020. The most voiced concerns from citizens had to do with traffic and parking. For 2021, the Planning Commission was hoping for more citizen input, would be working on OC2040 Comprehensive Plan update, and would forward priority suggestions for the City Commission for the next biennium.

There was discussion regarding ongoing training for the Planning Commission.

3b. 2020 Community Satisfaction Survey Results

Kristin Brown, Community Communications Coordinator, introduced Jason Morado, consultant from ETC Institute, the company that conducted the 2020 Community Survey.

Mr. Morado gave a background on ETC Institute and discussed the purpose of the survey, methodology, location of survey respondents, and conclusions from the survey. He reviewed the major findings: residents had a positive perception of the City, trend analysis showed the increases and decreases of satisfaction with City services since 2018, community priorities, top capital investment priorities, level of service expectations, current pace of development, and ways citizens obtained information about the City.

There was discussion regarding concerns about code enforcement and being more proactive, areas of the City that scored low satisfaction, distribution of services, increasing the publication of the Trail News, not much difference from the survey in 2018, emphasis on economic development, improving information distribution, utilizing utility bill mailings for information, and satisfaction rating for parks.

William Gifford, resident of Oregon City, was concerned about the survey question for general street maintenance as he thought the condition of the City's streets was exemplary compared to other cities.

5. ADOPTION OF THE AGENDA

Commissioner O'Donnell requested to pull agenda items 8a and 8c from the Consent Agenda. The agenda was adopted as amended.

6. PUBLIC HEARINGS

6a. Appeal Fee Waiver Request

Laura Terway, Community Development Director, gave a presentation on the appeal fee waiver request. She discussed the limited scope of review, criteria for a full or partial appeal fee waiver, and process for review.

Commission President Smith opened the public hearing. He asked if the Commission had any conflicts of interest, ex parte contacts, or bias to declare.

Commissioner O'Donnell was contacted by William Gifford. The information shared paralleled the information that was in the email Mr. Gifford submitted that was already in the record.

Jerry Yarberry, applicant, said he had been asked by his neighbors to present the request for the fee waiver so they could appeal the Planning Commission's decision on the building expansion at 182 Warner Parrott Road. The City Commission could waive the appeal fee if they found that it was warranted. They had no active neighborhood association, but if it was active he thought the appeal would have been made to the City Commission at no cost. He was requesting a waiver of the appeal fee.

Joe Kaufman, attorney for Petronella Donovan, property owner/developer, said they had to look at the fairness both to the applicant and opposing party. He did not think that it had been demonstrated why it was fair to waive the fee. The process with the Planning Commission had taken a year and a lot of time and money had gone into it. Those opposed had participated, but not incurred any financial impact. He questioned whether a few people out of a very large neighborhood could sway a neighborhood association to appeal. He asked that the time and money put in by the applicant was taken into consideration.

Marilyn Fergus, resident of Oregon City, said they did not have a neighborhood association, but thought they would have been able to convince the association about the appeal. The neighbors did not have the money for an appeal as several were on fixed incomes. If they had been asked for input at the beginning of the process, maybe they would not need to appeal.

William Gifford, resident of Oregon City, thought the method that they could have used to not pay the fee was to have a neighborhood association. He had been working hard to reactivate many neighborhood associations and he would be happy to help this area. The developers were neighbors themselves and were not outside developers. He did not think the decision should be appealed and it was unfair to the developers to extend the waiver to those who had not been organized.

Mr. Yarberry provided rebuttal. He said if they had known that a neighborhood association was a vital part of the appeal process, they would have taken action. There were eight property owners being affected by this development and a number of them were retired and on fixed incomes. They were requesting a waiver of the fee.

Commission President Smith closed the public hearing.

The Commission asked about the land use notice, using the Citizen Involvement Committee (CIC) as a substitute for a neighborhood association in waiving the appeal fee, reenergizing neighborhood associations, and making this appeal process as timely as possible.

A motion was made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the appeal fee waiver request. The motion passed by the following vote:

Aye: 3 - Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith, Jr.

Abstaining: 1 - Commissioner Lyles Smith

6b. First Reading of Ordinance No. 21-1001, Amendments to the Water Master Plan (GLUA 20-00033; LEG-19-00002)

Christina Robertson-Gardiner, Senior Planner, entered items into the record, the revised Exhibit A and email from Roseann Johnson from the Homebuilders Association. She discussed the process and next steps, criteria for approval, and staff recommendation to approve the first reading of the ordinance with amended Exhibit A.

Patty Nelson, Project Engineer, gave a background on the Water Master Plan and discussed the challenges identified, how the challenges were addressed in the amendments, capital projects in the 2012 Master Plan vs. the 2020 amendment, and revised amendment document. Brian Ginter, consultant from MurraySmith, was present to answer any questions.

Commission President Smith opened the public hearing.

Roseann Johnson, Homebuilders Association, requested postponing the adoption of the Water Master Plan until they had sufficient time to look at the water rate increase proposal and System Development Charge (SDC) increase proposal to make sure what was adopted aligned with policy goals for rate payers and capital improvements through SDCs. She requested they revise the improvement fee cost basis by removing the one hundred percent SDC eligible projects with the intent to reduce the overall cost basis and allowing the numerator in the calculation to be less and the number generated for the SDC per dwelling unit to be lower.

Commission President Smith closed the public hearing.

The Commission asked questions about the comments from the Homebuilders Association and how the funding was separate from the Master Plan adoption, why the one hundred percent SDC eligible projects were included in the Master Plan, adopting the Master Plan did not predict a specific path for the rates and SDCs, clarification that the Molalla Avenue water line was in the Master Plan, concerns about the potential SDC increase, and exception to statements made in Exhibit 3B and 3C, and reserving the right to speak to the issues in the future.

A motion was made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the first reading of Ordinance No. 21-1001, amendments to the Water Master Plan (GLUA 20-00033; LEG-19-00002). The motion carried by the following vote:

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

- 6c. First and Second Reading of Ordinance No. 21-1004, Amending Oregon City Municipal Code Chapter 8.26, Section 8.26.050 – Business Food Waste Requirements and Declaring an Emergency

John Lewis, Public Works Director, said in 2019 the Commission adopted the business food waste program. This was a Metro program, and this Ordinance adopted the updated Metro timelines.

Commissioner McGriff was in support of the program. She asked if the program could be implemented sooner than Metro was requesting.

Dante Posadas, Right of Way and Construction Manager, said when Metro implemented their timeline, they allocated funds to help the haulers impacted by the implementation. If the haulers were to implement the program now, they would not get access to those funds. It was being delayed because of the Pandemic. He could work with Metro, Clackamas County, and solid waste partners to look at all the options for moving forward.

A motion was made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve the first reading of Ordinance No. 21-1004, amending Oregon City Municipal Code Chapter 8.26, Section 8.26.050 – Business Food Waste Requirements and Declaring an Emergency. The motion carried by the following vote:

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

A motion was made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve the second reading and final adoption of Ordinance No. 21-1004, amending Oregon City Municipal Code Chapter 8.26, Section 8.26.050 – Business Food Waste Requirements and Declaring an Emergency. The motion carried by the following vote:

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

- 6d. First Reading of Ordinance No. 21-1003, Amending the Oregon City Municipal Code; Title 12: Streets, Sidewalks, and Public Places, Title 13: Public Services, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #1)

Ms. Robertson-Gardiner gave a presentation on the Public Works Code Amendments Package #1. She explained the process, proposal of what was included in Package #1, and staff recommendation to continue the hearing to February 3, 2021.

Commission President Smith opened the public hearing.

There were no public comments.

Commission President Smith closed the public hearing.

Commissioner Lyles Smith pointed out the owner occupancy requirement in the sewer section for reduced rates and financial assistance and she requested removing that requirement.

Josh Wheeler, Assistant City Engineer, discussed how the language could be changed to mirror the language in the water section for reduced rates and financial assistance.

A motion was made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve the first reading of Ordinance No. 21-1003, amending the Oregon City Municipal Code; Title 12: Streets, Sidewalks, and Public Places, Title 13: Public Services, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #1) as amended. The motion carried by the following vote:

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

7. GENERAL BUSINESS

- 7a. Resolution No.21-06, Declaring an Emergency and Exempting a Temporary Warming Shelter at The Father's Heart Street Ministry from Planning Code Requirements (January 21, 2021 until March 31, 2021)

Diliana Vassileva, Assistant Planner, said in November the Commission approved an emergency exemption from Planning Code requirements for Father's Heart to operate a temporary warming shelter until January 21, 2021. Father's Heart was moving forward with a Conditional Use Permit application for the warming shelter, but in the meantime they needed approval to continue to operate until March 31, 2021. Staff recommended approval provided they continue to be in compliance with any updated Covid-19 restrictions and Clackamas Fire and Oregon City Building Division requirements.

Commissioner McGriff thought there should be more outreach to the adjacent neighbors.

Commissioner O'Donnell noted they had approved this request for several years and this organization needed to go through the conditional use permit process for final approval. Commissioner Lyles Smith agreed.

A motion was made by Commissioner Lyles Smith, seconded by Commissioner O'Donnell to adopt Resolution No. 21-06, declaring an emergency and exempting a temporary warming shelter at The Father's Heart Street Ministry from planning code requirements (January 21, 2021 until March 31, 2021). The motion passed by the following vote:

Aye: 3 - Commissioner O'Donnell, Commissioner Lyles Smith, and Commissioner Smith, Jr.

Abstaining: 1 - Commissioner McGriff

8. CONSENT AGENDA

A motion was made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve the consent agenda (8b and 8d – 8g) except Items 8a and 8c. The motion carried by the following vote:

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

8a. Resolution No. 21-04, Letter of Support for the McLoughlin Canemah Trail Grant Application

Commissioner O'Donnell had received several calls about the Canemah Trail Grant which allowed partial funding to address the concerns of neighbors, businesses, and veteran's facility.

Mr. Lewis said the final plan adopted the alignment that was most preferred by the community.

A motion was made by Commissioner O'Donnell, seconded by Commissioner McGriff, to adopt Resolution No. 21-04, letter of support for the McLoughlin Canemah Trail Grant application. The motion carried by the following vote:

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

8b. Resolution No. 21-07, Calling for a Special Election for the Electors of the City of Oregon City to Select a New Mayor

8c. Change Order No. 1 for the Noble Ridge Pump Station Upgrade (CI 19-005)

Commissioner O'Donnell said the pumps had to be replaced for this pump station and the pumps they had were no longer available. New pumps had been installed, but did not fit and another \$15,000 was needed. He would like to see more attention to detail in future project management.

A motion was made by Commissioner O'Donnell, seconded by Commissioner McGriff, to approve Change Order No. 1 for the Noble Ridge Pump Station upgrade (CI 19-005). The motion carried by the following vote:

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

- 8d. OLCC: Liquor License Application – Off-Premises, applying as Lowden, Inc. (dba Pioneer Pizza), 13559 S Redland Road, Oregon City
- 8e. Minutes of the November 4, 2020 Work Session
- 8f. Minutes of the September 9, 2020 Special Meeting
- 8g. Minutes of the August 27, 2020 Special Meeting

9. COMMUNICATIONS

City Manager

There was no City Manager's report.

Commissioners

Commissioner McGriff discussed the comments made by County Commissioner Mark Shull and how she had signed the letter from other elected officials in the region calling for his resignation. The rest of the Commission was in agreement.

Commissioner Lyles Smith was concerned about the appeal topic that had been discussed earlier. She asked staff to address the issue in the OC 2040 Comprehensive Plan process.

Commissioner McGriff thought it should be on a case by case basis.

Commissioner O'Donnell thought if there was no neighborhood association, information needed to be provided to the neighbors that to avoid the appeal fees a neighborhood association needed to be established or the appeal needed to go through the CIC on their behalf.

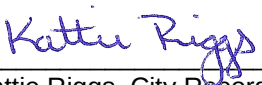
Discussion regarding parklets and structures: There was discussion about whether or not to leave this issue on the February Work Session agenda or to hold a special meeting on the topic. There was consensus to leave it on the February Work Session agenda.

Mayor

10. ADJOURNMENT

Commission President Smith adjourned the meeting at 10:15 PM.

Respectfully submitted,



Kattie Riggs, City Recorder