



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - REVISED MINUTES

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, January 05, 2022 at 6:15 PM

6:15 PM – URBAN RENEWAL COMMISSION INTERVIEWS

The City Commission interviewed Doug Neeley for appointment to the Urban Renewal Commission from 6:17 PM until 6:23 PM. Present were Mayor Rachel Lyles Smith, Commissioner Rocky Smith Jr., Commissioner Denyse McGriff, Commissioner Frank O'Donnell, and Commissioner Adam Marl.

7:00 PM - REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor Lyles Smith convened the meeting at 7:00 PM.

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

STAFFERS: 10 - City Manager Tony Konkol, Assistant City Recorder Jakob Wiley, Senior Planner Christina Robertson-Gardner, Parks & Rec. Director Kendall Reid, City Attorney Bill Kabeiseman, Assistant to the City Manager Lisa Oreskovich, Police Chief James Band, Finance Director Matt Zook, Library Director Greg Williams, and Economic Development Manager James Graham

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

3a. Mayoral Appointments to City Boards and Committees

Mayor Lyles Smith read the appointments.

3b. Oaths of Office for Newly Appointed Planning Commissioners and Historic Review Board Members

Mayor Lyles Smith administered the oath of office to Jessica Belknap, Historic Review Board member, and Bob LaSalle, Dirk Schlagenhauser, and Greg Stoll, Planning Commissioners.

3c. Election and Oath of Office for Commission President for 2022

Motion made by Commissioner O'Donnell, Seconded by Commissioner Smith, to nominate Commissioner McGriff as Commission President for 2022. The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

Municipal Court Judge Lindgren administered the oath of office to Commissioner McGriff.

4. CITIZEN COMMENTS

None

5. PRESENTATIONS

None

6. ADOPTION OF THE AGENDA

The agenda was adopted as presented.

7. CONSENT AGENDA

Motion made by Commissioner McGriff, Seconded by Commissioner Smith, to adopt the consent agenda. The motion carried by the following vote:

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

- 7a. Resolution No. 22-01, Temporarily Exempting Construction Activities from the Prohibition Against Unlawful Noises for the OC Brewing Patio Development Project and Declaring an Emergency
- 7b. Amendment No. 1 to the Personal Services Agreement with Century West Engineering for the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project (CI 20-010)
- 7c. Personal Services Agreement with Wallis Engineering for the Main Street Waterline Replacement: 10th to 15th (CI 21-007)
- 7d. Change Order No. 1 for the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin Project: Phase 1 (CI 20-010)
- 7e. DELL Technologies Contract for Microsoft Software

8. PUBLIC HEARINGS

- 8a. Second Reading of Ordinance 21-1016, the Adoption of Park Place Urbanization Plan as an Amendment to the Transportation System Plan (LEG-21-00003)

Aquilla Hurd-Ravich, Interim Community Development Director, said the Park Place Urbanization Plan would be added as an ancillary document to the Transportation System Plan for pedestrian, bicycle, and vehicular access in the Park Place neighborhood. It added clarity for street design within the project area and sidewalk prioritization. Edits had been made to the document since the first reading.

Mayor Lyles Smith opened the public hearing.

There was no public testimony.

Mayor Lyles Smith closed the public hearing.

Motion made by Commissioner McGriff, Seconded by Commissioner Smith, to approve the second reading and final adoption of Ordinance 21-1016, adoption of the Park Place Urbanization Plan as an amendment to the Transportation System Plan (LEG-21-00003). The motion carried by the following vote:

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

Abstain: Commissioner O'Donnell

9. GENERAL BUSINESS

9a. House Bill 2006 Shelter Siting Application Criteria Selection

Ms. Hurd-Ravich discussed the previous review of the criteria on November 3, 2021, HB 2006, draft application criteria, additional options for Commission review, enforcement, and legal considerations.

Tony Konkol, City Manager, said staff's goal was to get compliance through cooperation and communication. They minimally used the code section that addressed chronic nuisance properties and he was concerned about how it would be applied in this case. It was a tool of last resort.

Bill Kabeiseman, City Attorney, agreed that the code section was meant to deal with recalcitrant owners who were not working with the City.

James Band, Police Chief, explained how this code section had typically been used to address drug houses and not places like the hospital and Fred Meyer where many crimes were reported. They were working in partnership with Father's Heart to get people housed. The vast majority were not criminal issues, but mental health issues, and he did not think this code should apply in those circumstances.

Doug Neeley, resident of Oregon City, said Father's Heart had limited resources and in order to move, the City would have to help find a new location. He thought Father's Heart should be recognized as a shelter during emergency situations. He thought the Commission should change their decision to deny the Conditional Use.

Jay Pearce, resident of Oregon City, said there should be a strong emphasis on the public health and safety aspect, which he thought overstepped the capability and capacity of Father's Heart to manage. He thought nuisance and the conduct of the clients should be considered as criteria in the application.

Jessica Murray, resident of Oregon City, said this was a chronic nuisance in the neighborhood. If approved, it would be a shelter within 100 feet of multiple homes and some of the mental illness was severe and serious. She was concerned about safety.

Sharon Nicholson, resident of Oregon City, said this last year had been worse than years past in terms of incidents. The shelter did not belong in the middle of a neighborhood. It was a safety issue.

Teri Poppino, resident of Oregon City, supported including the chronic nuisance language and calls for service having to do with criminal behavior in the application criteria.

Chief Band clarified he thought the code was not the tool to get them where they wanted to go. They had been working on trying to find a different location for Father's Heart.

Mr. Kabeiseman reviewed how HB 2006 tied the hands of the City in the siting of shelters. It allowed for the establishment of shelters in perpetuity.

Commissioner Marl asked if they could defer the decision until the sunset of the house bill. Mr. Kabeiseman said there would be legal challenge to that.

Commissioner Marl said the Commission had approved the emergency use for Father's Heart many times, however the problem with the house bill was lack of accountability.

Commissioner O'Donnell said there were a number of vague terms in the house bill and it was poorly written. He was willing to risk legal challenge and thought data should be compiled of how many instances of crime originated at places like Father's Heart.

Commissioner McGriff asked about the definition of chronic. They were trying to balance the needs of residents and safety and the needs of the homeless. The good neighborhood agreement was in process.

Commissioner Smith said the state was not giving them a choice. He took staff's input seriously. He would like to know more about what they would be challenged with and how to apply the nuisance code.

Commissioner O'Donnell wanted to defer the decision. He would like to know if the bill was challengeable on the basis of clarity and properly defined terms. He also wanted the compiled information about criminal behavior.

Mayor Lyles Smith asked about the source documents required to show experience operating a shelter with 24 hour capacity. She thought the 24 hour contact number should be to someone who would answer at all times, not call back during 9-5 business hours. She thought they should explore the nuisance language. Code Enforcement took too long. She asked who would be deciding approval of these applications. She was also in favor of deferring the decision.

Commissioner McGriff agreed that they needed to get more specificity on the application and compiling information on police calls.

Ms. Hurd-Ravich said the Community Development Director would be making the decision on the approval.

Chief Band explained how the nuisance code was very broad and discussed what he looked at when managing risk.

Motion made by Commissioner O'Donnell, Seconded by Commissioner McGriff, to table this item and for staff to bring back the information requested by the Commission. The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

The City Commission took a break from 8:55 PM to 9:02 PM.

9b. Resolution No. 22-02, Adopting the Oregon City Sidewalk Replacement Assistance Test Program

John Lewis, Public Works Director, said this item had been discussed in several Work Sessions. He explained the one year test program for sidewalk repairs that would provide \$600 per panel.

Commissioner O'Donnell thought the program was too complex. He thought it should be up to \$1,500 per site. The priority should be eliminating trip hazards.

Tom Geil, resident of Oregon City, discussed the previous Work Sessions, the cost of tree removal and replacement panels, and what the City should contribute. He suggested continuing the resolution to

consider a plan similar to what Commissioner O'Donnell stated, to address the tree removal and panels at the same time.

Ron Standish, resident of Oregon City, discussed the condition of the sidewalks in his neighborhood. It was a significant expense to replace trees and repair sidewalks. He thought the City should bear responsibility and he gave options the Commission could consider.

Jan Grady, resident of Oregon City, said it would be a financial hardship on her to replace the trees and sidewalks because she was on a corner lot. Some of the trees should not be replaced because they were near utilities.

Commissioner McGriff thought residents should look into getting one contractor to do the work so there would be cost savings for neighborhoods. She was in favor of increasing the amount up to \$1,500 for both tree removals and sidewalk panels.

Commissioner O'Donnell thought the neighborhoods could go in together on the permits to reduce costs. He thought it should be \$1,500 per tree site, to be spent on both the tree and sidewalk, with the goal of eliminating trip hazards.

Mr. Lewis did not think tree removal was necessary in all cases; the roots could be cut instead. Replacement trees were another issue that still needed to be addressed. He thought the sidewalks and trees were separate issues and staff planned to create a different program for the trees with a separate price structure.

Commissioner O'Donnell suggested a reduction in the permit fees due to the City's participation in this problem.

Mayor Lyles Smith got clarification on the eligibility section. Once the sidewalk had been replaced, the City would not contribute to any future sidewalk assistance for that particular panel. Applicants could apply once per property in a calendar year. The Commission would also like to amend the fee schedule for this permit fee.

Mr. Lewis discussed the budget requirements and issues with using transportation funds to remove trees. He would look into whether the funds could be used for trees.

Commissioner Marl thought the sidewalks and trees should be separate and they should approve the program proposed tonight. It was time to move forward.

Motion made by Commissioner Marl, Seconded by Commissioner McGriff, to approve Resolution No. 22-02. The motion failed by the following vote:

Yea: Mayor Lyles Smith and Commissioner Marl

Nay: Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

Motion made by Commissioner McGriff, Seconded by Commissioner O'Donnell, to direct staff to amend Resolution No. 22-02 to say applicants could receive up to \$1,500 per impacted site to alleviate trip hazards and bring back the amended resolution and fee schedule to reduce the permit fee to the next meeting. The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner Marl, Commissioner McGriff, and Commissioner O'Donnell

Nay: Commissioner Smith

9c. Living Hope Church Monthly Stormwater Fee Reduction and Overpayment

Reimbursement

There was consensus to continue the meeting past 10:00 PM.

Mr. Lewis said Living Hope Church had been overcharged for their stormwater fee since 2008. The fee was adjusted in 2021 and the church asked for reimbursement of the overcharge. He suggested reimbursing for 30 months of overcharge, which was around the time the church had questioned their bill, about \$12,000. The church was requesting more to be reimbursed.

Jim Dever, representing the church, said they had tried to bring this up with the City 11 years ago and got nowhere. He was frustrated that no one from the City had taken the time to help them.

Kim Foster, resident of Oregon City, agreed the church had gotten the run-around for something that could have been rectified a lot earlier. He discussed the items in the staff report that he took exception to. He asked that they be reimbursed the full \$55,000.

There was discussion regarding the timeline.

Commissioner Smith thought the City should take responsibility for this error. He was concerned that it might be a bigger problem.

Commissioner Marl said one of his family members was an elder at this church and he did not think he could make an unbiased decision. He would be abstaining from the vote. He urged the Commission to fix this.

Commissioner O'Donnell said under contractual arrangement, six years was their limitation of obligation. If they subtracted the \$12,000, they owed another \$6,500 in those parameters.

Mr. Kabeiseman explained how this was a contract between the City and church which had not been appealed and there was a six year statute of limitation.

Mayor Lyles Smith said they had tried to communicate with the City to resolve this issue and got the run-around, effectively trying to appeal.

Commissioner McGriff asked about the budget implications. Mr. Lewis said there was funding to cover this request.

There was discussion regarding the amount that should be reimbursed to the church.

Mr. Lewis said they had looked at other churches and shopping centers and had not found another discrepancy.

Motion made by Commissioner McGriff, Seconded by Commissioner Smith, to approve the church's request in the amount not to exceed \$32,000. The motion carried by the following vote:

Yea: Mayor Lyles Smith, Commissioner McGriff, and Commissioner O'Donnell, and Commissioner Smith

Abstain: Commissioner Marl

10. COMMUNICATIONS

11. City Manager

Mr. Konkol discussed river flooding and the potential of closing parks.

12. Commissioners

Commissioner McGriff asked that the letter from the Willamette Falls and Landings Heritage Area Coalition be forwarded to the Commission.

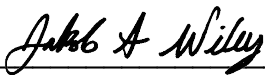
13. Mayor

None

14. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting at 10:39 PM.

Respectfully submitted,



Jakob S Wiley, City Recorder