



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Minutes - Final City Commission

Dan Holladay, Mayor
Carol Pauli, Commission President
Brian Shaw, Rocky Smith, Jr., Renate Mengelberg

Wednesday, August 19, 2015

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:01 PM.

Present: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli, Mayor Dan Holladay and Commissioner Renate Mengelberg

Staffers: 11 - Community Development Director Tony Konkol, City Attorney William Kabeiseman, Police Chief and Public Safety Director James Band, Public Works Director John Lewis, Community Services Director Scott Archer, City Recorder Kattie Riggs, Assistant City Recorder Jaime Reed, Human Resources Director Jim Loeffler, Library Director Maureen Cole, Finance Director Wyatt Parno and Economic Development Manager Eric Underwood

2. Flag Salute

3. Ceremonies, Proclamations

4. Citizen Comments

Betty Mumm, resident of Oregon City, was proud of the Oregon City Police Department for Operation Chill, giving kids a coupon for a Slurpee when they were caught doing something good. The Barclay Hills Neighborhood Association had a neighborhood barbecue and the Oregon City Police and Clackamas County Fire Department were there as well. She thanked the Oregon City Grocery Outlet for donating hot dogs to the barbecue. There was an article in the newspaper regarding Urban Renewal, and she clarified the new police building was not Urban Renewal. It was federally demanded that the Police Department be in a facility that was seismically sound by 2022.

Elizabeth Graser-Lindsey, resident of Oregon City, was surprised that the Beavercreek Road Concept Plan remanded by LUBA was going to be readopted instead of revised and adopted. The Concept Plan placed the industrial land in the most unbuildable and dissected areas and LUBA remanded the Plan back because of the lack of protection of industrial lands. Oregon City needed more industrial land due to its low job to housing ratio and business taxes. It was false that the previous City Commission wanted a simple readoption. She thought Tony Konkol had tried to slip things passed the Planning Commission and City Commission. Using the land as residential rather than industrial harmed the City as they needed the full measure of family wage jobs. It also prevented the industrial land from being located on quality ground. The Commission needed to have more oversight to make sure the industrial land was being considered and there was a reworking of the Concept Plan.

Francesca Anton, resident of Oregon City, submitted a letter to the Commission regarding livability and safety issues, such as traffic, invasive species, and more police presence on the Promenade in the evening. She thanked Jonathan Waverly, Parks Manager, for helping keep the Promenade beautiful.

Bob Mahoney, resident of Oregon City, thought Mr. Konkol was a professional and did not try to slip things passed the Planning Commission and City Commission. The Planning and City Commissions did their due diligence in researching issues and would not let things get by them.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. Ordinance for Introduction No. 15-1010, Amendments to the Oregon City Municipal Code (OCMC) Adding Chapter 2.30 Citizen Involvement Committee

Mayor Holladay opened the public hearing.

Tony Konkol, Community Development Director, said this ordinance would add a new chapter to the Oregon City Municipal Code addressing the Citizen Involvement Committee. The Committee was originally intended to provide an avenue for citizen and public agency involvement in the land use decision making process. It was not set up through the Code, but through the Comprehensive Plan and bylaws were created that governed the Committee. One of the Commission's goals was to codify the CIC and staff worked with the CIC to turn the bylaws into code. Staff recommended approval of the first reading of the ordinance.

There was no public testimony.

Mayor Holladay closed the public hearing.

A motion was made by Commissioner Pauli, seconded by Commissioner Smith, to approve the first reading of Ordinance No. 15-1010, amendments to the Oregon City Municipal Code (OCMC) adding Chapter 2.30 Citizen Involvement Committee. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli, Mayor Dan Holladay and Commissioner Renate Mengelberg

7. General Business

7a. Personal Services Agreement with Deca Architecture, Inc. for the 2015 Public Works Operations Center Master Plan Update (CI 15-010)

John Lewis, Public Works Director, said at the last Commission meeting there was an issue raised by the McLoughlin Neighborhood Association regarding designation of the Public Works upper yard as park property. This Personal Services Agreement was a contract for amending the master plan for the property.

Mr. Konkol said in a staff memo he explained what the Charter said about Charter

Parks and how they were created. There was no question about the location of Water Board Park, but there was confusion over the property to the north of Water Board Park and adjacent to the armory, which was the Public Works upper yard. In the research that staff did, they did not find anything explaining the intent of the 1975 Comprehensive Plan Map that showed the upper yard in green, which meant parks, recreation, and schools. There was another map dated 1965 that identified the area adjacent to the armory as vocational school, however he could not find any documentation describing why this was. In 1970 there was a Charter amendment identifying the description of Water Board Park. There was a map from 1975 showing the upper yard as quasi-public consistent with the description of the boundary of Water Board Park. A Comprehensive Plan was created in 1982 that was used for 20 years, and an update was done in 2002 and adopted in 2003. In 2003 the upper yard was given a park designation. In 2004 there was an update to the Comprehensive Plan and the upper yard was changed back to quasi-public. There was no discussion in the record about making that property a charter park. Staff researched for any ordinance that might have designated the upper yard as a park, but found none. He did not think there was clear intent to designate this a park afforded the protections in the Charter.

Mr. Lewis said the City had owned the property and operated it as a City shop since 1938. In all the searches for property, the City did not consider another location that would have changed the land to a park.

Mr. Konkol read Section 43 of the Charter. The question was what was the intent when it was designated as a park in 2003, and if it was afforded the protections in the Charter since it was adopted by ordinance.

Bill Kabeiseman, City Attorney, said once the designation was made, the Charter said the only way to remove it was through a vote of the people.

Mr. Konkol could not find any documentation for why it was changed to a park in 2003. There was nothing in the record and he did not remember any discussion about the change.

Mr. Kabeiseman said it might have been an error at the time. He discussed what made a Charter park.

Mr. Konkol read from the Charter about how additional parks were created.

Scott Archer, Community Services Director, said when certain funds were used to purchase park land, the intent was clear.

Janine Offutt, resident of Oregon City, was glad Water Board Park was designated as a geological hazard area. Last year warning signs were put up when the City closed the park due to rock slides. The rocky slope was an ancient land slide and it was still moving. This area was overdue for a large earthquake. She wondered why they were talking about spending money to further explore and design and promote a plan that would expand the Public Works operation at the base of a very unstable slope. She thought the process should be stopped as an expanded newer Public Works facility should be located out of harm's way. The Personal Services Agreement did not include a geotechnical investigation, environmental report, or traffic engineering or studies.

Terry Stewart, resident of Oregon City, discussed how the last time she came to the Commission she had talked about the added traffic and activity at the Library in the middle of a neighborhood where children played and rode their bikes and people

walked. With Public Works on John Adams and using the street as their access, it would increase traffic in the neighborhood.

Denyse McGriff, resident of Oregon City, was the proxy for Jesse Buss who could not be in attendance. Mr. Buss appreciated the research that was done, however he still believed that even though the Comprehensive Plan had been changed and no longer showed the upper yard as a park designation, it did not matter because the changes were not approved by a vote of the people. The park designation was approved by ordinance in 2003. Speaking for herself, Ms. McGriff fully expected there would be a robust citizen involvement process for the site.

Mr. Lewis said he and Mr. Konkol met with Mr. Buss to discuss the research results and had heard a lot about neighborhood buy-in and doing due diligence. The agreement would update the plan and provide public involvement. This site provided a significant amount of value, especially building on an existing site that the City owned and operated. He looked forward to working with the McLoughlin Neighborhood Association.

Commissioner Pauli said the amendment to the Comprehensive Plan in 2003 had sweeping changes, not just specifically for this area. There were mistakes discovered and corrected in 2004. The intent was not to specifically designate this area as a park, it got caught up in the shuffle with other mistakes. She gave a brief history of why the City was planning to expand Public Works on this site. Reevaluation of the master plan would help meet the needs of the public facility and address the neighborhood concerns. The environmental concerns would also be addressed.

Commissioner Shaw said if the City did not use this property, they would have to purchase a property and take it off the tax rolls. He also had concerns regarding traffic. They wanted to be good partners with the neighborhood and have a good citizen involvement process.

Commissioner Mengelberg said when there was conflict, creative ideas came out of it. She asked what the Comprehensive Plan said about public facilities.

Mr. Konkol said there was very little detail about that as the focus of the time was the Library and City Hall.

Commissioner Smith was not convinced this was the right location. He thought the master plan needed to look at long range planning, 50 to 75 years out, and build a facility that would last for a long time. He was not concerned about the park issue and thought the label as school was what turned the area green on the map.

Mayor Holladay did not think this was the ideal site either, but when there was nothing else, ideal became less important. They spent four years looking at every possible location and nothing they could buy was suitable. He did not think the land was designated as park. It was compelling that for 87 years it had been used as City shops and the 2003 designation was an error. He wanted to work with the neighborhood and make this work. He did not want to spend more time searching for another piece of property.

Mr. Kabeiseman said regarding the issue of park land, a resolution would be brought back to the Commission to put the Commission's interpretation in writing.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Shaw, to approve the Personal Services Agreement with Deca Architecture, Inc. for the 2015 Public Works Operations Center Master Plan Update (CI 15-010). The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Carol Pauli, Mayor Dan Holladay and Commissioner Renate Mengelberg

Nay: 1 - Commissioner Rocky Smith

7b. Purchase and Sale Agreement for Property Located at 12th & Main Street, Tax Lots 22E30DD04800; 04900

Eric Underwood, Economic Development Manager, said on June 22 an offer was submitted for the purchase of 12th and Main Street to construct a mixed use building with commercial on the first level, office on second level, and residential on the top level. There was the possibility for 10-12 new jobs with this new development with an estimated 2-4 additional jobs per year thereafter. The purchase price was \$260,000 minus the 5% brokerage fee to equal \$247,000. This property was part of a project in 1994 that was attached to federal grants and he recommended approving the purchase agreement knowing staff was tying up that loose end.

The Commission thought this would be a catalyst for development, especially in bringing residential to downtown.

A motion was made by Commissioner Pauli, seconded by Commissioner Smith, to approve the Purchase and Sale Agreement for property located at 12th & Main Street, Tax Lots 22E30DD04800; 04900. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli, Mayor Dan Holladay and Commissioner Renate Mengelberg

8. Consent Agenda

Commissioner Mengelberg asked about the sewer project on Division Street, what was the traffic mitigation plan during construction?

Mr. Lewis said the contractor had not disclosed his plan for traffic control yet, however the contractor had a lot of experience doing this kind of work. Staff would go over the traffic control plan with the contractor and make sure there were no concerns. Public safety was the first priority.

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve the consent agenda. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Carol Pauli, Mayor Dan Holladay and Commissioner Renate Mengelberg

8a. Resolution 15-24: A Resolution Granting a Non-Exclusive Franchise to Quest Broadband Services, INC. dba CenturyLink to Construct, Operate, and Maintain a Cable System in the City of Oregon City

8b. Public Improvement Contract for the Construction of the Madison Street and 14th Street to Division Street Sewer Project (CI 15-004)

8c. Contract Award to WEST Consultants, Inc. for the Clackamette Park Boat Ramp Hydrology Evaluation

9. Communications**a. City Manager**

Mr. Lewis reported on an upcoming SDC Forum on September 24. He reminded everyone on September 12 Tri-Met's Max Orange Line would be opening. He announced the changes to bus service in Oregon City. Tri-Met was still working on the Southeast corridor plan to increase service in the area. They were also talking about an increase in the employer payroll tax. He then discussed rapid transit in the region.

Maureen Cole, Library Director, gave an update on the Library addition project, and changes being made both inside and outside of the Library. She discussed the wood that would be saved from the trees that had been removed.

Mr. Konkol discussed a proposal for live/work units on Beavercreek Road by the High School. The approval of this proposal was appealed to LUBA and LUBA affirmed the approval. They would know by the next meeting if it would be appealed again.

b. Commission

Commissioner Mengelberg attended the Metro C4 Sub Committee meeting.

Commissioner Smith reported on the Friends of the Ermatinger House meeting. The Friends would be coming back to the Commission with a proposal for programming the house. He had attended many tourism meetings.

Commissioner Shaw reported on the Library groundbreaking event and County/City Dinner. He announced tomorrow was the last concert in the park.

Commissioner Pauli announced the Clackamas County Fair was August 18-23. She then reported on Parks Day on August 7 and McLoughlin Garage Sales on August 14-16.

c. Mayor

Mayor Holladay was continuing to work on the Tri-Cities issue. He discussed Lloyd Gossman, who had walked the entire Oregon Trail. The Mayor walked part of it with him and welcomed him to Oregon City. Mr. Frasher had been put on administrative leave due to a non-criminal complaint and Mr. Konkol was interim City Manager. A firm had been hired to investigate the complaint. Senator Wyden would be visiting the City next Thursday.

10. Adjournment

Mayor Holladay adjourned the meeting at 8:41 PM.

Respectfully submitted,

Kattie Riggs, City Recorder