REGULAR MEETING Oregon City, Oregon, December 16, 1992

A regular meeting of the City Commission was held in the Commission Chambers of City Hall on the above date at 8:00 p.m.

Roll call showed the following present:

Mayor Daniel W. Fowler
Commissioner Suzanne VanOrman
Commissioner Carol A. Powell
Commissioner Robert M. Light
Commissioner James R. Ebert

Charles Leeson, City Manager
Edward J. Sullivan, City Attorney

The flag salute was lead by Mayor Fowler, after which he called for approval of the minutes. It was moved by Ebert, second by Light, to approve the minutes of December 2, 1992. Approved unanimously.

Mayor Fowler advised the audience that requests for agenda items should be submitted to the City Manager in writing for presentation on a future agenda.

Commission Report No. 92-267, Zone Change for Annexed Properties North and South side of Lazy Creek Lane, east of Molalla Avenue - Public Hearing; if approved, proposed Ordinance No. 92-1036, An Ordinance Amending Chapter 17.06.030, Official Zoning Map, of Oregon City Municipal Code, 1991, by Changing Certain Districts, was presented by the Manager. The report noted that on November 4, 1992, the Portland Metropolitan Area Boundary Commission approved the annexation of 4.71 acres on the north and south side of Lazy Creek Lane, east of Molalla Avenue. The annexation was initiated at the request of the property owners so development could occur.

The report continued that on November 24, 1992, the Planning Commission held a public hearing on File ZC92-07 to change the zoning designation of the annexed property from County, "FU-10", Future Urban to City zoning. The designation is based on the Comprehensive Plan classification of "Low Density Residential". The three City zones are "R-10", "R-8" and "R-6". There was no testimony at the meeting.

The Planning Commission recommended that the properties be zoned "R-6", Single-Family Dwelling District. The recommendation was based on the criteria found in the Comprehensive Plan, Zoning Ordinances, and adjacent "RD-4" zoning which can be developed at 6,000 square foot lots for single-family dwellings.

Attached for Commission review were the following documents: 1) Planning Commission minutes from November 24, 1992; 2) Staff report; 3) Public notice and map of subject properties; and 4) proposed Ordinance No. 92-1036.

The report concluded that notice of proposed Ordinance No. 92-1036 was posted at City Hall, Courthouse and Senior Center, by direction of the City Recorder. It was recommended that first reading be approved, second reading be called and approved for final enactment to become effective January 15, 1993.

The City Attorney advised that this was a land use hearing proceeding in which testimony was being taken and advised that the proceedings were governed by ORS 197.763. The criteria for the granting or denial of this change is set out in the staff report which is available upon request. If anyone believes that criteria other than in the report is applicable, it must be presented before the close of this hearing. If anyone does not raise an issue with sufficient specificity so that the Commission and other parties may respond, that issue is waived if the matter is appealed to the Land Use Board of Appeals.

Mayor Fowler called for abstentions. None were offered.

Denyse McGriff, Principal Planner, addressed the Commission to respond to questions. Light asked why R-6 was the designation used. McGriff responded that most of the developed lots have one residence. The Planning Commission looked at the surrounding land use which could be developed to a minimum lot size of 6,000 square feet which was compatible with a pattern that could occur in that area.

Mayor Fowler declared the public hearing open and called for testimony. With no testimony offered, the hearing was closed.

VanOrman asked for identification of other R-6 areas in the City. McGriff responded Madison Street, and Stillmeadow Drive and Lazy Creek lane are R-6.

It was moved by Ebert, second by VanOrman, to approve first reading of proposed Ordinance No. 92-1036.

Roll call: Light, Aye; Powell, Aye; Ebert, Aye; VanOrman, Aye; Fowler, Aye.

Second reading was called after which it was moved by Ebert, second by Light, to approve second reading for final enactment to become effective January 15, 1993.

Roll call: VanOrman, Aye; Powell, Aye; Light, Aye; Ebert, Aye; Fowler, Aye.

ORDINANCE NO. 92-1036

AN ORDINANCE AMENDING CHAPTER 17.06.030, OFFICIAL ZONING MAP, OF THE OREGON CITY MUNICIPAL CODE, 1991, BY CHANGING CERTAIN DISTRICTS

OREGON CITY ORDAINS AS FOLLOWS:

WHEREAS, public necessity and the general welfare of Oregon City require changes to certain districts, which changes have been heard by the Oregon City Planning Commission and approved by it after public notice and hearing as required by Chapter 17.50 of the 1991 City Code, and the City Commission after public notice and hearing finding that the following described property can suitably be utilized for uses incident to an "R-6" Single-Family Dwelling District, for which there is a need in this area, and that such zoning is compatible with the neighborhood development and the Comprehensive Plan of *Oregon City, the findings and conclusions attached as Exhibit "A" and depicted in Exhibit "B" adopted as the findings* of this Commission and the following described property to wit:

Tax Lots 1700, 1900, 1901, and 2500 of Map 3-2E-8A: Zoning designation is changed for FU-10 Future Urban 10-Acre Minimum to R-6 Single-Family Dwelling District.

Read first time at a regular meeting of the City Commission held on the 16th day of December, 1992, and the foregoing ordinance was finally enacted by the City Commission this 16th day of December, 1992.

/s/JEAN K. ELLIOTT, City Recorder

ATTESTED this 16th day of December, 1992.

/s/Daniel W. Fowler
DANIEL W. FOWLER, Mayor

At this time, Commissioner Powell presented a token of appreciation to Alayne Woolsey for her involvement in with the Community.

Commission Report No. 92-268, Proposed Ordinance No. 92-1037, An Ordinance Amending Title 3: Revenue and Finance, Chapter 3.04: Transient Room Tax, Section 3.04.020: Tax Imposed, of the Oregon City Municipal Code, 1991, and Declaring an Emergency, was presented by the Manager. The report noted that on October 6, 1982, the City Commission adopted Ordinance No. 2007 which established a 4 percent transient room tax with the proceeds allocated to the Oregon City Civic Improvement Trust Fund and devoted the funds to the promotion of tourism. Subsequently, on October 1, 1986, Ordinance No. 86-1017 was adopted which amended the transient room tax from 4 percent to 5 percent and on June 6, 1990, Ordinance No. 90-1028 was adopted which amended the room tax from 5 percent to the present 7 percent.

The report continued that at the June 30, 1992 special election, voters approved Clackamas County Measure 3-6 which was an Amendment of Transient Room Tax Ordinance and asked the question "Shall ordinance be amended to keep present tax, apply it to all lodgings in County, and change distribution of proceeds?". The measure allowed a Tourism Development Council to adopt a master plan for tourism and convention promotion and, following the Plan, the Council would decide, subject to County Commission approval, what projects would get funds.

On December 9, 1992, the Civic Improvement Trust Trustees met and discussed the City's transient room tax. As a result of that meeting, the Trustees are recommending that the City's transient room tax be continued and used for funding small, local tourist-related projects. They also recommend that the tax be set at two percent (2%).

The report concluded by presenting proposed Ordinance No. 92-1037 which provided for the continuance of and an amendment to the Oregon City transient room tax to an amount as established by the City Commission. An emergency clause was included so the ordinance goes into effect when the County transient room tax takes effect.

Notice of proposed Ordinance No. 92-1037 was posted at City Hall, Courthouse, and Senior Center, by direction of the City Recorder. If the Commission established a percent, the proposed ordinance would need to be amended to reflect that percentage. First and second reading need to be approved unanimously for final enactment to become effective January 1, 1993.

Mayor Fowler called for audience comment.

Dan Daniels, Valu Inn Motel, Oregon City, spoke in favor of a probation period of six months with a review of the TDC Board at that time. He wanted support for the TDC Board.

Claire Met, 504 6th Street, owner of the Jagger House Bed and Breakfast, spoke in favor of the City not collecting an additional tax. She felt that by having our own tax, Oregon City would be perceived as having its own financing and would probably not receive tourism funding.

Thelma Haggenmiller, Oak Grove, spoke in favor of supporting the TDC and recommended that Ordinance No. 92-1037 be kept intact with the rate set at "zero percent" (0%) as of January 1, 1993; that a timeframe be set for reevaluation of the County progress and the local situation and if not satisfactory, the rate could be changed at that time.

Ebert objected to the reference to "little people" which should be "smaller requests". He noted that the Trust was attempting to protect the smaller requests and asked if Haggenmiller had discussed this with representatives of the smaller requests. She responded that two have submitted requests under $1,000 and they felt that with support of the Commission they felt alright.

Powell asked if the TDC knew that the City of Oregon City, itself, does an amount of tourism promotion. Haggenmiller responded they somewhat know but the members are new and are not involved in the tourism industry so they are in a learning process. She has tried to make them aware of the City's tourism promotions.

VanOrman spoke about the difficulty the City had in getting organized in funding tourism and in making those decisions. The TDC will need some time for getting organized. She recounted the experiences of the Civic Improvement Trust when it was first formed and she recounted her experiences regarding the competitiveness of grant writing. One area of pride has been the viewing of local projects that the Trust has funded and that the Trust has contributed to the Community. She felt that the projects with County appeal will get the funding.

Light commented that when this was recommended to the Commission there was only one vote that said they did not want that. He thought there was fear because we did not know what the TDC will be doing. He felt there would be no loss to the motel industry by having a two percent tax for Oregon City. VanOrman noted that we currently were at 7 percent with the County at 6 percent so a reduction to 2 percent for Oregon City would make an overall tax of 8 percent, an increase of one percent.

Alayne Woolsey, 818 4th Street, member of the Civic Improvement Trust, spoke noting that she was at the last Trust meeting. She noted that what she was hearing with the testimony presented was fear of a Board that has not yet produced a plan. She felt the TDC needs to have a chance to develop. She addressed the small projects for Oregon City and felt the TDC would feel the need to look at the small projects.

Ebert reminded that at the Trust meeting, he was in favor of the two percent. There has been no testimony presented was not from the small requestors to protect the percentage for the Trust. It was moved by Ebert, second by Light, that proposed Ordinance No. 92-1037 be amended to add zero percent (0 %) with the ordinance to be reviewed in July or August, 1993.

The City Attorney advised of the need to read amended Section 1.

Powell expressed concern regarding the ordinance. She noted that very little was known about TDC at this time. She asked what portion the County took for registration. Haggenmiller advised that when the ballot measure was passed, it was increased from one percent to two percent for the County's administrative fee.

The City Attorney suggested that the motion and second be withdrawn and move for the first reading of the ordinance on the zero percent. Motion and second were withdrawn.

It was moved by Ebert, second by Light, to approve first reading of proposed Ordinance No. 92-1037.

It was then moved by Ebert to amend proposed Ordinance No. 92-1037 to zero percent.

Motion dies for lack of second.

It was moved by VanOrman, second by Powell, to amend proposed Ordinance No. 92-1037 to two percent.

Roll call on the amendment: Ebert, Nay; VanOrman, Aye; Light, Nay; Powell, Aye; Fowler, Nay. Motion Failed.

It was moved by Light, second by Ebert, to amend proposed Ordinance No. 92-1037 to zero percent.
Staff was directed to cause a review no later than the end of May, 1993.

Roll call: VanOrman, Nay; Powell, Nay; Ebert, Aye; Light, Aye; Fowler, Aye.

The City Attorney reminded that the main motion was for the first reading of the amended version of proposed Ordinance No. 92-1037. He noted that with the emergency clause, unanimous consent was needed for passage at this time.

Scott Harper, Finance Director, advised that from a fiscal point of view the City had reserves that could operate the Trust for a period of time. On the County-wide issue, he noted that it will take them time to build a reserve and to establish rules. It would appear that the City would have several months and be able to operate as usual regardless of what happened. VanOrman advised that the Trust has spent the money in reserve.

At this point, the City Attorney read the first reading of the ordinance as amended to zero percent.

Roll call: Ebert, Aye; Light, Aye; VanOrman, Aye; Powell, Nay; Fowler, Aye.

The City Attorney advised that second reading would be continued to the next meeting.

Commission Report No. 92-272, Request to Extend Interim Intergovernmental Agreement Between the Cities of Oregon City and West Linn as the South Fork Water Board - Resolution No. 92-69, was presented by the Manager. The report noted that at the June 17, 1992 meeting, the City Commission adopted Ordinance No. 92-1015 which authorized execution of an interim intergovernmental agreement between the cities of Oregon City and West Linn as the South Fork Water Board. The interim agreement provided for termination on September 1, 1992, or a later date as established by resolution. At its August 19, 1992 meeting, the City Commission adopted Resolution No. 92-45 which extended the interim agreement to December 1, 1992.

The report continued that negotiations between Oregon City and West Linn are continuing regarding a final agreement. However, more time was needed to resolve issues that remain outstanding. Therefore, on the December 16, 1992 agenda was proposed Resolution No. 92-69 which provided for an extension of the interim agreement to March 1, 1993.

The report concluded that based on the need to continue the South Fork Water Board and to allow more time for resolution of outstanding issues, it was recommended that Resolution No. 92-69 be adopted.

It was moved by Ebert, second by Light, to adopt Resolution No. 92-69.

Powell asked if West Linn has adopted a similar extension. The Manager responded that he had heard they had.

Motion passed unanimously.

RESOLUTION NO. 92-69

A RESOLUTION AUTHORIZING EXTENSION OF AN INTERIM INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITIES OF OREGON CITY AND WEST LINN AS THE SOUTH FORK WATER BOARD

WHEREAS, on June 17, 1992, the City Commission adopted Ordinance No. 92-1015 which authorized execution of an interim intergovernmental agreement between the cities of Oregon City and West Linn as the South Fork Water Board and declared an emergency; and

WHEREAS, the interim agreement provides for termination on September 1, 1992, or at such later date which may be established by resolutions of the governing bodies of the cities; and

WHEREAS, on August 19, 1992, the City Commission adopted Resolution No. 92-45 which provides for termination on December 1, 1992; and

WHEREAS, additional time is required to allow the City of Oregon City to adopt a final intergovernmental agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City, Oregon, that this resolution constitutes the City's consent to extension of the interim intergovernmental agreement between the cities of Oregon City and West Linn as the South Fork Water Board as authorized by the interim agreement, such extension to terminate on March 1, 1993.

Adopted, signed and approved this 16th day of December, 1992.

/s/Daniel W. Fowler
Mayor

/s/James R. Ebert
Commissioner

/s/Suzanne VanOrman
Commissioner

/s/Carol A. Powell
Commissioner

/s/Robert M. Light
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Commission Report No. 92-276, Adoption of the Equal Employment Opportunity/Affirmative Action Plan for the City of Oregon City - Resolution No. 92-64, was presented. The report noted that continued from the November 4, 1992 agenda was proposed Resolution No. 92-64 which provided for adoption of the Equal Employment Opportunity/Affirmative Action Plan of the City of Oregon City and contained the Plan as Exhibit "A".

The report continued that the Plan contained a Policy Statement to be signed by each member of the Commission and described the departments covered, contained guidelines, objectives and goals, definitions of job categories, and the job classifications by EEO category.

The report concluded by noting that implementation of this Plan is a Federal requirement. Therefore, Resolution No. 92-64 was recommended for adoption by the Commission.

It was moved by Light, second by VanOrman, to adopt Resolution No. 92-64. Approved unanimously.

RESOLUTION NO. 92-64

A RESOLUTION ADOPTING THE EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PLAN FOR THE CITY OF OREGON CITY.

WHEREAS, the City of Oregon City is fully committed to the concept and practice of Equal Employment Opportunity/Affirmative Action in all aspects of employment.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City, Oregon, that it is the policy of the City to be fair, equitable and consistent in all its relations with employees and applicants for employment; and to prohibit discrimination based on race, religion, sex, marital status, national origin, age, mental or physical disability, sexual orientation, or veteran's status.

IT IS FURTHER RESOLVED that to implement this policy, an Equal Employment Opportunity/Affirmative Action Plan has been designed. The goal of this Plan is to ensure that equal employment opportunity is promoted throughout the City of Oregon City.

Said Equal Employment Opportunity/Affirmative Action Plan is attached as Exhibit "A" and made a part hereof.

Adopted, signed and approved this 16th day of December, 1992.

/s/Daniel W. Fowler
Mayor

/s/James R. Ebert
Commissioner

/s/Suzanne VanOrman
Commissioner

/s/Carol A. Powell
Commissioner

/s/Robert M. Light
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Commission Report No. 92-271, Carnegie Library/Main Fire Station Re-Use Committee - Report to City Commission, was presented by the Manager. The report noted that attached for Commission consideration was the final report of the Carnegie Library/Main Fire Station Re-Use Committee. Members of the citizen committee are Commissioner Suzanne VanOrman, Jim Fenderson, Anne Friberg, Mike Hiefield, and Claire Met. The Committee was appointed in September 1992 to gather public input and make recommendations on future use of the Carnegie Library and Main Fire Station, if funding for the new library and fire stations was approved by the voters in 1993.

The report continued by noting that to provide adequate opportunity for public input on this issue, the Committee distributed a questionnaire in all utility bills. The Committee also held three public input meetings in October and November.

The report concluded by noting that the conclusion of the Committee, based on response of the questionnaire, testimony at the public meetings, and their own deliberations, was that the Carnegie Library should be retained as part of the library system, but could also provide a community center function. The Main Fire Station could be investigated for marketing/sale and re-use as offices or other permitted uses in the "LOC" Limited Office Conditional zone. The Committee also recommends that if the funding measures are approved, an implementation committee be appointed to explore funding options and logistics of their recommendations. Members of the Committee and staff would be present at the meeting to discuss any questions the Commission would have.

VanOrman spoke and thanked Jim Fenderson, Ann Friberg, Mike Hiefield and Clair Met, who were the persons who participated on the committee. She outlined the process followed by the Committee, the input of the citizens at the meetings that were held, and the information offered on the questionnaires that were submitted. She advised that most of the attendees at the meetings were from the McLoughlin Neighborhood. She noted that the recommendations of the Committee reflects what was heard from the public.

She noted that the overwhelming sentiment for the Carnegie Library building was that the use should be compatible to the surrounding park. Suggestion was to re-use the library for a research or historical library, a community room or a branch or children's library for the lower floor. The sentiment for the Main Fire Station was to not demolish the building because of the location and the neighborhood. Suggestions were to consider an outright sale and if sold, an amount of parking should be sold with the building to prevent on-street parking problems; sentiment was to not consider City-initiated rehab and re-use for City offices. The Carnegie building should not be used for a branch of City hall.

In conclusion, she noted that if the citizens approve the vote for funding new facilities, the City should appoint a new or expanded committee to implement the re-use of the Carnegie library and fire station with time to explore funding and staffing options; if the buildings are maintained there is cost of maintenance and if there are services, there is the cost of staffing.

Powell expressed concern that there were fewer suggestions for the Main Fire Station building than there were for the Carnegie Library building. She noted that condition of the building being an embarrassment to the City. VanOrman noted that most of the conversations dwelled on the Carnegie building. Powell noted that the need for a new fire station was as primary as the need for a new library.

The Commission expressed appreciation to the members of the Committee and accepted the report with no direct action taken.

Commission Report No. 92-273, Recommendation for Architectural Services - New Library Facility, was presented by the Manager. The report noted that on September 2, 1992, the City Commission approved a Request for Proposals for Architectural Services for a new library with the understanding that a recommendation would be returned to the Commission for approval. Fifteen proposals were submitted and the Library Board and staff have completed a thorough evaluation of the firms. This evaluation included reference checks, site visits, and interviews.

The report concluded that it was the consensus of the Library Board and Library Director that the architectural firm of SRG Partnership was the best choice for an architect for the new library. Therefore, it was recommended that the Commission adopt a motion authorizing the City to enter into immediate negotiations with SRG Partnership. The result of the negotiations will be presented for Commission approval at a meeting in January, 1993.

Roger McClurg, Library Director, addressed the Commission noting that as a point of interest, this year 150,000 persons visited the library. He then elaborated on the process that the Library Board and staff followed to get to this point; selection of an architectural firm.

It was moved by VanOrman, second by Ebert, to authorize the City to enter into immediate negotiations with SRG Partnership for architectural services for the new library. Approved unanimously.

CONSENT AGENDA

At this point, the Manager advised that Agenda Items No. 9, Commission Report No. 92-280; No. 10, Commission Report No. 92-279; No. 11, Commission Report No. 92-278; No. 12, Commission Report No. 92-275; No. 13, Commission Report No. 92-274; No. 15, Commission Report No. 92-270; No. 16, Commission Report No. 92-269; and, No. 17, Commission Report No. 92-265; were routine and could be approved in one motion.

The Manager noted that Agenda Items No. 14, Commission Report No. 92-277; and, No. 14A, Commission Report No. 92-281, would be presented for discussion and action.

It was moved by Light, second by Powell, to adopt staff recommendations for Agenda Items 9, 10, 11, 12, 13, 15, 16, and 17. Approved unanimously.

Commission Report No. 92-280, Advance Finance District Reimbursement Agreement - General Distributors, Inc. Waterline Acceptance, was presented. The report noted that on the December 16, 1992 agenda was an agreement with General Distributors, Inc. that would provide for reimbursement of costs for waterline improvements they constructed that benefitted other property. As part of the agreement, the City would formally accept the waterline improvement.

The report continued that the Commission adopted Resolution No. 92-60 on October 21, 1992 that established the advance finance district. Attached was the agreement and establishing resolution for Commission review. Since this was the first developer-initiated advance finance district, the City's legal services assisted in the preparation of the agreement.

The report concluded by recommending that the City Commission formally accept the waterline, approve the agreement and authorize the City Manager to execute. Following execution, the documents would be recorded.

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Commission Report No. 92-279, Revised Annexation Policies and Procedures, was presented. The report noted that on the December 16, 1992 agenda were updated annexation policies and procedures for City Commission acceptance. The update included revising the island annexation policy to include holding neighborhood meetings. Attached was the revised policy and procedures for Commission review. The revisions were consistent with City Commission direction on increasing citizen involvement efforts. Staff has been using the new procedures and they should have formal Commission adoption. If the Commission concurred, a motion should be adopted to approve the policy and procedures.

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Commission Report No. 92-278, Red Soils Industrial Park Advance Finance District - Final Cost Allocation, was presented. The report noted that on the December 16, 1992 agenda was the final cost allocation for the Red Soils Advance Finance District. The Advance Finance District was established by Resolution No. 92-33 at the July 15, 1992 Commission meeting. Attached was the resolution and final allocation of costs for Commission review. The final cost was $705,284.43 including all administrative fees. This equated to a cost per square foot of $0.54, which was $.03 higher than originally estimated. The Commission should approve the final cost allocation and direct the City Recorder to record with Clackamas County Deed Records.

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Commission Report No. 92-275, Participation in Metropolitan City/County Visual Preference Survey, was presented. The report noted that on the December 16, 1992 agenda was a request for City participation in a Visual Preference Survey. The cities and counties of the Metropolitan Region along with Tri-Met and Metro will be hosting workshops region-wide between January 15 and February 18. (To date, two counties and ten cities are participating).

The Visual Preference Survey is a process which allows a community to develop a common vision for its future. The Visual Preference Survey consists of a series of 200 slides and community participants rate different types of development patterns. The Visual Preference Survey is: -An innovative method of public involvement which will complement more traditional planning techniques; -Defines a common vision for the community. It builds a consensus among a variety of stakeholders; -Involves the members of our community in the planning process; -Helps make complex planning issues (multimodal transportation, site design, etc.) more accessible and understandable to the lay person; -Helps engage citizens in the Metro region to become more aware of regional issues (such as the 2040 process)

Some of the themes to be reviewed are: -Open space; -Development around transit; -Commercial/Mixed use Development options; and, -Residential - densities/structure types.

Also included would be street design/function, pedestrian friendly streets, parking, transitions between uses.

The report continued that the expected growth to the region provides an invaluable opportunity for local governments and citizens to come together and create a "common vision" for the region. The survey results will be presented at a "citizen summit"/regional growth issues conference tentatively scheduled for March 6, 1993 at Benson High School in Portland.

What would be required of Oregon City? 1) Provide a location and facility for an Oregon City survey; (large enough to accommodate 250 people); 2) Publicity - (Local media/City newsletter); 3) Money - Each community is being asked to contribute at least $500. (There is money in the Planning Program budget to cover costs); 4) Staff Time - Coordination; answering questions and staffing survey site.

The communities of Beaverton, Forest Grove, Gresham, Milwaukie, Portland, Sherwood, West Linn; and Clackamas and Washington Counties, are participating. Each jurisdiction is making a survey site available and contributing $500 to help with costs of the survey.

Benefits: -Community participation in a "vision" process; -Development of a community consensus on a common regional/local vision of what the region will look like in the year 2040; -Standardized evaluation and analysis of Metro region communities existing environment to help determine the region's future; -Defines a vision and desired physical character for the region and community to be used in the creation of new standards for development regulations; and, -Establishes a legal foundation for the regulation of physical design and development and regulation.

The report concluded that attached for Commission review was a document about the Visual Preference Survey. It was recommended that the Commission approve participation in the Survey for the Metro region.

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Commission Report No. 92-274, Personal Services Agreement - Engineering Services for Boat Dock and Accessway at Willamette Riverfront Park - State Marine Board Grant, was presented by the Manager. The report noted that in April 1992, the Commission authorized staff to apply for a grant through the Oregon State Marine Board for engineering design of a floating tie-up dock and accessway, which is a component of the planned Willamette Riverfront Park. A grant of $25,000 was awarded with the City providing a cash match of $10,000 (engineering costs were estimated at $35,000).

The report continued that nine firms responded to the Request for Proposals. Based on an evaluation by both City and Marine Board staff, the firm of KPFF Consulting Engineers was selected. The negotiated fee is $35,000. It was anticipated that the engineering would be completed by June 1993; however, sufficient work would have progressed by April 1993 so that staff can apply for grant funding for construction of the dock and accessway.

The report concluded that attached was a Personal Services Agreement with KPFF Consulting Engineers for the project. It was recommended that the Commission approve the agreement and authorize the City Manager to execute.

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Commission Report No. 92-270, Red Soils Access Road - Phase 2 - Project Acceptance, was presented. The report noted that on the December 16, 1992 agenda were the project closeout documents on the Phase 2 Red Soils Access Road for Commission acceptance. Attached was a Certificate of Compliance, Request for Final Payment and Contractor's Affidavit of Payment of Debts and Claims from Clearwater Construction Company for review. Also attached was a cover letter from the Project Engineer recommending acceptance. It was recommended that the Commission adopt a motion to accept the Phase 2 Red Soils Access Road and authorize the City Manager to sign the Notice of Acceptance.

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Commission Report No. 92-269, Sanitary Sewer Easement Acceptance - Park Place Sewer Project, was presented. The report noted that on the December 16, 1992 agenda was a sanitary sewer easement for the Park Place Sewer Project for Commission consideration. This easement was part of the recent condemnation settlement agreement between the City and property owner. A copy of the easement was attached for review. It was recommended that the Commission accept the easement and authorize the Mayor and City Recorder to execute.

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Commission Report No. 92-265, Relinquishment of Easement - Resolution No. 92-68, was presented. The report noted that on the December 16, 1992 agenda was a resolution and relinquishment easement for Commission action. The relinquishment would vacate a portion of a drainage easement originally conveyed to the City through an easement recorded under Recorder's Fee No. 75-35417, Film Records of Clackamas County, which has been replaced by a drainage easement recorded under Recorder's Fee No. 91-66754 which was required when the subdivision of "Cook Street Addition" was constructed. This came to light during a review of the title report for Minor Partition MP92-10. It was recommended that the Commission adopt Resolution No. 92-68 and authorize the Mayor and City Recorder to execute the relinquishment.

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Commission Report No. 92-277, Abandoned Vehicle - Towing Contract Award, was presented by the Manager. The report noted that on the December 16, 1992 agenda was a recommendation to award a towing contract for the newly revised abandoned vehicle program to Bud's Towing Service. The Development Services Department advertised for proposals to meet the abandoned vehicle towing and storage criteria of the City. Two proposals were received and comparative analysis of the prices and services offered revealed that Bud's Towing Service was priced lower in virtually all service categories. Since both bidders are known to provide quality service, cost to the consumer was the deciding factor.

The report continued that at the direction of the City Manager, the Development Services Department developed a procedure to deal with vehicles that are abandoned in the public right-of-way, in accordance with Chapter 10.04.030 of the Oregon City Municipal code. A copy of the procedure was attached for review.

Removal of abandoned vehicles has been somewhat slow in the past, due to the contract tow service often unable to respond. The new contract stipulates that the tow company must be able to respond within twelve hours to a request to pick up an abandoned vehicle.

It was noted that merely parking an unregistered, or older wrecked vehicle on the street does not qualify as an abandoned vehicle. The State mandated program requires a minimum of five working days notice after the initial violation has been cited. As a practical matter, this means that a week will transpire after a vehicle is reported and before it is towed. Vehicles on private property do not fall under the abandoned vehicle code and must be dealt with as solid waste where applicable.

The report concluded by recommending that the Commission accept the abandoned vehicle towing contract with Bud's Towing Service and authorize the Manager to execute.

John Block, Development Services Director, addressed the Commission and explained the process that was used to get to the point of contract award. VanOrman asked if the customer was paying more or less. Block responded that it would be less. Fowler asked what the timeframe was from reporting a vehicle to towing. Block responded that this was basically a five-day process. All abandoned vehicle complaints will go directly to Code Compliance. Staff will immediately view the complaint site and if warranted, the vehicle will be cited immediately. The citation is good for 24-hours before notice is provided. If the vehicle is not moved within that 24-hour period, notice to the owner is provided via mail with a five-day waiting period prior to towing.

Powell asked what happens if the owner cannot be located and the vehicle is towed, would the City pay storage. Block responded that there is no cost to the City for any tows. Notice is provided by the towing company to the owner to reclaim the vehicle. If the vehicle is not claimed within a certain number of days, the vehicle goes to the tow company for disposition through the state-approved process. Block advised some non-registered vehicles may not be abandoned, i.e. expired plates are cited by police when the vehicle is moving.

It was moved by Powell, second by Ebert, to accept the abandoned vehicle towing contract with Bud's Towing Service and authorize the City Manager to execute. Approved unanimously.

Presented as a late item and not on the Agenda was Commission Report No. 92-281, Oregon Geographic Names Board - Official Naming of Parker's Lagoon, was presented by the Manager. The report noted that being added to the December 16, 1992 agenda was information from the Oregon Geographic Names Board. Attached was background information and an official naming proposal form for Commission review.

The report continued that this was an opportunity to officially name the Lagoon and possibly have a fun community involvement program in the process. Following Oregon Names Board approval, it would be sent to the United States Board on Geographic Names for approval. Once approved, the name would appear on all official State and Federal maps.

The report concluded by noting that Commission direction was needed on whether naming the Lagoon is wanted and what process should be used.

John Block, Development Services Director, addressed the Commission noting that the City has been wondering what to call the area commonly referred to the Parker's Lagoon. Parker was the landowner when the lagoon was created by dredging. Technically, the area is a lagoon which must be kept in mind when naming. The other commonly referred to name is Clackamas Lake or Clackamette Lake. The process being presented provides the means to change all state and federal maps to include the name of the area.

The proposal needs to be submitted by May which gives time for citizen involvement. Staff was waiting for Commission direction on what process to use. Fowler asked if this could be in the City Newsletter asking for citizen input for a name. He suggested school involvement, as well. VanOrman suggested newspaper stories requesting that citizens submit their recommendations to City Hall. A number of suggestions were discussed with Commission direction being that citizen suggested names be submitted to City Hall.

Commission Report No. 92-266, November 3, 1992 General ELection - Election Results, was presented. The report noted that on Tuesday, November 3, 1992, Oregon City voters cast ballots for Commission Position No. 2 and Commission Position No. 3.

The Oregon City Charter of 1982, Chapter XI, Elections, Section 27, Canvass of Returns, states in part the following: "...The results of all elections shall be entered in the record of proceedings of the Commission. The entry shall state the total number of votes cast for each person and for and against each proposition..."

Attached was a copy of the certified Summary of Votes Cast as prepared by the office of County Clerk on file in the City Recorder's office. The statement showed the following:

Commission Position No. 2		**Commission Position No. 3**	
Suzanne VanOrman	= 4,810	Jim Ebert	= 4,723
Overvotes	= 0	Overvotes	= 0
Undervotes	= 2,997	Undervotes	= 3,084
Misc. Write-Ins	= 6	Misc. Write-Ins	= 2
Total Votes	= 7,807	Total Votes	= 7,807

This information was provided pursuant to Chapter VI, Section 27, of the Oregon City Charter of 1982.

At this time, the Manager reminded the Commission of the need for second reading of Ordinance No. 92-1037 regarding the transient room tax so the matter can be resolved before the County tax goes into effect.

It was moved by Powell, second by Ebert, to reconsider Ordinance No. 92-1037.

Roll call: Light, Aye; VanOrman, Aye; Powell, Aye; Ebert, Aye; Fowler, Aye.

It was moved by VanOrman, second by Light, to approve first reading of proposed Ordinance No. 92-1037 amended to zero percent (0 %).

Roll call: Powell, Aye; Ebert, Aye; VanOrman, Aye; Light, Aye; Fowler, Aye.

Second reading was called after which it was moved by Ebert, second by VanOrman, to approve Ordinance No. 92-1037.

Roll call: Light, Aye; Powell, Nay; Ebert, Aye; VanOrman, Aye; Fowler, Aye.

ORDINANCE NO. 92-1037

AN ORDINANCE AMENDING TITLE 3: REVENUE AND FINANCE, CHAPTER 3.04: TRANSIENT ROOM TAX, SECTION 3.04.020: TAX IMPOSED, OF THE OREGON CITY MUNICIPAL CODE, 1991, AND DECLARING AN EMERGENCY

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That TITLE 3: REVENUE AND FINANCE, Chapter 3.04: TRANSIENT ROOM TAX, Section 3.04.020: TAX - IMPOSED, of the Oregon City Municipal Code, 1991, be and the same is hereby amended to read as follows:

3.04.020 Tax - Imposed. For the privilege of occupancy in any hotel, each transient shall pay a tax in the amount of zero percent (0 %) of the rent charged by the operator. The tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator. The transient shall pay the tax to the operator of the hotel at the time the rent is collected. The operator shall enter the tax on his records when rent is collected if the operator keeps his records on the cash accounting basis and when earned if the operator keeps his records on the accrual accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. Rents payable by governmental agencies shall be exempt from tax.

Section 2. Because this ordinance is necessary for the immediate preservation of the peace and public health, safety and welfare of Oregon City, and to provide for an orderly transition in a reasonable amount of time to this regulatory system, an emergency is hereby declared to exist and this ordinance shall be in full force and effect on January 1, 1993.

Read first time at a regular meeting of the Commission held on the 16th day of December, 1992, and the foregoing was finally enacted by the City Commission this 16th day of December.

/s/JEAN K. ELLIOTT, City Recorder

ATTESTED this 16th day of December, 1992.

/s/Daniel W. Fowler
DANIEL W. FOWLER, Mayor

With no further business, the meeting adjourned.

CHARLES LEESON, Recording Secretary