



# CITY OF OREGON CITY

## CITY COMMISSION REGULAR MEETING

### MINUTES

---

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City  
Wednesday, October 06, 2021 at 7:00 PM

---

#### REGULAR MEETING OF THE CITY COMMISSION

#### 1. CONVENE MEETING AND ROLL CALL

*Mayor Lyles Smith called the meeting to order at 7:07 PM.*

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

**STAFFERS: 11 -** City Manager Tony Konkol, Asst. City Recorder Jakob Wiley, Community Development Director Laura Terway, Parks & Rec. Director Kendall Reid, City Attorney Bill Kabeiseman, Human Resources Director Patrick Foiles, Asst. to the City Manager Lisa Oreskovich, Public Works Director John Lewis, Finance Director Matt Zook, Library Director Greg Williams, Economic Development Manager James Graham

#### 2. FLAG SALUTE

#### 3. CEREMONIES AND PROCLAMATIONS

#### 4. CITIZEN COMMENTS

*Paul Edgar, resident of Oregon City, requested that more education be provided to citizens for land use processes and historic preservation.*

*William Gifford, resident of Oregon City, discussed the cooperation between the City and the Clackamas Community College for their bond projects. Mr. Gifford thanked staff for their unheralded work behind the scenes.*

*Jim Deaver, resident of Milwaukie and representing Living Hope Church, discussed stormwater fees and efforts to address storm drain overcharges. He asked for justice in this matter.*

*Ken Foster, resident of Oregon City, concurred that the stormwater fees needed to be addressed expediently. The charges impacted what the church could do in the community.*

*Ken Baysinger, representative of the Canemah Neighborhood Association, discussed a request for a quiet zone in Canemah due to excessive train noise and provided a letter for the record.*

*Danielle Walsh, business owner in Oregon City, discussed receiving a debt collection notice for parking tickets that she didn't know existed. She discussed how code enforcement was harming businesses and customers on Main Street. She asked to work together on possible changes to the City's parking policies.*

#### 5. PRESENTATIONS

##### 5a. Oregon City Operations Complex Development Project – October 2021 Update

*John Lewis, Public Works Director, introduced the topic.*

*Gerry Mulrooney, PlanB Consultancy, gave an update on the Oregon City Operations Complex project. He gave a project overview, key events since the last update, construction progress to date, project timelines, project budget, and next steps.*

*Mr. Lewis explained the elements that had been reused in the project.*

## **6. ADOPTION OF THE AGENDA**

*The agenda was adopted as presented.*

## **7. CONSENT AGENDA**

**Motion made by Commissioner McGriff, seconded by Commissioner Marl, 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. OLCC: Liquor License Application – El Hempe Spirits, Inc., 412 Beavercreek Road, Suites 617 and 618, Oregon City
- 7b. Personal Services Agreement with Portland Engineering, Inc. for the Oregon City Operations Center Wonderware HMI (Human Machine Interface) Relocation
- 7c. Personal Services Agreement with RH2 Engineers for the 4<sup>th</sup> and 6<sup>th</sup> Streets Utility Replacement Project (CI 21-013)
- 7d. Municipal Court Judge Employment Agreement
- 7e. Minutes of the August 18, 2021 Regular Meeting
- 7f. Minutes of the September 1, 2021 Regular Meeting

## **8. PUBLIC HEARINGS**

- 8a. First Reading of Ordinance No. 21-1015: An Ordinance Approving GLUA-21-00005: Emergency Annexation AN-21-00001 and Zone Change ZC-21-00002 to R-6 for Approximately 1.05 Acres Located at 19630 S. McCord Road

*Mayor Lyles Smith opened the public hearing.*

*Laura Terway, Community Development Director, presented the staff report. This was a request for an emergency annexation and zone change to R-6 for property on S McCord Rd. It was 1.05 acres with a single family home and accessory structures. She explained the background and process on this emergency annexation request. The application complied with the criteria and the property had been connected to water and sewer. Staff recommended approval with conditions. The application met the criteria for SB 1573 and did not require a vote of the people.*

*Bill Kabeiseman, City Attorney, read the quasi-judicial hearing statement. He asked if the Commission had any ex parte contacts, bias, conflicts of interests, or any other statements to declare. There were none.*

*There was concern that the zone change did not go to the Planning Commission for review because it was an emergency annexation and what that might mean for future annexations that were larger in size.*

*Commissioner McGriff did not think what happened constituted an emergency.*

*Dan Berge, applicant, explained the processes he had to go through with the County and City and delays due to Covid and finding a contractor to do the work.*

*Ms. Terway confirmed public notice had been given for this hearing.*

*Mr. Berge said he went to the neighborhood association and they were unanimously in approval. Other R-6 zoning surrounded the property.*

*Mayor Lyles Smith closed the public hearing.*

*Commissioner McGriff thought zone changes should be considered separately in emergency annexations.*

**Motion made by Commissioner Marl, seconded by Commissioner O'Donnell, to approve the first reading of Ordinance No. 21-1015: an ordinance approving GLUA-21-00005: Emergency Annexation AN-21-00001 and Zone Change ZC-21-00002 to R-6 for approximately 1.05 acres located at 19630 S. McCord Road. The motion carried by the following vote:**

**Yea: 4 - Mayor Lyles Smith, Commissioner Marl, Commissioner O'Donnell, and Commissioner Smith**

**Abstain: 1 - Commissioner McGriff**

## **9. GENERAL BUSINESS**

- 9a. Resolution No. 21-46, Revisions to Extend the Parklet & Private Property Restaurant/Retail from November 20, 2021 to November 30, 2022 and Eliminate Some Temporary Fee Reductions

*Ms. Terway said this resolution would extend the parklet and private property restaurant/retail programs to November 2022. There were four parklets currently permitted and operating, six outdoor dining/retail uses currently permitted and operating, and 20 businesses currently permitted for rights-of-way. These uses all had temporary reduced permit fees. Staff recommended going back to the normal fees for parklets and sidewalk seating and to keep the outdoor dining/retail on private property at \$25 per year.*

*There was discussion regarding where the parklets were located, how the programs were leaning towards being permanent rather than temporary, extending it for six months and reviewing it at that time, how a year would allow businesses to recoup their investment and be ready for the relaunch of the City for the upcoming tourist season, not raising the fees if it was only for six months, and properties that were not in compliance.*

**Motion made by Commissioner O'Donnell, seconded by Commissioner Marl, to approve revised Resolution No. 21-46, changing the date to extend the parklet and private property restaurant/retail programs to May 31, 2022 and reviewing the programs at that time and making no changes to the fees. The motion passed by the following vote:**

**Yea: 3 - Mayor Lyles Smith, Commissioner Marl, and Commissioner O'Donnell,**

**Nay: 2 - Commissioner McGriff and Commissioner Smith**

- 9b. Water Ballot Measures – Update and Outreach

*Mr. Lewis, Public Works Director, said there were two water ballot measures on the November ballot.*

*Patty Nelson, Special Projects Senior Engineer, presented the information that was being given to neighborhood associations about the ballot measures. She explained the age of the water pipes in the City, how wildfires and the ice storm affected the water supply, the City's approach to repair and upgrade the oldest and most likely to fail parts, water system funding, proposed ballot measures to borrow up to \$38 million and temporarily increase water rates up to 3% annually above the City Charter limit for six years, requirement in the City Charter for voter approval to borrow money, how the City Charter limited water rate increases to no more than 3% annually without voter approval, websites with more information, and outreach provided.*

#### 9c. Complaints Against City Manager

*Patrick Foiles, Human Resources Director, said complaints had been filed against the City Manager by two residents of the Barclay Hills Neighborhood Association. The Commission had reviewed the complaints and needed to give staff direction for how to proceed and if the allegations warranted an outside investigation.*

*There was discussion regarding the need for transparency and objectivity in the process, whether or not an outside investigation was needed or if the information that was provided was sufficient, time and cost of an investigation, and which allegations, if any, would need to be further investigated.*

**Motion made by Commissioner McGriff, seconded by Commissioner Marl, that a formal investigation was not needed regarding the complaints against the City Manager. The motion passed by the following vote:**

**Yea: 3 - Mayor Lyles Smith, Commissioner Marl, and Commissioner McGriff**

**Nay: 2 - Commissioner O'Donnell and Commissioner Smith**

*Commissioner McGriff said bad behavior towards anyone was unacceptable. They needed to all pull in the same direction to make the community a better place to live.*

*Commissioner Marl encouraged citizens to continue the dialogue and involvement with the City Commission.*

*Mayor Lyles Smith also encouraged citizens to stay involved. Processes and operations needed to be improved and they would be looking into that.*

#### 10. COMMUNICATIONS

##### 11. City Manager

*There were no City Manager communications.*

##### 12. Commissioners

*Commissioner McGriff acknowledged Pam Bloom from B&B Leasing as a Hometown Hero. She discussed the importance of historic resources.*

*Commissioner Marl said he was asked to be a member of the Childcare Task Force and they would have their first meeting later this month.*

*Commissioner Smith said homecoming would be next week and the parade would be held on October 15, 2021.*

**13. Mayor**

*There were no Mayor communications.*

**14. ADJOURNMENT**

*Mayor Lyles Smith adjourned the meeting at 9:47 PM.*

Respectfully submitted,

  
\_\_\_\_\_  
Jakob Wiley, Assistant City Recorder