



# CITY OF OREGON CITY

## CITY COMMISSION REGULAR MEETING

### MINUTES

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Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City  
Wednesday, February 16, 2022 at 7:00 PM

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#### REGULAR MEETING OF THE CITY COMMISSION

*Commission President Denyse McGriff called the meeting to order at 7:05 PM.*

**Present: 4 -** Commissioner Adam Marl, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, Commissioner Rocky Smith, Jr.

**Absent: 1 -** Mayor Rachel Lyles Smith

**Staffers: 10 -** City Manager Tony Konkol, City Recorder Jakob Wiley, Assistant to the City Manager Lisa Oreskovich, Deputy City Attorney Carrie Richter, Senior Planner Christina Robertson-Gardner, Finance Director Matt Zook, Parks and Recreation Director Kendall Reid, Library Director Greg Williams, Public Works Director John Lewis, Police Chief James Band, Community Development Director Aquilla Hurd-Ravich

1. **CONVENE MEETING AND ROLL CALL**
2. **FLAG SALUTE**
3. **CEREMONIES AND PROCLAMATIONS**
4. **CITIZEN COMMENTS**

*Karen Blaha, resident of Oregon City, read a proclamation from the Police Advisory Board requesting monetary awards to staff for their work during the pandemic.*

5. **PRESENTATIONS**
6. **ADOPTION OF THE AGENDA**

*The agenda was adopted as presented.*

7. **CONSENT AGENDA**

*Commissioner McGriff asked to remove Item 7a from the consent agenda.*

**Motion made by Commissioner Smith, seconded by Commissioner Marl, to approve the consent agenda except Item 7a. The motion carried by the following vote:**

**Voting Yea: Commissioner Marl, Commissioner McGriff, Commissioner Smith, and Commissioner O'Donnell**

- 7a. Resolution No. 22-10, Amend Current Parks and Recreation Advisory Committee Bylaws

*Kendall Reid, Parks and Recreation Director, said in January the Committee discussed revisions to their bylaws, particularly in regard to term limits, submitting agenda items, and public comment times. He requested approval of the revisions.*

*There was discussion about agenda items being submitted to staff only not the chair, how this Committee was not included in the Code like other committees, and bylaws of other committees.*

*Troy Bollinger, Chair of the Parks and Recreation Advisory Committee, noted typos in the bylaws. He thought the chair should facilitate agenda items from PRAC members. The term limit changes were due to the struggle of maintaining membership on the Committee and he did not think they should prevent people from serving who wished to continue. The public comment time would be reduced from five minutes to three to be in line with what other committees did.*

*Commissioner McGriff did not think the change regarding agenda items should be approved. She asked staff to bring back an ordinance to add PRAC to the Code.*

*Commissioner Smith agreed about the agenda items, especially since it was not consistent with other committees.*

*Tony Konkol, City Manager, discussed the process for setting the agenda. He thought it should go through staff.*

**Motion made by Commissioner Smith, seconded by Commissioner O'Donnell, to approve Resolution No. 22-10 with the proposed change to subsection 6, number 6, that agenda items must be submitted to the staff representative ten working days prior to the meeting date. The motion carried by the following vote:**

**Voting Yea: Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith**

**Motion made by Commissioner Smith, seconded by Commissioner Marl, to direct staff to bring back an ordinance adding PRAC to the list of committees in the Code. The motion passed by the following vote:**

**Voting Yea: Commissioner Marl, Commissioner McGriff, and Commissioner Smith**

**Voting Abstain: Commissioner O'Donnell**

- 7b. Approval of Pro Tem Judges
- 7c. Public Improvement Contract with Trench Line Excavation for the 12<sup>th</sup> Street Priority Storm Main Replacement (PS 21-041)
- 7d. Change Order #7 for Hazel Grove Park
- 7e. Minutes of the November 17, 2021 Regular Meeting
- 7f. Minutes of the January 11, 2022 Joint Work Session with the Historic Review Board
- 7g. Minutes of the January 11, 2022 Joint Work Session with the Planning Commission
- 7h. Minutes of the January 11, 2022 Work Session

## **8. PUBLIC HEARINGS**

8a. Appeal of Historic Review Board Approval of an ADA Ramp and Foundation Height Change Located at 1020 5th St (AP-21-00006, GLUA 21-00052, HR-21-00020, Modification of HR 20-00001)

*Commission President McGriff opened the public hearing.*

*Carrie Richter, Deputy City Attorney, read the hearing statement. She asked if any Commissioner had conflicts of interest, ex parte contacts, bias, or any other statements to declare including a visit to the site.*

*Commissioner O'Donnell drove by the site regularly and had visited the site. Commissioners Marl, Smith, and McGriff drove by the site regularly. Commissioner McGriff was at the Historic Review Board (HRB) meeting when this application was discussed. She was aware it had been before the McLoughlin Neighborhood Association on several occasions. When she was on the Planning Commission, she participated in a hearing with this applicant, but it was for a different property.*

*Christina Robertson-Gardner, Senior Planner, presented the staff report. This was an appeal of Historic Review Board approval of an Americans with Disabilities Act (ADA) ramp and foundation height change located at 1020 5th St. She entered a letter from Jilene Modlin into the record. The Historic Review Board denied the full ADA ramp to the rear of the site, and approved with conditions a shorter ADA ramp to a side door. They also approved window/elevation revisions and revised the foundation height, which were not part of the appeal. The arguments in the appeal were related solely to the rear ramp request. Only the parties who testified before the HRB could testify. No new evidence beyond those presented during the HRB review may be considered. The appellant argued that the decision did not meet the owner's family medical care needs and did not meet Federal ADA standards and law. The question for the Commission was whether the design proposal appropriately balanced ADA accessibility and McLoughlin Conservation District protections. She showed pictures of the proposed elevations, revised site plan, and current site conditions. She then discussed the National Park Service guidance for modifying buildings to accommodate ADA access and options for the Commission's action tonight.*

*There was discussion regarding the design of the ramp and timeline of previous approvals.*

*Teresa Yip, owner and applicant, said the ramp was necessary for family members to access the home.*

*John Gruzecki, architect for the applicant, said an ADA ramp was the common way to provide access to residential sites. They could not provide an elevator or lift chair as it was expensive and not feasible in the case of an emergency.*

*There was discussion about new evidence and what evidence had been presented to the Historic Review Board (HRB).*

*John Gruzecki continued to provide testimony. He said it was ADA law to provide access, especially in case of an emergency. There was misunderstanding about the topography. The right side of the building was on the ground level and had no connection to the main level except by stairs. There was 11 feet of difference between the ground level where the ramp stopped and the main level. They could shorten the ramp if it was a steeper slope.*

*There was further discussion about the geotechnical survey and what evidence was presented at the HRB.*

*Jesse Buss, Chair of the McLoughlin Neighborhood Association, said the neighborhood had many issues with this application. The appeal did not address the HRB review standards, but focused on ADA regulations. There were not specific issues raised on the appeal and he did not think there was much for the Commission to consider. He thought the appeal should be denied. The information provided by the applicant should have been given in the initial application. He noted a ten bedroom facility was not a typical single family residence.*

*There was discussion about new evidence in Mr. Buss' testimony.*

*Mr. Gruszecki provided a brief rebuttal. He thought this was the only solution to the problem. He was open to any suggestions or providing more evidence.*

*Commissioner McGriff asked why he did not submit the evidence to the HRB. Mr. Gruszecki did not know what more was needed to be submitted. He thought what they provided was adequate.*

*Commissioner McGriff closed the public hearing.*

*Ms. Richter said the ADA did not give anyone a free pass to build whatever type of ramp they wanted. They needed to make every effort to provide access, but not in whatever design and location that an applicant might prefer unless they provided evidence explaining why that was the only cost effective option. They did not have enough information and that was what the HRB based the denial on.*

*Commissioner O'Donnell agreed the appeal lacked specificity and the project varied significantly from what was approved. He supported denial of the appeal based on the reports submitted.*

*Commissioner Marl asked if cost effectiveness was an ADA standard. Ms. Richter said cost prohibitive accessible solutions were not solutions. There might be other solutions the applicant did not explore.*

*Commissioner Marl said there were many instances where the needed information was not provided. He agreed with the denial.*

*Commissioner McGriff was willing to remand the application back to the HRB. However, she was concerned that there was a lack of understanding on what needed to be submitted.*

**Motion made by Commissioner O'Donnell, seconded by Commissioner Smith, to tentatively deny the appeal and affirm the Historic Review Board decision for the ADA ramp. Staff would bring back findings for adoption on March 2. The motion carried by the following vote:**

**Voting Yea: Commissioner Marl, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith**

**9. GENERAL BUSINESS**

**10. COMMUNICATIONS**

**11. City Manager**

*Mr. Konkol recognized Aquilla Hurd-Ravich as the new Community Development Director for the City.*

**12. Commissioners**

*Commissioner Marl reported on the I-205 tolling meeting.*

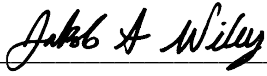
**13. Mayor**

*None*

**14. ADJOURNMENT**

*Commission President McGriff adjourned the meeting at 9:25 PM.*

Respectfully submitted,



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Jakob S. Wiley, City Recorder