

**CITY OF OREGON CITY
CITY COMMISSION
WORK SESSION**

February 10, 2009

1. Convene Work Session of February 10, 2009, and Roll Call

Mayor Norris called the work session of the Oregon City Commission to order at 5:33 p.m. in the City Hall, Commission Chambers, 320 Warner Milne Road, Oregon City.

City Commission Present:

Alice Norris, Mayor
Daphne Wuest, Commission President
Doug Neeley, City Commissioner
James Nicita, City Commissioner
Rocky Smith, Jr., City Commissioner

City Staff Present:

City Manager Larry Patterson, Assistant City Attorney Bill Kabeiseman, Acting Police Chief Mike Conrad, City Engineer and Public Works Director Nancy Kraushaar, Community Development Director Dan Drentlaw, Community Services Director Scott Archer, Finance Director David Wimmer, City Recorder Nancy Ide, Human Resources Director Jim Loeffler, and Assistant Parks and Recreation Director Denise Kai.

Media Present:

The Oregonian Reporter Colin Miner and *Oregon City News* Reporter Matthew Graham.

2. Future Agenda Items

Mayor Norris referred to a list of items Commissioner Nicita suggested for discussion at future work sessions and recommended that some of the items be included in the 2009 Goals and Objectives. Commissioner Nicita gave a suggestion of assessing \$10 on speeding tickets to support a dedicated police fund. He would like to see it on a future agenda and offered to do the background research. Mayor Norris stated if enhancing the Police Department is a 2009 Goal, this discussion would be included at that time.

Commissioner Nicita asked how minority views of suggested items were addressed at the Commission level. Mayor Norris replied that if three of the five Commissioners agreed to discuss an item, it would be included on a future agenda. Mr. Patterson added if there is not majority support for discussion, a lot of research time and cost would go into an item that would likely crash and burn when it returns to the Commission for action.

3. Discussion Items

a. Ordinance for Metro Recycling Regulations

The Commission heard a report on Metro's business recycling requirements to reduce the amount of materials going to the landfill. From the regional perspective it was important for all 25 of the jurisdictions to adopt recycling requirements for standardization purposes.

Mayor Norris commented on the section of the Metro ordinance that addressed enforcement and asked what the City's requirements would be.

The County would communicate with businesses several times even before a letter was sent offering additional staff help. The incentive was there, and a citation would be issued as a last resort once all of the compliance tools had been provided. He discussed the feasibility of helping cities with compliance via an intergovernmental agreement (IGA).

Ms. Kraushaar discussed the role of the haulers in enforcement since they were actually collecting the garbage. They discussed how B&B had worked with the County on monitoring multi-family recycling. There was a database of businesses available, and some issues were complaint driven when property managers were not offering the service to the tenants. The 3 requirements were that the businesses shall source separate, provide recycling containers inside and outside, and post accurate signs so employees would know what they could or could not recycle. Those materials were provided by the County at no expense to the businesses. Businesses were already recycling at about 90%.

Ms. Kraushaar asked for Commission direction on whether it wanted to adopt the model ordinance or something slightly different. B&B Leasing had reviewed the Clackamas County Ordinance and suggested using it as the City's model.

Commissioner Wuest asked if space for storing recycling containers outside might be a reason for non-compliance.

In some instances location was a problem while others simply did not wish to recycle.

Commissioner Wuest asked if B&B and Clackamas County would be responsible for enforcement. The response was that they would act more as monitors. Commissioner Wuest asked if this ordinance had been taken into consideration during the rate review last summer, and the response was that it had not been on the books at that time. No additional costs to the customers were related to these regulations.

Ms. Kraushaar noted this did not easily fit into any existing chapter of the code and suggested a new chapter titled "sustainability" or "recycling." The City Attorney would look at that question.

Mayor Norris noted these regulations did not apply to home businesses.

Source separation was a matter of removing recyclables from the material going into the landfill. The group discussed commingling which was more cost-effective and efficient. It was found that Oregon City was willing to recycle at all levels, and the County staff was very supportive.

Staff would provide the Commission with the Metro and County ordinances for comparison.

b. Local Aspirations

Mr. Drentlaw reviewed the tracks Metro was working on. One was looking at the 20-year future to determine how much land should come into the urban growth boundary (UGB). He added that two landowners had contacted the City about coming into the UGB, and Metro would be considering these matters in 2010. The bigger discussion was the 50-year forecast that was to identify areas in the Metro area and to classify them as either urban reserves or rural reserves. He discussed the recommendation process.

Mayor Norris noted there was also an undesignated area which kept the same designation, so there were actually three categories.

Mr. Drentlaw explained that those properties designated as rural reserves were off the table for expansion. The urban reserve was still on the table but did not necessarily mean it would happen. Then there was the category mentioned by Mayor Norris. He reviewed the memo on population and employment projections. Oregon City got its last projection for the period 1994 – 2017 and was incorporated into Metro's Functional Plan in Table 1. Metro estimated that Oregon City should see an additional 9,940 housing units in that time period. In reviewing building permits Mr. Drentlaw found the City as short 4,559 units. He looked at all existing land

and zoning and found if built to capacity the City still could not meet that number. He further found that Oregon City could probably meet its population projections of an additional 8,000 people without growing outside its boundary. He discussed the Park Place and Beavercreek Concept Plans and noted that South End's had not been completed. The build out population would be approximately 45,000. He briefly reviewed the City's population history and fluctuations. The average was about 1.5% which was consistent with the Metro area.

Mr. Drentlaw reviewed job projections for 1994 – 2017. Studies found the City would only reach about 75% of its employment targets. The base of 11,000 jobs was for the period 1994 – 2017, but some jobs had been created.

Mayor Norris understood the 2002 study was done by the City, and the consultant concluded the 9,000 jobs could be accommodated through the Comprehensive Plan.

Mr. Drentlaw explained these population and employment projections were part of his response to Metro about whether the City wanted to accept any more UGB expansions in 2010. He reviewed possible expansion areas. He thought Metro and the County would be going through a concurrent process. Another area was 45 acres north of Thayer Road.

Richard Langdon, working with the property owner seeking inclusion in the UGB, said the borders were approximately Maplelane to contiguous UGB property. He pointed out the area on a map.

Mr. Drentlaw would provide a more formal presentation in the future. The County was asking for City input later this month on what it wanted to look like in 50 years. He planned to tell the County the City did not wish to go further south based on the Comprehensive Plan, and it was bounded by the Clackamas River leaving the east side as the only area of consideration. He reviewed a number of maps that addressed agriculture, service provision, and candidate areas. He pointed out a 1,700-acre area where a major land owner was interested in being included in the urban reserve.

Commissioner Neeley discussed the costs of providing water and sewer service and steep slope areas. He noted another concerns was loss of sense of place.

Mr. Drentlaw added in this aspirations process Metro wanted to know if the jurisdictions wished to keep the boundaries where they were today. If the City wanted to increase density or expand.

Commissioner Wuest asked why potentially desirable areas of Canemah were off the table.

Mr. Drentlaw replied it was because they were difficult to service and had steep slopes and water resources.

Mayor Norris said although it might not meet Metro deadlines she felt it was important to involve the citizens. To her the biggest question was retaining community identity.

Commissioner Neeley observed expansion relieved the pressure even though everyone knew there were blighted properties that needed redevelopment.

Commissioner Nicita echoed what Commissioner Neeley said. He felt they should concentrate on the land we had and make infill housing livable and attractive. He discussed the failure of the annexation measure because people did not feel there was concurrency.

Commissioner Smith agreed with Commissioners Nicita and Neeley. He felt redevelopment was important, and there was more than enough room to do that. It was crucial to ask these questions of the citizens and start from the beginning. He felt people voted against the annexation because they did not feel the City could take care of what it already had.

Mr. Drentlaw would work with Mr. Patterson on next steps.

Commissioner Wuest agreed there needed to be a discussion with the citizens. The growth issues were difficult and it was a matter of balance and education.

c. Fire Annexation Commitment

Mr. Patterson said this matter came up at the last Commission meeting and the pledge not to increase property taxes for a minimum of 5 years beyond the \$0.9955 threshold if the assumptions held. This was important because it provided the framework for City service discussions over the next 5 years. It also spoke to the City's credibility. He reviewed the plan assumption and what maintenance of services meant.

The plan was based on a 2.5% population growth, 5% value growth, 6% compensation package growth, 3% materials and services, and 2% capital expenses. Capital improvements were in the enterprise funds, and he discussed the use of system development charge (SDC) revenues. He reviewed maintenance of services including additional police officers, parks maintenance worker, library baseline funding, legal services, community development subsidy, City Hall remodel, and leased space for community development. He discussed revenue generation and contingency levels into the future. Based on projections something needed to be done. There were options and interesting questions based on the strength of the plan. How would the City Commission respond to demands for services? This year the City levied about \$0.06 less than promised, so there were some dollars. He discussed moving certain services out of the general fund.

Mayor Norris understood in 2013 – 2014 the \$0.9955 promise would be re-examined and that Mr. Patterson had run the projections to the end of that period.

Commission Neeley commented on general fund expenditures. He thought it was important to develop a strategy for bringing community development back into the public facility and was concerned about the growing subsidy. He felt leasing a facility needed to be dealt with.

Mr. Patterson commented on the costs of public involvement processes, Metro planning initiatives, and revisiting earlier plans and the impact of what occurred in the building industry. It was difficult to control those types of costs.

Commissioner Neeley understood it was on the record that the City was considering paying the full cost of the school resource officer. He thought the City was in a unique position to help the School District in certain areas and would like to brainstorm that a little.

d. City Commission Goals and Objectives

Mr. Patterson said this was important because it provided budget guidance and indicated direction to the community on future actions. He provided draft goals and budget implications. He outlined what might be new programs and related costs: #1, create a division of sustainability; #4, natural resource and ecosystems; #6, conservation easement; #7 certify local waste reduction; #8, multi-year program to change City fleet to more fuel-efficient vehicles; #9 LEED certified or certifiable facilities; and #2, environment for economic success.

Commissioner Wuest asked for clarification of Goal 2, objective 4, task 1. Was it really needed?

Mr. Patterson replied that had been on the list since last year.

The group agreed to delete it.

Mr. Patterson continued with Goal 2, objective 6 extending infrastructure to employment lands was new but was not a general fund item. It would encourage future development.

Commissioner Nicita commented thought this would fit into a larger concurrency discussion.

Mr. Patterson discussed the concept of concurrency and development's paying for infrastructure. Many talked about concurrency but few practiced it. Wilsonville had concurrency in place but did not use it as it forced hard choices people did not wish to make.

Mr. Patterson continued with Goal 2, objective 9, downtown parking program. He discussed employment in the downtown and ways to make it healthy. Goal 2, objective 10 was urban design acceptable to the general public which could be funded from the general fund or urban renewal.

Commissioner Nicita discussed waterfront planning and wanted to see how the discussion evolved over time. Objective 11 was his main focus. The group agreed to make objective 10 a task under objective 11. Commissioner Nicita commented on The Cove and Tri City planning to create water movement to benefit the entire area. He saw an opportunity to remove the Rossman landfill and creating a large water quality treatment area through comprehensive planning and synergy. He discussed planning for the utter abatement of the entire problem and developing a large water feature.

Mr. Patterson commented negotiations with the property owner were difficult, so they decided to build around it. He continued with Goal 3 regarding critical facility needs. Goal 3, objective 1 the move to the MacLean clinic was an urban renewal project. Goal 3, objective 2 appoint a citizens task force to study uses of the Carnegie Center. Goal 3, objective 3 determine and acquire site and construction of a new library. Goal 3, objective 4, modification of the pool was a new program and maintenance of service issue. Goal 3, objective 5 was City Hall remodel for police operations. Goal 3, objective 6 explore refurbishing of Ermatinger House and possible private owner/operator which would be a tax credit program that may not include a cost. The cost of the pool maintenance was about \$2.5 million. Goal 4, objective 7 City street and sidewalk maintenance would come out of the street budget. He discussed maintenance responsibilities and street standards. Objective 6 historic inventory was an ongoing update. Goal 4, objective 8 had to do with moving services from the general fund and looking at long-term implications. Goal 4, objective 12 was a more proactive approach to code enforcement. Goal 4, objective 13 was the percent for art program that would add costs to public buildings. Goal 4, objective 14 was to increase the number of police officers. Goal 5 was increasing communication with citizens and facilitating participation which was being done within existing resources. Goal 5, objective 1 was the proposed ombudsman program that would be a new cost.

Commissioner Neeley clarified his intent was for the Citizen Involvement Coordinator to act as an ombudsman. He felt it should be part of a longer-range goal.

Mr. Patterson continued Goal 2, objective 2 was to re-establish the Arts Committee that would have some cost implications to the general fund and community development. Goal 5, objective 3 was creation of a Sustainability Committee.

Commissioner Neeley thought this might fit better under community livability.

Mr. Patterson continued Goal 5, objective 3 was to encourage volunteerism. Goal 6 had to do with community aspirations.

Mayor Norris recommended moving Goal 6 under Goal 1. She noticed under Goal 7, new Goal 6, there were things she did not feel fit as they were more of finance matters. There were 6 proposed goals at this time. She suggested moving forward with the other agenda items and coming back to this item. She called for a brief recess.

Commissioner Nicita recommended a Goal 7 regarding exploring options of how the City might assist the School District in times of financial stress.

Mayor Norris suggested putting it under livability rather than making it a separate goal. She recommended putting it in terms of additional partnerships with the tasks of looking at urban renewal.

Mr. Patterson thought that might be something for the Urban Renewal Commission (URC).

Commissioner Nicita noted urban renewal was only one way to look at financing.

Mayor Norris discussed the National Heritage Area

Commissioner Wuest suggested listing it under Goal 2, objective 8. She discussed funding.

Mr. Patterson said the goals would help develop a work plan, and the Commission would eventually vote on their adoption.

Mayor Norris added there was some agreement on the main topics, and the next discussion would be about prioritization followed by Commission adoption.

Commissioner Nicita said Leland's strategy indicated an economic development assistant for the City Manager and asked if this was an opportunity to use the other half of the Main Street manager's time. It was agreed hiring an economic development assistant would be a goal.

Commissioner Wuest suggested a task supporting the Main Street Program in objective 4 or 5.

Mayor Norris said Goal 4 and others needed categorization for clarity.

- e. Wastewater Partners Intergovernmental Agreement

- Item 3e to be discussed at a future work session.

- f. City Hall Floor Plans

Mr. Patterson reviewed the plans for the City Commission Chambers. The new one would be approximately 200 square feet larger; about 10-12 people could sit at the dais. There would be a screen for the audience and perhaps computer screens built into the dais. He pointed out the audiovisual room. He discussed handicapped access and how much room would be taken up if the dais were raised. The group discussed electronic voting and having visible timer for speakers. Mayor Norris commented on order of speakers.

Ms. Ide discussed packages that would provide a total electronic system.

Mr. Patterson pointed out the location of a coffee bar, closet, and small conference room. He reviewed other features including reception areas, restrooms, showers, and conference rooms. The second floor was primarily administration with a reception desk and shared Commission office. He pointed out an area where there might be additional office spaces and commented on future expansion as the City grew. Planning would eventually move into the public works area.

Commissioner Neeley thought something might be done for this area and rather than make a major commitment to the Chamber. He was in favor of having management staff available during meetings rather than their sitting in the conference room.

Commissioner Smith understood space was at a premium at all the facilities, and the Chamber seemed like a luxury. He thought the space could be better used. Hopefully the police department had showers before the City Hall employees.

Mr. Patterson thought the Carnegie was still the best fit for the Chambers. It would be important to look at a bigger master plan and how future expansion would be brought into this development. He discussed issues of keeping the Chamber in this building.

Mayor Norris preferred having it all together but appreciated concerns about the staff.

Mr. Patterson said public works could be moved to create some growth area.

Mr. Archer said the space would serve nicely as a Chamber and was not that luxurious. He discussed previous floor plans and public access. The Chamber did not displace any offices and could be well-utilized for other meetings.

Commissioner Wuest did not see this as building a cushy office and appreciated the technology that would be incorporated. She felt it was a public service.

Commissioner Smith had used the word luxury when comparing it to other City offices and working conditions.

Mr. Archer added the conference room off the Chamber was a planned conference area and could be used on a daily basis. It was not just designed for staff overflow. It was large enough for board and commission meetings and could be secure from the rest of the building.

Mr. Patterson reported they were looking at furnishings and costs and would hope to develop the bid specifications to move forward.

Mayor Norris would like a Commission office with a simple round table and chairs to meet with the public. She recommended looking at the phasing and remodel of the police department.

Mr. Patterson was concerned about not moving forward at this time and noted nothing was ready on the police department yet.

Ms. Ide pointed out there were several cubicles in this floor plan for future staff space.

Commissioner Smith would like the proposed Chamber space used for offices until facilities issues were resolved. Planning it fully right now was a bad idea, and two weeks was not a great amount of time to wait.

Mr. Patterson said plans had been developed for public works and City Hall which opened up a plan for police. He discussed the citywide facility plans and taking things one step at a time.

Mayor Norris thought it would be good to discuss how all those things came together.

Mr. Patterson pointed out people were crammed in offices while the Carnegie sat empty. He discussed the importance of the plans.

Commissioner Neeley commented on the leased community development space and would like to see the public works facility fast-tracked. He was not really that concerned about the Chambers but more the expensive leased space.

Mr. Patterson said the Commission identified something needed to be done with City Hall and added the situation was exacerbated by moving people back from the vacant South End Station after the successful Fire District annexation. He commented on the 5-year community development lease and was not sure on how much it would cost to break it. Public works can be put on a faster track because there was a revenue stream. He suggested designing it for community development and putting public works in the leased facility.

Mayor Norris and others thought that might be a solution worth more study. She discussed the feasibility of hiring an in-house attorney with the additional office space.

g. Ordinance No. 09-1000, Enacting Policy #5.07, Vehicle and Custodial Inventories

Mr. Kabeiseman noted there was an ongoing issue with Mr. Hunt and the court system involving code enforcement and other issues which in his view tended to run together. Mr. Hunt and the City were involved in some litigation regarding code enforcement and searches. The second issue had to do with a dismissal related to Oregon City's policy. The intent of the proposed

ordinance was compliance. The other concern had to do with the search of a backpack and inventories.

There were no further questions from the Commission.

h. Web Streaming Work Sessions

The Commission supported web streaming the work session and agreed to begin at the next work session.

Commissioner Nicita asked the status of his records as a City Commissioner and how those records should be maintained.

Mr. Kabeiseman said they were considered public records and discussed possible storage arrangements.

Ms. Ide discussed transitory correspondence and would provide the Commissioners with a retention schedule. The group discussed email storage.

Commissioner Wuest wanted to encourage continuing paper records for those who do not use computers.

Mr. Patterson discussed the perception that silence indicated agreement.

4. City Manager's Report

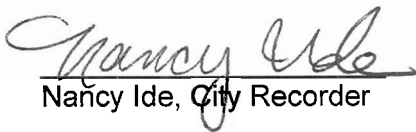
Commissioner Nicita asked for discussion related to the City Commission acting as the hearings officer. He asked if the Commission could delegate any appeals that might arise to a hearings officer.

Mr. Kabeiseman stated the City Code is clear that the City Commission is the appeal body. The City Commission is not foreclosed from acting as the appeal body, and the way the Code is set up, it does not allow for a hearings officer. There is no authority to allow for a hearings officer on special occasions. He added that the City Commission cannot legislate an appeal directly to LUBA.

5. Adjournment

Mayor Norris adjourned the work session at 9:04 p.m.

Respectfully submitted,


Nancy Ide, City Recorder