



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

AGENDA

Commission Chambers, 625 Center Street, Oregon City
Wednesday, October 07, 2020 at 7:00 PM

6:15 PM - CITY COMMISSION EXECUTIVE SESSION

To be held in the Commission Chambers beginning at 6:15 PM and continuing after the regular meeting of the City Commission.

- i. Pursuant to ORS 192.660(2)(e): To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

7:00 PM - REGULAR MEETING OF THE CITY COMMISSION

The public is strongly encouraged to relay concerns and comments to the Commission in one of three ways:

- *Email at any time up to 12 p.m. the day of the meeting to recorderteam@orcify.org.*
- *Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505, all messages will be relayed and/or citizens can sign-up to be called during the meeting to provide over-the-phone testimony.*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

1. CONVENE MEETING AND ROLL CALL

2. FLAG SALUTE

3. CEREMONIES, PROCLAMATIONS, AND PRESENTATIONS

[3a.](#) Mayoral Appointments to Committees of the Re-Imagine Opportunity Fund

[3b.](#) Oregon City Connector Shuttle Update

4. CITIZEN COMMENTS

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Commission does not generally engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Commission.

5. ADOPTION OF THE AGENDA

6. PUBLIC HEARINGS

7. GENERAL BUSINESS

- [7a.](#) Direction on Extending Temporary Parklets in the Right-of-Way and Temporary Outdoor Dining and Retail in Private Parking Lots Through the Winter

8. CONSENT AGENDA

This section allows the City Commission to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.

- [8a.](#) Memorandum of Understanding (MOU) with Clackamas River Water (CRW) for Cost Share for Professional Services to Prepare Legal Descriptions for Withdrawal of CRW Service Areas from Areas now Served by Oregon City
- [8b.](#) Resolution No. 20-25, Authorizing Acquisition of Easement and Easement Interests Through Eminent Domain Related to the Public Water Main on 203 3rd Avenue
- [8c.](#) Resolution No. 20-29, Declaring an Emergency and Exempting the Barclay Hills Rectangular Rapid Flashing Beacon Project from Prohibition Against Unlawful Noises on a Temporary Basis
- [8d.](#) Resolution No. 20-31, Extending the State of Emergency Declaration in Oregon City due to the COVID-19 Pandemic
- [8e.](#) Minutes of the June 17, 2020 Regular Meeting
- [8f.](#) Minutes of the July 1, 2020 Regular Meeting

9. COMMUNICATIONS

City Manager

Commissioners

Mayor

10. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments. Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503 657 0891

Agenda Posted at City Hall, Pioneer Community Center, Library, City Web site.

Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at www.orcity.org and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on channel 28 for Oregon City area residents. The meetings are also rebroadcast on WFMC. Please contact WFMC at 503 650 0275 for a programming schedule



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 10/07/2020

SUBJECT:

Mayoral Appointments to Committees of the Re-Imagine Opportunity Fund

BACKGROUND:

Project Selection Committee:

1. Chair: Mr. James Graham, Economic Development Manager
2. Finance: Ms. Joanne McCall, Accountant
3. Attorney: Mr. Chris Storey, Assistant Director, Clackamas Water Environment Services
4. Financial Institution: Mr. Jon Gramenz, Development Specialist, Clackamas Federal Credit Union
5. Oregon City Economic Development: Ms. Lori Bell, Economic Development Coordinator
6. Oregon City Tourism Division: Mr. Matthew Weintraub, Tourism Program Specialist
7. County Tourism: Mr. Samara Phelps, Manager, Clackamas County Tourism

Technical Advisory & Review Committee:

1. Chair: Mr. James Graham, Economic Development Manager
2. Engineer: Mr. Josh Wheeler, Engineer, Oregon City Public Works
3. Building Structural Inspection: Mr. Mike Roberts, Building Official
4. Architect (Private Sector): Mr. Brandon Dole, Scott Edwards Architecture LLP



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 10/07/2020
From: Public Works Director John M. Lewis, PE

SUBJECT:

Oregon City Connector Shuttle Update

EXECUTIVE SUMMARY:

Staff will provide an update on the Oregon City Connector Shuttle.

BACKGROUND:

Clackamas County received funding from the HB 2017 Statewide Transportation Improvement Fund to explore four new public transit services that could provide vital connections to our rural communities and areas that are currently hard to get to via transit. These shuttles would help relieve congestion on roads when everyone returns to normal life after social distancing, and they will provide critical, last-mile connections between service provided by regional transit. The four shuttles will include:

- Oregon City Connector Shuttle – Planning & Implementation
- Clackamas Industrial Area Connector Shuttle – Planning & Implementation
- Oregon City, West Linn, and Tualatin Commuter Shuttle – Planning Only
- Milwaukie Connector Shuttle – Planning Only

The Oregon City Connector Shuttle aims to make connections that will enable people to travel all the way to work, school, and other daily destinations on transit. The Oregon City Shuttle will fill gaps from TriMet stops to underserved portions of Oregon City. In particular, it will connect the Oregon City Transit Center, Clackamas Community College, and employers throughout the city, especially for transit-dependent and low-income populations. The Oregon City Shuttle will also provide critical connections with other regional transit providers serving Oregon City.

In June and July of this year, a survey was circulated to assist the project team in understanding and collecting feedback on potential users of the shuttle. The survey results, along with an understanding of the existing conditions, assisted the project team in identifying possible routes and service models.

Clackamas County and the local jurisdictions are currently working through the service model types and routing options, identifying key activity centers that must be served and those that should be served. We will share the array of route options that were evaluated and identify the recommended route for the shuttle.

More information is available on the Clackamas County Shuttle Planning webpage, found here: <https://www.clackamas.us/socialservices/clackamas-county-shuttle-planning>



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 10/7/2020
From: Community Development Director Laura Terway

SUBJECT:

Direction on Extending Temporary Parklets in the Right-of-Way and Temporary Outdoor Dining and Retail in Private Parking Lots Through the Winter

STAFF RECOMMENDATION:

Staff recommends that the City Commission provide direction on if temporary outdoor dining/retail in parking spaces in the right-of-way (parklets) and in private parking lots should be allowed from November 30, 2020 to March 15, 2021 resulting in year-round facilities through November 30, 2021.

EXECUTIVE SUMMARY:

In response to social distancing guidelines related to COVID-19, the City Commission adopted a program to allow temporary outdoor dining/retail in parking spaces in the right-of-way (parklets) and in private parking lots from July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021. At the September 16, 2020 City Commission hearing, the Commission requested a meeting to discuss if the program should be extended through the winter months. If the Commission provides direction to extend all or a portion of the program through the winter, a Resolution will be presented at the October 21, 2020 City Commission meeting for consideration.

BACKGROUND:

On March 23, 2020, Governor Brown issued Executive Order 20-12, Stay Home, Save Lives, which closed non-essential businesses and severely limited others that were still able to remain open, including restaurants which prohibited on premises food consumption. Due to these social distancing measures, many have experienced loss of business, through reduction of sales and closures. On May 22, 2020, the Governor accepted Clackamas County's application to enter Phase 1 of Reopening Oregon, effective May 23, 2020.

On July 15, 2020, the City Commission adopted a parklet and outdoor dining/retail services pilot program for an eighteen (18) month period to begin July 16, 2020. This Resolution establishes the applicability, exceptions, and general requirements for the temporary use of this pilot program. The program to allowed temporary outdoor dining/retail use of on-street parking stalls in the right-of-way and in private parking lots from July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021. If the City Commission provides direction to staff to allow the parklets and/or the parking lot facilities throughout the winter a Resolution will be presented at the October 21, 2020 City Commission meeting for consideration.

Though there are a wide variety of advantages and disadvantages to extending the program throughout the winter, the primary rationale is provided below.

Primary Advantages to Extending the Program:

- The business would have more square footage to assist customers during the COVID-19 pandemic. This may aid them in keeping their doors open and may provide an opportunity for customers to feel safer when visiting an establishment.
- Much of the logistics and infrastructure have already been set up. The businesses have also programmed how the facilities would be used.
- Those with existing approvals indicated that they would be interested in considering using the facilities over the winter.
- The business would not have to deconstruct and store the infrastructure over the winter before reassembling again in the spring.
- The City may see more investments into the facilities if they could be used throughout more of the year.

Primary Disadvantages to Extending the Program:

- In order to be useful, businesses would likely have to invest into the facilities with durable covers, lighting, and heat. The Reimagine Opportunity Fund may be able to assist with the costs, however funding is not guaranteed.
- A roof and/or sides may be proposed for use over the winter. The guidelines would require construction have structural stability, including withstanding snow loads. Covered comprised of more substantial material such as wood and metal would have to be allowed.
- Lighting and heat may be needed for use over the winter. Gas and electrical connections would have to be served by either self-contained units within the facility, or permanent infrastructure such as a gas line or a new electrical outlet. The City would not allow such infrastructure to extend over or under the sidewalk to the parklets. The Fire and Building Departments would also have to approve of the changes.
- Snow removal may be difficult to navigate. Removal of snow in the street would be hindered by the parklets because the snow plow would push snow up against (or into) the parklets.

- Since some of the facilities are difficult to disassemble, store, and reassemble in the fall, some may seek permitting but not utilize the facility.

Staff has spoken to the existing authorized facilities which have been in place in order to inform the above list.

If the Commission directs staff to return with a Resolution to extend the program, staff will also include minor changes to the approval standards to address some of the concerns above. In addition, each facility would need to be reviewed again by City staff, and likely the Fire Department, to assure compliance with modified facilities and extend the timelines associated with the permits. If the program were to be extended, staff will reach out to all of the facilities which submitted for permits as well as those in enforcement to inform them of the change.

Though standards for jurisdictions vary widely, at the beginning of the program, we used comparisons from a few different jurisdictions related to parklets in the right-of-way. We have circled back to those jurisdictions to see if they are allowing parklets over the winter.

- The City of Vancouver, Washington recently approved an extension to allow parklets through March 2021. Covers and heaters are allowed with limitations. Walls over 42" are generally not allowed, but may be considered depending on location and sight lines. More information may be found at https://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/page/38873/cov_street eats_standards_06052020_subjecttochange.pdf
- The City of the Dalles, Oregon allowed parklets until October 31, 2020.
- The City of Milwaukie, Oregon does not allow parklets to be up between Dec 1 – April 1.

OPTIONS:

1. Do not alter the temporary parklets in the right-of-way and temporary outdoor dining and retail in private parking lots program.
2. Direct staff to prepare a Resolution amending the temporary parklets in the right-of-way and temporary outdoor dining and retail in private parking lots program to allow year round use for parklets and/or parking lots.

BUDGET IMPACT:

Amount: Staff Time

FY(s):

Funding Source(s):

RESOLUTION NO. 20-22

A RESOLUTION TO ALLOW TEMPORARY PARKLETS IN THE RIGHT-OF-WAY AND TEMPORARY OUTDOOR DINING AND RETAIL IN PRIVATE PARKING LOTS

WHEREAS, the State of Oregon has placed restrictions on the use of commercial spaces due to the pandemic known as COVID-19; and

WHEREAS, providing an opportunity for businesses to expand their operations outdoors, either in the public right-of-way or private parking lots, will generate greater pedestrian activity, help increase business patronage and overall interest in the area, and off-set some of the losses resulting from the spacing minimums required to reduce the spread of COVID-19; and

WHEREAS, temporary parklets are public spaces located in the public right-of-way that provide increased restaurant or bar seating capacity; and

WHEREAS, temporary outdoor dining and retail activities located in private parking lots will also provide additional seating or retail display space for local restaurants, bars, and retail businesses; and

WHEREAS, to be successful, parklets and outdoor dining and retail on private parking lots must adequately address infrastructure and parking impacts, be tied to a specific location, be safe for the public to use, be easily maintained by the permittee, be for a limited and certain term, and be capable of easy and fast installation and removal; and

WHEREAS, Oregon City Municipal Code (“OCMC”) Section 12.04.120 identifies requirements for temporary obstructions in the right-of-way, OCMC Section 12.04.130 sets forth the requirements for sidewalk sales and OCMC Titles 15.28, 16 and 17 includes planning standards such as minimum and maximum off-street parking requirements; and

WHEREAS, the Engineering Fee schedule establishes a fee for temporary obstructions and the Planning Fee schedule would ordinarily apply where changes to off-street parking areas are proposed.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City hereby adopts Exhibit A, The Oregon City COVID-19 Recovery Assistance Program (the “Program”), which authorizes parklets and the use of private parking lots to accommodate outdoor dining and retail on a limited basis within the MUD zone extending along 7th Street between Singer Hill Road and Jackson Street.

Section 2. All engineering and planning fees that otherwise would apply to a request to expand a business into the right-of-way or onto an established private parking lot consistent with the Program terms shall be waived and instead, shall be subject to a fee of \$25 per business for each application type.

Section 3. All applicable engineering standards set forth in OCMC 12.04.120 and 12.04.130 for all temporary obstructions relating to restaurant, bar seating and retail sales within the public right-of-way that otherwise complies with the Program shall be waived for the period of July 16, 2020 to November 30, 2021.

Section 4. All applicable land use planning standards set forth in in OCMC Titles 15.28, 16 and 17 for development on private property necessary to accommodate temporary outdoor dining and retail in private parking lots that otherwise complies with the Program shall be waived for the period of July 16, 2020 to November 30, 2021.

Section 5. Authorizations granted pursuant to this resolution are temporary and may occur only from July 16, 2020 to November 30, 2020 and again from March 15, 2021 to November 30, 2021, although the City Commission may make changes to the Program during the Winter of 2020 - 2021 that may affect participating businesses.

Section 6. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 15th day of July 2020.

DAN HOLLADAY, Mayor

Attested to this 15th day of July 2020:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit A: Oregon City COVID-19 Recovery Assistance Program

Oregon City COVID-19 Recovery Assistance Program

Due to the COVID-19 pandemic, the City of Oregon City supports alternative ways to help increase patronage of local businesses effected by physical distancing requirements. This program includes temporarily allowing the following with restrictions:

- **Parklet Pilot Program:** Restaurants in certain locations downtown and along 7th Street to temporarily use adjacent on-street parking for outdoor temporary use as an extension of dining; and
- **Outdoor Dining and Retail in Private Parking Lots Program:** Retail and Restaurants throughout the City to use up to half their parking lot for additional retail and/or dining.

Both programs are temporary from July 16, 2020 – November 30, 2020 and again from March 15, 2021-November 30, 2021. The City Commission will review the programs after November 30, 2020 but before March 15, 2021 to determine if any changes to the standards below are needed.

Parklet Pilot Program

Restaurants in the Mixed Use Downtown District and along 7th Street (Singer Hill Road to Jackson Street) may construct a parklet in adjacent on-street parking areas to allow expanded outdoor dining.

These expanded seating areas called “parklets” will allow restaurants throughout the business community to temporarily increase seating capacity and safely serve more customers, while maintaining social distancing, by locating chairs and tables along sidewalks, in on-street parking areas.



ELIGIBILITY OF BUSINESSES

Eating and drinking establishments within the Mixed Use Downtown (MUD) District and within a block of 7th Street (from Singer Hill Road to Jackson Street).

PARKLET LOCATIONS

The parklet program limits the number of allowed parklets per block as necessary to accommodate for ADA accessibility for pedestrians, protect accessible parking and no-parking areas such as loading zones.

1. Location

A parklet must be located within an existing on-street parking stall abutting or partially abutting the business utilizing the parklet. Only one parklet utilizing one stall is allowed per business, per frontage. Businesses may work together to create a parklet using two or more on-street parking stalls if the businesses are adjacent to each other. In addition, any business may allow customers of other nearby business to utilize the parklet.

2. Approval

A parklet shall only be located in designated on-street parking areas that have been approved by the City of Oregon City after careful review and authorization via a Parklet Permit. The property owner, any additional building tenants, along with all other businesses located adjacent to and immediately abutting within the same block of the parklet must provide written consent supporting the request.

3. Posted Speed Limit

A parklet may be established along roadways where the posted speed limit is 25 mph or less.

4. Parking Zones

Parklets are prohibited in accessible parking spaces and the accessible aisle adjacent to the accessible spaces and no parking zones. See Exhibit 1 for locations that are prohibited from parklet use in downtown; areas marked in red.

TERM OF USE

Parklets are to be temporary in construction. They may be assembled March 15 through November 30. Permits will be for this period only, pending review and approval. This means parklets must not be installed before March 15 and must be completely removed on or before November 30 of each year.

GENERAL GUIDELINES

- Public parklets must be located adjacent to the applicant's business.
- If all accessibility and design requirements are met, installation of a parklet platform is not required, provided that existing pavement is not damaged or otherwise altered.
- Design for easy removal. The parklet will sit on top of the existing street surface. Because parklets may sit on top of critical infrastructure and utilities such as gas lines, sewer and water mains, etc., they need to be designed for easy removal in case of an emergency.
- No additional signage is allowed within or on the parklet other than those required by law.
- Maintenance and litter removal are the responsibility of the applicant/owner. Failure to maintain the parklet may result in the revocation of the permit.
- No audio systems or other sound amplification devices are permitted for incorporation in the design of any parklet and shall not be used on any parklet.
- No smoking or vaping is permitted within a parklet at any time.
- If applicable, the applicant is responsible for obtaining separate Oregon Liquor Control Commission (OLCC) permits.
- If applicable, the applicant is responsible for following food safety guidelines regulated by the Oregon Health Authority.

MAINTENANCE OF THE PARKLET

The parklet will be owned and maintained by the applicant. The applicant is responsible for all costs associated with the design development, construction, installation, maintenance, and removal of the parklet. Approval of an application obligates the applicant to keep the parklet free of debris, grime, and graffiti, and to keep all plants in good health.

The permit requires that the facility is swept daily and debris is removed from under (if applicable) and around the parklet a minimum of once a week. A maintenance plan and agreement are required to ensure compliance.

PARKLET DESIGN STANDARDS

The following design standards ensure that all parklets are safe, accessible, attractive, and functional.

1. BASE AND DECKING

If proposed, parklet decking must be designed such that the parklet has a vertical lip of no more than ¼-inch as it connects to the curb and may not have more than a ½ inch gap from the curb. The cross slope from the curb to the street must not exceed 2%. This means that

most parklets will likely have an elevated base decking. The submitted design must demonstrate that the deck is compliant with ADA accessibility requirements including at least one ADA-compliant access point for each parking space used.

The parklet platform may not be attached to or damage the street and must be easily assembled and disassembled. Any damage to the street is the responsibility of the applicant.

The parklet platform must be designed to allow for curblinestormwater drainage and include a minimum twelve (12") inch gutter bar. The parklet platform must be designed to not allow debris to collect underneath the deck.

2. PARKLET FOOTPRINT

A buffer is required in the locations in which the parklet abuts adjacent on-street parking stalls. For parallel parking there must be a twenty-four (24") inch setback on either end of the parklet, adjacent to parallel parking, and to the roadway. Wheel stops may be used but are not required.

For diagonal and perpendicular spaces, the edge of the parklet must be set back eighteen (18") inches from the adjacent parking space on either side. This setback space must be included within the parklet space, and not be taken from the adjacent space.

For multiple businesses adjacent to each other that want to assemble a parklet, adjoining stalls are allowed without a buffer.

3. BUFFER

Parklet design must include a physical continuous physical barrier along the street able to withstand impact while maintaining clear visual sightlines to the street.

To protect a parklet located on a parallel parking space from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact, must be installed on either end of the parklet and at the street edge. Cones or Type II barricades are not acceptable. Parklets occupying diagonal parking spaces are not required to have such substantial edge materials, except for the side and corners at the street edge. Additional traffic safety items may be added to the final design by City staff.

Barriers and fencing may not extend into the street side setback zone or bolted into the street. If portable fencing is used, each section must be connected together. If cable is used for the barrier, spacing between cables cannot exceed 6-inches.

A reflective delineator post must be placed at the outer corners of the parking space/parklet, 6-inches from the wheel stops. Delineator posts must be 36-inches tall, cylindrical, white, flexible, and must include reflective striping.

4. VERTICAL ELEMENTS

Vertical elements, such as planters and umbrellas over tabletops, should be included so that the facility is visible to vehicles. Umbrellas or sails cannot be placed within 20 feet of a stop sign and must be contained within the parklet.

Applicants with overhead canopies, sails, or similar must demonstrate that the structures have the ability to withstand wind loads equal to the standards which apply on private property. Covers comprised of more substantial materials such as wood or metal are not allowed.

Applicants proposing a cover must demonstrate that visual obstruction to adjacent businesses, both to storefronts and identifying signage, is minimized.

6. MATERIALS

The use of high quality, durable materials capable of withstanding prolonged use is required. Examples include wood and metal. Membrane/pop-up structures or chain link are not allowed.

Surface materials: loose particles, such as sand or loose stone, are not permitted on the parklet. A non-slip surface is required.

7. SEATING

Everyone should be able to travel adjacent sidewalks and enjoy parklets. Furniture must be able to accommodate a minimum of one accessible space per parklet. To accommodate for social distancing measures currently in place, tables, including their seating, and circulation areas must be a minimum of 6 feet from one another.

8. LIGHTING

Lighting that extends across the sidewalk must be a minimum of 8 feet above the sidewalk. Any single lighting source more than 40 watts shall be shielded.



9. HEATING APPLIANCES

Portable outdoor gas-fired heating appliances (such as propane heaters) shall be approved by Clackamas Fire District #1.

APPLICATION

An application for a Parklet Permit is required and must be approved before installation of the parklet. Once the parklet is constructed, an inspection is required to verify compliance with the approved application. Applications will be accepted on a rolling basis. A parklet applicant must comply with the applicable standards and agree to the terms of the Indemnity and Release Agreement required as part of the application including Liability Insurance covering Permittee's activity described in the Release.

PARKLET PERMIT FEE

During the initial pilot program, a \$25 parklet fee will be required per year, but the sidewalk fee will be waived.

LIABILITY INSURANCE

A parklet applicant must maintain general liability insurance in the amount no less than \$2 million per occurrence/\$4 million aggregate throughout the term of the parklet permit, in accordance with the Indemnity and Release Agreement obligations and City of Oregon City standards.

SITE PLAN

A design document is required at the time of application submittal. A complete set of proposal drawings is required in order to be considered for approval. This site plan/design will help staff understand how your parklet would fit within the street. The site plan does not need to be drawn by a design professional, it can be done by hand or computer, and shows the exact location of the parklet, the area around the parklet, the proposed layout and dimensions, and where parklet amenities (e.g., seating and landscape features) would be placed. Staff will determine if your selected site is appropriate for a parklet and how the parklet would integrate into the neighborhood context.

EXHIBIT 1



Main Street from 6th Street to Hwy 99E



Main Street from 6th Street to 8th Street



Main Street from 8th Street to 10th Street



Main Street from 10th Street to 11th Street

Outdoor Dining and Retail in Private Parking Lots Program



The following temporary program is designed to support local restaurants/bars and retail subject to COVID-19 minimum spacing requirements. The purpose of the program is to temporarily allow the use of up to half of a private parking lot for outdoor seating or retail use in an on-site parking lot adjacent to a business.

This program is temporary. Outdoor dining and retail areas constructed in compliance with these provisions may be assembled from July 16, 2020 – November 30, 2020 and again from March 15, 2021-November 30, 2021. The minimum parking requirements as well as other applicable land use standards are suspended and replaced with the requirements within this policy.

DESIGN STANDARDS

1. SIZE

Up to 50% of the parking spaces in a parking lot on the same property as a restaurant/bar or retail business may be converted to outdoor dining/retail space. Within shopping centers, where a lot serves more than one business, the 50% limit applies to the shopping center parking lot as a whole.

2. DESIGN

- a. To protect the outdoor dining or retail area from parking maneuvers, substantial planters, weighted bollards, or other structures that can withstand light vehicular impact must be installed between vehicular areas and the expanded outdoor space. Cones or Type II barricades are not acceptable.
- b. No existing landscaping may be removed.
- c. An unlimited number of temporary tents, umbrellas, or and other shade structures are allowed within the expanded outdoor area with documentation demonstrating they are secured to the ground or otherwise protected from movement. The structures may be any size.
- d. No use of the ADA stall(s) or adjacent striping is allowed.
- e. No change to the vehicular ingress/egress of the site is allowed.
- f. The following minimum clearance must be maintained within the parking lot:
8 feet above sidewalks/pedestrian accessways

No cords, structures, sails, coverings, or similar may cover or extend across a space for vehicle maneuvering or parking.

- g. Any single lighting source more than 40 watts shall be shielded. Excessive lighting may be deemed a nuisance.
- h. Up to two ancillary signs (up to 6 square feet each) are allowed in addition to the signage allowed in OCMC 15.28.
- i. If seating is provided, a minimum of one accessible (ADA) seat shall be provided per parklet.

3. MATERIALS

- a. The outdoor dining area shall be designed for easy removal.
- b. No installation of gravel, sand, or other surface materials is allowed.
- c. No chain link is allowed.

4. OTHER STANDARDS

- a. Approval from the property owner is required.
- b. Approval from the Building Department and Clackamas County Fire District #1 is required.
- c. Applications must be submitted to the Planning Division.
- d. A fee of \$25 each year will be charged for participation in this program.

5. PERMIT SUBMITTAL REQUIREMENTS

An application for the Outdoor Dining and Retail in Private Parking Lots Program is required and must be approved before installation. Once construction is complete, an inspection is required to verify compliance with the approved application

- ✓ Application Form
- ✓ Site Plan drawing or sketch including:
 - Footprint of the proposed outdoor dining/retail area
 - Building footprints and entrances
 - Existing parking stalls
 - Existing driveways
 - Proposed vehicle circulation diagram
 - Location of barricades around outdoor dining/retail area

If an owner wishes to continue use of the outdoor dining or retail area after the closure of this program, the owner shall be responsible for obtaining proper approvals as well as compliance with all applicable standards in the Oregon City Municipal Code.



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 10/07/2020
From: Public Works Director John M. Lewis, P.E.

SUBJECT:

Memorandum of Understanding (MOU) with Clackamas River Water (CRW) for Cost Share for Professional Services to Prepare Legal Descriptions for Withdrawal of CRW Service Areas from Areas now Served by Oregon City

STAFF RECOMMENDATION:

Approve Memorandum of Understanding with Clackamas River Water for cost share of professional services to prepare legal descriptions for withdrawal of CRW service areas now served by Oregon City.

EXECUTIVE SUMMARY:

As identified in the Joint Engineering Study (Study) completed in 2018, the City of Oregon City and Clackamas River Water (CRW) desire to clean up the designated service areas by withdrawing CRW service from areas within the City of Oregon City limits that can be served by the Oregon City water distribution system. These areas were not withdrawn at the time of annexation. One of the requirements of service withdrawal is the preparation of legal descriptions of the area to be withdrawn. This MOU will provide reimbursement of one-half the costs for professional services to complete legal descriptions for the agreed-upon areas for withdrawal.

BACKGROUND:

In May 2014, the City, CRW, and the South Fork Water Board (SFWB) entered into a Settlement Agreement. The Agreement required the City and CRW to engage in discussions regarding the potential adjustment of service area boundaries, including possible withdrawal and annexation of certain lands, to better reflect the appropriate entity to serve certain areas based on which entity is most able to serve future development lands. In November 2016, CRW and the City entered into a Memorandum of Understanding (MOU) authorizing a Joint Engineering Study (Study). The Study was presented to the Commission on March 13, 2018, and the Study was finalized June 11, 2018.

Strategies to provide long-term service in the study areas were identified in the Study. In addition, “Additional Action Items” were identified. Several of these items are related to improving the accuracy of mapping and boundary service area information so that both entities can better identify and serve their customers. In addition, withdrawal of CRW service boundaries within the city limits were identified in a number of areas. Withdrawal of the service area was not completed at the time of annexation. This effort will withdraw areas within the city limits that can be served by the City’s water distribution system.

Three types of customers have been identified in the areas considered for withdrawal:

- City customers served by City water lines within CRW Service District (Phase 1);
- CRW customers served by Oregon City water lines (Joint Users); and
- CRW customers served by off CRW water lines.

An attached preliminary map CRW Withdrawal: Customer Types – Overview Map, has been developed showing these areas for reference. Implementation of the withdrawal effort will be in phases, beginning with the Oregon City customers.

A detailed plan for implementation will be provided to the City Commission at a future work session as the City and CRW review draft work products and confirm the implementation plan.

The MOU brought forth with this staff report, is the first step in starting the process. The MOU will provide for professional services needed to complete legal descriptions of the areas to be withdrawn. The cost of these services will be split between both agencies.

OPTIONS:

1. Approve the Memorandum of Understanding with Clackamas River Water and **share costs** of professional services to complete required legal descriptions of areas to be withdrawn from the CRW service boundary.
2. Disapprove the Memorandum of Understanding with Clackamas River Water and **pay all costs** associated with preparation of required legal descriptions.

BUDGET IMPACT:

Amount: \$10,000.00
 FY(s): FY 2020/2021
 Funding Source(s): Water Operating

MEMORANDUM OF UNDERSTANDING

Clackamas River Water and the City of Oregon City

Effective Date: _____

1. PARTIES

The parties of this Memorandum of Understanding (MOU) are the City of Oregon City (City) and Clackamas River Water (CRW).

2. PURPOSE

This MOU is intended to provide the terms of payment for the services of a Consultant to write legal descriptions and perform other related services for properties in the City of Oregon City that need to be withdrawn from Clackamas River Water. The parties intend that each party pay an equal share of the costs for consultant engineering services to deliver the Scope of Services attached to this MOU as Exhibit A.

3. BACKGROUND

With the completion of the Joint Engineering Study by the City and CRW in June 2018, a number of “Additional Action Items” were identified. Several of these items are related to improving the accuracy of mapping and boundary service area information, so that both entities can better identify and serve customers within “joint use” and neighboring areas. In many instances, properties have been annexed by and are receiving water from the City. However, these properties were not withdrawn at the time of the annexation. Cleaning up these areas will allow CRW to improve definition of its boundaries and will improve both entities’ ability to provide systematic transition of service with communication to customers.

In order to facilitate the “withdrawal process”, the services of a consultant with expertise in this area will be obtained.

4. CONTRACT ADMINISTRATOR

CRW shall serve as the contract administrator and primary contracting agency for the work described in the Scope. The City and CRW shall jointly review all project progress reports, shall

participate in project meetings when needed, and shall be given an opportunity to provide input. Change orders that increase the City's cost share under this Agreement must be approved by the City prior to authorization by CRW.

5. COST SHARE

CRW shall contract with an engineering consultant to perform the work described in the Scope (Exhibit A). Specific elements of work under the contract will be completed by a separate task order for each task, including scope and fee. CRW and the City shall mutually agree upon and approve each task order to the consultant to complete the objectives of the overall scope prior to commencement of work. The City and CRW shall equally share all expenses billed by the consultant for the approved task order. CRW shall receive invoices for the various project cost from the project contractor and shall calculate the respective financial responsibility of CRW and the City. CRW shall invoice the City monthly for their proportional share of the associated invoices.

Payment shall be due within 30 days of invoice. Monthly billing generally shall encompass a full 30 days but may not necessarily be specific to the first or last day of the month.

6. MOU TERM

The term of this MOU shall be from the date of execution of this MOU through the completion and payment of all services for the work.

CITY OF OREGON CITY

CLACKAMAS RIVER WATER

By: _____

By: _____

(Signature)

(Signature)

Date: _____

Date: _____

Name: Anthony J. Konkol, III

Name: Todd Heidgerken

Title: City Manager

Title: General Manager

Address: City of Oregon City

Taxpayer ID No. _____

EXHIBIT A
SCOPE

Paul H. Roeger, P.E.
Municipal Engineering Specialist

October 30, 2019

Adam Bjornstedt
Clackamas River Water
9100 SE Mangan Drive
Clackamas, OR 97015

Subject: Proposal to Write Legal Descriptions of Areas in the City of Oregon City to be Withdrawn from the Clackamas River Water District

Dear Sir:

Paul H. Roeger, P.E. is a consultant offering civil engineering and planning services. I am pleased to provide this proposal for services needed in writing legal descriptions to withdraw areas that have been annexed to the City of Oregon City from Clackamas River Water District (CRW). I am qualified, ready and willing to help you by writing proper legal descriptions that will meet the requirements of an Order, Ordinance, or Resolution in accordance with ORS 308.225 and be approved by the Oregon Department of Revenue, the City of Oregon City, and CRW. I will also provide the required Assessor's maps that go with the legal descriptions to the Department of Revenue.

After reading ORS 222.524, it appears that the City of Oregon City must initiate this withdrawal process, and hold a public hearing. You may want to discuss this with your attorney, because Bob George thought that CRW could initiate the process. However, in the mean time, we may start working with the Department of Revenue to get the legal descriptions and maps in order to be submitted to the City and the Department of Revenue.

In order to make sure we have the correct legal descriptions and maps, I will work with the Clackamas County Assessor's Office to determine all of the tax lots that contain a tax rate code for both the City of Oregon City and CRW. I will also work with the City of Oregon City to get a map of the overall area within both jurisdictions with the annexation numbers on it. I will use that map and the tax lot information, along with the annexation files provided by CRW and the CRW boundary description to write the legal descriptions of the areas to be withdrawn from CRW. If necessary, I will contact Metro to obtain any missing annexation files with legal descriptions and maps of properties within CRW that have been annexed into the City of Oregon City. I will also continue to work with CRW to make sure the withdrawal process is going smoothly with the City of Oregon City and will make any adjustments necessary to keep the process moving in a timely manner.

I have reviewed the information you provided and have a good understanding of what CRW needs done. After contacting the Department of Revenue and getting a better understanding of their needs, I will prepare and submit proper legal descriptions and maps to you for CRW approval before submitting to the City of Oregon City and to the Department of Revenue for their approval. If needed, I will also make any corrections any of the parties may request before a final submittal and approval. I propose that my costs for this service on this project be billed at my hourly rate of \$70 per hour. I am aware that we have a budget of \$20,000 over the FY 19-21 time frame of this project and if we start

15702 SE Cordova Ct., Milwaukie, OR 97267 – 503-657-8677 – roegerp@comcast.net

approaching that sum we get together and see where we are in the process, and if necessary, work out details to complete the project, including additional funds.

The Scope of Work discussed in the previous paragraphs does not include:

- Any fees required by the Department of Revenue.
- Any fees required by Clackamas County.
- Any fees required by the City of Oregon City
- Any fees required by Metro

I am ready to begin work on your project immediately following your acceptance of this proposal. I have reviewed our previous standard contract form and I will be glad to sign it, after review to see if there are any minor adjustments we need to discuss and/or correct and the scope of work is attached.

If there are other properties that need to be withdrawn from CRW in other agencies, I would be pleased to also give you a proposal on that phase of work after we finish with the City of Oregon City.

If you have any questions regarding this letter, or need some changes made, please call me at 503-860-2545 (cell), or e-mail me.

Sincerely,



Paul H. Roeger, PE
Civil Engineer
paul@cmtsc.net or
roegerp@comcast.net

■

City of Oregon City

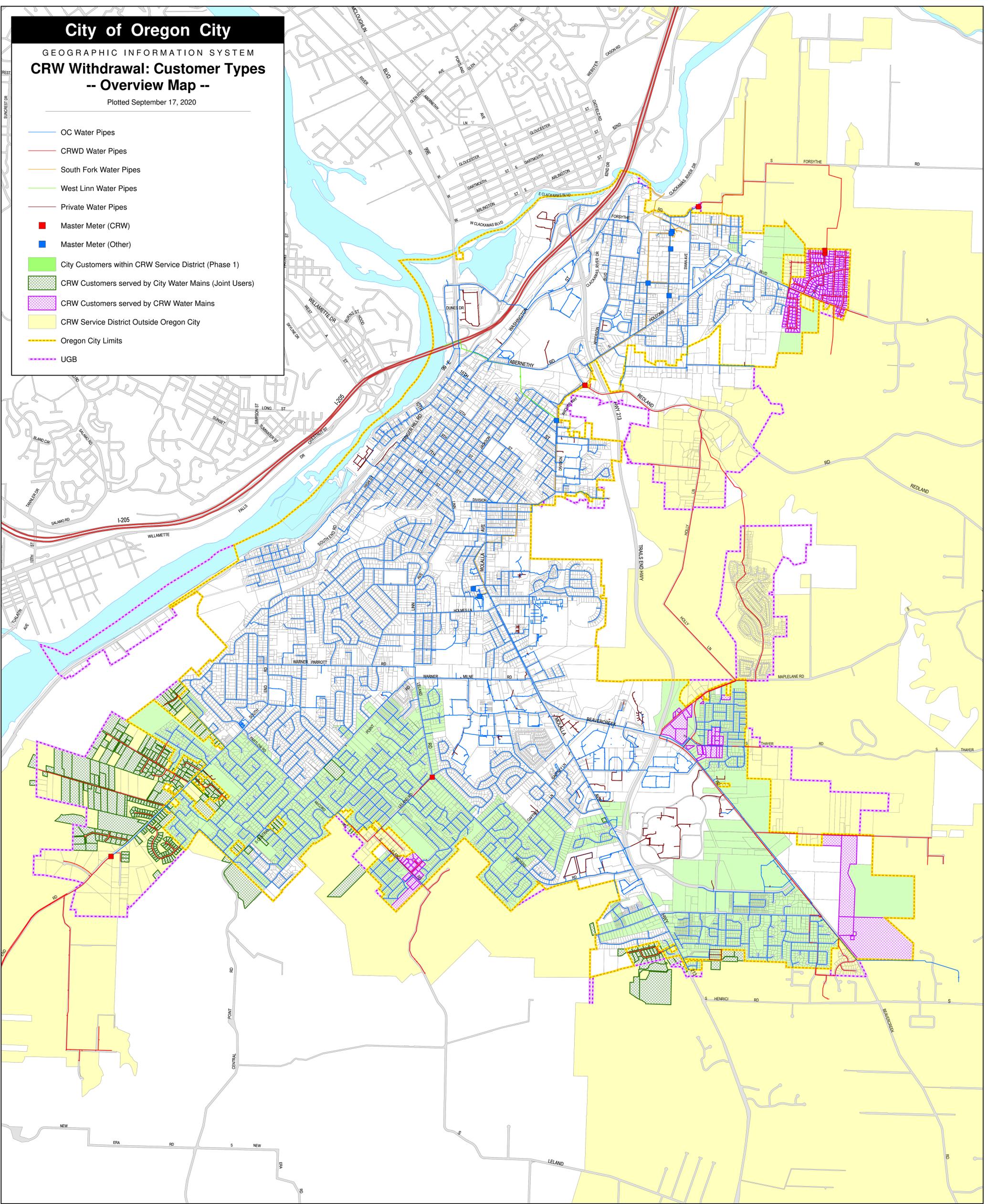
GEOGRAPHIC INFORMATION SYSTEM

CRW Withdrawal: Customer Types

-- Overview Map --

Plotted September 17, 2020

- OC Water Pipes
- CRWD Water Pipes
- South Fork Water Pipes
- West Linn Water Pipes
- Private Water Pipes
- Master Meter (CRW)
- Master Meter (Other)
- City Customers within CRW Service District (Phase 1)
- CRW Customers served by City Water Mains (Joint Users)
- CRW Customers served by CRW Water Mains
- CRW Service District Outside Oregon City
- Oregon City Limits
- UGB



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.



0.5 0.25 0 0.5 1 1.5 Miles

2,000 1,000 0 2,000 4,000 6,000 8,000 10,000 Feet

City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
503-657-0891 phone
503-657-6629 fax
www.oregoncity.org





CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Public Works Director John M. Lewis

Agenda Date: 10/07/2020

SUBJECT:

Resolution No. 20-25, Authorizing Acquisition of Easement and Easement Interests Through Eminent Domain Related to the Public Water Main on 203 3rd Avenue

STAFF RECOMMENDATION:

Adopt Resolution No. 20-25 authorizing acquisition of easement and easement interests through Eminent Domain related to the existing Public Water Main on 203 3rd Avenue.

EXECUTIVE SUMMARY:

An 8" water main has existed on private property at 203 3rd Avenue since at least 1971 according to as-built records. The existing water main lies on private property without the benefit of an easement. To legally maintain the water main on private property, the City needs to acquire 1,492 square feet of public waterline easement from the owner of 203 3rd Avenue.

BACKGROUND:

Oregon state law (ORS 35.235) mandates that parties authorized by law to acquire property through condemnation must first adopt a resolution stating the necessity and the purpose for which the property is required. This authorization does not prohibit the City and the property owner from negotiating an agreed upon value for said easement which remains our preferred method, however this authorization provides the City with an immediate path to remedy through eminent domain if agreement can't be reached.

An 8" water main has existed on private property at 203 3rd Avenue, identified as 22E 31CC #2500, since at least 1971 according to as-built records. The existing water main lies on private property without the benefit of an easement. To legally maintain the water main on private property, the City needs to acquire 1,492 square feet of public waterline easement from the owner of 203 3rd Avenue.

A survey of this proposed easement is enclosed as part of this staff report as Exhibit A. A Tax Lot Detail Report is also attached as Exhibit B.

Exhibit C is a letter dated March 5, 2019 from Kenneth L. Baker, Attorney at Law to the City's legal representatives Gregory J. Miner (Bateman Seidel) and Cynthia Fraser (Garvey Schubert Barer) requesting that the City address an encroachment of a public water main on the private property. Over the last 18 months the topic has languished from no follow-up by the City to more frequent communication related to both what the development challenge exist on the property to whether the City would be interested in acquiring the property. At this point encumbering the easement via payment is in the best interest of the City and the property owner.

The legal description and proposed easement have been prepared based on a field survey of the existing water main. This is the area that will be purchased by the City from the property owner for use as an easement or taken through Eminent Domain if necessary.

The property at 203 3rd Avenue is included in the attached Exhibit A. The property owner has been sent a letter by the City that notifies them that the City will require an easement and easement interest acquisition from them. Additionally, the letter provided them notice that the City Commission would be being asked to authorize the acquisition of property and property interests for their property on October 7, 2020. Once we are authorized to acquire the property, the property owner will be contacted to begin the formal acquisition process, and information on the process will be shared with them at that time.

OPTIONS:

1. Authorize acquisition of easement from 203 3rd Avenue
2. Do not authorize acquisition of easement from 203 3rd Avenue

BUDGET IMPACT:

Amount: To be determined.

FY(s): 2020 - 2021

Funding Source(s): Water Fund

RESOLUTION NO. 20-25

A RESOLUTION AUTHORIZING ACQUISITION OF EASEMENT AND EASEMENT INTERESTS THROUGH EMINENT DOMAIN RELATED TO THE PUBLIC WATER MAIN AT 203 3RD AVENUE

WHEREAS, an existing public water main exists on private property at 203 3rd Avenue;
and

WHEREAS, the public water main has existed on private property since at least 1971;
and

WHEREAS, in order to maintain the water main, the City needs to acquire an easement and easement interests as identified in Exhibit A, attached hereto and incorporated herein; and

WHEREAS, the property owner of 203 3rd Avenue has requested action on the public water main through their attorney, Kenneth L. Baker, on March 5, 2019; and

WHEREAS, the acquisitions for the easement as described herein are necessary for the maintenance of the public water main system and, when completed, will benefit the general public and will be used and maintained for public purposes; and

WHEREAS, the City of Oregon City may exercise the power of eminent domain pursuant to City Charter Chapter IX, Section 36 – Condemnation, ORS 223.005 - 223.015, and ORS 223.930, ORS Chapter 35, and the Law of the State of Oregon generally, when the exercise of such power is deemed necessary by the City of Oregon City's governing body to accomplish public purposes for which City of Oregon City has responsibility; and

WHEREAS, the City of Oregon City has the responsibility of providing drinking water adequate to serve the general public; and

WHEREAS, to accomplish the easement set forth above, it is necessary to acquire the interests in the property described in "Exhibit A," attached to this resolution and, by this reference incorporated herein.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The foregoing statements of authority and need are, in fact, the case. The project for which the property is required and is being acquired are necessary in the public interest, and the same have been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury.

Section 2. The power of eminent domain is hereby exercised with respect to each of the interests in property described herein and attached hereto. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.

Section 3. The City of Oregon City's staff, the City Attorney, and special counsel for condemnation, are authorized and requested to attempt to agree with the owner and other

persons in interest as to the compensation to be paid for the acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the City Commission.

Section 4. The City of Oregon City expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

Section 5. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 7th day of October 2020.

DAN HOLLADAY, Mayor

Attested to this 7th day of October 2020:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

EXHIBIT "A"
PUBLIC WATERLINE EASEMENT

PAGE 1 OF 2

A STRIP OF LAND SITUATED IN BLOCK 30, "CANEMAH", A PLAT OF RECORD IN CLACKAMAS COUNTY, OREGON, AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO JAMES A. RIGGLE AND LAURA J. RAMBO RECORDED AS DOCUMENT NUMBER 2015-030424, CLACKAMAS COUNTY DEED RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

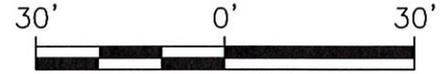
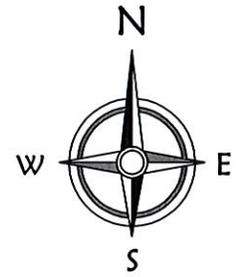
BEGINNING AT A 5/8 INCH IRON ROD WITH YELLOW PLASTIC CAP MARKED "TOWNSHIP SURVEYS" (ESTABLISHED BY SN 2015-247, CLACKAMAS COUNTY SURVEY RECORDS) AT THE SOUTHEASTERLY CORNER OF LOT 8, BLOCK 30, "CANEMAH"; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 8, SOUTH 72°00'00" WEST (AS SHOWN ON SAID SN 2015-247) 8.95 FEET; THENCE LEAVING SAID SOUTHERLY LINE NORTH 29°58'17" WEST 38.04 FEET; THENCE NORTH 27°34'26" WEST 36.56 FEET; THENCE NORTH 09°41'07" EAST 49.33 FEET TO A POINT ON THE EASTERLY LINE OF LOT 1, BLOCK 30, "CANEMAH"; THENCE ALONG SAID EASTERLY LINE AND ALONG THE EASTERLY OF THE AFOREMENTIONED LOT 8, BLOCK 30, "CANEMAH", SOUTH 18°00'09" EAST 32.28 FEET; THENCE LEAVING THE EASTERLY LINE OF SAID LOT 8, SOUTH 09°41'07" WEST 15.68 FEET; THENCE SOUTH 27°34'26" EAST 31.19 FEET; THENCE SOUTH 29°58'17" EAST 10.13 FEET TO THE AFOREMENTIONED EASTERLY LINE OF SAID LOT 8; THENCE ALONG SAID EASTERLY LINE SOUTH 18°00'09" EAST 30.10 FEET TO THE POINT OF BEGINNING.

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

**OREGON
JULY 14, 1978
DON DEVLAEINCK
1634**

DATE OF SIGNATURE: 7/14/17
EXPIRES 12/31/2017





Scale: 1" = 30'

BOUNDARY CONTROL IS
BASED UPON SN 2015-247

U.S. HIGHWAY 99E

VACATED MAIN STREET

NORTHEASTERLY
LINE OF A.F.
HEDGES D.L.C.

TAX LOT 2500
MAP 2-2E-31CC
DOC. NO. 2015-030424
203 3RD AVENUE

HOUSE

ASPHALT

GARAGE

**PUBLIC
WATERLINE
EASEMENT
1492 SQ. FT.**

ALLEY

S29°58'17"E
10.13'

MARSHALL
STREET

**POINT OF
BEGINNING**

SOUTHEASTERLY
CORNER OF LOT 8,
BLOCK 30, "CANEMAH"

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 14, 1978
DON DEVLAE MINCK
1634

DATE OF SIGNATURE: 4/14/17
EXPIRES 12/31/2017

3RD AVENUE

S72°00'00"W
8.95'

EXHIBIT "A"

PUBLIC WATERLINE EASEMENT

7829 Exh.dwg

C MPASS Land Surveyors
4107 SE International Way, Suite 705
Milwaukie, Oregon 97222 503-653-9093

**SITUATED IN BLOCK 30, "CANEMAH"
CLACKAMAS COUNTY, OREGON**

2

Taxlot Detail Report**Taxlot Information**

Parcel Number (APN) 2-2E-31CC-02500
Primary Situs Address 203 3RD AVE
 OREGON CITY, OR 97045
County CLACKAMAS

Section T2S R2E S31
Latitude 45.347411
Longitude -122.619078
R Number (Alt ID) 00577940
Approx. Size (acres) 0.48825393
USGS Quad Name Oregon City
Within Oregon City Limits? Y
Urban Growth Boundary (UGB) Inside

**Political Boundaries**

Jurisdiction OREGON CITY
Voting Precinct 2.00000000
US Congressional District 5
Oregon House District 40
Oregon Senate District 20
Metro Council District 2
Metro Councilor Christine Lewis
Metro Councilor Email christine.lewis@oregonmetro.gov

Assessment & Value Information

Taxmap 2S2E31CC
Land Value (Mkt) \$185,908
Building Value (Mkt) \$122,340
Exempt Amount \$0
Net Value (Mkt)
Assessed Value \$154,188
Year Built (if known) 1932
Sale Date 201505
Sale Price \$200,000
Document Date 2015-05-20 00:00
Document Number 2015-030424
State General Prop. Code 101
County Tax Code 062002



Land Use and Planning

<i>Zoning</i>	R-6	<i>In SDC Discount Area?</i>	N
<i>Comprehensive Plan</i>	LR	<i>In Thayer Rd Pond Fee Area?</i>	N
<i>Subdivision</i>	CANEMAH	<i>In Beavercreek Rd Access Area?</i>	N
<i>Subdivision Plat Number</i>	6	<i>In Willamette River Greenway?</i>	Y
<i>PUD (if known)</i>	0	<i>In Geologic Hazard?</i>	Y
<i>Partition Plat Number</i>	0	<i>In High Water Table Area?</i>	N
<i>Neighborhood Association</i>	CANEMAH	<i>In Nat. Res. Overlay District (NROD)?</i>	Y
<i>Urban Renewal District</i>	NONE	<i>In 1996/FEMA 2008 100-yr Floodplain?</i>	N
<i>Historic District</i>	CHD	<i>In FEMA Floodway?</i>	N
<i>Historic Designated Struct.?</i>	CHD	<i>In Barlow Trail Area?</i>	N
<i>Concept Plan Area</i>	NONE	<i>In Vertical Housing Dev. Zone?</i>	N
<i>Urban/Rural Reserve</i>		<i>In Enterprise Zone?</i>	N
<i>Reserve Name</i>		<i>In Opportunity Zone?</i>	Y
<i>Watershed</i>	Abernethy Creek-Willamette River		
<i>Sub-Watershed</i>	Tanner Creek-Willamette River		
<i>Basin</i>	Willamette		
<i>Sub-Basin</i>	Middle Willamette		

Service Districts

<i>Elementary School</i>	CANDY LANE/JENNINGS LODGE
<i>Middle School</i>	GARDINER MIDDLE
<i>High School</i>	OREGON CITY HIGH
<i>School District</i>	OREGON CITY
<i>Oregon Dept. of Ed. Dist. ID</i>	1928
<i>Nat Cntr for Ed Stats Dist ID</i>	4109330
<i>Water District</i>	
<i>Park District</i>	
<i>Sewer District</i>	Tri-City Service District
<i>Fire District</i>	Clackamas Fire District #1
<i>Fire Management Zone</i>	6597
<i>Transit District</i>	Tri-County Metropolitan
<i>Garbage Hauler</i>	Oregon City Garbage Co.
<i>Garbage Hauler Phone</i>	(503) 656-8403

Census Information

<i>Census Tract</i>	225.00000000
<i>Census Block Group</i>	4
<i>Census Block Grp. Pop. (2010)</i>	757

Law Office of
Kenneth L. Baker
10365 SE Sunnyside Road
Suite 240
Clackamas, OR 97015
Tel (503) 698-4900 Fax (503) 698-5758

Paralegal
Sarah Meckel

Office Manager
Sandra Meckel

March 5, 2019

RECEIVED
MAR 08 2019
Bateman Seidel

Gregory J. Miner
Attorney at Law
Bateman Seidel
888 SW Fifth Avenue
Suite 1250
Portland, OR 97204

Cynthia Fraser
Attorney at Law
Garvey Schubert Barer
121 SW Morrison Street
11th Floor
Portland, OR 97204

Re: Jim and Laurie Riggle/203 3rd Avenue, Oregon City, OR 97045

Dear Mr. Miner and Ms. Fraser:

On November 15, 2018 I directed a letter to both of your attentions regarding the City of Oregon City water line encroachment on Jim and Laurie Riggle's property in Oregon City, Lots 1, 2, 7, and 8, Block 30, CANEMAH. My understanding is that Mr. Miner had referred this matter to Ms. Fraser for resolution. Mr. and Mrs. Riggle are in process of actively planning the development of that portion the property that is affected by the water line encroachment so they need to resolve this question once and for all to avoid duplicating the work product of their architect, engineer and planner. The longer this matter persists the more Mr. and Mrs. Riggle's damages are going to be because of the City of Oregon City's failure to address this concern.

Gregory J. Miner
Attorney at Law
Bateman Seidel
Cynthia Fraser
Attorney at Law
Garvey Schubert Barer
March 5, 2019
Page 2

Please make this a priority to schedule a time that Mr. Riggle and I can sit down with someone to craft a solution.

Very truly yours,



Kenneth L. Baker
Attorney at Law

KLB:sem
cc: Jim Riggle
Laurie Riggle

AFTER RECORDING RETURN TO:
City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Planning No.: _____

Tax Map & Lot: _____

GRANTOR: _____

**CITY OF OREGON CITY, OREGON
PUBLIC UTILITY EASEMENT**

KNOW ALL BY THESE PRESENTS, THAT _____,
hereinafter called the “Grantor”, does hereby grant unto the City of Oregon City, hereinafter called the
“City”, its successors in interest and assigns, a permanent easement and right-of-way, including the
permanent right to construct, reconstruct, operate, and maintain _____
and appurtenances, hereinafter called the “Infrastructure” on the following described land:

See attached **Exhibit A** Legal Description and attached **Exhibit B** Sketch for Legal Description

TO HAVE AND TO HOLD, the above described easement unto the City, its successors in interest
and assigns forever.

Grantor reserves the right to use the surface of the land for walkways, plantings, parking, and
related uses. Such uses undertaken by the Grantor shall not be inconsistent or interfere with the use of
the subject easement area by the City. No structures or utility shall be placed upon, under, or within the
permanent easement (described in Exhibits A & B), without the written permission of the City.

If the City exercises its right to construct, reconstruct, or maintain the Infrastructure, the City
shall restore the surface of the property to its original condition and shall indemnify and hold the
Grantor harmless against all loss, cost, or damage arising out of the exercise of the rights granted herein.

The true consideration of this conveyance is for other value given, the receipt of which is hereby
acknowledged by Grantor.

And, the Grantor above named hereby covenants to and with the City, and City’s successors in
interest and assigns that Grantor is lawfully seized in fee simple of the above granted premises, free
from all encumbrances (no exceptions) and that Grantor and their heirs and personal representatives
shall warrant and forever defend the said premises and every part thereof to the City, its successors in
interest and assigns against the lawful claims and demands of all persons claiming by, through, or under
the Grantor.

In construing this deed and where the context so requires, the singular includes the plural and
all grammatical changes shall be implied to make the provisions hereof apply equally to corporations
and to individuals.

IN WITNESS WHEREOF, the Permittee has executed this instrument this _____ day of _____, 20_____. The person(s) whose name(s) is/are subscribed to the within instrument acknowledge that he/she/they executed the instrument in his/her/their legally authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

[Signature Page(s) Follow]

GRANTOR: _____

As shown on Page 1 (name of organization or individual property owner(s))

Signature No. 1

Signer printed name, Title (if any)

Signature No. 2

Signer printed name, Title (if any)

STATE OF OREGON)

)

County of _____)

This record was acknowledged before me on (date) _____, 20____

by _____

Signer's printed name

as _____.

Title and (if applicable) Name of Corporation or Party on whose behalf the record is executed

Stamp notary seal:

WITNESS my hand and official seal.

Signature of Notary Public

My commission expires: _____

Accepted on behalf of the City of Oregon City:

By: Anthony J. Konkol III, City Manager

By: John M. Lewis, Public Works Director

Attest: Kattie Riggs, City Recorder

Insert Exhibit A and Exhibit B here.

Exhibit A is a legal description of the subject permanent easement – provided by a professional land surveyor and stamped with their seal – and having a 1/8th-inch or larger font size (8.5-inch by 11-inch page).

Exhibit B is the drawing of the legal description of the permanent easement, having a 1/8th-inch or larger font size (8.5-inch by 11-inch page is preferred).

Exhibit C is a legal description of the subject temporary easement – provided by a professional land surveyor and stamped with their seal – and having a 1/8th-inch or larger font size (8.5-inch by 11-inch page).

Exhibit D is the drawing of the legal description of the temporary easement, having a 1/8th-inch or larger font size (8.5-inch by 11-inch page is preferred).

NOTE:

Please remit the required processing and recording fee with this document submittal.

Photostatic copies of reduced tax maps may not meet the above described map requirements – verify with the Clackamas County Recorder.

All pertinent documents must be approved and processed by the City of Oregon City prior to the recording of partition & subdivision plats by the Clackamas County Surveyors Office – allow ample time for the City to process this document.



CITY OF OREGON CITY
Staff Report

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

To: City Commission
From: Public Works Director John M. Lewis

Agenda Date: 10/07/2020

SUBJECT:

Resolution No. 20-29, Declaring an Emergency and Exempting the Barclay Hills Rectangular Rapid Flashing Beacon Project from Prohibition Against Unlawful Noises on a Temporary Basis

STAFF RECOMMENDATION:

Approve Resolution 20-29 allowing the Barclay Hills Rectangular Rapid Flashing Beacon (RRFB) (CI 20-002) Project to perform work during nighttime (6 pm-7 am, Monday through Saturday).

EXECUTIVE SUMMARY:

On September 2, 2020, the City awarded Lee Contractors, LLC the Barclay Hills RRFB Project (CI 20-002). The Barclay Hills RRFB Project requires construction within Molalla Avenue in an area that has an existing raised center median. This median limits options for routing traffic around and through the project area, leaving only one lane of traffic open for use between Mt. Hood Street and Holmes Lane (Hilda Street). Molalla Avenue has high traffic volumes during the day. Construction during the day will result in delays to traffic on Molalla Avenue since only one direction of travel will be permitted at a time. Construction will take place from October 12 to November 19, 2020.

Work outside of daytime hours is prohibited without City Commission approval per Oregon City Municipal Code Section (OCMC) 9.12.023. There are no residential properties directly adjacent to the project area; however, residential properties are located within 300 feet of the intersection, as shown on Exhibit 1 of the Resolution.

OCMC Section 2.52.020 defines “emergencies” to include “utility or transportation emergencies”. Resolution No. 20-29 will allow Lee Contractors, LLC to work at night on a temporary emergency basis to complete the project.

BACKGROUND:

The City of Oregon City's Transportation System Plan (TSP) provides a long-term guide for City transportation investments by incorporating the vision of the community into an equitable and efficient transportation system for pedestrians, bicyclists, and automobiles. The TSP recommends projects around the city to enhance pedestrian safety. Project C30 is identified in the City's TSP which calls for the installation of a pedestrian-activated crosswalk signal on Molalla Avenue at Barclay Hills Drive. The type of crosswalk signal to be installed on Molalla Avenue at Barclay Hills Drive is a Rectangular Rapid Flashing Beacon, or RRFB. The project will also remove the existing trees within the median to increase visibility for drivers and pedestrians. The project will include installation of pedestrian buttons at each side of the road and in the median, which will activate the RRFB to assist with pedestrian crossings.

Molalla Avenue has high traffic volumes and construction during daytime working hours will impact the traveling public and businesses when traffic is stopped to facilitate construction. Staff agrees that night work is in the best interests of the public, the project, and the contractor. The night work would be required to be conducted between 7 p.m. and 6 a.m., Monday through Saturday. Construction is planned to begin October 12 and be completed by November 23, 2020.

OCMC 9.12.023.E declares the construction, demolition, alteration or repair of any building or the excavation of any streets and highways in a residentially-zoned neighborhood between the hours of ten p.m. and seven a.m., Monday through Saturday; and between eight p.m. and nine a.m. on Sunday to be a code violation. Per Oregon City Municipal Code (OCMC) 2.52.020, "emergencies" include "utility or transportation emergencies". OCMC 2.52.040 (L) authorizes the City, in cases of emergency, to "order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency".

Because of the significant impacts to the neighborhood and the Molalla Avenue corridor that would result from daytime work on the project, staff is recommending that the City Commission declare a limited emergency for this particular location to allow for nighttime work to occur that would otherwise be prohibited by the City's Code. City staff recognizes that, even with the emergency declaration, this project will have impacts on neighbors, property owners, and businesses along this corridor and will work with the affected parties to provide reasonable notice and ensure the impacts are limited and that the project is ultimately successful.

OPTIONS:

1. Approve Resolution No. 20-29. This option will accommodate businesses and through traffic on Molalla Avenue, resulting in greater safety for the contractor and the public during the construction of these improvements.
2. Deny Resolution No. 20-29. This option will increase the hazards to the public and contractor, and construction will occur during daytime working hours and more significantly and adversely impact/disrupt the traveling public and businesses.

RESOLUTION NO. 20-29

A RESOLUTION DECLARING AN EMERGENCY AND EXEMPTING THE OREGON CITY PUBLIC WORKS DEPARTMENT FROM THE PROHIBITION AGAINST UNLAWFUL NOISES ON A TEMPORARY BASIS

WHEREAS, Oregon City Municipal Code (OCMC) 2.52.020 defines “emergencies” to include “utility or transportation emergencies”; and

WHEREAS, OCMC 2.52.040(L) authorizes the City, in cases of emergency to “order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency”; and

WHEREAS, the City has set aside funds to construct certain roadway improvements, including the Barclay Hills Rectangular Rapid Flashing Beacon (RRFB) Project (the “Project”); and

WHEREAS, transportation in the vicinity of the Project is vital to the community and interfering with transportation use during the day will cause significant disruption to the economic life of the City; and

WHEREAS, the method that allows the City to best effectuate the Project requires that work be done at night to minimize impacts on the City's residents, businesses, and transportation facilities; and

WHEREAS, OCMC 9.12.023(E) declares the construction, demolition, alteration or repair of any building or the excavation of any streets and highways in a residentially-zoned neighborhood between the hours of ten p.m. and seven a.m., Monday through Saturday, and between eight p.m. and nine a.m. on Sunday to be a violation.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The Commission hereby declares an emergency, limited to the Project Area as shown in the diagram attached to this resolution as Exhibit 1. Consistent with OCMC 2.52.070 and, by this resolution, the Commission declares an intermittent emergency for the Barclay Hills RRFB Project until November 23, 2020, on an as-needed basis.

Section 2. Based on the emergency identified above, the City Commission grants the Oregon City Department of Public Works an exemption from Section 9.12.020 of the Oregon City Municipal Code for work in the Project Area for intermittent night work during the period identified above in Section 1 of this resolution.

Section 3. This resolution shall take effect immediately upon its adoption by the City Commission.

Section 4. The City Commission hereby directs the City Manager and City staff to undertake all appropriate and practical measures to lessen the impacts of night-time work on City residents and businesses as authorized by this resolution.

Section 5. The City Commission adopts the following procedures to prevent, minimize, respond to, or recover from the emergency consistent with OCMC 2.52.040:

D. Barricade streets and prohibit vehicular or pedestrian traffic or regulate the same on any public street leading to the emergency area for such distance as may be deemed necessary under the circumstances.

Approved and adopted at a regular meeting of the City Commission held on the 7th day of October 2020.

DAN HOLLADAY, Mayor

Attested to this 7th day of October 2020:

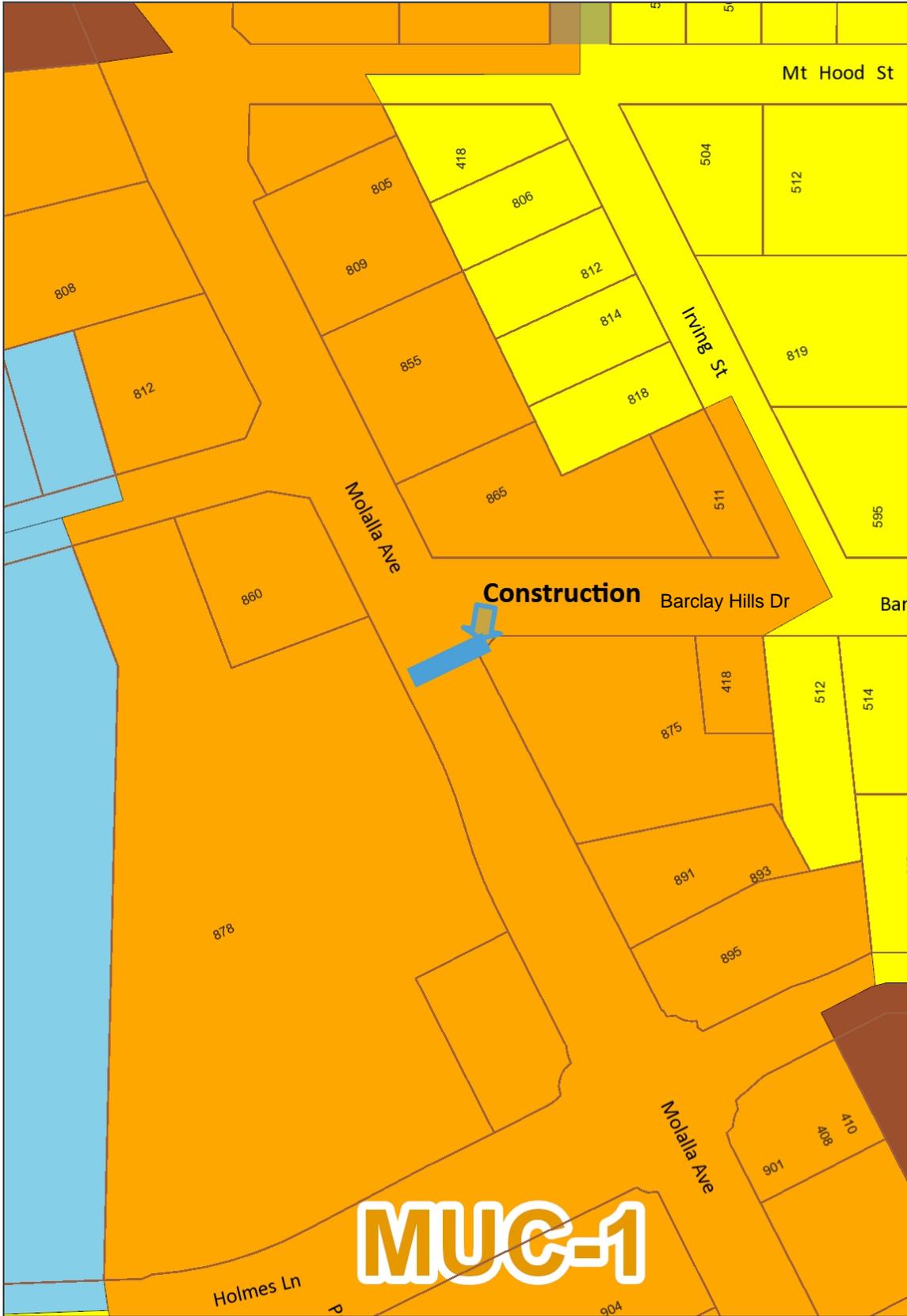
Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit 1 - Zoning Map

Item 8c.

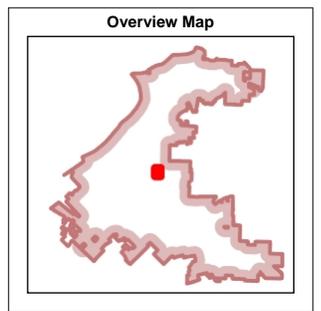


Legend

Zoning

	R-10 - Single Family Dwelling
	R-8 - Single Family Dwelling
	R-6 - Single Family Dwelling
	R-5 - Single Family Dwelling
	R-3.5 - Medium Density Residential
	R-2 - Multi-Family Dwelling
	C - General Commercial
	MUC-2 - Mixed Use Corridor 2
	MUC-1 - Mixed Use Corridor 1

Notes



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



City of Oregon City
 PO Box 3040
 625 Center St
 Oregon City
 OR 97045
 (503) 657-0891
www.orcity.org



Barclay Hills RRFB Construction



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 10/07/2020

SUBJECT:

Resolution No. 20-31, Extending the State of Emergency Declaration in Oregon City due to the COVID-19 Pandemic

STAFF RECOMMENDATION:

Staff recommends approval of Resolution No. 20-31, which will extend the State of Emergency Declaration to December 17, 2020 due to the COVID-19 Pandemic.

EXECUTIVE SUMMARY:

The rapidly changing COVID-19 event continues to impact the Oregon City community and daily operations of the City. Clackamas County is currently in the first Phase of three of the State's Reopening Oregon plan, which has allowed some businesses in the County to reopen. Oregon City staff is recommending to extend the State of Emergency to December 17, 2020 so that staff can continue to work with federal, state and local agencies in a coordinated effort to reduce the spread of the COVID-19 virus in our community and throughout the region. As of September 23, 2020, there have been 2,313 confirmed cases of COVID-19 in Clackamas County and 61 deaths.

BACKGROUND:

The rapidly changing COVID-19 event continues to impact the Oregon City community and daily operations of the City. Clackamas County is currently in the first Phase of three of the State's Reopening Oregon plan, which has allowed some businesses in the County to reopen. In response to the pandemic, a limited number of City facilities are partially open while staff continues to work both in the office and remotely.

Oregon City staff is recommending to extend the State of Emergency so that staff can continue to work with federal, state and local agencies in a coordinated effort to reduce the spread of the COVID-19 virus in our community and throughout the region. As of September 23, 2020, there have been 2,313 confirmed cases of COVID-19 in Clackamas County and 61 deaths. This is not a "public health emergency" declaration.

This declaration enables the City to streamline resources, staffing and establish emergency policies and procedures to respond to the pandemic.

Staff prepared this resolution with an end date of December 17, 2020, the Commission can review the emergency declaration at the December 16, 2020 City Commission meeting and choose to extend the declaration again or leave the end-date in place.

OPTIONS:

1. Approve the extension of the State of Emergency to December 17, 2020
2. Deny and do not extend the State of Emergency

RESOLUTION NO. 20-31

A RESOLUTION EXTENDING THE EMERGENCY DECLARATION IN THE CITY OF OREGON CITY

WHEREAS, the outbreak of Coronavirus, also known as COVID-19, threatens the loss of life, human suffering, financial loss, and other harms in the City of Oregon City; and

WHEREAS, the federal government, state of Oregon and Clackamas County have each declared a state of emergency relating to COVID-19 in their respective jurisdictions and since extended these declarations; and

WHEREAS, the City of Oregon has been taking steps to help mitigate and avoid some of the most drastic consequences of COVID-19 through actions that result in the slowing of transmission of the coronavirus in Oregon in order to protect the most vulnerable Oregonians, and to protect the state's health care system capacity; as well as other results; and

WHEREAS, Clackamas County is currently in Phase 1 of the State's Reopening Oregon plan, which has allowed certain businesses and activities to open on a limited basis; and

WHEREAS, on Friday, March 27, 2020, the City Commission adopted Resolution No. 20-08, declaring an emergency for the City with an end date of May 7, 2020; and

WHEREAS, the City Commission has since adopted the following extensions to the emergency declaration:

- On Wednesday, May 6, 2020, adopted Resolution No. 20-13, extending the emergency declaration with an end date of June 18, 2020
- On June 17, 2020, adopted Resolution No. 20-21, extending the emergency declaration with an end date of August 6th, 2020
- On August 5, 2020, adopted Resolution No. 20-24, extending the emergency declaration with an end date of October 8, 2020; and

WHEREAS, the situation leading to the declaration of an emergency will extend for a longer period of time and an extension is needed.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The emergency declared by the Oregon City Commission on March 27, 2020, is hereby extended until December 17, 2020, in order to allow the City to adequately address the situations caused by the Coronavirus (COVID-19).

Section 2. The emergency declaration issued by the Oregon City Commission on March 27, 2020, Resolution No. 20-08, is otherwise unchanged and remains in full force and effect through the end of the extended emergency period.

Section 3. This declaration is effective on October 7, 2020 and shall remain in effect until December 17, 2020 unless superseded sooner.

Approved and adopted at a regular meeting of the City Commission held on the 7th day of October 2020.

DAN HOLLADAY, Mayor

Attested to this 7th day of October 2020:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney



City of Oregon City

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

Item 8e.

Meeting Minutes - Draft

City Commission

Wednesday, June 17, 2020

7:00 PM

Commission Chambers

REVISED

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:08 PM.

Present: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

2. Flag Salute

3. Ceremonies, Proclamations, and Presentations

4. Citizen Comments

Betty Mumm, resident of Oregon City, addressed Commissioner McGriff's comments about working behind the scenes on some City policies. Given today's climate she thought there needed to be transparency and communication with other Commissioners.

Commissioner McGriff clarified the work she was doing for a diversity, equity, and inclusion policy for the City.

Sarah Head, resident of Oregon City, thought it was time for the City to fully honor and represent the spectrum of peoples and their history and recommended an organizational assessment of current practices, required diversity, equity, and inclusion training for leaders and staff, establishment of a special commission on equity and inclusion, assessment of hiring policies and recruitment, investment in people of color owned businesses, and active partnerships with organizations to bring a fuller perspective of history to the City.

John Mullen, resident of Oregon City, discussed the future of policing. He thought there should be citizen participation in re-imagining community safety.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. First Reading of Ordinance No. 20-1006, Thimble Creek Concept Plan/Beavercreek Road Concept Plan- Code and Zoning Amendments (LEG 19-00003)

Christina Robertson-Gardiner, Senior Planner, said at the last Commission meeting this hearing had been continued and she entered new items into the record. Staff had revised the ordinance to add language to support retention of upland habitat. She explained what was not apart of the zoning amendment package and the work still to do to implement the Beavercreek Road Concept Plan.

There was discussion regarding additional public park and open space requirements and the fee in lieu, what happened if the ordinance passed but the later park fees proposal did not, sequence of development and mandating commercial development to happen before residential development in this area, current industrial application, and options for Commission action.

Commissioner McGriff thought they should pass the ordinance and in the Comprehensive Plan update process adopt language that better protected upland habitat.

Mayor Holladay opened the public hearing.

There was no public testimony.

Mayor Holladay closed the public hearing.

A motion was made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to approve the first reading of Ordinance No. 20-1006, Thimble Creek Concept Plan/Beavercreek Road Concept Plan-Code and Zoning Amendments (LEG 19-00003). The motion carried by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

A motion was made by Commissioner McGriff, seconded by Commissioner O'Donnell, to direct staff and the Natural Resources Committee to work on some code language for better protection of upland habitat areas. The motion carried by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Mayor Holladay moved to agenda item 7d.

Commissioner Smith said due to the amount of public who wanted to speak, he thought the order of the agenda should not be changed.

A motion was made by Commissioner Smith, seconded by Commissioner O'Donnell, to question whether the action of the presiding officer should be sustained. The answer was no by the following vote:

Aye: 1 - Mayor Dan Holladay

Nay: 4 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

7. General Business

7a. City Commission Options to Address Concerns About the Actions of the Mayor

Tony Konkol, City Manager, said the Commission had expressed concerns about the actions of the Mayor and had asked for exploration of potential actions the Commission could take to address the concerns. The City Attorney had drafted a memo with the options. Information from Jesse Buss dated June 16, 2020 was also included which outlined a vote of no confidence process.

Paul Edgar, resident of Oregon City, stated if confidence in the Mayor became questionable, a lot of dominoes would fall. He cared about what happened to this community.

Patti Webb, resident of Oregon City, discussed ethic violations by the Mayor and thought they were enough for a vote of no confidence.

Kylee Manning, resident of Oregon City, explained the racism she had experienced in the City and she thought more effort was needed to resolve the issues.

Chloe Manning, resident of Oregon City, thought before everyone could be supported equally, black lives needed to matter to everyone. Black people had never been treated the same as white and not all community members were equal.

Avianna Palaoro, resident of Oregon City, discussed the actions of the Mayor that did not promote equal human rights and were similar to a bully. She thought the Mayor needed to recognize his privilege and find ways to stop using his power to hold people back.

Amy Roberts, resident of Oregon City, discussed the behavior of the Mayor which prevented community building and economic development. She thought the Mayor should resign and was in favor of recall.

Chanda Hall, resident of Oregon City, addressed the testimony of Victoria Taft from the last meeting and how it made her pay attention to the issues. She asked the Mayor to resign.

Melissa Harrison, resident of Clackamas, was a teacher at Oregon City High School. She explained what she was doing to help create a school that was resilient, equitable, and inclusive. Students needed these things to be modeled by their leaders

Dara Kramer, resident of Oregon City, thought local government should address systemic racism in the community. She gave examples of issues she had addressed as a teacher and how leaders needed to show good leadership traits. She asked that the Mayor resign.

Adam Marl, resident of Oregon City, explained the racism he experienced at the High School. He thought the Mayor was unfit to continue in his current capacity for his failure to lead them through a pandemic, unify the community, and commit to diversity, equity, and inclusion. He thought the Mayor should resign.

Elizabeth Fowler, resident of Oregon City, discussed the comments made by the

Mayor which did not represent her or a majority of citizens. She thought he was not an effective leader and called for his resignation.

Nancy Slavin, resident of Oregon City, was worried about how people of color felt when leadership espoused incorrect information, appeared callous and dismissive, walked out on tough conversations, and ignored issues. They needed to work on systems of true equity and inclusion for all. The Mayor had not shown good leadership and she asked him to resign.

Jane Littlefield, resident of Oregon City, thanked the Commission for responding to the community and passing the resolution declaring the City's stance against racism and social injustice. She was disappointed in the Mayor's comments and leadership. She asked that the Mayor reflect on these comments, educate himself, and follow through with measurable actions. If he could not do that, she asked that he resign.

Amber Stensen, resident of Oregon City, had started the Oregon City Chit Chat Facebook group. She discussed the comments the Mayor made to her regarding how she was not following the rules of her group by asking him to make an informal statement on what he said on the Next Door app. She thought it was the Mayor who was not following the rules.

Shemar Lenox, resident of Gresham, asked what new standards would be put in place to make sure things like this did not happen again. He thought the Mayor had a lack of respect for people of color and was not fit to be the leader of the City.

Jaylen Welch, resident of Gresham, did not think the Mayor was a good representative of the City. He did not treat everyone equally and was not fit to be Mayor.

Betty Mumm, resident of Oregon City, said in today's climate it was difficult not to offend or insult someone. It was not a good time to make an important decision when you were angry. The decision they made tonight would be used in the future.

Matthew Brady, resident of Oregon City, called for the Mayor's resignation due to his interactions with constituents on social media and the City Commission.

Angela Thomas, resident of Oregon City, discussed statements made by the Mayor, especially about the local government's impact on racial justice and comments made on social media. She thought the Mayor should step down from his position as they needed someone who would promote equality and inclusiveness.

Jessica Palmer, resident of Oregon City, said the Mayor's actions had affected his credibility and the City's reputation. She thought the Commission should do what they could to restore that reputation and take actions against the Mayor. She thought the Mayor should resign.

Commissioner O'Donnell led a review of the actions of the Mayor for the Commission to give direction to the staff and state their position. He thought some incidents required an inquiry and investigation to establish the facts on two events. Those were promoting the reopening of Oregon City in defiance of the State's orders and soliciting or gathering funds to stage a fireworks event in defiance of the State's orders to be closed until July 5, 2020.

Mayor Holladay agreed with the comments made by Mr. Buss. He would welcome an ethics investigation or referring it to the Clackamas County DA or private investigation,

but he did not want the businesses he talked to be publicly named.

Commissioner Smith wanted to wait to discuss all the items before a vote was taken.

A motion was made by Commissioner O'Donnell, seconded by Commissioner McGriff, to direct staff to hire a private firm to investigate the facts of the two incidents mentioned by Commissioner O'Donnell. The findings would be further reviewed by the appropriate agency. The motion carried by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Denyse McGriff

Abstain: 1 - Commissioner Rocky Smith Jr.

Commissioner O'Donnell discussed the social media statements made by the Mayor regarding racial injustice and how the Mayor was the only one who declined to join other community mayors in denouncing racism. Did these actions meet the criteria for censure as outlined in the City Attorney's memo? The final action they needed to decide was in regards to the Mayor's actions at the Commission meeting where the Mayor instructed the audio/visual technician to discontinue the recording of the meeting at the drop of his gavel to end the meeting which eliminated the Commission's opportunity for communications.

Commissioner Smith thought the Mayor should resign because he had injured the good name of the City, disturbed the City's well-being, and hampered its work. There should be an investigation.

Commissioner Lyles Smith said the Commission did not have the authority to remove the Mayor. They were considering all the options of what they could do tonight. She supported an investigation and the censure.

Commissioner McGriff thought they should take action tonight and be firm and resolute in their displeasure with the actions that had occurred. She agreed those actions had injured the good name of the City and disturbed the City's well-being and hampered its work. They should move forward with the censure.

There was consensus for staff to work with Commission President Lyles Smith to provide a written censure that summarized the motion.

Commissioner O'Donnell said the Mayor could present a defense or accept the censure.

Mayor Holladay admitted to telling the audio/visual technician to stop the recording when he adjourned the meeting as he had been unclear about the process. He reserved statements on the other issues to a different time.

A motion was made by Commissioner O'Donnell, seconded by Commissioner Lyles Smith, to censure the Mayor on two individual counts as described by the City Attorney which had injured the good name of Oregon City, disturbed its well-being, and hampered its work. Also under Robert's Rules of Order, the Mayor refused to recognize members entitled to the floor. The motion carried by the following vote:

Aye: 4 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Abstain: 1 - Mayor Dan Holladay

Commissioner O'Donnell thought the civic organizations should have made comments on this issue. He hoped that tonight's actions would start the healing.

A motion was made by Commissioner McGriff, seconded by Commissioner Lyles Smith, to consider the previous vote on the investigation of the Mayor's actions for Commissioner Smith to change his vote to aye. The motion carried by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

7d.

Resolution No. 20-14, Calling for an Election with the Question Shall Oregon City Authorize Underground Placement of a Wastewater Pipeline in Jon Storm Park and Adopting a Ballot Title

Greg Geist, Director of Water Environment Services, asked for support to place a measure on the ballot that would allow Clackamas Water Environment Services (WES) to place a second effluent pipe from the Tri-City Wastewater Treatment Plant under Jon Storm Park and into the Willamette River. He explained the project, preferred alignment, and tunneling technologies.

David Sheldon, Archeologist, detailed the process for identifying and evaluating cultural resources for this project.

There was discussion regarding being notified if something of importance was found on the site.

Mr. Geist talked about the next steps in addressing concerns related to cultural resources and the proposed public outreach process.

There was discussion regarding the preliminary drilling on the site.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve Resolution No. 20-14, calling for an election with the question, Shall Oregon City Authorize Underground Placement of a Wastewater Pipeline in Jon Storm Park and adopting a ballot title. The motion carried by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

7f.

City Commissioner Primary and Alternate Member for the OC 2040 Project Advisory Team

Mayor Holladay said if any Commissioner wanted to serve on the OC 2040 Project Advisory Team as a primary or alternate member to send him an email and he would make the decision before the next meeting.

Laura Terway, Community Development Director, explained the time commitment for the committee. This item would come back to the Commission on July 1, 2020.

7b.

First Reading of Ordinance No. 20-1008, Amending Chapter 2.30 of the

Oregon City Municipal Code (Citizen Involvement Committee)

Mayor Holladay left the meeting at 9:58 PM.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to continue the meeting past the 10:00 PM deadline. The motion carried by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Bob La Salle, resident of Oregon City, said the Commission had tentatively approved the changes that were being proposed for the Citizen Involvement Code (CIC) Code. He discussed the amendments that were being proposed in addition to the original changes.

Ms. Terway explained the amendments further by detailing the CIC proposed sentences and the Planning Division's recommendations on those sentences.

There was discussion regarding the proposed sentences. There was further discussion that if nominations were made by the members of the CIC they should be appointed and if the Mayor did not appoint someone, the Mayor had to provide a reason.

There was consensus for staff to come back with a clean version of the Ordinance to the July 1, 2020 meeting.

7c. Second Reading of Ordinance No. 20-1007, Vacating a Section of Right-of-Way Adjacent to 13735 Lazy Creek Lane

A motion was made by Commissioner Smith, seconded by Commissioner O'Donnell, to approve the second reading and final adoption of Ordinance No. 20-1007, vacating a section of right-of-way adjacent to 13735 Lazy Creek Lane. The motion carried by the following vote:

Aye: 4 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

7e. Second Amendment to the Real Estate Contract with F & F Structures, Inc. for the Sale of the Oregon City Police Department Property

Chief Band said F & F Structures was requesting a 45-day extension to the real estate contract that would include a \$15,000 non-refundable deposit.

Commission President Lyles Smith said the Commission had discussed this in Executive Session and wanted it to be a 30-day extension instead.

A motion was made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the second amendment to the real estate contract with F & F Structures, Inc. for the sale of the Oregon City Police Department property with the time-frame changed from 45-days to 30-days. The motion passed by the following vote:

Aye: 3 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Denyse McGriff

Nay: 1 - Commissioner Rocky Smith Jr.

7g. Community Showcase and Use of Gift Certificates

James Graham, Economic Development Manager, said Oregon City was awarded a \$35,000 loan forgiveness grant to compliment Oregon City's business debt relief initiative. He gave an update on the changes proposed to the Community Showcase program after a meeting with staff and Commissioners McGriff and Smith. These included hiring a professional to do the videos of the historic sites and the videos would be done in chronological order by historic significance. The plan was to go live on August 3, 2020.

There was discussion regarding hiring local.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve the Community Showcase program and use of gift certificates as proposed in the staff report and to approve the use of the remaining balance of the initial debt program of \$16,000 and \$3,000 of the General Fund. The motion carried by the following vote:

Aye: 4 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

8. Consent Agenda

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve the consent agenda except for items 8b, 8g, 8h, and 8i. The motion carried by the following vote:

Aye: 4 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

- 8a.** Resolution No. 20-20, Adjusting the Threshold Amount for Reimbursement District Eligibility
- 8b.** Resolution No. 20-17, Supporting the 2020 Transportation Growth Management (TGM) Grant Application for the Park Place Urbanization Study
- 8c.** Construction Contract with Elting Northwest Inc. for the 2020 Inflow Reduction Project
- 8d.** Personal Services Agreement Amendment No. 1 for Services During Construction with Wallis Engineering for the 2020 Inflow Reduction Project
- 8e.** Personal Services Agreement Amendment No. 3 with C&R Reforestation for the Landscape Maintenance Services for the Stormwater Division of Public Works
- 8f.** Public Improvement Contract with Intermountain Slurry Seal, Inc. for the 2020 Preventive Pavement Maintenance Type II Slurry Seal Project
- 8g.** Resolution No. 20-05, Modification of Planning Division Fee Schedule

- 8h. Willamette Falls Legacy Project and Willamette Falls Trust Grant Agreement
- 8i. Municipal Court Judge Merit Pay for Performance
- 8j. Management, Supervisory and Confidential Employee Salary Cost of Living Adjustment (COLA) FY 2020-21
- 8k. Resolution No. 20-21, Extending the State of Emergency Declaration in Oregon City due to the COVID-19 Pandemic
- 8l. Resolution No. 20-18, Declaring an Emergency and Exempting the Molalla Avenue Streetscape Project from Prohibition Against Unlawful Noises on a Temporary Basis

The Commission discussed concerns about project noise and the timeline.

John Lewis, Public Works Director, explained the night work that was planned. It was their objective to keep the amount of night work to a minimum. There would be outreach to the residential areas.

A motion was made by Commissioner McGriff, seconded by Commissioner Smith, to approve Resolution No. 20-18, declaring an emergency and exempting the Molalla Avenue Streetscape Project from prohibition against unlawful noises on a temporary basis to October 21, 2020. The motion carried with the following vote:

Aye: 4 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

- 8m. OLCC: Liquor License Application - Off-Premises, Commercial, Applying as a Limited Liability Company, Ivon LLC (dba Tacho's Mexican Restaurant and Cantina), 515 Molalla Ave
- 8n. Minutes of the April 27, 2020 Special Meeting
- 8o. Minutes of the April 1, 2020 Regular Meeting

9. Communications

There were no communications.

- a. City Manager
- b. Commission
- c. Mayor

10. Adjournment

Commission President Lyles Smith adjourned the meeting at 10:42 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



City of Oregon City

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

Meeting Minutes - Draft City Commission

Wednesday, July 1, 2020

7:00 PM

Commission Chambers

5:30 PM - EXECUTIVE SESSION OF THE CITY COMMISSION

Executive Session will be held in the Commission Chambers at City Hall beginning at 5:30 PM.

- i. Pursuant to ORS 192.660(2)(a): To consider the employment of a public officer, employee, staff member or individual agent.*
- ii. Pursuant to ORS 192.660(2)(e): To conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

7:00 PM - REGULAR MEETING OF THE CITY COMMISSION

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:14 PM.

Present: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Staffers: 12- City Manager Tony Konkol, City Attorney William Kabeiseman, Police Chief James Band, Community Development Director Laura Terway, Senior Planner Christina Robertson-Gardiner, City Recorder Kattie Riggs, Assistant City Recorder Charlie Killian, Assistant to the City Manager Lisa Oreskovich, Economic Development Director James Graham, Finance Director Wyatt Parno, Library Director Greg Williams and Human Resources Director Patrick Foiles

2. Flag Salute

3. Ceremonies, Proclamations

4. Citizen Comments

Zach Stokes, resident of Oregon City and chair of the Downtown Oregon City Association, expressed support for Oregon City's resolution on racism, inclusion and social injustice and has concerns that recent events with the Mayor will have long lasting negative impacts on the community and current situation has resulted in unfilled business vacancies in downtown.

Victoria Meinig, resident of Oregon City and Executive Director of the Oregon City Chamber of Commerce, expressed concerns over the Mayor's recent actions which affects the Chamber's ability to promote a vibrant local economy. The Chamber supports the Commission's censure of the Mayor and advocate for changing the City Charter to include penalties for negative actions by the mayor.

Derek Metson, resident of Oregon City, expressed support for the Mayor's comments and advocates for active community dialogue regarding racism and biases.

Bob LaSalle, resident of Oregon City, expressed concerns regarding the Mayor's recent actions and asked that the Mayor consider resigning immediately.

Adam Marl, campaign manager for the recall effort of Mayor Holladay provided an update on an upcoming signature gathering event.

5. Adoption of the Agenda

Commission President Rachel Lyle Smith requested the addition of the reading of the Commission Censure Letter of the Mayor and update on the investigation of the Mayor.

Commissioner Lyle Smith read the censure letter for the record and indicated the City has hired an outside investigator to conduct the investigation.

Commissioner O'Donnell complemented the former mayors, organizations and individuals that have expressed concern over the Mayor's actions and requested commission discussion regarding holding a no-confidence vote of the Mayor.

Commissioner Lyle Smith expressed she appreciated the comments by Derek Metson and agreed there does need to be additional conversations regarding race.

Commissioner McGriff expressed that there are conversations happening with smaller groups such as the Downtown association and the Chamber of Commerce.

Commission Smith expressed that a no-confidence vote be included with any press release regarding this matter.

A motion was made by Commissioner O'Donnell, seconded by Commissioner McGriff, for a vote of no-confidence of Mayor Holladay. The motion was passed by the following vote:

Aye: 4 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Abstain:1 - Mayor Dan Holladay

6. Public Hearings

7. General Business

7a.

First Reading of Ordinance No. 20-1008, Amending Chapter 2.30 of the Oregon City Municipal Code (Citizen Involvement Committee)

Community Development Director, Laura Terway indicated these are amendments to the City Code done by the Citizen Involvement Committee (CIC).

William Gifford, resident of Oregon City, expressed disagreement with some of the changes, including the number of votes per neighborhood and neighborhood boundaries.

Bob LaSalle, resident of Oregon City and Chair of the CIC, commented that the voting process of two votes per neighborhood had been previously approved by all the neighborhood associations.

A motion was made by Commissioner Lyle Smith, seconded by Commissioner McGriff, to approve the first reading of Ordinance No. 20-1008, Amending Chapter 2.30 of the Oregon City Municipal Code (Citizen Involvement Committee). The motion was passed by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Commissioner McGriff suggested that Community Development see if any of the neighborhoods are split on streets or geographic boundaries.

7b.

Willamette Falls Legacy Project and Willamette Falls Trust Grant Agreement

Ms. Terway reviewed with the Commission that the agreement between the Willamette Falls Legacy Project and Willamette Falls Trust lapsed and a formalized agreement is needed to support the work the Trust has been performing at the request of the Partners. The agreement was identified as one of the next steps at the May 12, 2020 City Commission Work Session. The agreement is valid until June 30, 2022.

Commissioners Smith and O'Donnell expressed concerns of approving the agreement and feel there are too many elements and that funding towards programming is premature.

Commissioner McGriff agreed that there should be a discussion regarding the programming but it should not hold up approval of the agreement.

Andrew Mason, of Willamette Falls Trust, expressed that due to the ongoing pandemic, the Trust's ability to conduct fundraising has been limited, as potential donors want to see a vision of the Falls site (through programming).

Commissioner Lyle Smith expressed that she feels Oregon City should honor the work that the Willamette Falls Trust has done and approve the agreement.

Mayor Holladay expressed support for renewing the agreement.

A motion was made by Commissioner McGriff, seconded by Commissioner Lyle Smith, to approve the Willamette Falls Legacy Project and Willamette Falls

Trust Grant Agreement. The motion was passed by the following vote:

Aye: 3 - Mayor Dan Holladay, Commissioner Rachel Lyles Smith and Commissioner Denyse McGriff

Nay: 2 - Commissioner Frank O'Donnell and Commissioner Rocky Smith Jr.

7c.**Resolution No. 20-05, Modification of Planning Division Fee Schedule**

Christina Robertson-Gardiner, Senior Planner, reviewed that the Planning Division has proposed amendments to the associated Fee Schedule to include a new fee for the Thimble Creek Concept Plan. As part of the Beaver Creek Road/Thimble Creek Concept Plan hearings process. The Planning Commission and the Parks and Recreation Advisory Committee (PRAC) had indicated that even though no parks space is identified within the Concept Plan employment zoning districts, nonresidential development should also contribute to the acquisition and interim development of parks spaces above and beyond the required Parks SCDs.

Bill Kabeiseman, City Attorney, indicated his memorandum was in response to a Citizen comment regarding the fee.

Commissioner O'Donnell asked if Economic Development Manager James Graham could speak to how implementing the fee may hinder the ability to attract commercial businesses to this development.

James Graham, Economic Development Manager, did agree enacting the fee will make it difficult to attract new business to this area.

Commissioner Lyle Smith expressed concern that businesses in this area are being asked to pay the additional fee.

Wyatt Parno, Finance Director, indicated the System Development Charge (SDC) fund is not abundant at this point.

Commissioner O'Donnell again expressed concern about attracting businesses and the resulting jobs and feels there should be further discussion.

Commissioner McGriff would like to see that SDC fees collected in this area stay specifically, in that area for parks.

Ms. Robertson-Gardiner indicated there could be missed grant opportunities by collecting fee that can't be spent on other areas.

Commissioner Lyle Smith is not in support of collecting the fee.

Mayor Holladay suggested tabling the discussion until January, 2021.

Commissioner McGriff made a motion to table the resolution, which failed for the lack of second.

A motion was made by Commissioner O'Donnell, seconded by Commissioner Lyle Smith, to deny Resolution No. 20-05, Modification of Planning Division Fee Schedule. The motion was passed by the following vote:

Aye: 4 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith and Commissioner Rocky Smith Jr.

Nay: 1 - Commissioner Denyse McGriff

Meeting went into Recess at 8:54 PM.

Meeting Reconvened at 9:02 PM.

The Commission moved to Agenda Item 7g.

7d. Resolution No. 20-22, To Allow Temporary Parklets in the Right-of-Way and Temporary Outdoor Dining and Retail in Private Parking Lots

Commissioner Lyle Smith asked about the timing of the parklet implementation and eliminating parking.

Mr. Konkol indicated the Commission will have an opportunity to review the parklet program after the summer season and reevaluate.

Commissioner O'Donnell expressed concerns regarding safety issues and the potential for the appearance of regulating private property.

A motion was made by Commissioner Smith, seconded by Commissioner McGriff To Allow Temporary Parklets in the Right-of-Way and Temporary Outdoor Dining and Retail in Private Parking Lots. The motion was not passed by the following vote:

Aye: 2 - Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

Nay: 2 - Commissioner Frank O'Donnell and Commissioner Rachel Lyles Smith

City Manager Konkol indicated this agenda item will be re-presented at the July 15, 2020 Meeting.

7e. Second Reading of Ordinance No. 20-1006, Thimble Creek Concept Plan/Beavercreek Road Concept Plan- Code and Zoning Amendments (LEG 19-00003)

Commissioner O'Donnell opted to not request the open the record to add his additional comments and the Commission proceeded to the second reading.

A motion was made by Commission McGriff, seconded by Commissioner O'Donnell, to approve the second reading of Ordinance No. 20-1006, Thimble Creek Concept Plan/Beavercreek Road Concept Plan- Code and Zoning Amendments (LEG 19-00003). The motion was not passed by the following vote:

Aye: 4 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

7f. City Commissioners Appointed to the OC 2040 Project Advisory Team

This agenda item will be moved to the July 15, 2020 meeting.

7g.

Public Works Upper Yard Charter Park Discussion

Mr. Konkol reviewed that the Commission requested staff prepare the estimated value of the Upper Yard, tax lot 1700 and the Armory Building, which is estimated at \$2,450,000. A potential boundary of a Charter Park has been included which includes the property lines for the Armory Building, tax lot 1700 and the Upper Yard (tax lot 500). The boundary of the Upper Yard would be approximately 1-2 feet behind the cliff edge at the top of the bluff. To bring forward an Ordinance designating the Upper Yard area as a Charter Park staff has proposed hiring a consultant to complete a lot line adjustment or minor partition of tax lot 500. Staff has requested direction on the disposition of tax lot 1700 and the timing of adopting the Armory Building tax lot as a Charter Park.

Mr. Konkol read former Mayor Doug Neeley's letter to the Commission for the record, in support of establishing the Upper Yard Charter Park.

Jesse Buss, resident of Oregon City, provided comment in support of the Upper Yard Charter Park.

Cameron McCredie, resident of Oregon City, presented a video on behalf of the McLoughlin Neighborhood Association in support of the Charter Park.

Betty Mumm, resident of Oregon City, provided comment that she feels the Upper Yard Charter Park should be a vote by residents of Oregon City.

Commissioner O'Donnell commented that with some caveats, he supports establishing the Upper Yard as part of Waterboard Park.

Commissioner Smith expressed concerns over some adjacent property owned by the City that should be included in the potential park boundary.

City Manager Konkol explained there may need to be a lot line adjustment for the tax lot 1700.

Commissioner Lyle Smith asked City Manager Konkol about how much utility funds would need to be reimbursed and the fund source.

City Manager Konkol indicated the general fund would be the funding source.

Commissioner Lyle Smith indicated she feels there should be a lot line adjustment and that she strongly supports the Upper Yard area being used for potential Parks Department equipment storage.

Commissioner O'Donnell asked if a lot line adjustment will be needed for the road access next to the tax lot 500 property.

Commissioner McGriff does not recommend a lot line adjustment due to the width of the road.

Commissioners Smith and McGriff asked and commented on the demolition of the Adair building and if other interested parties can take pieces of the building.

Mayor Holladay commented he supports private parties take building pieces at their own expense.

Commissioner Smith asked what the timeline would be for the lot line adjustment as

he does not want to see the park designation delayed.

Mr. Konkol explained the lot line adjustment process could take five to six months to complete because of variables.

Commissioner Smith expressed concerns the park designation will be again delayed and wants reassurance the intention of the park designation is acted on.

Commissioner O'Donnell suggested the park designation occur once all the existing buildings and legalities are taken care of.

Commissioner McGriff feels there should not be a public vote on the park designation and that the Parks & Recreation Advisory Committee should be responsible for the park programming.

Mayor Holladay requested a letter from Karla Laws from the Barclay Hills neighborhood in support of the park designation and community discussion regarding the designation, be read into the record. City Recorder Riggs then did so. Mayor Holladay felt the park designation should be put to a public vote.

Commissioner Smith expressed concerns that the Mayor is trying to delay the park designation.

The Commissioners had further discussion on the motion, as to whether public opinion should be required.

A motion was made by Commissioner Smith, seconded by Commissioner McGriff, to approve the Public Works Upper Yard as a Charter Park. The motion was not passed by the following vote:

Aye: 5 - Mayor Dan Holladay, Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

*Mayor Holladay left the meeting at 10:20pm.
The Commission then proceeded to Agenda Item 7d.*

8. Consent Agenda

8. Consent Agenda

8a. Minutes of the April 15, 2020 Regular Meeting

A motion was made by Commissioner McGriff, seconded by Commissioner O'Donnell, to approve the minutes of the April 15, 2020 Regular Meeting. The motion was not passed by the following vote:

Aye: 4 - Commissioner Frank O'Donnell, Commissioner Rachel Lyles Smith, Commissioner Rocky Smith Jr. and Commissioner Denyse McGriff

9. Communications

a. City Manager

Mr. Konkol updated the Commission on upcoming bias and diversity training for senior staff.

Mr. Graham updated the Commission on the second round of economic debt relief grant funds for for-profit and non-profit businesses beginning July 15th.

b. Commission

Commission O'Donnell wishes to bring back the topic of the Park Place crosswalk safety program for a future meeting. The other Commissioners agreed.

c. Mayor

10. Adjournment

Commission President Lyles Smith adjourned the meeting at 10:35 PM.

Respectfully submitted,

Kattie Riggs, City Recorder