



# City of Oregon City

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

## Meeting Agenda City Commission

*Dan Holladay, Mayor  
Renate Mengelberg, Commission President  
Brian Shaw, Nancy Ide, Frank O'Donnell*

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Wednesday, February 7, 2018

7:00 PM

Commission Chambers

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REVISED

### EXECUTIVE SESSION OF THE CITY COMMISSION

*Executive Session to immediately follow the regular meeting of the City Commission held in the Clackamas River Conference room at City Hall.*

*Pursuant to ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*

1. **Convene Regular Meeting and Roll Call**
2. **Flag Salute**
3. **Ceremonies, Proclamations**
- 3a. [18-084](#) Planning Commission Annual Update

**Sponsors:** Community Development Director Laura Terway  
**Attachments:** [Planning Commission Memo](#)

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**

- 6a. [PC 18-014](#) AP-17-0006: Appeal of the Planning Commission Approval of Planning Files CP-17-0002, DP-17-0003, and NR-17-0004 Including a Request to Waive or Otherwise not Impose the Appeal Fee

**Sponsors:** Community Development Director Laura Terway  
**Attachments:** [Staff Report](#)

[Staff Memo on Appeal Fee Waiver Request](#)

[Applicant Attorney Memo on Appeal Fee Waiver Request](#)

[James Nicita Email regarding Fee Waiver and Call Up Request](#)

[James Nicita Fee Waiver and City Commission Call Up Request](#)

[Adopted Fee Ordinances and Resolutions](#)

[AP 17-06 Staff Response to Substantive Appeal Issues](#)

[AP-17-0006 Appeal as Submitted 11.29.2017](#)

[Notice of Decision Mailed 11.15.2017](#)

[Exhibit A. Planning Commission Report 11.13.2017](#)

[Exhibit B. Final Findings for Adoption 11.13.2017](#)

[Exhibit C. Final Conditions of Approval \(Tracked Changes Version\)](#)

[Exhibit D. Final Conditions of Approval \(Clean Version\)](#)

[Exhibit E. Supplemental Findings Staff Report September 11, 2017](#)

[Exhibit F. Staff Report and Recommendation August 14, 2017](#)

[Exhibit G. Applicant's Final Written Argument 10.16.2017](#)

[Exhibit H. Applicant's 120-Day Extension 10.16.2017](#)

[Exhibit I. Items Entered at Hearing on 9.25.2017](#)

[Exhibit J. Applicant's PC Letter 9.25.2017](#)

[Exhibit K. Hill Architects Letter 9.22.2017](#)

[Exhibit L. Mike Robinson email re Sisul Engineering and Lancaster Engineering Response Memos 9.22.2017](#)

[Exhibit M. Sisul Engineering Letter on Infiltration 9.22.2017](#)

[Exhibit N. Lancaster Engineering Trip Distribution Memo 9.20.17](#)

[Exhibit O. Applicant's Requested Revisions to the Conditions of Approval](#)

[Exhibit P. Development Services Engineering comments on Revisions to Conditions of Approval](#)

[Exhibit Q. Index of Items submitted into Record by James Nicita since 09.11.2017](#)

[Exhibit R. Items submitted into Record by James Nicita 9.11.2017](#)

[Exhibit S. Sept 11, 2017 Planning Commission Packet](#)

[Exhibit T. New Items Submitted into Record Sept 11](#)

[Exhibit U. Architectural Renderings from September 11 hearing](#)

[Exhibit V. August 14 Planning Commission Packet and All Items Entered into Record](#)

[Exhibit W. 1996 End of the Oregon Trail Amended Master Plan](#)

[Exhibit X. City Recorder Response to James Nicita Public Records Request - 1991 End of Oregon Trail District Guidelines](#)

[Exhibit Y. Nicita Email response to City Record Email Finalizing Public Records Request](#)

[Exhibit Z. HRB Draft Minutes April 24 2017](#)

[Exhibit AA. Nicita Email on Connectivity with attachments 9.22.2017](#)

[Exhibit BB. Waterfront Master Plan 2002](#)

[Exhibit CC. Bryon Boyce 1st Open Record Evidence 10.2.2017](#)  
[Exhibit DD. Yazzolino 1st Open Record Evidence 10.2.2017](#)  
[Exhibit EE. Nicita 1st Open Record Evidence 10.2.2017 \(Note - Large File 108 mb\)](#)  
[Exhibit FF. Applicant's 1st Open Record Argument and Evidence 10.2.2017](#)  
[Exhibit GG. Staff 1st Open Record Evidence Tribal Notice Process 10.2.2017](#)  
[Exhibit HH. Nicita 2nd Open Record Rebuttal Comments 10.9.2017](#)  
[Exhibit II. City Recorder 2nd Open Record Evidence 1990-12-19 City Commission Agenda Packet p 168](#)  
[Exhibit JJ. City Recorder 2nd Open Record Evidence 1990-12-19 City Commission Minutes](#)  
[Exhibit KK. Applicant 2nd Open Record Evidence 10.09.2017](#)  
[Exhibit LL. Applicant 2nd Open Record Email 10.09.2017](#)  
[Exhibit MM. Staff Email re EOT Guidelines Second Open Record period 10.13.2017](#)  
[Exhibit NN. Jerry Herrmann Comments 2nd Open Record Period](#)

## 7. General Business

### 7a. [18-085](#) Resolution No. 18-04, Willamette Falls Riverwalk Master Plan Adoption

**Sponsors:** Community Services Director Phil Lewis

**Attachments:** [Staff Report](#)

[Resolution No. 18-04](#)

[Exhibit A - Riverwalk Master Plan](#)

[Appendix A - Baseline Habitat Conditions Report](#)

[Appendix B - Habitat Restoration Concept Design Report](#)

[Appendix C - Hydraulic Model Development Characterization of Existing Conditions Report](#)

[Appendix D - Geotechnical Drilling Report](#)

[Appendix E - Cultural Landscape Report](#)

[Appendix F - Interpretive Framework Plan](#)

[Appendix G - Transportation Demand Management Plan](#)

[Appendix H - Cost Estimate Report](#)

[Public Comments Summary](#)

## 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. [17-669](#) Resolution No. 18-03, Public Waterline Easement Vacation at 358 Warner Milne Road

**Sponsors:** Public Works Director John Lewis

**Attachments:** [Staff Report](#)  
[Resolution No. 18-03](#)  
[Exhibit 1 - New Easement Section to be Recorded](#)  
[Exhibit 2 - Original Waterline Easement](#)  
[Exhibit 3 - Application to Vacate Section of Original Easement](#)

- 8b. [18-078](#) Contract for Technical Advisor Consulting Services for the Police and Municipal Court Facility  
**Sponsors:** James Band  
**Attachments:** [Staff Report](#)  
[Technical Advisor Agreement](#)  
[Technical Advisor Request for Proposal](#)
- 8c. [18-079](#) Personal Services Agreement with Wallis Engineering for 2018 Waterline System Improvements Project  
**Sponsors:** Public Works Director John Lewis  
**Attachments:** [Staff Report](#)  
[Personal Services Agreement](#)  
[Exhibits A, B, C1, and C2 - Scope of work, maps, and fee schedule](#)  
[Exhibit D - Standard Conditions](#)
- 8d. [18-080](#) OLCC: Liquor License Application- On-Premises Sales, Applying as a Limited Liability Company, Ruby's Pub & Grill, 515 Main Street  
**Sponsors:** James Band  
**Attachments:** [Staff Report](#)  
[Liquor License Agreement](#)
- 8e. [18-077](#) Minutes of the December 20, 2017 Regular Meeting  
**Sponsors:** City Recorder Kattie Riggs  
**Attachments:** [Minutes of 12/20/2017](#)
- 8f. [18-083](#) Minutes of the January 3, 2018 Regular Meeting  
**Sponsors:** City Recorder Kattie Riggs  
**Attachments:** [Minutes of 1/03/2018](#)

## 9. Communications

a. City Manager

b. Commission

c. Mayor

## 10. Adjournment

*Citizen Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.*

*\*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 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.*

*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](http://www.orcity.org) and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on channels 23 and 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 Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City Recorder prior to the meeting. Disabled 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.*