

**MEMBERS PRESENT:**

Chuck Ryan Mayor  
Nancy Connolly Council President  
Andrea Blum Councilor  
Richard Esterman Councilor  
Michael Preedin Councilor

**STAFF PRESENT:**

Cory Miskey City Manager  
Paul Bertagna PW Director  
Joe O'Neill Finance Director  
Kerry Prosser City Recorder  
Nicole Mardell Principal Planner  
Garrett Chrostek City Attorney

**I CALL TO ORDER/PLEDGE OF ALLEGIANCE**

The meeting was called to order by Mayor Ryan at 6:33 pm.

**II ROLL CALL**

City Recorder Prosser took roll call, and a quorum was established.

**III APPROVAL OF AGENDA**

*Council President Connolly made a motion to approve the agenda. Councilor Blum seconded the motion. The motion carried 5-0.*

**IV VISITOR COMMUNICATION-None**

**V CONSENT AGENDA**

- A. Minutes
  - 1. May 13, 2020 -Workshop
  
- B. Bills to Approve
  - 1. June 05, 2020- Accounts Payable
  
- C. Appoint Ann Marland to the Deschutes County Bicycle and Pedestrian Advisory Committee (BPAC) for three years.

*Council President Connolly made a motion to approve the Consent Agenda. Councilor Blum seconded the motion. The motion carried 5-0.*

**VI COUNCIL BUSINESS**

- A. **Continuation of a Public Hearing** to Consider an Application for a Modification to the MP 15-01/SUB 15-01 (Master Plan and Tentative Plat for the ClearPine Subdivision). The Modification would Alter the Conditions of Approval Related to the Timeline for Delivery and Type of Affordable Housing Units.

Mayor Ryan reconvened the public hearing and read the hearing procedures. He asked each Councilor to disclose any conflicts or ex-parte contact. None of the Councilors had any conflicts or ex-parte contacts. There were no challenges to any Councilor's ability to hear the matter.

Mayor Ryan asked for the staff report.

Principal Planner Mardell presented the staff report. She said this was a continuation of the May 27<sup>th</sup> hearing to consider a modification to MP 15-01/SUB 15-01, an approved Master Plan and Tentative Subdivision Plat, which carried forward affordable housing requirements from a 2007 development agreement.

The applicant volunteered to deliver eight (8) units (a 6-unit rental complex and a duplex in the MFR Zone) totaling 7,000 square feet by May 11, 2020. Although initially proposed through a development agreement, these requirements were memorialized in land-use decisions; therefore, 3 Sisters Partners, LLC, requests a modification of those decisions.

The applicant proposed modification to the following items:

- Remove the requirement to deliver the affordable units by May 11, 2020.
- Allow for the sale of property of Lots 83-88 to Sisters Habitat for Humanity to satisfy delivery of six (6) affordable units.
- Allow for delivery of affordable units through six (6) attached townhomes in place of a six (6)-unit multi-family complex.
- Allow for the construction of a deed-restricted single-family home and accessory dwelling unit (ADU) to satisfy two (2) affordable housing units in place of a duplex.
- Allow two of the eight units to be located in the Residential (R) Zone rather than the Multi-Family Residential (MFR) Zone.

During the hearing on May 27, 2020, the Councilors noted two key issues for staff and the applicant to address.

1. SDCs/Financial Contribution

Habitat for Humanity (Habitat) had requested funds from the affordable housing grant program to cover park/transportation System Development Charges for four of the six townhome units. The applicant requested that the Council allow 3 Sisters Partners to work directly with Habitat to cover the cost of the park and transportation System Development Charges and withdraw the grant application, rather than require a financial contribution be paid to the City.

The applicant stated they were working with Habitat on a private agreement. Staff and the applicant agreed upon an item in the Conditions of Approval agreement that states Habitat will withdraw their request.

2. Timeline for Delivery

Several Councilors expressed an interest in imposing a new timing requirement to ensure that the units were available for occupancy in a timely fashion and that the original developer bears responsibility in the delivery of those units. Staff and the applicant agreed upon a condition of approval to require all building permits for the Habitat townhome units on Lots 83-88 to be issued prior to final plat approval and building permit approval of any structure in Clearpine Phase 4.

The staff has provided an updated draft of the Resolution 2020-10, which included amended conditions of approval related to the timing and financial contribution issues. An amended conditions of approval agreement was also provided and has been reviewed by the applicant. Staff sent these items to City Councilors on Tuesday, June 9<sup>th</sup>, and they were now formally entered into the record alongside correspondence from the applicant.

Mayor Ryan asked if Council had any questions for staff.

Council President Connolly asked if permits had to be submitted by December of 2020. Principal Planner Mardell replied the date was not part of the conditions of approval.

Councilor Preedin asked if the staff was comfortable with the agreement. City Manager Misley replied in this situation there was no staff recommendation. He noted staff generally liked an agreement that was straight forward and enforceable.

Councilor Blum, Councilor Esterman, and Mayor Ryan did not have questions for staff.

Mayor Ryan asked for the applicant's presentation.

Peter Hall from 3 Sisters Partners explained they had worked with the City's legal counsel on changes to the proposed language. He said they continued to push Habitat to get their permits; he would like them to have all their permits by December 1, 2020. Mr. Hall said it should be a workable plan; they were covering the System Development Charge cost for all six units. He noted all units would be landscaped to ClearPine standards. Mr. Hall agreed to all the language and the deed restriction on lot 50.

Mayor Ryan asked if Council had any questions of the applicant. There were no questions.

Mayor Ryan asked if anyone would like to provide testimony in support, neutral testimony, or testimony in opposition to the application. There was no public testimony.

Mayor Ryan asked the Council how they would like to proceed. Councilors unanimously choose to close the hearing and deliberate towards a decision.

Mayor Ryan closed the public hearing.

*Council President Connolly moved to approve the application with the conditions of approval recommended by Staff as presented in draft Resolution 2020-10. Councilor Preedin seconded the motion. The motion carried 5-0.*

**B. Discussion and Consideration of a Motion to Approve a Personal Services Agreement with Becon, LLC. for Well #4 Phase B Design and Authorize the City Manager to Execute the Agreement Subject to Legal Revisions.**

Director Bertagna reviewed the timeline for Well #4. He noted the project was broken into two separate phases. Phase B would include the pumpstation, well pump/motor, and piping construction. Phase B design would take place this summer with construction starting after the well was drilled, which should be late fall/early winter. Director Bertagna explained Phase B design would begin right away, and the well should be online by June of 2021.

Mayor Ryan said since Becon was our engineer of record, was this contract a conflict. Director Bertagna replied they could have done this project under the existing contract, but legal counsel wanted a separate agreement with Becon because they had a new team working on the project with new sub-consultant rates; they also wanted a defined schedule.

*Council President Connolly moved to approve a Personal Services Agreement with Becon, LLC. for Well #4 Phase B Design and Construction Administration Services in the amount not to exceed \$69,500 and authorize the City Manager to execute the agreement subject to legal revisions. Councilor Preedin seconded the motion. The motion carried 5-0.*

## **VII OTHER BUSINESS**

### **A. Staff Comments**

City Manager Misley said a staff memo would be out by the end of next week. He reviewed there were a lot of high-profile projects for staff to work on this summer and fall. City Manager Misley noted there were only ten Council meetings in the remainder of 2020, and the Council should be prepared for a busy few months.

**VIII MAYOR/COUNCILOR BUSINESS**

Councilor Esterman asked if we had anything new about the sheriff cars. City Manager Misley said Sgt. Bailey was working on them; the car markings were a high priority project to get wrapped up as soon as possible.

Mayor Ryan asked where we were with the Vision/COIC intergovernmental agreement. City Manager Misley replied it would be on the June 24<sup>th</sup> agenda.

Councilor Blum liked the look of the Parklets, and noted they did not impede parking in the area.

Council President Connolly thought increases to the Republic rates were easier to justify every four years. The last rate increase came at the same time as a few other increases. She cautioned against a rolling increase.

Council President Connolly asked about the hiring process for the Community Development Director. City Manager Misley replied the announcement would be out next week. Staff was prepared to take some time on hiring this position.

Councilor Preedin said he was scheduled to speak at the Rotary on July 2, 2020, regarding COVID-19.

**IX ADJOURN: 7:22 pm.**



Kerry Prosser, City Recorder



Chuck Ryan, Mayor