

AGENDA

CANBY CITY COUNCIL REGULAR MEETING

March 4, 2009

7:30 PM

Council Chambers

155 NW 2nd Avenue

Mayor Melody Thompson

Council President Walt Daniels

Councilor Robert Bitter

Councilor Tony Helbling

Councilor John Henri

Councilor Wayne Oliver

Councilor Jason Padden

WORK SESSION

6:30 P.M.

City Hall Conference Room

182 N Holly

This Work Session will be attended by the Mayor, City Council, and Planning Commission to discuss urban and rural reserves.

CITY COUNCIL REGULAR MEETING

1. CALL TO ORDER

A. Pledge of Allegiance and Moment of Silence

2. COMMUNICATIONS

3. CITIZEN INPUT & COMMUNITY ANNOUNCEMENTS

(This is an opportunity for visitors to address the City Council on items not on the agenda. It is also the time to address items that are on the agenda but not scheduled for a public hearing. Each citizen will be given 3 minutes to give testimony. Citizens are first required to fill out a testimony/comment card prior to speaking and hand it to the City Recorder. These forms are available by the sign-in podium. Staff and the City Council will make every effort to respond to questions raised during citizens input before tonight's meeting ends or as quickly as possible thereafter.)

4. MAYOR'S BUSINESS

5. COUNCILOR COMMENTS & LIAISON REPORTS

6. CONSENT AGENDA

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

A. Approval of Minutes of the February 18, 2009 City Council Work Session & Regular Meeting

B. Restaurante Uruapan Change of Ownership Liquor License Application Pg. 1

C. Reappointments to Transit Advisory Board Pg. 4

7. PUBLIC HEARING

- A. TA 08-05 – Expanding “No Off-Street Parking” Area of Chapter 16.10 of the Canby Municipal Code Pg. 5

8. RESOLUTIONS & ORDINANCES

- A. Res. 1020, Referring to Electorate Five Measures Proposing Revisions to the Home Rule Charter for the City of Canby Pg. 10
B. Ord. 1304, Amending Canby Municipal Code Chapter 16.10 for the Purpose of Expanding the “No Off-Street Parking” Area Downtown Pg. 23

9. NEW BUSINESS

10. CITY ADMINISTRATOR’S BUSINESS & STAFF REPORTS

11. CITIZEN INPUT


12. ACTION REVIEW

13. EXECUTIVE SESSION: ORS 192.660(2)(b) Discipline of Public Employee and ORS 192.660(2)(h) Pending Litigation

14. ADJOURN

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to Kim Scheafer at 503.266.4021 ext. 233. A copy of this Agenda can be found on the City’s web page at www.ci.canby.or.us. City Council and Planning Commission Meetings are broadcast live and can be viewed on OCTS Channel 5. For a schedule of the playback times, please call 503.263.6287.

Memo

To: Mayor Thompson & Members of City Council
From: Lt. Jorge Tro, Acting Chief of Police 
CC: Kim Scheafer, General Administration
Date: February 20, 2009
Re: Liquor License Application / Restaurante Uruapan

I have reviewed the attached liquor license application completed by the applicants, Esteban Lopez Medina and Rosalba Andrade for Restaurante Uruapan located at 851 SW 1st Avenue, Canby, Oregon.

In addition, I met with both applicants; and we discussed laws involving the sale of alcoholic beverages. They told me that they would be working closely with OLCC as it relates to training for their employees on pertinent laws involving alcohol related violations and crimes.

I recommend that the Canby City Council recommend approval of this application to the Oregon Liquor Control Commission (OLCC).



OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

RECEIVED

FEB 13 2009

Pd \$175.00
Cash
✓

PLEASE PRINT OR TYPE

CITY OF CANBY

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
☐ Commercial Establishment
☐ Caterer
☐ Passenger Carrier
☐ Other Public Location
☐ Private Club
☒ Limited On-Premises Sales (\$202.60/yr)
☐ Off-Premises Sales (\$100/yr)
☐ with Fuel Pumps
☐ Brewery Public House (\$252.60)
☐ Winery (\$250/yr)
☐ Other: _____

ACTIONS

- ☒ Change Ownership
☐ New Outlet
☐ Greater Privilege
☐ Additional Privilege
☒ Other 47N

P29092
L105291

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By:

(signature)

(date)

Name:

Title:

OLCC USE ONLY

Application Rec'd by: [Signature]

Date: 1/07/09

90-day authority: ☐ Yes ☒ No

Applying as:

- ☐ Limited Partnership ☐ Corporation ☐ Limited Liability Company ☒ Individuals

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① Esteban Lopez Medina ③

② _____ ④ _____

2. Trade Name (dba): Restaurante Uruapan

3. Business Location: 851 SW 1st Ave Canby OR 97013
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: Same
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-263-4480
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: La Salsa Mexican Food LLC Type of License: Limited

8. Former Business Name: La Salsa Mexican Food

9. Will you have a manager? ☒ Yes ☐ No Name: Rosa/ba Andrade
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? Canby Clackamas
(name of city or county)

11. Contact person for this application: Esteban Lopez Medina
(name) (phone number(s))

(address)

(fax number)

(e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Esteban Lopez Date 9-30-08 ③ Date _____

② Rosa/ba Andrade Date 9-30-08 ④ Date _____

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)

Council Packet Page 2 of 26

**CITY OF CANBY
APPLICATION
BOARD/COMMITTEES/COMMISSIONS/COUNCIL**

Date: 2-13-09Name: Brian Olson Occupation: Business Owner

Home Address: _____

Employer: Ernie Graham Oil, Inc Position: Owner

Daytime Phone: _____ Evening Phone: _____

E-Mail Address: _____

For which position are you applying? CAT Advisory Committee

What are your community interests (committees, organizations, special activities)? _____

Member of the Chamber of Commerce
27 years coaching - referee Canby Junior Basketball
Active in Canby Alliance Church

Experience and educational background: 1979 BS in Business/Economics George Fox College1 yr CMS - computer escrow service1 yr NIKE - team sales28 yr ERNIE GRAHAM OIL - A/R, Payroll, Sales, Manager, A/P, Human Resources, etc.

Reason for your interest in this position: As a business owner I feel its important
to help oversee an organization which is largely supported by a business
tax. I can have input and also provide feedback to the business
community.

List any other City or County positions on which you serve or have served: ~~None~~
Current member of CAT advisory Committee

Information on any special membership requirements: -none-Referred by (if applicable): N/A

Feel free to attach a copy of your resume and use additional sheets if necessary

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

Please return to: City of Canby
Attn: City Recorder
182 N Holly Street
PO Box 930
Canby, OR 97013

Phone: 503.266.4021 Fax: 503.266.7961 Email: Scheaferk@ci.canby.or.us

Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

RECEIVED**FEB 16 2009****CITY OF CANBY**

12-4-07

**CITY OF CANBY
APPLICATION
BOARD/COMMITTEES/COMMISSIONS/COUNCIL**

Date: 02/18/2009

Name: AA JUDY PATTERSON Occupation: RETIRED

Home Address: _____

Employer: N/A Position: —

Daytime Phone: _____ Evening Phone: _____

E-Mail Address: _____

For which position are you applying? TRANSIT ADVISORY COMMITTEE

What are your community interests (committees, organizations, special activities)? _____

RELAY FOR LIFE CAT TRA
OTCS CHANNEL 5 (TECHNICAL DIRECTOR)

Experience and educational background: I HAVE TRAVELLED
THE WORLD - DROVE TRUCK IN MANHATTEN
FOR USPS

Reason for your interest in this position: I HAVE AND CONTINUE
TO USE PUBLIC TRANSPORTATION
FREQUENTLY

List any other City or County positions on which you serve or have served: CURRENT
TRANSIT ADVISORY COMMITTEE MEMBER

Information on any special membership requirements: _____

Referred by (if applicable): _____

Feel free to attach a copy of your resume and use additional sheets if necessary

THANK YOU FOR YOUR WILLINGNESS TO SERVE CANBY

Please return to: City of Canby
Attn: City Recorder
132 N. Holly Street
P.O. Box 930
Canby, OR 97013

Phone: 503.266.4021 Fax: 503.266.7961 Email: Scheafert@ci.canby.or.us

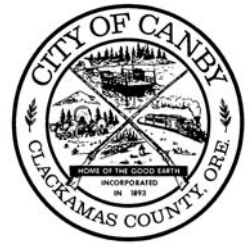
Note: Please be advised that this information may be made available to anyone upon a public records request and may be viewable on the City's web site.

RECEIVED

FEB 18 2009

CITY OF CANBY

12-4-07



MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *Melissa Hardy, Associate Planner*
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *March 04, 2009*
RE: *AMENDMENT TO TEXT OF TITLE; Application No. TA 08-05*
A Public Hearing to consider amending Section 16.10.010.B of the Land Development & Planning Title (TITLE 16) of the Canby Municipal Code, in order to expand the "No off-street parking" area downtown.

Summary

TA 08-05 is a City-initiated application to amend Section 16.10.010.B of Title 16 in the Canby Municipal Code (CMC), for the purpose of expanding the "No off-street parking" area downtown.

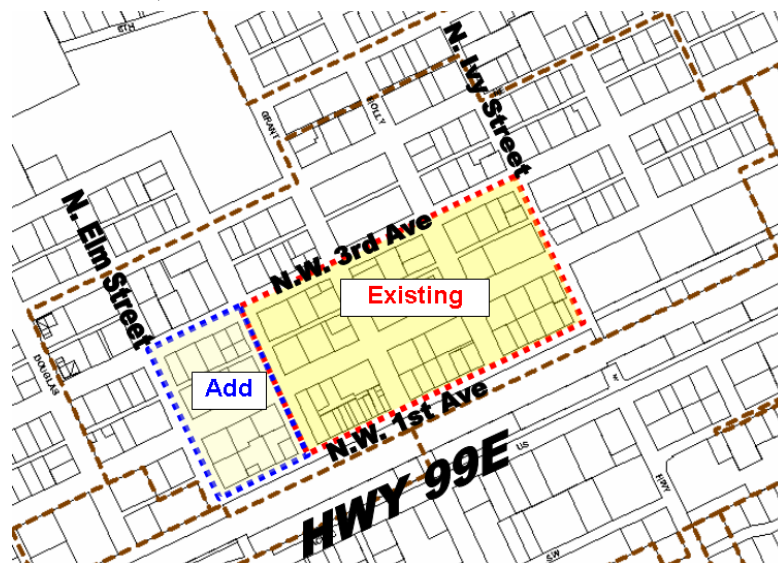
Recommendation

Staff recommends that the City Council approve TA 08-05.

Recommended Motion: *"I move that the City Council approve Text Amendment No. TA 08-05 as presented, based on the findings in the staff report, and direct staff to present Council with an ordinance for adoption."*

Proposed Amendment

Section 16.10.010.B of the Canby Municipal Code says that no off-street parking shall be required for any use permitted outright within the C-1 zone in the rectangular area bounded by N. Ivy Street on the east, NW First Avenue on the south, N. Fir Street on the west, and NW Third Avenue on the north (the area outlined in dotted red in the illustration below).



This code section was added to the code in 1990 (Ord.No. 848) in order to encourage development in Canby's core downtown area. The rationale for exempting permitted uses in this area from off-street parking requirements is it's close proximity to the graveled area within the Union Pacific railroad right-of-way that the City leases for public vehicle parking (outlined in dotted yellow in the aerial below).

The proposal is to amend Section 16.10.010.B in order to expand the downtown "No off-street parking" area to encompass the two additional city blocks between N.W. 1st Avenue, N. Elm Street, N.W. 3rd Avenue, and N. Fir Street (the area of proposed expansion is outlined in dotted blue in the illustration on the previous page, and in the aerial below).



The aerial illustration above shows that the parking area leased by the City extends four blocks between N. Ivy Street and N. Elm Street. Therefore, because the original "No off-street parking" area created in 1990 was based on the area's proximity to the leased parking area, it follows logic that the "No off-street parking" area should be extended one additional block to the west, so that it coincides with the length and location of the leased parking area, and encompasses the entire eight blocks between N. Ivy Street and N. Elm Street, and between N.W. 1st Avenue and N.W. 3rd Avenue. The proposed code amendment does not change the existing requirement that conditional uses are still subject to the off-street vehicle parking requirements.

The proposed code amendment is attached (see Attachment 1).

Approval Criteria

A Title 16 text amendment is a legislative land use amendment. In judging whether or not Title 16 should be amended, the Planning Commission and City Council must consider the following approval criteria:

1. The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development; and

2. A public need for the change; and
3. Whether the proposed change will serve the public need better than any other change which might be expected to be made; and
4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community; and
5. Statewide planning goals.

Background

The Planning Commission initiated this code amendment application at their November 24, 2008, meeting, after hearing from the Commander at the American Legion Post that the American Legion wanted to be able to eliminate one or more of their off-street parking spaces in order to install a covered shelter or picnic table out back, but the City's code requirement for off-street vehicle parking spaces was preventing them from doing so.

City staff held a neighborhood meeting on December 18, 2008, in order to let property owners in the area know about the proposed code amendment, and to gather comments and hear any issues regarding the proposal. Notice of the meeting was mailed out to all of the property owners in and around the downtown off-street parking exemption area. No one attended the meeting, and City Staff did not receive any comments concerning the proposal.

Planning Commission held a public hearing concerning the proposed text amendment on January 12, 2009. Notice of the public hearing was published in the January 07, 2009, Canby Herald. Staff presented a staff report to the Planning Commission. No public testimony was received for or against the proposed amendment. The Planning Commission closed the public hearing on January 12, 2009, and voted 6-0 to forward a recommendation of approval to City Council based on the following findings.

Findings

1. The amendment complies with the Comprehensive Plan of the city, and with the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development.
2. There is a public need for the change.
3. The amendment will serve the public need better than any other change which might be expected to be made.
4. The amendment will preserve and protect the health, safety, and general welfare of the residents in the community.
5. The amendment complies with the Statewide Planning Goals.

Alternatives

1. If the City Council wants to make any changes to the proposed amendment, the Council may approve a motion to hold the public hearing open to a date certain, and direct staff to return to Council with changes as requested.

2. If the City Council wants to deny TA 08-05, the Council may approve a motion to direct staff to prepare appropriate findings to deny TA 08-05, and to return to Council with those findings of denial.

Attachments

1. Proposed Text Amendment

ATTACHMENT 1

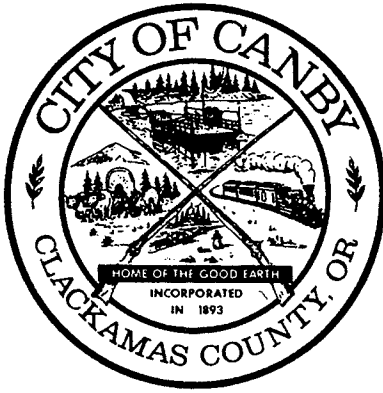
Proposed Text Amendment

Deleted text is illustrated in ~~strikeout font~~, added text is illustrated in red underlined font.

CMC Section 16.10.010 is amended as follows...

16.10.010 Off-street parking required – exceptions.

- A.** At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the site and design review process, based upon clear and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section.
- B.** No off-street parking shall be required for any use permitted outright within the C-1 zone in the rectangular area bounded by N. Ivy Street on the east, NW First Avenue on the south, ~~N. Fir Street~~ N. Elm Street on the west, and NW Third Avenue on the north.
- C.** At the time of enlargement of an existing structure or use, the provisions of this section shall apply to the enlarged structure or use only.



City of Canby

Office of the City Attorney

February 23, 2009

Memo to: Mayor/City Council

From: John H. Kelley, City Attorney

Re: Resolution No. 1020 - Ballot measures/Summaries for Voter's Pamphlet for Charter Amendments for the May 19, 2009 election.

Attached is Resolution No. 1020. It certifies to Clackamas County elections department for the May 19, 2009 election, City Charter Amendments to be voted on by the Canby electorate at that election. We have packaged five different measures with five different Notices of Ballot Title and five different Explanatory Statements to be forwarded to the County election department. The deadline for having the material to the County is March 19, 2009.

The guideline for drafting the Notice and Explanatory Statement is that, "the City Attorney, to the best of his ability, give a true and impartial statement of the purpose of the measure in such language that the ballot title not create any argument for, or create prejudice against the measure". I believe the Notices and Statements I have prepared meet this criteria. If you agree, a motion to approve Resolution No. 1020 is appropriate. If you are not satisfied with the language, please feel free to contact me before the meeting or draft some alternative language to bring to the meeting so that it can be discussed.

RESOLUTION NO. 1020

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY RECORDER TO CERTIFY TO THE CLACKAMAS COUNTY CLERK FIVE MEASURES REFERRING TO THE ELECTORATE PROPOSED REVISIONS TO THE HOME RULE CHARTER FOR THE CITY OF CANBY; AUTHORIZING THE CITY RECORDER TO SEND EXPLANATORY STATEMENTS FOR THE VOTER'S PAMPHLET; AND DOING ALL OTHER NECESSARY ACTS TO PLACE THE MATTERS BEFORE THE VOTERS OF THE CITY OF CANBY FOR THE MAY 19, 2009 ELECTION.

WHEREAS, the Canby City Council has heretofore approved certain revisions to its home rule Charter for the City of Canby following a public meeting on January 21, 2009; and

WHEREAS, pursuant to the provisions of the Canby City Charter, the approval of the revisions to the home rule Charter must be referred to the electorate of the City of Canby for an election; and

WHEREAS, ORS 250.035 requires a Notice of Measure be prepared by the City and submitted to the Clackamas County Elections Department by March 19, 2009 in order to appear on the ballot for the May 19, 2009 election; and

WHEREAS, pursuant to the Canby Municipal Code, the Canby City Attorney has prepared a Notice of City Measure Election and Summary for Voter's Pamphlet to be submitted to the Elections Department for each of the five measures;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Canby, as follows:

1. The City Recorder of the City of Canby is hereby authorized and directed to certify to the Clackamas County Clerk for submission to the voters at the May 19, 2009 election, five Notices of City Measure Elections. Each Notice of City Measure Election is attached to this Resolution in proper form and adopted by the City.
2. The City Recorder of the City of Canby is further authorized and directed to submit five Summaries of the Measures to be placed in the voter's pamphlet explaining in clear and concise language the affect of such ballot measure. Each summary is attached to this Resolution in proper form and adopted by the City.
3. The City Recorder, the City Administrator and the City Attorney are hereby authorized to do all other necessary and proper acts to place the five ballot measures

before the voters at the May 19, 2009 election.

This Resolution shall take effect on February 18, 2009.

ADOPTED this 18th day of February, 2009, by the Canby City Council.

Melody Thompson - Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder, Pro-Tem

Notice of City Measure Election

SEL 802

rev 1/08: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Name of City _____

Notice is hereby given on _____, 20____, that a measure election will be held in

name of county or counties _____ County, Oregon on *date of election* _____, 20____.

The following shall be the ballot title of the measure to be submitted to the county's voters on this date: _____, 20____.

CAPTION 10 words

QUESTION 20 words

SUMMARY 175 words

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.

signature of authorized city official *not required to be notarized*

date signed *mm/dd/yy*

Council Packet Page 13 of 26

printed name of authorized city official

title

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE WOULD AMEND THE CITY CHARTER REMOVING TERM LIMITS FOR
CANBY UTILITY BOARD MEMBERS**

Measure No. _____

Word Total 235 (500 max)

The Canby City Charter is the governing document for the City. This measure, if adopted, would revise Chapter X, section 4(a) of the current home rule City Charter by removing language from the Charter that imposes term limits on CUB Board members. The City Council approved the proposed revision following a public meeting on January 21, 2009. The change must be submitted to City voters for approval.

The current City Charter was adopted in 1984 and is in need of updating and revision. The City Council and City staff revised the proposed Charter using a "Model Charter" developed by the League of Oregon Cities (LOC). The new, proposed Charter is a combination of current Charter provisions and new provisions from the LOC "Model Charter". The new Charter would be consistent with changes in the Oregon Constitution, laws and court decisions since 1984.

Canby Utility Board members are appointed by the City Council. In Chapter X, section 4(a) of the current charter discussing organization and membership of the Canby Utility Board the following language appears: "No Board member may serve more than two successive terms." Each term is for a three years period. Removal of this restriction, if approved by the voters, would allow current Utility Board members to continue to serve as long as they are reappointed by the City Council, rather than requiring them to step down after two successive terms, or six years.

CITY OF CANBY

Kimberly Scheafer, CMC
Canby City Recorder - Pro tem

Date

Notice of City Measure Election

SEL 802

rev 1/08: OPS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Name of City Canby

Notice is hereby given on March 4, 2009, that a measure election will be held in

name of county or counties Clackamas County, Oregon on date of election May 19, 2009.

The following shall be the ballot title of the measure to be submitted to the county's voters on this date: May 19, 2009.

CAPTION 10 words

MEASURE AMENDING CHARTER TO UPDATE PROVISIONS REQUIRED BY OREGON LAW.

QUESTION 20 words

Shall the City of Canby adopt an amended home rule Charter?

SUMMARY 175 words

The Canby City Charter is the governing document for the City of Canby. This measure would revise the current home rule City Charter, adopted in 1984, with revisions that bring it into compliance with current Oregon law. The City Council approved the revisions following a public meeting on January 21, 2009 and directed that they be submitted to the City voters for consideration at the May 19, 2009 election. The new Charter is consistent with recent changes in the Oregon Constitution, Oregon laws and court decisions. The charter provisions that would be changed are Chapter VI, sections 1-8, Chapter IX, sections 1 and 4, Chapter XI sections 1 and 2. Please review the Explanatory Statement in the Voter's Pamphlet for the exact changes listed in this measure.

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.

signature of authorized city official *not required to be notarized*

date signed mm/dd/yy

Kimberly Scheafer, CMC
printed name of authorized city official

City Recorder Pro Tem
title **Council Packet Page 15 of 26**

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

MEASURE ADOPTING HOME RULE CHARTER FOR THE CITY OF CANBY

Measure No. _____

Word Total 265 (500 max)

The Canby City Charter is the governing document for the City. This measure, if adopted, would revise the current City Charter by updating certain provisions with new provisions to bring it into conformance with recently changed Oregon laws. The City Council approved the proposed revisions following a public meeting on January 21, 2009. These changes must be submitted to City voters for approval.

The current City Charter was adopted in 1984 and is in need of updating and revision. The City Council and City staff revised the proposed Charter using a "model Charter" developed by the League of Oregon Cities (LOC). The new, proposed Charter is a combination of current Charter provisions and new provisions from the LOC "Model Charter". The new Charter would be consistent with changes in the Oregon Constitution, laws and court decisions since 1984.

Chapter VI, sections 1-8 of the current Charter would be revised by adopting recent changes in Oregon's Election Law. Chapter IX, sections 1 would be revised by adopting current Oregon laws regarding condemnation of private property for public purposes. Chapter IX, section 4 would be revised to adopt current Oregon law and Canby Municipal code regarding public contracting for public projects. Chapter XI, section 1 would be revised to require Canby's floating indebtedness to conform to current Oregon law setting debt limitations; and Chapter XI, section 2 would be revised to require Canby to conform to the current State of Oregon's tort liability limitations.

The current Charter and the proposed Charter with revisions are available to view in their entirety on the City's web page located www.ci.canby.or.us.

CITY OF CANBY

Kimberly Scheafer, CMC
Canby City Recorder - Pro tem

Date

Notice of City Measure Election

SEL 802

rev 1/08: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Name of City Canby

Notice is hereby given on March 4, 2009, that a measure election will be held in

name of county or counties Clackamas County, Oregon on date of election May 19, 2009.

The following shall be the ballot title of the measure to be submitted to the county's voters on this date: May 19, 2009.

CAPTION 10 words

MEASURE AMENDING CHARTER REMOVING CITY TREASURER AND RECORDER AS OFFICERS.

QUESTION 20 words

Shall the City of Canby adopt an amended home rule Charter?

SUMMARY 175 words

The Canby City Charter is the governing document for the City of Canby. This measure would revise Chapter III, section 5 and Chapter V, sections 3 and 4 of the current home rule City Charter, adopted in 1984. The City Council approved the revisions following a public meeting on January 21, 2009 and directed that they be submitted to the City voters for consideration at the May 19, 2009 election. The proposed revisions would remove the City Recorder and City Treasurer as officers of the City. Those positions would become management level positions. The three remaining officers of the City would be the City Administrator, the City Attorney and the Municipal Judge.

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.

signature of authorized city official *not required to be notarized*

date signed mm/dd/yy

Kimberly Scheafer, CMC
printed name of authorized city official

City Recorder Pro-Tem
title
Council Packet Page 17 of 26

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE WOULD AMEND THE CITY CHARTER REMOVING THE CITY
TREASURER AND CITY RECORDER AS OFFICERS**

Measure No. _____

Word Total 284 (500 max)

The Canby City Charter is the governing document for the City. This measure, if adopted, would revise Chapter III, section 5 and Chapter V, sections 3 and 4 of the current home rule City Charter by removing the City Recorder and City Treasurer as officers of the City. Those positions would become management level positions. The City Council approved the proposed revisions following a public meeting on January 21, 2009. These changes must be submitted to City voters for approval.

The current City Charter was adopted in 1984 and is in need of updating and revision. The City Council and City staff revised the proposed Charter using a "model Charter" developed by the League of Oregon Cities (LOC). The new, proposed Charter is a combination of current Charter provisions and new provisions from the LOC "Model Charter". The new Charter would be consistent with changes in the Oregon Constitution, laws and court decisions since 1984.

In Chapter III and Chapter V of the current charter, the positions of City Treasurer and City Recorder are listed as officers of the City. As such, they are under the management of the City Council. The City Council feels these positions should be under the management of the City Administrator who normally oversees their work on a daily basis and is therefore, in a better position to evaluate and manage their work. In the revised charter, these positions would be management level director positions similar to existing director positions, such as public works director and human resources director. The LOC Model Charter does not list the Recorder and Treasurer as officers. This change, if approved, would bring the City's charter more in line with the LOC Model Charter.

CITY OF CANBY

Kimberly Scheafer, CMC
Canby City Recorder - Pro tem

Date

Notice of City Measure Election

SEL 802

rev 1/08: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Name of City Canby

Notice is hereby given on March 4, 2009, that a measure election will be held in

name of county or counties Clackamas County, Oregon on date of election May 19, 2009.

The following shall be the ballot title of the measure to be submitted to the county's voters on this date: May 19, 2009.

CAPTION 10 words

AMENDS CHARTER NAME FROM ELECTRIC BOARD TO CANBY UTILITY BOARD.

QUESTION 20 words

Shall the City of Canby adopt An amended home rule Charter?

SUMMARY 175 words

The Canby City Charter is the governing document for the City of Canby. This measure would revise Chapter X, sections 2-8 of the current home rule City Charter, adopted in 1984. The City Council approved the revisions following a public meeting on January 21, 2009 and directed that they be submitted to the City voters for consideration at the May 19, 2009 election. The proposed revisions would change the name of the Canby Electric Board wherever it is referenced in the Charter to the Canby Utility Board. This change would bring it into compliance with the current legal name of the Canby Utility Board.

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.

signature of authorized city official *not required to be notarized*

date signed *mm/dd/yy*

Kimberly Scheafer, CMC
printed name of authorized city official

City Recorder Pro-Tem
title
Council Packet Page 19 of 26

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE WOULD AMEND THE CITY CHARTER TO CHANGE THE NAME OF THE
CANBY ELECTRIC BOARD TO THE CANBY UTILITY BOARD**

Measure No. _____

Word Total 233 (500 max)

The Canby City Charter is the governing document for the City. This measure, if adopted, would revise Chapter X, sections 2-8 of the current home rule City Charter by changing the name of the Canby Electric Board where it is used in the Charter to the Canby Utility Board. The City Council approved the proposed revision following a public meeting on January 21, 2009. This change must be submitted to City voters for approval.

The current City Charter was adopted in 1984 and is in need of updating and revision. The City Council and City staff revised the proposed Charter using a "Model Charter" developed by the League of Oregon Cities (LOC). The new, proposed Charter is a combination of current Charter provisions and new provisions from the LOC "model Charter". The new Charter would be consistent with changes in the Oregon Constitution, laws and court decisions since 1984.

Chapter X, section 2-8, sets forth the establishment of the Utility Departments for the City of Canby, including the establishment of the Canby Electric Board. When this department was originally established many years ago, the Electric Board was the recognized name for the department. That name has since been changed to Canby Utility. Therefore, this proposed amendment, if approved, would change all references to the Canby Electric Board in the current Charter and replace them with the Canby Utility Board in the revised Charter.

CITY OF CANBY

Kimberly Scheafer, CMC
Canby City Recorder - Pro tem

Date

Notice of City Measure Election

SEL 802

rev 1/08: ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Name of City Canby

Notice is hereby given on March 4, 2009, that a measure election will be held in

name of county or counties Clackamas County, Oregon on date of election May 19, 2009.

The following shall be the ballot title of the measure to be submitted to the county's voters on this date: May 19, 2009.

CAPTION 10 words

AMENDS CHARTER REVISING LIMIT FOR CONTRACTS APPROVED BY ORDINANCE.

QUESTION 20 words

Shall the City of Canby adopt an amended home rule Charter?

SUMMARY 175 words

The Canby City Charter is the governing document for the City of Canby. This measure would revise Chapter XI, section 4 of the current home rule City Charter, adopted in 1984. The City Council approved the revised provision following a public meeting on January 21, 2009 and directed that it be submitted to the City voters for consideration at the May 19, 2009 election. The proposed revision would amend the current language to require approval of contracts by Ordinance where the expenditure is greater than \$50,000.00. The current limitation requiring approval by Ordinance is for contracts greater than \$15,000.00 in value.

↓ **signature**

The following authorized city official hereby certifies the above ballot title is true and complete, which includes completion of the ballot title challenge process.

signature of authorized city official *not required to be notarized*

date signed mm/dd/yy

Kimberly Scheafer, CMC
printed name of authorized city official

City Recorder Pro-Tem
title **Council Packet Page 21 of 26**

EXPLANATORY STATEMENT FOR VOTER'S PAMPHLET

**MEASURE WOULD AMEND THE CITY CHARTER REVISING THE LIMIT FOR
CONTRACTS APPROVED BY ORDINANCE**

Measure No. _____

Word Total 281 (500 max)

The Canby City Charter is the governing document for the City. This measure, if adopted, would revise Chapter XI, section 4 of the current home rule City Charter by amending the current language from requiring ordinance approval by council for contracts in excess of \$15,000.00 to requiring ordinance approval by council for contracts in excess of \$50,000.00. The City Council approved the proposed revision following a public meeting on January 21, 2009. The change must be submitted to City voters for approval.

The current City Charter was adopted in 1984 and is in need of updating and revision. The City Council and City staff revised the proposed Charter using a "Model Charter" developed by the League of Oregon Cities (LOC). The new, proposed Charter is a combination of current Charter provisions and new provisions from the LOC "Model Charter". The new Charter would be consistent with changes in the Oregon Constitution, laws and court decisions since 1984.

In Chapter XI, section 4 of the current charter, it provides that expenditures of sums not budgeted, or expenditures of budgeted funds in excess of \$15,000.00 shall be authorized by an Ordinance. The City Council, by a majority vote, must approve all ordinances involving the single purchase or contract in excess of \$15,000.00. It takes two separate Council meetings, at least a week apart, to approve an ordinance. The City Council is proposing to amend the Charter to raise the single purchase or contract amount for already budgeted funds from \$15,000.00 to \$50,000.00 before an ordinance is required for approval. This amendment, if approved, would allow the City staff to purchase already budgeted items up to \$50,000.00 without having to get approval by ordinance.

CITY OF CANBY

Kimberly Scheafer, CMC
Canby City Recorder - Pro tem

Date



MEMORANDUM

TO: *Honorable Mayor Thompson and City Council*
FROM: *Melissa Hardy, Associate Planner*
THROUGH: *Mark C. Adcock, City Administrator*
DATE: *March 04, 2009*
RE: *Ordinance No. 1304 - AN ORDINANCE AMENDING TITLE 16 OF THE CANBY MUNICIPAL CODE FOR THE PURPOSE OF EXPANDING THE "NO OFF-STREET PARKING" AREA DOWNTOWN; AMENDING CMC CHAPTER 16.10 (TA 08-05)*

Summary

Attached is Ordinance No. 1304, which amends Title 16 of the Canby Municipal Code (CMC); Specifically amending CMC Section 16.10.010.B, for the purpose of codifying Text Amendment No. TA 08-05.

Recommendation

Staff recommends that the City Council pass Ordinance No. 1304, attached hereto as Attachment 1.

Recommended Motion: *"I move to approve Ordinance 1304, an ordinance amending Canby Municipal Code Chapter 16.10 for the purpose of expanding the "no off-street parking" area downtown, to come up for second reading on March 18, 2009."*

Background

Planning Commission held a public hearing concerning the proposed text amendment on January 12, 2009. Notice of the public hearing was published in the January 07, 2009, Canby Herald. Staff presented a staff report to the Planning Commission. No public testimony was received for or against the proposed amendment. The Planning Commission closed the public hearing on January 12, 2009, and voted 6-0 to forward a recommendation of approval to City Council based on the findings presented in the staff report.

City Council then received the application and held a public hearing concerning the proposal at their regularly scheduled meeting on March 04, 2009. Following close of public hearing, the City Council approved Text Amendment TA 08-05 as presented, based on the findings in the staff report, and directed staff to present Council with an ordinance for adoption.

Alternatives

1. The City Council may vote not to pass Ordinance No. 1304, in which case Text Amendment TA-08-05 will not be codified and CMC Chapter 16.10 will remain unchanged. If City Council chooses this alternative, Council should also revisit the Text Amendment application and vote on whether to rescind their decision to approve TA 08-05.

Attachments

1. Ordinance No. 1304 including exhibit A

ORDINANCE NO. 1304

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 16.10 FOR THE PURPOSE OF EXPANDING THE “NO OFF-STREET PARKING” AREA DOWNTOWN.

WHEREAS, the City of Canby initiated an application (application no. TA-08-05) for an amendment to the text of Title 16 for the purpose of expanding the “no off-street parking” area in downtown Canby; and

WHEREAS, the Planning Commission held a public hearing concerning the text amendment application on January 12, 2009, and based on their determination that the proposed amendment met all required approval criteria, voted 6-0 to forward a recommendation of approval to City Council; and

WHEREAS, the City Council received the text amendment application and Planning Commission recommendation, and held a second public hearing on March 04, 2009; and

WHEREAS, following close of public hearing, the City Council determined that expanding the “no off-street parking” area to cover an additional two blocks between N. Fir Street, N. Elm Street, N.W. First Avenue, and N.W. Third Avenue, complies with the Comprehensive Plan of the city, and with the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development; that there is a public need for the change; that the amendment will serve the public need better than any other change which might be expected to be made; that the amendment preserves and protects the health, safety, and general welfare of the residents in Canby; and that it complies with the Statewide Planning Goals; and

WHEREAS, the City Council voted March 4, 2009 to approve Text Amendment No. TA 08-05 as presented, based on the findings in the Council staff report, and directed staff to present Council with an ordinance for adoption; and

WHEREAS, this ordinance is for the purpose of codifying Text Amendment No. TA 08-05 into law; now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Title 16 of the Canby Municipal Code, otherwise known as the “Land Development and Planning Ordinance of the City”, is amended as detailed in Exhibit A.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, March 04, 2009, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, March 18, 2009, commencing at the hour of 7:30 pm at the Council Meeting Chambers located at 155 N.W. 2nd Avenue, Canby, Oregon.

Kimberly Scheafer, CMC
City Recorder Pro-Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 18th of March, 2009, by the following vote:

YEAS _____

NAYS _____

Melody Thompson, Mayor

ATTEST:

Kimberly Scheafer, CMC
City Recorder Pro-Tem

EXHIBIT “A” to ORDINANCE 1304

AMENDMENT TO TEXT OF TITLE 16 (TA-08-05)

Deleted text is illustrated below in ~~strikeout font~~, added text is illustrated in red underlined font.

CMC Section 16.10.010 is amended as follows...

16.10.010 Off-street parking required – exceptions.

A. At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the city, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the site and design review process, based upon clear and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking spaces will be sufficient to carry out the objective of this section.

B. No off-street parking shall be required for any use permitted outright within the C-1 zone in the rectangular area bounded by N. Ivy Street on the east, NW First Avenue on the south, ~~N. Fir Street~~ N. Elm Street on the west, and NW Third Avenue on the north.

C. At the time of enlargement of an existing structure or use, the provisions of this section shall apply to the enlarged structure or use only.