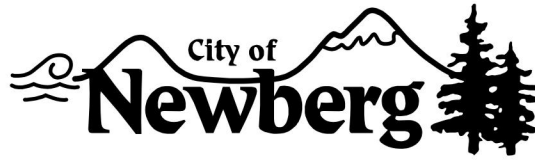


The Newberg City Council met on January 2nd, 2018 and took the following actions:

- Approved Resolution 2018-3428, awarded contract to 2KG Contractors for Dayton Pump Station project.
- Approved Resolution 2018-3430, initiated code amendment for affordable housing provisions.
- Directed staff to renegotiate with CalPortland on municipal services account adjustment

In other business, the Council:

- Elected Denise Bacon as Council President for 2018.
- Heard from a citizen about the potential sale of the Newberg Animal Shelter building.



**NEWBERG CITY COUNCIL
WORK SESSION
January 2, 2018, 6:00 PM
NEWBERG PUBLIC SAFETY BUILDING (401 EAST THIRD STREET)**

**WORK SESSION FOR January 2nd, 2018
HAS BEEN CANCELLED. BUSINESS
SESSION WILL BE HELD AT ITS
REGULAR TIME – 7:00 p.m.**

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than two business days prior to the meeting. To request these arrangements, please contact the city recorder at (503) 537-1283. For TTY service please dial 711.



**City Council Business Session
January 2, 2018 - 7:00 PM
Public Safety Building 401 East Third Street**

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. ELECTION OF COUNCIL PRESIDENT

V. CITY MANAGER'S REPORT

VI. PUBLIC COMMENTS

(30 minutes maximum which may be extended at the mayor's discretion; an opportunity to speak for not more than five (5) minutes per speaker allowed)

VII. CONSENT CALENDAR

VII.a Resolution 2018-3428, A resolution to authorize the City Manager to enter into a construction contract with 2KG Contractors, Inc. for the Dayton Avenue Pump Station Improvement Project in the amount of \$1,334,947.00
[Res 2018-3428_DaytonAvPumpStaPrj_Bid Award.pdf](#)

VII.b Resolution 2018-3430, A Resolution initiating an amendment to the Newberg Comprehensive Plan and Newberg Municipal Code, Title 15 Development Code to implement affordable housing provisions of SB 1051
[RCA Resolution 2018-3430.doc](#)

VIII. NEW BUSINESS

VIII.a CalPortland Utility Adjustment
[RCA_Motion_-_CalPortland.pdf](#)

IX. COUNCIL BUSINESS

IX.a Statement of Economic Interest (SEI) Filing Reminder
[OGEC SEI filing letter](#)

X. ADJOURNMENT

COMMENTS

Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. Speakers who wish the Council to consider written material are encouraged to submit written information in writing by 12:00 p.m. (noon) the day of the meeting.

ADA STATEMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than two business days prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.

ORDER

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 2, 2018

Order ____ No.	Ordinance ____ No.	Resolution <u>XX</u> No. 2018-3428	Motion ____	Information ____
SUBJECT: A resolution to authorize the City Manager to enter into a construction contract with 2KG Contractors, Inc. for the Dayton Avenue Pump Station Improvement Project in the amount of \$1,334,947.00				
				Contact Person (Preparer) for this Motion: Paul Chiu, P.E., Senior Engineer Dept.: Engineering Services Department File No.:

RECOMMENDATION:

Adopt Resolution No. 2018-3428.

EXECUTIVE SUMMARY:

The City's Dayton Avenue wastewater pump station, constructed in 1993 and located in the southwest sector of the city as shown in Figures 1A and 1B below, has been prone to wastewater overflows. In 2016, the City hired Murraysmith, Inc. (formerly known as Murray Smith & Associates, Inc.) by Resolution No. 2016-3329 to provide a replacement design of the pump station. The consultant, completed the required construction plans, specifications, cost estimate, and secured key permits for the project this summer.

Figure 1A – Dayton Avenue Pump Station - Location Map

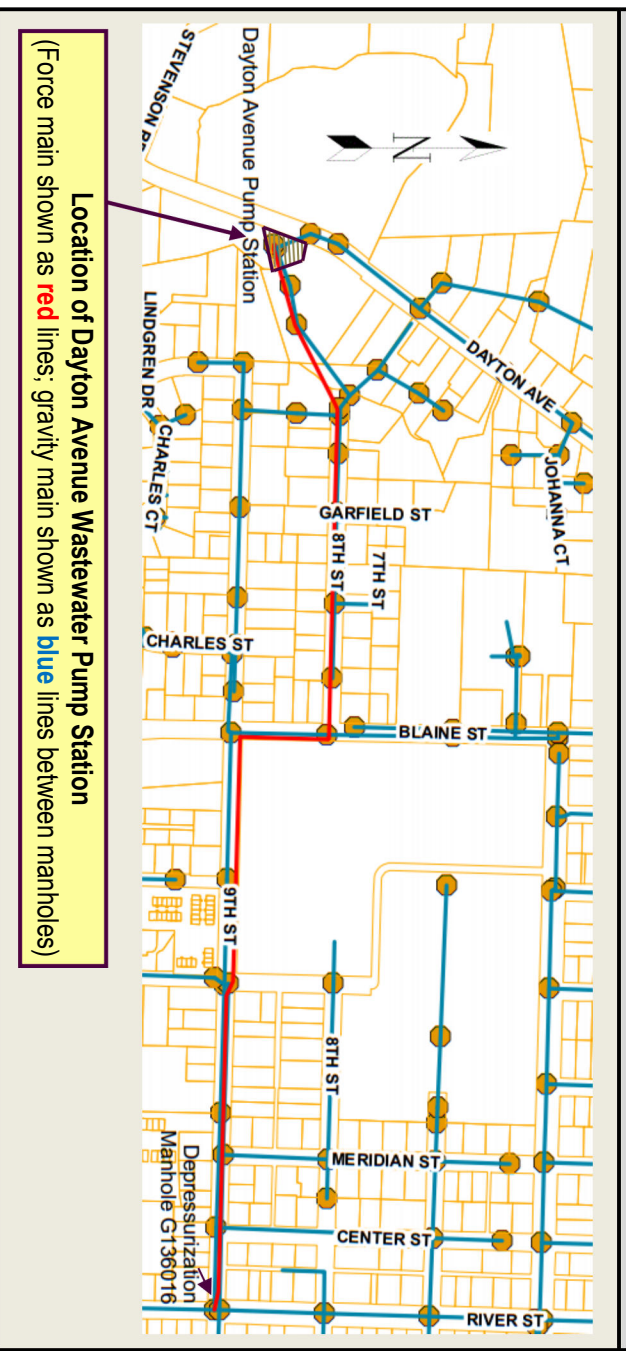
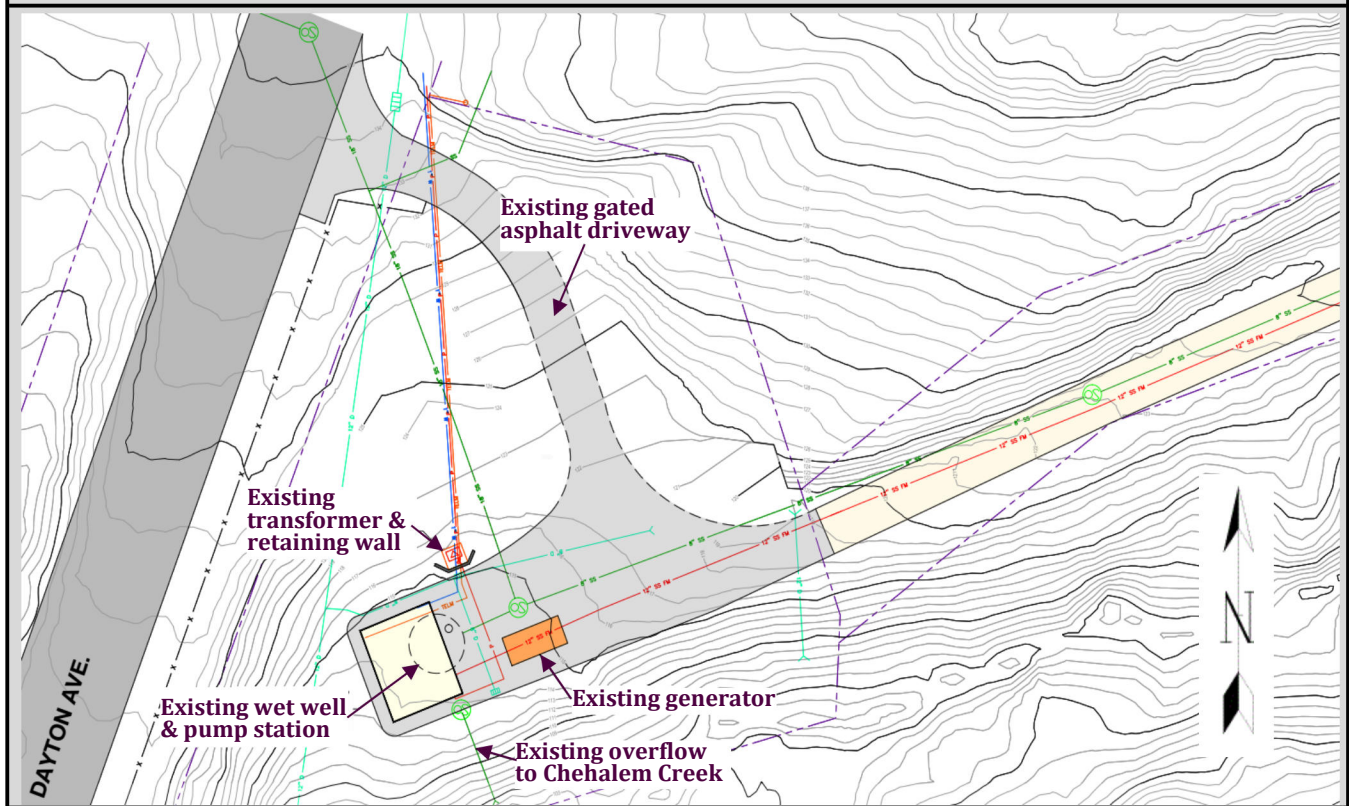


Figure 1B – Dayton Avenue Pump Station - Existing Site Map



The project includes the removal and replacement of the pump system; installation of a new 12-foot diameter wet well, associated valves and piping, a flow meter vault, retaining walls and a stormwater management facility; frontage improvements along Dayton Avenue; and cleaning the material buildup inside the existing 12-inch force main. The Engineer's estimate is in the range of \$1,600,000.00 to \$1,850,000.00.

The project was advertised for bid on October 30, 2017. On November 30, 2017, the city received and opened seven (7) qualified bids from:

- | | |
|------------------------------------|---------------------|
| (a) 2KG Contractors, Inc. | \$1,334,947.00; |
| (b) Kizer Excavating Company | \$1,490,000.00; |
| (c) Canby Excavating, Inc. | \$1,579,725.00; |
| (d) Natt McDougall Company | \$1,609,990.00; |
| (e) McClure and Sons, Inc. | \$1,687,252.00; |
| (f) Trench Line Excavation, Inc. | \$1,849,925.00; and |
| (g) Stettler Supply & Construction | \$1,872,065.00. |

The lowest responsive bid submitted by 2KG Contractors, Inc. is lower than the Engineer's estimate.

FISCAL IMPACT:

Funding for replacing the Dayton Avenue Pump Station project has been appropriated in the current fiscal year budget totaling \$2,000,000.00 under account number 04-5150-706393. Any unused construction budget will be re-appropriated for fiscal year 2018-2019 as the project is anticipated to be fully complete in the summer of 2018.

STRATEGIC ASSESSMENT:

The replacement of Dayton Avenue Pump Station follows the recommendations of a pump station study subsequent to the last Sewerage Master Plan update in 2007. This pump station project will improve the hydraulic performance and provide a reliable wastewater conveyance for the city's customers throughout the year, in particular during peak winter flow periods.



RESOLUTION No. 2018-3428

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH 2KG CONTRACTORS, INC. FOR THE DAYTON AVENUE PUMP STATION IMPROVEMENT PROJECT IN THE AMOUNT OF \$1,334,947.00

RECITALS:

1. The city's consultant, Murraysmith, Inc., by Resolution No. 2016-3329, completed the construction plans, specifications and cost estimate for the Dayton Avenue Pump Station Improvement Project.
2. The Dayton Avenue Pump Station Improvement Project is an approved capital improvement project in the 2017-18 fiscal year budget.
3. The City of Newberg advertised the project on the city's website and in the Daily Journal of Commerce on October 30, 2017, soliciting bids in accordance with ORS Chapter 279C Public Contracting and Public Procurement requirements.
4. Seven (7) qualified bids were received on November 30, 2017. They were from:
 - (a) 2KG Contractors, Inc. \$1,334,947.00;
 - (b) Kizer Excavating Company \$1,490,000.00;
 - (c) Canby Excavating, Inc. \$1,579,725.00;
 - (d) Natt McDougall Company \$1,609,990.00;
 - (e) McClure and Sons, Inc. \$1,687,252.00;
 - (f) Trench Line Excavation, Inc. \$1,849,925.00; and
 - (g) Stettler Supply & Construction \$1,872,065.00.
5. 2KG Contractors, Inc. submitted the lowest responsive bid. The Engineer's estimate is in the range of \$1,600,000.00 to \$1,850,000.00.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council, acting as contract review board for the city, does hereby authorize the City Manager to modify and execute a construction contract with 2KG Contractors, Inc. to complete the Dayton Avenue Pump Station Improvement Project in the amount of \$1,334,947.00.
2. The City Attorney will review and approve all contracts and agreements as to form and content.
3. The City Manager is authorized to negotiate and approve any needed construction change orders not to exceed 10 percent of the original contract amount.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: January 3, 2018.
ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of January, 2018.

Sue Ryan, City Recorder

ATTEST by the Mayor this 4th day of January, 2018.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 2, 2018

Order ____ No.	Ordinance ____ No.	Resolution <u>XX</u> No. 2018-3430	Motion ____	Information ____
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SUBJECT: A Resolution initiating an amendment to the Newberg Comprehensive Plan and Newberg Municipal Code, Title 15 Development Code to implement affordable housing provisions of SB 1051

Contact Person (Preparer) for this Motion: Doug Rux
Dept.: Community Development
File No.: CPTA18-0001; DCA18-0001;

RECOMMENDATION:

Adopt Resolution No. 2018-3430, initiating an amendment to the Newberg Comprehensive Plan and Newberg Municipal Code, Title 15 Development Code to implement affordable housing provisions of SB 1051.

EXECUTIVE SUMMARY:

SB 1051 requires cities with a population greater than 5,000 to finalize decisions on housing applications for multi-family developments that include affordable units for low-income families within 100 days. Cities with a population greater than 2,500 must allow accessory dwelling units in all single-family zones. The bill changes the definition of needed housing to include housing types for low-income households. SB 1051 further requires that cities allow housing to be built on land owned by worship institutions for affordable housing, provided the underlying zoning of the land allows housing. It also prohibits a city from lowering the density of a proposed development if it is within the designated density range permitted in the zone. Cities retain some authority to reduce density if there are health, safety or habitability concerns or other protections based on land use goals.

The City Council is not asked to make a decision on these proposed changes at this time; only to initiate the amendment so that these proposed changes can be studied through the public hearing process. If the Council initiates the amendment then staff will prepare the specifics for a proposal. Staff will then schedule the item for a Planning Commission public hearing to make a recommendation. The Planning Commission recommendation would then be brought to the City Council for a public hearing and final decision.

FISCAL IMPACT:

No fiscal impact at this time.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM SEPTEMBER 2017):

Goal 8: Encourage Affordable Housing

SB 1051 has various provisions to implement affordable housing for communities statewide. The Housing Newberg group has spent the past year discussing proposals to address the housing affordability issue within Newberg. SB 1051 was discussed by the Housing Newberg group and is another tool for addressing housing affordability.



RESOLUTION No. 2018-3430

**A RESOLUTION INITIATING AN AMENDMENT TO THE NEWBERG
COMPREHENSIVE PLAN AND NEWBERG MUNICIPAL CODE, TITLE 15
DEVELOPMENT CODE TO IMPLEMENT AFFORDABLE HOUSING
PROVISIONS OF SB 1051**

RECITALS:

1. During the 2017 Oregon Legislative Session actions by the Legislature adopted SB 1051.
2. SB 1051 went into effect on January 1, 2018 for the Bill's components of needed housing, clear and objective standards related to housing, and 100 day timeline from the date of determination of a complete application to review affordable housing projects that accommodate individuals or families with household incomes equal to or less than 60 percent of the median family income for the county in which the project is proposed.
3. SB 1051 has a second set of effective dates of July 1, 2018 for density requirements, allowing accessory dwelling units in areas zoned for detached single-family dwellings, and permitting dwellings on real property where a place of worship is allowed.
4. The City of Newberg needs to evaluate its Comprehensive Plan and Development Code to ensure that the correct provisions are in place to implement SB 1051.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council initiates an amendment to the Newberg Comprehensive Plan and Newberg Municipal Code, Title 15 Development Code to implement affordable housing provisions of SB 1051.
2. By initiating this amendment, the City Council does not commit to taking any specific action on the proposal. It only wishes to give the amendment full consideration by the Planning Commission and City Council in public hearings.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: January 3, 2018.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of January, 2018.

Sue Ryan, City Recorder

ATTEST by the Mayor this 4th day of January, 2018.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 2nd, 2018

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: To approve a credit in the amount of \$14,746.76 to CalPortland's Municipal Services account.

**Contact Person (Preparer) for this Motion: Caleb Lippard
Dept.: Finance
File No.:**

RECOMMENDATION: Make a motion to approve a credit in the amount of \$14,746.76 to apply towards CalPortland's Municipal Services account.

EXECUTIVE SUMMARY: In March 2016, a request from Public Works was made to the Municipal Services billing staff to install a meter at 2808 Wynooski Rd (the site of CalPortland). In most cases, when a request for a newly installed meter is generated, at a site that currently has a meter, the Municipal Services staff usually swaps the new meter for the old meter. This is what happened at the CalPortland site. The Public Works staff gave a new meter install to the Municipal Services staff. Instead of making this an additional meter at 2808 Wynooski, the Municipal Services staff swapped this meter in the billing system.

In June 2017, on a regular water meter reading route, it came to the attention to Public Works staff that they were only reading one meter at the CalPortland site. Due to the misunderstanding when the second meter was installed, only one meter was being charged for consumption from March 2016 until August 2017.

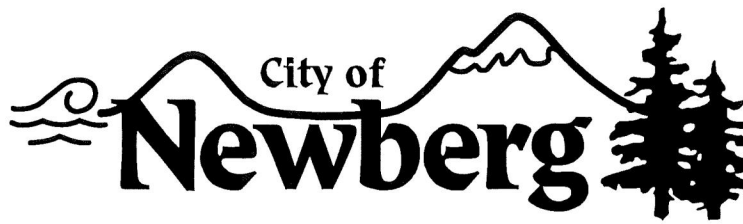
Upon discovery of the error, a meeting was held with CalPortland management to discuss the issue. The amount of consumption that went unbilled from 3/10/2016 until 06/21/2017 was 618,100 cubic feet. The next meter reading on 07/25/2017 was for 84,400 cubic feet. Subsequent to the meeting with CalPortland, it was discovered that the site also had a leak that had gone undetected.

Without having any way of knowing when the leakage began, it was agreed with all parties that we would use consumption reports from two of CalPortland's other comparable sites located in other cities (McMinnville & Troutdale). Also, in the discussions, it was requested from CalPortland that we would use these consumption reports to figure out seasonal fluctuations in consumption to calculate what the charges would have been. Since the City did not issue any billings, it was also requested that we would write off calendar year 2016 charges once the calculations had been performed.

Going forward, to prevent missing other meter charges:

- The City's Utility Billing database is being reconciled with Cartegraph to confirm all water use is being accounted for and billed.
- Public Works is scheduling a hands-on inventory & analysis of each of the City's 7,000-plus meters that is anticipated to be completed by the end of 2018.
- Municipal Services staff is verifying with Public Works staff on every new meter install to ensure that it's either a replacement or an additional meter.

FISCAL IMPACT: If approved, this motion would result in a \$14,746.76 reduction in Water Fund (07) revenues. CalPortland's annual water consumption is approximately 450,000 cubic feet which generates roughly \$18,000 in revenues.



January 2, 2018

To: City Manager, City Council, Municipal Judge, Planning Commission
and Historic Planning Commission

Re: ORS 244.050 and OAR 199-020-0005

Happy New Year

Here is a reminder to mark your calendars for your annual SEI filing later this year. This is for the annual Statement of Economic Interest filings through the Oregon Government Ethics Commission. As the jurisdictional contact for the SEI filings, it is my job to verify and provide contact information for all City of Newberg officials that are required to file the SEI. These include the City Manager, Mayor, City Council, Planning Commission, Historic Planning Commission and Municipal Judge whom are actively serving on April 15 of 2018.


OGEC went to an Electronic Filing System in 2016 and most of you were in office at that time. If you need help logging in (your password and username), there are directions available on the commission's website. If you need access to a computer to manage your account or file your form the City can make one available for you. This will need to be done by appointment in the Councilor's cubicle on the 2nd floor of City Hall. Staff can assist you with technical questions and equipment but cannot fill out your forms for you. That is your responsibility as a public official.

In mid-March, OGEC will send you a notice that you can go in and file your SEI. You will have between March 15, 2018 and **the deadline of April 15, 2018** to file. You can only file during this one-month window. You cannot file your form early but you can log in to test your username or password ahead of time to make sure those work.

Again, if you have any questions you can contact me directly at sue.ryan@newbergoregon.gov or (503) 537-1283 or OGEC at (503) 378-5105, email at ogecmail@oregon.gov or check out their website at www.oregon.gov/OGEC.

The Commission also offers online tutorials through iLearn, the state's online delivery system for training. You do not have to be a state employee to register. They also offer live trainings through Adobe Connect where you can ask questions directly of a trainer. I've attached their January 2018 training calendar as an attachment to this letter.

Sincerely,


Sue Ryan
Newberg City Recorder

C: DawnKaren Bevill

Encl: January 2018 OGEC training calendar for Adobe Connect webinars

January 2018

Oregon Government Ethics Commission AdobeConnect Webinar Training Calendar

Monday	Tuesday	Wednesday	Thursday	Friday
1 HOLIDAY OFFICES CLOSED	2	3	4 New Employees: you're a public official, now what! 2:00 – 3:00 PM	5 OGEC PUBLIC MEETING
8	9 Executive Session 10:00 – 11:00 AM	10	11	12 Use of Position/Office 10:00 – 11:00 AM
15 HOLIDAY OFFICES CLOSED	16	17 Conflicts of Interest 2:00 – 3:00 PM	18	19
22	23 Gifts 2:00 – 3:00 PM	24	25	26
29	30	31 Lobby law 10:00 – 11:00 AM	<div>Email ogec.training@oregon.gov to register for a webinar.</div>	

NEWBERG CITY COUNCIL MEETING INFORMATION

Meeting Date: January 2nd, 2018

Prepared by: Sue Ryan

Councilors	Roll Call	Election of Council President – Denise Bacon	Election of Council President Stephen McKinney	Consent Res 3428 - Res 3430	Cal Portland Municipal Services account adjustment		
ANDREWS, Bob, Mayor	X	Abstain	Abstain	Yes	No		
BACON, Denise	X	Yes	No	Yes	No		
COREY, Mike	X	No	Yes	Yes	Yes		
ESSIN, Scott	X	Yes	No	Yes	Yes		
JOHNSON, Patrick	X	Yes	No	Yes	No		
McKINNEY, Stephen	X	No	Yes	Yes	No		
MURRAY, Matt	Absent - excused	Absent	Absent	Absent	Absent		
ROLL CALL VOTES		YES: 3 NO: 2 ABSTAIN: 1 ABSENT: 1	YES: 2 NO: 3 ABSTAIN: 1 ABSENT: 1	YES: 6 NO: 0 ABSTAIN: 0 ABSENT: 1	YES: 2 NO: 4 ABSTAIN: ABSENT: 1		
MOTION (1 st /2 nd):		Johnson/Essin	Corey/ McKinney	Corey/Bacon	Corey/Essin		

Meeting adjourned at 8:21 p.m.