

MINUTES OF THE NEWBERG CITY COUNCIL

MONDAY, JANUARY 4, 1999

7:00 P.M.

NEWBERG PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

The meeting was called to order by Mayor Charles Cox.

II. ROLL CALL

1. Oaths of Office for: Charles Cox, Mayor
Francis R. Weaver
Donna M. McCain
Brett A. Veatch
2. Election of Council President

ROLL CALL: Charles Cox (CBC) Roger Currier (RC)
Lisa Helikson (LH) Fred Howe (FH)
Donna McCain (DM) Brett Veatch (BV)
Robert Weaver (RW)

Duane R. Cole, City Manager, swore in and affirmed the Mayor and new Council members.

Staff Present: Duane R. Cole, City Manager
Terrence D. Mahr, City Attorney
Mike Soderquist, Community Development Director
Barton Brierley, Planning Manager
Robert Tardiff, Police Chief
Katherine Tri, Finance Director
Peggy Nicholas, Recording Secretary

Others Present: Pat Haight, Kelli Highley, Keith Gouger, David Yim, Warren Parrish
John Scudder

MOTION: Rc/BV to nominate Robert Weaver as Council President. (Unanimous).

III. PLEDGE OF ALLEGIANCE

The Pledge of allegiance was performed.

IV. COMMUNICATIONS FROM THE FLOOR

Ms. Kelli Highley, 619 S. River Street, Newberg, stated her objections in consolidating the consent calendar items under "Communications from the Floor". Ms. Highley discussed the federal funding program and the excess funds allowed by the State. Ms. Highley also discussed the environmental impact study involving the bypass and how it appears that focusing the money on one specific issue is not a good idea. Ms. Highley also addressed the Newberg Graphic article referencing Mayor Elect Charles Cox's statements concerning restrictions on citizen involvement.

Mr. David Yim, David's Ok Market, 703 N. Deskins Road, Newberg, said he had a customer state that they saw on a prior City Council meeting video taped meeting where a City Council member stated that he sells beer to minors. He said that he checks everyone for ID and had been commended by the Newberg Police Department on how good of a job he was doing.

Councilor RC clarified for the record his comments concerning Everybody's Market's application for OLCC approval. He further stated that he had witnessed at Mr. Yim's establishment a person handing over to another person (possibly a minor) a brown paper bag. It caused him to question what was in the bag.

Ms. Pat Haight, 501 E. Illinois, #12, Newberg, welcomed the new members to the City Council and hoped to have a good working relationship in working with citizens. Ms. Haight also discussed a few projects that had not yet been done (Villa Road overpass, library roof, Francis Square, lease on the Community Development building) and hoped that the new City Council and Mayor would hold City staff accountable for the operation of the City. Ms. Haight said she reviewed the City staff credit cards.

Mr. Warren Parrish, 30450 NE Wilsonville Road, Newberg, discussed the following:

1. Funds from TCI with which to allow for the filming of City meetings. He also inquired about the funds and expenses budgeted.
2. Bypass. He totally concurred with the Resolution in an attempt to have ODOT move in some direction.
3. Resolution No. 99-2509 (Norcom). He is pleased to see that the City has the agreement. Mr. Parrish said there appears to be some confusion with Newberg channels or with Yamhill County's radio dispatch channels.

Mayor Cox suggested that he talk with Police Chief Tardiff.

V. **CONSENT CALENDAR**

1. Approve minutes from Work Session held on December 7, 1998.

2. Proclamation declaring Census 2000 as a top priority for stakeholders and leaders within our community and encourage participation in our jurisdiction's Complete Count.
3. **Resolution No. 99-2156** reaffirming support for a by-pass, affirming support for continuing to study the resolution of traffic problems in Newberg, and providing funding to support the Environmental Impact Report.
4. Motion to Set a Public Hearing on January 19 to Listen to Public Input Regarding a Proposed Increase in the Collection Rates Charged by Newberg Garbage Service.
5. **Resolution No. 99-2157** authorizing the exchange of Federal Funds for State Highway monies for costs associated with the overlay of Illinois Street from Main Street to College Street and Main Street north to the end of the curbed section.
6. **Resolution No. 99-2158** awarding the construction contract for the Villa Road Railroad Overcrossing Modifications Project to F.E. Ward, Inc. and authorize the City Manager to approved the contract in the amount of \$245,027.00.

MOTION: RC/LH to approve the Consent Calendar.

Councilor FH inquired about having the consent calendar items be adopted as a block item. Discussion was held concerning the procedure. Councilor FH said he was not comfortable with jumping through items on a regular basis, which may have some interesting debate occur. The purpose of the open meetings laws provides for the public to observe the Council deliberate on issues. By moving these to separate items of discussion would allow for further discussion and an opportunity for the public to be more involved. Councilor FH said he was concerned that items which have not been previously discussed by the Council may be placed on the consent calendar preventing public deliberation.

Councilor RC said that the process will make a quicker meeting, but disagrees with the process:

1. The public would not hear Council discussion.
2. Citizens would not have an opportunity to provide input.
3. Questions the legality of the process.

4. It would open the door for possible abuse in the guise of saving time.

Recommendations can come forward through a task force which would provide information and input from both residents and non-resident members.

Councilor RW called for the question.

Councilor FH expressed concerns over the costs associated with the Illinois Street overlay project (exchanging funds). (Page 23) The project is noted in the Capital Projects list but he questioned the amount budgeted for the project. DRC said that it appears to be substantially more than what was budgeted. Discussion was held concerning sidewalks involved in the cost. Mike Soderquist said that the budget includes just the overlay.

Councilor FH asked that the motion be withdrawn to allow the Resolution concerning the overlay be tabled until sufficient information is provided to the Council. DRC said that the budget amount is \$200,000. The issue is just exchanging funds for federal funds (federal purchasing and project review requirements to avoid level of purchasing scrutiny. The project has to go to the Council before bids and acceptance. Staff is not ready for discussion involving the design. Any improvements would be included in a local improvement district (LID). The State encourages the City to proceed in this direction to eliminate the extended process.

Councilor RW called for the question.

ROLL CALL: (5 Yes/1 No [RC]). Motion carried.

VI. PUBLIC HEARING

1. Public hearing regarding a Comprehensive Plan Amendment from LDR to MDR and Zone Change from R-1 to R-2, for property located at 1306 Crestview Drive, 1404 Crestview Drive, 1418 Crestview Drive, 1715 Villa Road and 1801 Villa Road. Approve **Ordinance No. 99-2504** authorizing the amendment and zone change.

City Attorney TDM said he received written notice (his residence is located adjacent to the property) and due to that fact, he will not provide legal advice to the City.

Mr. Barton Brierley, Planning Director, read the criteria and a statement concerning the public hearing process which includes abstentions, ex parte contact or conflicts of interest. Site review is considered ex parte contact.

Councilor Brett Veatch, as a realtor, declared a potential conflict.

Councilor FH said he has driven by the property many times but felt he could vote on the matter.

Mayor Cox said his barber is one of the parties and he had briefly discussed the procedure only. City Manager DRC said that by living in the area, it does not necessarily constitute a conflict of interest.

Community Development Director Mike Soderquist provided the staff report. Staff recommendation is to adopt Ordinance No. 99-2509. Mr. Soderquist reviewed the criteria outlined in the staff report: consistent with the objective of the Comprehensive Plan and the public services are available and could support the change. The relevant issues are located on page 36 of the staff report (with a proposed development sample).

Mr. Peter Gouger, 1306 Crestview Drive, Newberg, is the applicant and the request is for his personal intention (he has largest portion) was to imitate the Crestview Manor project which is adjacent to the property (a "senior" development).

Councilor FH said that one of the issues raised at the Planning Commission dealt with the City's sewer system in which certain lots did do not have city sewer. Discussion was held concerning which lots intended to be connected to the City sewer system. Mr. Brierley said the land was within the city limits.

Ms. Kelli Highey, 619 S. River Street, Newberg, expressed her concerns about the taking of small parcels of land and increasing its density to 31 dwelling units in this particular instance.

Mr. Brierley said that the applicant has the opportunity to keep the record open to rebut any information presented. If the applicant waives it, the Council can proceed with their decision. Mr. Gouger stated he would waive the notice.

Mayor Cox closed the public hearing.

Councilor RC referenced a comment on page 39 on how the site could be built with no assurance that it will be submitted for review by the City in the future. Discussion was held concerning the septic system remaining on one lot with no guarantee of how many dwelling units would be contained on that particular site.

Councilor RC said that in relation to transportation issues (page 75), the site is located between two collector streets which are not improved at this time. Based on this information as well as other information, he would recommend denial.

Councilor RW said he too feels uncomfortable about the proposal in reviewing the criteria (page 39). He agreed with Councilor RC's previous statement concerning the lack of assurance of future review by the City, or whether or not the project was appropriate for the site.

Mr. Soderquist said that once a project is proposed, it would be reviewed and considered through the normal process (channels). The request is for a zone change amendment.

Councilor DM inquired about turn arounds, narrow streets and hammerheads. She is in favor of the proposal being a development similar to the Aldergate neighborhood but would request that the project avoid half streets.

Councilor FH said that he has confidence in staff to make sure that the best interests of the City of Newberg are considered. There are two issues on this particular request that make him uncomfortable:

1. Will any future development of the properties require bringing Villa and Crestview up to code by the developer? Mr. Soderquist said that the standard procedure was to bring them up to code as they are developed.

2. Current ordinances state that when the property is brought into the City through the annexation process, how can properties be allowed to annex into the City without utilizing the City services? DRC said the sewer ordinance requires connection in some instances. The homes in that area may be grand fathered in due to their age.

3. When was the property annexed into the City? DRC said it is unknown.

Councilor RW clarified that the discussion was to concentrate on the zone change and in the event of any appeal, the matter would be reviewed by the City Council. It is an issue of how many houses can be constructed (density) and then it would go to staff, unless it is a planned unit development (PUD) or subdivision.

Councilor DM asked if it was decided to be a planned unit development, would it come back to the Council for further review? Mr. Brierley said that a planned unit development proposal would be handled through the Planning Commission.

Councilor FH said that any future developments on the land must be connected to the City services. Mr. Brierley said that the sewer is not now connected to Villa. At that time it is connected, they would be required to be connected. Discussion was held concerning the necessity for connecting to City services.

Councilor RC asked if there was housing directly east of the property (east side of Villa). He asked why that particular house was not required to construct a sidewalk. Discussion was held concerning attaching a requirement for the sidewalk if the development passes. DRC said the agreements are proposed with the City's option to bring it up to standard and tie it all together. The enforceability of this requirement would be difficult.

MOTION: RW/LH to read the Ordinance by title only. (Unanimous). Mr. Brierley read the

Ordinance by title only. (5 Yes/1 No [RC]). Motion carried.

VII. CONTINUED BUSINESS

None.

VIII. NEW BUSINESS

1. Appointment of Members to Utility Rate Review Committee (four needed):
Myrna Miller
Barry Babin
Deborah Sumner (added to agenda December 31, 1998)

Discussion was held concerning the Committee organization. Finance Director Katherine Tri said that the Committee designates the term expirations. Ms. Tri said the fourth application was received today (Dan Scudder).

Mr. Scudder, 1200 E. Hancock Street, Newberg, said he works for George Fox University (GFU). He has been a resident of the City for the past six months (previously from California). He is an Associate Director of Planning Services and is a licensed professional engineer in Oregon. His spouse is Joan Scutter (homemaker and an "at-home" teacher). His interest is being on the Committee and to represent a large user within the City (GFU) and become more involved in community leadership.

MOTION: BV/ LH to appoint those persons who applied (including Mr. Scudder). (Unanimous). Motion carried.

2. *Revised as of December 31, 1998.* Report on 9-1-1 Dispatch Services Consolidation review for the City of Newberg and NORCOM.
Resolution No. 99-2159 authorizing the Police Department to proceed with the CAD system project budgeted at ~~\$205,789~~ **\$170,089** and authorize the City Manager to enter into an interagency agreement with NORCOM to share this system and associated costs.

Police Chief Robert Tardiff presented the staff report and introduced John N. Hartsock. Two separate staff report (page 85). Before the budget decision was proposed, a feasibility study was conducted for the Woodburn area. Mr. Hartsock's conclusion reflected that the facility could handle future growth (adding one FTE to the cost for records and adding a CAD system). Discussion was held concerning the Woodburn and Hubbard operations being connected through Newberg's system. Discussion was held concerning the consolidation being a viable opportunity to benefit the citizens of Woodburn and Hubbard, but that the issue should be tabled until Woodburn and Hubbard brings forth their proposal. Discussion was held concerning the term of the agreement. Chief Tardiff said it was a year-to-year agreement.

Councilor DM asked if the City had the ability (due to Newberg's own growth) in handling Hubbard and Woodburn. How much notice would the City have to give in order to protect the City's own situation?. Mr. Hartsock said it was usually a year.

Councilor FH asked that when the expenditure was approved for the study, was there a specific amount included in the Resolution? Chief Tardiff said that each agency was around \$3500 which is under the budget.

Councilor RC discussed concerns involving items contained on page 97 (budget for consolidation). Discussion was held concerning FTE rates. He feels that the agreement could place Newberg in jeopardy involving frequency use.

Chief Tardiff presented the second issue dealing with Resolution No. 99-2159 concerning the CAD project and the RFP process. He said that all proposals were reviewed by police personnel and personnel from Norcom and the City of Salem. Additionally, Mr. Hartsock reviewed and performed the detailed work in order for the proposals to comply with the RFP. GTE was one of the low bidders. GTE and Vision were no longer going to be partners in business. GTE suggested that they would offer a siren CAD system. Vision also proposed another system. Discussion was held concerning not an acceptable package concerning fire situations. Ms. Bonnie Dodson contacted a Vision owner who was unhappy, but found that others were happy with the newer version of the Vision CAD system. GTE objects to the idea of having the equipment being loaded on computers which are on the enhanced 9-1-1 system. Chief Tardiff said it would be located on a separate server. Chief Tardiff asked that the Council not approve the GTE bid and approve the Vision proposal and enter into an agreement with Norcom for the CAD system. Norcom has indicated a willingness to have the City provide the services to Vision. The benefit from the City's standpoint is that the initial cost with the partnership would save \$31,000 and an on-going saving of approximately \$4,500 per year. Discussion was held concerning integration of the system throughout the City and other agencies.

Mr. Hartsock, J.N. Hartsock Project Management, 12042 SE Sunnyside Road, #561, Clackamas, Oregon 97015, presented additional testimony. Motorola was provided a proposal which appeared to be more expensive than the other bids received. In discussions with GTE concerning the break-up of the partnership with Vision, GTE raised the concern that under state law, the City could "buy off" other existing contracts. On this particular agreement, as a direct response to an RFP, the City of LaGrande purchased through Vision and the City could buy on to that contract (considering "sole source"). Discussion was held concerning findings (competition and cost). Further discussion was held concerning Y2K compatibility. Mr. Hartsock said that his recommendation would be to move toward Vision Solution.

Councilor RC expressed concerns about additional expenses incurred and questioned how much would be additionally added to the work load of dispatch personnel. Discussion was held concerning the findings of fact outlined in the RFP. The Motorola terminals are no longer being manufactured. The City's option to go through Washington County may cost more per unit. The

CAD system will greatly assist the officers and dispatch personnel to better handle the calls.

Mr. Hartsock also added that another advantage is that existing units could be used by the fire department. Washington County has been a good partner in assisting the fire department personnel.

City Attorney TDM said a contract and purchasing ordinance provides for public contracting. The RFP was chosen because of software compatibility and joint decision. GTE (due to business arrangements) can no longer offer software for the system. Discussion was held concerning providing findings of fact:

1. Need to look at Norcom, they are looking at an urgency which is an emergency situation;
2. Council can designate a class of contracts which are exempt from review (software compatible for software equipment).
3. The RFP process did provide for competitiveness, the City has meant the intent and spirit for the best price.

The additions would be part of the resolution.

Councilor LH asked if there was a conflict of interest for support from GTE. Chief Tardiff said that he talked with other agencies that chose GTE. Chief Tardiff said that the direction would be more efficient to go through Vision. Discussion was held concerning the fire department's mobile data terminal proposal. Mr. Hartsock said it is an option which would need to be budgeted.

Councilor FH said that based upon what he is reading, he asked for clarification of the dollars to be spent: \$205,789 versus \$178,000 for the CAD system and the language of the resolution had not changed. Discussion was held concerning where Norcom fits into the picture. Chief Tardiff said the cost of the software is \$189,000. Woodburn would be paying approximately \$81,459 (Norcom), which brings the software down to \$108,139. Mobile data is \$35,700 and was removed. An additional \$61,950 will be added to the cost for personnel, etc. Councilor FH asked why a change in the budget was made without going through the Council first. Chief Tardiff said the budget allowed for \$205,000.

Councilor FH discussed the mobile data units and how they would be purchased through the grant purchase proposal. Additional discussion was held concerning the cost of hardware and software which needs to be replaced and which was not originally purchased when the public facility operations moved to the new facility. Councilor FH addressed upgrades and how they would be handled.

Mr. Hartsock said that the Motorola server and the GTE server have been certified to be used with the existing software as a back-up scenario.

Councilor FH addressed the grant application process and the procedure in funding the project. Mr. Hartsock said that if Newberg does it on its own and Norcom does not participate, the original cost of the project would be borne by the City, excluding the grant.

Councilor RC expressed his concerns about the wording "contingent upon Norcom agreeing to the proposal" and the budgeted funds that would be used if the grants do not come through. DRC reviewed the City's options and clarified additional language to protect the City's position and making sure that the City's position was protected.

City Attorney TDM said the City can spend up to the amount of the budget, or it can spend less (delegate the authority to the City Manager). Or in the event of minor shift of circumstances occurring, it would not have to come back up to the Council as an agenda item.

Chief Tardiff asked that the City Attorney's findings be added to the Resolution.

AMENDMENT TO MOTION: RC/RW to adopt the Resolution as amended contingent upon Norcom's approval (as outlined in the City Attorney's comments).

Councilor FH discussed the City Manager's authority in handling the affairs of the City.

City Attorney TDM reviewed the changes: after paragraph 3, the following language is added: "The City entering into a governmental agreement with Norcom for sharing of the costs of the system is a prerequisite for the purchase of the CAD system and software." DRC said that staff does not have any objection to the proposal. Discussion was held concerning time frames and possible delays which could cost the City money. City Attorney TDM noted that the additional language suggested clarified the intent of the Resolution:

1. Paragraph 2 (third sentence): The City Council is the governing body and the Contract Review Board.
2. Paragraph 9 (Findings of Fact): Norcom has approval to proceed due to Y2K issues.
- 3., "Conclusions"- The purchase with Norcom is necessary in order to move forward because of Y2K problems (an emergency exists). The purchase of software and equipment must be compatible as a class of contracts exempt from public contracting.

MOTION: RC/DM move to adopt the recommendations by the City Attorney. (Unanimous). Motion carried.

Mayor Cox called for a break at 9:10 p.m. The meeting reconvened at 9:20 p.m.

2. Motion to authorize staff to apply to the Oregon Department of Transportation for TEA-21 Transportation Enhancement Program funds to: 1) Remove present street lighting and install pedestrian scale lighting (old fashioned lighting) along First Street from River Street to Main Street; and 2) Upgrade existing signal lights to an old fashioned style lighting similar to the new signals that will be installed in 1999 at the Meridian Street and Howard Street intersections on First Street.

Discussion was held concerning the issues raised in the application. Mr. Brierley presented the staff report and the formation of the local improvement district (LID). Mr. Brierley stated that the local improvement district not being formed may cost the City some funds.

Councilor RC asked when staff had found out about the grant availability. Mr. Brierley said it was about 3-4 months ago. DRC said that the criteria and ability to apply did not come out until the first part of December, 1998. It was discussed at the Capital Projects Committee in December. Councilor RC asked when it has to be turned in. Mr. Soderquist said it is due on January 29th.

Councilor RW said that by adopting the proposal it would give the City strength and a position to work with the Oregon Department of Transportation (ODOT) and help put Newberg on the list of other progressive cities.

Councilor DM said she discussed it at the Downtown Redevelopment Committee in requesting funding.

Councilor FH said he feels it is a worthy program and would help set a precedent with ODOT showing that the City can work with them which may make other negotiations with ODOT better down the road. The Council should make a stand to find the matched dollars.

DRC clarified the time frames in dealing with the Downtown Redevelopment Committee and ODOT. Councilor RC asked for clarification of the criteria and assumed that City staff would be working with the various agencies to arrive at a proposal. Discussion was held concerning the property owners assisting the City in providing additional criteria for a potentially "unfunded" project.

Councilor DM said that the TEA money is federal money that has trickled down to the City and that the City should take up the opportunity to use the money.

MOTION: FH/RW moved to authorize City staff to apply to ODOT as discussed and that the City is willing to back the additional matched funds. (Unanimous). Motion carried.

Councilor RW commended the Mayor for a job well done in how the meeting was conducted.

IX. EXECUTIVE SESSION

1. Executive Session Pursuant to ORS 192.660(1)(e) relating to a Real Property Transaction.

Mayor Cox moved the meeting into executive session at 9:45 p.m.

X. ADJOURNMENT

Mayor Cox adjourned the regular council meeting at 10:10 p.m.

DRC asked the Council if they were in agreement for a meeting on the City Hall project for Monday, January 11th (a couple of hours).

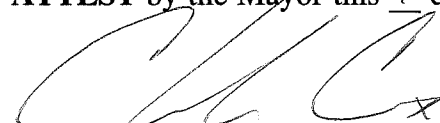
MOTION: RC/FH to adjourn at 10:13 p.m. (Unanimous). Motion carried.

ADOPTED this 17th day of May, 1999.



Duane R. Cole, City Recorder

ATTEST by the Mayor this 7 day of June, 1999.



Charles B. Cox, Mayor