NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
September 18, 2017, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

A work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Andrews, Councilors Patrick Johnson, Scott Essin, Denise Bacon, Mike Corey, Stephen McKinney and Matt Murray. Also present was the Chehalem Parks and Recreation District (CPRD) board including Peter Siderius, Don Loving, Bart Rierson, Mike Ragsdale, and Lisa Rogers. Staff present for CPRD included Don Clements and Kat Ricker. City staff present were City Manager Joe Hannan, City Attorney Truman Stone, City Recorder Sue Ryan, Public Works Director Jay Harris, Community Development Director Doug Rux, and Library Director Leah Griffith.

Joint Work Session with CPRD: Mayor Andrews called the meeting to order. CPRD Director Rierson asked to add under the discussion of trails the Dayton Avenue to Ewing Young Park connection.

Cultural District Vision: CDD Rux said some improvements in the Cultural District vision had been done, and others would be tied into the Downtown Improvement Plan. There had been discussions with the Masonic Temple for ADA improvements and bringing the Festival Street down Howard. There was also a parking management plan and there had been conversations with the Cultural Center on what the parking requirements would be for them and the Cultural District as a whole. CM Hannan said staff was looking for direction on developing a project list. One project was for the Cultural Center kitchen. There was discussion on the next round of tourism grants. There was discussion on ADA issues in the Cultural District including the needs for ADA ramps and wider sidewalks.

CPRD President Siderius said CPRD wanted to create a sense of whole with uniform landscaping throughout the Cultural District. There needed to be visioning about expansion of the District and its future uses. There was discussion on what tourism monies could be used for including wayfinding signs. There was discussion on expanding Howard Street, the impact of that on parking and current places for parking. There was discussion on the remaining projects for the Chehalem Cultural Center including signage, top floor renovation, kitchen, and restrooms.

Future Focus: CPRD Director Clements said a community wide survey could be done together and the survey could include some of these issues they were talking about. He thought elected officials should meet in early 2018 as well. There was discussion regarding the elected officials meeting more often, such as a couple of times per year, and who to include in these meetings.

Newberg Trails: Director Rierson said the new trail at Ewing Young Park was a 1.6 mile loop that took people down to the creek with plans to go under the Bypass and connect to Yamhill County landfill property. A spur of the Ewing Young trail was 150 yards short of the Dayton Avenue pumping station. He wanted to know if City Engineering could work on getting the trail through. There was discussion on the types of use on the trails. CPRD Director Clements said there was a Trails Master Plan that included equestrian trails and the possibility of a campground on Highway 219 and trails to connect to it. People used the trails all the time around the golf course. There was discussion on the Waterfront Master Plan, funding sources for trails and maps showing locations.

PWSD Harris stated the Dayton Avenue pump station was slated for replacement and the plans were near completion. They evaluated a trail connection from the end of 9th Street through private property. The problem was this area was topographically constrained and there was not enough frontage at the top of the site to have a fenced compound and a trail connection. They would need to acquire property to make the trail work. He suggested their trails planner contact him to discuss it further. There was discussion on when the City and CPRD could meet next and they decided in early February.

Reuse Water Agreement: CPRD Director Clements asked about the reuse water agreement as they were ready to sign it. CM Hannan said the reuse water rate had been reduced by Council action to $2.51. The agreement was if CPRD signed the reuse water agreement, at the next Citizens Rate Review Committee process there would be discussion on reducing the rate to $2.00.

CALL MEETING TO ORDER
Mayor Andrews called the business session to order at 7:20 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Scott Essin	Stephen McKinney
	Mike Corey	Denise Bacon	Patrick Johnson
	Matt Murray		

Staff Present:	Joe Hannan, City Manager	Truman Stone, City Attorney
	Sue Ryan, City Recorder	Doug Rux, Community Development Director
	Jay Harris, Public Works Director	Anna Lee, Human Resources Director
	Brian Casey, Police Chief	Mary Newell, Police Support Services Manager
	Matt Zook, Finance Director	Rosa Olivares, Community Engagement

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

PROCLAMATION: Mayor Andrews read the proclamation recognizing George Fox University for their 19th annual Serve Day on September 13, 2017 and presented it to student representatives.

CITY MANAGER'S REPORT: CM Hannan had worked with staff on revenue projections. He and staff met with PGE staff to collaborate on projects, issues with police reserves, Motorola on the new communications system, discussed waterfront development with people in Portland, and worked on the presentation to City Club regarding emergency preparedness.

CONSENT CALENDAR:

MOTION: McKinney/Corey moved to approve the Consent Calendar including Council Minutes for August 14, 2017. Motion carried (7 Yes/0 No).

PUBLIC HEARINGS: Ordinance 2017-2820, Marijuana Regulations amendment:
Mayor Andrews opened the public hearing. He called for any abstentions, ex parte contacts, and objections to jurisdiction. There was none.

CDD Rux gave the staff report. This issue was related to two overlay districts and the City's marijuana regulations. Marijuana producers, processors, and wholesalers were allowed in industrial zones, and most of the Bypass Overlay area was industrial land. The purpose of the Bypass Overlay was to limit commercial activities so more trips were not being generated. Staff recommended dropping the word "recreational" and leaving just marijuana laboratories. The Planning Commission recommended for the Airport Overlay to go back to the base zone and see if the regulation allowed the use. They also recommended permitting marijuana producers, processors, and wholesalers but not retailers and dispensaries in the Bypass Overlay. The intent was to exclude commercial operations, not industrial. The Development Code would also need to be amended. Processors, producers, retailers, wholesalers, and laboratories were not allowed in the R-2 district. Recreational marijuana retailers were prohibited in the Bypass Overlay. Medical marijuana dispensaries, processors, grow sites, and wholesalers were allowed in Airport Industrial.

Councilor McKinney clarified there were no current establishments in these zones. CDD Rux said that was correct. There were three retail operations elsewhere. If the entirety of the Airport Overlay was included those uses could not be there. The consequence was no State revenue sharing. Councilor Johnson asked if the displaced threshold was important if the City did a future development agreement with Sportsman Airpark. CDD Rux said the airport had a split designation of Public/Quasi-Public and Industrial. The City could limit use activities in the agreement.

Proponents: Pat Marshall spoke in favor of the ordinance. He owned Sunrise Analytical Laboratory and would like to be located in Newberg. Sunrise had demonstrated commitment to providing the highest quality testing of cannabis in Oregon. They were the first to close their previous location when the City outlawed cannabis based businesses. Locating in a legally zoned area for a cannabis lab had been a daunting task. Oregon had few industrial, light industrial, and mixed use lands and warehouse style buildings were not good structures for laboratories. They were looking for a medical office. Employees would go out and pick up samples so there would be no increase of cars around the Bypass.

Opponents: None
Undecided: None
Mayor Andrews closed the public hearing. CDD Rux recommended adoption of the Ordinance.

MOTION: Bacon/Johnson moved to waive the second reading of Ordinance 2017-2820. Motion carried (7 Yes/0 No).

MOTION: Bacon/Essin moved to adopt Ordinance 2017-2820 and read by title only, An Ordinance amending the Newberg Development Code for marijuana regulations as they relate to the Airport Overlay (AO) Subdistrict and Bypass Interchange (BI) Overlay Subdistrict as permitted, conditional or prohibited uses within the City of Newberg. Motion carried (7 Yes/0 No).

Glass Recycling:
CM Hannan said this came from a citizen request. Waste Management said they would consider adding glass recycling on a subscription service. If 1,000 people signed up it would cost $5.22 per month, if there were 3,400 it would be $3.64 per month, and if the service was mandated it would be $2.88 per month. He recommended not mandating this service.

Proponents: Shannon Gustafson, Newberg resident, spoke in favor. There were many benefits. There had been two online petitions in favor of glass recycling, which totaled over 300 signatures. She thought glass recycling should be made mandatory as it would be a burden on the citizens to get enough people to participate and it would be too expensive for some people to do otherwise.

Mayor Andrews asked if citizens were required to use Waste Management.Mike Jeffries, Waste Management, said the company had a franchise with the City to collect garbage but it was not mandatory. People could haul their own garbage. Councilor Johnson thought the next franchise agreement would be negotiated in 12-18 months. He asked if the amount would only increase if they waited.

Mr. Jeffries said they wouldn't know actual costs until program rollout. They would establish a rate and then go through a rate review process looking at profitability and consolidation with other collections. Rate of return would determine the charge. Councilor Johnson asked if they charged a fee for glass recycling in other communities. Mr. Jeffries said other communities already had it factored in as part of the recycling program. Newberg was the only community that didn't do residential glass.

There was discussion on the markets for glass recycling, processing, and how commercial customers in Newberg had glass recycling and it was taken to a facility where it went to the glass markets. HOAs were considered commercial customers. Councilor Bacon was in favor of making this a subscription service as recently citizens had taken on new burdens with the TUF and TVF&R and she was not comfortable adding more by creating a mandatory program. There was discussion and consensus about adding a subscription model for residential glass recycling, and to possibly consider making it mandatory after a trial period or as part of negotiations during the next franchise renewal.

MOTION: Bacon/Murray moved to have staff work with Waste Management to start a residential recycling program for glass as a subscription service. Motion carried (7 Yes/0 No).

There was a brief recess.

CONTINUED BUSINESS: Council Priorities:
CM Hannan said there had been at least three sessions on the Council priorities for the next two years. The priorities were listed out in order. Attached to the priorities were action steps to accomplish the priorities. He was asking for approval to go forward. He explained the difference between goals and priorities.

Councilor Johnson had discussed with other Councilors including in these priorities a review of the City's processes to match up the processes with how they thought they should be working. He said staff did an amazing job but controversies took away from the priorities. They also needed to make sure that departments weren't working against one another and that there was enough staff to accomplish the priorities. He saw Council as reacting and not being proactive.

Councilor Bacon agreed with Councilor Johnson. Sometimes they moved onto the next thing before the first thing was completed. She was afraid if they pushed too many things at once then projects would not be completed in the future. They needed to finish one thing completely before moving on. Councilor McKinney said 13 priorities might be too many. There needed to be a gleaning from the 13 priorities into what they were going to be able to get accomplished. It was time to regain focus.

Councilor Essin suggested removing number 12, the TVF&R annexation. They also were currently working on improving the transit system and he thought that could be removed. He recommended adding an Urban Forest Plan to address tree maintenance, hazardous trees, site distance issues, and street tree issues. Councilor Corey said the listed priorities were good and some were already being worked on. The Council needed to commit to the priorities but also not stop what had already begun. Councilor McKinney agreed with Councilor Bacon to focus on items where they could show measurable results. There needed to be some vigorous energy applied to the priorities to make substantial headway.

CM Hannan said the tree issue had recently come up and it should only be a priority if the policy was going to be changed. The priorities had action steps to make them happen. The purpose of the priorities was to lay out their vision and how to get there. Councilor McKinney said number 10 was very important but got lost in the mix and needed to be energized. Councilor Essin said there was a big difference in whether or not there was an Urban Forest Plan. CM Hannan suggested the Council could vote on the priorities and deal separately with the other factors involving specific issues such as trees.

CA Stone said the City was dealing with tree issues. The priorities would be a document they would take to the budget process and decide what resources would be devoted to them. There was no one in the City that was qualified as an arborist and if the Council wanted to make that a priority they would also need to devote the resources to make it happen. Another example was emergency preparedness where there was no dedicated employee or budget for it. He did not think they should remove TVF&R from the list because it was not completed yet.

Councilor Essin said high utility bills were another issue that needed to be addressed, especially as the rates were going to be reviewed soon. He thought more public education and equal pay were ways to help address the problem. Councilor McKinney clarified there was not a consensus to add trees as a priority.

Mayor Andrews asked if priorities were listed in a priority order. Priority number 2 included implementing plans for road repair and maintenance, replacing and repairing sidewalks, and securing additional funding and he thought that had already been done through TUF and HB 2017. Were some of these priorities or were they an administrative activity that the City did? CM Hannan said they were in priority order except TVF&R should be closer to the top. The financial plan took a big effort to do and staff was almost done and it could possibly be taken off. Transit was important, but no funding and little effort had been given. He explained the TUF still needed to be fully implemented and evaluated and they were still short on funding for the streets' issue.

Councilor McKinney suggested categories like Class A, B, or C, for implementation, evaluation, and reevaluation. Councilor Essin wanted to hear from staff if the list was realistic. CM Hannan said the attached chart had the strategy to complete priorities for a two-year period. Councilor McKinney asked if they were in priority order. If not, then how could they be brought back to Council differently? CM Hannan said the only thing he would change was to move Number 12 to Number 3. Councilor Essin clarified a tree program was not included in the priorities. CA Stone said staff handled code complaints as related to trees for sight/distance at intersections.

MOTION: Murray/Corey moved to accept the Council Priorities for 2017-2018 in the order outlined in the RCA except that Number 12 became Number 3 in order of priority. Motion carried (6 Yes/1 No [Essin]).

NEW BUSINESS: Resolution 2017-3407, Code Amendment initiation

CDD Rux said Western Oregon Dispensary requested modifying their hours. The Municipal Code set hours from 9 a.m. to 8 p.m. This business would like to extend hours to 9 p.m. That required a Development Code amendment and Council was being asked to initiate the process. There was discussion on hours of neighboring facilities, how much staff time it would take to amend the code and reimbursement to the City.

There was discussion on there being no crimes committed at marijuana facilities either in Newberg or Dundee, and how assisting and promoting businesses was part of what economic development encompassed. CDD Rux clarified there were things that Council asked staff to do and there were things that a community member proposed to change and asked the Council to allow. In the second case that party paid a fee to go through the application process.

MOTION: Johnson/Corey moved to deny Resolution 2017-3407, A Resolution initiating an amendment to the Newberg Municipal Code, Title 15 Development Code for hours of operation of marijuana retail and dispensary facilities. Motion passed (5 Yes/2 No [Bacon, Essin]).

Resolution 2017-3410, PD Union Contract:

HR Director Lee said this was a request to ratify the Newberg-Dundee Public Safety Association Agreement. The Agreement would be retroactively effective to July 1, 2017.

MOTION: McKinney/Johnson moved to adopt Resolution 2017-3410, A Resolution approving the Collective Bargaining Agreement between the City and the Newberg-Dundee Public Safety Association, effective retroactively to July 1, 2017 through June 30, 2022, and authorizing the City Manager to execute the agreement as well as delegating the authority to make minor amendments and interpret the agreement on behalf of the City. Motion carried (7 Yes/0 No).

Resolution 2017-3391, WCCCA MOU:

FD Zook said the purpose for this agreement was recognizing the formal role of WCCCA on behalf of the City in the communications upgrade process as project manager and to negotiate contracts. This was a $3.3 million project for antennas, radios, and updated dispatch equipment. He explained the procurement process and the $91 per hour fee for overhead. Staff recommended approval.

There was discussion on funding for the $2.9 million project. Mayor Andrews thought there should be a decision on the MOU before there was further discussion on the funding options.

MOTION: McKinney/Corey moved to adopt Resolution 2017-3391, A Resolution adopting a Memorandum of Understanding with Washington County Consolidated Communications Agency pertaining to the Emergency Communications System upgrade project.
Councilor Johnson clarified the MOU did not lock the City into spending the $3 million. It was agreeing to $91 per hour for implementation of the plan.
Motion passed (6 Yes/1 No [Essin]).

Resolution 2017-3411, Motorola Contract:
CM Hannan discussed the discount and upgrade amount. The number they should focus on was $2.9 million. There were additional costs not for Motorola but for other expenses. The three components of the total project were antennas, dispatch, and radios and not all were being paid for by Motorola. The City had to come up with $2.9 million to make the upgrade happen.

Councilor Murray thought they had to do the upgrade as a public safety issue. Numbers weren't adding up if the annexation to the Tualatin Valley Fire and Rescue District failed. The City would be tied through the MOU to Motorola and would have to pay that amount of money in a set amount of time. CM Hannan said if the annexation failed, the only way they would be able to have a Fire Department in comparison to TVF&R would be going back out to the voters for additional funding, probably through a levy. The communications upgrade would be part of that levy. FD Zook said it would be paid back in 5-7 years, which made the annual fiscal cost about $500,000 to $700,000 per year. They would borrow the money to make the timely payments to Motorola and would pay it back slower. Councilor McKinney said they had known about the upgrade to WCCCA longer than the TVF&R annexation and the annexation did not have anything to do with the upgrade. There was a methodology to cover the costs. He didn't think there was a choice as the upgrade was needed.

MOTION: McKinney/Corey moved to adopt Resolution 2017-3411, A Resolution authorizing the City Manager to enter into an agreement with Motorola Solutions, Inc. for $2,019,576.91.
Councilor Essin asked if this was in addition to the $1.2 million gap in the budget. He asked how soon they would sell the Fire Stations. CM Hannan said it was in addition to the budget gap and the same funding options would be looked at for that gap as well. He was not recommending selling the Fire Station buildings, but for TVF&R to purchase the City's fire equipment. That was an easier option than raising additional fees.
Motion passed (6 Yes/1 No [Essin]).

COUNCIL BUSINESS: Mayor Andrews discussed lodging for the League of Oregon Cities Conference. Councilor McKinney said the subscription ambulance payment could not be made at the local Fire Station. He asked if they could make arrangements for payments to be dropped off at City Hall. CM Hannan would look into the issue.

ADJOURNMENT: The meeting was adjourned at 11:10 p.m.

ADOPTED by the Newberg City Council this 6th of November, 2017.

Sue Ryan

Sue Ryan, City Recorder

ATTESTED by the Mayor this 8th day of November, 2017.

Bob Andrews

Bob Andrews, Mayor