
**City of Newberg
City Council
December 9, 2019**

BUSINESS SESSION

**CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE – CITY MANAGER’S
REPORT- PRESENTATIONS:**

Meeting called to order at 7:00 p.m.

Councilors Present: Mayor Rick Rogers, Councilors: Stephanie Findley, Denise Bacon, Elise Yarnell Hollamon, Patrick Johnson, and Gene Piros.
Elizabeth Curtis Gemeroy – via telephone

Staff Present: City Manager Pro Tem David Clyne, City Attorney Truman Stone, City Recorder Sue Ryan, Community Development Director Doug Rux, Finance Director Matt Zook,

EXECUTIVE SESSION ORS 192.660 (2) (e) – Real Property

Start: 7:05 p.m.

Stop: 7:35 p.m.

Staff present: Jay Harris, David Clyne, Truman Stone, Doug Rux, Matt Zook.

Other: Adam Sussman, GSI Solutions

Topic: purchase of property for Water Treatment plant

CITY MANAGER’S REPORT:

City Manager Pro Tem David Clyne reported on City activities including City Manager recruitment, Patton lawsuit settlement, Community Engagement work – Feel Good Friday, grant award for Economic Opportunities Analysis, meetings regarding HB 2001 and 2003, 50 year population projections, Regional Solutions work, and IT Master Plan.

COUNCIL APPOINTMENTS:

Committee reappointments

Action: To reappoint Timothy Carpenter and Brad Sitton to the Budget Committee for three-year terms from January 1, 2020 to December 31, 2022.

To reappoint Barbara Doyle and Chuck Zickefoose to the Historic Preservation Commission for three-year terms from January 1, 2020 to December 31, 2022.

To reappoint Allyn Edwards and Kriss Wright to the Planning Commission for three-year terms from January 1, 2020 to December 31, 2022.

To reappoint Mark Carleton and Jeff Grider to the Traffic Safety Commission for three-year terms from January 1, 2020 to December 31, 2022.

Motion: Councilor Findley
Second: Councilor Piros

Vote: 7 Yes, 0 No, 0 Absent

PUBLIC COMMENTS:

Michael Gunn, Newberg resident, discussed the Patton lawsuit and the resulting increase in the City's insurance rates. He then discussed the allegations in the recent sexual harassment case and his qualifications as an attorney.

Rebecca Wallis, Newberg resident, talked about public records requests and lack of responsiveness from the City to her questions. She found it frustrating that the Pro Tem City Manager had run out of PERS hours. The City required full time attention and management.

Mayor Rogers allowed Mr. Gunn 2.5 more minutes to speak.

Mr. Gunn discussed the cost of the lawsuits and risks to the City which would cause insurance rates to rise. He thought Brooks, Casey, and Kosmicki should have been publicly exonerated.

Rebecca Swindle, Newberg resident, discussed PFLAG Newberg's request to fly the PRIDE flag for the month of June. She explained what flying a flag would do for the community.

ACTION ITEMS- Consent Calendar

1. a) Resolution 2019-3625, A Resolution authorizing the changes to public comments in Council Rules.
- b) Resolution 2019-3628, Resolution to hire –This item was pulled from the consent calendar.
- c) Resolution 2019-3631, A Resolution approving an intergovernmental agreement with the Mid-Willamette Valley Council of Governments for land use planning services.
- d) Approval of settlement and release agreement – This item was pulled from the consent calendar.

Action: To approve consent calendar items a and c only.

Motion: Councilor Findley
Second: Councilor Johnson
Vote: 7 Yes, 0 No, 0 Absent

PUBLIC HEARINGS:

1. Resolution 2019-3626, Yamhill County partition

Mayor Rogers opened the public hearing and read the hearing script. He asked for any abstentions, bias, ex parte contacts, conflicts of interest, or objections to jurisdiction. None declared.

City Attorney Stone read the legal announcements.

Staff Report: Senior Planner Cheryl Caines presented the request for a recommendation to the County on a partition for property outside of the City limits but within the Urban Growth Boundary. The property was two acres on NE Roberts Lane zoned Very Low Density Residential. The site would be divided into two parcels, with one lot for the existing single family home and one lot for one new single family home. The plans showed how urban development could occur in the future. Staff recommended approval.

Proponents: None
Opponents: None
Undecided: None

Mayor Rogers closed the public hearing. CA Stone read the legal announcements.

Action: To approve Resolution 2019-3626, A Resolution recommending that Yamhill County approve a proposed partition at 2716 NE Roberts Lane, Yamhill County Tax Lot No. 3208AD-01200

Motion: Councilor Findley
Second: Councilor Bacon
Vote: 7 Yes, 0 No, 0 Absent

2. Ordinance 2019-3584, Street vacation of ROW in Fulton Street

Mayor Rogers opened the public hearing and read the hearing script. He asked for any abstentions, bias, ex parte contacts, conflicts of interest, or objections to jurisdiction. None declared.

Staff Report: SP Caines presented the request for vacation of N Center Street right-of-way to allow more flexibility for the second phase of the Friendsview University Village development. There had to be two-thirds of the property owners in the affected area that consented to the vacation, and in this case the adjacent property owners were Friendsview Manor LLC except for one tax lot to the northwest owned by the Cad Living Trust. There was a water line and wastewater line in this right-of-way as well as PGE

and Frontier facilities and the applicant was required to record easements for the City, private utilities and services, and emergency vehicles for access. The ordinance also reflected the sale of the Cadd Living Trust tax lot to Friendsview. Staff recommended approval.

Proponents: None

Opponents: None

Undecided: None

Mayor Rogers closed the public hearing.

Action: To waive the second reading of Ordinance 2019-2854.

Motion: Councilor Johnson

Second: Councilor Yarnell Hollamon

Vote: 7 Yes, 0 No, 0 Absent

Action: To approve Ordinance 2019-2854, An Ordinance vacating the N Center Street right-of-way North of E. Fulton Street, adjacent to Yamhill County tax lots 3217CB-00500, -01000, -01500, -01600, and -02600 within the corporate city limits of Newberg, Oregon, and retaining public and private utility and access easements over the street being vacated to be read by title only.

Motion: Councilor Johnson

Second: Councilor Bacon

Vote: 7 Yes, 0 No, 0 Absent

The Council took a brief recess.

NEW BUSINESS:

1. Resolution 2019-3629

Community Development Director Doug Rux said in 2019 the legislature passed HB 2001 and the bill stated that they could no longer require off street parking for Accessory Dwelling Units. The City's code needed to be changed to align with this new legislation.

Action: To approve Resolution 2019-3629, A resolution initiating an amendment to the Newberg Municipal Code, Title 15 Development Code for Accessory Dwelling Unit Parking Requirements.

Discussion: Councilor Johnson discussed Home Rule.

Motion: Councilor Bacon

Second: Councilor Johnson

Vote: 7 Yes, 0 No, 0 Absent

2. Resolution 2019-3628, Resolution to hire

The Council discussed:

- Hiring processes of the City. Councilor Johnson intended to vote no.
- Assessment of the City's practices related to recent litigation, improvements to safeguard against future lawsuits.
- Need to continue to operate the City and have Engineering at a level that served citizens.
- Report back to Council by CMPT in January.

Action: To approve Resolution 2019-3628, A Resolution authorizing the City Manager Pro Tem to appoint recommended candidates to the following positions:

Luke Smith – Public Works Operations - Operator I
Zenaida Buganan – Administrative Assistant – Engineering part time
Christian Manasco – Engineering Technician I – part time

Motion: Councilor Yarnell Hollamon
Second: Councilor Curtis Gerneroy
Vote: 5 Yes, 2 No [Bacon, Johnson]

3. Resolution 2019-3624, A Resolution to authorize the City Manager Pro Tem to enter into a professional services agreement with HBH Consulting Engineers, Inc. to design the city's 2020 Pavement Rehabilitation & Maintenance Projects

The Council discussed:

- Street assessments – what was included and what was not.
- The Greens area.

Action: To approve Resolution 2019-3624, A Resolution to authorize the City Manager Pro Tem to enter into a professional services agreement with HBH Consulting Engineers, Inc. to design the city's 2020 Pavement Rehabilitation & Maintenance Projects

Motion: Councilor Yarnell Hollamon
Second: Councilor Johnson
Vote: 7 Yes, 0 No, 0 Absent

COUNCIL BUSINESS:

Issue Tracker Items – There was consensus not to include public records requests as an Issue Tracker item, but to add the PFLAG request to the Tracker.

Councilor Findley thought it was great to have an engaged public, however there were disrespectful comments coming from audience members when someone else was speaking. There had been issues the last few meetings with the audience. There was discussion on how to handle this situation. Mayor Rogers would make an announcement at the beginning of

public comments on proper behavior. There was further discussion regarding public comments made about staff.

Committee reports – Councilor Yarnell Hollamon reported on Visit Newberg and how the new branding was great.

Mayor Rogers reported on the Christmas Tree Lighting and Newberg Downtown Coalition Christmas Market. The date for the Goal Setting was January 18, 2020.

EXECUTIVE SESSION – Pending Litigation ORS 192.660 (2) (I)

Start: 9:40 p.m.

Stop: 10:10 p.m.

Staff present: David Clyne, Truman Stone

Other: Gary Allen, Newberg Graphic

Topic: litigation

EXECUTIVE SESSION – Performance Evaluations ORS 192.660 (2) (i)

Start: 10:10 p.m.

Stop: 11:20 p.m.

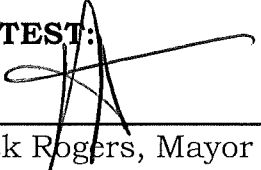
Staff present: Truman Stone

Topic: City Attorney performance evaluation

Meeting adjourned at 11:20 p.m.


Sue Ryan, City Recorder

ATTEST:


Rick Rogers, Mayor