

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. (The exception is formal land use hearings, which requires a specific public hearing process.)

**CITY OF NEWBERG
CITY COUNCIL AGENDA
JUNE 7, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

I. CALL MEETING TO ORDER*

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. CITY MANAGER'S REPORT

V. PUBLIC COMMENTS

(30 minutes maximum which may be extended at the Mayor's discretion; an opportunity to speak for no more than 5 minutes per speaker allowed)

VI. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2010-2904** authorizing the City Manager to negotiate and enter into a Guaranteed Maximum Price Amendment for the construction of the Highway 240 Pump Station and Force Main Project with Mortenson Construction, in accordance with their contract with the City. (Pgs. 3-4)
2. Consider a motion approving a **Proclamation** recognizing Sergeant Mark Cooke, Senior Officer Scott Liston, and Officer Thomas Sattler for actions taken saving the life of another and awarding them the Life Saving Award. (Pgs. 5-6)
3. Consider a motion approving **City Council Minutes** for May 3, 2010. (Pgs. 7-12)

VII. PUBLIC HEARING

1. Consider a motion adopting **Ordinance No. 2010-2727** amending the Newberg Municipal Code Chapter 53 Section 53.13 Allowing for Single Family Residential Stormwater Management Fee Credits. (Pgs. 13-18)
(Legislative)
2. Consider a motion adopting **Resolution No. 2010-2902** establishing a funded low income residential utility bill assistance program based upon information, outreach, water audits, plumbing rehabilitation, and direct utility bill credits. (Pgs. 19-24)
(Legislative)

*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.

VIII. NEW BUSINESS

Consider a motion approving **Resolution No. 2010-2903** approving the replacement of the existing downtown fall banners with new banners. (Pgs. 25-28)

IX. COUNCIL BUSINESS

X. ADJOURNMENT

INDEX OF ORDERS, ORDINANCES AND/OR RESOLUTIONS:

ORDINANCES:

Ordinance No. 2010-2727 amending the Newberg Municipal Code Chapter 53 Section 53.13 Allowing for Single Family Residential Stormwater Management Fee Credits.

RESOLUTIONS:

Resolution No. 2010-2902 establishing a funded low income residential utility bill assistance program based upon information, outreach, water audits, plumbing rehabilitation, and direct utility bill credits.

Resolution No. 2010-2903 approving the replacement of the existing downtown fall banners with new banners.

Resolution No. 2010-2904 authorizing the City Manager to negotiate and enter into a Guaranteed Maximum Price Amendment for the construction of the Highway 240 Pump Station and Force Main Project with Mortenson Construction, in accordance with their contract with the City.

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Manager'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 48 hours prior to the meeting. To request these arrangements, please contact Norma Alley, City Recorder, at (503) 537-1283.

Public testimony will be heard on all agenda items at the Council meeting. The City Council asks written testimony be submitted to the City Recorder before 5:00 p.m. on the preceding Thursday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

*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: June 7, 2010

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2010-2904

SUBJECT: A resolution authorizing the City Manager to negotiate and enter into a Guaranteed Maximum Price Amendment for the construction of the Highway 240 Pump Station and Force Main Project with Mortenson Construction, in accordance with their contract with the City.

Contact Person (Preparer) for this Resolution: Lawrence Fain, CIP Manager

Dept.: Public Works Department

File No.:
(if applicable)

RECOMMENDATION:

Adopt Resolution No. 2010-2904.

EXECUTIVE SUMMARY:

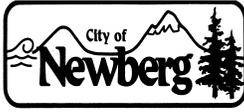
The design of the Highway 240 pump station was completed about two years ago by David Evans & Associates, Inc. The City of Newberg has been working closely with Mortenson Construction, the Construction Manager/General Contractor (CM/GC) for the Wastewater Treatment Plant Repair, Renovation and Expansion Project on the preparation of a Guaranteed Maximum Price (GMP) Proposal for the construction of the Highway 240 Pump Station and Force Main Project.

This project will address several critical problems impacting the Dayton Avenue Pump Station overflows; correct capacity issues in the wastewater collection system in River Street (between 6th & 9th Streets); deal with stormwater issues in Illinois Street; plus remove the old Allen Fruit Tank (most currently PPM) at Illinois and College Streets (salvaging motors and structural elements for other planned City uses and recycling the steel).

The City staff and its consultants (HDR Engineering and David Evans & Associates) have monitored the procurement/bidding process that Mortenson personnel have used to competitively bid the sub-contract work to fully construct the project. Additionally, the City and HDR have closely reviewed the self-performance portion of the work that Mortenson is planning to execute. The total negotiated GMP Amendment is \$1,793,993. After adjusting for some additional scope to the two year old design, this price is within one percent (1%) of the qualified cost estimate. The majority of the subcontract work (75% plus) will be done by local contractors.

FISCAL IMPACT: This project is budgeted in the 2010/11 Capital Improvement Program Budget under account numbers 04-5150-706392, 04-5150-717724 and 04-5150-707593.

STRATEGIC ASSESSMENT: Award of this contract is in conformance with the existing CM/GC contract and therefore does not impact the strategic options of the City.



RESOLUTION No. 2010-2904

A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A GUARANTEED MAXIMUM PRICE AMENDMENT FOR THE CONSTRUCTION OF THE HIGHWAY 240 PUMP STATION AND FORCE MAIN PROJECT WITH MORTENSON CONSTRUCTION, IN ACCORDANCE WITH THEIR CONTRACT WITH THE CITY

RECITALS:

1. The City of Newberg and its Construction Manager/General Contractor (CM/GC), Mortenson Construction, have solicited a variety of sub-contract packages for the construction of the Highway 240 Pump Station and Force Main Project and negotiated the CM/GC self-performance portion of the work.
2. Based on those efforts the total construction contract value for the CM/GC Guaranteed Maximum Price Amendment is \$1,793,993.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The City Council, acting as Contract Review Board for the City, does hereby authorize the City Manager to negotiate and award a CM/GC Guaranteed Maximum Price Amendment to Mortenson Construction for the Highway 240 Pump Station and Force Main Project for \$1,793,993.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 8, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of June 2010.

Daniel Danicic, City Recorder

ATTEST by the Mayor this 10th day of June 2010.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ____ / ____ /200x meeting. Or, None.
(committee name) (date) (check if applicable)

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2010

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

SUBJECT: Approve a proclamation recognizing Sergeant Mark Cooke, Senior Officer Scott Liston, and Officer Thomas Sattler for actions taken saving the life of another and awarding each the Life Saving Award.

Contact Person (Preparer) for this Motion: Lieutenant Chris Bolek

Dept.: Newberg-Dundee Police Dept.

File No.:
(if applicable)

RECOMMENDATION:

Approve a proclamation recognizing Sergeant Mark Cooke, Senior Officer Scott Liston, and Officer Thomas Sattler for actions taken saving the life of another and awarding each the Life Saving Award.

EXECUTIVE SUMMARY:

On April 15, 2010, an adult male was intent on ending his life.

Sergeant Mark Cooke was confronted by an adult male with a handgun yelling for Sergeant Cooke to shoot him or, if not, that he would shoot Sergeant Cooke.

Senior Officer Scott Liston and Officer Thomas Sattler were confronted by an adult male with a handgun yelling at them to shoot him.

Sergeant Mark Cooke, Senior Officer Scott Liston, and Officer Thomas Sattler selflessly and without regard to their personal safety made quick split second decisions of a life and death nature, both for themselves, their fellow officers, and the adult male, choosing to only display their firearms as a defensive force option rather than use their firearms to injure or kill the adult male.

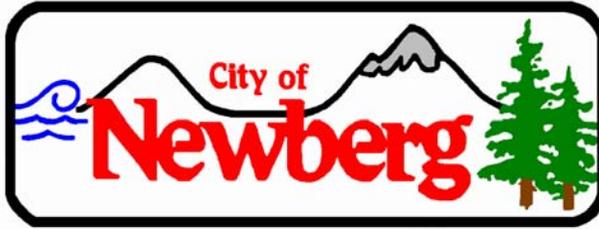
Officers continually attempted to negotiate and reason with the adult male, who finally surrendered his firearm after nearly a two hour period wherein the adult male nearly took his own life as well as attempting to have the officer shoot him.

Senior Officer Scott Liston and Officer Thomas Sattler, while in imminent and extreme danger, performed a purposeful, distinctive and successful lifesaving act on another human being.

FISCAL IMPACT: None.

STRATEGIC ASSESSMENT:

This supports the Council's desire in recognizing outstanding service to our community.



PROCLAMATION

A PROCLAMATION RECOGNIZING SERGEANT MARK COOKE, SENIOR OFFICER SCOTT LISTON AND OFFICER THOMAS SATTLER FOR ACTIONS TAKEN SAVING THE LIFE OF ANOTHER

WHEREAS, on April 15, 2010, an adult male was intent on ending his life; and

WHEREAS, Mark Cooke was confronted by a male with a handgun yelling for Sgt. Cooke to shoot him or, if not, that he would shoot Sgt. Cooke; and

WHEREAS, Scott Liston and Thomas Sattler were later but within moments, individually confronted by the male yelling for Senior Officer Liston and Officer Sattler to shoot him; and

WHEREAS, Mark Cooke, Scott Liston and Thomas Sattler selflessly and without regard to their personal safety made quick split second decisions of a life and death nature, both for themselves and the adult male, choosing to only display their respective firearms as a defensive force option rather than use their firearms to injure or kill the adult male; and

WHEREAS, Mark Cooke continually attempted to negotiate and reason with the adult male, while ***Scott Liston and Thomas Sattler*** continually assisted with the tactics and logistics that lead to the adult male finally surrendering his firearm after nearly a two-hour period wherein the adult male nearly took his own life as well as attempting to have officers shoot him; and

WHEREAS, Mark Cooke, Scott Liston and Thomas Sattler while placing themselves in imminent and extreme danger, performed a purposeful, distinctive and successful lifesaving act on another human being; and

NOW, THEREFORE, IT IS PROCLAIMED by Mayor Bob Andrews of the City of Newberg, Oregon, that the citizens of Newberg express their warm appreciation and gratitude to ***Sergeant Mark Cooke, Senior Officer Scott Liston and Officer Thomas Sattler*** for their accumulated 29 years of dedicated service as police officers for the City of Newberg and its citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on this 07th day of June, 2010.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2010

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

SUBJECT: Approve the May 3, 2010, City Council Meeting minutes.

Contact Person (Preparer) for this Motion: **Jennifer Nelson, Recording Secretary**

Dept.: **Administration**

File No.:
(if applicable)

RECOMMENDATION:

Approve the May 3, 2010, City Council minutes for preservation and permanent retention in the City's official records.

EXECUTIVE SUMMARY:

On May 3, 2010, the City of Newberg City Council held public meetings. At those meetings, minutes were recorded in text.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.

**CITY OF NEWBERG CITY COUNCIL MINUTES
MAY 3, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Work Session was held prior to the meeting. A discussion was held on the utilities bill assistance program. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:06 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Stephen McKinney
	Bart Rierson	Marc Shelton	Wade Witherspoon

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Brooks Bateman, Building Official
	Howard Hamilton, Public Works Director	Jennifer Nelson, Recording Secretary

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, gave updates on the situation with the beavers building dams in a culvert, but as they have moved upstream there will not be any further action at the moment; he gave instructions to continue business as normal even though the City Recorder has gone on leave as her emails and calls are being covered; he announced the City Council video reports have been caught up on youtube.com and on the Council facebook page; the 2nd Street project is underway and a road closure is expected midweek as negotiations continue with the property owner to the south for right of way; and finally, the new Animal Shelter design review with the contractor will be coming up in the middle of the month.

V. PUBLIC COMMENTS

None.

VI. CONSENT CALENDAR

Consider a motion approving **City Council Minutes** for March 15, 2010, and April 5, 2010.

MOTION: Shelton/Rierson approving the Consent Calendar including the City Council Minutes for March 15, 2010, and April 5, 2010 as amended. (6 Yes/0 No/1 Vacant) Motion carried.
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VII. PUBLIC HEARING

Consider a motion approving **Ordinance No. 2010-2725** amending the Administrative Building Code providing for issuance of civil penalties for violations, and using the current International Code Council Building Valuation Data Tables.

TIME – 7:13 PM

Mayor Andrews called for any conflicts of interest or abstentions; none appeared.

Mr. Barton Brierley, Planning and Building Director and Mr. Brooks Bateman, Building Official, presented the staff report (see official meeting packet for full report).

Councilor Wade Witherspoon asked if the appeals fees are refundable. Staff discussed violations being appealed without reason which would be determined by a hearings officer; if there is a real basis for the appeal then whether they win or lose the fee can still be refunded. Any further appeals would have to go through the circuit court to be determined if reasonable.

Mr. Bateman added in the last seven years he has never written a citation for a building code violation. Staff said it is to cover the city if there is an egregious violation with non-compliance; it will be as a last resort and not anticipated to be frequently used.

Mayor Andrews asked if this was something that automatically updates or if it would be coming to City Council on an annual basis. Staff replied it would update automatically; the statute requires an appeal process to be in place if the building official issues a civil penalty for a compliance violation. The building code has no specific statement of procedure, any violation other than those spelled out uses a uniform violation method.

Councilor Marc Shelton asked if the language added to the code came from the Oregon League of Cities (LOC) and if there were any changes. Staff replied the language came from the LOC and was only modified to personalize it to Newberg; it is all new language in Newberg Code.

Mayor Andrews asked about the State surcharge. Staff replied it was 12% for funding the Building Code Division (BCD).

Councilor Shelton asked if the State amount is updated and if it can go higher. Staff said the percentage does not change, although the number may.

Councilor Stephen McKinney asked if this stays similar from city to city. Staff replied the same method is used for every city although the percentage may be higher or lower based on evaluation.

Mayor Andrews opened and closed public testimony as no one appeared to speak. Staff recommended adopting the ordinance.

MOTION: Rierson/McKinney approving Ordinance No. 2010-2725 amending the Administrative Building Code providing for issuance of civil penalties for violations, and using the current International Code Council Building Valuation Data Tables, read by title only. (6 Yes/0 No/1 Vacant) Motion carried.

VIII. COUNCIL BUSINESS

TIME – 7:40 PM

Mayor Andrews announced Councilor McKinney would be filling the vacancy left by Bob Larson's resignation as the Council representative on the Newberg Urban Area Management Commission (NUAMC).

Councilor Witherspoon asked for an update on the process for filling the District #6 Council vacancy and what to do if he knows someone he would highly recommend in that district. Staff replied advertising has taken place and letters sent to each registered voter in District #6, applications are due May 21, 2010, and the qualified applicants will come to City Council on June 21, 2010; it will be up to Council to appoint someone from that pool to go into effect at the first meeting in July or elect to re-advertise at that meeting. Staff recommended that personal contacts should be encouraged to fill out an application.

Councilor Bart Rieron spoke about the need to solicit a petition if that person wishes to run for election and wondered if Council could require those applying for appointment to have that petition prior to appointment.

Discussions followed that Council could require applicants to have twenty-five people sign a petition of support to fill the vacancy but changes to the charter would have to be made and those names would not be allowed to be used as part of their petition for election because those signatures cannot be collected until June. Also, the letters and notices have already been sent. Council also spoke of whether or not they wished to have someone appointed who is also applied to run because they may have an unfair advantage; or would it be better because then time would not be spent on training after the election if the appointed member has already been serving. Since the vacancy has already been advertised, it was discussed to maybe take the signature provision under consideration for when the next vacancy occurs.

Mr. Mahr discussed developing a community benefit agreement/development agreement concerning "big box" or large scale retail development as a method of gaining community support since there are conditions the city cannot impose on developers. It would be a tool for making trade-offs and a way to mediate between the City, the community, and the developer.

Councilor Denise Bacon felt this would be a great conversation to have prior to any large scale developers knocking on the door; she felt it was a great idea to pursue.

Mr. Mahr announced they would be adding an Executive Session to the May 17, 2010, meeting to discuss the Grum case before the oral argument on May 24, 2010, to outline the oral argument and get feedback.

Councilor McKinney asked if showing up to the hearing was a violation of Council rules. Mr. Mahr stated it was not because they would not be conducting council business if they just appeared.

Mr. Danicic followed up on the Chamber of Commerce's request for Council to consider allocating a percentage of the Hotel Tax revenue for the Visitor's Center; he asked for clear direction for staff.

Discussions followed about supporting the request but discussing different options such as Councilor McKinney's desire to have a clear division of chamber money for business licenses paying for things that benefit businesses directly and tourist related items being paid for by the Transient Room Tax. Councilor Witherspoon suggested not giving the full 25% requested, but maybe only 22% with the other 3% being reserved for other projects; Councilor Shelton was uncomfortable with a percentage being granted because of the lack of City oversight. Mayor Andrews was hesitant to make this into a law by ordinance or resolution and suggested the idea of a performance agreement. Councilor Rieron felt there should at least be a minimum amount set so the Chamber can do their budgeting. Staff will return with a formal agenda item at a later date, including the Chamber representatives for their input.

Councilor Rieron gave updates on upcoming Newberg Animal Shelter Friends subcommittee meeting on May 12, 2010, to discuss the 30% completion of the CM/GC contract.

Mayor Andrews recessed at 8:30 PM prior to opening the Executive Session.

IX. EXECUTIVE SESSION

Executive Session pursuant to ORS 192.660(2)(I) relating to performance review of the city manager.

TIME – 8:37 PM

X. ADJOURNMENT

The meeting adjourned at 9:14PM.

ADOPTED by the Newberg City Council this 7th day of June, 2010.

Daniel Danicic, City Recorder

ATTEST by the Mayor this ____ day of June, 2010.

Bob Andrews, Mayor

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2010

Order _____ Ordinance XX Resolution _____ Motion _____ Information _____
No. No. 2010-2727 No.

SUBJECT: Amend the Newberg Municipal Code Chapter 53 Section 53.13 Allowing for Single Family Residential Stormwater Management Fee Credits

Contact Person (Preparer) for this Ordinance: **Howard Hamilton, PW Director**

Dept.: **Public Works Department**

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL

RECOMMENDATION: Adopt **Ordinance No. 2010-2727** amending the Newberg Municipal Code Chapter 53 Section 53.13 allowing for Single Family Residential Stormwater Management Fee Credits.

EXECUTIVE SUMMARY: On April 19, 2010, Newberg City Council directed Public Works Staff to create a single family residential customer category within the existing stormwater management fee reduction program. This proposed program would support stormwater quantity management and quality enhancement at the residential level. It will establish best management practice guidelines and acknowledge single family residential customers' stormwater management efforts through the application of a credit to their stormwater management fee. The proposed Newberg City Code amendment is as follows:

53.13 - CREDITS

(F) Developed single family residential property where stormwater management is provided by the owner on-site; where said stormwater management exceeds minimum stormwater design standards and permitted conditions for development; and where the owner has entered into an appropriate stormwater maintenance agreement with the City Engineer, may be eligible for the following adjustments under the circumstances listed below. The adjustments applicable in the divisions dealing with the reduction are a maximum amount indicated in the division, and a lesser amount may be certified by the Engineer.

- (1) For a minimum square footage of pervious patios and walkways, the owner may receive a 10% adjustment of the fee.
- (2) For a pervious driveway, the owner may receive a 25% adjustment of the fee.
- (3) For new or existing qualifying trees, not including trees planted in the public right-of-way, the owner may receive a 10% adjustment of the fee.
- (4) For vegetated swales or infiltration planters not in the public right-of-way, the owner may receive a 10% adjustment of the fee.
- (5) For a rain garden built with qualifying plants and to qualifying specifications, the owner may receive a 25% adjustment of the fee.
- (6) Adjustments granted for supplying on-site stormwater management, as described in divisions (F)(1) through (F)(5) above, may be combined so long as the maximum adjustment granted under this division does not exceed 35%.

FISCAL IMPACT: This program will allow single family residential customers to receive a maximum monthly stormwater management fee reduction of up to thirty five percent (35%). For fiscal year 2010/11 the monthly stormwater fee is \$4.48. The potential customer base is 5,398; if five percent (5%) applied and qualified for full fee reduction this would equate to \$5,087 for the year in the stormwater Fund. Staff recommends limiting this program to \$5,000 for fiscal year 2010/11.

STRATEGIC ASSESSMENT: This program supports stormwater quantity management and quality enhancement at the residential level. It will establish best management practice guidelines, acknowledge single family residential customers' stormwater management efforts through applying a credit to their stormwater management fee.

EXHIBIT "A"
TO ORDINANCE NO. 2010-2727**53.13 CREDITS.**

(A) Adjustments or reductions of the fee can be made upon application of the owner of developed ~~non-single family residential~~ property to the City Engineer and upon certification by the City Engineer that the owner or the property meets **one or more** of the criteria of one of the following ~~subsections (E or F)~~ and an adjustment in the amount certified by the City Engineer is therefore appropriate.

(B) For the first year in which a stormwater management fee credit is adopted, adjustments certified by the City Engineer during that year shall be applied retroactively to the date of adoption of this code provision, if the City Engineer is satisfied that the circumstances under which the adjustment is certified existed on the date the fee is first applied to the property. In subsequent years, the date on which an adjustment is certified as appropriate by the City Engineer shall be the date on which the adjustment takes effect; the adjustment shall be prorated from that date for the balance of that year.

(C) Once certified, adjustments shall be effective for as long as the conditions and circumstances under which the adjustment was granted continue, and shall not be effective for the upcoming year without renewal on or before December 31 of each year. Renewals of adjustments may be granted upon re-application by the owner of the property to the City Engineer and upon the City Engineer's determination that the property owner is in full compliance with the terms of any existing stormwater maintenance agreement. If an adjustment lapses for any reason, the property owner must reapply to the City Engineer in order to re-institute the adjustment.

(D) Whenever the City Engineer becomes aware, through investigation upon complaint, through random inspection, or through any other means, that the owner has failed to maintain the conditions and circumstances under which an adjustment has been given, or has failed to perform under a required stormwater maintenance agreement or has failed to comply with the requirements of an approved program listed in this section, the City Engineer may immediately revoke an adjustment by sending written notice of the revocation by certified mail, return receipt requested, to the owner of the property. The City Engineer's revocation may be appealed by the owner under § 53.12. The City Engineer shall notify the Finance Director of the revocation of an adjustment, and the revocation shall be effective ten working days after the date of the written notification, if the owner has not filed an appeal. If the owner files an appeal and the revocation is upheld then the revocation becomes effective on the date of the City Engineer's revocation.

(E) Developed non-single family property where stormwater management is provided by the owner on-site; where said stormwater management exceeds minimum stormwater design standards and permitted conditions for development; and where the owner has entered into an appropriate stormwater maintenance agreement with the City Engineer, may be eligible for adjustments under the circumstances listed below. The listed adjustments are a maximum amount indicated in the division and a lesser amount may be certified by the Engineer.

(1) For on-site stormwater management provided to standards which protect against the two-year 24-hour flood, the owner may receive a 10% adjustment of the fee which is not cumulative with (E)(2) through (E)(4).

(2) For on-site stormwater management provided to standards which protect against the ten-year 24-hour flood, the owner may receive a 20% adjustment of the fee which is not cumulative with (E)(1) through (E)(4).

(3) For on-site stormwater management provided to standards which protect against the 25-year 24-hour flood, the owner may receive a 30% adjustment of the fee which is not cumulative with (E)(1) through (E)(4).

Exhibit "A"

(4) For on-site stormwater management provided to standards which protect against the 100-year 24-hour flood, the owner may receive a 35% adjustment of the fee which is not cumulative with (E)(1) through (E)(3).

(5) For qualified best management practices of paved surfaces, the owner may receive an adjustment of 10% of the fee.

(6) For qualified best management practices which improve the water quality of stormwater runoff, the owner may receive a 20% adjustment of the fee.

(7) Where an ongoing qualified educational program is provided for water quality and quantity protection, the owner may receive a 10% adjustment of the fee.

(8) Adjustments granted for supplying on-site stormwater management, as described in divisions (E)(1) through (E)(7) above, may be combined so long as the maximum adjustment granted under this division does not exceed ~~35%~~ **50%**.

(F) Developed single family residential property where stormwater management is provided by the owner on-site; where said stormwater management exceeds minimum stormwater design standards and permitted conditions for development; and where the owner has entered into an appropriate stormwater maintenance agreement with the City Engineer, may be eligible for the following adjustments under the circumstances listed below. The adjustments applicable in the divisions dealing with the reduction are a maximum amount indicated in the division, and a lesser amount may be certified by the Engineer.

(1) For a minimum square footage of pervious patios and walkways, the owner may receive a 10% adjustment of the fee.

(2) For a pervious driveway, the owner may receive a 25% adjustment of the fee.

(3) For new or existing qualifying trees, not including trees planted in the public right-of-way, the owner may receive a 10% adjustment of the fee.

(4) For vegetated swales or infiltration planters not in the public right-of-way, the owner may receive a 10% adjustment of the fee.

(5) For a rain garden built with qualifying plants and to qualifying specifications, the owner may receive a 25% adjustment of the fee.

(6) Adjustments granted for supplying on-site stormwater management, as described in divisions (F)(1) through (F)(5) above, may be combined so long as the maximum adjustment granted under this division does not exceed 35%.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2010

Order ____ Ordinance ____ Resolution XX Motion ____ Information ____
 No. No. No. 2010-2902

SUBJECT: Establish a funded low income residential utility bill assistance program based upon information, outreach, water audits, plumbing rehabilitation and direct utility bill credits.

Contact Person (Preparer) for this Resolution: **Janelle Nordyke, Finance Director & Howard Hamilton, PW Director**

Dept.:

File No.:
(if applicable)

HEARING TYPE: **LEGISLATIVE** **QUASI-JUDICIAL**

RECOMMENDATION:

Adopt **Resolution No. 2010-2902** establishing a funded low income single family residential utility bill assistance program based upon information, outreach, water audits, plumbing rehabilitation and direct utility bill credits.

EXECUTIVE SUMMARY: On April 19, 2010 the Newberg City Council adopted water, wastewater and stormwater rate increases. The estimated combined increase for an average single family residential customer would be \$11.69 per month. During this rate process the Council took comments from a number of concerned citizens who stated that the proposed increases would be onerous. They said they have difficulty paying their bill now and would be unable to afford the increase. Subsequent to the rate adoptions and in response to the public’s concerns, the City Council directed staff to establish and fund a program of utility bill assistance measures that would provide rate impact relief for those utilities customers that are economically distressed.

For several years, the Citizens Rate Review Committee has recommended to the City Council that the City provide a financial assistance program to ease utility customers when they have difficulty paying their utility bill. The City has taken the CRRC’s recommendation and has had in place a program that offers one-time financial assistance to utility customers through Yamhill County Assistance Program (YCAP). An annual budget of \$1,000 has been set aside for this program through the Utility Billing Department. When customers come to the Utility Billing Department and say they cannot pay their utility bill, the clerk directs them to YCAP for assistance. YCAP provides the screening and then prepares a voucher that states the name of the customer and the amount to be applied towards that customer’s utility account. Upon receipt of the signed voucher from YCAP, via the customer, the customer’s account is credited the amount on the voucher. A tally is made of vouchers received from YCAP and when the \$1,000 budget is reached the City tells YCAP it can no longer issue vouchers until next budget year.

In 2009, the CRRC recommended that the City to expand the budget to include additional funds for financial assistance to the active-duty military and allow non-profits to apply for funds to help people who come to their doors for financial assistance with their utility bills. The current budget is for \$7,000. Staff is recommending increasing the amount given to YCAP to \$8,000 and leaving the amounts set aside for active-duty military (\$2,000) and for non-profits (\$4,000) the same. This would be a total budget of \$15,000.

The Finance Department can make direct monthly utility bill credits available to qualifying low income

customers who are responsible for payment of their utility bill. This credit can be \$5.00 per capita with a maximum credit of \$10.00. "Exhibit A" outlines a possible methodology for verification of eligibility by committee. This program allows for a total budget of \$10,000.

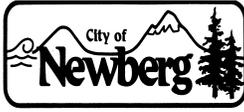
The outreach would follow once the utility customer's application for assistance met the qualifying income-status guidelines. The outreach includes conservation information, a water audit and the possibility of a toilet replacement, if applicable.

The City's Public Works Department currently has a water conservation program comprised of informative tips and corrective plumbing elements. This program will be expanded upon by broadening the informational aspects and public awareness of the program. The American Water Works Association estimates that the average household can conserve up to 35% of their in-house water use by implementing and maintaining all of the recommended conservation measures. This program is of benefit to all utility customers desiring to conserve water resources, lower the volume of their wastewater discharge, and reduce the water and wastewater charges on their utility bills.

Water audits of residences can be performed to assess the water utilization and efficiency characteristics of home appliances, fixtures and appurtenances, as well as customer water use patterns. During this audit, water appurtenances would be identified that would benefit from low flow devices. These would then be retrofitted with the appropriate products. The retrofitting could include faucet aerators, shower heads and toilet bowl flappers. The toilet replacement program would replace qualifying high volume-per-flush toilets with high efficiency, ultra low, flush toilets. The customer would also be informed about how to alter their water use habits and become more efficient water users. This program would reduce the qualifying low income customer's water use and wastewater discharge thereby lowering their combined utility bill. The goal is to help as many customers as possible with a maximum program budget of \$25,000.

FISCAL IMPACT: Additional one-time financial assistance through YCAP of \$8,000; the utility bill credit program maximum value of \$10,000; and the water audit and toilet replacement program funded at a maximum of \$25,000 would equate to \$43,000 being transferred from the water and wastewater contingencies in Fund 7 and Fund 6. Total conservation measure revenue impacts are unknown.

STRATEGIC ASSESSMENT: These programs allow qualifying economically distressed low income customers, who are responsible for payment of their utility bill, the ability to compensate for increased utility rates. This is through a direct utility bill credit, water conservation information campaign, a water audit with plumbing appurtenance rehabilitation and a possible toilet replacement. It is possible for the customer to see a combined utility bill reduction that more than compensates for the recently approved rate increases. The City will also see a reduced demand on the potable water and wastewater systems.



RESOLUTION No. 2010-2902

A RESOLUTION ESTABLISHING A FUNDED LOW INCOME, RESIDENTIAL UTILITY BILL ASSISTANCE PROGRAM BASED UPON INFORMATION, OUTREACH, WATER AUDITS, PLUMBING REHABILITATION AND DIRECT UTILITY BILL CREDITS.

RECITALS:

1. On April 19, 2010 the Newberg City Council adopted water, wastewater and stormwater rate increases. Subsequent to these adoptions the Council directed staff to establish and fund a program of utility bill assistance measures that would provide rate impact relief for those utilities customers that are economically distressed.
2. YCAP has been providing one-time utility bill payment assistance to low income customers for several years. This year, they ran out of assistance credits very early in the fiscal year. CRRC has recommended that the City Council increase the budget for financial utility assistance to include credits to active-duty military and include funds to non-profits to help people who come to them for one-time utility assistance. This resolution will increase the budget from \$7,000 to \$15,000, specifically increasing YCAP's allotment.
3. The Finance Department can make direct monthly utility bill credits available to qualifying low income residential customers who are responsible for their utility bill. This credit can be \$5.00 per capita per primary residence with a maximum of \$10.00. "Exhibit A" outlines a possible methodology for a committee to verify eligibility. This program allows for a total budget of \$10,000.
4. Outreach will follow to include conservation information, a water audit and the possibility of a toilet replacement.
5. The water audit can be performed to assess the water utilization and efficiency characteristics of home appliances, fixtures and appurtenances as well as customer water use patterns. Water appurtenances would be identified that would benefit from low flow devices. These would then be retrofitted with the appropriate products to include faucet aerators, shower heads and toilet bowl flappers. The toilet replacement program would replace qualifying high volume-per-flush toilets with high efficiency, ultra low flush toilets. The customer would also be informed about how to alter their water use habits and become more efficient water users. This program would reduce the qualifying customer's water use and wastewater discharge thereby lowering their combined utility bill. The goal is to help as many low income customers as possible with a maximum program budget of \$25,000.
6. The residential program costs, conservation, audit, rehabilitation and replacement programs would combine to effect a reduction in water consumption and wastewater discharge. Cost for these

programs would be paid for out of the Contingencies in Funds 7 and 6, respectively. There would be an overall reduction in revenue, which cannot be established.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. To develop a funded, low income, residential utility bill assistance program that incorporates water conservation.
2. To provide funding to YCAP in the amount of \$8,000 for their one-time utility assistance program; to continue providing financial assistance for utilities to active-duty military of \$2,000; and to continue providing funds to non-profits in the amount of \$4,000 for their use in giving one-time utility assistance.
3. Institute a direct utility bill credit program at \$5.00 per capita with a limit of \$10.00 per household and a maximum budget of \$10,000.
4. Institute a home water audit program with conservation, rehabilitation and potential toilet replacement elements with minimal homeowner involvement. This program would have a maximum budget of \$25,000.
5. The costs for these programs would be split equally in the amount of \$21,500 from Water Contingency in Fund 7 and \$21,500 from Wastewater Contingency in Fund 6 for total program costs of \$43,000.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 8, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of June, 2010.

Daniel Danicic, City Recorder

ATTEST by the Mayor this 10th day of June, 2010.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ____ / ____ /200x meeting. Or, None.
(committee name) (date) (check if applicable)

Application for Financial Assistance Credits

Date: _____

Name: _____

Address: _____

Phone # you can be reached: _____

In order to qualify for the Credit Program, please attach proof of low income.

- Supplemental Social Security Income
- Oregon Medical Card*
- WIC*
- Food Stamps*
- Medicaid
- Head Start*
- Free & Reduced School Lunch or Breakfast Program*
-

* Provide a copy of proof.

Instructions:

- 1 Submit as much of the above as possible with this application.
 - 2 Mark which documentations you will be attaching.
 - 3 Your application will be reviewed and a reply will be sent to you in 30 days.
- * By entering into this program you are also volunteering to have an energy/water audit.

If you are approved, you will receive up to \$10.00 a month as a credit on your utility bill until expiration date below.

Approval Date: _____

Expires: June 30, _____

Signature of UB Financial Assistance Committee Chair

* Fraudulently providing information will be subject to termination of assistance.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2010

Order ____ Ordinance ____ Resolution XX Motion ____ Information ____
No. No. No. 2010-2903

SUBJECT: Proposed fall downtown banners

Contact Person (Preparer) for this
Resolution: David Beam, AICP

Dept.: Planning and Building

File No.: Gen File 10-006
(if applicable)

RECOMMENDATION:

Adopt **Resolution No. 2010-2903**, approving the replacement of the existing downtown fall banners with new banners with the design as illustrated in Attachment 2.

EXECUTIVE SUMMARY:

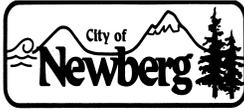
On January 5, 2005, the Newberg City Council adopted Resolution No. 2005-2553, which approved the installation of a street banner system in the historic downtown area and designs for spring and fall banners. Attachment 1 illustrates the design of the fall banner that was adopted and is currently in use. The fall banners were designed and paid by George Fox University.

George Fox University would like to exchange the existing fall downtown banners to a new design illustrated in Attachment 2. The reason for this request is that the University has received some negative feedback about the design of the existing banners, mostly relating to a confusion regarding the meaning of the banner design elements.

George Fox would like the City Council to approve the new design. It has been shown to the Newberg Downtown Coalition Design Committee, the Newberg Downtown Revitalization Committee, and the Newberg Downtown Association president. All are in support of the change.

FISCAL IMPACT: The University will provide all funds necessary to purchase of the proposed new banners. Public Works Department currently stores and changes the seasonal banners roughly on a quarterly basis.

STRATEGIC ASSESSMENT: The design elements of the proposed banner design appear to be clearer than the current design.



RESOLUTION No. 2010-2903

A RESOLUTION APPROVING THE REPLACEMENT OF THE EXISTING DOWNTOWN FALL BANNERS WITH NEW BANNERS HAVING A DESIGN AS ILLUSTRATED IN EXHIBIT A.

RECITALS:

1. On January 5, 2005, the Newberg City Council adopted Resolution No. 2005-2553, which approved the installation of a street banner system in the historic downtown area and designs for spring and fall banners. The existing fall banners were designed and paid for by George Fox University.
2. George Fox University would like to exchange the existing fall downtown banners to a new design, as illustrated in Exhibit A. The reason for this request is that the University has received some negative feedback about the design of the existing banners, mostly relating to a confusion regarding the meaning of the banner design elements. The University is willing to provide all funds necessary to purchase the new banners.
3. George Fox has requested that the City Council approve the new design. The design has been show to the Newberg Downtown Coalition Design Committee, the Newberg Downtown Revitalization Committee, and the Newberg Downtown Association president. All were in support of the change.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The design of the fall downtown banners shall be as illustrated in Exhibit A.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 8, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of June, 2010.

Daniel Danicic, City Recorder

ATTEST by the Mayor this 10th day of June, 2010.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through the Newberg Downtown Revitalization Committee at the May 19, 2010 meeting.

Newberg



*Home
of*

GEORGE FOX
UNIVERSITY

