



**CITY COUNCIL AGENDA
MAY 19, 2014, 7:00 PM
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

Mission Statement

The City of Newberg serves its citizens, promotes safety, and maintains a healthy community.

Vision Statement

Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity.

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, with an opportunity to speak for no more than 5 minutes per speaker allowed)

VI. COUNCIL APPOINTMENTS

1. Consider a motion appointing Barbara Doyle, George Edmonston, Jr., Rick Fieldhouse, Geary Linhart, and Chuck Zickefoose with terms expiring December 31, 2016; and, appointing Isamar Ramirez as the student member with a term expiring May 31, 2015, to the Historical Preservation Commission. (Pg. 3)
2. Consider a motion appointing Luis Saavedra as the student member on the Planning Commission serving a term expiring May 31, 2015. (Pg. 5)
3. Consider a motion appointing Sarah Ferguson as the student member on the Traffic Safety Commission serving a term expiring May 31, 2015. (Pg. 7)

VII. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2014-3128** approving the six-month evaluation of the city attorney. (Pgs. 9-11)

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.

2. Consider a motion adopting **Resolution No. 2014-3136** approving an increase in the Emergency Medical Service Rates, effective July 1, 2014. (Pgs. 13-17)
3. Consider a motion adopting **Resolution No. 2014-3137** authorizing the city manager pro tem to purchase mobile data terminal computers for the police and fire department. (Pgs. 19-24)
4. Consider a motion adopting **Resolution No. 2014-3138** appointing Bryan Jones to the fleet maintenance lead/crew chief position in the public works maintenance department. (Pgs. 25-26)
5. Consider a motion adopting **Resolution No. 2014-3140** approving an increase in the Permit Center Fee Schedule, effective July 1, 2014. (Pgs. 27-29)

VIII. PUBLIC HEARING

Consider a motion adopting **Ordinance No. 2014-2771** approving an increase in the Transient Lodging Tax from 6% to 9%, effective July 1, 2014. (Pgs. 31-34)
(Legislative Hearing)

IX. NEW BUSINESS

Update to council on the status of the Cultural District Use Policy. (Pgs. 35-37)

X. COUNCIL BUSINESS

XI. ADJOURNMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.

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 land use hearings, which requires a specific public hearing process. The City Council asks written testimony be submitted to the City Recorder before 4:30 p.m. on the preceding Wednesday. 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: May 19, 2014

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

SUBJECT: Appoint Barbara Doyle, George Edmonston, Jr., Rick Fieldhouse, Geary Linhart, Chuck Zickefoose, and Isamar Ramirez to the Historic Preservation Commission.

Contact Person (Preparer) for this Motion: Mayor Bob Andrews
Dept.: Administration

RECOMMENDATION:

To consent to the mayor's appointment of Barbara Doyle, George Edmonston, Jr., Rick Fieldhouse, Geary Linhart, and Chuck Zickefoose to the historic preservation commission for terms expiring December 31, 2016; and, Isamar Ramirez as the historic preservation student commissioner for a term expiring May 31, 2015.

EXECUTIVE SUMMARY:

The Newberg Historic Preservation Commission was established by Ordinance No. 2013-2764 at the city council meeting held on October 7, 2013. This is a six member commission including a non-voting student member. Currently, all five voting member positions are vacant with terms expiring on December 31, 2016. The student position is a one year term starting June 1, 2014, and expiring May 31, 2015.

Public notice of the vacancies was posted in city buildings, advertised in the local paper, and posted on the city's website and facebook page on February 12, 2014. During that advertisement period, there was not a sufficient applicant pool meeting all the requirements to fill the vacancies. A second advertisement was posted in all previous locations on March 26, 2014. Ten applications were received prior to the final deadline of 4:30 p.m., Thursday, April 10, 2014. All applications were considered and the mayor has selected Barbara Doyle, George Edmonston, Jr., Rick Fieldhouse, Geary Linhart, and Chuck Zickefoose to fill the voting member positions; and, Isamar Ramirez to fill the non-voting student position.

For privacy purposes, the original applications are retained in the city recorder's office. Please call (503) 537-1283 to request a copy.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

The purpose of the historic preservation commission is to identify, recognize, and preserve significant properties related to the community's history, encourage the rehabilitation and ongoing viability of historic buildings and structures, strengthen public support for historic preservation efforts within the community, foster civic pride and encourage cultural heritage tourism.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 19, 2014

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

SUBJECT: Appoint Luis Saavedra to the city of Newberg Planning Commission as the student member.

Contact Person (Preparer) for this Motion: Mayor Bob Andrews
Dept.: Administration

RECOMMENDATION:

To consent to the mayor's appointment of Luis Saavedra for the student planning commissioner position with a term expiring May 31, 2015, on the Newberg Planning Commission.

EXECUTIVE SUMMARY:

The Newberg Planning Commission is an eight member committee with one position designated as a non-voting student member with a term expiring May 31, 2014. Public notice of this vacancy was posted on March 26, 2014, in city buildings, advertised in the local newspaper, posted on the city's website and facebook pages, and sent to the local high schools. One application was received prior to the deadline of 4:30 PM on Thursday, April 10, 2014. The application was considered and the mayor has selected Luis Saavedra to fill the position with a term ending May 31, 2015.

For privacy purposes, the original applications are retained in the City Recorder's Office. Please call (503) 537-1283 to request a copy.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

The Newberg Planning Commission serves a very important role in the betterment of our community and downtown making our City government viable and a great place to grow.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 19, 2014

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

SUBJECT: Appoint Sarah Ferguson to the city of Newberg Traffic Safety Commission as the student member.

Contact Person (Preparer) for this Motion: Mayor Bob Andrews
Dept.: Administration

RECOMMENDATION:

To consent to the mayor's appointment of Sarah Ferguson for the student traffic safety commissioner position with a term expiring May 31, 2015, on the Newberg Traffic Safety Commission.

EXECUTIVE SUMMARY:

The Newberg Traffic Safety Commission is a nine member committee with one position designated as a non-voting student member with a term expiring May 31, 2014. Public notice of this and other vacancies was posted on March 26, 2014, in city buildings, advertised in the local newspaper, posted on the city's website and facebook pages, and sent to the local high schools. Three students submitted applications for the three vacant student positions currently advertised in the city. All applications were considered and the mayor selected Sarah Ferguson to fill the position on the traffic safety commission with a term ending May 31, 2015.

For privacy purposes, the original applications are retained in the City Recorder's Office. Please call (503) 537-1283 to request a copy.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

The Traffic Safety Commission provides a valuable service to the City of Newberg by promoting traffic safety through investigation, study and analysis of traffic safety programs; conducting educational efforts among the public in the matters of public safety; considering all traffic safety programs which are referred to them for recommendation by the City Council and making reports to the City Council on matters of traffic safety and traffic safety programs. The Traffic Safety Commission makes decisions regarding parking, crosswalks, safety zones, traffic lanes, truck routes and all manner of traffic control devices within the community.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 19, 2014

| | | | | |
|------------------|----------------------|---------------------------------------|------------|-----------------|
| Order ___ No. | Ordinance ___ No. | Resolution <u>XX</u> No. 2014-3128 | Motion ___ | Information ___ |
|------------------|----------------------|---------------------------------------|------------|-----------------|

SUBJECT: Approve the written six-month performance evaluation of the city attorney.

Contact Person (Preparer) for this
Motion: Bob Andrews, Mayor
Dept.: Administration
File No.:

RECOMMENDATION:

Adopt **Resolution No. 2014-3128** approving the written six-month performance evaluation of the city attorney.

EXECUTIVE SUMMARY:

The city council performed a six-month performance evaluation of the city attorney. That evaluation was held during executive session on April 21, 2014, in which no decisions were made. This resolution is to solidify that evaluation and to provide a formal guidance of his performance.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

The evaluation of the city attorney is necessary in order to increase communication between the city council and the city attorney concerning the performance of the city attorney in accomplishing his assigned duties and responsibilities.



RESOLUTION No. 2014-3128

**A RESOLUTION APPROVING THE SIX MONTH PERFORMANCE
EVALUATION OF THE CITY ATTORNEY COMPLETED IN APRIL, 2014**

RECITALS:

1. In accordance with the Newberg City Charter, the city attorney is the chief legal officer of the city of Newberg, which reports directly to the mayor and city council and is supervised by the governing body.
2. The city has a contract with the city attorney and pursuant to that contract; the city council will evaluate the city attorney in executive session.
3. The Open Meetings Law of the state of Oregon allows the evaluation of the job performance of the chief legal officer to be conducted in executive session by the city council and pursuant to such standards, criteria, and policy directives adopted by Resolution No. 1999-2192 on July 19, 1999.
4. The mayor, city councilors, and the city attorney met in executive session on April 21, 2014, to discuss the city attorney's six month performance evaluation.
5. The mayor has submitted the written evaluation which will be placed in the city attorney's personnel file after being adopted by the city council.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The written evaluation of the city attorney is attached as Exhibit A, which by this reference is hereby adopted.
2. The city attorney shall be given a copy of the evaluation to sign and may make any written comments after which the written evaluation shall be placed in the city attorney's personnel file.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: May 20, 2014.

ADOPTED by the city council of the city of Newberg, Oregon, this 19th day of May, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 22nd day of May, 2014.

Bob Andrews, Mayor

**City Attorney (Truman Stone)
Six Month Written Evaluation – 2014
By Newberg City Council**

The city council has received a written report from the city attorney concerning his performance during his evaluation period. The respective mayor and councilors have met with the city attorney in executive session on April 21, 2014, to discuss their evaluation of his performance from October, 2013, to March, 2014.

The city council has evaluated the performance of Truman Stone as the city attorney of the city of Newberg. As part of the evaluation council reviewed the report given them by the city attorney indicating his self-evaluation during the evaluation period. The attorney’s performance was assessed in eight major categories:

- | | |
|-------------------|--|
| 1. Management | 5. Community Relations |
| 2. Planning Goals | 6. Intergovernmental/Interagency Relations |
| 3. Communications | 7. Consultative Legal Services |
| 4. Fiscal Agent | 8. Legal Preparation |

Overall, the city council found the city attorney’s performance exceeds expectations. The city council felt the city attorney demonstrated strong growth in his first six months learning the position and department procedures; they expect he will only improve with time. The council expressed satisfaction with how well the city attorney represented the city of Newberg and looks forward to long-range strategic planning in partnership with the city attorney.

DATED this 19th day of May, 2014.

Bob Andrews, Mayor

Denise Bacon, Councilor

Mike Corey, Councilor

Ryan Howard, Councilor

Stephen McKinney, Councilor

Bart Rierson, Councilor

Lesley Woodruff, Councilor

Comments by Truman A. Stone:

Acknowledged this ____ day of _____, 2014.

Truman A. Stone, City Attorney

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 19, 2014

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2014-3136

SUBJECT: Ambulance Rate Increase

Contact Person (Preparer) for this

Resolution: Frank Douglas

Dept.: Fire

File No.:

RECOMMENDATION: Adopt **Resolution No. 2014-3136** authorizing the increase in ambulance rates.

EXECUTIVE SUMMARY:

Newberg Fire Department (NFD) operates a fire-based EMS system, which utilizes cross-trained, dual role, firefighter/paramedics offering protection and services to our citizens. Fire based ambulance service is the most popular model for ambulance service in the USA, due to its ability to provide high service levels. Since 1994, the Fire Department has been operating the emergency medical service/ambulance division with dual role firefighter/paramedics.

The last ambulance fee rate increase was in March 2012. Since then there have been no increases to reflect rising costs due to inflation, or to account for low reimbursements from Medicare and Medicaid. The fire department relies heavily on ambulance transport fees to support both EMS and fire protection services. Without the fire department ambulance service it is unlikely the City of Newberg could keep two fire stations open. Further, each year since the great recession the fire department has been at risk for having to take emergency units out of service due to lack of money to pay for staffing. This potential reduction in emergency services is called a "brown out." Increasing ambulance fees may help reduce the frequency of brown outs.

The EMS budget has a contingency fund that has waxed and waned over the years. The contingency line item has had a low of \$42,249.00 and a high of \$343,977.00. The 2011/2012 rate increases helped. The current contingency is \$343,977.00. Of that, 15% of the EMS Budget (\$254,903.00) is set aside for serious unexpected emergencies, such as unexpected ambulance replacement, unexpected staffing issues, major emergencies and disaster response. In the Proposed 2014-2015 Budget one firefighter/paramedic is to be transferred from the general fund to the EMS fund which will take approximately \$120,000.00 from the EMS contingency. The balance of the contingency, after the 15% set-a-side will be \$89,074.00. This could be used to assist with capital purchases, such as ambulances and equipment. EMS should be replacing an ambulance every 3-4 years. The cost to put an ambulance into service is approximately \$200,000.00. Therefore, the city should be setting aside \$45,000.00 to \$60,000.00 every year for ambulance replacement. However, the EMS budget is unable to set aside these funds necessary for ambulance replacement. This is not a new problem. Thanks to the Newberg Charitable Organization (NCO) over the years, they have helped NFD purchase ambulances through their large donations. We are currently preparing to ask the NCO for another donation. Capital equipment for EMS is also expensive. Stretchers cost \$13,000.00, and monitor defibrillators cost almost \$30,000.00.

In addition, the balance in the Fire and EMS Equipment Fee Fund, that we also use to purchase new ambulances, is not sufficient per the equipment replacement schedule.

It is estimated that our EMS fund has lost between \$1 and \$2 million since the Medicare Fee Schedule began in 2002. The following is an example of what we were reimbursed prior to implementation of the Medicare Fee Schedule and what we are currently reimbursed by Medicare. Newberg Fire Department offers a FireMed program (\$52.00 per year per family) to protect families from the high cost of ambulance service.

Without the Medicare Fee Schedule (pre-April 2002)

Ambulance Bill: \$1,440.00
 Medicare allowable: \$412.79
 Total collected from Medicare (80% of \$412.79) or \$330.23
 Total collected from the patient (out of pocket and/or 2nd insurance): \$1,109.77
Total collected \$1,440.00

With the Medicare Fee Schedule

Ambulance Bill: \$1,440.00
 Medicare allowable: \$412.79
 Total collected from Medicare: (80% of \$412.79 or 330.23.
 Total collected from the patient (out of pocket and/or 2nd insurance): \$82.67 (20% of allowable)
 Total written off as non-collectable per Medicare rules: \$1,027.21
Total collected: \$412.79

The difference collected between the pre-Medicare Fee Schedule and the current Medicare Fee Schedule is **\$1,027.21** per transport for our most common transport (ALS-1 Emergency). Medicare patients represent approximately 58% of our total ambulance transports. In 2014, we estimate that we will have 2,450 transports.

Increasing ambulance rates will:

- Help NFD continue providing high levels of EMS care;
- Reduce total number of brown outs;
- Help replace old ambulances;
- Recover some funds lost due to Medicare Fee Schedule;
- Help NFD keep up with inflation, rising costs of medical supplies, and labor costs; and
- Reduce the amount of property tax needed to staff fire stations because ambulance staff are cross-trained as firefighters.

New rates versus current rates are as follows:

Effective July 1, 2014:

| <u>SERVICE</u> | <u>CURRENT</u> | <u>PROPOSED July 1, 2014</u> |
|--|-----------------------|---|
| Basic Life Support Base Rate | \$1,440.00 | \$1,600.00 |
| Advanced Life Support (ALS) Base Rate | \$1,440.00 | \$1,600.00 |
| Interfacility & Specialty Care Transfers | \$1,440.00 | \$2,000.00 |
| Aid Call | \$432.00 | \$450.00 |
| Sit-Up Charge | \$288.00 | \$315.00 |
| Waiting Time | \$86.40 | \$94.00 / 1/2 hour |
| Mileage Rate | \$19.80 | \$21.00 / loaded mile |

Ambulance Rate Survey – How we compare

Below are the current rates for some other agencies in Oregon including other Yamhill County ambulance service providers. A full survey is available upon request.

- Albany Fire Department: \$1,020.00 ALS / \$1,020.00 BLS / \$19.50 per loaded mile
- American Medical Response: \$1,235.74 ALS / \$1,235.74 BLS / 21.71 per loaded mile
- *Eugene/Springfield Fire and EMS: \$1,700.00 - \$1,900.00 ALS / \$1,700.00 - \$1,900.00 BLS / \$21.20 per loaded mile.
- Lane Fire Authority: \$1,600.00 ALS / \$1,600.00 BLS / \$20.00 per loaded mile
- **McMinnville Fire Depart (MFD): \$1,600.00 - \$1,800.00 ALS / \$1,600.00 - \$1,800.00 BLS / \$21.00 per loaded mile
- ***Metro West Ambulance: \$719.53 ALS / \$504.07 BLS / \$12.33 per loaded mile
- Sheridan Fire District: \$1,400.00 - \$1,500.00 ALS / \$1,000.00 - \$1,100.00 BLS / \$18.00 per loaded mile
- Tillamook Ambulance: \$1,571.50 ALS / \$1,445.00 BLS / \$31.00 per loaded mile
- West Valley Fire Dist. (Willamina): \$1,600.00 - \$1,700.00 ALS / \$1,000.00 - \$1,100.00 BLS / \$18.00 per loaded mile

*\$1,700.00 is in area rate, \$1,900.00 is out of area rate.

**MFD rate for non-residents is \$1,800.00 ALS / \$1,800.00 BLS

***Rates lower due to volume - less labor costs. If Metro West served Newberg at our call volume and our level of service, their rates would likely be much higher.

FISCAL IMPACT: Staff estimates an annual increase of an additional \$82,000.00 in revenue. This will put the EMS fund in a better cash position to maintain services and help the general fund. It is expected the fire department may have to take emergency EMS units off the street periodically in 2014 and 2015 due to budget shortfall (brown outs). Additional revenue will reduce the number of brown outs.

STRATEGIC ASSESSMENT: The rate increase helps to maintain revenue levels necessary to maintain staffed ALS units and provide additional funds to replace old ambulances. A rate increase reduces the financial impact created by the Medicare Fee Schedule, rising medical equipment costs, and rising labor costs.



RESOLUTION No. 2014-3136

A RESOLUTION ADOPTING EMERGENCY MEDICAL SERVICE RATE INCREASES EFFECTIVE JULY 1, 2014

RECITALS:

1. The city of Newberg fire department has been operating the emergency medical services/ambulance since 1994.
2. There has been no rate increase since March, 2012. Staff has attempted to maintain rates the same for the last two (2) years.
3. The city of Newberg fire department offers a FireMed program (\$52.00 per year per family) to protect families from the high cost of ambulance service. FireMed guarantees no out-of-pocket expenses for doctor ordered or medically necessary ambulance transports. Since Newberg FireMed started in 1994, no claim has been denied.
4. Increased ambulance rates are necessary to stay current with inflation, and to make up for revenue lost due to cuts mandated by the Federal Medicare Fee Schedule. Medicare Fee Schedule was phased in over a number of years beginning April 1, 2002. Virtually all urban jurisdictions in the nation are experiencing the same problem with Medicare.
5. The ambulance rate increase proposed will not replace revenue lost from the reduction in revenue due to the Medicare Fee Schedule, but may lessen the overall financial impact on the Emergency Medical Services (EMS) budget.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The city council does hereby approve a rate increase effective July 1, 2014, to the EMS/ambulance rates, which shall be as follows:

| | |
|--|-----------------------|
| Basic Life Support Base Rate | \$1,600.00 |
| Advanced Life Support (ALS) Base Rate | \$1,600.00 |
| Interfacility & Specialty Care Transfers | \$2,000.00 |
| Aid Call | \$450.00 |
| Sit-Up Charge | \$315.00 |
| Waiting Time | \$94.00 / 1/2 hour |
| Extra Technician | \$329.00 |
| Mileage Rate | \$21.00 / loaded mile |

2. The city manager, by executive order is authorized to amend the ambulance fee schedule by inflation plus 1% annually to reflect changes in the consumer price index for medical equipment, supplies and labor costs.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: May 20, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 19th day of May, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 22nd day of May, 2014.

Bob Andrews, Mayor

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 19, 2014

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2014-3137

SUBJECT: Authorize the city manager pro-tem to purchase Mobile Data Terminal (MDT) computers for Police and Fire departments in the estimated amount of \$81,000.00.

Contact Person (Preparer) for this
Motion: Dave Brooks
Dept.: Information Technology
File No.:

RECOMMENDATION:

Adopt Resolution No. 2014-3137 authorizing the city manager pro-tem to purchase Mobile Data Terminal (MDT) computers in the estimated amount of \$81,000.00.

EXECUTIVE SUMMARY:

Mobile Data Terminals (MDT's) are computers mounted in Police and Fire vehicles. These MDT's have dispatch software that allow them to view assigned calls for service, complete reports, view call history, run vehicles and subjects for driving status, and chat with other vehicles and dispatchers. The MDT's also provide mapping functionality.

MDT's allow field personnel to make inquiries and complete calls for service without the need to take up valuable resources from the dispatch center. The Police Department has been using MDT's for more than 15 years and the Fire Department has been using MDT's for 12 years.

Current Police inventory is a mix of Data 911 brand computers and computers built by the IT Department. The Data 911 units are 13 years old. The units built by the IT department are 5-6 years old.

Current Fire inventory is a mix of Data 911 brand computers obtained through a grant in 2002, 4 Toughbook brand computers purchased in 2007, and 5 Motion Computing tablets recently purchased.

The expected lifespan for these MDT's is 5 years. These units, while ruggedized, are subject to vibration, extreme heat, and inconsistent power. The current inventory to date has been a constant source of needing repair and maintenance to keep them functioning. Security requirements have forced us to retire several of these units and many others are running with reduced functionality. For example, Police units no longer have touchscreen capability. Parts for these units are only available on secondary markets (eBay).

All MDT inventory needs to be replaced except for the 5 Motion Computing tablets the Fire Department recently purchased. The Police Department has evaluated MDT's over the last year and selected a ruggedized tablet to meet their specific needs made by Getac. The Fire Department has selected the Motion Computing tablet to meet their needs after similar evaluation.

The cost of each tablet for Police is approximately \$3,812.00 per unit. The Police department will be purchasing 16 units from Getac with an additional docking station for IT to work on Getac computers. The cost of each tablet for Fire is approximately \$3,656.00 per unit. The Fire Department will be purchasing 5 units and docking stations from Motion Computing with an additional docking station for IT to work on

Motion Computing computers. This will allow the Fire department to place docking stations in each apparatus that isn't used daily (for example the ladder truck) and dock the MDT in the apparatus when it is used.

Both Getac and Motion Computing computers will be purchased using the Western States Contracting Alliance (WSCA) contract.

Financing for this project will be through US Bank with an interest rate of 2.62% over 5 years. Replacement accounts have been established in the 2014-2015 Proposed Budget to fund future MDT replacements.

FISCAL IMPACT:

Funding for the total project cost of MDT's will be approximately \$81,000.00 with financing through US Bank over a period of five (5) years in the estimated amount of \$17,128.00 with interest in the estimated amount of \$4,640.00. The amount will come from the respective Equipment Replacement Fund accounts for Police and Fire.

STRATEGIC ASSESSMENT:

NFD and NDPD personnel rely on MDT's to respond to emergencies. These units are failing and must be replaced. Dispatch will be forced to increase staffing levels if MDT's are not used. Approval of this resolution will replace the MDT's.



MEMORANDUM

Brian T. Casey
Chief of Police

Newberg-Dundee Police Department

To: IT Director Dave Brooks
From: Sergeant Eric Ronning
Subject: Police Vehicle Mobile Data Computer replacement
Date: 3/23/2014

Over the past several months I have been researching several possible platform and hardware options to replace our current Mobile Data Computing system. There are many factors that have led to this research. Chief among them is that our current system is out of date and does not allow for upgrades that would allow for increased efficiency or to expand work capabilities as allowed by current technology. Also, pending security upgrades to current hardware, required by CJIS, is cost ineffective given the current age of our existing equipment. In fact, 6 of our current 13 systems are over a decade old and are beyond permanent upgrade.

Cost of current computer system:

The total cost to purchase parts for, build and install our current system has changed significantly over the past several years. In the beginning, the cost to build a CPU was around \$1300-\$1500. We obtained a large number of used and refurbished monitors for the system at a very low price by purchasing obsolete ones averaging about \$200 per unit or less. The keyboards we are using are acquired for approximately \$300 each. Therefore the original cost to build this system was approximately \$2000 or less plus installation and other special mounting equipment. Currently, the cost to build the CPU's have gone down to about \$1000 each. However, the supply of monitors has been exhausted and new replacement ones range in cost from \$2000 to \$3000 each. This places our current cost per computer somewhere between \$3000 to \$4000 each plus the installation costs.

Installation:

Installation of the current CPU based system requires significant specialty parts, install time and the running of many cables, power sources, antennas and the like, throughout the vehicle body. The current cost of additional parts and labor to install our current system is \$1080, without taking into account the build time from our IT department. Therefore, new total cost to build and install our current system is in the range of \$4300 to \$5300 per unit.

Problems and drawbacks with current system.

1. Current changes in vehicle platforms and technology are making installation of the current system more difficult and costly where space is a premium and efficiency is being lost.
2. The constant state of motion and vibration in the vehicle results in various wear and tear on

connections, cables, mounting devices and other components of the system. USB, Screen, and power connection failures are common.

3. Our current system is not ruggedized to withstand temperature extremes. Due to the current configuration of the system and space issues, trunk mounting is the only option in a sedan and results in recurring failures in temperatures over 80 degrees and in extreme cold. The lack of a dedicated power backup system also causes repeated issues with vehicle power supplies and system performance.

Viability system alternatives.

Over the last 4 to 5 months I have researched several possible platform and hardware options that could replace our current system. I believe these alternatives best address the problems previously listed. What follows are brief overviews of the systems I've reviewed and comments on their suitability as replacement for our application.

1. **New Data 911 systems.** The new Data 911, M7 platform is very similar to our initial CPU based system. The hardware and computing power are significantly updated but installation issues as well as cost and caballing wear remain problems. Per unit cost is between \$5,700-\$8,000 plus installation. 3 year warranty. Availability and logistics of warranty service is problematic. Not a viable budgetary option.
2. **Toughbook, Laptop based system.** This is the current MDT system used by OSP in their vehicles. This option addresses most problem issues with the current system and but presents ergonomic difficulties and system limitations not present in a tablet based system. While installation cost is low, the mounting and docking system required is larger and more expensive than with a Tablet based system. Per unit cost is approximately \$4,500 to \$7,500 ea. 3 year warranty. Less than optimum versatility for our application.
3. **Tablet or Convertible based system.** This alternative is the implementation and use of a Pad or tablet computer as a stand alone computing system in the cars. This system is currently in Use by Astoria, St. Helens and Junction City. There are a fairly wide variety of system options. Per unit cost ranges widely from \$500 to \$4,000 ea. Best option for our needs and application.

Based on the information above I have previously tested or observed the following devices in consideration to replace our current system.

1. Getac Model F-110 Tablet. This tablet is produced by a well established GE company and designed with mobile vehicle and LE use in mind. It has the largest display screen of its type at 11.1". Semi Rugged and comes with vehicle docking station and multiple ports. Customizable memory and computing capabilities. Wi-Fi and GPS enabled. Best warranty, bar none with 3-4 year bumper to bumper on all hardware or accidental damage. This unit is capable readily complying with CJIS security requirements. Well Established and guaranteed product support during full warranty period. Also accepts current keyboard system in use in our cars. Cost per unit \$3200 to \$3500. This unit has already been tested by me on site with our mobile application and performed very well. It is also very adaptable to a host of expanding Technological upgrades.

2. Standard Apple IPAD Air. This is a commercially available unit. No docking station available or required. 9.7” display screen. Wi-Fi enabled, GPS capabilities. Blue tooth keyboard. Two year extended warranty. Ruggedized cases available. Cost per unit \$500 to \$1000. Similar units currently in use at Astoria, St. Helens and Junction City. I have observed them in use and they function well. Unfortunately I pads do not currently have and application available for running our current mobile software.
3. Windows Surface/or other Windows based tablets. These are also commercially available units. No docking station available or required. 10.6” to 11.5” display screens. Wi-Fi enabled, GPS capabilities. Blue tooth keyboards standard, some wired keyboard possible. Three year limited warranty available. No ruggedized cases yet available. Cost per unit \$500 to \$1500. Windows based Tablets do not support or operate the full versions of windows necessary to run our application.
4. CTL NL4 convertible tablet. This is a windows based convertible tablet. It is marketed a Beaverton based company, CTL. No docking station required as it is a laptop type unit. 10.1” display screen. Wi-Fi enabled. GPS capabilities. Attached and on screen keyboards. Wireless or wired extension keyboard capable. Not ruggedized. 2 year limited warranty. Cost per unit \$650. This unit did support our mobile application but is not ruggedized and is extremely fragile. It has a poor 1-2 year warranty and there are currently no acceptable vehicle mounting options.

RECOMMENDATION

My best recommendation at this time is to upgrade and replace our current Mobile Data Computers with the Getac units as they best meet our system, functionality, support and fiscal requirements. Additionally, the mounting platforms that are currently installed in our fleet are capable of readily accepting these new units with only minimal install time.

Other agencies currently switching to this hardware include; Tigard PD (65 units) Sandy PD (22 units) and Washington State Police.

Respectfully,

Eric J. Ronning

Eric J. Ronning
Sergeant



RESOLUTION No. 2014-3137

A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO PURCHASE MOBILE DATA TERMINALS FOR THE POLICE AND FIRE DEPARTMENTS

RECITALS:

1. Current Mobile Data Terminals (MDT) inventory is 12 years old.
2. The MDT's are failing and must be replaced immediately.
3. MDT's are vital to the function of public safety first responders.
4. It is efficient for the police and fire departments to upgrade their equipment

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The city council, acting as the Contract Review Board for the city, does hereby authorize the city manager pro tem to approve the purchase of MDT computer's in the estimated amount of \$81,000.00.
2. Accept US Bancorp financing for the estimated amount of \$81,000.00, with interest in the estimated amount of \$4,640.00.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: May 20, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 19th day of May, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 22nd day of May, 2014.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 19, 2014

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|------------------|----------------------|---------------------------------------|------------|-----------------|
| Order ___ No. | Ordinance ___ No. | Resolution <u>XX</u> No. 2014-3138 | Motion ___ | Information ___ |
|------------------|----------------------|---------------------------------------|------------|-----------------|

SUBJECT: Approval of the appointment of Bryan Jones as Full-Time Fleet Maintenance Lead/Crew Chief in the Public Works Department

Contact Person (Preparer) for this Motion: Russ Thomas - Superintendent
Dept.: Public Works Maintenance
File No.:

RECOMMENDATION:

Adopt Resolution No. 2014-3138 approving the appointment of Bryan Jones as full-time Fleet Maintenance Lead/Crew Chief position in the public works department.

EXECUTIVE SUMMARY:

The Fleet Maintenance Lead/Crew Chief position became vacant by the retirement of George Schiele. We advertised in house and locally and received 14 applications. Interviews were conducted by Russ Thomas, public works maintenance superintendent, and Vance Barton, public works maintenance supervisor. The interview panel selected Bryan Jones as the most qualified applicant and recommended he be promoted to fill the vacant Fleet Maintenance Lead/Crew Chief position. The panel believes Bryan Jones will continue to be a great asset to the organization.

The City Charter, Chapter VIII, Section 34 (h) provides the Manager Pro Tem “has the authority and duties of manager, except that a Manager Pro Tem may appoint or remove employees only with council approval”.

The City Manager Pro Tem Lee Elliott and Public Works Maintenance Superintendent Russ Thomas have reviewed the material and approve the hire of Bryan Jones as Fleet Maintenance Lead/Crew Chief in the public works maintenance department.

The appointment is submitted to the council for their approval pursuant to the City Charter as stated above.

FISCAL IMPACT:

The Fleet Maintenance Lead/Crew Chief position is approved in the 2013/2014 budget at a pay rate of \$5,228.00 with full benefits. I am requesting approval to make an offer to Bryan Jones the Fleet Maintenance Lead/Crew Chief at the 148-8 pay rate of \$ 4,855.00. As per the current AFSCME CBA, section 6.3, “Upon promotion, an employee shall be paid at least the minimum of the salary for the new job and shall receive roughly a 5% increase”. Bryan is currently at the 136-11 pay rate of \$4,537.00, and the 148-8 pay rate meets this requirement, being a 7% increase.

STRATEGIC ASSESSMENT:

Currently, Public Works Fleet Maintenance is functioning with only one mechanic and no lead/crew chief. Bryan Jones will fill that lead position which will leave an opening for a mechanic position to be filled at a later date. This position will need to be filled in order to continue to allow the Public Works Fleet Maintenance department to return to previously established maintenance and service levels prior to this vacancy.



RESOLUTION No. 2014-3138

**A RESOLUTION APPROVING THE APPOINTMENT OF BRYAN JONES
FOR THE POSITION OF FLEET MAINTENANCE LEAD/CREW CHIEF IN
THE PUBLIC WORKS MAINTENANCE DEPARTMENT**

RECITALS:

1. Reason for Vacancy: This position is vacant due to the retirement of George Schiele.
2. Posting: A job advertisement was posted within the city on the City of Newberg website and advertised in the Newberg Graphic in print and online. It opened March 7, 2014, and closed March 21, 2014.
3. Number of Applications: 14
4. Recommendations: The Public Works Maintenance Superintendent Russ Thomas recommends hiring Bryan Jones for the positions
5. Funding: Position funding is within the budget.
6. Manager Pro Tem Appointment: Assistant City Manager Lee Elliott was appointed manager pro tem on August 26, 2013, by the City Council. He reviewed the material and appoints Bryan Jones, subject to council approval. The City Charter, Chapter VIII, Section 34 (h) provides the manager pro tem “has the authority and duties of manager, except that a manager pro tem may appoint or remove employees only with council approval”.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The city council approves the appointment by the city manager pro tem of Bryan Jones as fleet maintenance lead/crew chief for the public works maintenance department.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: May 20, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, 19th day of May, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 22nd day of May, 2014.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 19, 2014

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|------------------|----------------------|---------------------------------------|------------|-----------------|
| Order ___ No. | Ordinance ___ No. | Resolution <u>XX</u> No. 2014-3140 | Motion ___ | Information ___ |
|------------------|----------------------|---------------------------------------|------------|-----------------|

SUBJECT: A resolution to adopt a revised permit center fee schedule which increases planning application fees

Contact Person (Preparer) for this Motion: Steve Olson, Interim Director
Dept.: Planning & Building
File No.:

RECOMMENDATION:

Adopt Resolution No. 2014-3140, increasing planning application fees 7.5%.

EXECUTIVE SUMMARY:

The planning division of the planning & building department is in the city's general fund. The general fund expenses are currently higher than revenues, so all departments in the general fund have to consider ways to close the gap. Expenses were cut by eliminating the economic development planner position. A one-time increase in planning fees of 7.5% would increase revenues slightly and help narrow the general fund gap. Current planning services are not presently fully funded by private development, so an increase in planning application fees will help correct the situation. The planning application fees are part of the permit center fee schedule.

FISCAL IMPACT: The planning application fees are normally increased annually by a small percentage (typically 1-2%) to adjust for inflation. We estimate that a one-time increase of 7.5% will generate approximately \$13,000.00 per year. Revenues are dependent on development, however, which is volatile and hard to predict.

STRATEGIC ASSESSMENT: The planning fee increase, combined with the staffing cut, should put the planning budget on a more sustainable footing for FY 2014/15. The revised fee schedule should more accurately account for the time spent processing applications. There is some risk in increasing fees, as high fees could discourage private development. I do not believe we are at that point now, but I would not recommend that future increases exceed the rate of inflation.



RESOLUTION No. 2014-3140

**A RESOLUTION ADOPTING THE REVISED PERMIT CENTER FEE
SCHEDULE AND INCREASING PLANNING APPLICATION FEES**

RECITALS:

1. Current planning services require a majority of planning staff time, and the revenues for current planning applications do not presently cover the cost of services.
2. A one-time fee increase of 7.5% would help correct the situation, and put the planning division budget on a more sustainable footing.
3. A major increase in the fee schedule requires adoption by the city council.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The city council adopts the revised permit center fee schedule, which includes the planning application fees, as attached in Exhibit A, which is by this reference incorporated. The revised schedule replaces all previous versions of this schedule.
2. The fee increase shall take effect July 1, 2014, in order to give staff time to update the permit software system, the application packets, and the fee guide.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: May 20, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 19th day of May, 2014.

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 22nd day of May, 2014.

Bob Andrews, Mayor

**Exhibit A to
Resolution No. 2014-3140**

NEWBERG PERMIT CENTER FEE SCHEDULE Effective Date: July 1, 2014

| | |
|--|--|
| PRE-APPLICATION REVIEW | \$100 |
| TYPE I (ADMINISTRATIVE REVIEW) | |
| ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION | \$156 |
| PROPERTY CONSOLIDATION | \$156 |
| CODE ADJUSTMENT | \$387 |
| DESIGN REVIEW - TYPE I (DUPLEX OR COM./IND. MINOR ADDITION REVIEW) 0.3% OF PROJECT VALUE, \$387 MINIMUM | |
| MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION | \$156 |
| MAJOR MODIFICATION OF TYPE I DECISION | 50% OF ORIGINAL FEE |
| PARTITION FINAL PLAT | \$774 + \$70 PER PARCEL |
| PROPERTY LINE ADJUSTMENT | \$774 |
| SIGN REVIEW | \$70 PLUS \$1.00 PER SQ. FT. OF SIGN FACE |
| SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT | \$1548 + \$70 PER LOT OR UNIT |
| TYPE II (LAND USE DECISION) | |
| ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION | \$774 |
| MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION | \$156 |
| MAJOR MODIFICATION OF TYPE II DECISION | 50% OF ORIGINAL FEE |
| DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS) 0.6% OF TOTAL PROJECT COST, \$774 MINIMUM* | |
| PARTITION PRELIMINARY PLAT | \$774 PLUS \$70 PER PARCEL |
| SUBDIVISION PRELIMINARY PLAT | \$1548 PLUS \$70 PER LOT |
| VARIANCE | \$774 |
| *FOR ANY DESIGN REVIEW FEE IN EXCESS OF \$10,000, 50% OF THE DESIGN REVIEW FEE IS DUE AT TIME OF APPLICATION AND 50% DUE AT TIME OF BUILDING OR SIMILAR PERMIT ISSUANCE. | |
| TYPE III (QUASI-JUDICIAL REVIEW) | |
| ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION | \$1639 |
| ANNEXATION | \$2155 PLUS \$210 PER ACRE |
| COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC) | \$2021 |
| CONDITIONAL USE PERMIT | \$1639 |
| MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION | \$156 |
| MAJOR MODIFICATION OF TYPE III DECISION | 50% OF ORIGINAL FEE |
| HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION | \$0 |
| HISTORIC LANDMARK ELIMINATION | \$1880 |
| SUBDIVISION PRELIMINARY PLAT | \$1548 PLUS \$70 PER LOT |
| PLANNED UNIT DEVELOPMENT | \$3273+\$70 PER LOT OR UNIT |
| ZONING AMENDMENT (SITE SPECIFIC) | \$2069 |
| TYPE IV (LEGISLATIVE AMENDMENTS) | |
| COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION | \$2322 |
| DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION | \$2322 |
| APPEALS | |
| TYPE I OR II APPEAL TO PLANNING COMMISSION | \$445 |
| TYPE I OR II APPEAL TO CITY COUNCIL | \$805 |
| TYPE III APPEAL TO CITY COUNCIL | \$945 |
| TYPE I ADJUSTMENTS OR TYPE II VARIANCES THAT ARE NOT DESIGNED TO REGULATE THE PHYSICAL CHARACTERISTICS OF A USE PERMITTED OUTRIGHT | \$250 |
| OTHER FEES | |
| COMMUNITY DEVELOPMENT FEE | 0.75% OF PROJECT COST |
| CITY HALL FEE | 0.25% OF PROJECT COST |
| (THE ABOVE TWO CHARGES ADDED TO ANY BUILDING PERMIT APPLICATION) | |
| ENGINEERING REVIEW AND INSPECTION | 5% OF PROJECT COST (2% DUE AT TIME OF SUBMITTAL) |
| EXPEDITED LAND DIVISION | \$5750 + \$70 PER LOT OR UNIT |
| URBAN GROWTH BOUNDARY AMENDMENT | \$3675 |
| VACATION OF PUBLIC RIGHT-OF-WAY | \$1525 |
| LICENSE FEES | |
| PEDDLER/SOLICITOR/STREET VENDOR | No fee (Business License fee only) |
| TEMPORARY MERCHANT | \$95/45 days or \$310/perpetual |

ADOPTION AND REVISION HISTORY:

Adopted by: Resolution 98-2122, July 6, 1998

Amended by: Resolution 99-2214, December 8, 1999

Resolution 2000-2265, October 2, 2000

Resolution 2001-2318, November 19, 2001

Executive Order January 2, 2007 (Reso. 99-2210)

Executive Order October 24, 2008

Executive Order, December 16, 2002 pursuant to Resolution 99-2210

Executive Order, January 22, 2002 pursuant to Resolution 99-2210

Resolution 2004-2466, November 3, 2003

Resolution 2007-2752, December 3, 2007

Executive Order November 29, 2011(2011-32)

Executive Order October 24, 2012(2012-34)

Resolution 2014-3140, May 19, 2014

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 19, 2014

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2014-2771 No.

SUBJECT: Increase transient lodging tax from 6% to 9%, a total of 3%.

Contact Person (Preparer) for this
Motion: Janelle Nordyke
Dept.: Finance X
File No.:

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt Ordinance No. 2014-2771 to Increase transient lodging tax from 6% to 9%.

EXECUTIVE SUMMARY:

In 1976, Ordinance 1976-1835A established the Transient Room Tax for the purpose of collecting revenues, by providing for a 6% transient room tax, outlining the method of collecting room taxes and providing penalties for violations.

In 1989, Ordinance 1989-2262 clarified the definition of “transient”.

In 1996, Ordinance 1996-2433 clarified how the revenues collected were to be used by amending Section 1(h) and Section 2, compilation designation 7.16, to allocate 50% of monies collected to be used to fund a visitor center for the City of Newberg.

In 1997, Ordinance 1997-2478 amended Ordinance 1996-2433 Section 2, Compilation designation 7.16: Expenditure of Funds and Collection Fee, stating all monies collected through the transient room tax shall be the General Funds of the City of Newberg and may be used in any lawful manner that the City deems necessary and appropriate. The City Council shall approve by resolution specific expenditures for services or programs to be funded from the proceeds of the transient room tax.

In 1998, Ordinance 1998-2498 reduced the amount that the City has allowed motel and hotel operators to keep for collecting from 15% to 5%, with the difference going towards the Visitor’s Center.

During the Oregon Legislative session in 2013, House Bill 2656 was adopted and incorporated into ORS 320.300 to 320.350 creating new provisions relating to the Transient Lodging Tax. One of the new provisions was allowing jurisdictions to increase their transient lodging tax but with certain limitations, the most important limitation “to use at least 70% of net revenue from a new or increased local transient lodging tax for purposes described in subsection (5(a) of (c) of section 320.350 (6)”.

The cost of providing public safety services has increased. This resolution is to increase the transient lodging tax, previously referenced as “transient room tax” in the above resolutions, from 6% to 9%, an increase of 3%.

FISCAL IMPACT:

The estimated annual revenue increase to the General Fund is \$103,040.00.

STRATEGIC ASSESSMENT:

The impact of tourism is multifaceted, most specifically on police and fire services. Police and fire services are partially supported by property taxes. The definition of “transient” is people who reside in Newberg for less than 30 days. These people do not pay property taxes, and yet they receive the services of police and fire as often as they are needed. The cost of providing public safety services has increased over the years. Adopting this ordinance will help fill in the funding gap between the cost of public safety services and property taxes paid by residents of the City of Newberg.



ORDINANCE No. 2014-2771

AN ORDINANCE AMENDING ORDINANCE NO. 1976-1835A, AN ORDINANCE IMPOSING A TRANSIENT ROOM TAX FOR THE PURPOSE OF REVENUE, PROVIDING FOR THE METHOD OF COLLECTING ROOM TAX; PROVIDING PENALTIES FOR VIOLATION THEREOF, AND INCREASING THE TRANSIENT LODGING TAX FROM 6% TO 9%, A TOTAL OF 3% INCREASE

RECITALS:

1. Transient room tax was established in 1976 by Ordinance No. 1976-1835A for the purpose of collecting additional revenues for operating the city of Newberg, effective January 1, 1977.
2. Ordinance No. 1989-2262 clarified the definition of “transient”.
3. Ordinance No. 1996-2433 clarified how the revenues collected were to be used and allocated 50% of the revenues to be used to fund a visitor center for the city of Newberg.
4. Ordinance No. 1997-2478 amended Ordinance No. 1996-2433 allowing revenues collected through the transient room tax to be used as the city council deems necessary and appropriate. The city council shall approve by resolution expenditures for services and/or programs to be funded by the proceeds from transient room tax.
5. House Bill 2656 was passed in 2013 creating new provisions for transient lodging tax.
6. Tourism uses public safety services, which the cost of public safety has increased.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. Section 2.7.2 of Ordinance No. 1976-1835A is hereby amended to read as follows:
 - 7.2 Transient Lodging Tax – Levy. For the privilege of occupancy in any hotel each transient shall pay a tax of **nine percent (9%)** of the rent collected by the operator for the occupancy. The tax shall constitute a debt owed by the transient to the city and be extinguished only by payment to the operator of the hotel at the time the rent is paid. The operator shall enter the tax on his records when the rent is collected. If the rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. If for any reason the tax due is not paid to the operator of the hotel, the tax administrator may require that the tax be paid directly to the city. In all cases the rent paid or charged for occupancy shall exclude amounts received for the sale of goods, services or commodities, other than the furnishing of rooms, accommodations, and parking space in mobile home parks or trailer parks.

2. Effective date of this amendment is the reporting period beginning July 1, 2014.
3. All other provisions of Ordinance No. 1976-1835A shall remain in full force and affect.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: June 19, 2014.

ADOPTED by the City Council of the City of Newberg, Oregon, this 19th day of May, 2014, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, MMC, City Recorder

ATTEST by the Mayor this 22nd day of May, 2014.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 19, 2014

Order ___ Ordinance ___ Resolution _ Motion ___ Information XX___
No. No.

SUBJECT: Newberg Cultural District designation to allow for festival activities within the District.

Contact Person (Preparer) for this Information:
Leah M. Griffith, Library Director & Newberg Cultural District Executive Board Chair

Dept.: Library/Newberg Cultural District
File No.:

RECOMMENDATION:

Provide feedback to the City Attorney and Library Director/Chair of the Newberg Cultural District Executive Board regarding festival designation city resolution/ordinance for the area within the Newberg Cultural District.

EXECUTIVE SUMMARY:

In 2013, the city council approved an Intergovernmental Agreement designating the Newberg Cultural District (NCD) and delegating management of the NCD to an executive board composed of representatives of the city, Chehalem Park and Recreation District (CPRD), Chehalem Cultural Center (CCC), Newberg Public Library (NPL) and the neighborhood residents.

The city also supported the rebuilding of Sheridan Street and worked with CPRD on the development of the plaza in front of the CCC to establish a festival area that appears as one, even though the property is still owned separately. These areas, along with NPL's Carnegie Court, comprise the core of the NCD.

The NCD executive board has been developing policies and procedures for the area over the last few months and is working towards bringing the diverse regulations of the four entities above into alignment as well as developing procedures for the area to operate as a festival area with a single set of rules and policies.

The City Attorney, Library Director, Sgt. Chris Bolek, and Jason Wuertz (Traffic Safety Commission staff and project manager for the Sheridan Street rebuild) have met regarding the various issues brought forward by the NCD executive board that require city action. Mr. Stone suggested the processes already in place for the Old Fashioned Festival would make a good basis for developing NCD regulations. Mr. Stone will be working to craft the document. City council input is requested before proceeding with the final document.

Below are the situations that are being considered for inclusion in this NCD designation.

1. **Street Closures:** The process to close Sheridan and Howard Streets, the core of NCD, would be simplified. Currently all property owners/managers must sign off on a city application for each instance. This can be an onerous process for the group wanting to close the street, and can also be difficult for the property owners who have strangers knocking at their door looking for signatures.

The new process would require the NCD designee for managing reservations (currently CCC) to request the

street closure from the Newberg-Dundee Police Department (NDPD). If approved by the NDPD, the affected property owners/managers, fire department, engineering, public works maintenance and the city manager would be notified of the approved closures by the NCD and if they had concerns, those can be brought to the NCD executive board. This notice will be done in a timely fashion so that modifications can be made if needed.

The resident at the corner of School and Sheridan as well as the Masonic Lodge leader are in favor of this new process. The CCC, NPL and other city departments are also in favor of this streamlined procedure. This is similar to the Old Fashioned Festival as the streets can simply be closed under order of the chief of police.

Any closure of streets on the periphery of the NCD (School & Sherman) will use the normal City of Newberg Block Party permit process. There will likely be very few, if any, closures on the periphery streets as most activities will be in the core of the NCD, on Sheridan and Howard, as it was designed.

2. Sound and Dance Permit: Currently any outdoor music or other amplification requires a sound permit approved by the city council. The request is to eliminate the need for that permit in the core of the NCD, however the use of amplified sound would be part of the NCD reservation system and the rules would be consistent with existing city rules (all music ends at 10 pm, etc). The affected property owners/managers and city departments would receive notification of these events, which is more than is required now as the neighbors do not have to provide approval nor do they receive notification.

3. Alcohol Use: The property owned and operated by the CPRD and the CCC allows spirits to be dispensed and consumed on their property. The city only allows wine on the Carnegie Court and there is no designation specifically regarding Sheridan and Howard Streets, when they are closed. This request would bring the city owned Carnegie Court as well as Sheridan and Howard Streets into alignment with the other properties in the NCD by allowing spirits, which are defined as beer, wine and distilled spirits.

This consistency is important for renters/users to hold an event without confusion. The first year the Oktoberfest was held at the NCD; this was an issue in how they could layout the event and use the space.

The city does not have a permit for alcohol, using the OLCC permit instead. Events are obligated to meet those OLCC rules and the renter/user will be required to have an insurance rider naming the City of Newberg as well as the other property owners and operators in the NCD, including the private property owners. The city code requires NDPD Reserve officers (or other security as approved by the chief of police) to be present during any event that includes alcohol and this would be continued.

For your information, there is a small strip of property adjacent to NPL's Carnegie Court that is owned by the Newberg Masonic Lodge. The Masons are restricted by their national organization to not allow alcohol on their property. Renter/Users would be required to block off that area when holding events which include alcohol. It is on the edge of the core area and would not impact staging.

This would cover the outdoor areas owned by the city and does not modify the rules regarding the use of alcoholic beverages within NPL or the library annex.

4. Sales: The authority to manage sales of products or services on city owned property (streets or property) within the NCD would be delegated to the NCD executive board and/or their designees, and will follow their policies and procedures.

5. Fees: All fees imposed on renters/users for use of city owned property or public streets within the NCD would be retained and managed by the NCD executive board. At the time of the annual report to the city council and the CPRD Board (1st quarter of each calendar year), the funds would be dispersed to the entity owning the property or having agreements regarding rental revenue. It is anticipated, but not specifically required by the IGA, that those funds would be used by the city and CPRD to maintain the NCD (landscaping, repairs, etc).

FISCAL IMPACT: The city will be covered under insurance riders required by renter/users dispensing alcohol for events within the NCD on city owned property or streets. There is no fee for street closure permits. There is a \$10 fee for sound permits that would not be assessed; however the labor reduction by city staff will far exceed the loss of the \$10 fee revenue which would like not exceed \$200 a year.

STRATEGIC ASSESSMENT: The Newberg Cultural District is a key component in downtown revitalization and is becoming a popular area for residents and visitors alike. It is an important location for events such as the Camellia Festival, Tunes on Tuesday and the Farmer's Market. The city has made a considerable investment in designing the area for festival and event use. Consistent policies for properties within the NCD, especially those that will be used as one for single events, is important for managing the area in an efficient manner.