

**CITY COUNCIL AGENDA
NOVEMBER 3, 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

(Pages 1-5)

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. CONSENT CALENDAR

1. Consider a motion approving the October 20, 2014 City Council meeting minutes. (Pages 6-14)
2. Approve **Resolution No. 2014-3168**, A Resolution Approving the written performance evaluation of the City Attorney. (Pages 15-17)
3. Approve **Resolution No. 2014-3169**, A Resolution amending Rule 5.6 Public Comments in the City of Newberg Council Guidelines. (Pages 18-20).

VIII. NEW BUSINESS

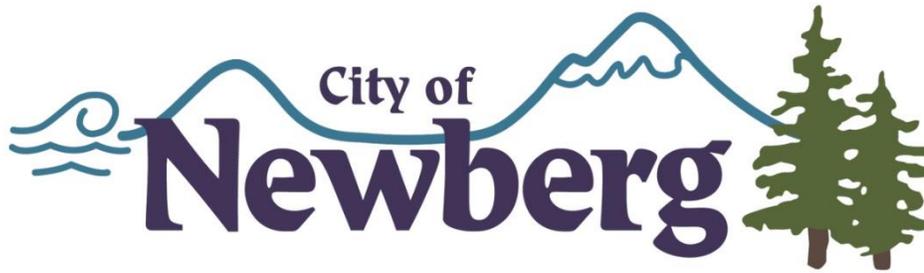
VIII. COUNCIL BUSINESS

IV. 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 two business days 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. Written testimony can be submitted to the Council the night of the meeting except for a land use hearing process, which has different guidelines.

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.



CITY MANAGER REPORT

When I began as City Manager there were a number of pending projects that required continuous updates to the Council, which is why I generated a City Manager Report every other week. There are still a number of projects; however, preparing such a report has created time impediments with my schedule; so I will be changing how you receive this information. First, I will be inserting a report into each Council packet under “City Manager Report” which will allow me to follow the staff deadlines for submittal of materials for agenda items; and two, I will be e-mailing you more often on items of relevance rather than holding on to them to put in my report. I believe that both of these changes will allow me to continue to keep you apprised in a timely manner while reducing the amount of time it takes outside of the office to prepare a written report every other week. I appreciate your flexibility to do so.

- Kelly Amador, ODOT Project Manager for the entire Bypass project arranged a two and half hour tour of the project with Public Works Director (PWD) Jay Harris and myself. There are two other project managers (one for Dundee and the other for Newberg) that also were in attendance. The tour was very helpful as we were able to obtain a visual on the entire project and discuss items that we need to address in finalizing the IGA with ODOT.

After the physical tour PWD Harris and I went over renderings of Springbrook Road streetscape options near Hayes Street, 2nd Street, and North of Wilsonville. Kelly Amador assured us that there is going to be a tremendous amount of public outreach when they close Springbrook altogether and provide alternate routes for traffic. This is something that PWD Harris and I are very concerned about, because we know that closing Springbrook for an extended period of time is going to cause hardships for many individuals and businesses.

We were also reassured that a sound wall (likely made of masonry) will be constructed along Springbrook in front of Mountain View, Nut Tree Ranch, and Avalon Manufactured Home Parks and more outreach will be done with those residents.

ODOT will also be changing the intersection at Hwy 219 and 2nd Street to no longer allow a left hand turn onto 2nd Street, which will reduce traffic. The four-way stop will be removed at Springbrook and Fernwood and a signal will be installed. Once the IGA is in final form we will bring it to Council for consideration.

- The City continues to negotiate union/association contracts with the Public Works Employees and the Police Employees. These are both tedious items that we are hoping to get finalized by the end of the year so that the current Council can consider approval of the contracts.
- I took a tour of the Riverbend Landfill and Recycling Center in McMinnville with Jackie Lang, Senior Communications Manager of Waste Management. Riverbend manages landfill wastewater (leachate) to ensure it does not impact groundwater. Their leachate is collected by three separate sumps equipped with level monitors to operate pumps and maintain appropriate liquid levels. To manage the leachate after collection they use natural evaporation and off-site management at a wastewater treatment plant, which currently goes to Salem. They inquired as to whether or not the City of Newberg would be interested in accepting the excess leachate at our wastewater treatment plant. It is a potential revenue stream however PWD Harris will do his due diligence before providing me a response.

As you are also aware Waste Management is in the process of obtaining a permit to expand their landfill for another 15 years. This process begins with Yamhill County in November. If they are successful in utilizing 37 more acres they plan to shut down the landfill in 2029. At some point the City will need to think about future landfill sites.

- The downstairs Engineering/IT Offices flooded again during the big rain storm. Thankfully the fire department and Water Bear were able to assist in the removal of water immediately. We believe there is an undersized stormwater pipe causing the issue for a couple of businesses in the area (including City Hall) and we also had issues with our backflow devices not working properly. Our insurance company has been contacted and sections of sheetrock have been removed and heaters are drying out the affected areas. It is the gift that keeps on giving.
- I have been meeting regularly with our Interim Finance Director Ross Schultz regarding revenue/expenditure forecasts and we will be presenting our preliminary findings to the Council at the November 17th Council meeting. We will be briefing the Department Heads before that time as we prepare for the new Council and Budget Committee in 2015.

- In regards to the Finance Director selection process, we are moving forward with interviews and because this is a personnel decision it will remain confidential until I have made a decision to either offer employment to one of the applicants or consider other options. I will make sure that the Council and Department Heads are aware of my decision before it is made public.

Interviews for the Community Development Director are the second week of November and I will follow the same process.

- The City was scheduled to meet with Sam Imperati, the mediator for the UGB Expansion however he canceled it because the other parties involved had not reviewed or approved the mediation confidentiality agreement. It is also our understanding that they are attempting to add items to be considered that were not agreed upon by the City. This changes our timeline considerably and staff is frustrated by the good faith effort to move forward. I will let City Attorney Stone address specifics they want to add when he produces his next Legal Bulletin as it is confidential. I can tell you that I have spoken with Greg Ellis from the Governor's Regional Solutions Team and he is going to talk to Michael Mills from Oregon Consensus/Solutions to see if he can intervene in the matter.

As a follow-up to a question asked by Council a few meetings ago regarding the cost that the UGB Expansion has been to the City, Associate Planner Jessica Nunley Pelz provided a rough (very rough) estimate of around \$190,000. I say very rough; however, because our legal costs have not been factored into this number, as have not certain planning hours, GIS costs etc. So I would suggest you detach from this number as it could certainly be double, with just adding legal.

- I attended the Yamhill County Parkway Committee Meeting with Mayor Andrews. ODOT provided a briefing on the Bypass Project. Wildish has begun moving dirt on the Newberg Phase. They are preparing to do bridge work and they need to remove a sawdust pile and contaminated pile in front of the Mill. Before any piles are driven they will schedule a community meeting possible the first week of December. Wildish bid the project at roughly \$44 million. The Budget is \$57 million however with added construction and the cost of "unknowns" in the ground the added cost of the project could total \$54.5 million.
- A Human Resource Consultant from City/County Insurance Services (CIS) met with Human Resources Director Dawn Wilson and myself to discuss conducting an assessment of our Human Resources Department. It will begin with a review of various forms the City uses and then they will set a date after the first of the year to make a site visit to provide input on our current resources and service levels. In the meantime we will be encouraging Department Heads and

Supervisor/Managers to take free webinar courses CIS offers to help with hiring, orientations, employee retentions, and retirement transitions.

This new program is intended to help CIS members reduce costly employment claims, which now represent 41% of all general liability claims (an all-time high). Interesting to note, member-wide police employment claims represent 29% of all employment claims and even though that may not be an issue in Newberg, one member's employment claims can have a big effect on other member's costs so we need to make sure we are doing our share of education to minimize the effect.

- I did a presentation on City Management to the Leadership Newberg Group.
- I attended Greeters, Kiwanis, and attended Ace Hardware's Wine on Tuesday Chamber event that showcased their expansion area.
- I attended the Oregon City/County Manager's Board Meeting and Strategic Planning Session in Salem.
- I met with Bryan Stewart and Caleb Thurston, the promoters of the Camellia Festival to gain a better understanding on the history of the festival and to listen to their desires for the City to be more involved.
- The Mayor invited myself, Library Director Leah Griffith, Fire Marshal Frank Douglas, and Police Chief Brian Casey to attend the Champions for Children Luncheon at the Chehalem Cultural Center. I understand the support from the event brought the total raised for the Newberg expansion to nearly \$50,000 which means they only need another \$20,000 to open a relief nursery classroom to stabilize families.
- I attended the Traffic Safety Commission Meeting. One item on the agenda was to consider a stop sign request at Meridian E. 5th Street and S Meridian Street. The request was submitted by a citizen for the following reasons:
 - 1) The intersection's close proximity to Edward Elementary
 - 2) S. Meridian Street is a bus route for many buses going to and from Edwards Elementary.
 - 3) There is at least one special needs child living in close proximity to this intersection.

The Engineering Department evaluated and presented four options to the Commission for consideration. After much deliberation the Commission approved the preferred Engineering Department recommendation to install stop signs on the minor leg being E. 5th Street, remove the large 4.5 foot diameter tree, and two apple trees leaving the homeowner's fence in place. This option allowed for stop

signs on the minor street only which is warranted based on MUTCD 2B.06 B and, Historic Crash Data.

Also at the meeting it was reported that the City's Engineering Services Department and Public Works Department will be removing the 15 MPH signs in order to be a legally conforming speed limit. Cities can only reduce speed limits down to 20, not 15. In order to do this however there is one historic ordinance that needs to be repealed (Ordinance No. 1855), which mandates the speed limit along E. 11th Street from S. Willamette Street to S Columbia Street to be posted at 15 MPH. This will come to Council likely in 2015.

- The City of Dundee hired a consultant to assist with the update to their Water Master Plan. They held a work session with their City Council to discuss long-term water supply alternatives. Because the City of Newberg will also be updating their Water Master Plan, PWD Harris attended the work session on behalf of the City. We have a concern with planning for water supply redundancy in the event of catastrophic failures and are trying to collaborate a discussion on how the two communities could (should) work together. At this time this is for informational purposes only however if any policy needs to be considered it will come to the elected officials. I applaud these types of discussions as I believe that City's should be sharing resources whenever feasible.
- The ABC Core Team continues to meet to prepare the America's Best Communities Prize grant application to Frontier Communications. At the last meeting, CEO Geoff Gilmore of Climax Portable Machine Tools offered to share their expertise and resources to conduct a visioning-strategic planning process on Saturday, November 1st. The goal is to come up with an outstanding vision statement that will get Newberg the \$3 million prize. I will continue to represent the City and appreciate Interim Planning Director Steve Olson's help with answering key questions for the application.

Respectfully submitted,

Jacque M. Betz
City Manager

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 3rd, 2014

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

SUBJECT: Minutes

**Contact Person (Preparer) for this
Motion: Sue Ryan, City Recorder
Dept.: Administration
File No.:**

RECOMMENDATION:

Approve City Council minutes from October 20th, 2014.

**CITY COUNCIL MINUTES
OCTOBER 20, 2014, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

A work session was held at 6:00 p.m. preceding the meeting. A presentation was given by Kathy Tri on the Chehalem Pool Renovation bond measure and the need for improvements to the pool because of its age and condition. Yamhill County Commissioner Allen Springer spoke about the county's Economic Development programs including applications for strategic investment grants for private companies from Oregon Lottery money. A presentation was given by Jackie Lang, Senior Communications Manager of Waste Management of Oregon on the GREEN4GROWTH grant program, which is a program for cities in Yamhill County. She encouraged the City to apply in January 2015 with awards to be given in spring 2015. She also spoke about the Riverbend Master Plan, which is the proposed new landfill for Yamhill County.

All Councilors, the Mayor, City Manager, City Attorney, the Interim Planning and Building Director, and the City Recorder were present. No action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Andrews called the meeting to order at 7:00 p.m.

II. ROLL CALL

Members Present:	Mayor Bob Andrews	Denise Bacon	Mike Corey
	Bart Rierson	Stephen McKinney	Lesley Woodruff
	Ryan Howard		

Staff Present:	Jacque Betz, City Manager	Truman Stone, City Attorney
	Sue Ryan, Interim City Recorder	Mary Newell, PD Support Services Manager
	Brian Casey, Chief of Police	
	Steve Olson, Interim Planning and Building Director	

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Ms. Jacque Betz, City Manager, said the Interim Finance Director and she had been working on the budget. She said there would be a presentation at the Nov. 17 Council meeting on the City's current financial situation.

She said there is a marketing agreement with the Chehalem Valley Chamber of Commerce that expires in June 2015 and the director is here this evening to give a presentation. She said she would need to meet with the Council in separate meetings about their feelings about the contract and the direction they wish it to take. She said there would be an update on the Transient Lodging Tax (TLT) during the meetings with the Council.

Sheryl Kelsh, Executive Director for Chehalem Valley Chamber of Commerce, gave a presentation on the services the Chamber had provided during the past five years with the TLT monies. She said she was looking for more specific feedback from the city Council on what they want.

CM Betz said she would provide the Council with a copy of the marketing agreement before they meet.

V. PUBLIC COMMENTS

Mayor Andrews said they had received written public comments from Mr. Robert Soppe (Exhibit A).

Councilor Rierson asked clarification on Mr. Soppe's comments and whether information is entered into the record automatically depending upon when it is submitted.

Mayor Andrews said they would discuss it in Council Business.

VI. CONSENT CALENDAR

MOTION: Rierson/Corey moved to approve the October 6, 2014 City Council meeting minutes as amended , approving **Resolution No. 2014-3164**, A Resolution authorizing the City Manager approve the lease purchase of one replacement vehicle for the Newberg-Dundee Police Department and reimburse itself from the proceeds of a tax-exempt financing, approving **Resolution No. 2014-3167**, A Resolution adopting the Yamhill County Multi-Jurisdictional Hazard Mitigation Plan. Motion carried (7 Yes/0 No)

VIII. PUBLIC HEARING

Mayor Andrews opened the hearing on **Order No. 2014-035**, An Order Establishing a Public Safety Fee in the amount of two (2) dollars per Residential Meter Equivalency (RME) per month for the purpose of funding two (2) communications officers in the City of Newberg at 7:13 p.m.

Mayor Andrews called for Abstentions, Bias, Ex-Parte Contact, and Objections to Jurisdiction. There were none.

City Attorney Stone said this being a non-land use quasi-judicial there were no announcements.

Staff Report: City Attorney Truman Stone explained the background of the measure described in the staff report (Exhibit B). He referred to the first exhibit, Ordinance No. 2009-2714, which the City Council set out criteria for implementing specific public safety fees and that the criteria had to be found to be met in order to produce the findings to provide the mechanism for the fee. He said that was the format created in the Municipal Code.

Newberg-Dundee Police Chief Brian Casey said dispatch center is not part of the Police Department but supports several departments in addition to their dispatch duties. He said that it is the one division with the greatest staffing efficiency in the City and they have been down two dispatchers and working overtime. He said it is difficult on them because of the short staffing. He said the City of Newberg chooses to have its own 9-1-1 Center, they need to be responsible in staffing it responsibly. He said it makes it difficult for employees to take breaks and go on vacations. He encouraged the Council to consider the order.

Mary Newell, Support Services Manager, said from September 18 to October 1 they had 231 hours of overtime. She said they were scheduling multiple 12-hour shifts per worker. She said regarding the Administrative Report there was a list of criteria that had to be met for the Order. She explained how the vacant position would mean they will have a one year training period before they can work independently.

Mayor Andrews asked about the charges as outlined in the meter size chart. CA Stone answered that the factor is a multiplication based on the meter size and about 70 % of the entities, which are single family homes, will

pay \$2 per month. Mayor Andrews asked about if a contractor wanted to put a meter on a fire hydrant to draw water. CA Stone said that would not be subject to the fee as the fee is assessed on developed properties with permanent meters. Mayor Andrews asked if the chart on anticipated revenues and expenses for the fiscal years through 2018 if the budget increases were results of the CPI or city growth or both ? CA Stone said there is a CPI index built into the order as it stands and it would be assessed every July 1 based on the calendar for the prior year. He said the budget does not have the CPI increase built in but are numbers projected during the budget process and were based on growth. Mayor Andrews said these were based on growth but there could be numbers based on CPI. He said looking at the converse, in looking at the annual budget based on two RMEs there is an increase in the amount of expenses. He asked what it was based on. CM Betz said there is a police association that has a negotiated contract with the City so there is an escalator cost in the figures for compensation that is tied to their agreement to reflect an anticipated personnel cost. She said it was not put in the 2009 one for the Police Officers and the City Council may want to add it in during the next budget cycle to insure that increase is being captured.

Councilor Rierson asked how many dispatchers they would be hiring. SSM Newell explained the hiring plans were to fill a current vacancy and possible one additional position. Councilor Corey asked if the \$2 covered one person or two individuals. Chief Casey said they were transferring the cost of one dispatcher out of the general fund and into the Public Safety Fee. He said they were only adding one new position but the fee would cover two positions. Councilor Corey asked about the overtime being paid out now and where was it being paid from. Chief Casey said there was not necessarily a contingency fund in the dispatch budget but it will have to come out of the overtime fund and hopefully they will underspend in other line items to compensate. He said if not the City may need to consider a supplemental budget to balance. CM Betz said this is another example of a fee introduced during the budget that was used to balance the budget but wasn't collected as it was supposed to go into effect July 1. She said it most likely would not be implemented until December 1 and it means there is an approximate shortfall of \$120,000 to the budget.

Councilor Rierson asked if it's a position not funded then it's not an actual shortfall as the expenditures for the position have not been there. CM Betz said the overtime costs for the dispatch center had been exorbitant and she wants to be cautious that revenue is lining up with expenditures in the adopted budget. Councilor McKinney said they had already discussed this issue during the budget season when they were in crisis and getting it passed tonight still won't catch up the department's budget. He said this proposal helps to catch up but does not solve the overall issues the City is facing with its budget.

Mayor Andrews said they will be in deliberations shortly. He referred to Exhibit C and the implementation was proposed through the November water bill but it would be up to the City Manager to implement as soon as possible.

CA Stone said there was a desire to make the customers aware of the upcoming charge before it's implemented and that is why the language has that flexibility.

Public Testimony:

Proponents: None

Opponents: None

Undecided: None

Question:

Public Agency Letters or Comments:

Close of Public Testimony: Mayor Andrews closed the hearing at 7:39 p.m.

Final Comments from Staff and Recommendation: Chief Casey recommended passage. CA Stone said Exhibit D was the specific findings of fact for the order.

Deliberations:

Councilor Howard expressed a concern about funding the position with fees rather than property taxes. He said the utility billing issues should be resolved before adding the increase because of the recent scrutiny. He said he was not opposed to the findings but is concerned about moving forward before addressing utility billing concerns.

Councilor Corey said he understood the concerns but this was brought up in the budget committee session and there was not concerns expressed at that time by the public. He said he would support the order.

Councilor Bacon said she supported it because they needed the support and she had seen the stress on the 9-1-1 centers.

Councilor Woodruff said she supported it and she does not have any questions about the measure but about the timing due to the utility billing issues.

Councilor McKinney said he supported the order but the discussion about the utility billing issue needs to be addressed by Council. He said he recognized the order but that the order does not deal with the full issue. He said he was in support of the order presented to them.

Mayor Andrews said he was in support of the order presented to the Council. He appreciated the concerns Councilor Howard brought up but that there is flexibility between the time the order is adopted and implemented.

CM Betz said she could address the utility billing now or later under Council Business and the timing of when it would be implemented. Mayor Andrews said we take it up under the Council Business as a separate item.

Councilor Howard said what was the concern of staff in delaying this decision. CM Betz said it was approximately a \$7,000 loss each month that the fee is not implemented.

Action:

MOTION: Rierson/Bacon moved to adopt **Order No. 2014-0035**, an Order Establishing a Public Safety Fee (PSF) in the amount of two (\$2.00) dollars per residential meter equivalency (RME) per month for the purpose of funding two communications officer positions. Motion carried (6 Yes/1 No [Howard])

X. COUNCIL BUSINESS

Mayor Andrews talked about the state resiliency plan including a report on the possibility of a state subduction event.

Mayor Andrews brought up Mr. Soppe's written testimony regarding written comments. He said with the recent agenda publication changes that it also changes how the Council does business and affects their Council Rules. Councilor Rierson said he would like staff to bring it back. CM Betz said she could draft a response and send it out to the Council. She said she would prefer to send a response first before they would schedule a change in Council Rules as an agenda item. There was discussion on the inconsistency with the Council Rules.

Councilor Howard said he was active in the Facebook discussion threads and that one issue that has been prevalent is the concern about the new timelines with the utility billing. He said he knew the plan to change the timeline was well thought out but now that it had been implemented he would like to know how the issue is being addressed.

CM Betz said the issue had been confusing and she had updated the Council. She said people need to pay their utility bills but the issue of a group they are dealing with is vocal on social media. She said the last day, on Columbus Day, was a federal day and no mail was delivered. She said they did not shut off any service for anyone who was up to date. She said they took the names of everyone on social media and tracked them down and addressed the valid ones who. She said they will be doing a mid-month flier with a calendar and to explain the changes. She said they will also have a trained temp available during a two-week period of shutoff. She said this will help to handle the volume of callers. She said they would be posting some of the FAQs in the lobby to help address dwell time at the counter. She said the third month going into this issue that they are working on several ways to help with the concerns.

Councilor Howard said he appreciated the steps but he is still concerned about the timelines. He wanted more details.

Councilor Corey said he appreciated the customer service followup. He asked them to include in the letter that they could also pay online.

Councilor Howard said when he got his shutoff letter it stated for him not to pay online because it would not be enough time to receive the payment before the shutoff would take place.

Councilor McKinney asked if there would be additional expenses if they allowed the use of credit cards. CM Betz said yes.

Councilor Bacon said there were conflicting messages between the online site and the phone number to call.

Councilor McKinney complimented CM Betz for her handling of the situation.

There was a short recess from 8:10 p.m. to 8:16 p.m.

XI. EXECUTIVE SESSION

The Council entered executive session pursuant to ORS 192.660(2) (h) Rights and Duties regarding litigation to be filed – Potential Nuisance Abatement at 8:16 p.m. Staff present during the first executive session were Captain Bolek, Chief Casey and City Attorney Stone. The Council exited the first executive session at 9:25 p.m.

The Council entered executive session pursuant to ORS 192.660 (i) regarding Performance Evaluations of Public Officers and Employees – City Attorney at 9:30 p.m. Staff present during the second executive session was City Attorney Stone. The Council exited the second executive session at 9:55 p.m.

The Council entered open session at 9:55 p.m.

XI. ADJOURNMENT

The meeting adjourned at 9:56 p.m.

ADOPTED by the Newberg City Council this 3rd day of November, 2014.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of November, 2014.

Bob Andrews, Mayor

DRAFT

October 20, 2014

I am submitting the following as written testimony for the Public Comments section of the October 20, 2014 City Council meeting:

I addressed the Council at the September 15, 2014 meeting regarding the difficulty in submitting written comments for Council meetings when the deadline was before the agenda was published. As I submitted in my written testimony last meeting, I was pleased to see that the Council had changed the policy to one where "Written testimony can be submitted to the Council the night of the meeting...". While I thought that this might create difficulties for the Council, it effectively and appropriately handled the issue of the ability of citizens to submit written testimony and to have it accepted.

I was more than a bit surprised when I listened to the audio of the October 6, 2014 meeting and heard what this new policy actually was. My written testimony was not automatically accepted; the Council felt the need to have a motion and a vote on whether or not the testimony would be accepted. The fact that there was a motion and a vote clearly implies that Council felt it had no obligation to accept the testimony. This is in sharp contrast to the older policy where written testimony that is submitted before 4:30pm on the Wednesday prior to the meeting would be automatically accepted and that written testimony received after that would be considered for acceptance by the Council.

As it appears, there is no longer an opportunity for a citizen to read the agenda and to submit written testimony that can be assured to be accepted, an opportunity that was present before the recent changes. This does not seem to be appropriate to me.

Consistent with the Council's policy about requests from the public at Council meetings (I'm not aware of this having been changed; if so, then I'll defer to the present policy) I would like to submit the following questions as a request to the Council. Following that policy, I will wait patiently for a response by email or by U.S. Postal mail.

- 1) Is there an opportunity for a citizen to provide written testimony regarding a City Council agenda item that can be assured to be accepted (as used to be the case)?
- 2) If so, what is the deadline and the procedure for providing such written testimony?

Thank you in advance for your consideration of this matter.

Robert Soppe

503 538-5495

rs@compprobsolv.com

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 20, 2014

Order <u>XX</u>	Ordinance <u> </u>	Resolution <u> </u>	Motion <u> </u>	Information <u> </u>
No. 2014-0035	No.	No.		

SUBJECT: An Order establishing a Public Safety Fee (PSF) in the amount of two dollars (\$2.00) per residential meter equivalency (RME) per month for the purpose of funding an two communications officer positions.

**Contact Person (Preparer) for this Order: For Facts: Chief Brian Casey
For Document Questions: Truman A. Stone
Dept.: Newberg-Dundee 9-1-1 Police Department with cooperation from the City Attorney's Office**

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt Order No. 2014-0035 the Public Safety Fee (PSF) to fund an existing and new communications officer position.

EXECUTIVE SUMMARY:

The Newberg-Dundee 9-1-1 (Communications) is integral part of public safety. It is funded primarily by property taxes and the 9-1-1 fees collected by the State of Oregon on monthly telephones bills. (The 9-1-1 fee collected by the State is a \$0.75 tax imposed on any circuit or device capable of accessing the 9-1-1 network and is collected by communications providers offering such services.) Communications provides dispatching services for Newberg-Dundee Police and Newberg Fire and EMS; plus contractual services to the Newberg Rural Fire District, Dundee Fire District, and Dundee Rural Fire District. Staff is proposing a \$2.00 PSF to fund two (2) communications officers. A workload study was done in 2010 that recommended that four (4) communication officers be added to the department. Over the last three years, overtime costs have equated to the cost of one communications officer.

FISCAL IMPACT:

The PSF would be implemented by November 1, 2014. The PSF is recommended at \$2.00 per RME per month.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

Through this funding, the city would stabilize funding for one existing communications officer, and allow the hiring of an additional communications officer on a permanent basis. Communication services are essential services that are a part of the police department allowing the city to better meet its obligation to provide such services. It is the city's obligation to ensure that 9-1-1 calls are answered and appropriate resources are dispatched immediately.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 3, 2014

Order ___ No.	Ordinance ___ No.	Resolution <u>XX</u> No. 2014-3168	Motion ___	Information ___
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SUBJECT: Approve the written performance evaluation of the city attorney.

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

RECOMMENDATION:

Adopt **Resolution No. 2014-3168** approving the written performance evaluation of the city attorney.

EXECUTIVE SUMMARY:

The city council performed a performance evaluation of the city attorney. That evaluation was held during executive session on October 20, 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. 2014-3168

A RESOLUTION APPROVING THE PERFORMANCE EVALUATION OF THE CITY ATTORNEY COMPLETED IN OCTOBER 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 October 20, 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: November 4, 2014.

ADOPTED by the city council of the city of Newberg, Oregon, this 3rd day of November, 2014.

Sue Ryan, City Recorder

ATTEST by the Mayor this 3rd day of November, 2014.

Bob Andrews, Mayor

**City Attorney (Truman Stone)
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 October 20, 2014, to discuss their evaluation of his performance from October, 2013 to October, 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 most satisfactory, exceeding expectations in a couple of areas. The city council felt the city attorney continued demonstrated strong growth in his first annual performance period. Staff training and communications need additional attention; noting that once some short term projects are completed, the city attorney will having greater opportunity to address these areas.

The council expressed satisfaction with how well the city attorney represents the city of Newberg and is looking forward to long-range strategic planning in partnership with the city attorney.

DATED this 3rd day of November 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:

See attached comments.

Acknowledged this ____ day of _____, 2014.

Truman A. Stone, City Attorney

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 3rd, 2014

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2014-3169

SUBJECT: Public Comment submitted in writing

Contact Person (Preparer) for this
Motion: Sue Ryan/Jacque Betz
Dept.:
File No.:

RECOMMENDATION:

Adopt Resolution No. 2014- 3169, Amending Rule 5.6 Public Comments in the City of Newberg Council Guidelines.

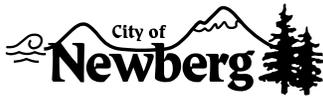
EXECUTIVE SUMMARY:

Section 11 of the City Charter provides that the Council will adopt Council Rules by resolution to govern its meetings and proceedings. These rules will decide questions and give direction and are intended to serve as a guide for the Council. Recently the deadline for when written testimony can be submitted to the City Council had been changed due to a change in the publication of the agenda by staff. This deadline allows staff to get the information to Council in advance of the meeting instead of the elected officials trying to read it at the meeting.

FISCAL IMPACT: None

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

Allows the City to run more efficiently.



RESOLUTION No. 2014-3169

**A RESOLUTION AMENDING THE CITY COUNCIL GUIDELINES AND
RULES ADOPTED APRIL OF 2011 BY UPDATING THE PROVISION
DEALING WITH PUBLIC COMMENT**

RECITALS:

1. The City Council, from time to time, has revised its Guidelines and Rules.
2. The last full revision was completed and adopted by Resolution No. 2011-2933 on April 18, 2014.
3. The Council directed staff at its October 20, 2014 meeting to bring back a revision of Council Rules to reflect recent changes in practice for the submission of Public Comments.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council Guidelines and Rules of April 18, 2011 will be amended with a revision of the following paragraph under Rule 5.6 Public Comments. The revision is in italics

Rule 5.6 Public Comments

Persons speaking to the council from the floor concerning items not on the agenda or items that are on the consent calendar would speak under public comments. Those people will be given the opportunity to speak no more than five (5) minutes. Speakers may share their time at the discretion of the mayor. The maximum time allowed for public comments, including all speakers is thirty (30) minutes. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time. ~~Speakers who wish the council to consider written material are encouraged to submit information in writing at least ten (10) days prior to the council meeting.~~ *Speakers who wish the council to consider written material are encouraged to submit written information in writing by 12:00 p.m. (noon) the day of the meeting.* In the case of public hearings or items on the council agenda for action, the submission of written material for consideration or inclusion in the record may be subject to stricter time limits established by council and publicized by the city. ~~Speakers may also submit information at the meeting. However, it may not be considered by the council unless there is time for the council to read and consider the material.~~

2. The rules shall then reflect the date the last major revision occurred and the amendment date of November 3rd, 2014 (the date this resolution is passed).

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: November 4th, 2014.
ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of November, 2014.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of November, 2014.

Bob Andrews, Mayor