



**CITY COUNCIL AGENDA
SEPTEMBER 21, 2015, 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. APPOINTMENTS

1. Appointments to the Affordable Housing Commission
 - A. Reappoint – Stuart Brown and Terry Emery
 - B. Appoint – E.C. Bell and Mike Gougler
2. Citizens Rate Review Committee
 - A. Reappoint – Blair Didway
 - B. Appoint – Nick Morace, Holly Bradford and Rick Rogers

V. CITY MANAGER'S REPORT

VI. 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)

VII. CONSENT CALENDAR

1. Convene Citizens Rate Review Committee

VIII. PUBLIC HEARING

1. Ordinance 2015-2787, An Ordinance of the City of Newberg declaring a ban on the early sale of Recreational Marijuana by Medical Marijuana Dispensaries, and declaring an emergency (Legislative)

IX. NEW BUSINESS

1. Resolution 2015-3218, A Resolution initiating an amendment to the Transportation System Plan for changes to the road and lane configuration of Highway 219 and the Highway 219/Phase 1 Bypass/Wilsonville Road intersection

Agenda continued on next page

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. Resolution 2015-3228, A Resolution initiating Comprehensive Plan and Development Code amendments to adopt the updated Transportation System Plan and associated policies and regulations

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 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. 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.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 21, 2015

Order ___ No.	Ordinance ___ No.	Resolution ___ No.	Motion <u>XX</u>	Information ___
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SUBJECT: Appoint candidates to the Affordable Housing Commission and Citizens Rate Review

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

RECOMMENDATION:

To consent to the Mayor's appointments for Affordable Housing Commission and Citizens Rate Review Committee.

EXECUTIVE SUMMARY:

Affordable Housing Commission:

To reappoint Stuart Brown to a three year term and Terry Emery to a two-year term to the Affordable Housing Commission as reappointments on the commission.

To appoint E.C. Bell to a three year term (06-30-2018) and Mike Gougler to a three year term (06-30-2018) for new positions on the commission that Council created recently with Ordinance 2015-2785 by enlarging the commission from three to five members.

Citizens Rate Review Committee:

To reappoint Blair Didway to the Citizens Rate Review Committee.

To appoint Nick Morace, Holly Bradford and Rick Rogers to the Citizens Rate Review Committee. Mr. Morace and Holly Bradford are new appointments. While Mr. Rogers has served on the committee and his appointment is still current he recently relocated from outside the City limits to inside the City limits.

These terms are for three years.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT: These boards serve a very important role in the betterment of our community making our City government viable and a great place to grow.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 21, 2015

Order ___ No.	Ordinance ___ No.	Resolution ___ No.	Motion <u>XX</u>	Information ___
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SUBJECT: Request the Citizens' Rate Review Committee to convene for 2017-2018 rate review

Contact Person (Preparer) for this Motion: Matt Zook
Dept.: Finance
File No.:

RECOMMENDATION: Per Newberg Municipal Code 2.15.190, "the Citizens' Rate Review Committee shall meet first as requested by the city council, with subsequent meetings scheduled by the committee." Staff's recommendation is for the Council to request the rate/fee review process to begin on October 15, 2015, at which time a chair will be selected and subsequent meeting days and times established by the chair.

FISCAL IMPACT: None

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS): In exercising its fiduciary responsibility to meet the needs of the citizens for appropriate water, wastewater, and stormwater services, Council's motion to initiate the rate review process will ensure that this priority is properly funded for the appropriate repair, maintenance, and growth of the 2017-2018 calendar years.

RECOMMENDED MOTION:

I move that the Council convene the Citizen Rate Review Committee and instruct the committee to begin the rate review process under the authority as described in Newberg Municipal Code 2.15.130, and that the committee meet on October 15, 2015 and set a schedule to accomplish these tasks.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 21, 2015

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2015-2787 No.

SUBJECT: An Ordinance of the City of Newberg declaring a ban on the early sale of recreational marijuana by medical marijuana dispensaries, and declaring an emergency.

Contact Person (Preparer) for this Ordinance: Truman A. Stone, City Attorney
Dept.: City Attorney's Office
File No.:

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

The Council instructed staff to present for council consideration, the attached Ordinance No. 2015-2787 declaring a ban on the sale of recreational marijuana by medical marijuana dispensaries, and declaring an emergency.

EXECUTIVE SUMMARY:

Mr. Doug Rux, Community Development Director, presented at the September 8, 2015 work session. His key questions presented were:

- Does the City Council want a ban on early recreational sales from Medical Marijuana Dispensaries that start October 1?
 - Retail sales begin October 1 from Medical Marijuana Dispensaries in limited amounts (1/4 ounce, 4 non-flowering plants, seeds).
 - Recreational sales from Medical Dispensaries end December 31, 2016.
 - Ban would not allow recreational sales during this time period and does not require referral to the voters.

The Council voted to instruct staff to draft an ordinance for consideration at the September 21, 2015 Council meeting.

FISCAL IMPACT:

Financial impact is unable to be calculated. It is likely to be minimal, if any.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):



ORDINANCE No. 2015-2787

**AN ORDINANCE OF THE CITY OF NEWBERG DECLARING A BAN ON
THE EARLY SALE OF RECREATIONAL MARIJUANA BY MEDICAL
MARIJUANA DISPENSARIES, AND DECLARING AN EMERGENCY**

RECITALS:

1. **WHEREAS**, the Oregon Medical Marijuana Act created a system for the transfer of medical marijuana between growers and patients and caregivers through medical marijuana dispensaries;
2. **WHEREAS**, the voters adopted Measure 91 in November 2014, which provides criminal immunity for people aged 21 or older who possess certain amounts of marijuana and directs the Oregon Liquor Control Commission to license the retail sale of marijuana;
3. **WHEREAS**, the Oregon Liquor Control Commission has not yet licensed the retail sale of recreational marijuana;
4. **WHEREAS**, the Legislature enacted Senate Bill 460 (2015) to allow medical marijuana dispensaries to sell limited marijuana retail product starting October 1, 2015;
5. **WHEREAS**, Senate Bill 460 (2015) provides that a city may adopt ordinances prohibiting the sale of limited marijuana retail product from medical marijuana dispensaries;
6. **WHEREAS**, the City Council wants to prohibit the sale of marijuana retail products from medical marijuana dispensaries in the city to protect and benefit the public health, safety and welfare of existing and future residents and businesses in the city;

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Article I, General Provisions, Chapter 9.10.25, Ban of Early Marijuana Sales, is added to read as follows:

9.10.025 Ban of Early Marijuana Sales.

1. **BAN DECLARED.** The City of Newberg hereby prohibits the sale of limited marijuana retail product in any area subject to the jurisdiction of City of Newberg as described in section 2 of Senate Bill 460 (2015).
2. **DURATION OF BAN.** The ban imposed by this ordinance will be effective until December 31, 2016, or until the Legislature ends sales of limited marijuana retail product by medical marijuana dispensaries, whichever comes later.
3. **ENFORCEMENT.** Violation of the provisions of this ordinance shall constitute a Class 1 Civil

Infraction as that term is defined under the uniform civil infraction procedure ordinance. Each individual sale to a separate person shall constitute a separate offense. Enforcement shall be according to the uniform civil infraction procedure ordinance (NMC 2.30.150 et seq.).

4. **ADDITIONAL REMEDIES.** Notwithstanding the enforcement provisions in subsection 3 above, the City reserves and may invoke any other remedies authorized under local, state, federal, or common law, including injunctive relief or other equitable remedies.

Section 2. Emergency Clause.

EMERGENCY CLAUSE: This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect on September 21, 2015.

- **EFFECTIVE DATE** of this ordinance, which is: September 21, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this 21st day of September, 2015, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Sue Ryan, City Recorder

ATTEST by the Mayor this ____ day of September, 2015.

Bob Andrews, Mayor

ORDINANCE No. 2015-2787

Public Comment Received 09/16/2015

From Sheri Ralston to Doug Rux, Community Development Director

I recently talked to the state about current medical marijuana dispensaries and Margarit who is an inspector with the Oregon Medical Marijuana DEPT says they are not experiencing armed robberies, hold ups with guns, thefts or significant crimes at dispensaries in the state. She did say they occasionally will have an alarm go off or An internal theft by employees or a partnership where there are 2 owners and they are not getting along and one steals from the other.

Based off this information and doing research for recreational sales we do not anticipate any issues with regards to the early rec sales. Mostly in fact because of the small quantity that a customer will be able to purchase. Sales are not expected to increase significantly. No edibles, tinctures, shatter, dabs, oils, pens will be allowed to be purchased. These products represent a significant amount of current medical sales. There just isn't the impact projected or increase in theft or safety expected because of this. Its not like Washington or Colorado because of the limitations with the early rec sales because the volume of cash intake is not going to anywhere near those states.

With regards to banking some dispensaries have found a way to use debit which reduces cash intake up to 80% which is the main reason for outside break ins. additionally when you do hear of a break in or crime it correlates with the area. North East Portland or Tacoma Washington might be an example of a higher crime rate and if a dispensary was in those areas they would be prone to a higher rate of theft but it's relative to the community. So in Beaverton say, where there are currently six dispensaries crime is non existent in them. And the rec sales wouldn't be any different because the increase in sales isn't going to be anywhere near what it is in other legal states.

Currently as of today the cities of Beaverton, Hillsboro, Portland, Tigard, McMinnville, Corvallis, Salem, Eugene, Lincoln City, Newport, Seaside, Oregon City, Astoria, Bend, Hood River, Medford, Scappoose, Redmond, Albany, Ashland, Tillamook, Gaston, Yamhill, Sisters, King City, Forest Grove, St Helens, Coos Bay, Warrenton, and many not listed are NOT issuing a ban on early rec sales.

I am a 55 year old happily married woman of 3 grown boys that is a successful business woman. I have worked for large retail firms, traveled all over the world and I have been a cannabis user for 30 years. My body responds to cannabis. It relaxes me, helps with stress and I prefer it over alcohol which makes me argumentive and depressed. I am poster child for how cannabis is.

There is in fact there are a growing population of folks that currently use marijuana for sleep Aid instead of ambian, pain relief instead of opiates, depression instead of anti depressants. These issues don't qualify them for a medical card so they have been getting it on the black market and have no guarantee that it's been tested or is safe to use.. A major magazine recently published an article about a growing population of senior citizens that are moving to states where it's legal to get cannabis for chronic pain. Parents that have children that get relief for seizures. And the only way they can buy it legally through a recreational retail outlet. The early rec law was put in to place to reduce the

RECEIVED

SEP 16 2015

Initial: _____

black market and allow sales of SAFE cannabis to be purchased and consumed. The state passed measure 91 almost a year ago and the public has a right to be able to obtain safe product.

I realize it's a step that some folks are concerned about but the law that's been crafted really limits quantity. Lastly, as a reminder the customer can not loiter or consume on the premises of any dispensary.

I urge the City to allow early rec sales in Newberg. The people voted for it and the state has supported this with early rec sales starting October 1st.

Regards,
Sheri Ralston

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 21, 2015

Order ___	Ordinance ___	Resolution <u>XX</u>	Motion ___	Information ___
No.	No.	No. 2015-3218		

SUBJECT: Initiate an amendment to the Transportation System Plan for changes to the road and lane configuration of Highway 219 and the Highway 219/Phase 1 Bypass/Wilsonville Road intersection

**Contact Person (Preparer) for this Motion: Jessica Pelz, AICP
 Dept.: Community Development
 File No.: CPTA-15-002**

RECOMMENDATION: Adopt Resolution No. 2015-3218, initiating an amendment to the Transportation System Plan for changes to the road and lane configuration of Highway 219 and the Highway 219/Phase 1 Bypass/Wilsonville Road intersection.

EXECUTIVE SUMMARY: City Council adopted Ordinance No. 2013-2766 amending the Transportation System Plan (TSP) to reflect the Phase 1 Bypass alignment in east Newberg. The TSP amendment also included details about the number of lanes on affected roads and intersections. Since the previous TSP amendment was adopted, two things have happened: 1) the lane configuration of Highway 219 from north of Springbrook Road south to Wilsonville Road has been changed during the final design phase of the Phase 1 Bypass; and 2) the Ladd Hill Neighborhood Association (LHNA) and others have raised issues with the adopted configuration of the Highway 219/Phase 1 Bypass/Wilsonville Road intersection. The Oregon Department of Transportation (ODOT) is now requesting that City Council initiate a TSP amendment to address these two issues.

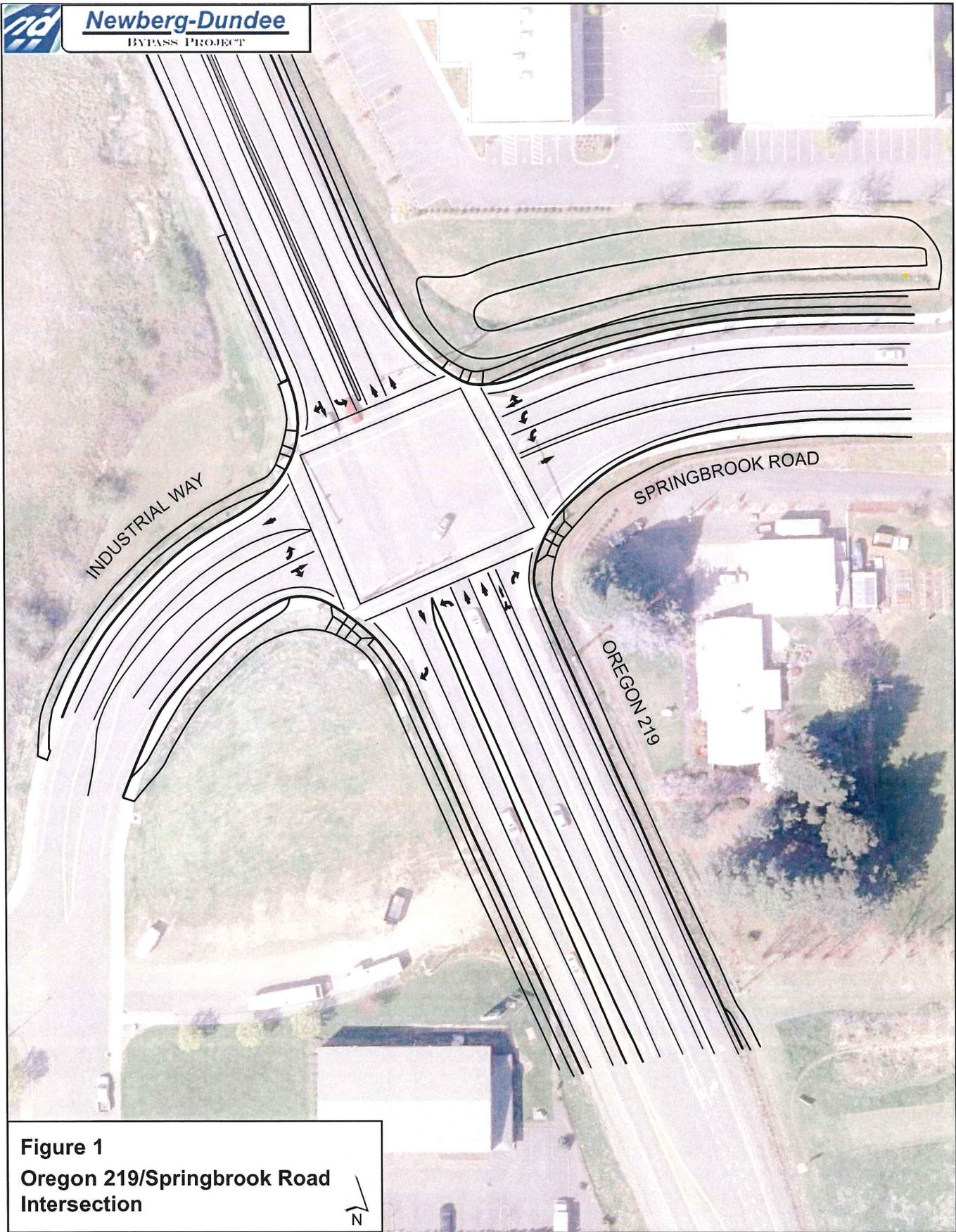
The proposed amendment would include the following changes:

1. Remove one of the proposed southbound through lanes on Highway 219, and remove one of the proposed southbound right turn lanes (between Springbrook Road and the Bypass). This proposed change is shown on Attachment 1.
2. Change the intersection design of the Highway 219/Phase 1 Bypass/Wilsonville Road intersection to a “No Thru Traffic” design. With the “No Thru Traffic” design, westbound traffic on Wilsonville Road could only turn right or left onto Highway 219, and eastbound traffic on the Phase 1 Bypass could only turn right or left onto Highway 219. This proposed change is shown on Attachment 2.

The City Council is not asked to make a decision on these proposed changes at this time; only to initiate the amendment so that these proposed changes can be studied through the public hearing process. If the Council initiates the amendment, staff will schedule the item for a hearing at the Planning Commission for a recommendation and then the City Council for a final decision.

FISCAL IMPACT: No fiscal impact at this time.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS): The TSP helps the city accomplish City Council goal #5: to maintain and modernize the city’s transportation and utilities infrastructure.



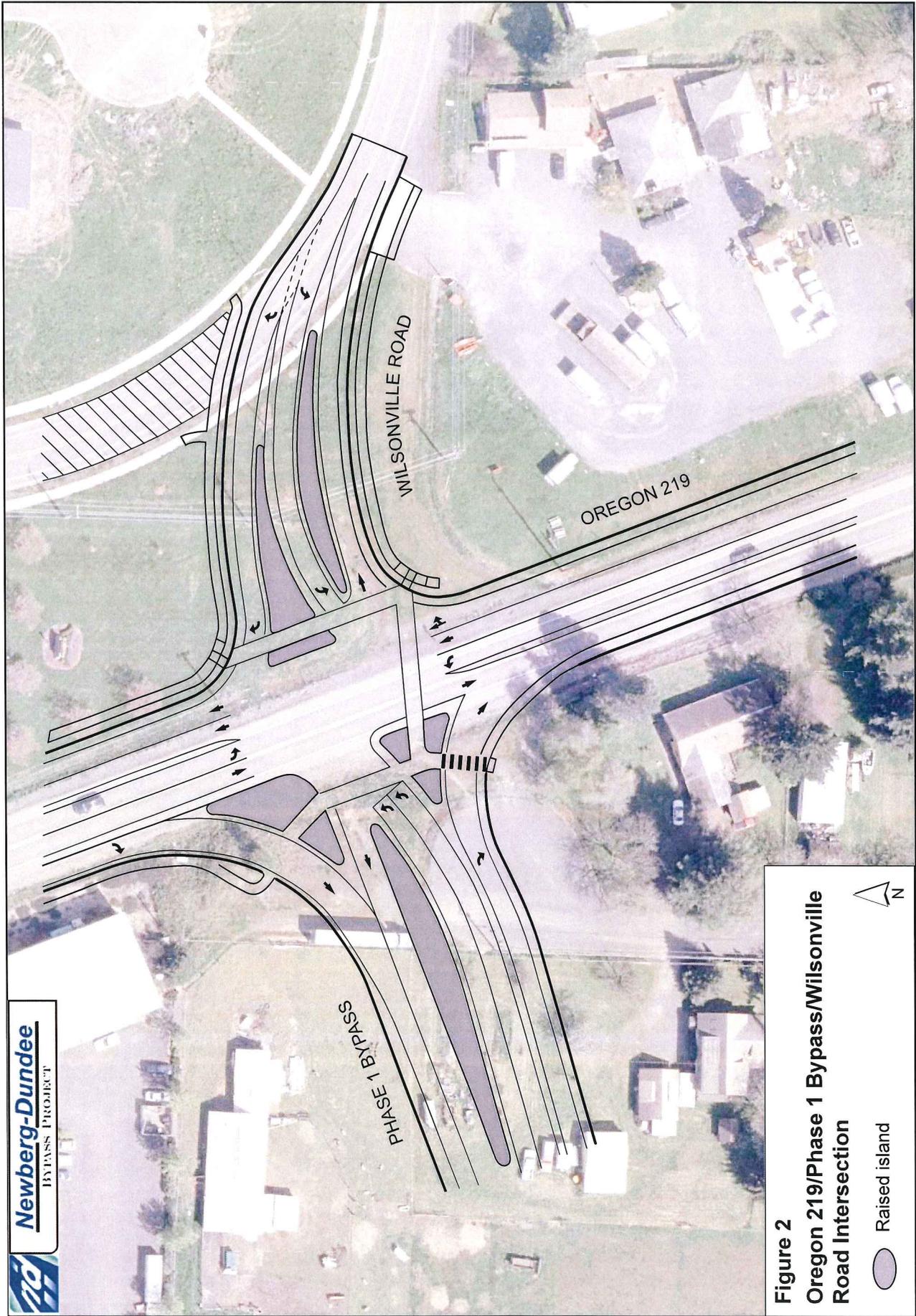


Figure 2
Oregon 219/Phase 1 Bypass/Wilsonville
Road Intersection



○ Raised island

Newberg-Dundee
BYPASS PROJECT



RESOLUTION No. 2015-3218

**A RESOLUTION INITIATING AN AMENDMENT TO THE
TRANSPORTATION SYSTEM PLAN FOR CHANGES TO THE ROAD AND
LANE CONFIGURATION OF HIGHWAY 219 AND THE HIGHWAY
219/PHASE 1 BYPASS/WILSONVILLE ROAD INTERSECTION**

RECITALS:

1. City Council adopted Ordinance No. 2013-2766 amending the Transportation System Plan (TSP) to reflect the Phase 1 Bypass alignment in east Newberg. The TSP amendment also included details about the number of lanes on affected roads and intersections.
2. Since the previous TSP amendment was adopted, two things have happened: 1) the lane configuration of Highway 219 from north of Springbrook Road south to Wilsonville Road has been changed during the final design phase of the Phase 1 Bypass; and 2) the Ladd Hill Neighborhood Association (LHNA) and others have raised issues with the adopted configuration of the Highway 219/Phase 1 Bypass/Wilsonville Road intersection.
3. The Oregon Department of Transportation (ODOT) is requesting that City Council initiate a TSP amendment to address these two issues. Initiation of the proposed amendment will start the public hearing process, and the proposed changes will be scheduled before the Planning Commission for a recommendation and the City Council for a final decision.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council initiates an amendment to the Transportation System Plan for changes to the road and lane configuration of Highway 219 and the Highway 219/Phase 1 Bypass/Wilsonville Road intersection. This starts the public process to study the proposed amendments.
2. By initiating this amendment, the council does not commit to taking any specific action on the proposal. It only wishes to give the amendment full consideration in a public hearing.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: September 22, 2015

ADOPTED by the City Council of the City of Newberg, Oregon, this 21st day of September, 2015.

Sue Ryan, City Recorder

ATTEST by the Mayor this 24th day of September, 2015.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 21, 2015

Order ___ No.	Ordinance ___ No.	Resolution <u>XX</u> No. 2015-3228	Motion ___	Information ___
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SUBJECT: Initiate Comprehensive Plan and Development Code amendments to adopt the updated Transportation System Plan and associated policies and regulations

Contact Person (Preparer) for this Motion: Jessica Pelz, AICP
Dept.: Community Development
File No.: CPTA4-11-001

RECOMMENDATION: Adopt Resolution No. 2015-3228 initiating Comprehensive Plan and Development Code amendments to adopt the updated Transportation System Plan and associated policies and regulations.

EXECUTIVE SUMMARY: The City has been working on an update to its Transportation System Plan (TSP) since 2011, and the project is now nearing completion. The TSP is our 20-year plan for our transportation network, and guides all things related to transportation in the city, including future capacity and non-capacity transportation network improvement projects for streets, intersections, bicycle and pedestrian networks, and transit. The update is spurred in part by the impending completion of Phase 1 of the Newberg Dundee Bypass, and gives the city a good opportunity to see how Phase 1 will affect traffic through Newberg so the data can be adjusted accordingly.

The TSP is adopted as a supporting document to the Newberg Comprehensive Plan, and there are associated Comprehensive Plan and Development Code amendments necessary to implement the updated TSP. The City Council is not asked to make a decision on the proposed changes at this time; only to initiate the amendment so that these proposed changes can be studied through the public hearing process. If the Council initiates the amendment, staff will schedule the TSP and its associated amendments for a hearing at the Planning Commission for a recommendation and then at the City Council for a final decision.

FISCAL IMPACT: None at this time.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS): The TSP update, and associated downtown improvements, help the city meet City Council Goal #5: Maintain and modernize the City's transportation and utilities infrastructure.



RESOLUTION No. 2015-3228

**A RESOLUTION INITIATING COMPREHENSIVE PLAN AND
DEVELOPMENT CODE AMENDMENTS TO ADOPT THE UPDATED
TRANSPORTATION SYSTEM PLAN AND ASSOCIATED POLICIES AND
REGULATIONS**

RECITALS:

1. The City has been working on an update to its Transportation System Plan (TSP) since 2011, and the project is now nearing completion.
2. The TSP is adopted as a supporting document to the Newberg Comprehensive Plan, and there are associated Comprehensive Plan and Development Code amendments necessary to implement the updated TSP.
3. Initiation of the proposed amendments will start the public hearing process, and the proposed changes will be scheduled before the Planning Commission for a recommendation and the City Council for a final decision.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council initiates amendments to the Newberg Comprehensive Plan and Development Code to adopt the updated Transportation System Plan and associated policies and regulations. This starts the public process to study the proposed amendments.
2. By initiating this amendment, the council does not commit to taking any specific action on the proposal. It only wishes to give the amendments full consideration in a public hearing.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: September 22, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this 21st day of September, 2015.

Sue Ryan, City Recorder

ATTEST by the Mayor this 24th day of September, 2015.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

Date of Council Meeting: September 21, 2015

Order ___ No.	Ordinance ___ No.	Resolution ___ No.	Motion ___	Information <u>XX</u>
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**SUBJECT: Forward Looking Calendar,
 FireMed Open Enrollment period**

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

EXECUTIVE SUMMARY: These items are informational for the Council and the public.

The Council Forward Looking Calendar is attached.



The FireMed Open Enrollment Period is now open ! Newberg FireMed is a membership program that protects you from the high cost of ambulance service. When you or a family member faces a life-threatening emergency, have peace of mind knowing that we are here for you. For only \$52 per year, you and your family are covered if you need a medically necessary or physician authorized ambulance transport. Open enrollment lasts until October 31. For more information and to enroll online, visit <https://www.newbergoregon.gov/fire/page/firemed-lifeflight-information-0>

FISCAL IMPACT: None.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS): To keep the citizenry informed.

**NEWBERG CITY COUNCIL
2015 FORWARD LOOKING CALENDAR**

Monday, September 28, 2015

Joint Workshop with Planning Commission on Transportation System Plan

Saturday, October 3, 2015

Visioning Session

Monday, October 5, 2015

Quasi-Judicial Process Work Session

Classification and Compensation Study – Executive Session

Resolution 3227 Employment Actions on Wastewater Operation positions

Resolution 3229 Initiation of Street Vacation for Cherry Street

Resolution 3230 Adoption of Classification and Compensation

Ordinance 2786 on Urban Growth Boundary repeal

Monday, October 19, 2015

Presentation on America's Best Communities application and Economic Development Strategic Plan

Resolution for bid award on reservoir updates

Resolution 3208 Council Rules amendment

Ordinance on Comp Plan Amendment for Population and Employment numbers

Monday, November 2, 2015

Presentation on Fire and EMS Update

Ordinance on Cherry Street Vacation

