

**CITY COUNCIL AGENDA
NOVEMBER 2, 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. 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. CONSENT CALENDAR

1. Minutes for October 3, 5 and 19 Pages 1-12
2. Resolution 2015-3231, A Resolution authorizing the City Manager Pro Tem to enter into a construction contract with Ward-Henshaw Co., Inc. for the North Valley Reservoirs seismic and Hydraulic upgrade project in the amount of \$1,815,165.00. Pages 13-14
3. Resolution 2015-3234, A Resolution authorizing the City Manager Pro Tem to approve the purchase of radios for police in the amount of \$118,632.60 and Fire in the amount of \$63,343.00. Pages 15-20
4. Update on the Newberg Downtown Improvement Plan Page 21

VII. PUBLIC HEARING – ADMINISTRATIVE

1. Resolution 2015-3235, A Resolution authorizing the City Manager Pro Tem to waive the competitive purchasing requirement for the Purchase of a Hypochlorite Generation System components necessary for disinfection improvements as part of the Wastewater Treatment Facility Improvements. Pages 22-26

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.

VIII. PUBLIC HEARING – LEGISLATIVE

- 1. Ordinance 2015-2790, An Ordinance to achieve consistency between the qualifications for service on standing boards, committees or commissions; to renumber NMC 2.15.210 for better readability; and declaring an emergency. Pages 27-29

IX. NEW BUSINESS

- 1. Resolution 2015-3238, A Resolution authorizing a City Manager Pro Tem designation for short term absence of the City Manager, designating a subsequent chain of command, and repealing prior Resolutions inconsistent with this resolution. Pages 30-34

X. COUNCIL BUSINESS

- 1. Reports on League of Oregon Cities Conference Pages 35-36

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: November 2, 2015

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 3, 5 and 19, 2015.

**NEWBERG CITY COUNCIL MINUTES
GOALS & STRATEGIES SESSION
OCTOBER 3, 2015, 9:00 AM – 3:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

CALL MEETING TO ORDER

The Mayor called the meeting to order at 9:00 a.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Scott Essin	Stephen McKinney
	Lesley Woodruff	Denise Bacon	Mike Corey
	Tony Rourke		
Staff Present:	Steve Rhodes, City Manager Pro Tem	Truman Stone, City Attorney	
	Jay Harris, Public Works Director	Doug Rux, Community Development Director	
	Matt Zook, Finance Director	Nancy McDonald, Interim Human Resources Director	

Others Present: Joseph Bailey Terry Mahr

Mr. Bailey explained the purpose of the meeting was to set short to mid-range strategic priorities for the City of Newberg. Department Heads presented their priorities as outlined in the meeting packet.

In the afternoon the Council discussed visioning as well as goals and strategies for technology, funding/fiscal, project planning, communications and staffing.

ADJOURNMENT: The meeting was adjourned at 3:00 p.m.

ADOPTED by the Newberg City Council this ___ day of November, 2015.

ATTESTED by the Mayor this ___ day of November, 2015.

Sue Ryan, City Recorder

Bob Andrews, Mayor

**NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
OCTOBER 5, 2015, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

The work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Bob Andrews, Councilors Lesley Woodruff, Stephen McKinney, Scott Essin, Denise Bacon and Tony Rourke. Also present were Pro-Tem City Manager Steve Rhodes, City Attorney Truman Stone, City Recorder Sue Ryan, Interim Human Resources Director Nancy McDonald, and Community Development Director Doug Rux.

REVIEW OF COUNCIL AGENDA:

Councilor Essin wanted to talk about tree programs.

COUNCIL BUSINESS:

The Mayor had two items to discuss regarding ODOT and one item regarding the CMPT recruitment committee. Councilor Woodruff wanted to discuss Chehalem Youth and Family Services.

PRESENTATION

CA Stone presented on quasi-judicial public hearings. He showed a short video on public hearings. He then discussed the judicial role of Council, due process, how hearings were conducted, approval criteria, evidence, options in response to applying facts to the criteria, and findings of fact. CDD Rux gave case scenarios for appeals and the criteria that were used to make a decision. CA Stone discussed scenarios where the criteria lacked clarity and needed Council interpretation.

There was discussion regarding interpretation of criteria. CA Stone clarified if there was a hearing with proposed findings and the Council was not satisfied they were the correct findings, Council could direct staff to change the findings and bring them back. It would not be permissible to say they did not want to approve the application and to rewrite the findings so it was denied. The Council had to give appropriate direction for the criteria that was not met.

EXECUTIVE SESSION:

The Council entered into Executive Session at 6:55 p.m. for the purposes of exempt public records. The Council exited the session at 7:35 p.m.

CALL MEETING TO ORDER

The Mayor called the meeting to order at 7:40 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Scott Essin	Stephen McKinney
	Lesley Woodruff	Denise Bacon	Mike Corey
	Tony Rourke		

Staff Present:	Steve Rhodes, City Manager Pro Tem	Sue Ryan, City Recorder
	Truman Stone, City Attorney	Jay Harris, Public Works Director
	Doug Rux, Community Development Director	
	Associate Planner Jessica Pelz	Associate Planner Steve Olson

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

APPOINTMENTS:

Mayor Andrews recommended appointing Loni Parrish to the Newberg Downtown Improvement Plan Advisory Committee.

MOTION: Bacon/McKinney moved to appoint Loni Parrish to the Newberg Downtown Improvement Plan Advisory Committee. Motion carried (7 Yes/ 0 No).

CITY MANAGER PRO TEM'S REPORT:

CMPT Rhodes had been meeting with Department Heads and community organization representatives to become familiar with the City.

PUBLIC COMMENTS: None.

CONSENT CALENDAR:

MOTION: Corey/Rourke moved to adopt the Consent Calendar, including approval of the City Council minutes for September 8, 2015 and to approve a Food for Fines event at the Newberg Public Library for October 20-31, 2015 in conjunction with the 40th anniversary of Newberg FISH. Motion carried (7 Yes/ 0 No).

PUBLIC HEARING - LEGISLATIVE:

Ordinance 2015-2786, UGB repeal: Mayor Andrews opened the public hearing and called for any abstentions, conflicts of interest, or objections to jurisdiction. There were none.

Associate Planner Jessica Pelz gave the staff report. She said this was the last step in repealing the South Industrial UGB amendment application. This ordinance would repeal all of the ordinances that were related to the amendment. It would also repeal the South Industrial UGB report and findings, Economic Opportunities Analysis and the City would go back to the 2006 version, Comprehensive Plan text amendments related to population, buildable lands, supply and need, and other policies regarding economic development, South Industrial Area Transportation Map, and would remove the area from the UGB. The next step was to work with Yamhill County to repeal the County's local ordinance that also adopted the UGB amendment, and the final action was to go to LCDC to let them know everything was repealed at the local level and they were withdrawing from their consideration. Staff recommended approval of the ordinance.

Mayor Andrews asked if there were any questions for staff. There were none.

Mayor Andrews called for the proponents. There were none.

Mayor Andrews called for the opponents. There were none.

He asked for any additional written testimony. There was none.

AP Pelz gave her recommendation for adoption of the ordinance.

Mayor Andrews closed the hearing. The Council began deliberations.

MOTION: McKinney/Bacon moved to waive the second reading for Ordinance 2015-2786.

Motion passed (7 Yes/ 0 No).

MOTION: Bacon/McKinney moved to adopt Ordinance 2015-2786, An Ordinance of the City of Newberg repealing Ordinance 2013-2761, which adopted revised findings in support of the South Industrial Urban Growth Boundary amendment, revisions to the Economic Opportunity Analysis, amendments to the Comprehensive Plan, and repealing certain other ordinances. Motion passed (7 Yes/ 0 No).

PUBLIC HEARING – ADMINISTRATIVE:

Resolution 2015-3206, Springs Divestiture: Mayor Andrews opened the public hearing and called for any abstentions, conflicts of interest, or objections to jurisdiction. There were none.

PWSD Harris gave the staff report. He said the Springs water system served 72 customers north of the current City of Newberg. He explained the system's history, how the City switched to using wells instead of the Springs, the rate increases to meet cost recovery for the Springs system, and creation of the agreement with Chehalem Springs Water Association to take over and have Hiland Water Corporation operate the system. He said the fiscal impact of making this change would be divesting 87.3 acres with the total asset valuation at \$865,000 that included real estate costs, water treatment systems, depreciated costs of the pipe system, and water rights. A 30-year analysis showed the City would lose revenue from transfer of the system, but they also no longer had the liability, capital expenditures, and operations and maintenance of the system. The Association could break even during the 30 year period. Exhibit A to the resolution described the City's water system to be transferred. The Association had adopted bylaws and elected Board members and

had multiple meetings with customers regarding the transfer. The Association planned to begin operation and maintenance of the Springs water system sometime later this year.

Councilor Essin asked about the assessed valuation of the 87 acres. PWSD Harris said the agreement included a conservation requirement so it would remain as open space forever if the property stopped being used as a water system. The property was steep and hilly, which restricted development. The assessed valuation with the conservation easement was about \$145,000. The real value of the property was protection of the watershed as a resource.

Councilor Essin said it might be in the Association's best interest to contract with the Chehalem Park and Recreation District to take ownership that would keep them from paying taxes and use the land for trails. PWSD Harris thought the conservation easement gave better protection to the spring boxes and was concerned that a park district could damage the water resource. The Association had been to the Assessor's office outlining the acreage and conservation easement and they would have minimal to no taxes, similar to any other public organization.

Councilor Corey asked about the cost to the City if they kept operating the system. PWSD Harris said the operating and maintenance costs were \$75,000 per year. Councilor Corey asked about the contract and the cost of operating the system for a year after the approval of the transfer. Who would be bearing the cost of the system? PWSD Harris said the City would assist the Association with operations of the system, but would not be operating it. There would not be a steep learning curve as Hiland was familiar with the system.

Mayor Andrews asked about protections on the uphill sides adjacent to the Springs? PWSD Harris said they had not been identified as Goal 5 natural resource areas up and around each Springs parcel. They were steep areas that were difficult to access. The conservation easement only applied to the City's property, not the adjoining properties.

CA Stone said there would be potential Clean Water Act issues as some of the Springs provided water to the fish bearing streams lower down. The Springs people had formed an Association and would not be tax exempt from property taxes. The benefit they received from granting the conservation easement was to lower the fair market value of the property and pay reduced taxes. The conservation easement would be a right held by the City that would ensure these properties would be maintained as green space in perpetuity.

Councilor Rourke asked why they were giving the Association the Atkinson Spring. PWSD Harris said Atkinson Spring was in the center, but was not currently needed at this time. After some future improvements, Atkinson would have a chlorine system added to it and it would be brought online. The agreement was to transfer all of the Springs to the Association. Councilor Rourke said they were going to exchange the Springs system for the City to no longer operate and maintain it. That didn't account for the \$350,000 share of the chlorination project from 2008. Had there been a conversation about them purchasing the property from the City?

CA Stone said there was a proposal not to purchase the system, but operate the system on the City's behalf and their income would derive from the revenues of the system. He explained the issues regarding that option, such as the customers would have little say since they were outside the City. In the proposed model, the citizens would take over the system and make the decisions.

Councilor Essin asked about Roger Currier's letter urging the Council to reject the proposal and have staff create a new one based on the mandate of the 2008 resolution. CA Stone said when the State mandated improvements to drinking water systems in 2004-2005, studies were done and options were considered which led to the chlorination project. In 2008 a resolution was passed by the Council after the Citizens Rate Review Committee brought the issue forward. The resolution set a policy that the system ought to be run on a cost neutral basis and rates cover the costs, but that did not occur until the last rate review process in 2014.

Councilor Essin asked if the reason they did not want to sell the land to someone else was due to the conservation easement. CA Stone said they did not have the option of shutting down the water system and liquidating the assets. The options were to keep the system and continue to run it, transfer it to the Association as proposed, or transfer it to the County to run. One of the requirements of this process was to disclose the market value of the property at the hearing. Staff put it into the record, but did not believe they were the actual values especially as they did not have the choice of selling them to developers. Some of them were watershed properties that would be restricted under environmental regulations.

Mayor Andrews called for any proponents. Michael Roos said he was a Springs customer and a board member of the Chehalem Springs Water Association. They represented 65 customers and were a nonprofit. In 2014 they signed a letter of intent with the City to transfer the ownership of the Springs from the City to the Association. He hoped the City would remain committed to their letter of intent.

Mayor Andrews called for any opponents. Lon Wall, resident of Newberg and water rate payer, was not here in his capacity as the Budget Committee Chair. He was concerned about giving the land away to the Springs group at no cost. The property had actual value and the City was going to give it away. If the property was going to cost the City a financial burden to hang onto, then the same financial burden was going to transfer to the Springs people. He was not sure why they would be more willing to take on that liability. The Springs owners had a representative on the Citizens Rate Review Committee, which meant they had been represented. He was asking that something be paid for the property and not just give it away.

Robert Soppe, resident of Newberg, said all of these issues would have been resolved if the 2008 resolution had been followed. When rates were updated in 2014 that didn't cover the cost of running the system until January 2016. While the 2016 rates might cover the ongoing expenses, it did not meet the shortfall for the previous seven years. He was troubled that the Council had never been given a plan to follow the 2008 resolution. If the Springs were not being used, the conservation easement would not be necessary, and value of the property would be increased and could be sold. He thought the City should look at alternatives to the Springs system itself. He was surprised the City would transfer Atkinson Spring which had no users or any production of water. He thought if in the future the Springs were no longer used, the property should revert back to the City. They had not given the citizens time to comment on this issue. He urged the Council to reject the resolution and request staff to provide one that was consistent with the 2008 mandate.

Mayor Andrews closed the public hearing. He asked for final comments from staff and recommendations. PWSD Harris thought there had been many discussions in the public forum to make people aware of the issues in the system. Regarding Atkinson Spring, it was not currently being used by the City and the City would not use it in the future. It needed significant improvements and he did not see a benefit to the City to keep it. Rates had been covering operation and maintenance but not capital improvement projects in the past. The 2014 adjustment raised rates to help with the capital costs for the chlorination and corrosion control projects. The projects were more expensive because it was work on three springs for users in remote locations.

Councilor Bacon said it was less expensive for the Association than the City. PWSD Harris said Hiland was running systems this size all over the state and knew how to operate them at lower costs. He said staff recommended adoption of the resolution.

The Council began deliberations. Councilor Essin thought all of the questions that had been brought up had been answered. The value was lowered due to the conservation easement and transferring the Springs would relieve the City of a financial burden. They did not want to sell the land due to possible pollution of the water.

Councilor Rourke said the Council did not ask CRRC to look at this issue until 2014. The rate structure that went into effect January of 2016 did not account for future capital costs but did account for the \$350,000 repayment. It was not a net neutral to the City but was a net negative to the City over a 30-year period. If the Springs was going to do away with the asset, it should be returned to the City. If that was not possible, he thought the property should be sold to the Association.

CA Stone said with the forgiveness of the \$350,000 debt, it was not revenue neutral. The Association had concerns about getting grants and funding for improvements without free title to the property if it had a reversionary clause. The City's interest was to maintain the water systems so long as they were water systems. In the event they were no longer a water supply, they would be maintained as green space and stream corridors which would be done through a conservation easement. There was discussion regarding a reversionary clause, and what the City would do that would be different if they had ownership versus a conservation easement. The value was an environmental value and it would be protected through a conservation easement. They had some property value, but were unique properties that did not have the same potential uses that neighboring properties would have.

Councilor McKinney asked about the work that was done in 2008, and the \$350,000 the City paid and the \$350,000 the Springs still had to pay. PWSD Harris said it was a chlorine treatment upgrade project on Oliver, Snyder, and Skeleton

Springs. No improvements were made to Atkinson Spring. Councilor McKinney liked the idea of it being revenue neutral, but he did not know if the Association had the means to make it revenue neutral. It shouldn't be an encumbrance on rate payers. He would like to see something recovered for it but would have to see a usable model to make to work. His primary concern was if the Springs customers had a product that was usable and dependable.

Mayor Andrews asked about Page 98, General Terms and Conditions in the proposed contract. He asked for a definition of the term "termination". CA Stone said there were certain obligations in the contract. One was for a year City staff would assist with the operation of the Springs and there were some other ongoing obligations of the City. Those obligations would terminate five years after the effective date of the contract. However some provisions would continue after that time, such as giving the City access to the water in the event of an emergency, connection to the City system if the Springs area was added to the urban growth boundary, and a liability release. The conservation easement would be a property right that would attach to real property and would not be a contractual obligation.

Councilor Bacon thought this had to be done and this was the right way to do it. This issue had been talked about for eight years, and the public had been made aware of it. She did not think the Association needed to be held accountable for the \$350,000 debt as the City did not follow the process. Councilor Essin asked why they were using a quit claim deed.

CA Stone explained the deed options and that the quit claim deed transferred the property with no warranties about the property. The City would not be able to resolve all of the easement issues before it was transferred and the Springs Association would have to deal with the issue. It was protection for the City. There was litigation in the 1920s involving the City and some of the Springs property owners that involved a settlement and questions as to whether the obligations continued today. Some of the properties believed they had legal claims against the City related to their water rights and the opinions of outside counsel concluded the City did not have the exposure the property owners were claiming. This transfer would resolve some of those potential issues. The agreement as proposed forgave the \$350,000 debt, which was not revenue neutral. The Springs Association might find it would be a deal killer unless it was a long repayment period. They would not be able to financially run the system with high rates to their customers as the customers would most likely find other alternatives, such as drilling wells on their properties.

Councilor Rourke thought they could pay the \$350,000 back with a \$2 increase per cubic foot to rate payers in a relatively short time or over 30 years.

MOTION: Rourke/McKinney moved to return Resolution 2015-3206 to staff to come to an agreement with the Chehalem Springs Water Association for repayment of the capital improvements to the system for 50% of \$707,000. Motion passed (4 Yes/ 3 No [Bacon/Corey/Essin]).

NEW BUSINESS:

Resolution 2015-3229: AP Olson said the initiation to vacate Cherry Street due to an application submitted by Friendsview for future independent living apartments. The steps involved initiation, then a public hearing and decision on the vacation application. Staff recommended adoption of the resolution and setting a public hearing date of November 16, 2015.

Councilor McKinney asked if they should include Center Street north of Fulton as part of a better thought out plan for vacation. AP Olson said the applicant did not request that portion of the street and it required 100 % of the people abutting the vacation to agree and two-thirds of the people in the affected area to also agree. He gave more reasons not to extend it too far, such as maintenance and public utility easements.

MOTION: Bacon/McKinney moved to adopt Resolution 2015-3229, A Resolution initiating the vacation of the Cherry Street right-of-way east of Center Street and west of the Friendsview Retirement Community Campus, and requiring public notice and a public hearing on the proposed vacation. Motion passed (7 Yes/ 0 No).

COUNCIL BUSINESS: Mayor Andrews said they had information about the bridges being opened in the Dundee area. He suggested October 19-23 to start meeting for the City Manager recruitment. He asked for the subcommittee members to let CMPT Rhodes know their availability. He said a meeting was being set with ODOT and the mayors of Newberg and Wilsonville to discuss the Wilsonville Road issue.

Councilor Essin would like to have a report and discussion regarding tree programs.

MOTION: Essin/Woodruff moved to direct staff to develop a report and a recommendation on Urban Forestry or Heritage Tree program as soon as reasonably possible. Motion passed (7 Yes/ 0 No).

Councilor Woodruff said there had been a citizen complaint about one of the Chehalem Youth and Family Service houses. She asked for an update on how the City and CYFS were getting along and whether the issue had been resolved. CA Stone said staff had numerous meetings with the CYFS Board and some steps had been taken.

ADJOURNMENT: The meeting was adjourned at 9:40 p.m.

ADOPTED by the Newberg City Council this 2nd day of November, 2015.

Sue Ryan, City Recorder

ATTESTED by the Mayor this ____ day of November, 2015.

Bob Andrews, Mayor

**NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
OCTOBER 19, 2015, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

The work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Bob Andrews, Councilors Lesley Woodruff, Stephen McKinney, Scott Essin, Denise Bacon and Tony Rourke. Also present were City Manager Pro Tem Steve Rhodes, City Attorney Truman Stone, City Recorder Sue Ryan and Community Development Director Doug Rux.

REVIEW OF COUNCIL AGENDA:

Counselor Corey said the minutes for September 21, 2015 should reflect he was at the Work Session.

COUNCIL ITEMS:

Councilor Essin wanted to speak about a kindergarten class he had taught on trees. Councilor Rourke wanted to talk about Citizens Rate Review Committee. Councilor Woodruff wanted to hear about the councilors that had gone to the League of Oregon Cities conference and what they had learned. Councilor Bacon said tomorrow night was the last Leadership cohort for Yamhill County Ford Family Foundation and that she was looking for names of people to nominate.

WORKSHOP:

CDD Rux presented on the Economic Development Strategy for Newberg. He said the Chehalem Valley Chamber of Commerce, City of Newberg and Newberg Downtown Coalition had been meeting for seven months and working on various issues. These included the definition of economic development, Newberg's strengths and weaknesses, vision statement, strategies and actions. The group had ranked their future into levels of Core, which were defined as Initiators, Facilitators and Conveners. There was also Tier 2, which were defined as Quality of Life, Major Influencers, Direct Relationships and Tier 3, which was Community Resources. Strategies and Actions included concentrating on Industrial, Commercial, and Business Development and the Workforce. These serve as the parts of the overall umbrella strategy for Newberg's Economic Development. Strategies and Actions included under the umbrella included Vertical Wine Integration, Innovation Accelerator, Business Resource Center, Workforce Development and Downtown Revitalization.

There was discussion on the Newberg Economic Development draft strategy handout. There was discussion on events that had looked at the downtown over the years.

CDD Rux presented an update on America's Best Communities, which he explained was a part of the overall Economic Development Strategy. He said the Chamber was the Newberg sponsor and had partnered with the City and other stakeholders. The group applied in 2015 and the purpose of the ABC program was economic development. They could be eligible to win up to \$3 million for the best economic development plan. So far they had developed a Vision Statement and 10 Economic Development Initiatives. These included creating a hi-tech accelerator/incubator in the downtown core, expanding workforce development efforts, creating a Business Resource Center, revitalization in the downtown core due to the Bypass construction, vertical integration in the local wine industry, continue expansion of cultural and recreational amenities, create citywide high-speed WiFi, expand & enhance tourism promotion, activate the Riverfront development plan and entice the lodging and hospitality industry to support increasing tourism.

CDD Rux said out of 150 communities, Newberg was 1 of 50 selected as a quarter-finalist. The Chamber received \$50,000 and matched it with \$15,000 from the City to create an economic development plan that is due November 6. If Newberg is selected as a semi-finalist, the Chamber will receive \$100,000 and have 11 months to take the next steps in implementing the plan. In the winter of 2017, three finalists will be selected. First place will win \$3 million, second place \$2 million and third place \$1 million. The Newberg ABC team engaged EcoNW to assist in developing the plan. The initial list of 10 initiatives was prioritized and narrowed to five initiatives. These included downtown revitalization, innovation accelerator, wine industry innovation & vertical integration, workforce development and the business resource center.

CDD Rux said the next steps in the process include EcoNW completing plan development with the ABC team. There will be on-going community outreach for inputs as the plan progresses including workforce development, manufacturing and innovation, wine industry vertical integration. The downtown Transportation Growth Management revitalization plan began in August and is embedded in the ABC plan as well as the overall economic development strategy.

EXECUTIVE SESSION pursuant to ORS 192.660 (2) a) Employment of Public Officers, Employees and Agents

The Council entered Executive Session at 6:50 p.m. The Council exited Executive Session at 7:15 p.m.

CALL MEETING TO ORDER

The Mayor called the meeting to order at 7:20 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Scott Essin	Stephen McKinney
	Lesley Woodruff	Denise Bacon	Mike Corey
	Tony Rourke		

Staff Present:	Steve Rhodes, City Manager Pro Tem	Truman Stone, City Attorney
	Sue Ryan, City Recorder	Doug Rux, Community Development Director
	Jessica Pelz, Associate Planner	Dan Wilson, Water Treatment Plant Supervisor
	Brian Casey, Police Chief	

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

CITY MANAGER PRO TEM'S REPORT:

CMPT Rhodes reported on several meetings including PGE regarding their franchise agreement, the Traffic Safety Commission and their role, Emergency Services with Yamhill County, the City Administrator of Dundee and the services they contract with the City for including planning, building and police services. He reported on the Citizens Rate Review Committee meeting, Tualatin Valley Fire and Rescue, and the Newberg Downtown Coalition.

PUBLIC COMMENTS: Silas Olson, of Hiland Water and a Newberg resident, said he had issues about the Newberg Springs Divestiture decision the Council had made at a previous meeting. He said the system for the Springs was built for many more customers than needed and was thus very expensive plus using a lot of chemicals. He cited their company's interest in managing the system related to the user group and gave an example of another small system the company operated in Lincoln County similar to the Springs.

CONSENT CALENDAR:

MOTION: Woodruff/Rourke moved to approve minutes from September 21 and 28 as amended; approve Resolution 2015-3227, A Resolution authorizing the City Manager Pro Tem to appoint recommended candidates to positions in multiple departments including Kari Lawson as Communications Officer for the Dispatch Center with the Police Department and Travis Hyder as Operator I in the Water Treatment Plant and Forrest Anderson as Operator 1 in the Wastewater Treatment Plant; Resolution 2015-3232, A Resolution authorizing the City Manager Pro Tem to approve the purchase of two replacement patrol vehicles for the Newberg-Dundee Police in the amount of \$79,997.38; Resolution 2015-3233, A Resolution authorizing the City Manager Pro Tem to approve the purchase of radios for the police in the amount of \$113,223.65 and fire in the amount of \$160,644.75. Motion carried (7 Yes/ 0 No).

PUBLIC HEARING – LEGISLATIVE:

Ordinance 2015-2789, Repeal of Ordinances 2997-2667 and 2007-2673:

Mayor Andrews opened the public hearing and called for any abstentions, conflicts of interest, or objections to jurisdiction. There were none.

AP Pelz gave the staff report. She explained the original intent behind the ordinances. In 2007, the City Council adopted Ordinance Nos. 2007-2667 and 2007-2763, relating to municipal water service (2667) and a development agreement (2673) with Walter Gaibler for property located at 9680 Adolf Road, tax lot 3228-00900. The property is located south of the existing city limits along Highway 219, and in an area recommended by the Ad Hoc Committee on Newberg's Future for future industrial uses. Mr. Gaibler had gotten an approved Measure 37 claim for the property, which would have allowed residential development. Mr. Gaibler was willing to set aside plans for residential development on the property with the following conditions: that the city would proceed with considering the property for inclusion in the urban reserve area and urban growth boundary, consider annexation of the property, extend city water to the property, and allow use of city water

for some limited residential use prior to annexation. The city found it was in its interest to coordinate with Mr. Gaibler instead of having the property develop as rural residential in that location.

In 2009, the city started a process to expand the urban growth boundary for industrial uses. The process considered many properties, including Mr. Gaibler's, and his property was ultimately recommended for inclusion in the city's urban growth boundary. However, the urban growth boundary amendment process was ultimately unsuccessful, and the City Council has repealed the adopting Ordinance. At this time, the Gaibler Family Farms LLC (with Dennis Gaibler as General Manager) has requested the city terminate the development agreement between Newberg and Walter C. Gaibler, Trustee of Walter C. Gaibler Living Trust. Staff is agreeable to this request for the following reasons: 1) the city has, to the best of its ability, fulfilled the agreement to diligently pursue inclusion of the property in the urban growth boundary; 2) the development agreement would expire in two years and the Gaibler family has indicated they have no interest in renewing or extending it; and 3) termination would remove the city's financial obligation to the future municipal water service envisioned in the development agreement and Ordinances.

Proponents: None

Opponents: None

Mayor Andrews closed the public hearing. He asked for staff's recommendation. AP Pelz recommended adoption of the ordinance.

MOTION: Rourke/Bacon moved to waive the second reading of the ordinance. Motion passed (7 Yes/ 0 No).

MOTION: Bacon/Rourke moved to adopt Ordinance 2015-2789, An Ordinance repealing Ordinance Nos. 2997-2667 and 2007-22673, pertaining to Municipal Water Service and a development agreement for property located at 9680 Adolf Road, Tax Lot 3228-00900. Motion carried (7 Yes/0 No).

NEW BUSINESS:

Resolution 2015-3208, Council Rules

CA Stone explained the reason for the changes including a review by the Legal Department that had been done in May. He said the deadlines for the packet would remain as previously stated in the Council Rules at one week before the meeting. There was discussion on the agenda availability and the reading of the ordinance by title only.

MOTION: Rourke/McKinney moved to adopt Resolution 2015-3208, A Resolution amending the City Council guidelines and rules (G & R's) from April of 2011. Motion carried (7 Yes/0 No).

COUNCIL BUSINESS:

Mayor Andrews asked what the Council wanted to do about the second meeting in December and that it was during the week of Christmas. Rourke moved, Bacon seconded to cancel the December 21 City Council meeting.

MOTION: Rourke/Bacon moved to cancel the December 21 City Council meeting. Motion carried (7 Yes/0 No).

CDD Rux reported on the idling of the Newberg paper mill and its potential impacts on the community.

Mayor Andrews said Councilors will give short reports on the League of Oregon Cities conference at their November 2 Council meeting.

Councilor Rourke brought up the issue about the conflict for a family member to serve on the Citizens Rate Review Committee. His father, Bill Rourke, had been appointed last fall to the committee.

There was discussion on the inconsistency between membership requirements for committees and that the CRRC was the only city committee currently with this prohibition.

MOTION: Bacon/Essin moved to direct staff to make the wording for committee requirements consistent regarding membership and to bring it back to the Council at their November 2, 2015 meeting. Motion carried (6 Yes/0 No/1 Abstain [Rourke]).

ADJOURNMENT: The meeting was adjourned at 8:45 p.m.

ADOPTED by the Newberg City Council this 2nd day of November, 2015.

Sue Ryan, City Recorder

ATTESTED by the Mayor this ____ day of November, 2015.

Bob Andrews, Mayor

DRAFT

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 2, 2015

Order ___	Ordinance ___	Resolution <u>XX</u>	Motion ___	Information ___
No.	No.	No. 2015-3231		

SUBJECT: Authorizing the City manager pro tem to enter into a construction contract with Ward-Henshaw Construction Co., Inc. for the North Valley Reservoir Seismic and Hydraulic Upgrade Project in the amount of \$1,815,165.00.

Contact Person (Preparer) for this Motion: Jason Wuertz, PE, Project Manager

Dept.: Engineering Services Department
File No.:

RECOMMENDATION:

Adopt Resolution No. 2015-3231

EXECUTIVE SUMMARY:

The City’s 2004 Water System Vulnerability Assessment identified potential deficiencies of the three city reservoirs and their critical role as the backbone of the water system. The catastrophic loss of one, or all reservoirs, following a seismic event would have serious consequences on the City’s ability to provide adequate water for fire protection and drinking water. Additionally, due to the existing poor inlet and outlet locations/hydraulics, the water stored in the reservoirs can at times have low chlorine residual levels.

The City hired Kennedy/Jenks Consultants to design the needed seismic and hydraulic mixing upgrades for the reservoirs. The project was publically advertised for bid and the City received three bids on October 20, 2015. After further analysis of the bids, two of the three bids were considered non responsive due to lack of information required to be submitted with the bid. The lowest qualified and responsive bidder is Ward-Henshaw Construction Co., Inc. with a price of \$1,815,165.00. This work includes hydraulic mixing improvements, interior and exterior coatings on both North Valley Reservoir #1 and #2, as well as a seismic improvements to North Valley Reservoir #2. The engineer’s estimate for the work is \$1,640,000. Upon Council approval, construction is anticipated to begin in November, 2013, and be completed by May, 2017.

FISCAL IMPACT:

The construction of the reservoir improvements will start in the winter of fiscal year 15/16 and will be complete in the spring of fiscal year 16/17. The fiscal year 15/16 adopted budget allocates \$2,500,000.00 towards the project in account number 04-5150-707587.

STRATEGIC ASSESSMENT:

The two North Valley Reservoirs combined provide for approximately two-thirds of the City’s total water storage capacity, are aging, and in need of general maintenance and seismic improvements. In addition, both reservoirs experience hydraulic mixing problems. This project begins to address these problems by completing the needed hydraulic and seismic improvements at North Valley Reservoir #2 and the hydraulic improvements at North Valley Reservoir #1. Future seismic improvements may be considered at North Valley Reservoir #1 as a part of the Water System Master Plan Update.



RESOLUTION No. 2015-3231

A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO ENTER INTO A CONSTRUCTION CONTRACT WITH WARD-HENSHAW CO., INC. FOR THE NORTH VALLEY RESERVOIRS SEISMIC AND HYDRAULIC UPGRADE PROJECT IN THE AMOUNT OF \$1,815,165.00

RECITALS:

1. The City of Newberg advertised the North Valley Reservoirs Seismic Upgrade and Inlet/Outlet Modifications Project and received one qualified and responsive bid on October 20, 2015.
2. The lowest qualified and responsive bidder was Ward-Henshaw Co., Inc. with a bid in the amount of \$1,815,165.00.
3. Construction for this project will begin in November, 2015, and will be complete in May, 2017.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council, acting as Contract Review Board for the City, authorizes the city manager pro tem to enter into a contract with Ward-Henshaw Co., Inc. in the amount of \$1,815,165.00.
2. The City manager pro tem is authorized to negotiate and approve any needed construction change orders not to exceed 10 percent of the original contract amount.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: November 3rd, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of November, 2015.

Sue Ryan, City Recorder

ATTEST by the Mayor this 4th day of November, 2015.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 2, 2015

Order ___	Ordinance ___	Resolution <u>XX</u>	Motion ___	Information ___
No.	No.	No. 2015-3234		

SUBJECT: Authorize Motorola 800 MHz radio purchase for Newberg-Dundee Police and Newberg Fire/EMS.

**Contact Person (Preparer) for this Motion: Mary Newell, Support Services Manager
Dept.: Police Department
File No.:**

RECOMMENDATION:

Adopt Resolution No. 2015-3234, authorizing the City Manager Pro Tem to approve the purchase of Motorola 800 MHz radios for Newberg-Dundee Police and Newberg Fire/EMS from Motorola Solutions, Inc.

EXECUTIVE SUMMARY:

In January 2015, the City of Newberg applied for a 2015 State Homeland Security Grant in the amount of \$167,550.00 to purchase 27 dual band portable Motorola 800 MHz radios for police and fire. The grant required a 50/50 match by the City of Newberg, which would allow the purchase of a total of 55 portable radios. Dual band radios fills a gap in interoperability between Newberg’s Motorola 800 MHz radio system and UHF 450 MHz radio system in use by other Yamhill County agencies.

Currently, limited interoperability with 450 MHz radio users is achieved through the use of a limited number of UHF 450 MHz mobile and portable radios. This arrangement requires officers and firefighters to manipulate two radios while conducting operations and radio communications during interagency mutual aid activities and trainings.

The City of Newberg applied for grant funds to purchase dual band portable radios to enhance interoperable radio communications between City of Newberg police, fire and EMS 800 MHz responders and Yamhill County UHF 450 MHz agencies by providing the capability of seamlessly moving to the UHF 450 MHz system during mutual aid events with Yamhill County agencies. At the same time, City of Newberg public safety responders can continue to dispatch through the Washington County Consolidated Communications (WCCCA) radio system, maintaining their ability to communicate with adjacent Washington, Clackamas and Marion County neighbors.

On June 15, 2015, the City of Newberg received notice that the Newberg Radio project had been approved for partial funding in the amount of \$83,775 from the State Homeland Security Grant Program. (Exhibit A). The partial funding is for approximately one half of the original request of \$167,550. The grant requires a 50% match from the City of Newberg.

FISCAL IMPACT:

Newberg-Dundee Police requests approval for \$118,632.60 (Exhibit B) and Newberg Fire requests approval for \$63,643.00 (Exhibit C) from their respective Radio Replacement Fund 32 accounts. The 2015 Homeland Security Grant will reimburse \$83,775: \$51,255 to police and \$32,520 to Fire/EMS. After reimbursements are applied, the total impact to the police radio replacement fund will be \$67,377.60 and the impact to the

fire radio replacement fund will be \$31,093.00. Programming costs are not included.

Funding for this purchase is included in the approved FY 2015-2016 budget.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

Goal #3 – Provide a high level of Public Safety services.

Goal #7 – Manage and operate the City government in an effective and efficient manner.

Improve public safety communications by applying for and utilizing grant opportunities to enhance interoperability in communications and expand existing funding.

Ensuring reliable public safety rated radios will provide Newberg Public Safety first responders with the communication technology necessary to keep the community safe.

Dual-band radios will provide full interoperability between primary City of Newberg police, fire and EMS emergency responders with all other Yamhill County UHF 450 MHz radio user agencies.

The ability to participate in fully realistic, cooperative trainings, exercises and drills with our Yamhill County police and fire agencies will better prepare our first responders for a major catastrophic event, such as an earthquake or multi-casualty event.



RESOLUTION No. 2015-3234

A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO APPROVE THE PURCHASE OF RADIOS FOR POLICE IN THE AMOUNT OF \$118,632.60 AND FIRE IN THE AMOUNT OF \$63,343.00.

RECITALS:

1. City of Newberg public safety utilizes the WCCCA (Washington County Consolidated Communications) 800 MHZ radio backbone for police, fire and emergency services personnel while most Yamhill County emergency responder agencies utilize the UHF 450 MHZ radio system.
2. In January 2015, the City of Newberg applied for a 2015 Homeland Security Grant to purchase dual band portable radios to enhance existing interoperable radio communication between city of Newberg police, fire and EMS agencies and Yamhill County agencies.
3. The grant requires a 50% match from the City of Newberg.
4. On June 15, 2015 the City received notice from the State Homeland Security Grant Program that the Newberg Radio project had been approved for partial funding in the amount of \$83,775, approximately 50% of the original request.
5. On October 9, 2015, the City of Newberg received the electronic copy of the grant agreement for the award of \$83,775, which was reviewed, signed and returned to the State of Oregon.
6. The City of Newberg has obtained authority from the Department of Homeland Security through Oregon Emergency Management to obligate funds as outlined in the grant agreement.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council, acting as Contract Review Board for the City, does hereby authorize the City Manager Pro Tem to approve the purchase of radios from Motorola Solutions, Inc. in the amount of \$118,632.60 for the Newberg-Dundee Police Department and \$63,343.00 for Newberg Fire Department.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: November 2, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, and this 2nd day of November, 2015.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of _____, 2015.

Bob Andrews, Mayor



Oregon

Kate Brown, Governor

Military Department
Office of Emergency Management
PO Box 14370
Salem, OR 97309-5062
Phone: (503) 378-2911
Fax: (503) 373-7833
TTY: (503) 373-7857

June 15, 2015

Mary Newell
City of Newberg
PO Box 970
Newberg, OR 97132

Dear Ms. Newell:

Oregon Office of Emergency Management is pleased to announce the Yamhill County Newberg Radio project has been approved for partial funding in the amount of \$83,775 from the State Homeland Security Grant Program. Upon Oregon's receipt of the FY15 Homeland Security Grant Program award and Environmental and Historic Preservation (EHP) approval for the project, a grant agreement will be sent to your agency for signature.

Oregon Office of Emergency Management anticipates releasing grant agreements on or before October 1, 2015. Please do not obligate any funds for this project until such time as your grant agreement has been received.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Sidra Metzger-Hines
Grants Coordinator
503-378-2911 ext. 22251
sidra.metzgerhines@state.or.us

cc: Matthew Zook, Finance Director
Sue Lamb, Emergency Manager
file





Customer Proposal

Account Manager: Andrew Chyterbok

Phone: 360 409 3223

Customer Number: **1000430059**

2252 NW 27th Circle

Prepared By: Andrew Chyterbok

Camas, WA 98607

11/02/15
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PREPARED FOR: Mary Newell	Bill To	
COMPANY: Newberg-Dundee Police Department/9-1-1	Address: Please Advise	Please Advise
PHONE: (503) 537-1221		
EMAIL: mary.newell@newbergoregon.gov		

Equipment Details and Pricing Reflect the WSCA Contract 02702

Newberg PD

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
18	H97TGD9PW1 N	APX7000 700/800 MODEL 2.5 PORTABLE	\$2,133.99	\$38,411.82
18	QA00569	7/800MHZ PRIMARY BAND	\$0.00	\$0.00
18	QA00576	UHF RANGE 2 SECONDARY BAND	\$0.00	\$0.00
18	QA00579	ENABLE DUAL BAND OPERATION	\$665.00	\$11,970.00
18	QA00577	LARGE COLOR DISPLAY AND FULL KEYPAD	\$332.50	\$5,985.00
18	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$6,164.64
18	H38	ADD: SMARTZONE OPERATION	\$997.50	\$17,955.00
18	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$3,591.00
18	QA00580	ADD: TDMA OPERATION	\$299.25	\$5,386.50
18	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$1,197.00
18	QA00782	APX GPS ACTIVATION	\$99.75	\$1,795.50
18	QA03399	ENHANCED DATA	\$99.75	\$1,795.50
18	Q629	AES ENCRYPTION	\$315.88	\$5,685.84
18	Q498	ASTRO 25 OTAR W/ MULTIKEY	\$492.10	\$8,857.80
18	HA00025	3 YR ENCRYPT RSA COMPREHENSIVE	\$275.00	\$4,950.00
18	NNTN7038	SPARE HIGH CAPACITY LIION IMPRES IP67 2900MAH BATTERY	\$106.50	\$1,917.00
18	WPLN7080	IMPRES Single Unit Charger	\$93.75	\$1,687.50
18	PMMN4084	PLUS RSM NC IP54 THRD 3.5MM JACK RX	\$71.25	\$1,282.50

NEWBERG PD TOTAL	\$118,632.60
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Customer Proposal

Account Manager: Andrew Chyterbok

Phone: 360 409 3223

Customer Number: 1000430041

2252 NW 27th Circle

Prepared By: Andrew Chyterbok

Camas, WA 98607

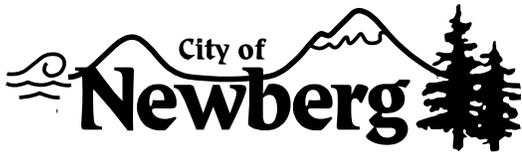
11/02/15
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PREPARED FOR: Alex Haven	Bill To	
COMPANY: Newberg Fire Department	Address: Please Advise	Please Advise
PHONE: 503-537-1230		
EMAIL: alex.haven@newbergoregon.gov		

Equipment Details and Pricing Reflect the WSCA Contract 02702

Qty.	Model	Description	Unit Price	Total Price
5	H49TGD9PW1 N	APX7000XE DIGITAL PORTABLE RADIO	\$2,550.94	\$12,754.70
5	QA00569	ADD: 7/800MHZ PRIMARY BAND	\$0.00	\$0.00
5	QA00572	UHF RANGE 2 PRIMARY BAND	\$0.00	\$0.00
5	QA00579	ADD: ENABLE DUAL BAND OPERATION	\$665.00	\$3,325.00
5	QA00577	ADD: APX7000XE MODEL 3 OPTION	\$332.50	\$1,662.50
5	H38	ADD: SMARTZONE OPERATION	\$997.50	\$4,987.50
5	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$1,712.40
5	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$997.50
5	QA00580	ADD: TDMA OPERATION	\$299.25	\$1,496.25
5	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$332.50
5	QA01427	ALT: IMPACT GREEN	\$16.63	\$83.15
5	QA00782	APX GPS ACTIVATION	\$99.75	\$498.75
5	QA03399	ENHANCED DATA	\$99.75	\$498.75
5	Q58	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$102.00	\$510.00
5	H49TGD9PW1 N	APX7000XE DIGITAL PORTABLE RADIO	\$2,550.94	\$12,754.70
5	QA00569	ADD: 7/800MHZ PRIMARY BAND	\$0.00	\$0.00
5	QA00574	VHF SECONDARY BAND	\$0.00	\$0.00
5	QA00579	ADD: ENABLE DUAL BAND OPERATION	\$665.00	\$3,325.00
5	QA00577	ADD: APX7000XE MODEL 3 OPTION	\$332.50	\$1,662.50
5	H38	ADD: SMARTZONE OPERATION	\$997.50	\$4,987.50
5	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$1,712.40
5	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$997.50
5	QA00580	ADD: TDMA OPERATION	\$299.25	\$1,496.25
5	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$332.50
5	QA01427	ALT: IMPACT GREEN	\$16.63	\$83.15
5	QA00782	APX GPS ACTIVATION	\$99.75	\$498.75
5	QA03399	ENHANCED DATA	\$99.75	\$498.75
5	Q58	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$102.00	\$510.00
10	NNTN8575	IMPRES XE RSM, FM FOR APX W/ DUAL MIC NOISE SUPPRESSION	\$360.00	\$3,600.00
2	NNTN7073	IMPRES MULTI UNIT CHARGER with DISPLAY	\$1,012.50	\$2,025.00

NEWBERG FD TOTAL	\$63,343.00
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Community Development Department
P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

MEMORANDUM

TO: Newberg City Council
FROM: Steve Olson, Associate Planner
SUBJECT: **Update on the Newberg Downtown Improvement Plan**
DATE: October 26, 2015

The city staff and the consultant team have been hard at work on the Newberg Downtown Improvement Plan, and we wanted to give the City Council an update on our progress.

The consultant team is led by Parametrix, Inc. and Leland Consulting Group, and includes JLA Public Involvement, Greenworks PC, DKS Associates, Rick Williams Consulting, and Cogan Owens Greene.

The Project Management Team held a kick-off meeting on 8/27/15 to review the project schedule, the scope of work, and tour the downtown study area.

The 15-member Advisory Committee has been appointed, representing an array of businesses, institutions, government agencies and non-profits. The first Advisory Committee meeting was held on 8/27/15, where they discussed expectations for the project, ground rules for the meetings, and selected Jennifer Sitter and Ben Jaquith as co-chairs.

Stakeholder interviews: Community Development Department staff, with the assistance of Mike Ragsdale, Newberg Downtown Coalition (NDC), interviewed 19 stakeholders to discover their perceptions of downtown's assets, issues, and opportunities. Staff is writing a summary report of the interviews for the next Advisory Committee meeting.

The consultant team prepared a draft Existing Conditions memorandum, with technical appendices on Transportation, Public Facilities, Parking, Land Use, and Urban Design. They also prepared a draft Market Conditions memorandum. City staff, with the assistance of Mike Ragsdale, NDC, reviewed the drafts and provided a coordinated set of comments to the consultant team. The team will be finalizing these reports for the next Advisory Committee meeting.

The Advisory Committee will meet on 11/4/15 at the Public Safety Building at 4 PM to discuss the Existing Conditions and Market Conditions memorandum, and the summary of the interviews.

The first Open House will be on December 9th, from 4:30 – 6:30 PM, at the Chehalem Cultural Center ballroom. This open house will be a chance to share the Existing Conditions and Market Conditions information with the public, answer questions, and brainstorm with the public on some proposed improvements and changes for downtown.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 2, 2015

Order ___ No.	Ordinance ___ No.	Resolution <u>XX</u> No. 2015-3235	Motion ___	Information ___
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<p>SUBJECT: A resolution authorizing the city manager pro tem to waive the competitive purchasing requirement for the purchase of a hypochlorite generation system components necessary for disinfection improvements as part of the wastewater treatment facility improvements</p>	<p>Contact Person (Preparer) for this Motion: Jason Wuertz, Project Manager</p> <p>Dept.: Public Works Department - Engineering</p>
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RECOMMENDATION:

Adopt Resolution No. 2015-3235.

EXECUTIVE SUMMARY:

The 2007 Wastewater Treatment Plant (WWTP) Facilities Plan Update, and 2012 Preliminary Design Report both identified a priority project to replace the aging chlorine gas system which is used for effluent disinfection. The plan is to replace the current gas system with a liquid chlorine generation system that provides numerous safety improvements as well as additional capacity as demands increase at the WWTP.

The Newberg Municipal Code addresses purchasing and contracting requirements including the use of brand name specifications for public improvement products. The code reference is as follows:

3.25.100 Use of brand name specifications for public improvements.

A. In General. Specifications for contracts shall not expressly or implicitly require any product by one brand name or mark, nor the product of one particular manufacturer or seller, except for the following reasons:

- 1. It is unlikely that such exemption will encourage favoritism in the awarding of public improvement contracts or substantially diminish competition for public improvement contracts;*
or
- 2. The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial cost savings to the city; or*
- 3. There is only one manufacturer or seller of the product of the quality required; or*
- 4. Efficient utilization of existing equipment, systems or supplies requires the acquisition of compatible equipment or supplies.*

B. Authority of Purchasing Manager. The purchasing manager shall have authority to determine whether an exemption for the use of a specific brand name specification should be granted by recording findings that support the exemption based on the provisions of subsection (A) of this section.

There are four main manufactures of liquid chlorine hypochlorite generation systems: PSI Microclor, MIOX, ClorTec and OSEC. Over the last several months the City’s design consultant and City staff evaluated all four systems extensively, including visiting local installations. The systems were evaluated on the following criteria:

1. Space Constraints: The generation system will be located in an existing building at the wastewater plant in order to save costs. The physical size of the ClorTec and OSEC systems are based on one large horizontal chlorination cell. Electrical clearances and maintenance access ports limit where these systems can be located within the building. The MIOX and Microclor systems are much smaller due to their different cell design and there are more options with system orientation and location.
Future Expansion: Three systems use one large cell and would require a duplicate system or complete replacement with a larger chlorination system in the future. Microclor provides the City with the most flexibility regarding system upgrades in the future. There are two ways that the Microclor system can be expanded to provide double capacity in the future:
 - a. Replace existing (5) chlorination cells with larger capacity cells and upgrade the rectifier,
or
 - b. Add a duplicate system and operate both in parallel.
2. Redundancy: Since the Microclor system uses (5) smaller chlorination cells instead of (1) large cell, the system can continue to operate at lower capacity in the event of a cell failure. Three of the systems depends on a single cell and would require a second system to be installed to provide any level of redundancy.
3. Maintenance Costs: The Microclor system is highly serviceable since it is mechanically built with non-proprietary parts. Most parts would be able to be ordered from an independent third party. In addition, the smaller chlorination cells are individually cheaper than one large cell and the City can replace each individually as needed.
4. Capital Cost: The four on-site generation system were very similar in cost. The Microclor system is in the middle of the range and is within 2.1% of the lowest quoted budgetary price and 2.6% lower than the highest quoted budgetary price.
5. Ease of Maintenance: The Microclor system is very simple to maintain since it does not have any proprietary parts. Maintaining or replacing a Microclor cell simply involves breaking two pipe unions. The cells would need routine acid cleanings and the vendor provides an acid cleaning cart with their system.
6. Difficulties of a Standard Bid Approach: If major equipment selection was conducted with a standard bid approach, the design of the chlorination system would need to accommodate all four systems, and would result in roughly four times the amount of design work. Mechanically, the layouts of each would need to be considered as well as process requirements. Electrically, power requirements can vary and each system has their own wiring. For specifications, one generic specification would need to be created and reviewed by each manufacturer to ensure a level playing field. This exemption is unlikely to encourage favoritism since all of the systems were evaluated.

Due to the fact that only one manufacturer is capable of meeting all of the requirements determined to be essential by the City and the design consultant, staff requests that the competitive purchasing requirement be waived for the procurement of the hypochlorite generation system and allow the PSI Microclor system be specified.

FISCAL IMPACT:

Approval of this resolution will provide a cost savings to the city resulting from lower overall construction costs and higher operating efficiencies. After product specifications are defined, a competitive construction bid will be advertised for the installation of the hypochlorite generation system, listing PSI Microclor as the equipment manufacturer. Authorization to purchase and install the equipment will be provided by city council through a future resolution. The adopted 2015/2016 budget for this project is \$720,000.

STRATEGIC ASSESSMENT:

This project will allow for necessary upgrades and increases to capacity for the disinfection chlorination system identified as part of the WWTP Repair, Renovation and Expansion Project, which ensures that Newberg is prepared to meet the Department of Environmental Quality regulatory requirements. In addition, the new system will greatly improve safety for the operators as well as the general public within the vicinity of the treatment plant.



RESOLUTION No. 2015-3235

A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO WAIVE THE COMPETITIVE PURCHASING REQUIREMENT FOR THE PURCHASE OF A HYPOCHLORITE GENERATION SYSTEM COMPONENTS NECESSARY FOR DISINFECTION IMPROVEMENTS AS PART OF THE WASTEWATER TREATMENT FACILITY IMPROVEMENTS

RECITALS:

1. The 2007 Wastewater Treatment Plant (WWTP) Facilities Plan Update, and the 2012 WWTP Repair, Renovation and Expansion Project Preliminary Design Report outline the need to replace the aging chlorine gas system, which is used for effluent disinfection. The equipment selected to replace the system is the PSI Microclor Hypochlorite Generation System, supplied by Whitney Equipment.
2. City Municipal Code 3.25.100 provides for the sole source procurement of equipment based on certain criteria specifically outlined in sections 3.25.100.A.1, 3.25.100.A.2 and 3.25.100.A.4:
 - In accordance with City Municipal Code 3.25.100.A.1, this exemption does not encourage favoritism in that all potential systems were evaluated.
 - In accordance with City Municipal Code 3.25.100.A.2, the PSI Microclor system will have lower long term maintenance and upgrade costs due to the use of non-proprietary parts and a because they use several smaller cells instead of one large cell. Other system manufactures use more expensive proprietary parts, and require the maintenance or replacement of one larger and more expensive cell if needed to be serviced or replaced.
 - In accordance with City Municipal Code 3.25.100.A.4, the PSI Microclor system has a specific dimensional configuration which will allow the City to utilize an existing building in the most efficient layout, allowing for simplified maintenance and system expandability, thereby making the best use of existing City infrastructure.
3. The use of sole source procurement for this major piece of equipment will allow for more accurate design development, based on specific equipment submittals and will provide more accurate construction costing.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. City Council, sitting as the Contract Review Board, has considered and finds that in accordance with the Newberg Municipal Code the sole source procurement of the hypochlorite generation system is exempted to allow for the use of a specific brand name specification.

2. City Council hereby authorizes the city manager pro tem to waive the competitive purchasing requirement for procurement of the hypochlorite generation system produced by PSI Microclor and provided by the vendor Whitney Equipment.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: November 3, 2015

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of November 2015.

Sue Ryan, City Recorder

ATTEST by the Mayor this 4th day of November 2015.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 2, 2015

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2015-2790 No.

SUBJECT: An Ordinance To Achieve Consistency Between The Qualifications For Service On Standing Boards, Committees, Or Commissions; To Renumber NMC 2.15.210 For Better Readability; And Declaring An Emergency

Contact Person (Preparer) for this Motion: Truman Stone
Dept.: City Attorney
File No.:

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Ordinance No. 2015-2790 is drafted at the Council’s direction. No recommendation from staff.

EXECUTIVE SUMMARY:

Bill Rourke was appointed to serve on the Citizen’s Rate Review Committee (CRRC). Subsequent to his appointment, Tony Rourke was elected to the City Council. Tony Rourke is Bill Rourke’s son. The current code provisions establishing qualifications for CRRC members explicitly disqualifies family members of employees or officials of the City. A council member is an official of the City.

There are five advisory bodies established by the Newberg Municipal Code (NMC): Public Library Board; Citizen’s Rate Review Committee; Planning Commission; Traffic Safety Commission; and Historic Preservation Commission. The Budget Committee is a creation of state statute and not part of this discussion. None of the other standing boards, committees, or commissions disqualify family members of city employees or officials.

This issue was presented to the Council at the October 19, 2015, meeting. Council instructed the City Attorney to prepare a code amendment to make the qualifications for CRRC in this specific area, consistent with the other boards, committees, and commissions established in the NMC.

FISCAL IMPACT:

No fiscal impact.

STRATEGIC ASSESSMENT:



ORDINANCE No. 2015-2790

AN ORDINANCE TO ACHIEVE CONSISTENCY BETWEEN THE QUALIFICATIONS FOR SERVICE ON STANDING BOARDS, COMMITTEES, OR COMMISSIONS; TO RENUMBER NMC 2.15.210 FOR BETTER READABILITY; AND DECLARING AN EMERGENCY

RECITALS:

1. The Citizens Rate Review Committee (CRRC) was established in 1995.
2. The Newberg Municipal Code (NMC) establishing qualifications for CRRC members explicitly disqualifies family members of employees or officials of the city
3. This provision is inconsistent with the qualifications for service on the other standing boards, committees, or commissions.
4. The City Council expresses a policy preference that the NMC be consistent to the extent possible.
5. This ordinance also renumbers section 2.15.210 (Appointments of boards, commissions, and committees) as 2.15.005 to clarify its application and make the NMC more readable.
6. The Council finds that an emergency exists.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Section 2.15.160 is amended to read as follows:

2.15.160 Application and qualifications.

- A. The city shall give public notice of any vacancy of the committee and accept such applications for vacancies.
- B. The application for membership on the committee shall state the principal occupation of the applicant, the principal residence of the applicant and give other information and qualifications, as the city may deem necessary.
- C. All members shall have their principal place of residency inside the city limits at the time of their appointment and during the term that they serve on the committee.
- D. No member, except the mayor, shall be an employee or official of the city.

Section 2. Section 2.15.340 is amended to read as follows:

2.15.340 Membership.

The commission shall consist of nine voting members who are not officials or employees of the

city. The mayor, city manager, chief of police, city engineer, and student from one of the local high schools will serve as ex officio nonvoting members of the commission. The chief of police and city engineer may designate a person in their department to serve in their capacity. The members, including the student member, will be appointed by the mayor, subject to the confirmation by the city council.

Section 3. Section 2.15.210 is renumbered as 2.15.005 to precede Article I.

2.15.005 Appointments of boards, commissions, and committees.

- A. Appointments of members to boards, commissions, and committees are made by the mayor with the consent of the city council pursuant to the city Charter, Section 9, titled "Mayor."
- B. The qualifications, terms, and other conditions of appointment shall be as specified in the code or the resolution or document establishing the board, commission, or committee.
- C. The appointment process is established by resolution.

Section 4. 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 November 3, 2015.

➤ **EFFECTIVE DATE** of this ordinance is: November 3, 2015.

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

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of November, 2015.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: November 16, 2015

Order ____ Ordinance ____ Resolution XX Motion ____ Information ____
No. No. No. 2015-3238

SUBJECT: A Resolution Authorizing A City Manager Pro Tem Designation For Short Term Absence Of The City Manager, Designating A Subsequent Chain Of Command, And Repealing Prior Resolutions Inconsistent With This Resolution

Contact Person (Preparer) for this Resolution: **Truman A. Stone**

Dept.: Legal

File No.:
(if applicable)

RECOMMENDATION:

Adopt **Resolution No. 2015-3238** providing for authority in case of an absence of the city manager.

BACKGROUND:

In order to conduct the day-to-day business of the City, a public official who has the authority of a city manager is necessary to be available when the city manager is temporarily absent or otherwise unavailable. The City Council has provided for this through Resolution.

In the event of planned, short-term absences where it is anticipated the City Manager could be reached on relatively short notice, the most efficient and flexible process is for the City Manager to appoint one of the city management staff to act in his or her stead. This resolution delegates that authority to the city manager.

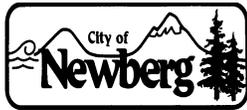
For unanticipated events that require a person to immediately step in and fill the role of city manager, this resolution establishes that the community development director would be appointed in that capacity. If the community development director is unavailable, the public works director shall serve.

In case of a vacancy in the office of the city manager or a long-term absence for any reason, the Council shall take formal action to appoint a manager pro tem.

This resolution amends and supersedes all prior resolutions addressing the appointment of manager pro tem to the extent those resolutions are inconsistent with this resolution, including but not limited to, Resolutions Nos. 2005-2557, 2007-2736, 2015-3238, 2013-3053, and 2014-3159.

FISCAL IMPACT: N/A.

STRATEGIC ASSESSMENT: The purpose of this resolution is to ensure the uninterrupted functioning of the City government.



RESOLUTION No. 2015-3238

A RESOLUTION AUTHORIZING A CITY MANAGER PRO TEM DESIGNATION FOR SHORT TERM ABSENCE OF THE CITY MANAGER, DESIGNATING A SUBSEQUENT CHAIN OF COMMAND, AND REPEALING PRIOR RESOLUTIONS INCONSISTENT WITH THIS RESOLUTION

RECITALS:

1. The City Charter provides that the city manager is the administrative head of the city government. The city manager has broad administrative duties in carrying out the proper administration of the city's business. The city manager's office description, as set out in Chapter VIII in the Newberg City Charter, is hereby attached as Exhibit "A" and by this reference incorporated.
2. The city manager from time to time may be absent from the City for business and personal reasons or may be temporarily unable to act as the city manager due to injury, illness, or otherwise.
3. The Council using its authority to appoint a manager pro tem would like to provide for the smooth administration of City's business by providing for a manager pro tem who would automatically be able to assume the authority of the manager during these temporary times.
4. For short-term planned absences of up to one week duration, the Council's intent is to delegate to the City Manager the authority to appoint one of the management staff in the City to act as City Manager.
5. If the city manager's office becomes vacant due to the city manager's resignation or for any other reason, the Council would take formal action to appoint a manager pro tem for that interim.

NOW THEREFORE, THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. **Delegation to Appoint Acting City Manager for Planned Absence:** For times of planned absence, the City Council hereby delegates to the City Manager the authority to appoint an acting city manager from city management staff, for a period not to exceed seven (7) calendar days. Such appointment shall be in writing or by electronic communication and a copy shall be delivered to the City Council and City Department Heads at least 24 hours prior to the appointment.
2. **Appointment:** For all other instances in which the City Manager is absent from the City or unable to exercise the city manager's authority due to sickness, personal, or any other reason, the following line of succession will apply:

Community Development Director. When the city manager is off-duty, temporarily disabled or temporarily absent from the City, the community development director is appointed and will serve as the manager pro tem.

Public Works Director. When both the city manager and the community development director are off-duty, temporarily disabled or temporarily absent from the City, the public works director is appointed and will serve as the manager pro tem.

3. **Effective:** The above appointments take effect and will automatically be effective when the occurrences stated above take place. The appointment ceases when the city manager returns to duty.
4. **Authority:** The manager pro tem shall have all the authority as designated in Chapter VIII, Section 34, (h) of the City Charter. See Exhibit "A."
5. **Further Council Action:** If the city manager's office becomes vacant due to resignation or the Council otherwise determines there is a need to appoint a City Manager Pro Tem for an extended period, the Council reserves the right and indicates that it would be its' intention to appoint a person to serve and be designated as manager pro tem for an extended time period.
6. **Purpose:** The Council determines it is important for efficient operations of city government such as necessary signatures, approvals for day-to-day business that the normal exercise of city manager's administrative authority is available to carry on city business.
7. **Superseding Inconsistent Prior Resolutions:** This resolution amends and supersedes all prior resolutions addressing the appointment of manager pro tem to the extent those resolutions are inconsistent with this resolution, including but not limited to, Resolutions Nos. 2005-2557, 2007-2736, 2015-3238, 2013-3053, and 2014-3159.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: November 17, 2015.

ADOPTED by the City Council of the City of Newberg, Oregon, this 16th day of November, 2015.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of November, 2015.

Bob Andrews, Mayor

City Charter Excerpt

CHAPTER VIII APPOINTIVE OFFICERS

Section 34. City Manager.

(a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and councilors for the proper administration of all city business. The city manager will assist the mayor and councilors in the development of city policies, and carry out policies established by ordinances, resolutions, and orders.

(b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

(c) The manager need not reside in the city or the state at the time of appointment.

(d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

(e) The manager must:

- (1) Attend all council meetings unless excused by the mayor or council;
- (2) Make reports and recommendations to the council about the needs of the city;
- (3) Administer and enforce all city ordinances, resolutions, orders, franchises, leases, contracts, permits, and other city decisions;
- (4) Appoint, supervise and remove city employees;
- (5) Organize city departments and administrative structure;
- (6) Prepare and administer the annual city budget;
- (7) Administer city utilities and property;
- (8) Encourage and support regional and intergovernmental cooperation;
- (9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;
- (10) Perform other duties as directed by the council;
- (11) Delegate duties, but remain responsible for acts of all subordinates.

(f) The manager has no authority over the council, city attorney, or the judicial functions of the municipal judge.

(g) The manager, the city attorney, and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

(h) When the manager is temporarily disabled from acting as manager or when the office of manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

(i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in

administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

REQUEST FOR COUNCIL ACTION

Date of Council Meeting: November 2, 2015

Order ___ No.	Ordinance ___ No.	Resolution ___ No.	Motion ___	Information <u>XX</u>
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**SUBJECT: Forward Looking Calendar,
Newberg Affordable Housing Trust Fund loans**

**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 Newberg Affordable Housing Trust Fund (NAHFT) has funding for the current fiscal year ending June 30, 2016. Funds are available to organizations (non-profit and for-profit) and individuals that provide affordable housing and/or related services within the City of Newberg. Funds are to assist with the creation/acquisition of new affordable housing or the maintenance of existing affordable housing inventory within the community. Up to \$25,000 in loans are available from the NAHFT. The first round of applications is due by December 15, 2015. For more information contact Community Development at doug.rux@newbergoregon.gov. Get applications online at <https://www.newbergoregon.gov/planning/page/affordable-housing-loans-available-2015-2016>

FISCAL IMPACT: None.

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

**NEWBERG CITY COUNCIL
2015 FORWARD LOOKING CALENDAR**

Monday, November 16, 2015

Library Strategic Plan presentation
Executive Session on Classification and Compensation
Presentation by Dave Adams of KLYC Radio on livestreaming
Ordinance on Cherry Street Vacation
Ordinance on Repeal of 2008-2697 Urban Reserves
Resolution 3230 Classification and Compensation Adoption
Resolution 3224 Villa Road ROW purchase & project update
Resolution 3236 on Library Plan adoption
Resolution 3237 on Well No. 9 bid award
Resolution on Frack Burger liquor license

Monday, December 7, 2015

Department Head Presentations
Pavement Maintenance Funding Options presentation
Committee Appointments
Ordinance 2788 Comprehensive Plan amendment for Population and Employment Numbers

Monday, December 21, 2015 - Cancelled

Monday, January 4, 2016

Ordinance TSP Amendments Wilsonville Road and Newberg Dundee Bypass Route

Monday, January 19, 2016

Waste Water Treatment Plant presentation on remodel work
Report on Urban Forestry program