

CITY OF McMinnville
MINUTES OF WORK SESSION
of the McMinnville City Council
Held at the Kent L. Taylor Civic Hall on Gormley Plaza
McMinnville, Oregon

Tuesday May 14, 2019 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Bisset

Councilors: Present
Remy Drabkin
Adam Garvin
Zack Geary
Kellie Menke, Council President
Sal Peralta
Wendy Stassens

Also present were City Manager Jeff Towery, City Attorney David Koch, Fire Chief Rich Leipfert, Finance Director Marcia Baragary, Information Systems Analyst II Sean Roberts, Information Systems Director Scott Burke, Library Director Jenny Berg, Parks and Recreation Director Susan Muir, Police Captain Rhonda Jaasko, Police Captain Tim Symons, Police Chief Matt Scales, and members of the News Media – Tom Henderson – News Register, and Jerry Eichten - McMinnville Community Media.

AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the work session to order at 6:05 p.m. and welcomed all in attendance.
2. Work Session: City (and public partner) impacts/camping v. sleeping code changes

Mayor Hill introduced the Work Session topic explaining the Police Chief had looked at Ordinances from Vancouver, WA and Corvallis, OR and he was enlightened with what was happening in Vancouver, noting that they have had great results that preserve the dignity of the homeless while reclaiming some of the streets. He stated that they have heard concerns from citizens and McMinnville Water and Light.

Council President Menke felt that one of differences was that there were a decent number of shelters in Corvallis unlike McMinnville. She stated that Vancouver like McMinnville does not have access to as many low barrier shelters so it may be better to look at the Vancouver Ordinance. She stated that it allowed for camping from dusk to dawn. She stated that the chance of the City having any form of a low barrier shelter in the next six months is low. At that time there would be some land

that the City owns that would no longer be under cultivation and may be available to use.

Councilor Drabkin stated that she has been thinking about the feedback from the public. She stated that her efforts have been related to discussing programming and policy. She felt the public outcry wasn't related to programming and policy but a frustration related to lack of enforcement of the City's laws as they relate to homelessness. She felt that it was not the role of Council to address individual situations but the role of Council to support the Police Department and Code Compliance and create policies and laws that can be enforced and to ensure that the policies are being enforced equitably. She thought that the current City laws could be enforced if the City provided a place for people to go on City property. She stated that the Ordinance is not getting to the root of the problem. She felt that there are agencies doing outreach and there should be a place for people to go rather than creating a punitive system where the outcome is unknown. She noted that people may be relocated unpredictably and will not address the situation. She feared that it put the Police Department in a cleanup role if there are sites regularly being abandoned. Councilor Drabkin stated that the illegal camping notices that other agencies handed out listed six other sites for people to go to, and McMinnville has one shelter religiously affiliated with substance restrictions. Council President Menke stated that Yamhill Community Action Partnership had stated they have two small places that are not religiously affiliated. Councilor Drabkin added that there was a domestic abuse shelter that had three beds. She stated that it was far from adequate shelter. She questioned how does the City make its Ordinances enforceable? She felt the way to do that is to look at what is making them not enforceable and have that be the road to change. Her thought was to ask City Staff to locate a piece of property that is near where services can be accessed and where bathrooms and garbage service can be located. She stated that creating an Ordinance that allows for RVs to be towed and impounded and taking people from a state of being sheltered to unsheltered only exacerbates the problem.

Councilor Stassens agreed with some of the aspects that Councilor Drabkin mentioned. She stated that they have been working diligently on a long term solution but it will take time and in the meantime there had not been enforcement of what is happening on the roads that ensures the peace, health and safety of citizens. She stated that it is a primary purpose of their job to protect health, safety, and peaceful enjoyment of all citizens. She thought the purpose of the Vancouver Ordinance is to prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by making public streets and other areas readily accessible to the public and to prevent use of public property for camping purposes or storage of personal property which interferes with the rights of others to use the area for which it was intended. She stated that they needed to very focused on what they were doing and that the current Ordinance was not working and that there are not those shelter beds that are needed. She felt the Council needed to focus the Ordinance on how to protect the health and safety of all of the citizens.

Mayor Hill stated that a low barrier, short term shelter should be looked into. He stated that there are potential partnership opportunities. He asked that Staff look into a low barrier shelter effort.

Mayor Hill stated that the Police Chief recommends updating the City of McMinnville's Ordinance to look more like Vancouver's Ordinance.

Councilor Garvin felt like it was a good idea to implement something similar the City of Vancouver's Ordinance. He stated that there hasn't been any success with the City's Ordinances due to private land owners seeing the City not able to manage its own property and right-of-ways and wondering how they could manage it on their own property. He thought that in order for partnerships to be formed citizens and business owners need to see that the City can enforce what is needed to ensure public safety and health for all parties for those with and without homes. He thought that the Vancouver Ordinance was the way they should move.

Councilor Peralta stated that there is a public safety and compassion component to it. He felt that passing an ordinance like Vancouver's would get the City back to where it was intended to be initially and it was important to do due diligence in how emergency shelter is provided. He stated that Oregon has 1.3 percent of the total population in the Country and currently has 5.6 percent of the unsheltered homeless population in the Country. He stated that it was a crises effecting the entire region and how it effects cities is not level noting that it effects Cities with a County jail or health services. He also thought that it was important to engage with other partners as shelter options are considered as the main reason is that the money goes to health and human services and noted that compassionate services lie with Health and Human Services in the County. He stated that the Continuum of Care does not get the same kind of resources that other regions and that the region has not proven to be effective and receives less funding. He felt that before the City takes on a specific role, other partners need to be engaged, even if it's on City land and using City resources to support it.

Councilor Geary stated he agreed with Councilor Garvin to direct staff to bring something forward that would work. He stated that it is on the City to alleviate the societal impact within its boundaries and sees the Vancouver Ordinance as a way to do that. He felt it was a public safety issue, a balance issue, and the proposed Ordinance allows the City to come into balance. He felt that both opening and closing a temporary low barrier shelter should be discussed.

Council President Menke stated that there is a small number of people causing health and safety hazards on the streets and public right-of-ways (sidewalks). She felt that the Vancouver model is probably the best model at the time. She felt that low barrier shelters and better services should be provided.

Mayor Hill felt that Staff should draft an ordinance similar to Vancouver's.

Councilor Stassens suggested defining where locations are and are not acceptable as part of the Ordinance.

Mayor Hill asked that City Staff would come up with a low barrier shelter that could possibly use City property. He asked to find partnerships with the County and that staff prepare what that might look.

Emergency declaration

Councilor Peralta stated that the City does not have the expertise at the table to solve several of the aspects. There are other government entities that have more expertise. He felt that an emergency declaration would encourage greater cooperation with the County. He also felt that in recognition that it is a statewide problem there is a role for the State to play. The local areas he felt it would be helpful with would be in freeing up resources outside of the normal budgeting process and with zoning and siting of potential locations.

Planning Director Richards stated that following the model in Portland was that they declared an emergency based on rising homeless numbers and set up some land use provisions which allowed them to go into certain areas of the community and allow shelters to happen in an expeditious way. The Affordable Housing Task Force had been discussing the concept and putting together a floating zone concept. They were looking at two pilot projects for an emergency shelter for people experiencing homelessness in a specific area. They were looking at the industrial area as there are a surplus of industrial lands in McMinnville. They were putting together design and development standards to ensure that they are mitigating negative impacts to neighbors and they are working with neighbors. The concept would be noticed and there would be a Planning Commission Public Hearing. Ms. Richards stated that a Request for Proposals would go out stating that they would be allowing the particular use to happen in an expeditious way in the industrial area for two pilot projects and ask for people to submit proposals.

Councilor Peralta added that in 2015, the State of Hawaii in and every year since, has declared an emergency related to homelessness. The essence of that declaration was to suspend several aspects of the land use laws to facilitate affordable housing and low barrier housing. He noted that the City is constricted by State land use laws and therefore felt that what Hawaii had done could be replicated in Oregon to help alleviate the issue. He felt that the problem is a housing crises and that housing cannot be built at a price that is affordable for a majority of the wage earners in the state. He stated that the crises are housing affordability affecting working families and the growth of unsheltered homelessness which is the most visible part but as a percentage it is a relatively small.

Councilor Peralta stated that he had a meeting with the State Housing Coordinator and thinks that the State will be rightly skeptical of the City declaring an emergency. He stated that if an emergency is declared, the City would need to do its due diligence and be well aware of the City's capacity and the City clearly communicate the holes in capacity.

Councilor Drabkin asked about a public health emergency and if Councilor Peralta's stance has changed.

Councilor Peralta stated that he does feel that Marsh Lane is a public health emergency. He felt that it is also part of a broader homelessness crises and emergency in the State. He stated that the intent of talking about an emergency

declaration is to bring to bear resources. He felt there was a public health component and a legal component. He commented on the land use laws noting that the intent was to take a tool in the State code and apply it to the City's state of facts.

Mayor Hill noted that he, Council President Menke and City Manager Towery met with the County and they did not see a public health emergency and would have a difficult time supporting the emergency declaration.

Revenue stream

Mayor Hill explained that there were challenges in addressing a meaningful way to address affordable housing or a low barrier shelter as there are not enough funds. He discussed that there is a possibility of a wastewater franchise fee. He stated that the fees are related to General Funds and should be looked at annually to see how they fit in the Strategic Plan. He noted that there were deteriorating buildings and a ending fund balance that is declining.

Council President Menke MOTIONED that the franchise fee could provide stimulus money to assist with supportive projects and services for people without homes. In addition there are near-term symptoms related to negative conduct that need to be mitigated. These funds would be subject to annual appropriations based on community needs.

Council President Menke stated that the main reason this was being done at this time is to address the homelessness issues but the funds would be subject to annual appropriations.

Councilor Garvin felt that if funds were going to be earmarked for affordable housing that Transient Lodging Taxes should be considered. He stated that as tourism rises affordable housing declines and pointed to several examples. He noted that he was not opposed to a franchise fee but would like to be able to clearly convey to constituents as to where the funds are going. He felt that those paying the fee should benefit from it.

Councilor Drabkin stated that the City needs additional revenue for many things such as PERS liability and building maintenance. She stated that if anything new is to be incorporated, then it should be delineated in advance. She agreed that new dollars shouldn't go into the General Fund with the intent of then going towards solutions for affordable housing or homelessness but they should be earmarked for that and only that. She stated that for five years the Council has made the decision to not give any funds towards the work of the Affordable Housing Task Force. She explained that this meant that they have had to create zero dollar policy and programs relying heavily on staff time with no additional resource. She stated that they could have done a multitude of things with even a small budget. Councilor Drabkin asked that the funds be specifically set aside so that the groups that are working on solutions for affordable housing and homelessness have something to work with.

Councilor Stassens stated that from year to year the Council would be deciding what the funds would be going towards. The City Council then could decide what the most urgent needs are. She was in support of the flexibility.

Councilor Drabkin noted that the designation of the funds could be changed later if needed even if they were earmarked.

Councilor Peralta stated he was generally not favorable to earmark something in perpetuity unless there was a clear program (i.e. Visit McMinnville).

Councilor Drabkin explained that the Affordable Housing Task Force has a specific mission and they have had many projects that have not been able to be pursued because there was not any assigned funding.

Council President Menke stated that from a policy perspective it makes sense for the funds to be General Funds so they can determine what the need is that needs to be addressed. She noted that at this point and time it is homelessness. She stated that putting it in the form that has the least restrictions makes the most sense. She noted that many other cities are imposing the same fees at five percent.

Councilor Drabkin stated that she is not confident that the money would go to where it was discussed. She would like to see funds earmarked for reducing homelessness.

Councilor Geary stated that he agreed with Councilor Garvin's thoughts and there was clearly stated need and that he was concerned with just doing what other communities are doing with fees.

3. ADJOURNMENT: Mayor Hill adjourned the Work Session at 7:01 p.m.

s/s Melissa Bisset
Melissa Bisset, City Recorder

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AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:05 p.m. and welcomed all in attendance.

2. PLEDGE OF ALLEGIANCE: Councilor Garvin led the pledge of allegiance.

3.a. PROCLAMATION: NATIONAL PUBLIC WORKS WEEK

Mayor Hill read a proclamation declaring May 19th through 25th as Public Works Week in McMinnville. He recognized Community Development Director Mike Bisset and McMinnville Water and Light's General Manager John Dietz for the work of their teams.

3.b. PROCLAMATION: NATIONAL POLICE OFFICER MEMORIAL DAY

Mayor Hill read a proclamation declaring May 12th through 18th as Police Week. He recognized the Police Officers in the audience and the Police Chief. He thanked the Officers for all that they do.

4. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

Dean Klaus, stated that he is the owner of the six acres adjacent to Dustin Court. He stated that a year ago he had a building permit and that because of the issue with the homeless he decided to take it to Dallas. He stated that he was in Dallas 20 times without seeing a homeless person. He explained that a good tax revenue would have been generated in McMinnville. He stated that he would like to take care of those from McMinnville that are homeless but felt that there were more homeless that have come from other locations. He stated that Dustin's Court was named after his son that died and it has been taken away from him and those at Yamhill Community Action Partnership. He asked who could sell a property with all the people along the street in front of it. He supported the Council's ideas and stated that a farmer will sell their way out of a crop. He noted that the problem has grown considerably worse in two years and there are menacing people now.

Mark Davis stated that he volunteers once a week at the library and the statement made at a previous meeting that it is not a safe place for children is not a true state of what is going on at the Library. He had not seen or heard of any problems and that there are highly qualified people always sitting at the desk, keeping an eye on the area. He stated that if you have young children it is a perfectly safe place. He added that there is a larger issue than what is going on in McMinnville or the State of Oregon. He stated that people are impacted by national and international policy and that there was a redistribution of wealth and there are economic and social impacts on people in the community. He noted the average income in the community. He stated that there are other problems and that federal policies that are driving the problem and should be discussed.

Howie Harkema stated that in the low barrier shelter if there isn't land for a low barrier shelter that is suitable, then look to the left of Willamette ESD where there are two modular sitting vacant and there is already on a transit route. He stated that there is a group that will be having a once a month Town Hall in Carnegie Hall at the Public Library. He was hopeful that the Council could attend some of the meetings. It was open ended for everyone to voice their opinion and deescalate the highly charged issue.

Linda Peterson stated that she complains a lot on Facebook and that instead of getting angry which is eating her up she would attend a meeting to see how things are working. She stated that the idea of getting some sort of area seems to be a problem. She stated that the whole question is "where are you going to put us?" She felt that the idea of trying to find some property, and especially the lower amount of rules would be the big thing. She stated that she knows how addiction can completely rule a life. She stated that just the fact of having the shelter and knowing that someone is caring could be all they need to feel that they are part of some sort of community and they may feel that they could find the energy to do something with their life. She felt that most of the people out there had mental, physical, or drug related issues.

Frankie Sandoval stated that he has been living in McMinnville for 25 years. He stated that he sees the challenging issue and that everyone has been talking about the housing issue and compassion. He stated that the Oregonian did a survey of 1,000 homeless and 90 percent chose to live on the street and not be affiliated with a shelter. He stated that the City cannot tax its way out of the problem. He stated that the source is drugs. He felt that arrests, treatment and training could be done. His opinion was to treat people that choose to be homeless. He felt that a line must be drawn in the sand or the City would be overrun.

Larry Cummings stated that he owns the Primisys building and that the parking lot and that they have gone through a major expensive remodel. He had seen an impact in business and that people that want to come and walk down the sidewalk. They have had customers that feel intimidated and that four of the parking spots are unusable. He stated that if you parked there you wouldn't be able to open your car. He stated that if he placed a sign in the same area and no one could get out of their car, he would be ticketed. He noted that his wife will not walk on the sidewalk and he knows of others that will not. He stated that there are feces and liquor bottles and they have had to call the police. He stated that if it continues to grow, the City is a tourist City, but people don't express their opinions and quietly decide to not go back. He stated that the issue downtown must be addressed because it's out of control.

Allen Cain, expressed his concern about the children. He stated there are children down there. He explained that it costs \$100 to have a pump truck come to a trailer for service. He asked how many times a pump truck was seen on Dustin Court or Marsh Lane. He stated that one cannot house children in a place where toilets are backed up. He felt that was a health crisis and neglect and that the kids are not getting the sanitary access they need. He stated that with active addictions there are infections and they are touching public areas.

Jacob Miller, thanked everyone who has put forth an active effort toward a viable solution. He stated he shamed anyone moving in a tyrannical direction in violation of the constitutions. He commented on the Staff Memo that stated that there would be a possibility of removing campers forcibly from their tents or RVs to make arrests and families with children that do not comply may require other family members to be called and child welfare workers to take custody of the children until the parents are released from jail. The Memo also stated that those that do not comply and have their RVs towed or campsites picked up, the City would likely be taking everything the campers own and there would be a real possibility that the campers would not be able to pay the fees to get them out. He felt that it was converting the exercise of a right into a crime and that it against the law and is unconstitutional. He didn't think that enacting more unenforceable ordinances or ordinance that are three years old that have not withstood the constitutional test and wouldn't stand. Mr. Miller stated that with regards to the safe overnight camping program, in talking to site managers there are no sites. He asked if the City's manipulation and attempted subversion of the constitution equal a valid cause of action. Does it equal a body of a crime? Does it have equal standing and jurisdiction? He felt it did not. He stated that maybe conspiracy against rights and victims would have valid action against City Officials

and Staff and anyone that was a coconspirator. He stated it amounts to anyone knowingly and willingly participating in those activities.

Gioia Goodrum, at the April 9th meeting their concerns regarding of application of City Codes and over a month has passed while 4th Street, Dustin Court and Marsh Lane continued to be overrun with trash and waste. She stated that business leaders in McMinnville are frustrated and feel as though their contributions are being taken for granted because when they present the impacts the situation is having on their livelihood it falls on deaf ears. She urged the City to take the necessary steps to resolve the crisis in the community and they are waiting for the Council's leadership.

John Dan stated that four years ago a homeless You Tuber, Travis Heinze, put up a YouTube video about how awesome McMinnville is for homeless people. He stated that McMinnville provides free meals every day, the food bank gives food to everybody, there are free bus passes, free showers, free laundry, and it is a great place to be homeless. He stated that the title of the video is "McMinnville is a safe haven for homeless white people" Mr. Dan stated that the problem is not all the City's problem and cannot be solved along, but as long as there are free meals, free transportation and free laundry to homeless people who don't want help, don't want to get off drugs, but want to live on the street and continue to do drugs, they would continue to live on the street. He stated that the City would be insane if they think that making a bigger area where people are welcome to live in their trailers would solve the problem. He thought the City needed to work with the local churches and charities and come up with something like Love Inc. in Newberg where all charitable contributions are funneled through one clearing house. He provided an example of a homeless couple his family tried to help.

6. PRESENTATION: Housing Rehabilitation Program, McMinnville – Housing Authority of Yamhill County

Darcy Reynolds, Housing Rehabilitation Specialist, stated that the Housing Authority of Yamhill County was looking at a Community Development Grant Funding opportunity. She stated that the grant would provide funds for critical repairs to people living in manufactured homes and parks. She noted that the people living in these homes are typically not eligible for typical loans or other assistance to make the necessary repairs and they are often extremely low income seniors, disabled and families with children. If the repairs are not made to their homes, they could potentially be displaced. There were 126 people on the waiting list needing assistance for repairs. She explained that the assistance would be provided in the form of grants, not to exceed \$10,000 and they would only be to address immediate health and safety or accessibility issues. The goal was to address all critical health and safety concerns so the residents can remain in their homes. She noted that in 2014 they worked with the City of McMinnville and assisted 52 households. Replacement of roofs, heating systems, windows, dry rot repairs, and accessibility issues had been addressed through previous grant funding. She asked for Council support and approval and to come before Council with a Resolution on June 11th to move forward with the grant and to have a required initial public hearing.

Councilor Drabkin MOVED to recommend and notice and host the public hearing to consider the grant application on June 11th; SECONDED by Councilor Peralta. Motion PASSED unanimously.

7. ADVICE/ INFORMATION ITEMS

7.a. Reports from Councilors on Committee and Board Assignments

Councilor Geary noted that the Landscape Committee was the following day. He shared that he and Councilor Garvin were serving on the Kids on the Block Technical Advisory Committee and they are three meetings into a five meeting work plan. They will be bringing a report back to the Council. They have a mission, and vision. There would be a hard discussion about whether or not the City best organization to offer these services.

Councilor Drabkin added that when they learned about low attendance from the Oregon Ask Presentation, one of the main reasons given was regarding the staffing and part of the staffing issues were due to the scheduling change at Linfield and the lack of available work study. Councilor Drabkin shared that she met with the Linfield President and senior facility which were unaware that the schedule change had reverberation into the community on the scheduling changes. She also met with McMinnville School Administrators. She noted that the online application is very limiting for some populations and that the first come, first serve does not necessarily serve the intended population and that there are a lot of families that could afford to have some sort of other childcare and there's some households where there are no other options and those families are getting missed. She stated that schools have a history of being able to reserve spots based on their populations and that is a tool they would like to have back.

Councilor Geary responded that they have identified some of what Councilor Drabkin presented and for a long time KOB has operated in a silo without some of the key partners such as Linfield and the School District. Some of the committee members are hoping to take what they find and help bring the partners to the table. The Mayor has talked about having a School Board/ City Council discussion about KOB in the future. There's Linfield and School District representatives on the KOB Technical Advisory Committee and communication

Mayor Hill felt that the KOB Technical Advisory Committee was making great headway under Park and Recreation Director Susan Muir.

Councilor Drabkin stated the Affordable Housing Task Force met and had a conference call with the City of Bend housing staff to explore what they have done effectively to address affordable housing in their area. They continued their discussion on Senate and House Bills that relate to affordable housing. They made a motion support the McMinnville School District Grant application related to McKinney Vento. They had a Floating Zone update which is a program in development to allow for the emergency construction of some tiny homes to serve as transitional housing. She noted that there would be a City Center Housing Strategy

to identify City and community desires and goals for housing in the City center, how the City can incentivize housing where residential uses are allowed and to identify pilot projects. She stated that there was a regional homeless coordinator position that had been drafted and a grant application that was being worked on City Planning Department and Housing Authority and it is a collaboration between multiple cities and the County. Towards the end of the month, the leadership team of the housing for homeless subcommittee is going to meet to discuss adding more structure and direction in light of changes.

Councilor Stassens stated that there was a MURAC meeting and they discussed the City Center Housing Strategy, they had the consultant that gave the initial proposal, they talked about the parking structure, they had conversation about adding in housing on top of the parking structure. They talked about the next steps on the downtown project and they are waiting on more information from the consultants.

Councilor Gavin stated that the Airport Commission met and their main presentation was from the Oregon International Air Show.

Councilor Peralta stated the Council of Governments had been discussing a Continuum of Care that would involve Marion, Polk and Yamhill Counties. He shared that the inclusionary zoning pilot project bill for McMinnville is scheduled for a work session and there was bipartisan support on the bill. He hoped that SB 595 related to transient lodging taxes would continue to move forward.

Council President Menke MOTIONED that the franchise fee would provide stimulus money to support people without homes. In addition, there are near term systems related to negative conduct that needed to be mitigated. SECONDED by Councilor Peralta. Motion PASSED unanimously.

Councilor Garvin asked there could be information about various users and he expressed concern about making rents go up in turn.

Council President Menke MOTIONED that while the City has been enjoying a wide variety of initiatives, none of them have been informed by available revenue streams. She noted that they would like to look at a wide variety of revenue streams and charged City Staff to contemplate and come before the Council in June, noting that there were City Staff and volunteer committees able and willing to make recommendations that could leverage funds and make significant impact on the situation in McMinnville. Some concepts could be presented to the Council in June. They would be looking at all available revenue streams as well as a wastewater franchise fee as soon as staff is able to bring it forward to Council; SECONDED by Councilor Stassens. Motion PASSED unanimously.

8. PUBLIC HEARING: Emergency Communications Fund budget

Finance Director Baragary stated that there were three resolutions on the agenda related to the public hearing. The first resolution awards a contract for an upgrade to the City's public safety emergency radio system. The second resolution authorizes execution and delivery of lease purchase agreements. The third resolution adopts a

supplemental budget. In order to take advantage of discounted pricing the City would need to make a \$75,000 down payment by June 1st. Ms. Baragary explained that there are currently not sufficient funds to make the down payment so the supplemental budget is necessary. It was noted that budget law requires that when the supplemental budget includes an different appropriations budget category there is a public hearing.

Mayor Hill opened the public hearing at 8:07 p.m. There were no comments. Mayor Hill closed the public hearing at 8:07 p.m.

9.

CONSENT AGENDA

- a. Consider OLCC liquor license request for Limited On-Premises, and Off-Premise licenses for McMinnville Event Center LLC DBA: MECA located at 636 NE Baker Street.
- b. Consider OLCC liquor license request for Limited On-Premises, and Off-Premise licenses for Walnut City Pizza Company DBA: Pizza Capo located at 318 NE 3rd Street.
- c. Consider OLCC liquor license request for Winery 1st Location for 40:31 Wines LLC located at 2803 NE Orchard Avenue.
- d. Consider OLCC liquor license request for Full On-Premises, Non-Profit private club license for McMinnville Elks Lodge No. 1283 Benevolent Protective Order of Elks located at 2215 NE McDonald Lane.
- e. Consider the Minutes of the March 12, 2019 City Council Work Session and Regular Meeting.

Motion was made by Councilor Drabkin to approve the Consent Agenda as presented; SECONDED by Council President Menke. Motion PASSED unanimously.

10.

RESOLUTIONS

10.a.

Resolution No. 2019-31: A Resolution awarding the sole source contract for equipment upgrade of the City of McMinnville's Public Safety Radio System.

Chief Scales thanked Finance Director Baragary and City Attorney Koch for their work on the transaction. He stated that the resolution to award a contract in the amount of \$308,068.00 to Motorola Solutions and Day Wireless for an upgrade to the public safety simulcast radio communication system. The upgrade of the systems infrastructure, and radio subscribers units is necessary at this time as the current equipment utilized by the police department is will no longer be maintained and supported by Motorola and Day Wireless.

In 2011 and 2012 the City of McMinnville began the design, purchase and installation of an upgraded three site Motorola Public Safety simulcast radio communication system. This 3 channel analog UHF simulcast system was purchased and installed knowing it had the *ability* to be upgraded to a digital P25 (interoperable) simulcast system. This eventual move to digital would allow for cleaner and clearer voice transmissions, and the ability for our system to integrate with other P25 compliant systems.

At the time of new system installation and “go live” in 2012, the City purchased new portable radio subscriber units for all of our officers, and installed some new mobile radios for Police Department vehicles. When these subscriber units (mobiles and portables) were purchased, the equipment had already been on the market for a number of years, and these subscriber units have reached end of life. Over the course of the last two years they have budgeted and replaced a handful of portables, knowing these units were getting close to end of life. In addition, in FY 18/19 we purchased four mobiles subscriber units to replace old mobile radios.

In the later part of 2018, the Police Department received information that the current selection of mobile and portable radios (minus the replacement radios already purchased) would no longer be maintained/supported by Motorola, and they were discontinuing the production of parts. In essence, the Police Department needed find a path to update the subscriber units.

Over the course of the last few months Day Wireless Systems and Motorola Solutions have done extensive work to provide information for the Police Department’s consideration in how to move forward with upgrading our system and subscriber units. They have been able to provide an avenue to upgrade the communication infrastructure to a digital P25 simulcast system, a crucial part of interoperability in the time of a disaster, either man made or natural. In addition, they have also been able to provide updated subscriber units (mobiles and portables) for everyday deployment.

Chief Scales noted that the City may award a contract for goods without competition if the City Council determines in that the goods are available from only one source, pursuant to ORS 279B.075. The determination of a sole source must be based on written findings that the efficient utilization of existing goods requires acquiring compatible goods or other findings that support the conclusion that the goods are available from only one source. To the extent reasonably practical, the City must negotiate with the sole source to obtain contract terms that are advantageous to the City.

The efficient utilization of the City’s existing public safety communications system requires acquiring compatible goods for the upgrade of the system. This proposed contract meets the sole source contracting requirements because a large portion of the equipment purchased is software upgrades for existing Motorola Solutions equipment that is only available directly from Motorola. In addition, Day Wireless is the only certified installation partner for Motorola public safety equipment in the area. Motorola has been able to provide a steep price break to the cost of upgrading both the infrastructure and subscriber units by allowing our public safety communication upgrade to “piggyback” on top of a competitive bid that Washington County Consolidated Communication Agency (WCCA) agreed to. This price reduction is upwards 48% of the total purchase price of subscriber unit upgrades.

If the City Council determines that the Goods are available from only one source, then the City must publish notice of the determination at least once in the News Register, pursuant to OAR 137-047-0275 and ORS 279B.055(4). The City must

also give Affected Persons at least seven (7) days from the date of the notice to protest the sole source determination. An Affected Person may protest the Contract Review Authority's determination that the Goods are available from only one source in accordance with OAR 137-047-0710.

The Resolution included proposed findings related to the sole source determination and would authorize the City to award the contract to Motorola Solutions and Day Wireless after publishing notice of the determination and meeting all required protest procedures.

Chief Scales stated that the funds for the project are included in the adopted Fiscal Year 2018-2019 Emergency Communications Contingency Fund for initial down payment of \$75,000, with the remaining balance to be paid over the next seven years through a lease purchase agreement. The lease purchase payments will be covered through a combination of system access fees and franchise fees the city takes in on an annual basis. The contract work will commence in or around July with final completion within five to six months.

Chief Scales recommended that the City Council award the contract for the City of McMinnville Emergency Communications upgrade to Motorola Solutions Inc. and Day Wireless Systems in the amount of \$308,068.00

Councilor Garvin asked about the life expectancy of the equipment. Chief Scales felt that the equipment would last at least a decade.

Councilor Garvin asked about what would happen to the current radio system. Police Chief Scales stated that Public Works is already on an analog system and that the Police Department would be moved over to the digital platform. Discussion ensued regarding encryption.

Councilor Geary asked if it was bleeding edge technology. Police Chief Scales responded that it has not been on the market for a long period of time already. It was not bleeding edge technology and it was not beta testing. Discussion ensued regarding ongoing support and there would be a year warranty.

Councilor Geary MOVED to adopt Resolution No. 2019-31; awarding the sole source contract for equipment upgrade of the City of McMinnville's Public Safety Radio System; SECONDED by Councilor Stassens. Motion PASSED unanimously.

- 10.b. Resolution No. 2019-32: A Resolution of the City of McMinnville, Oregon authorizing the execution and delivery of one or more lease purchase, loan or similar agreements.

Finance Director Baragary stated that the principal amount of the financing agreement for the design, purchase and installation of the Motorola Public Safety simulcast radio communication system would be \$227,000 and the interest rate would be 4.15 percent. The total interest paid over seven years would be approximately \$34,000.

Finance Director Baragary stated that the resolution was to enter into a lease-purchase (“financing”) agreement for acquisition of three Police Department patrol vehicles. The interest rate would be 3.88 percent and the principal amount including installation of necessary equipment is \$153,497. It would be repaid in five annual payments of \$34,364. Total interest for the life of the agreement is \$12,884. The first installment payment on the debt is due upon the City’s acceptance of the vehicles and is included in the 2019-20 proposed budget

Councilor Garvin MOVED to adopt Resolution No. 2019-32; authorizing the execution and delivery of one or more lease purchase, loan or similar agreements; SECONDED by Councilor Stassens. Motion PASSED unanimously.

- 10.c. Resolution No. 2019-33: A Resolution adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations in the Emergency Communications Fund.

Finance Director Baragary stated that the Resolution would make the budgetary amendments. It would transfer \$75,000 out of the contingency emergency communications fund to a capital outlay appropriation and would allow the City to cut the check for the \$75,000 down payment that would be due to June 1, 2019. She noted that the Budget Hearing was held earlier in the meeting as required by Budget Law.

Councilor Peralta MOVED to adopt Resolution No. 2019-33; adopting a supplemental budget for fiscal year 2018-2019 and making supplemental appropriations in the Emergency Communications Fund; SECONDED by Councilor Geary. Motion PASSED unanimously.

- 10.d. Resolution No. 2019-34: A Resolution supporting establishment of a Continuum of Care for the Mid-Willamette region.

City Manager Towery stated that there was a recent presentation regarding a Continuum of Care for Marion, Polk and Yamhill County. He explained that it the intention would be that over time additional funds would come to the Housing Authorities to the three counties to provide additional shelter. He noted that Yamhill is currently part of at 26 party region. He added that there would be no exposure in terms of resources or staffing. It was simply a resolution of support.

Councilor Drabkin MOVED to adopt Resolution No. 2019-34; supporting establishment of a Continuum of Care for the Mid-Willamette region; SECONDED by Councilor Stassens. Motion PASSED unanimously.

11. APPROVAL OF COUNCIL AGREEMENTS

City Manager Towery stated that during the course of the Executive and Council Team Building in January the Council discussed the working agreements and group agreements. On April 17, 2019, Council met for a Work Session that was facilitated by Consultant Erik Jensen. The agreements were revised as discussed during the Work Session.

Council President Menke MOVED to approve the Council Agreements as presented;
SECONDED by Councilor Geary. Motion PASSED unanimously.

12. ADJOURN: Mayor Hill adjourned the Regular City Council Meeting at 8:28 p.m.

s/s Melissa Bisset
Melissa Bisset, City Recorder