

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

Tuesday, March 27, 2018 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

Councilors:	<u>Present</u> Adam Garvin Kellie Menke, Council President Alan Ruden Wendy Stassens Sal Peralta	<u>Excused Absence</u> Remy Drabkin
-------------	---	--

Also present were City Manager Jeff Towery, City Attorney David Koch, Community Development Director Mike Bisset, Parks and Recreation Director Susan Muir, Planning Director Heather Richards, Police Captain Tim Symons, and members of the News Media – Dave Adams, KLYC Radio, and Tom Henderson, *News Register*.

AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:08 p.m. and welcomed all in attendance.

2. PLEDGE OF ALLEGIANCE
Councilor Stassens led the pledge of allegiance.

3. PRESENTATIONS

3.a. Abandoned Vehicles and RV Parking

Police Captain Symons stated that the Police had seen an increase in vehicular camping and RV related parking issues and abandoned vehicles. The current abandoned vehicle code was labor intensive and took a long time to address abandoned vehicles. There was nothing currently on the books that was enforceable related to RVs. He and Police Chief Scales had looked into what other cities did and had provided sample language for code changes for abandoned vehicles and recreation vehicles to the City Attorney's office. An Ordinance was before the Council tonight with those changes.

Mayor Hill asked if the Council had any questions of staff. There was also public comment related to the Ordinance and it was up to Council when to take that

testimony.

Councilor Stassens asked about permits to allow RVs in front of owner's residences being included. Captain Symons stated there was discussion about that issue. City Attorney Koch stated that it wasn't clear from prior discussions that it was something Council wanted staff to look at.

Councilor Garvin asked about fines. Captain Symons said the fine for abandoned vehicles was \$45.

Councilor Peralta asked about the impacts on long-haul truckers. Captain Symons explained there was a permit for long haul truckers that had been very restrictive. The language was removed about where they could park, but it was still only allowed from 9 p.m. to 7 a.m. The new language was directed at RVs being parked overnight on City streets.

Councilor Garvin stated that he would like to see a permit process be added to the Ordinance for RVs being temporarily parked on the street by the owner's home. He also thought a higher fine should be associated with the RV parking.

Mayor Hill would like the fine to be added to the fee schedule so that it could be updated without having to amend the Ordinance itself.

Council President Menke thought the fine should be at least \$200.

Discussion ensued regarding whether or not to allow temporary permits and the permit standards.

Mayor Hill asked about implementation and the timeframe. City Attorney Koch stated that in the proposed Ordinance there was a seven day period before the regulations went into effect that would allow the Police Department to notify people about the changes. It was proposed that it not be a 30-day wait period because it seemed that it was an emergency situation.

Councilor Stassens asked if there was a timeframe for loading and unloading. Captain Symons stated there was no specific time limit. It was actively loading or unloading the RV.

Council President Menke commented on the definitions of RV in the proposed Ordinance. City Attorney Koch stated that the definition was borrowed from the Department of Business and Consumer Services building code. It was a way to distinguish one type of vehicle from another.

There was consensus to strike "eating facilities" from the definition.

Councilor Garvin asked Captain Symons if there was anything in the proposed Ordinance that he would like to be included. Captain Symons responded that an update to the Ordinance was long overdue. He noted the Ordinance would help reduce time and labor.

Council President Menke asked if this was a no tolerance Ordinance. City Attorney Koch responded that it did not get to all of the elements of vehicular camping, but it was a no tolerance for a particular vehicle parked in the public right-of-way.

Council President Menke asked what would happen if after the seven days the RVs were not moved. Captain Symons said if they had the appropriate license and tags, they would receive a ticket and continue receiving tickets if it was not moved. City Attorney Koch explained that there was not a policy for towing vehicles that had accumulated a certain number of parking tickets. If they did want to create such a policy, he suggested that it apply to all vehicles.

Discussion ensued regarding booting and towing as deterrents.

Councilor Peralta was not comfortable about talking about booting and towing in this forum. He felt that strengthening the proposed Ordinance and giving the Police Department tools to enforce health and safety regulations on streets was overdue. This was a timely action, but he wanted to find a car camping area that was a legal place for these folks to go. He encouraged the Council to move quickly on the recommendations from the Affordable Housing Task Force.

Councilor Ruden was in full support of towing and booting. He stated that without any strength to it, getting ticketed would not be a deterrent. He noted that there was work in progress on creating designated areas for camping.

Discussion ensued regarding the limited availability of places to park an RV within the City limits.

3.b. Vision, Mission, Values and Strategic Priorities

Brian Scott, Strategic Planning Consultant, reviewed the strategic planning process. He noted that a values survey and values workshops were complete or in process. He reviewed the draft of the Strategic Priorities including: Growth and Development Character, Housing Opportunities, Economic Prosperity, City Government Capacity, Community Safety, Engagement and Inclusion, and Civic Leadership.

Mr. Scott reviewed the intentions of vision statements and gave examples. He shared a proposed Vision Statement for McMinnville for 2032: With a legacy of strong civic leadership, McMinnville is a diverse and thriving city growing with intention to preserve our small town feel while expanding opportunities for all. He reviewed the common threads heard from the focus groups including the inspired volunteer civic leadership in the community, recognized McMinnville was changing to a more ethnically diverse city, and recognized the growth and need to create opportunities for people to be able to afford to live here.

Mr. Scott then explained mission statements and gave examples. He reviewed the current mission statement of McMinnville and stated the proposed statement was: The City of McMinnville delivers high-quality and equitably-accessed services in collaboration with partners for a healthy, safe, and prosperous community. Councilor Peralta preferred using the word “promotes” rather than “delivers.” Councilor Ruden asked what equitably-accessed meant. Mr. Scott clarified it meant City services were available to everyone in the community.

Discussion ensued regarding using the word “livable” instead of “healthy” and choosing words other than “delivers” and “equitably-accessed.”

Mr. Scott reviewed value statements and gave examples. City Manager Towery stated that he agreed with author Jim Collins in that great, long lasting entities had a really small set of core values, things that were so fundamentally important to the organization that they would stop or start doing something rather than violate one of the tenants of those values. Mr. Scott reviewed the existing values and proposed a shorter set. The proposed values included: inclusivity, stewardship, courage, and accountability.

- Inclusivity. We are a compassionate and welcoming community for all.
- Stewardship. We are responsible caretakers of our shared public assets and resources.
- Courage. We are future-orientated, proactively embracing and planning for change that is true to our roots and good for our community.
- Accountability. We believe healthy civil discourse is fostered through responsive service and clear, accurate, useful information.

Mr. Scott stated that the current values could perhaps be staff principals, such as Citizen Participation, Communication, Courtesy, Customer, Economy, Employees, Equality, and Intergovernmental Relations.

Councilor Stassens suggested adding a value of courtesy and civility.

Mr. Scott stated that the next step was a Strategic Planning Charrette on April 3 at 9:30 a.m.

4. INVITATION TO CITIZENS FOR PUBLIC COMMENT

Mayor Hill stated that any dialogue on the RV Ordinance would be put off until the next meeting.

Jared Miller, 947 SE Ford Street, stated that he was not living on the street but he didn't have an opinion on the RV Ordinance. He asked for a better means of communication than coming to the Council meetings. He would like to spend time talking to each of the Councilors one on one.

Jacob Miller was concerned about holding people in an official public capacity accountable. There were words spoken at Council meetings that were not verified and were not true. He asked how citizens could hold people accountable with the evidence. They needed someone who would look and listen and show a level of professionalism. He was also concerned about subverting the process and targeting a group or subgroup of people.

Valarie Miller stated that she was concerned about the ethics and why there was not any checks and balances. She stated that there were no committees on ethics in the City who could look at decisions that would affect a whole group of people. She was very concerned and disappointed.

5. CONSENT AGENDA

- a. Consider the Minutes of February 21, 2018 Special Called Work Session, February 27, 2018 Special Called (Work Session) and Regular City Council Meeting.
- b. Consider liquor license request for wholesale malt beverage and wine from Rhone Street Wine Co. LLC located at 2803 NE Orchard Avenue.
- c. **Resolution No. 2018-12**: A Resolution establishing revised sanitary sewer user fees; and repealing Resolution 2017-07.

Council President Menke MOVED to adopt the consent agenda as presented; SECONDED by Councilor Garvin. Motion PASSED unanimously.

6. RESOLUTIONS

- 6.a. **Resolution No. 2018-13**: A Resolution awarding the contract for the construction of the Cumulus Avenue Sidewalk Infill Project, Project 2016-11.

Community Development Director Bisset stated that the project would fill in the gaps for missing sidewalks on Cumulus Avenue between Atlantic Street and Dunn Place. The project was included in the 2014 Transportation Bond Measure. There were six bidders. The low bidder was Concrete Solutions with a bid amount of \$74,630.

Councilor Stassens MOVED to adopt Resolution No. 2018-13; SECONDED by Councilor Ruden. Motion PASSED unanimously.

- 6.b. **Resolution No. 2018-14:** A Resolution approving an Intergovernmental Agreement between the City of McMinnville and McMinnville Water & Light related to the Three Mile Lane Bridge replacement project utility design.

Community Development Director Bisset stated this project would replace the Three Mile Lane Bridge. It was part of the transportation package that was passed by last year's legislators. The City needed to put a sanitary sewer forced main on the bridge and McMinnville Water & Light needed to put a water line, power, and fiber conduits on the bridge. ODOT had been cooperative to include the utility work in their project, but the City and Water & Light would have to do the design. Obeck Consulting Engineers was currently serving on ODOT's project team and was on ODOT's approved list for local agency use. The Resolution created an Intergovernmental Agreement between the City and Water & Light for Obeck's design work. The McMinnville Water & Light Commission had approved the IGA. Staff recommended approval of the Resolution.

Councilor Ruden asked if the commitment from ODOT had gone public. Community Development Director Bisset explained that there had been a couple of press releases. There would be public outreach during the design process. He explained that it was a multi-year project that would include quite a bit of traffic control and public outreach related to construction timing.

Discussion ensued regarding the estimated time for the bridge project, the replacement bridge, and how it would include multimodal transportation.

Councilor Stassens asked how the bridge was being designed for earthquake protection. Community Development Director Bisset stated that it would meet the resiliency and seismic requirements that ODOT had on all of their structures. It was a high level standard anticipating the Cascadia earthquake.

Councilor Peralta MOVED to adopt Resolution No. 2018-14; SECONDED by Council President Menke. Motion PASSED unanimously.

- 6.c. **Resolution No. 2018-15:** A Resolution awarding the Personal Services Contract for utility design services related to the Three Mile Lane Bridge replacement project.

Community Development Director Bisset explained that this was a companion Resolution to the Resolution that had just been approved. It formalized the contract between the City and Obeck Consulting Engineers to complete the utility design of the bridge. Staff recommended approval.

Councilor Ruden MOVED to adopt Resolution No. 2018-15; SECONDED by Councilor Garvin. Motion PASSED unanimously.

7. ORDINANCE

- 7.a. Consider first reading of **Ordinance No. 5049**: An Ordinance relating to the parking of Recreational Vehicles, Motor Trucks and Abandoned Vehicles; amending McMinnville Municipal Code (MMC) Chapters 10.04, 10.28, and repealing MMC Chapter 15.28.

No Councilor present requested that the Ordinance be read in full.

City Attorney Koch read by title only Ordinance No. 5049.

Councilor Ruden asked if a vehicle was towed with personal property in it, what were the repercussions and hardship for the Police Department. Captain Symons noted that when this was done in the past there was an inventory taken of the contents that were valued at \$500 or greater. Once the vehicle was towed, it was up to the tow company to maintain any of the property that was inside. Tow companies had specific guidelines as to how long they would hold items and guidelines for putting a lien on the items. It was not a search for commitment of a crime, it was to determine whether there was anything inside of substantial value.

Council President Menke asked if the booting and towing would be included in this Ordinance. Captain Symons thought it would be a separate Ordinance.

Council President Menke noted that she felt that the fines would not be enough.

Councilor Peralta thought if someone was homeless, they would not be able to pay any fine, and he cautioned against raising it. He thought the booting and towing should be for all vehicles across the City. He thought taking someone's home where they would have to pay fees to get it out of the impound did not fit in with the inclusivity statement they had talked about adopting. Something needed to be done, and this Ordinance was a step in the right direction. He was concerned about making this more punitive on the most vulnerable members of the City.

Council President Menke thought this would become a bigger issue in the summer and the fine might need to be revisited.

Mayor Hill thought the Ordinance would help the Police Department be more effective. There had to be a way to hold people accountable.

Councilor Peralta stated that what was being done did not solve the problem, but would minimize the impact to single neighborhoods and diminish large congregations of campers.

City Attorney Koch stated that there was one change to the Ordinance, the definition of recreational vehicle. That language had been provided to the Council tonight. It had not been available to the public, and he suggested only passing the first reading of the Ordinance. The Council had also requested that “eating facility” be taken out of the definition.

City Attorney Koch discussed how there was no requirement for a public hearing on an Ordinance. It was up to the discretion of the Council if there was a hearing.

Councilor Ruden and Council President Menke were in favor of a separate booting and towing Ordinance for all vehicles that had accumulated a certain number of tickets.

Councilor Stassens agreed that should be a separate Ordinance.

Councilor Garvin would like to see a comprehensive City-wide boot program. He stated that he would like the fine to be \$100 or more per day.

City Attorney Koch stated that all of the City’s parking fines might be below what other cities had and this might warrant looking at all of the fines and fees across the board.

Discussion ensued regarding the definition of recreational vehicle and including a reference to the fee schedule in the Ordinance.

Discussion ensued regarding whether to allow public comment or hold a public hearing for the second reading of the Ordinance.

Council President Menke MOVED to consider the second reading of Ordinance No. 5049 on April 10, 2018; SECONDED by Councilor Peralta. Motion PASSED unanimously.

8. ADVICE/ INFORMATION ITEMS

8.a. Reports from Councilors on Committee & Board Assignments

Councilor Ruden noted that the Affordable Housing Task Force meeting would be held tomorrow at 10:00 a.m.

Councilor Peralta had just received his appointment to the Mid-Willamette Valley Council of Governments from the Mayor.

Mayor Hill stated that Visit McMinnville had a good meeting on the budget and hitting the contingency number. There had been good responses from the media and they were looking forward to the summer months. There was a struggle with finding local representation for Travel Oregon funding.

Mayor Hill announced that the grand opening of the Atticus would be tomorrow at 4:30 p.m. He shared that there was a groundbreaking on April 4 for the Yamhill County Gospel Rescue Mission.

8.b. Department Head Reports

Captain Symons stated that there were two who started at the Police Academy last week. One would be graduating mid-April and another would be starting mid-April. There was one more position they were hiring for.

Planning Director Muir stated that there was an RFP that had gone out to do an assessment of the Kids on the Block program. It would provide a financial road map for the next 30 years and would look at best management practices and needs in the community.

City Manager Towery suggested that the City Manager evaluation could be done tonight without facilitation. The assessment and formal evaluation was positive and gratifying and matched his self-assessment. He had asked the consultant to do a salary and compensation survey and it was found that he was fairly compensated within the market. There were two areas that he was lower in as compared with other jurisdictions, deferred compensation and vacation leave. His employment contract included specific language about his relocation to McMinnville. Since that was now done, he suggested that language be deleted from the contract.

Mayor Hill appreciated the new evaluation process and felt the values and responsibilities were in line with the position. He asked that evaluations be a priority to Council. He noted that the comments section of the evaluation was helpful.

Mayor Hill suggested that the Council increase the deferred compensation and paid time off.

Discussion ensued regarding the suggested increase and the evaluation process.

Mayor Hill noted that City Manager Towery preferred transparency for his assessment.

City Manager Towery stated that there was an existing leave accrual system and this would be placing him within the system as if he had more years of service. He also stated that it was typical for employer contributions to deferred compensation was only given to the chief executive position and not to other employees. Deferred compensation was common in the City Manager profession.

There was consensus to increase the deferred compensation and paid time off.

9. ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 9:23 p.m.

s/s Melissa Grace

City Recorder