

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, June 12, 2018 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

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

Also present were City Manager Towery, City Attorney David Koch, Finance Director Marcia Baragary, Associate Planner Chuck Darnell, Parks and Recreation Director Susan Muir, Police Chief Matt Scales, Library Director Jenny Berg and members of the news media Tom Henderson, *News Register* and Dave Adams, KLYC Radio.

AGENDA ITEM

1. CALL TO ORDER: Mayor Hill called the meeting to order at 7:00 p.m. and welcomed all in attendance.

2. PLEDGE OF ALLEGIANCE  
Mayor Hill led the Pledge of Allegiance.

3. PROCLAMATION

3.a. Parks and Recreation Month

Parks and Recreation Director Susan Muir introduced the Parks and Recreation Leadership Team members.

Anne Lane and Katie Noyd discussed the Parks and Recreation calendar and invited the Council to attend several activities. A video promoting parks and recreation was played.

Mayor Hill read the proclamation declaring July 2018 as Parks and Recreation Month and presented it to the Parks and Recreation Leadership Team.

4. PRESENTATIONS

4.a. McMinnville Montessori School – Stop Pollution

Students from McMinnville Montessori School presented their Stop Pollution posters in an effort to reduce plastic pollution and save the ocean and animals.

Mayor Hill presented the students with McMinnville pins.

4.b. Historic Preservation Awards

Associate Planner Chuck Darnell and Joan Drabkin, Chair of the Historic Landmarks Committee, explained the purpose of the Historic Preservation Award, was to acknowledge and honor outstanding historic preservation efforts that had been undertaken in McMinnville. The award process consisted of requested nominations, formation of a selection committee to review the nominations, and three projects selected for the awards. The three projects were: restoration of the Victorian on 10<sup>th</sup> Street, reconstruction of the Macy/Roswell Conner House on Cowls Street, and rehabilitation of the Elizabeth Chambers Cellar on Irvine Street.

Mayor Hill presented the awards to the property owners of these buildings. The owners shared the background of these properties.

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

Mark Davis, McMinnville resident, commented on working with other communities to handle affordable housing as discussed at the last Council Work Session. He thought there was a limited amount of resources and it was not practical. It could also imply that low income would only live in Dayton, Lafayette, and Amity and they would not build the housing that was needed in McMinnville. The smaller communities did not have the infrastructure to support development and did not have the services that low income needed. He thought they needed to figure out how to take care of the issue themselves.

6. PUBLIC HEARINGS

6.a. Proposed Budget as approved by the Budget Committee

Mayor Hill opened the public hearing.

Finance Director Marcia Baragary stated this public hearing was for Council to take public comments on the 2018-19 budget that was approved by the Budget Committee on May 16, 2018.

City Manager Jeff Towery stated the Budget Committee asked staff to bring back options for the Council to consider increasing open hours at the Library.

Library Director Jenny Berg outlined the process that was followed for staff to determine the options for the library hours. Some of the additions were staying open one hour longer on Friday nights and adding weekend morning hours. She recommended the Council approve Proposal A.

City Manager Towery said if Council implemented the recommended additional hours, that the carry-over balance be adjusted. He did not think they needed to go back into the budget that was presented and pull anything out. Less than 1% of the reserve would be used.

Discussion ensued regarding the public input and where people wanted the additional hours. There was further discussion regarding staffing needed for the extra hours as well as adding hours on Mondays.

Councilor Garvin suggested the weekend hours be 11 a.m. to 5 p.m. City Manager Towery recommended the Council choose from one of the options presented by staff.

Council President Menke suggested approving Option B. There was Council support to move forward with Option B.

Mark Davis, McMinnville resident, discussed how he had brought up the difference between McMinnville Water and Light's budget for the amount of money coming to the City and what was in the City's budget last year. This year the City's number was closer than what was in McMinnville Water and Light's budget. He supported Option A for the library hours, but thought Option B was also acceptable. He thought the Saturday hours were the most important. Councilor Garvin had commented at the Budget Committee meeting about getting more people involved. He thought it would be helpful if the public comments came after the Budget Committee went through the budget.

Mayor Hill closed the public hearing.

- 6.b. Proposed Uses of State Revenue Sharing for Fiscal Year 2018-19 as approved by the Budget Committee

Mayor Hill opened the public hearing.

Finance Director Baragary said the list in the packet for the proposed use of the state revenues was the same list that was given to the Budget Committee. The City would receive \$357,000 in liquor taxes and \$72,000 in marijuana taxes.

There were no public comments.

Mayor Hill closed the public hearing.

7.

#### CONSENT AGENDA

- a. Consider the Minutes of March 27, 2018 of the Regular City Council meeting, April 10, 2018 Work Session and Regular City Council meeting, April 24, 2018 Work Session and Regular City Council meeting, and May 30, 2018 City Council Work Session.
- b. Consider request for Winery OLCC License from JWines LLC located at 2515 NE Orchard Avenue.
- c. Consider request for a Full on-premises, commercial OLCC License from Mezcal Sabores de Mexico Inc. located at 1208 SW Baker Street.
- d. Consider request for a Winery OLCC License from Kara Wines Oregon, LLC located at 2803 NE Orchard Avenue.
- e. Consider **Resolution No. 2018-26**: A Resolution declaring that the necessity of maintaining the Public Safety Facilities Construction Fund has ceased to exist and transferring the remaining fund balance.

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

8.

#### RESOLUTIONS

8.a.

**Resolution No. 2018-27**: A Resolution increasing appropriations for fiscal year 2017-2018 and authorizing expenditure of grant funds.

Finance Director Baragary shared that the supplemental budget was required because they had additional grant funds to spend. They needed to increase the appropriations in the Planning Department to be able to spend those grant funds.

City Manager Towery said the City had the opportunity to partner with McMinnville Economic Development Partnership (MEDP) to act as a recipient of two foundation grants that would be passed on to MEDP. The City would retain about 5% for the cost of administration.

Jody Christenson from MEDP discussed the McMinnville Works summer intern program, which was in its sixth year. In 2017 the Oregon Talent Council came to MEDP to request workshops to help other communities replicate this program. They were awarded grant funds to create a workshop and successfully executed four workshops. As a result three programs had started. The Oregon Community Foundation and Ford Family Foundation asked if MEDP could hold more workshops using grant funding. The partnership with the City allowed them to be able to use the grants for the workshops. This year they would be executing workshops for four communities under the size of 35,000 people. The grant funding would also enhance their own internship program and to build a brand new pilot program.

Lacey Dykgraaf from MEDP explained the student programs that were offered including educational tours, in-class presentations, industry tours, McMinnville Works internship program, and workforce training.

Ms. Christenson listed the programs in development. These were: McMinnville's workforce pipeline, apprenticeship programs, and retention programs.

The Council thanked them for their good work.

Councilor Ruden MOVED to adopt Resolution No. 2018-27; increasing appropriations for fiscal year 2017-2018 and authorizing expenditure of grant funds; SECONDED by Councilor Garvin. Motion PASSED unanimously.

- 8.b.                   **Resolution No. 2018-28:** A Resolution authorizing the City Manager to sign a contract with McMinnville Economic Development Partnership in the amount of \$73,650.00 for the development and delivery of the Oregon WORKS program.

Councilor Peralta MOVED to adopt Resolution No. 2018-28; authorizing the City Manager to sign a contract with McMinnville Economic Development Partnership in the amount of \$73,650.00 for the development and delivery of the Oregon WORKS program; SECONDED by Councilor Stassens. Motion PASSED unanimously.

- 8.c.                   **Resolution No. 2018-29:** A Resolution awarding the contract for the 12<sup>th</sup> Street Sanitary Rehabilitation Project, Project 2017-4.

Community Development Director Mike Bisset stated this project rehabilitated approximately 17,500 lineal feet of sanitary sewer mainline. The project also included repaving portions of 11<sup>th</sup> and 12<sup>th</sup> Streets that were included in the 2014 transportation bond package. Work would begin

later this month and would be completed by September 2019. Four bids were received for this project, and the lowest responsible bidder was from Kaiser Excavating Company in the amount of \$3,669,262.50.

Council President Menke MOVED to adopt Resolution No. 2018-29; awarding the contract for the 12th Street Sanitary Rehabilitation Project, Project 2017-4; SECONDED by Councilor Stassens. Motion PASSED unanimously.

- 8.d. **Resolution No. 2018-30:** A Resolution awarding the contract for the 1<sup>st</sup> and 2<sup>nd</sup> Street Pedestrian Improvements, Project 2017-7.

Community Development Director Bisset said this project was included in the 2014 transportation bond package and was a significant pedestrian safety project. It would add curb extensions and pedestrian safety improvements at various intersections along 1<sup>st</sup> and 2<sup>nd</sup> Streets downtown. It would also improve the safety of the crossing on 3<sup>rd</sup> and Adams and would include repaving significant portions of 1<sup>st</sup> and 2<sup>nd</sup> Streets. Four bids were received for the project and the bid from Haworth Incorporated was selected in the amount of \$2,076,410.50. Work would begin later this month and it would be completed by October 2018.

Councilor Stassens MOVED to adopt Resolution No. 2018-30; awarding the contract for the 1st and 2nd Street Pedestrian Improvements, Project 2017-7; SECONDED by Councilor Ruden. Motion PASSED unanimously.

- 8.e. **Resolution No. 2018-31:** A Resolution approving the award of the City Facilities Janitorial Services Contract, Project 2018-3.

Community Development Director Bisset explained certain services were required by state statute to be provided by a qualified rehabilitation facility. These were non-profit agencies that provided employment opportunities to people with disabilities. Janitorial services was one of those contracts where the City was directed to reach out to qualified rehabilitation facilities and if they were able to provide those services, the City was to negotiate a contract with them and select them as the City's vendor. The City had reached out to the four qualified facilities and Garden Services was the only one who responded. The City established a scope of work and pricing for each of the City facilities. The contract amount for fiscal year 2018-19 was \$211,362.84.

Mayor Hill raised the concern about the quality of work. Community Development Director Bisset thought the quality of work was now meeting expectations, and effective July 1 when the new contract began they would see increased service to match the scope of work.

Council President Menke MOVED to adopt Resolution No. 2018-31; approving the award of the City Facilities Janitorial Services Contract, Project 2018-3; SECONDED by Councilor Ruden. Motion PASSED unanimously.

9. ORDINANCES

- 9.a. Consider **Ordinance No. 5053**: An Ordinance establishing Rules of Conduct for the City owned Parking Structure located at NE 5<sup>th</sup> and Evans Street, and City owned and managed surface parking lots located within the City of McMinnville.

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

City Attorney Koch read by title only Ordinance No. 5053 establishing Rules of Conduct for the City owned Parking Structure located at NE 5th and Evans Street, and City owned and managed surface parking lots located within the City of McMinnville.

Police Chief Matt Scales said in May the Council held a Work Session regarding the current state of the City owned parking structure and surface parking lots and the behaviors that were occurring. These behaviors would make it difficult to move forward with the recommendations in a study that had been done on the parking structure and how the underutilized portion could support economic vitality in downtown. The Police Department and Public Works Department had been inundated with complaints over the last couple of years regarding these behaviors. There was currently no means to regulate the activities at the parking structure or parking lots. Anyone who failed to comply with the new Rules of Conduct Ordinance could be excluded from the parking structure and parking lots for a period of time. If they returned during that period of time, they could be arrested for criminal trespass.

Councilor Ruden discussed the need for lighting and security cameras in the parking structure.

City Manager Towery said those improvements would be done this year and the funding would come from the Urban Renewal District.

Councilor Peralta said the issue was safety and they needed to make sure the structure was being used as intended.

Discussion ensued regarding the recommendations of the study and the changes that would be made.

Councilor Garvin clarified patrons could still smoke in the City parking lot as long as they were ten feet from the back door of The Blue Moon.

Councilor Stassens also clarified that there would be no smoking allowed in the parking garage.

Councilor Garvin MOVED to pass Ordinance No. 5053 to a second reading; SECONDED by Councilor Ruden. Motion PASSED unanimously.

City Attorney Koch read by title only for a second time Ordinance No. 5053. There was an amendment to the Ordinance in Section 5K. It was amended to read, “No person may smoke or carry any lighted smoking instrument while anywhere within the parking garage.”

Councilor Stassens MOVED to approve Ordinance No. 5053 as amended, establishing Rules of Conduct for the City owned Parking Structure located at NE 5th and Evans Street, and City owned and managed surface parking lots located within the City of McMinnville; SECONDED by Councilor Ruden. Ordinance No. 5053 PASSED by a unanimous roll-call vote.

- 9.b. Consider **Ordinance No. 5054**: An Ordinance Relating to Smoking Regulations in Downtown McMinnville and City Park Areas; establishing MMC Chapter 8.32 and, amending MMC 12.36.020

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

City Attorney Koch read by title only Ordinance No. 5054 relating to smoking regulations in Downtown McMinnville and City Park Areas; establishing MMC Chapter 8.32 and, amending MMC 12.36.020.

Police Chief Scales said in May the Council discussed a smoke-free 3<sup>rd</sup> Street and smoke-free City parks. This was to address downtown behavioral concerns that had been pervasive in summer 2017. The smoke-free district was defined as the area on NE 3<sup>rd</sup> from Adams to Johnson and extending 50 feet north and south on each intersecting street. City parks would also be smoke-free. There were exceptions to the smoke-free district for those in motor vehicles traveling through the district. Oregon state law prohibited smoking within ten feet of places of employment or enclosed areas open to the public, which was also included in the ordinance. Violation of the smoking ordinance would result in a Class D violation. There would be business outreach for these changes by the McMinnville Downtown Association.



Councilor Garvin asked how far the ban would go on the side streets. City Attorney Koch clarified each block length was about 200 feet and the ban would take up approximately 25%.

Councilor Garvin asked if green space around parking lots would be considered parks. Police Chief Scales said those were not defined as park areas.

Councilor Peralta was in favor of the ordinance, but would like to give the businesses on 3<sup>rd</sup> Street time to review the changes and give feedback. He suggested holding the second reading of the ordinance at the next Council meeting. Councilor Garvin agreed.

Discussion ensued regarding whether or not to postpone the second reading and the public process that had been done. The rest of the Council thought they should move forward with the ordinance.

Steve Lawrence was a McMinnville business owner on 3<sup>rd</sup> Street. No one had told him about the smoking ban. He found out about it from a Police Officer he was talking with downtown. He did not think the smoking ban was fair. Most of the smokers he knew did not loiter and were courteous. He questioned whether this ordinance would be effective in stopping the loitering issue. There were a significant number of businesses that had not heard about this and it should be postponed.

Pete Martinez, McMinnville resident, said the Council was responsible to the citizens. He thought they should follow Councilor Peralta's suggestion.

Arturo Vargas, McMinnville resident, often visited downtown several times per week. He did not smoke, but knew many business owners who did and were not aware of this ordinance. He thought the business owners should be contacted and be allowed to voice any repercussions of the ordinance before it was passed. They had an obligation to the downtown businesses to make sure they understood and were familiar with the ordinance. He recommended waiting for the second reading.

Michael Wells, McMinnville resident, attended and worked at Portland Community College and they instituted a smoking ban. The difference was night and day. The health benefits were fantastic. He had heard about the smoke ban downtown and thought the word was out.

Councilor Stassens requested a report back from the McMinnville Downtown Association about what they did for outreach and the feedback they received.

Councilor Garvin suggested if the ordinance was postponed to put in an emergency clause so it would go into effect sooner. Councilor Peralta agreed.

Police Chief Scales explained staff originally did not put in an emergency clause to give them time to do outreach for 30 days before the ordinance went into effect. He did not think putting in an emergency clause would help them achieve that education component.

Councilor Ruden MOVED to pass Ordinance No. 5054 to a second reading on June 26, 2018; SECONDED by Councilor Garvin. Motion PASSED unanimously.

- 9.c. Consider **Ordinance No. 5055**: An Ordinance Relating to Moving or Towing Vehicles Parked in Prohibited Areas; Amending MMC 10.28.030; and, Establishing MMC 10.28.400

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

City Attorney Koch read by title only Ordinance No. 5055 relating to moving or towing vehicles parked in prohibited areas; amending MMC 10.28.030; and, establishing MMC 10.28.400.

Community Development Director Bisset said there was currently a gap in the parking ordinance to address vehicles that were in the way of a construction project. He recommended allowing the City to move the vehicles to the closest space out of the way of the construction. There was an emergency clause for this ordinance to be effective immediately as there were some projects that would be happening this week with cars that were in the way.

Police Chief Scales shared that staff spent a tremendous amount of time trying to locate the owners of these vehicles even though City staff had posted notice of the projects well in advance. It crippled the projects that were extremely expensive. He concurred that it was an emergency.

City Attorney Koch said this section of code had also been updated to clarify the City Manager had the authority to impose temporary prohibitions on parking in certain areas and to clarify that there could be temporary prohibitions on parking for private construction projects as well as when streets were closed for public events. The City would bear the cost of the towing of the vehicles.

Community Development Director Bisset stated that there was a seven day notice for projects and people knew well in advance that the project was coming.

Council President Menke MOVED to pass Ordinance No. 5055 to a second reading; SECONDED by Councilor Ruden. Motion PASSED unanimously.

City Attorney Koch read by title only for a second time Ordinance No. 5055.

Councilor Stassens MOVED to approve Ordinance No. 5055 relating to moving or towing vehicles parked in prohibited areas; amending MMC 10.28.030; and, establishing MMC 10.28.400; SECONDED by Councilor Ruden. Ordinance No. 5048 PASSED by a unanimous roll-call vote.

10. ADVICE/INFORMATION ITEMS

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

Councilor Ruden reported on the Historic Landmarks Committee meeting where the Historic Preservation Award projects were discussed.

Councilor Stassens reported on the Urban Renewal Advisory Committee meeting where a property assistance application for MAC Market was discussed.

Councilor Garvin announced the next YCOM meeting would be held on Thursday where the budget was to be approved with a 3% increase.

Councilor Peralta announced a City-wide Neighborhood Watch meeting on June 14.

Council President Menke said there had been good discussion on RV camping today.

Mayor Hill reported on the Landscape Review Committee meeting where the new Baker Creek project landscaping was discussed. He attended a Mid-Valley Transportation group meeting regarding Highways 99 and 18.

10.b. Department Head Reports

Library Director Berg thanked the Council for approving the extra hours at the library. The library would be closed from June 22-26 for the elevator modernization project and Children's Room renovation.

City Manager Towery reported on the high school graduation.

11. ADJOURNMENT: Mayor Hill adjourned the Regular City Council Meeting at 9:34 p.m.

s/s Melissa Grace  
Melissa Grace, City Recorder