



Kent Taylor Civic Hall  
200 NE Second Street  
McMinnville, OR 97128

**City Council Meeting Agenda**  
**Tuesday, July 24, 2018**  
**6:00 p.m. – Work Session**  
**7:00 p.m. – Regular Council Meeting**

*Welcome! All persons addressing the Council will please use the table at the front of the Council Chambers. All testimony is electronically recorded. Public participation is encouraged. If you desire to speak on any agenda item, please raise your hand to be recognized after the Mayor calls the item. If you wish to address Council on any item not on the agenda, you may respond as the Mayor calls for "Invitation to Citizens for Public Comment."*

**6:00 PM – WORK SESSION – MCMINNVILLE PUBLIC LIBRARY – CHILDREN’S ROOM AND BOOKMOBILE  
(MEET AT LIBRARY CARNEGIE ROOM TO BEGIN TOUR – 225 NW ADAMS STREET)**

1. Call to Order
2. Tour of the Library Children’s Room and the Bookmobile.
3. Adjournment

**7:00 PM – REGULAR COUNCIL MEETING – COUNCIL CHAMBERS**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT – *The Mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The Mayor may limit comments to 3 minutes per person for a total of 30 minutes. Please complete a request to speak card prior to the meeting. Speakers may not yield their time to others.*
4. CONSENT AGENDA
  - a. Consider the Minutes of May 8<sup>th</sup>, 2018 of the Regular City Council meeting, May 22<sup>nd</sup>, 2018 Work Session and Regular City Council meeting, June 12, 2018 Work Session and Regular City Council meeting.
  - b. Consider OLCC Limited on-premises license request from Blue Ocean Wines LLC located at 2803 NE Orchard Avenue.
5. DISCUSSION ON LEGISLATIVE PRIORITIES – LEAGUE OF OREGON CITIES.
6. PUBLIC HEARING ON PROPOSED **ORDINANCE NO. 5056**: An Ordinance Amending the 2012-2022 Franchise Agreement between the City of McMinnville and Comcast of Oregon II, Inc. (Ord. 4960).

Kent Taylor Civic Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Recorder (503) 435-5702 or [melissa.grace@mcminnvilleoregon.gov](mailto:melissa.grace@mcminnvilleoregon.gov).

7. ORDINANCE

- a. Consider First Reading with possible Second Reading of **Ordinance No. 5056**: An Ordinance Amending the 2012-2022 Franchise Agreement between the City of McMinnville and Comcast of Oregon II, Inc. (Ord. 4960)

8. ADVICE/ INFORMATION ITEMS

- a. Reports from Councilors on Committee & Board Assignments
- b. Department Head Reports

9. EXECUTIVE SESSION UNDER ORS 192.660(2)(d) TO CONDUCT DELIBERATIONS WITH PERSONS DESIGNATED TO CARRY OUT LABOR NEGOTIATIONS.

10. ADJOURNMENT

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 8, 2018 at 6:15 p.m.

Presiding: Mayor Scott Hill

Recording Secretary: Melissa Grace

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

Also present were Police Chief Matt Scales, Planning Director Heather Richards, Associate Planner Chuck Darnell and Parks and Recreation Director Susan Muir.

1. CALL TO ORDER

Mayor Hill called the meeting to order at 6:15 p.m. Mayor Hill recognized Boy Scouts in attendance and welcomed them to the meeting.

2. DISCUSSION ON CITY PARKING GARAGE/ CITY PARKING LOTS CODE OF CONDUCT.

Police Chief Scales explained that the City parking structure and City owned surface lots have been identified as a critical piece of the City's parking supply, and a critical piece of infrastructure by Rick Williams Consulting (who completed a comprehensive City funding parking study).

He stated that part of the City's mission is to provide a safe and livable community. He stated that there are two main purposes in mind: the safety and security of those who utilize the city owned parking lots and moving forward with the recommendation of Rick Williams Consulting that the City needs to ensure that the underutilized and aging public parking structure needs to support the economic vitality of the downtown.

Police Chief Scales stated that the Police Department continues to receive complaints related to the parking structure. The complaints have been shared with staff and council. The Police Department has also seen an increased demand in calls for service to the

parking structure. He noted that the Public Works Department has also been inundated with complaints and clean-up of garbage, human feces, and drug paraphernalia (needles) on a weekly if not daily basis.

Police Chief Scales stated that whether it is criminal conduct or aggressive behaviors in the parking structure or parking lots, the issue remains clear, the City of McMinnville has no rules of conduct for the facility, and no way to exclude those who are using the parking structure in an unacceptable manner.

Police Chief Scales stated that Rick Williams Consulting summarized McMinnville as one of Oregon's top destination cities with a bustling and historic downtown and wine tourism. As such McMinnville is likely to face new pressure on its parking supply. One recommendation from the parking study, was that given the proximity of the 5<sup>th</sup> street parking structure to the downtown core, upgrading the parking garage would set a new standard for parking in McMinnville. The study further suggested the City explore other options for the parking structure, such as valet and/or City required permitting for overnight parking within the structure.

He stated all of these recommendations from the parking study are excellent ideas to explore, however the City first must get control of how the current parking structure is being used. It is widely recognized there are growing safety and health concerns taking place in the City of McMinnville's parking structure.

Police Chief Scales stated that the last two years the parking structure has become a "call for service driver" for the McMinnville Police Department, as well as the Public Works Department. There have had dozens of complaints from residents, business owners, employees of the Yamhill County courthouse, and those who frequent the downtown core area using the parking structure to park their vehicles.

The complaints have ranged from fights, criminal mischief, drinking in public, use of narcotics, urinating in public and defecation, and sleeping in parking stalls. All of these activities have occurred in the parking structure over the years, but never to the degree seen over the last 24 months. Information pulled from the Police Department's computer aided dispatch system provided the following information about the calls for service.

Police Chief Scales noted that the number of calls for service are not acceptable. He stated based on 2018 projections, if you calculate that each call for service takes a minimum of 30 minutes per call, that's 11,700 minutes or 190 man hours per year at cost of a minimum \$10,900 a year to the City.

Police Chief Scales stated that in speaking with the Public Works Department, from February 2016 through January 2018, they have tracked time spent cleaning up the parking structure. Their data estimates that roughly 7% of a full time employee's (FTE) time is spent removing human excrement, trash, camping debris, drug use debris (needles), abandoned belongs, sleeping bags, mattresses in excess of their normal routine maintenance of the parking structure.

Public Works has tracked the contracted costs for extra sweepings of the structure, as well pressuring washing to clean/disinfect areas where urine and feces were deposited. In addition to the 7% of an FTE's time having been spent there, it cost an additional \$2,955 above and beyond normal maintenance costs.

Police Chief Scales stated that they will continue to see the same persons and vehicles parking in the parking structure, and causing problems for patrons who wish to use the structure for its intended use. Currently there are no rules of conduct for the city owned parking structure or city owned surface street parking lots. This allows for those repeat offenders to return to these locations and continue to engage in repeated unwanted behavior without the risk of exclusion. He stated that these facts, in addition to the associated costs, cause me to believe we are continuing to simply "chase our tails", with no current long term solution to these issues.

He noted that the parking structure is a necessary and critical piece to our downtown parking supply we must protect it and its intended purpose.

Police Chief Scales suggested that a code of conduct be established for the parking structure and city owned surface parking lots. He stated that he has researched other parking lot codes of conduct and propose a code of conduct that is utilized by the City of Portland. Utilizing this code of conduct, will authorize the Chief of Police to develop and enforce rules of conduct for the parking structure and surface lots located within the city limits of McMinnville. Any person who fails to comply with the rules of conduct for the parking garage and surface parking lots may be excluded for a period of time, and a return to the location could result in arrest for criminal trespassing.

He also asked if the Council desires to explore moving to no overnight parking within the parking structure, with the exception of permitted parking. This would require setting up a permitting system for resident or businesses who wished to use the parking structure overnight. It would also require engaging with the McMinnville Downtown Association and local businesses and residents.

Police Chief Scales asked Council for approval to move forward with the introduction of a Code of Conduct Ordinance that will provide rules and guidelines for the use of the parking structure and city lots for their intended design and use.

Police Chief Scales displayed pictures of the parking garage and reviewed the draft rules of conduct.

Councilor Stassens asked about trash and personal belongings. Police Chief Scales noted that offensive littering is addressed in the Code. He stated that it could be added to the code of conduct. Councilor Stassens also asked about including a no smoking rule to the code of conduct. Several Councilors expressed their interest in adding the no smoking rule. Discussion ensued regarding whether or not to include surface parking lots in the no smoking rule.

Councilor Ruden noted that the pictures that were displayed were chilling.

Discussion ensued regarding how officers know who is in the exclusion zone.

Mayor Hill noted that there should be another work session to discuss the parking garage.

Councilor Drabkin stated that the discussion reminded her of a past memo discussing using the built environment as a deterrent. She noted that she had not heard of any of these items used. Councilor Drabkin stated that some of the rules are broad and there are some redundancy within the rules. She shared that she had some concerns with the lack of specificity in some of the rules.

Council President Menke stated that she likes the proposed code of conduct. She noted that the parking garage is there for business purposes not to be a recreation area.

City Attorney Koch stated that he prefers being specific rather than overly broad. He did not want to put officers in a position of having to criminally cite someone into court in order to provide for an exclusion related to conduct that's not appropriate. He noted that this is a similar process as used in the Park system.

Councilor Garvin stated that he thought the proposed code of conduct was good. He felt that it is better to exclude someone from an area rather than cite them.

### 3. ADJOURNMENT

Mayor Hill adjourned the Work Session at 6:59 p.m.

---

Melissa Grace, City Recorder

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, May 8, 2018 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

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

Also present were City Attorney David Koch, Planning Director Heather Richards, Community Development Director Mike Bisset, Associate Planner Chuck Darnell, Police Chief Matt Scales, and Dave Adams, KLYC Radio.

AGENDA ITEM

1. CALL TO ORDER

Mayor Hill called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Council President Menke led the pledge of allegiance.

3. INVITATION TO CITIZENS FOR PUBLIC COMMENT

Mayor Hill invited the public to comment.

Jacob Miller, McMinnville Resident, stated he would like to discuss the code of conduct of McMinnville Police Officers. He stated that there have been an increased enforcement with lots of officers. He stated that officers have had an antagonistic or agitating type of behavior. He felt it should be brought to the Council's attention because they would be liable for the officer's conduct. Mr. Miller stated that he has been accused of being confrontational himself. He stated that when Officers came to his RV they were caught unlawfully searching his RV. He stated that he confronted them. He noted that it was

wrong. He stated it lead to next steps of him asking for the Officer's supervisors information. He stated what happened was more armed officers came. He stated that then they were more antagonistic because they began spray painting people's property, from the ground up the center of their wheels. He felt these behaviors were very antagonistic and bring forth confrontation. He felt that it was not reasonable behavior for those who have taken sworn oaths to protect people. He noted that the next time they came to his RV they brought more armed officers. He stated that when he is protecting his rights he might get unreasonable. He felt that the main agitator was the Police Department. He stated that when he is protecting his rights, he may get defensive and may be confrontable. He stated that the Council may want to take note of the unethical behavior. He stated that this is going into deprivation of rights and conspiring against rights instead of protecting them. He stated that he is very concerned about that.

Sean Rollins, McMinnville Resident, stated that he cleans the parking structure for pressure washing. He commented on the variety of safety measures and supplies he must use in order to clean it. Mr. Rollins stated that he donates many of the supplies. Mr. Rollins stated there is a severe problem at the parking garage and highly recommends putting up cameras. He stated that he is concerned about the health problems. He stated that half of the people in the parking structure right are people he has trespassed off other properties in town. Mr. Rollins noted that pushing them around is not working and he stated that something needs to be done. He added that they are normally not confrontational when asked to leave. He stated that their level of frustration is getting high and he is getting more and more bad vibes from the people in the RVs. He stated that knocking on the RV in the middle of the night can be nerve-racking. He stated that he does everything he can to not have to call the police. He asked if there is something that can be done to help these people and if there is anything that can be done for mental health. He stated that these people have rights, homeless or not.

Caroline O'Brien, 1591 SW Wright Street, commented on a situation she saw take place at the Library regarding a male committing a hate crime against a women. She stated that she has been trying to figure out how this has slipped through the cracks. She stated that because he threatened a woman it wasn't considered a hate crime. She has been trying to figure out how to get the man charge. She stated there has to be a way for a citizen to file a complaint and stated that there is a hole in the system. She has given a police officer a statement and he is following up with the parole officer.

Jerry Lyn Green-Lopez asked what to do when you have a silent stalker. She asked what to do when you have a stalker pushing you around that you can't identify and it is silent. May it be a town, or a computer or a person. She asked where to go to get help.

#### 4. PROCLAMATIONS

##### a. National Public Works Week

Mayor Hill read the Proclamation and presented it to the Engineering Department Staff: Larry Sherwood, Roy Markee, Lauren Blincoe, Katie Land, Rich Spofford, Jeff Gooden.



b. National Police Week

Mayor Hill read the Proclamation and presented it to Police Chief Scales. Police Chief Scales stated that he appreciates the Council and Staff's support.

c. Historic Preservation Month

Mayor Hill read the Proclamation and presented it to Associate Planner Chuck Darnell. Associate Planner Darnell shared that the Historic Landmarks Committee typically meets a couple of times of week. He shared some recent and upcoming activities of the Historic Landmarks Committee.

5. CONSENT AGENDA

- a. Consider Resolution No. 2018-21: A Resolution appointing Heather Sharfeddin to the Historic Landmarks Committee

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

6. RESOLUTION

- a. Consider **Resolution No. 2018-20**: A Resolution awarding the Personal Services Agreement contract for Environmental, Design, and Bidding services for the Apron Rehabilitation Project, Project 2017-10.

Community Development Director Bisset stated that this project includes the next amount of work that the FFA-AIP grant is going to fund the reconstruction of almost 10,000 square yards of aircraft apron.

One proposal was received from Century West. The cost of their contract is \$276,205.00.

Councilor Garvin asked when the work will take place. Mr. Bisset stated that the work will take place a little over a year from now.

Councilor Garvin MOVED to adopt Resolution No. 2018-20; awarding the Personal Services Agreement contract for Environmental, Design, and Bidding services for the Apron Rehabilitation Project, Project 2017-10; SECONDED by Councilor Ruden. Motion PASSED unanimously.

7. ORDINANCE

- a. Consider second reading of **Ordinance No. 5052**: An Ordinance amending Title 17 (zoning) of the McMinnville City Code, specific to Chapter 17.06 and Chapter 17.62, to update definitions and the regulation of nonconforming signs.

No Councilor objected to having the Ordinance read by title only.

City Attorney Koch read by title only for a second time Ordinance No. 5052.

There were no public comments or Council discussion.

Councilor Peralta MOVED to approve Ordinance No. 5052 amending Title 17 (zoning) of the McMinnville City Code, specific to Chapter 17.06 and Chapter 17.62, to update definitions and the regulation of nonconforming signs; SECONDED by Council President Menke. Ordinance No. 5052 PASSED by a unanimous roll-call vote.

8. **ADVICE/ INFORMATION ITEMS**

a. Reports from Councilors on Committee & Board Assignments

Councilor Peralta stated that the first meeting of the Council of Governments will be taking place this month. Councilor Peralta suggested that they bring forward the legal framework for overnight camping and sleeping. He noted that he has brought the proposal up to the Task Force. He stated that he has a draft that is similar to the Eugene Ordinance.

Councilor Drabkin stated that the program has been launched out of the subcommittee for homelessness and that the Affordable Housing Task Force has met and staff is working on a proposed ordinance that will be coming before Council.

Councilor Ruden shared that there were three applications for Historic Preservations Awards that were recognized. He stated that they were great projects. He noted that they will be seeing good things happening related to preservation.

Councilor Drabkin noted that the next subcommittee for homelessness is coming up.

Councilor Stassens shared that the Alpine Avenue opening was a huge success and highly attended. She stated that people are asking what is next. She shared that the Urban Renewal Agency Committee are looking at putting together a targeted building project and keep the momentum going.

Mayor Hill shared that he recently attended a Humanity of Technology event through MEDP. He stated that they went out to TTR and he stated that it was interesting to him that they are already needing to expand. At Linfield there was a panel discussion about the advancement of technology and how it is going to play a greater role in cities.

Mayor Hill stated that Visit McMinnville is moving in the right direction.

Mayor Hill stated that the Bypass Committee met and that the language that the senate changed that allows the use of the funding for preparing for shovel readiness. They are making plans and utilizing the lobbyists to keep the interests in the bypass.

b. Department Head Reports

Police Chief Scales stated that there are three officers at the academy. He stated that they promoted Steve McCartney to Sergeant. He reviewed the award recipients from the Recent Guns and Hoses Awards Event noting that there were four outstanding awards received: Tom Heidt received the lifesaving award, Amy Kepler was awarded Employee of the Year, Sergeant Josh Sheets was awarded Supervisor of the Year, and Taylor Wynn received volunteer of the Year Award.

Planning Director Richards stated that there are budgeted funds for the parking garage from the McMinnville Urban Renewal Committee.

City Manager Towery stated that the Budget Committee will be meeting next Wednesday, May 16<sup>th</sup>.

9. ADJOURNMENT

Mayor Hill adjourned the meeting at 7:40 p.m.

---

Melissa Grace, City Recorder

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

Tuesday, May 22, 2018 at 6:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

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

Visit McMinnville Board Members: Courtney Cunningham, Erin Stephenson, and Jeff Towery, City Manager.

Also present were City Attorney David Koch, Finance Director Marcia Baragary, Fire Chief Rich Leipfert 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 6:18 p.m. and welcomed all in attendance.
2. RECAP OF VISIT MCMINNVILLE 2017 WORK PLAN AND 2018 BUDGET AND WORK PLAN.

Jeff Knapp, Visit McMinnville Executive Director, and Kitri McGuire, Marketing Manager, presented. Mr. Knapp reviewed the members of the Visit McMinnville Board and what Visit McMinnville did. In Fiscal Year 2018, they increased the Transient Lodging Tax by 6.1%, increased website sessions on Visit McMinnville to 91,000 unique website visitors which was a 20% increase, their social media channel followers had grown, they created a new winter television commercial, they earned over 3.4 million media impressions, executed a board level strategic planning retreat in January, deployed the increased Transient Lodging Tax (TLT) dollars to complete a comprehensive feasibility study to support future group sales investments, founded the McMinnville Community Wayfinding Committee, brought FAM tours to town, applied for several grants and received a grant from Travel Oregon to connect the Visit McMinnville website to the Oregon Tourism Information Systems database,

distributed McMinnville Look Books and Wine Walk Passports, contributed to a cohesive, long term Economic Development Plan, received a grant from Oregon Wine Country funding to promote February as Taste McMinnville Month, developed a When in Oregon Wine Adventure sweepstakes, created a consumer newsletter, created collateral for on-ground visitor support such as brochures and maps, partnered with local cycling professionals to develop a collection of cycling imagery and safe winery routes, collaborated with regional tourism stakeholders and industry organizations to develop a new stakeholder driven County-wide tourism effort, and held a dynamic media activation in New York City. He discussed the earned media outlets that they had touched and gave McMinnville Tourism by the numbers. There had been \$111.5 million of visitor spending in Yamhill County. Tourism was on the rise both at the state level and in this area.

Mr. Knapp presented their goals for 2019. These included: increasing the annual Transient Lodging Tax revenue by 9%, executing a strategy to attain 150,000 unique website visitors, allocating funding for a new Visit McMinnville brand identity, targeting the low and shoulder seasons, overnight visit, and destination awareness, activating data to support targeting markets, creating a strategic plan to target group sales opportunities for McMinnville by using additional TLT revenue, increasing focus on brand awareness for the Wine Walk promotion, engaging social media to drive increased visits to Visit McMinnville, securing regional and national non-paid media coverage resulting in 1.56 million impressions, optimizing their website by strengthening filtration capabilities and solidifying their event calendar, enhancing investment in their website to increase traffic by 25%, handing over the Wayfinding Master Plan to the City for potential adoption, improving the February Taste McMinnville Month, continuing to partner with Willamette Valley Wineries Association and attending tradeshow, bringing more attention to local arts and culture, identifying and leading opportunities to develop McMinnville as a diverse tourism destination, distributing a quarterly consumer e-newsletter, holding another executive board retreat and strategic visioning session, continuing to work collaboratively with all of the economic development organizations in town, improving promotion and connectivity with the airport, kicking off official Visit McMinnville committee structures to achieve overarching goals, participating in the City's economic development strategic planning, providing community leadership and networking, and leveraging resources for the elevation of hospitality and service for frontline tourism stakeholders.

Mr. Knapp reviewed their proposed budget. They were budgeting for a 4% increase in the TLT and the estimated City funding would be \$831,938. The expenses for General Administration would be \$211,955 and for Marketing would be \$619,983. He discussed their historical performance for collection of the TLT and how they were going to focus on bringing visitors to McMinnville in January, February, and March through marketing and expansion of group sales opportunities. Marketing was three-quarters of their budget and General Administration was a quarter of the budget. The bulk of the funding would be used for advertising, and then funding would be used for public relations, branding, and creative content.

The Council thanked Visit McMinnville for their good work.

3. PRESENTATION OF CONFERENCE CENTER FEASIBILITY STUDY

Mr. Knapp noted that the biggest opportunity in McMinnville was the shoulder and low seasons. One of the ways to address this was through group sales. They were focusing on smaller conferences and niche group events that they could target and attract. They had done a feasibility study to see if McMinnville could sustain a conference/convention facility. They had chosen Johnson Consulting to do the study. The objectives of the study were to see what the market and industry potential was in McMinnville, what size of facility would best serve the community, where would it go, how would it function, and how would they pay for it. Johnson Consulting met with local community organizations for three days and did other regional work. They thought that there was a market for a 40,000 square foot conference facility that would serve a slightly larger type of conference. They highlighted the challenges such as there was not enough hotel inventory to support such a facility. It would need to be a public/private partnership for the funding. The first five years were expected to run a deficit. Due to the lack of hotel rooms and the amount of funding, Visit McMinnville was not moving forward with this idea at this time but it was something the City should consider in the future.

Councilor Drabkin asked about the smaller niche events to boost tourism in the shoulder seasons. Mr. Knapp shared that they had set aside money to plan a group sales strategy to see if they could bring a group sales person in house to sell the assets that they had.

Discussion ensued regarding how to attract group sales.

Councilor Drabkin asked if it was the Board's recommendation to build a convention center.

Visit McMinnville Board Chair Erin Stephenson, stated they were not coming to Council with a recommendation for a convention center. She noted that they asked the consulting team to look at all of the opportunities for group sales and the consultants had zeroed in on the convention center aspect. The Board endorsed the document that had been supplied to the City, but it was up to the City to decide what to do with the document. The Board was not endorsing a specific direction, but did stand behind the quality of the consultant that evaluated the opportunities and assets.

Councilor Drabkin said she had looked into what TLT funds could be used for, and found out they could be used for a convention center.

Councilor Ruden asked if analysis had been done of potential County areas that could be promoted. Mr. Knapp answered that the County Fairgrounds was a location that had potential for growth.

Council President Menke MOVED to accept the Visit McMinnville budget as presented; SECONDED by Councilor Drabkin. Motion PASSED unanimously.

4. ADJOURNMENT: Mayor Hill adjourned the Work Session at 7:05 p.m.

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, May 22, 2018 at 7:00 p.m.

Presiding: Scott Hill, Mayor

Recording Secretary: Melissa Grace

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

Also present were City Attorney David Koch, Finance Director Marcia Baragary, Police Chief Matt Scales, Fire Chief Rich Leipfert 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 7:10 p.m. and welcomed all in attendance.
2. PLEDGE OF ALLEGIANCE  
Councilor Ruden led the Pledge of Allegiance.
3. INVITATION TO CITIZENS FOR PUBLIC COMMENT: Mayor Hill invited the public to comment.

There were no public comments.

Councilor Ruden introduced Kale Levanger who was working on his Citizenship in the Community Merit Badge.

Sally Goodard, Executive Director of Unidos Bridging Communities, introduced this spring's Citizenship class. This spring they had more than 50 students, six volunteer teachers, and ten volunteer assistants. The students were studying for the exam they had to take when they meet with US Customs and Immigration Service to become naturalized citizens. Their course focused on the 100 questions the students needed to be able to answer correctly. This was the last week of classes, and today's topic was civic participation and they had taken a field trip to the City Council meeting. She shared that there were many members of the community who did not have the opportunity to apply for citizenship. She announced they had received enough funding to hire a full time executive director.

4.

#### CONSENT AGENDA

- a. Consider request for limited on-premises OLCC License from WD Lambert LLC dba Gerald's located at 226 NE 3<sup>rd</sup> Street.
- b. Consider request for Winery OLCC License from Main et Coeur located at 2803 NE Orchard Avenue.
- c. Consider request for Brewery – Public House OLCC License from Bierly Brewing LLC located at 214 NE 11<sup>th</sup> Street.
- d. Consider **Resolution No. 2018-23**: A Resolution Extending the Approval of an Option and Tower Lease Agreement with Verizon Wireless, LLC; amending Resolution 2018-06.

Councilor Drabkin MOVED to adopt the consent agenda; SECONDED by Councilor Ruden. Motion PASSED unanimously.

5.

#### DISCUSSION ON SMOKE FREE THIRD STREET

Police Chief Matt Scales presented. He shared that the Downtown Safety Plan included a suggestion for smoke free areas in certain areas of town. The implantation plan included engaging the McMinnville Downtown Association (MDA) and the Yamhill County Public Health Department on this issue. Both organizations had been engaged and were supportive of a smoke free downtown area. Police Chief Scales shared that the prospective ordinance would establish a downtown smoke free district (3<sup>rd</sup> Street corridor from Adams to Johnson Street, plus 25 feet up each intersecting side street), would prohibit smoking within the entire corridor, and would make it punishable as a Class D violation (maximum fine of \$250.00).

Police Chief Scales displayed a map of the proposed smoke free area. He stated that the ordinance adopted State law that prohibited smoking within 10 feet of places of employment or enclosed areas open to the public including: entrances, exits, windows that open, ventilation intakes that serve an enclosed area, and outdoor dining areas. The prospective



ordinance would also adopt State law requiring employers to provide a place of employment that was free of tobacco smoke for all employees and requiring the posting of signs providing notice of the provisions of ORS 433.835 to 433.875. The prospective ordinance prohibited smoking in City park areas as defined by Code and adopted certain exemptions set forth in ORS 433.850(2).

Councilor Ruden clarified employees could use the alleyways for smoking as long as they were off of 3<sup>rd</sup> Street.

Councilor Drabkin expressed concerns about needing to further incorporate the downtown businesses in the conversation before moving forward with the ordinance.

City Manager Towery said a lot of outreach had been done with the business community during the Task Force meetings and survey. A formal outreach would be done by the MDA after the Council gave guidance on the standards they wanted to see included in the ordinance.

Councilor Drabkin asked about the businesses who were not MDA members. City Manager Towery said the MDA was committed to doing outreach to all downtown businesses.

Councilor Stassens asked how staff came up with the 25 feet provision. City Attorney Koch said it was an arbitrary number that was chosen to make it a meaningful distance off of 3<sup>rd</sup> Street but not consume a significant portion of the block. It needed to be back enough that it would not defeat the purpose of the intended corridor.

Councilor Ruden was in support of making the corridor from Adams to Johnson, but thought the 25 feet was a little short. He suggested it be 50 feet.

Council President Menke stated the Task Force was unanimous in making the recommendation for a smoke free area. One of the issues was loitering, which was not enforceable.

Councilor Drabkin asked about looking at natural deterrents to these issues. City Attorney Koch noted that the recommendations came out of the work of the Downtown Safety Task Force. He explained that the other recommendations were being reviewed but were more difficult to address than this one.

Mayor Hill thought going from Adams to Johnson was appropriate. He was also in favor of going 50 feet up the side streets instead of 25 feet.

Councilor Stassens was in support of the 50 feet as well.

There was consensus to move forward with the recommendations of staff, with the exception of 50 feet up the side streets instead of 25 feet. The ordinance would be brought back to the next Council meeting.

6. RESOLUTIONS

- 6.a. **Resolution No. 2018-24:** A Resolution adopting a supplemental budget for fiscal year 2017-2018 and making supplemental appropriations. (General Fund, Fire Department and Ambulance Fund)

Finance Director Baragary shared that the supplemental budget was related to City firefighters responding to a number of fires in Oregon and California in 2017. Because of that response, additional overtime costs and equipment costs were incurred. Funds were received from the states of Oregon and California to help reimburse these costs.

Council President Menke MOVED to adopt Resolution No. 2018-24, adopting a supplemental budget for fiscal year 2017-2018 and making supplemental appropriations; SECONDED by Councilor Ruden. Motion PASSED unanimously.

- 6.b. **Resolution No. 2018-25:** A Resolution adopting a supplemental budget for fiscal year 2017-2018 and making supplemental appropriations. (Airport Maintenance Fund)

Finance Director Baragary explained that there were some unforeseen costs that were identified during construction projects at the airport. The FAA also approved funding for the next airport project. FAA and ODA critical Oregon airport relief grant funds were available to cover these costs.

Councilor Ruden MOVED to adopt Resolution No. 2018-25, adopting a supplemental budget for fiscal year 2017-2018 and making supplemental appropriations; SECONDED by Councilor Stassens. Motion PASSED unanimously.

7. ADVICE/ INFORMATION ITEMS

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

Councilor Drabkin said the next Affordable Housing Task Force meeting would be held on May 30.

Mayor Hill shared that the Parkway Committee heard reports regarding Phase II of the Bypass. He went before the Oregon Transportation Committee to testify on behalf of the Parkway Committee for funding. He attended a Visit McMinnville meeting and a McMinnville Economic Development Partnership Industrial Tour last week at the High School.

7.b.

Department Head Reports

Police Chief Scales stated that the Park Rangers program had begun.

8.

ADJOURNMENT: Mayor Hill adjourned the Regular City Council meeting at 8:11 p.m.

---

Melissa Grace, City Recorder

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.

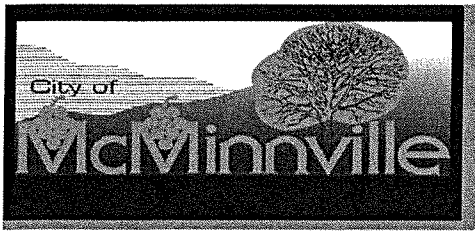
Mayor Hill reported on the Landscape Review Committee meeting where the new Baker Creek project landscaping was discussed. He attended a Mid-Valley Transportation group meeting regarding Highways 99 and 18.

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.



City Recorder Use	
Final Action: _____	
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved

## Liquor License Recommendation

---

BUSINESS NAME / INDIVIDUAL: Blue Ocean Wines LLC  
BUSINESS LOCATION ADDRESS: 2803 NE Orchard Ave  
LIQUOR LICENSE TYPE: Winery

Is the business at this location currently licensed by OLCC

☒ Yes    ☐ No

If yes, what is the name of the existing business:

\_\_\_\_\_

Hours of operation: N/A

Entertainment: N/A

Hours of Music: N/A

Seating Count: N/A

EXEMPTIONS:

(list any exemptions)

---

Tritech Records Management System Check: ☒ Yes    ☐ No

Criminal Records Check: ☒ Yes    ☐ No

Recommended Action: ☒ Approve    ☐ Disapprove

Chief of Police / Designee

---

City Manager / Designee



**City of McMinnville  
Administration**  
230 NE Second Street  
McMinnville, OR 97128  
(503) 434-7302

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## STAFF REPORT

**DATE:** July 24, 2018  
**TO:** Mayor and City Council  
**FROM:** Jeff Towery, City Manager  
**VIA:**  
**SUBJECT:** League of Oregon Cities Legislative Priorities

---

### **Report in Brief:**

The League has asked member cities to suggest priorities for the 2019 Legislative Session.

### **Background:**

The League's eight policy committees have proposed 29 policy areas to consider as priorities for a proactive legislative agenda and have asked member cities to identify up to four top issues for the League's Board to consider.

### **Discussion:**

The City Council conducted an initial discussion during the July 10 Work Session. Two members of Council were missing and the attending members wanted to ensure the opportunity for full participation. The attached document summarizes the discussion from July 10 and was sent to all members of the Council for additional review and comment on July 18. Any feedback provided to staff before the July 24 Council Meeting will be added and the Council will have a final opportunity to select priorities during that meeting.

### **Attachments:**

Attachment 1: League of Oregon Cities – Legislative Priorities Summary

### **Recommendation:**

Identify four top priorities to present to the League of Oregon Cities for Board consideration.



League of Oregon Cities Legislative Priorities	Staff Suggestion	Mayor Hill	Councilor Drabkin	Councilor Garvin	Councilor Menke	Councilor Peralta	Councilor Ruden	Councilor Stassens
Annexation Flexibility							x	
Beer and Cider Tax Increase	x			x	x			
Mental Health Investment						x		
Permanent Supportive Housing Investment	x	x	x		x	x		
PERS Reform		x		x		x	x	
PERS Unfunded Liability Revenue Stream Dedication	x	x	x	x	x	x		
Property Tax Reform	x	x		x				
Right-of-Way and Franchise Fee Authority	d	d						
Small Area Cell Deployment	d	d						
Third Party Building Inspection	x	x			x			
Wetland Development Permitting	x							
Environmental Sustainability			x					
Civil Liberties and Constitutional Rights			x					

d=defend local government authority



**City of McMinnville  
Administration**  
230 NE Second Street  
McMinnville, OR 97128  
(503) 434-7302

[www.mcminnvilleoregon.gov](http://www.mcminnvilleoregon.gov)

## **STAFF REPORT**

**DATE:** July 24, 2018  
**TO:** Mayor and City Council  
**FROM:** Jeff Towery, City Manager  
**SUBJECT:** Ordinance No: 5056, amending the 2012-2022 Franchise Agreement between the City of McMinnville and Comcast of Oregon II, Inc. (Ord. 4960)

---

### **Report in Brief:**

The Franchise Agreement with Comcast requires that Comcast provides one dedicated Public, Educational, and Governmental (PEG) access channel in Standard Definition (SD) format, and that Comcast would provide up to two additional SD PEG Channels, if the City met certain programming requirements. The Agreement also provides that the City could request a review of the agreement (Franchise Review) after two years for the purpose of discussing, among other things, the provision of a high definition (HD) format for the PEG Channel.

### **Background:**

The Franchise Agreement with Comcast was established in 2012 and allowed Comcast of Oregon II, Inc. (Comcast), to construct and operate a Cable System within the corporate limits of the City.

The City initiated a review of the Franchise Agreement in November 30, 2016 for the express purpose of considering the provisions of HD PEG Channel. Following several months of discussion, Comcast has indicated that they will only agree to simulcast the existing SD PEG Channel in HD format, if the City agrees to forfeit its right to activate either of the two remaining PEG Channels for the remainder of the term of the Franchise Agreement.

### **Discussion:**

The Franchise Agreement requires that the Franchise Review process provide a full opportunity for public comment, to ensure that Comcast continues to effectively serve the public. A public hearing for the purpose of reviewing the revisions to the Franchise Agreement proposed by Comcast will be held at 7:00 p.m. on July 24, 2018 during the City Council Meeting.

### **Attachments:**

Ordinance No. 5056

First Amendment to Franchise Agreement

### **Recommendation:**

Staff recommends approval of Ordinance No. 5056.

## ORDINANCE NO. 5056

An Ordinance Amending the 2012-2022 Franchise Agreement between the City of McMinnville and Comcast of Oregon II, Inc. (Ord. 4960)

### RECITALS:

In December 2012, the City Council enacted Ordinance 4960, which established a 10-year non-exclusive franchise allowing Comcast of Oregon II, Inc. (Comcast), to construct and operate a Cable System within the corporate limits of the City, subject to the terms and conditions set forth in a Franchise Agreement.

Among the terms of the Franchise Agreement, was a requirement that Comcast provide one (1) dedicated Public, Educational, and Governmental (PEG) access channel in Standard Definition (SD) format, and that Comcast to provide up to two additional SD PEG Channels, if the City met certain programming requirements. The Agreement also provided that the City could request a review of the agreement (Franchise Review) after two years for the purpose of discussing, among other things, the provision of a high definition (HD) format for the PEG Channel.

The City initiated a review of the Franchise Agreement by a letter dated November 30, 2016, for the express purpose of considering the provisions of HD PEG Channel. Following several months of discussion, Comcast has indicated that they will only agree to simulcast the existing SD PEG Channel in HD format, if the City agrees to forfeit its right to activate either of the two remaining PEG Channels for the remainder of the term of the Franchise Agreement.

The Franchise Agreement requires that the Franchise Review process provide a full opportunity for public comment, to ensure that Comcast continues to effectively serve the public. On July 24, 2018, the City Council held a public hearing for the purpose of reviewing the revisions to the Franchise Agreement proposed by Comcast.

Now, therefore, THE COMMON COUNCIL FOR THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

1. The provisions amending Ordinance 4960, set forth in the attached Exhibit 1 and incorporated by this reference, are hereby adopted.
2. This ordinance will take effect 30 days after its passage by the Council.

Passed by the Council on \_\_\_\_\_, 20\_\_\_\_, by the following votes:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Approved on \_\_\_\_\_, 20\_\_\_\_.

---

MAYOR

Approved as to form:

Attest:

---

CITY ATTORNEY

---

CITY RECORDER

## FIRST AMENDMENT TO FRANCHISE AGREEMENT

This First Amendment to Franchise Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the City of McMinnville, Oregon ("Franchising Authority"), and Comcast of Oregon II, Inc. ("Grantee").

This Amendment shall modify the Franchise Agreement dated December 11, 2012 as follows:

1. Section 3.17 of the Franchise Agreement entitled "Additional Public, Education, and Government Access Channels" shall be deleted and replaced with the following:

**3.17 Additional Public, Education, and Government Access Channels.** The Franchising Authority may request that the Standard Definition ("SD") channel set forth in Section 3.16 be simulcast in High Definition ("HD").

Before the Franchising Authority may request additional capacity for HD PEG, the currently utilized PEG access channel must be programmed at least eight (8) hours a day with non-repetitive, locally produced programming, Monday through Saturday, for a minimum of six (6) consecutive weeks. For the purpose of determining the threshold use requirement, "non-repetitive, locally produced programming" shall be defined as locally provided, non-character generated programming in its initial cablecast on the system or in its first or second repeat. The Franchising Authority must provide Grantee with written detailed documentation evidencing that the usage meets the threshold requirement for the currently utilized channel. Moreover, the Franchising Authority acknowledges that receipt of HD format Access Channels may require Subscribers to buy or lease special equipment, or pay additional HD charges applicable to all HD services.

Grantee shall have 120 days to provide the requested additional capacity. Once the threshold is met and the additional capacity made available, the Channels must maintain the threshold requirement. If the Channels fail to meet the threshold for four (4) consecutive months, the Channels may be reclaimed by Grantee upon sixty (60) calendar days' written notice. If either the PEG Channel provided under this Section or the PEG Channel provided under Section 3.16 are not being utilized by the Franchising Authority, the Grantee may utilize that PEG Channel, in its sole discretion, until such time as the Franchising Authority elects to utilize the PEG channel for its intended purpose and provides the Grantee sixty (60) days written notice of its intent to reclaim the channel.

2. Except as amended by this First Amendment, all other terms and conditions of the Franchise Agreement between the Grantee and the Franchising Authority shall remain unchanged and in full force and effect.
3. That by agreeing to this First Amendment, it is understood that both the Franchising Authority and Grantee are reserving all other rights that each may have according to law, including but not limited to franchise renewal rights set forth in Section 626 of the Cable Act, 47 U.S.C. § 546.

The effective date of this Amendment is \_\_\_\_\_, 2018 according to the provisions of applicable law.

Considered and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**City of McMinnville, Oregon**

**Comcast of Oregon II, Inc.**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney