

**CITY OF UMATILLA
COUNCIL MEETING
April 03, 2018**

1. **CALLED TO ORDER:** Mayor Dufloth called the regular council meeting to order at 7:01pm.
2. **ROLL CALL**
PRESENT: Councilors Keith, Roxbury, Ray, Ribich, Torres – Medrano, and TenEyck.
STAFF PRESENT: Recorder Sandoval, Manager Pelleberg, Deputy City Manager Ince, Public Works Director Barron, Planner Seitz, Community Development Director Mabbott, Accounting Assistant Horn, Attorney KuhnSpicer, Attorney Kuhn, and Chief Huxel.
3. **PLEDGE OF ALLEGIANCE:** Pledge of allegiance was recited at 7:02pm.
4. **APPROVAL OF AGENDA:** It was moved by Councilor Roxbury to approve the amended agenda. Item 11.9 SV-1-2017 was included in the packet, but was not listed as an action item. The motion was seconded by Councilor Ribich. Voted: 6-0. Motion carried unanimously.
5. **PRESENTATION:** Councilor Ribich presented a short video on re-conveying 34 miles of the Columbia River shoreline back to local government. He expressed his desire and willingness to lead a similar project in Umatilla with the Council’s consent.
6. **APPROVAL OF MINUTES:** It was moved by Councilor Ray to approve minutes for March 06, 2018. The motion was seconded by Councilor TenEyck. Voted: 6-0. Motion carried unanimously.
7. **PUBLIC COMMENT:**
Heidi Sipe – Mrs. Sipe talked about all the positive things the Police Department did for the Umatilla School District.

Kristle Wyant - Mrs. Wyant addressed her safety concerns about Power Line Road. She mentioned that she still had not heard back from the County about curbing or sidewalk along Power Line Road.

Martin Villanueva – Mr. Villanueva stated that the Police Department was scaring off his patrons. He stated that they would hang around his business around closing time and would pull people over for minor infractions. He asked the Council for help to resolve the issue.

Debra Brown – Ms. Brown stated that there were four houses in her neighborhood that she considered drug houses. She wanted to know if there was something that could be done.

Jimmie Stephens – Ms. Stephens stated that a cultural center would be an amazing addition for the city.

Janet Detwiler – She stated that her vision for the City was to have hanging gardens and high gloss stain on the sidewalks. She would like to see the sun gleaming off the sidewalks.

8. CONSENT AGENDA:

It was moved by Councilor TenEyck to approve paid invoice CRIS, Inc. The motion was seconded by Councilor Torres - Medrano. Voted: 5-1-0. Councilor Ray abstained. Motion carried.

Councilor TenEyck moved to approved All Remaining Invoices and the Court Report. The motion was seconded by Councilor Roxbury. Voted: 6-0. Motion carried unanimously

9. COMMITTEE REPORTS: None.

10. UNFINISHED BUSINESS: None.

11. NEW BUSINESS:

Deputy City Manager Ince explained that all of these franchise agreements were renewals, but instead of a 5-year term, they were on a 10-year term. She also mentioned that Ordinance No. 826 with Zayo Group, LLC was adjusted to reflect the rest of the franchise agreements from 4% to 7%.

Councilor Ray asked if there was room to change these agreements. Manager Pelleberg stated that a section was added to ensure we could go back and review the terms and conditions. Deputy City Manager Ince explained that we could do that every even number year.

11.1 Ordinance No. 823 - It was moved by Councilor Ray to have a first reading on Ordinance No. 823. Seconded by Councilor TenEyck. Voted: 6-0. Motion carried unanimously.

Recorder Sandoval Read Ordinance No. 823 - AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO LIGHTSPEED NETWORKS, INC. dba LSN HEREINAFTER REFERRED TO AS "GRANTEE," ITS SUCCESSORS AND ASSIGNS, THE RIGHT OF PRIVILEGE TO PROVIDE NONCABLE TELECOMMUNICATIONS SERVICES WITHIN THE CITY AND TO UTILIZE THE PUBLIC RIGHT OF WAYS AND REPEALING ORDINANCE NO 782.

It was moved by Councilor Ray to approve Ordinance No. 823. Motion seconded by Councilor Ribich. Voted: 6-0. Motion carried unanimously.

11.2 Ordinance No. 824 - It was moved by Councilor Ray to have a first reading on Ordinance No. 824. Seconded by Councilor Keith. Voted: 6-0. Motion carried unanimously.

Recorder Sandoval Read Ordinance No. 824 - AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO EASTERN OREGON TELECOM LLC HEREINAFTER REFERRED TO AS "GRANTEE," ITS SUCCESSORS AND ASSIGNS, THE RIGHT OF PRIVILEGE TO PROVIDE NONCABLE TELECOMMUNICATIONS SERVICES WITHIN THE CITY AND TO UTILIZE THE PUBLIC RIGHT OF WAYS AND REPEALING ORDINANCE NO. 776.

It was moved by Councilor TenEyck to approve Ordinance No. 824. Motion seconded by Councilor Ray. Voted: 6-0. Motion carried unanimously.

11.3 Ordinance No. 825 - It was moved by Councilor Ray to have a first reading on Ordinance No. 825. Seconded by Councilor Keith. Voted: 6-0. Motion carried unanimously.

Recorder Sandoval Read Ordinance No. 825 - AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO QWEST CORPORATION, DBA CENTURYLINK QC, HEREINAFTER REFERRED TO AS "GRANTEE," ITS SUCCESSORS AND ASSIGNS, THE RIGHT OF PRIVILEGE TO PROVIDE NONCABLE TELECOMMUNICATIONS SERVICES WITHIN THE CITY AND TO UTILIZE THE PUBLIC RIGHT OF WAYS AND REPEALING ORDINANCE NO. 775.

It was moved by Councilor Ribich to approve Ordinance No. 825. Motion seconded by Councilor Torres - Medrano. Voted: 6-0. Motion carried unanimously.

11.4 Ordinance No. 826 - It was moved by Councilor TenEyck to have a first reading on Ordinance No. 826. Seconded by Councilor Torres - Medrano. Voted: 6-0. Motion carried unanimously.

Recorder Sandoval Read Ordinance No. 826 - AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO ZAYO GROUP, LLC HEREINAFTER REFERRED TO AS "GRANTEE," ITS SUCCESSORS AND ASSIGNS, THE RIGHT OF PRIVILEGE TO PROVIDE NONCABLE TELECOMMUNICATIONS SERVICES WITHIN THE CITY AND TO UTILIZE THE PUBLIC RIGHT OF WAYS AND REPEALING ORDINANCE NO 780.

It was moved by Councilor Torres - Medrano to approve Ordinance No. 826. Motion seconded by Councilor TenEyck. Voted: 6-0. Motion carried unanimously.

11.5 PA-1-18- Public Hearing – Mayor Dufloth opened the public hearing for PA-1-18. He proceeded to announce the procedure to follow, report from staff/planning commission, applicant's testimony, other members of the audience who wish to speak on the proposal, applicant's rebuttal, other public agency reports, and close the hearing. He asked individuals who wished to testify to come to the podium state their name, address, and sign in for the record.

Planner Seitz explained that the application was for a plan amendment and zone change. He clarified that the applicant had submitted a plan amendment request in 2015 to rezone what was then all of Virginia's Place, which was denied by the City. The applicant came back in 2016 with a subsequent application, which was approved and lead to the existing 100ft strip of existing commercial designation along Willamette Ave. That was approved by Council and the Planning Commission approved a 29 lot subdivision. 24 of those lots are zoned for single family dwelling. The applicant is now requesting that the remaining 5 lots of commercial designation be rezoned to single family. The City will not be impacted negatively. There was a large surplus of commercial designation zones with in the City.

Councilor Ray asked if the attorney had seen PA-1-18 and about the utility lines. Planner Seitz stated that there was existing sewer and water within the newly created right-of-way. If it is rezoned they will be asked to pull from that since it is the lower category street. They will not have access from Willamette Ave.

Jared Faris, the applicant, stated that the current 24 lots that were subdivided were sold out.

Councilor Keith stated that he had talked to all the businesses across the street and they all wanted to remain commercial. The businesses wanted more people to frequent their business.

Councilor Roxbury inquired if the homes along Willamette Ave would face away or toward the Ave. Mr. Faris stated that the homes would face away from Willamette Ave. They would be accessed from the new street called Miller Loop.

Manager Pelleberg reminded Council that those lots had been vacant for years. The chances of filling those up with commercial property versus residential, he believed the residential properties would fill up fast.

Planning Commissioner Sipe stated that they had recommended rezoning the very first time this came before them. What the Council saw now was what had been requested by the Council. The Planning Commission had stayed consistent with their desire to see that be residential. It has always been a vacant area, and they wanted to see the positive development.

There were no audience members in opposition of the application.

Mayor Dufloth closed the public hearing.

Councilor Ray stated that Umatilla was growing fast. They needed commercial property to support the industrial park. He was afraid that if people reach that stoplight they would turn right.

Councilor Roxbury stated that the argument could be made that if you add more commercial property to that area that you would be pulling away from development of downtown.

Community Development Director stated that we had not reached critical mass limit to McNary. The boulevard serves as a buffer to those properties.

It was moved by Councilor Roxbury to approve PA-1-18. The motion was seconded by Councilor Torres – Medrano. Voted: 4-2. Councilor TenEyck and Councilor Ray voted against the motion. Motion carried.

11.6 Ordinance No. 827 - It was moved by Councilor Roxbury to have a first reading on Ordinance No. 827. Seconded by Councilor Keith. Voted: 4-2. Councilor TenEyck and Councilor Ray voted against the motion. Motion carried.

Recorder Sandoval Read Ordinance No. 827 - AN ORDINANCE AMENDING THE CITY OF UMATILLA COMPREHENSIVE PLAN MAP AND ZONING MAP BY CHANGING THE PLAN DESIGNATION OF 1.93 ACRES FROM MCNARY CENTER MIXED-USE COMMERCIAL (MC) TO SINGLE-FAMILY RESIDENTIAL (R-1).

It was moved by Councilor Roxbury to approve Ordinance No. 827. Motion seconded by Councilor Torres - Medrano. Voted: 4-2. Councilor TenEyck and Councilor Ray voted against the motion. Motion carried.

11.7 Resolution No. 17-2018 – It was moved by Councilor TenEyck to approve Resolution No. 17 – 2018, A Resolution Authorizing the Mayor to Sign a Communications Tower Lease Agreement with Eastern Oregon Telecom, LLC for a Portion of Space on the McNary Water Tower. The motion was seconded by Councilor Roxbury. Voted: 6-0. Motion carried unanimously.

11.8 Arbor Week and Day Proclamation was read out loud by Mayor Dufloth.

11.9 SV-1-2017 – Mayor Dufloth opened the public hearing for SV-1-17. He proceeded to announce the procedure to follow, report from staff/planning commission, applicant's testimony, other members of the audience who wish to speak on the proposal, applicant's rebuttal, other public agency reports, and close the hearing. He asked individuals who wished to testify to come to the podium state their name, address, and sign in for the record

Manager Pelleberg stated that it was an application for a street vacation. He recommended approval of the application. The City is maintaining the required access to our utilities.

Planner Seitz explained that it was an application for a street vacation on G Street lying south of 8th Street and the attached alley lying west of H Street. There were numerous notices that needed to go out before the application could be considered and those requirements had been met. In addition, the applicant was required to obtain two-thirds of signatures from the surrounding property owners. There was an email from Fire Chief Potts, in which the Fire Chief stated that they had no problems with vacating the street as long as the city maintained access to the easement. He was not opposed to the vacation as presented.

Kelly Nobles, the applicant, stated that he was the individual who collected the consent from the property owners. He stated that the fire access was a huge concern for them as well. It could have been catastrophic. That was why they asked the Fire Chief to take a look at it and sent the letter. Mr. Nobles read the letter Fire Chief Potts sent out.

Debra Graham stated that her signature had been forged by another property owner.

Planner Seitz explained that he had missed checking her signature when Planning Commission packets had gone out. Mr. Nobles had obtained the two-thirds required for this street vacation. So, the consent that was given on her property was not valid toward the two-third requirement.

It was moved by Councilor Torres – Medrano to approve SV-1-2018, A Petition for Vacation of Public Street, and That Portion of G Street Lying South of 8th Street and Alley Lying West of H Street with the City requirement that the two tax lots not be separated. Motion seconded by Councilor Ray. Voted: 6-0. Motion carried unanimously.

12. CORRESPONDENCE: None.

13. PUBLIC COMMENT:

Judy Simmons – Announced the Museum was having a Grand Reopening on Saturday, April 7, 2018 at 10am.

14. MAYOR'S MESSAGE: He saw a lot of great things happening. He was excited.

15. STAFF REPORT: Manager Pelleberg stated that they had recently met with Senator Wyden at the town hall meeting at the high school. He was still meeting with developers. There were some exciting things happening in downtown. Chief Huxel and Manager Pelleberg were still working on union negotiations, and he wanted to thank the staff for all their hard work.

16. COUNCIL INFORMATION & DISCUSSION:

16.1 Councilor Ray – stated that he was pleased to see the attorney present.

16.2 Councilor Ribich – attended the town hall meeting at the high school. He was amazed at the interaction between the students and Senator Wyden. Their knowledge and understanding of issues on gun control and internet safety, and their articulation of their concerns flabbergasted him.

16.3 Councilor Torres – Medrano – She talked about the Mental Health Awareness 5K that she was currently walking on. She stated that Lifeways did not follow up with issues. The students from our school were high risk because of low income. She wanted to see this become a huge thing in the City

17. ADJOURN TO EXECUTIVE SESSION; Council adjourned to executive session at 9:20pm.

18. RECONVENE: Council reconvened to regular meeting at 10:09pm. No formal action was taken.

19. ADJOURN: The next regular meeting will be held on May 01, 2018 at 7:00pm. It was moved by Councilor Ribich to adjourn the meeting. The motion was seconded by Councilor Torres - Medrano Voted: 6-0. Motion carried. Meeting adjourned at 10:10 pm.

Daren Dufloth, Mayor

ATTEST:

Nanci Sandoval, City Recorder