



AGENDA & Notice of Executive Session, Work Session & Regular City Council Meeting

The City Council of the City of Newport will hold a work session on Monday, July 1, 2013, at 12:00 P.M., followed by the regular City Council meeting at 6:00 P.M. The work session and executive session will be held in Conference Room A at City Hall, and City Council meetings will be held in the Council Chambers, City Hall, located at 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the agenda follows.

The meeting locations are 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 in advance of the meeting to Peggy Hawker, City Recorder 541.574.0613.

CITY COUNCIL WORK SESSION AND EXECUTIVE SESSION Monday, July 1, 2013 - 12:00 P.M. Conference Room A

- I. Additional Work Session Items not Listed on the Agenda (for this and future work sessions)
 - II. Executive Session Pursuant to ORS 192.660(2)(e) Regarding Real Property Transactions
 - III. SDC Ordinance 101
 - IV. Discuss and Revise City Manager's Evaluation Tool
-

COUNCIL MEETING AGENDA Monday, July 1, 2013

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the City Council Chamber. Anyone commenting on a subject not on the agenda will be called upon during the Public Comment section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

- I. Pledge of Allegiance
- II. Call to Order and Roll Call
- III. Additions/Deletions and Approval of Agenda

IV. Public Comment

This is an opportunity for members of the audience to bring to the Council's attention any item not listed on the Agenda. Comments will be limited to three (3) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.

V. Consent Calendar

The consent calendar consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

- A. Approval of City Council Minutes from the Work Session and Regular Meeting of June 17, 2013 (Hawker)
- B. OLCC - Deep End Café (Miranda)
- C. OLCC - Panache (Miranda)

VI. Officer's Reports

- A. Mayor's Report
 - 1. Appointment of Wayfinding Committee Member
- B. City Manager's Report
 - 1. Notification of Defect in Budget Publication for Fiscal Year 2013/2014
 - 2. Project Management Report

VII. Discussion Items and Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items.

- A. Storm/Tsunami Ready Community Designation (Miranda & Murphy)
- B. Possible New Municipal Pool (Protiva)

VIII. Public Hearings - 7:00 P.M.

- A. Initial Hearing to Consider the Withdrawal of a 71.39 acre portion of Wolf Tree Destination Resort Site from the Corporate Limits of the City of Newport. Tax Lot 801, Section 5, T12S, R11W, W.M.(Tokos)
- B. Public Hearing and Potential Adoption of Resolution 3631 - Hiring Standards, Criteria, Policy Directives, and Timeline (Hawker)

IX. Action Items

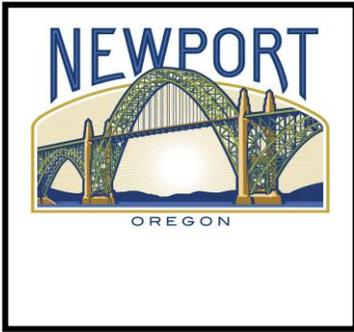
Citizens will be provided an opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. (Action items are expected to result in motions, resolutions, orders, or ordinances.)

- A. Consideration of Award for News-Times Services Agreement

X. Council Reports and Comments

XI. Public Comment (Additional time for public comment - 5 minutes per speaker)

XII. Adjournment



Agenda Item # IV _____
Meeting Date July 1, 2013 _____

CITY COUNCIL AGENDA ITEM SUMMARY
City of Newport, Oregon

Issue/Agenda Title Overview of Newport System Development Charge Program

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: _____

ISSUE BEFORE THE COUNCIL: Overview of the City of Newport’s System Development Charge (SDC) program and how it has performed since the methodology was overhauled, effective January of 2008. This same presentation was provided to the Newport Planning Commission on June 24, 2013, and the Commission has made recommendations for how the methodology and SDC implementing ordinance can be improved.

STAFF RECOMMENDATION: This is a work session intended to provide the City Council with information on the performance of the City’s SDC program. No specific action is being requested of the Council at this time.

PROPOSED MOTION: None.

KEY FACTS AND INFORMATION SUMMARY: The City of Newport assesses System Development Charges for new development that impacts its capital improvement system (i.e. water, sewer, streets, storm drainage and parks). The funds collected are then used to help pay for upgrades to the system that are needed to ensure that the City’s services are adequate to accommodate growth. SDC assessments must be based upon a specific methodology that considers projected growth and capital project needs over a 20 year planning period. Specific parameters for how methodologies are to be developed and the types of factors that can be considered are outlined in state law (ORS 223.297 et. seq.).

Considering the City’s current methodology has been in place for more than five years it is timely to assess its performance. The information will also inform the broader discussion that the Council is having about funding maintenance and improvements to capital facilities as this is one of several revenue sources that the City relies upon for this purpose.

OTHER ALTERNATIVES CONSIDERED: None.

CITY COUNCIL GOALS: Developing funding strategies for large capital projects is a Council Goal.

ATTACHMENT LIST:

PowerPoint Presentation

FISCAL NOTES: There are no fiscal impacts associated with this presentation. Separate action would need to be taken by the Council for any changes to the City’s SDC methodology or ordinance.

System Development Charges

OVERVIEW OF CITY OF NEWPORT PROGRAM
CITY COUNCIL WORK SESSION
JULY 1, 2013

PURPOSE

“To impose a portion of the cost of capital improvements for water, wastewater, storm drainage, transportation, and parks on developments and redevelopments that create the need for or increase the demands on capital improvements .”

DEFINITION: SYSTEM DEVELOPMENT CHARGE (SDC)

“A reimbursement fee, an improvement fee, or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement.”

DEFINITION: CAPITAL IMPROVEMENT

“Means public facilities or assets used for:

- *Wastewater collection, transmission, treatment and disposal, or any combination.*
- *Water supply, treatment, distribution, storage, metering, fire protection, or any combination thereof.*
- *Drainage and flood control.*
- *Transportation facilities including vehicle and pedestrian.*
- *Parks and recreation.*

Capital Improvement does not include costs for the operation of routine maintenance of such facilities.

ORS 223.299(1)

IMPROVEMENT VS. REIMBURSEMENT FEE

Improvement Fee: A fee for the cost of capital improvements to be constructed.

Reimbursement Fee: A fee for costs associated with capital improvements already constructed, or under construction when the fee is established, for which the local government determines that capacity exists.

METHODOLOGY REQUIRED

State law requires that a methodology be prepared in order to establish System Development Charges. The methodology must include:

- Capital improvement plan.
- Growth projections.
- Evidence that system capacity needs to be improved to meet service needs of future users.
- Projected costs of improvements that increase system capacity.
- Portion of those costs attributed to future demand.

HISTORY OF SDC ASSESSMENTS

1981 to 2008: Fixture based assessment for water and sewer impacts, off-street parking demand based assessment for streets, dwelling unit based assessment for parks. No SDCs collected for storm drainage.

2008 to current: Equivalent Dwelling Unit (EDU) based assessment for water, sewer, parks and streets. Storm drainage assessment based upon new impervious surface being added to a parcel or lot.

DETERMINING THE AMOUNT OF A SYSTEM DEVELOPMENT CHARGE FEE

SDC Eligible Costs
for CIP Projects

Projected Growth in
Equivalent Dwelling
Units (EDU's)

=

SDC Fee
per EDU

EXAMPLE

Table 8.4.1 - SDC Eligibility for Water System CIP Projects

Project No.	Project Description	Adjusted Cost Estimate (current)	Reimbursement SDC Eligible (Y/N)	Improvement SDC Eligible (Y/N)	% SDC Eligible	SDC Eligible Cost
T1	Big Creek Water Treatment Plant Improvements	17,083,068.96	N	N	0.00%	\$0.00
T3	Upper Lake Syphon Intake	\$703,000.00	N	N	23.50%	\$165,205.00
T4	Raw Water Transmission Pipe, Dam to Plant (rolled into Project T1)	\$0.00	N	N	0.00%	\$0.00
S1	Agate Beach Lower Storage Tank - 1.0 MG GFS	\$2,200,000.00	N	N	75.00%	\$1,650,000.00
D1	Highway 101 SE 40th to 50th Waterline, Hwy Bore Crossing	\$600,000.00	N	N	100.00%	\$600,000.00
T2	Siletz River Pump Station - Pump Replacement	\$642,060.00	N	Y	43.00%	\$276,085.80
D2	12" Redundant Bay Crossing, East Option	\$2,333,560.00	N	Y	25.00%	\$583,390.00
D3	Highway 101 NE 36th to NE 40th Waterline	\$228,780.00	N	Y	50.00%	\$114,390.00
D5	NE 40th and Golf Course Drive Water Line Replacement	\$389,670.00	N	Y	25.00%	\$97,417.50
D6	NE Crestview Pl to 17th Ct Waterline Loop	\$132,840.00	N	N	0.00%	\$0.00
D7	NE Avery Street Loop Closure	\$112,770.40	N	N	0.00%	\$0.00
D8	NW 19th (Nye St to 101) and Nye St (18th to 20th) Waterline	\$153,510.00	N	N	0.00%	\$0.00
D9	Oceanview (12th to 14th) Waterline Replacement, Loop 13th to 12th	\$196,160.40	N	N	0.00%	\$0.00
D11	SW Coho St (27th to 29th) Waterline Replacement	\$106,270.00	N	N	0.00%	\$0.00
D12	Idaho Point Waterline Replacement and Looping	\$574,314.60	N	Y	25.00%	\$143,578.65
P1	Candletree Pump Station Rehabilitation	\$206,640.00	N	N	0.00%	\$0.00
P2	Lakewood Pump Station Rehabilitation	\$187,450.00	N	N	0.00%	\$0.00
D15	NE 5th St, Benton to eads	\$107,600.40	N	N	0.00%	\$0.00
D13	East Newport Waterline Extensions	\$2,096,510.40	N	Y	100.00%	\$2,096,510.40
D4	Hwy 101 NE 40th to Circle Way Waterline Replacement	\$509,220.00	N	Y	50.00%	\$254,610.00
S2	Agate Beach Upper Storage Tank - 1.0 MG GFS	\$1,740,469.60	N	Y	50.00%	\$870,234.80
S3	City Shops Tank Replacement - 1.0 MG GFS	\$1,657,090.00	N	N	0.00%	\$414,272.50
S4	King Ridge Storage Tank - 1.0 MG GFS	\$2,533,740.00	N	Y	100.00%	\$2,533,740.00
D14	Water Meter Replacement - Conversion to Touch Read Meters	\$1,461,240.00	N	Y	25.00%	\$365,310.00
					Subtotal	\$10,164,744.65
Completed Projects						
S4	Siletz River Water Intake	complete	N			\$0.00
15	Siletz River Raw Waterline	complete	N			\$0.00
16	South Beach 1 MG Reservoir	complete	N			\$0.00
17	Yaquina Heights 1 MG Reservoir	complete	N			\$0.00
18	Yaquina Heights 4th Level Pump Station Upgrade	complete	Y			\$25,000.00
19	East Newport Water Project	complete	Y			\$161,040.00
20	12-inch HDPE - SW 35th & Hwy 101 to Southshore (8" to 12")	complete	Y			\$150,000.00
					Subtotal	\$336,040.00
	Totals	\$35,955,964.76				\$10,500,784.65
*Total Growth EDUs: 4,700			Max Reimbursement SDC (\$336,040.00 / 4700):			\$71.50
			Max Improvement SDC (\$10,164,744.65 / 4700):			\$2,162.71
* Growth in EDUs reflects 20yr Planning Horizon						
Figure taken from 2008 Water System Master Plan			Water SDC Fee (per EDU):			\$2,234

DETERMINING ELIGIBILITY OF CAPITAL PROJECTS FOR SDC ASSESSMENTS

Only that portion of a planned capital improvement that is needed for future capacity is eligible for expenditure of SDC fees.

Existing Production:	$12,937 \text{ EDU's} \times 46,246 \text{ gal/EDU/yr} \div 365 = 1,639,136 \text{ gpd}$				
Average Daily Demand (ADD):	1.64 MGD				
Maximum Daily Demand (MDD) Multiplier:	3.5				
Therefore, the MDD is:	$1.64 \text{ MGD} \times 3.5 = 5.74 \text{ MGD}$				
(This figure was confirmed to be in line with plant records)					
Projected Demand:					
Projected Production:	$15,785 \text{ EDU's} \times 46,246 \text{ gal/EDU/yr} \div 365 = 1,999,981 \text{ gpd}$				
Therefore, the ADD is:	2.0 MGD				
Assumed MDD Multiplier:	3.5				
Therefore, the MDD is	7.0 MGD				
Ratio of Existing vs. Projected Demand:					
	$5.74 \text{ MGD} / 7.0 \text{ MGD} = 0.82$				
Therefore:					
	Approx. 82% of the new plant is replacing existing capacity.				
	Approx. 18% of the new plant is to satisfy growth needs.				

Note: Plant was ultimately funded with GO Bonds and is not listed as SDC eligible. Could be added back as reimbursement

WHAT TRIGGERS AN SDC ASSESSMENT

New construction or the alteration, expansion or replacement of a building or development that results in a change to the City's adopted SDC formula (e.g. adds square footage) or increases usage of the City's public improvement system.

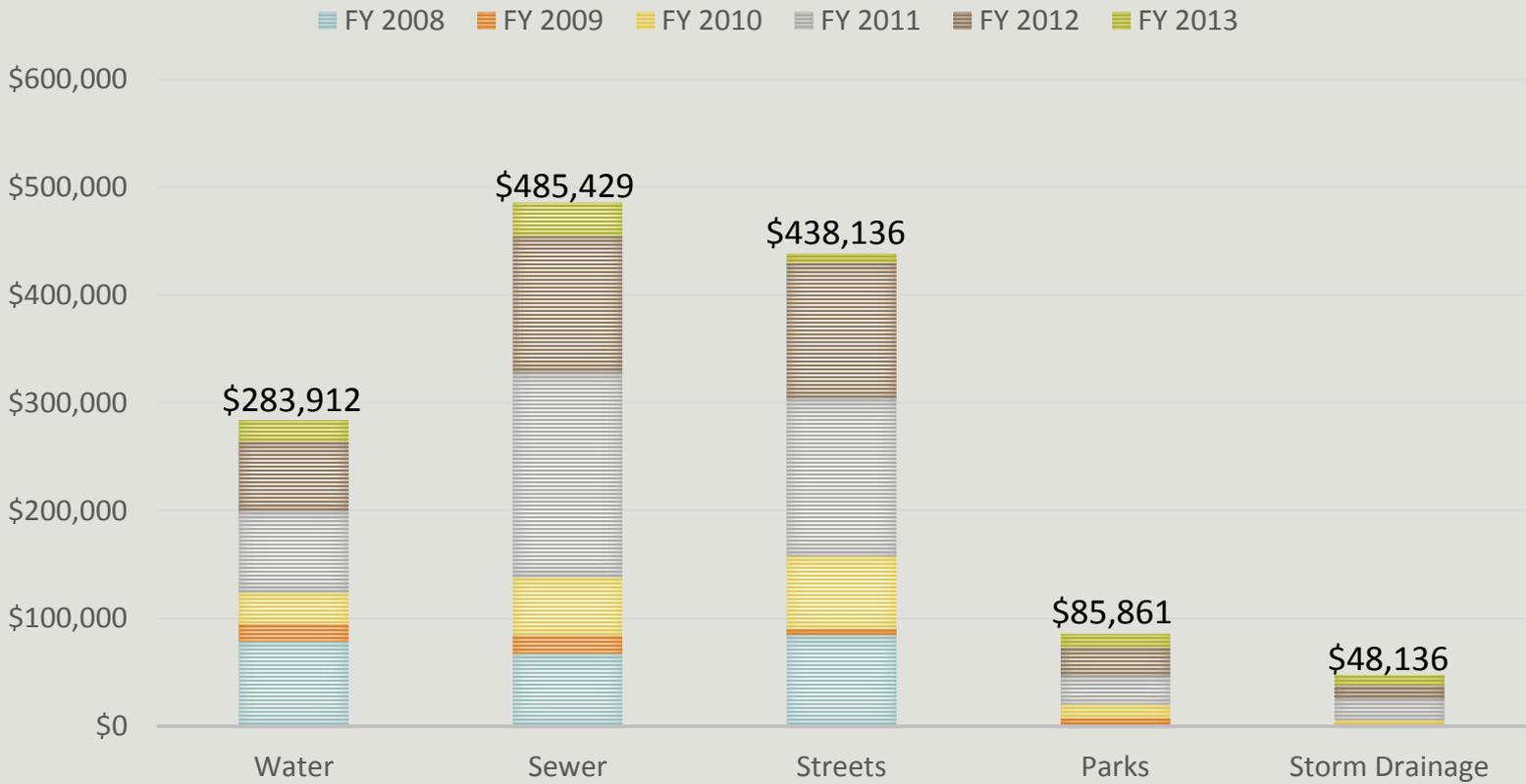
Payable upon:

- Issuance of a building permit or any construction activity for which a building permit is required but not obtained.
- Issuance of a development permit that does not otherwise require a building permit.
- Issuance of permits to connect to water or sewer systems.

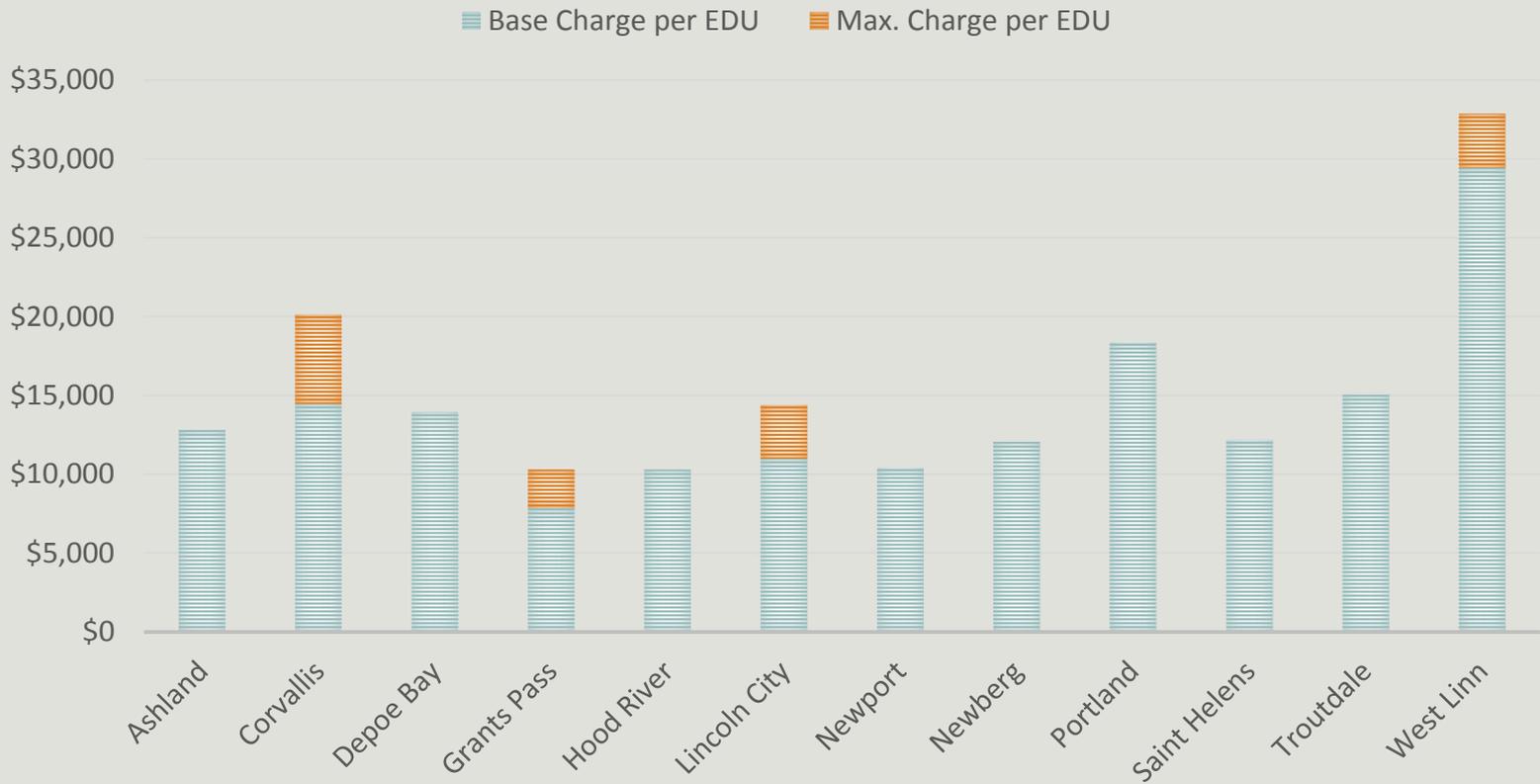
SYSTEM DEVELOPMENT CHARGE COLLECTIONS BY YEAR



SYSTEM DEVELOPMENT CHARGE COLLECTIONS BY TYPE

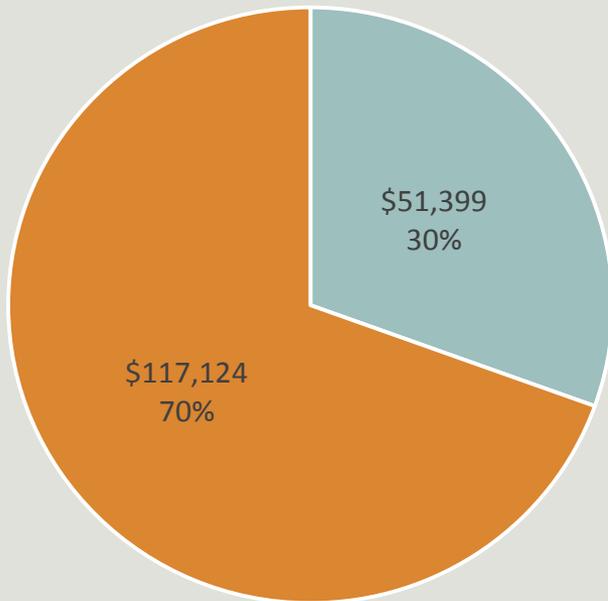


COMPARISON OF FEES FOR NEW SINGLE FAMILY CONSTRUCTION (EFFECTIVE 1/13)



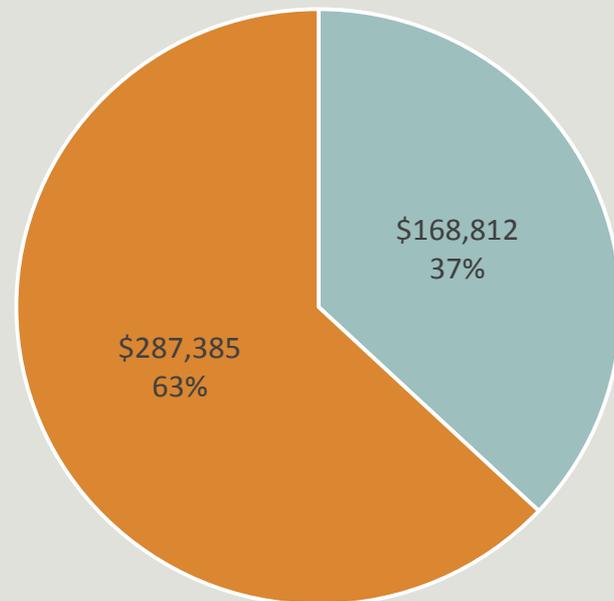
SDC COLLECTIONS HEAVILY INFLUENCED BY LARGE PROJECTS

FY 2010



■ NOAA MOC-P ■ All Others

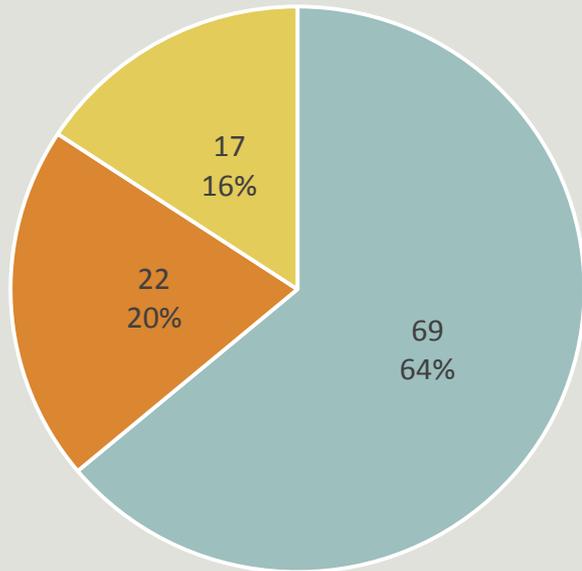
FY 2011



■ NOAA MOC-P ■ All Others

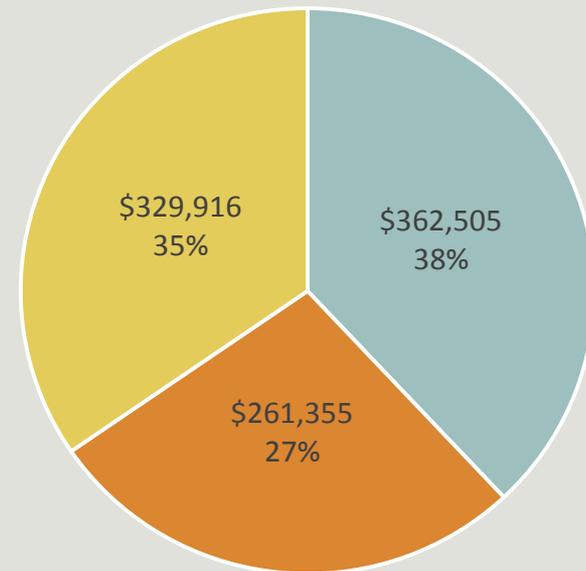
COMPARISON OF SDC ELIGIBLE PROJECTS AND COLLECTIONS BY CONSTRUCTION TYPE

Total Projects By Construction Type



■ Residential ■ Commercial ■ Institutional

Collections By Construction Type

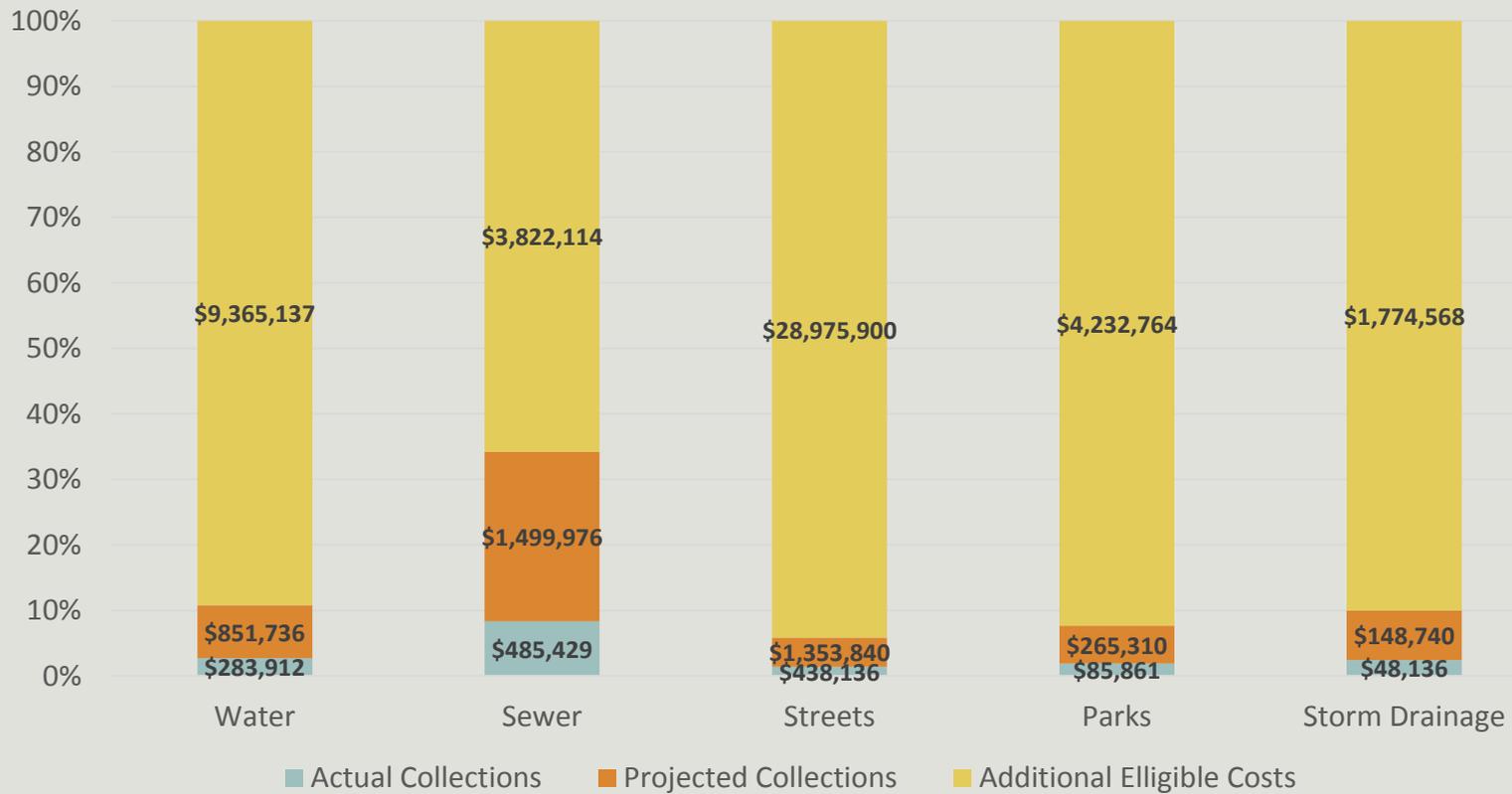


■ Residential ■ Commercial ■ Institutional

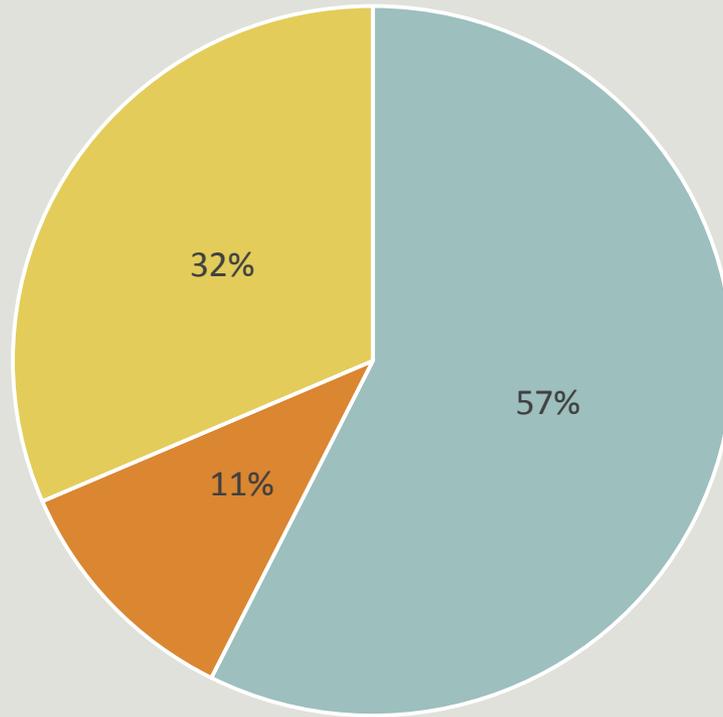
COLLECTIONS VS. TRANSFERS TO CAPITAL PROJECTS



ELIGIBLE VS. ACTUAL AND PROJECTED COLLECTIONS OVER 20 YEAR PLANNING PERIOD



PERCENTAGE OF SDC ELIGIBLE PROJECTS RECEIVING CREDITS



■ Fees Paid (No Credit) ■ Credit Due by State Law ■ Credit By City Ordinance

AMENDING SDC FEES

- Adjustments to account for indexed changes in annual construction costs may be accomplished by Council resolution without notice or a hearing.
- Changes to the methodology or the addition of a project to a Capital Improvement Plan that results in an increase to a SDC fee requires a public hearing with at least 30 day notice to individuals who have requested written notice. Additional notice is required in certain circumstances.

AUTHORIZED EXPENDITURES

- Reimbursement and Improvement fees may only be spent on capital improvements associated with the systems for which the fees are assessed.
- Any capital improvement receiving SDC funding must be included in the Capital Improvement Plan and list of SDC eligible projects.
- Fees may be expended on updates to Capital Improvement Plans, annual accounting, and related activities necessary to comply with SDC statutes.

SDC CREDITS

- Required by law: Developer financed qualified public improvements.
- Commonly Offered: Prior System Development Charge payments.
- Less Common: Existing uses or development on a property where no SDCs have been paid.
- Unique to Newport: Prior use or development on a property within the last 30 years where no SDCs have been paid.

RECOMMENDATIONS

- Consider revising credits to ensure that they are not eliminating SDC payments for projects that are impacting the capital system.
- Analyze growth projections to ensure that they are reasonably accurate.
- Review CIP lists to confirm that projects listed are in fact needed for the 20 year planning period.
- Evaluate whether or not the methodology and ordinance are adequate to ensure SDC's are collected on eligible development.

NEXT STEPS

- Amend the credit section of the SDC Ordinance to ensure fees are assessed for impacts to the capital system and that fees are proportional to the scale of the project.
- Course correct growth projections and capital project lists in the SDC methodology:
 - Water and streets can be evaluated immediately given that the master plans for those systems are relatively current.
 - Storm drainage, sewer, and parks should be evaluated as master plans are updated over the next 2-3 years.
- Gauge, with each change, the cumulative impact of SDC fees to ensure assessments are in line with other communities that have similar terrain and infrastructure needs.

June 17, 2013
Noon
Newport, Oregon

CITY COUNCIL WORK SESSION

Councilors present: Beemer, Sawyer, Busby, Saelens, Roumagoux, Allen, and Swanson.

Staff present: Smith, Hawker, and Scofield.

Others present: Bob Gibson and Jeri Knudson, human resource consultants working on the city manager recruitment.

Media present: Dave Morgan from News Lincoln County; and Larry Coonrod from the Newport News-Times.

Roumagoux called the meeting to order and the roll was taken.

1. Roumagoux asked for additional work session items that are not listed on the agenda, for this or future work sessions. She reported that Allen has requested time to discuss a couple of issues with Council. Saelens requested time to discuss handicapped parking. Roumagoux requested time to discuss the "Solar Celebration."
2. Gibson introduced Jeri Knudson noting that she had recently retired from the HR Director position at West Linn and would be working on the city manager recruitment with him. He reiterated that this session will provide an opportunity to have input in what the city is looking for in a new city manager. Gibson noted that the position covers a broad spectrum of work and cautioned that it is a mistake to use a cookie cutter approach. He noted that the information developed today will be used to develop the selection criteria and exercises. He explained that an advertisement will be run in multiple publications; application packages will be accepted; supplemental questions will be sent to applicants; and the finalists will be interviewed.

Gibson asked Council what attributes they are looking for in a city manager. After a discussion, the following list of attributes was developed:

1. visionary;
2. gregarious;
3. extrovert;
4. sense of humor;
5. understanding of the nuts and bolts of the profession;
6. quickly grasp essential points;
7. ability to prioritize;
8. listen to the community (local knowledge);
9. outreach with community partners - active and passive (accessible);

10. listens to staff members;
11. honest with City Council;
12. leadership;
13. multi-tasker;
14. flexible;
15. integrity;
16. ethical;
17. excited about the community and being here;
18. trust;
19. organization and orderliness;
20. public speaking;
21. teamwork.

Gibson asked Council what needs to happen in the first six months for the new city manager to be successful. After a discussion, the following list was developed:

1. needs to figure out what is happening in town;
2. hit the ground running;
3. learning and listening;
4. making connections;
5. labor negotiations/relations;
6. understanding the financial picture;
7. special needs of coastal town on the cutting edge of marine research;
8. initial fact finding with department heads.

Gibson asked Council what the three most important issues are that the city is facing. After a discussion, the following list was developed:

1. infrastructure (water and sewer distribution);
 2. finance administration (income, revenue, budget, how to put pieces together, public education, public input, advising Council, and showing leadership);
 3. city aesthetics (continue working toward city identity with stakeholders;
 4. credibility of city (employee morale).
3. Council was asked to establish a salary range for the new city manager. It was agreed that the range would be \$95,000 - \$115,000 and that other benefits would be negotiable.
 4. Allen reported that he had read the District Attorney's response to the appeal, by the Newport News-Times, of a public records request denial by the city. He stated that he is curious why the City Attorney spent time and effort responding to the appeal when the media already had the document. He added that it is good to defend public record requests, but that the city only had to provide the document and denial rather than a five page response. Allen also took issue with the reference that "Mayor Roumagoux was under the mistaken, good-faith impression that it was her duty to share this information." Allen noted that the Mayor's actions were consistent with City Council Rules. He added that he would have wanted a "heads-up" on this issue prior to it

appearing in the newspaper. He noted that Council had an obligation, pursuant to Council Rules, to keep the matter confidential. He stated that the focus should be on the City Attorney's response not the Mayor or City Recorder for sharing the document with the Council.

Allen stated that he also took issue with the City Attorney asking Councilors to delete the document after it was sent. He stated that he saved it as confidential, but would not delete it.

Beemer stated that if the information had been in the paper, and he had found that the Mayor had withheld it from the rest of Council, he would have been very unhappy.

Sawyer stated that opening the door should have been better regulated, and that he does not agree with the City Attorney's response.

5. Saelens asked about parking in front of the building noting that it had been changed and that now it is dedicated police parking. Staff agreed to check the parking issue.
6. Roumagoux reported that she is unable to attend the "Solar Celebration" that the tribe is holding on June 20. Saelens reported that he plans to attend, and he encouraged Council to look at the installation for a vision of what could happen here.

Having no further business, the meeting adjourned at 1:43 P.M.

June 17, 2013
6:14 P.M.
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Beemer, Allen, Roumagoux, Sawyer, Saelens, Swanson, and Busby were present.

Staff present was Interim City Manager Smith, City Recorder Hawker, Community Development Director Tokos, Public Works Director Gross, Fire Chief Paige, Finance Director Marshall, and Police Chief Miranda.

PLEDGE OF ALLEGIANCE

Council and the audience participated in the Pledge of Allegiance.

ADDITIONS/DELETIONS AND APPROVAL OF THE AGENDA

It was agreed to add the consideration of an intergovernmental agreement with the Newport Rural Fire Protection District as action item H.

PUBLIC COMMENT

Commander Shirley Gilmore of the American Legion, and David Bowman, asked Council to direct staff to review the recreation passes used by the Coast Guard families, as the passes have expired. Beemer suggested holding a public hearing on this matter. Allen suggested contacting Protiva.

John Todd read a proclamation relative to the proposed budget in which he noted that the budget has the highest deficit in the city's history. Todd stated that the resolution was written and presented, to the city, by him.

Mark Watkins expressed concern regarding the airport budget. He requested additional time to review the budget prior to adoption. It was noted that the formal budget hearing begins at 7:00 P.M., and he is welcome to put something on the record as a part of the formal budget hearing.

Patricia Patrick, Dolphin Real Estate, LLC, commented on Resolution No. 3637 establishing an infrastructure task force. She noted that she would like to add "and/or existing" to the third "whereas" clause so that it would read, "WHEREAS, the City Council and Budget Committee desire to explore different and/or existing funding options for public infrastructure investment." Allen stated that he would address this issue during the discussion on this action item.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of City Council minutes from the work session and regular meeting of June 3, 2013 and the special meeting of May 16, 2013;
- B. Acknowledgment of accounts paid for May 2013;
- C. OLCC application - Shunk's.

MOTION was made by Beemer, seconded by Saelens, to approve the consent calendar with the changes to the minutes as noted by Allen. The motion carried unanimously in a voice vote.

OFFICER'S REPORTS

Mayor's Report. Roumagoux reported that Gross had participated in the KCUP radio show on June 5.

Roumagoux reported that she attended the PAADA annual meeting at which the highlights of the 2012/2013 year were reviewed.

Roumagoux reported that she attended the OCCA nursing class pinning ceremony at which 17 nurses were pinned.

City Manager's Report. Smith reported that he was out of town last week, but had met with staff and toured departments the previous week. He noted that he met with a number of citizens, and he is acquiring a general knowledge of the various departments and citizens.

ACTION ITEMS

Consideration and Potential Adoption of Resolution No. 3640 Transferring Appropriations for Fiscal Year 2012/2013. Marshall reported that the issue before Council is the consideration of Resolution No. 3640 regarding the transfer of appropriations for ten of the city's funds for FY2012/2013. MOTION was made by Swanson, seconded by Beemer, to adopt Resolution No. 3640 transferring resources and contingencies as shown in Attachment A of the resolution. The motion carried unanimously in a voice vote.

Consideration of Final Order for Coffee House SDC Appeal. Tokos reported that a revised copy of the order was distributed to Council earlier. He noted that this memorializes Council's previous action to grant an appeal of the City Manager's decision to assess System Development Charges for a planned 200 square foot deck enclosure at the Coffee House restaurant located at 156 SW Bay Boulevard. Roumagoux asked for Council comments. Allen asked whether Dennis Bartoldus took issue with item two in the order, and Tokos noted that he did not. Tokos added that if a different proposal is submitted, staff will have to take a look at it. MOTION was made by Allen, seconded by Swanson, to adopt Final Order 2013-2 granting the appeal on grounds that the proposed development is exempt from System Development Charges pursuant to Chapter 12.15 of the Newport Municipal Code. The motion carried unanimously in a voice vote.

Consideration of Use of Georgia-Pacific Franchise Monies for Smoke Testing. Gross reported that the issue before Council is consideration of designating Georgia-Pacific franchise agreement funds from calendar years 2013 and 2014 for the sanitary and storm sewer smoke testing program. Allen asked whether the smoke testing has been providing benefits, and Gross reported that at least nine cross-connections have been identified in the last few years as a result of the program. Saelens noted that the program is very important and an appropriate use of the G-P franchise funds. Beemer asked whether this funding will be sufficient to complete smoke testing throughout the city, and Gross noted that it will not complete testing in the entire city, but it would complete smoke testing in areas with major issues. MOTION was made by Saelens, seconded by Busby, to authorize the use of the Georgia-Pacific franchise agreement funds from calendar years 2013 and 2014, in the amount of \$130,388, to fund Phase II of the Sanitary and Storm Sewer Smoke Testing Program. The motion carried unanimously in a voice vote.

Consideration of Resolution No. 3637 Establishing an Infrastructure Task Force. Allen noted that at the conclusion of meetings of the Budget Committee and City Council, it was agreed that a task force should be established to study the issue of options for public infrastructure investment and forward recommendations to the City Council. It was added that Resolution No. 3637, if adopted, would establish this task force, define its scope of work, and establish a task completion date. It was further noted that the resolution appoints the following members to the task force: Councilor Allen, Councilor Busby, Councilor Saelens, Budget Committee Members Patrick and Springsteen, and former Mayor, Mark McConnell. Allen stated that he looked at the language suggested by Patricia Patrick and believes the term should be “various,” rather than “and/or existing.” Saelens noted that this is an important and crucial issue as the Budget Committee subcommittee did not have time to look into this matter earlier. MOTION was made by Beemer, seconded by Allen, to adopt Resolution No. 3637 establishing an Infrastructure Task Force as amended. The motion carried unanimously in a voice vote.

Consideration of Award for OnDisplay Advertising. Lorna Davis, Executive Director of the Greater Newport Chamber of Commerce, reported that the issue before Council is the consideration of extending a billboard (building wallscape) located on SW 4th and Oak Streets in Portland. It was added that the Destination Newport Committee had reviewed and recommended this proposal. Roumagoux asked for Council comments. Davis responded to Council questions. MOTION was made by Beemer, seconded by Saelens, to approve the extended promotion of Newport by advertising on a billboard (building wallscape) located at SW 4th and Oak Streets in Portland through a contract with OnDisplay Advertising. The billboard advertising will be extended another eight week period at a cost of \$16,000. This will extend the current posting through the summer until August 14, 2013 and will be charged against the FY2012/2013 budget. The motion carried unanimously in a voice vote.

Consideration of Ordinance No. 2051 Formalizing the City's Bicycle and Pedestrian Advisory Committee. Saelens reported that the issue before Council is consideration of Ordinance No. 2051 formalizing the Bicycle and Pedestrian Advisory Committee.

Roumagoux asked for Council comments. MOTION was made by Swanson, seconded by Sawyer, to read Ordinance No. 2051, repealing and re-enacting Chapter 2.05.055 of the Newport Municipal Code Creating a Bicycle and Pedestrian Advisory Committee for the City of Newport, by title only, and place for final passage. I further move that the existing members of this Committee continue serving until the expiration of their current terms at which time they may apply for reappointment. The motion carried unanimously in a voice vote. Hawker read the title of Ordinance No. 2051. Voting aye on the adoption of Ordinance No. 2051 were Allen, Saelens, Busby, Beemer, Swanson, Sawyer, and Roumagoux.

Canvass of Ballots - May 21, 2013 Special Election. Hawker reported that this issue before Council is post-election housekeeping, and includes the approval of the abstract and canvass of the ballots of the May 21, 2013 election on Measure No. 21-150 regulating the use of plastic carryout bags and paper bags. Roumagoux asked for Council comment. Allen reported that 57% of the voters were against the measure, and 43% were in favor of the measure. MOTION was made by Allen, seconded by Sawyer, to approve the official abstract and canvass of the ballots of the May 21, 2013 special election at which Measure No. 21-150 regulating the use of plastic carryout bags and paper bags was defeated by the voters of the City of Newport. The motion carried unanimously in a voice vote.

Consideration of an Intergovernmental Agreement Between the City of Newport and the Newport Rural Fire Protection District. Paige reported that the issue before Council is consideration of an intergovernmental agreement between the city and the Newport Rural Fire Protection District for the use of fire suppression equipment and personnel. He noted that the agreement is necessary to continue to provide services to the District. Roumagoux asked for Council comment. MOTION was made by Sawyer, seconded by Busby, to approve the intergovernmental agreement with the Newport Rural Fire Protection District, and to authorize the Mayor to sign the Amended and Restated Intergovernmental Cooperation Agreement for the Use of Fire Suppression Equipment and Personnel, in order to continue to provide services to the Newport Rural Fire Protection District. The motion carried unanimously in a voice vote.

PUBLIC HEARINGS

Public Hearing and Potential Adoption of Ordinance No. 2055 Amending the Zoning Code to Allow Accessory Dwelling Units. Roumagoux opened the public hearing at 7:05 P.M. and asked for roll call. Tokos reported that the issue before Council is the consideration of whether it is in the public interest to create standards for allowing Accessory Dwelling Units (ADUs) in residential areas irrespective of existing density limitations. He stated that Policy 4, Goal 2 of the Housing Element of the Comprehensive Plan calls for the city to identify potential amendments to its codes in order to facilitate the development of affordable housing to workers at all wage levels. He added that Implementation Measure 4.2 of this policy specifically refers to the city adopting an ordinance to allow ADUs in residential zones. He stated that an ADU is a dwelling that is ancillary and smaller than a primary dwelling that exists on a lot or parcel. He noted that allowing ADUs affords property owners the opportunity to

construct modest, ancillary units that can be rented or used by family members or on-site caregivers. Tokos stated that ADUs are an important housing option that is in keeping with Goal 1 of the Housing Element which encourages provision of housing in adequate numbers, price ranges, and rent levels commensurate with the financial capabilities of Newport households. He added that currently, ADUs are only allowed in the Wilder Planned Development. He noted that the Planning Commission considered the amendments and recommend adoption. Busby asked why the square footage restriction was adopted. Tokos noted that it is a common square footage limitation statewide, and at this size, they should blend in well. He added that the target is people who are looking for space for a family member. Saelens asked about unintended consequences relative to other smaller buildings and setbacks. Swanson asked about SDC's, and Tokos noted that a reduced transportation SDC might apply.

Roumagoux asked for public comment. There was none.

Roumagoux closed the public hearing at 7:13 for Council deliberation. MOTION was made by Sawyer, seconded by Busby, to read Ordinance No. 2055, amending Title XIV of the Newport Municipal Code to include standards for permitting Accessory Dwelling Units on residential properties, by title only, and place for final passage. The motion carried unanimously in a voice vote. Hawker read the title of Ordinance No. 2055. Voting aye on the adoption of Ordinance No. 2055 were Sawyer, Swanson, Roumagoux, Allen, Busby, Beemer, and Saelens.

Public Hearing and Potential Adoption of Resolution No. 3634 Adopting the FY2013/2014 Budget for the City. Roumagoux opened the public hearing on Resolution No. 3634, adoption of the city's FY2013/2014 budget, at 7:14 P.M. Marshall reviewed the document reporting that it contains salary schedules. He stated that a nine plus position has been created to reward people who have been employees for more than nine years. He added that the budget also contains a brief description of the chart of accounts, and that the intent of this budget was to create a template for future budgets. Marshall stated that the budget and funds are in balance pursuant to Oregon statute. He indicated that the budget includes a nine million dollar grant for the airport and increased utility rates.

Roumagoux asked for public comment. She read e-mails into record from: Jody George, Frances Van Wert, and Wendy Engler, who all expressed opposition to the proposed business license fee increase.

Allen noted that he could not find minutes or audio files from the Technical Advisory Committee on the city website. Tokos agreed to assist Allen in accessing these documents.

Linda Neigebauer spoke in opposition to the proposed business license increase.

Linda Neigebauer asked the city to pay the balance of the transit monies due this year.

Linda Neigebauer suggested creating a City Loop Committee. Saelens suggested that the Bicycle/Pedestrian Advisory Committee become a multi-modal committee in the future, adding that as members serve out terms, there is an opportunity to restructure the committee. Allen asked how many years the city has been funding the shuttle. Neigebauer reported that the city has funded the shuttle at \$90,000 annually for three years, and one year at \$12,500. Allen asked whether the transit district had entered into an agreement with the city similar to those the city has with the Chamber of Commerce

and OCCA. He noted that these agreements provide for annual reports, and if he supports funding, he will expect an agreement that delineates responsibilities to ensure that there is a clear understanding regarding utilization of those monies.

Busby noted that adoption of this budget does not automatically raise the business license fee. Allen noted that budget document still shows \$15,000 in revenue for an increase in the business license fee. It was suggested that the proposed economic development position not be associated with the increased business license fee revenues.

Linda Briggs spoke in opposition to the proposed business license fee increase.

Busby asked for business license compliance information. Allen noted that a task force reviewed the former business license ordinance and that there was a series of public meetings and hearings in addition to Council discussion.

Busby noted that \$40,000 from the City Council budget, for partial funding of an economic development position, is no longer included in the proposed city budget. Marshall stated that \$50,000 is still included for the economic development position. Allen noted that he did not hear much support for the increased business license fee, and stated that the proposed \$15,000 should be removed from the budget. Marshall reported that this amount will not need to be removed as \$15,000 can be collected with greater enforcement.

Wendy Engler suggested using the budgeted \$50,000 for economic development to make Newport a more desirable place to live.

John Todd repeated that the LB1 notice includes the URA and leaves a question as to whether the notice is technically correct. He stated that his concern is that the city is headed toward financial disaster. He recommended trimming the budget back to 2012 levels.

Jim Patrick, chair of the Planning Commission, noted that the TAC and the Planning Commission thought the funding of an economic development employee was important. Beemer noted that if the position is funded at \$50,000 annually for five years, the total would be \$250,000. He asked whether Patrick is convinced that there would be \$250,000 worth of benefits from the position. Allen noted that when the TAC was meeting, Council was receiving updates, and that it was generally agreed that economic development was important and that different strategies should be pursued. Allen added that he is not sold on the position.

Patricia Patrick noted that economic development is a wonderful idea, but the timing is poor. She reported that she asked Gross, during Budget Committee meetings, whether the city could provide water and sewer services if a big company came into town, and he indicated that the city could not provide these services. She asked what the economic development staff person would be hired to do, noting that there are manufacturing lands available, but no infrastructure to accommodate businesses.

Busby noted that if the city continues spending more money than it is taking in, it will go broke. He reported that everyone saw the six million dollar hole. Busby stated that he has many questions. Allen asked Busby where the six million dollar hole is located in the proposed budget. Allen asked Marshall to address the six million dollar hole. Busby stated that the city is spending down reserves, and at the end of the year, it will have six million dollars less.

Marshall stated that he had not seen Todd's PowerPoint until this afternoon. He added that Todd had not communicated with him until today, and that he has not had

time to look at the document. Marshall stated that there is not a six million dollar hole in the budget. He stated that the city has had unqualified audits for years. Marshall added that he advised Council that this is a pivotal year. He stated that there is no question that the city is using fund balances.

Busby stated that there are ways to save money, and expressed disappointment in the city's budget process. He added that he could not believe the budget had no justification for many things, including no timeline expenditures on major projects. Busby stated that he could give 200 examples of ways to save money, for example, the airport has \$1,000 for publications; \$4,000 for hand tools; fuel and oil are up 20%; and shipping has doubled. He stated that he believes the city should cut back 10% or 20% to save money. He suggested holding back monies as unappropriated funds, and appropriate them if necessary.

Marshall stated that this public hearing must address the budget as approved by the Budget Committee. He noted that when the hearing is closed, the City Council has the latitude to increase individual fund expenditures by no more than ten percent, and if Council wants to increase expenditures by more than ten percent, it must publish notice of a second budget hearing and a new financial summary and hold a second hearing on the adoption of the modified budget.

Busby noted that the LB1 form lists 119 FTE's, and that the budget document lists 119 FTE's. Marshall indicated that the LB1 form is correct.

Sawyer noted that most budgets are compiled by department heads, and suggested that each one could be reviewed and cut. He added that when he was first appointed to the City Council, the city was doing negative fund budgeting. He noted that Marshall brought the reserves issue to Council, and a policy was developed. He added that there were changes to the city's retirement system and health insurance that will save money.

Swanson stated that the Budget Committee approved this document and that the City Council should adopt it.

Allen noted that prior to returning to Council a few years ago, he was a member of the Budget Committee. He noted that every Budget Committee member had a good understanding of the budget and budget process. He stated that the budget process should begin in mid-April rather than May. He noted that this will allow time for staff to engage and respond to questions prior to the statutory deadline. Saelens noted that in his experience, he was never allowed to release a budget that did not include the previous and year-to-date numbers. He added that he hopes that the additional Finance Department staff and updated software will make it easier to produce this information.

Marletta Noe reiterated what Marshall had said in that this is a pivotal year and the staff needs to do better.

Roumagoux closed the public hearing at 8:32 for Council deliberation. Allen noted that the business license fee has been addressed. He added that the other specific issue is the \$50,000 set aside for economic development services in partnership with the Chamber. He stated that he does not believe this issue has been fully vetted, and asked whether the \$50,000 should be left in the budget as a placeholder with the understanding that it will not be spent until there is more interaction with stakeholders. Allen added that the funds could be used during the next fiscal year or used for something else. Beemer and Sawyer agreed to leave this line item in the budget recognizing that it has not been obligated yet. Busby asked whether any Councilors are interested in reducing the overall budget. MOTION was made by Busby to reduce the

overall budget by ten percent, and have staff come back to Council. Saelens stated that he would like to second the motion, but that it is a little too late, and that he is concerned about unintended consequences. He stated that the city needs a sustainable budget. The motion died for lack of a second. Allen noted that the water and wastewater increases were adopted on June 3 and are integral to this budget. He stated that he will support the budget regardless of having voted against the water and wastewater increases due to the decision to create a task force to study infrastructure funding. He added that without the creation of this task force, he would be voting against the proposed budget. MOTION was made by Beemer, seconded by Saelens, to adopt Resolution No. 3634 adopting the City of Newport Fiscal Year 2013/2014 budget and making appropriations. The motion carried in a voice vote with Saelens, Sawyer, Roumagoux, Swanson, Allen, and Beemer voting yes; and Busby voting no.

Public Hearing and Potential Adoption of Resolution No. 3636 Regarding the City's Election to Receive State Shared Revenues for FY2013/2014. Roumagoux opened the public hearing on Resolution No. 3634 at 8:42 P.M. Marshall reported that the issue before Council is consideration of adopting Resolution No. 3636 which is required in order to receive State Shared Revenues.

Roumagoux asked for public comment. There was none.

Roumagoux closed the public hearing at 8:43 P.M. for Council deliberation. MOTION was made by Sawyer, seconded by Swanson, to adopt Resolution No. 3636 regarding the city's election to receive State Shared Revenues. The motion carried unanimously in a voice vote.

Public Hearing and Potential Adoption of Resolution No. 3638 Regarding the Imposition and Categorization of Ad Valorem License Fees for the FY2013/2014 Budget. Roumagoux opened the public hearing on Resolution No. 3638 at 8:15 P.M. Marshall reported that the issue before Council is consideration of adopting Resolution No. 3638 regarding the imposition and categorization of ad valorem license fees for the FY2013/2014 budget.

Roumagoux asked for public comment. There was none.

Roumagoux closed the public hearing at 8:46 P.M. for Council deliberation. It was noted that there is a change to the third line of the resolution, and it should read "\$1,862,418 for the debt fund." MOTION was made by Swanson, seconded by Beemer, to adopt Resolution No. 3638 imposing and categorizing ad valorem license fees for the Fiscal Year 2013/2014 budget as amended. The motion carried unanimously in a voice vote.

Public Hearing and Potential Adoption of Resolution No. 3635 - Supplemental Budget for Fiscal Year 2012/2013. Roumagoux opened the public hearing on Resolution No. 3635 at 8:47 P.M. Marshall reported that the issue before Council is the consideration of an amendment to the city's FY2012/2013 budget to address increased appropriation changes in the General Fund. He explained that the FAA funding of the AIP projects results in the likely receipt of \$600,000 more than budgeted for this fiscal year, and the city must adopt a supplemental budget to accommodate for this funding.

Roumagoux asked for public comment. There was none.

Roumagoux closed the public hearing at 8:48 P.M. for Council deliberation. MOTION was made by Beemer, seconded by Swanson, to adopt Resolution No. 3635 adopting the city's Fiscal Year 2012/2013 supplemental budget and making appropriations. The motion carried unanimously in a voice vote.

Public Hearing and Potential Adoption of Resolution No. 3642 Regarding the Designation of Ending Fund Balance Revenues for Specific Uses. Roumagoux opened the public hearing on Resolution No. 3642 at 8:48 P.M. Marshall reported that the issue before Council is consideration of adoption of Resolution No. 3642 which complies with GASB54 requiring all ending fund balances to be designated in certain categories.

Roumagoux asked for public comment. There was none.

Roumagoux closed the public hearing at 8:50 P.M. for Council deliberation. Allen noted that some accounts are restricted and assigned, including the Building Inspection Fund, Transient Room Tax Fund, and the Agate Beach Closure Fund. It was agreed to amend the resolution to list these three funds in both categories - restricted and assigned. MOTION was made by Allen, seconded by Beemer, to adopt Resolution No. 3642 regarding the designation of ending fund balances with the noted changes. The motion carried unanimously in a voice vote.

Update on Parking in Front of City Hall. Smith noted that Sawyer and Saelens have questions regarding the removal of disabled parking places in front of City Hall. Gross reported that the Public Works Department had received a request from the Police Department to create parking for DUll officer vehicles in front of City Hall. He noted that after review, the best scenario was to reallocate two handicapped parking spots. He added that this is the most realistic place to add the DUll officer parking. Saelens suggested issuing a press release when the parking change is finalized.

COUNCIL REPORTS AND COMMENTS

Sawyer reported that he had attended the recent municipal swimming pool presentation.

Sawyer reported that he had attended a recent Destination Newport Committee meeting at which the banner on the Portland building was discussed and approved.

Sawyer reported that he had attended a recent meeting of the Airport Committee.

Saelens reported that he had attended a recent meeting of the Bicycle/Pedestrian Advisory Committee.

Saelens reported that he attended the recent municipal swimming pool presentation.

Saelens reported that he attended a recent Wayfinding Committee meeting.

Saelens noted that confusion between a proposed waterpark and municipal pool is starting in earnest.

Swanson reported on a recent meeting of the Senior Advisory Committee at which programming and handicapped parking were discussed.

Busby reported that he had attended a recent meeting of the City Employee Committee, and that the group expressed interested in the status of the City Manager hiring process.

Beemer reported that he attended the Chili Cook-Off and that the city's Fire Department won the best chili and grand prize awards.

Allen reported that he attended a recent OCZMA meeting at which new officers were elected; the budget was worked on; staff transition discussed; and an update was provided by the Coastal Caucus staff member on legislation relating to coastal issues that are now moving through the legislature. He noted that several bills had been passed and signed into law relative to wave energy issues. He agreed to forward a copy of the bills to Council, and noted that he will have more information on other issues by the next meeting.

Smith reported that he plans to send all employees a memo regarding the City Manager hiring process.

ADJOURNMENT

Having no further business, the meeting adjourned at 9:02 P.M.

Margaret M. Hawker, City Recorder

Sandra N. Roumagoux, Mayor



Agenda Item #
Meeting Date

V.B.
July 1, 2013

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title OLCC License Approval

Prepared By: Newport Police Dept Head Approval: Chief Mark J. Miranda *[Signature]* City Mgr Approval: _____

Issue Before the Council:

Shall the City Council recommend approval of the liquor license application for The Deep End Café?

Staff Recommendation:

The Police Department recommends favorable action by the City Council, contingent upon the applicant obtaining a City business license.

Proposed Motion:

Handled as a consent calendar item

Key Facts and Information Summary:

The Deep End Cafe, 740 West Olive Street, has made application to the Oregon Liquor Control Commission for a "Full On-Premises Sales" license as a new outlet. Such a license allows for the applicant to sell 'by the drink' wine, malt beverages, cider and distilled liquor. These beverages must be consumed on the premises. Partially consumed bottles of wine that had been served with a meal may also be taken from the premises.

A background check of the applicant revealed no disqualifying information. The Deep End Cafe is located in the Nye Beach area, on the north side of West Olive Street, across from the Performing Arts Center. It will occupy for former Quimby's Restaurant building. There has only been one police call in the last year dealing with a property line dispute.

ORS 471.166 requires an applicant to obtain a recommendation from the local governing body in the city where the business is located. The City Council may make a "Favorable Recommendation" or an "Unfavorable Recommendation" to OLCC. The Commission will then decide if granting a license is appropriate.

Other Alternatives Considered:

Not applicable.

City Council Goals:
Public Safety related.

Attachment List:
License Application

Fiscal Notes:
There is no fiscal impact on the City other than time to process the application





OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
- Commercial Establishment
- Caterer
- Passenger Carrier
- Other Public Location
- Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

RECEIVED

JUN 10 2013

NEWPORT POLICE

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: 6/10/13

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____ (signature) _____ (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: Jah

Date: 6-10-13

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① OLIVE STREET LLC ③ _____
② _____ ④ _____

2. Trade Name (dba): THE DEEP END CAFE

3. Business Location: 740 W. OLIVE ST. NEWPORT LINCOLN OR 97365
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 407 NW ALBEMARLE TERR PORTLAND OR 97210
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (NOT YET ESTABLISHED)
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: N/A Type of License: N/A

8. Former Business Name: N/A

9. Will you have a manager? Yes No Name: CHARLOTTE A. BOXER
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? CITY OF NEWPORT
(name of city or county)

11. Contact person for this application: CHARLOTTE A. BOXER 503-319-7007
(name) (phone number(s))

407 NW ALBEMARLE TERR (NONE) charboxer2@comcast.net
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Charlotte A. Boxer Date 5/8/13 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____



Agenda Item #
Meeting Date

V.C.
July 1, 2013

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title OLCC Liquor License

Prepared By: Miranda Dept Head Approval: Chief Mark J. Miranda City Mgr Approval: _____

Issue Before the Council:

Shall the City Council recommend approval of the liquor license application for the Panache! Restaurant?

Staff Recommendation:

The Police Department recommends favorable action by the City Council.

Proposed Motion:

Consent Calendar item.

Key Facts and Information Summary:

Panache! 614 West Olive Street, has made application to the Oregon Liquor Control Commission for an "Off Premises Sales" license due to an additional privilege. Such a license allows for the applicant to sell factory sealed containers of wine, malt beverages and cider. Containers of malt beverages sold under the license may not hold more than two and one-quarter gallons.

A background check of the applicant revealed no disqualifying information. Panache! is located in the Nye Beach District at the corner of West Olive Street and NW Coast Street. During the last year there has only been one alarm call at the business.

ORS 471.166 requires an applicant to obtain a recommendation from the local governing body in the city where the business is located. The City Council may make a "Favorable Recommendation" or an "Unfavorable Recommendation" to OLCC. The Commission will then decide if granting a license is appropriate.

Other Alternatives Considered:

None applicable

City Council Goals:

Public Safety

Attachment List:
OLCC Application

Fiscal Notes:
The City's license application fee covers the investigation and processing time expended by Staff.





OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other C/TN

RECEIVED

JUN 19 2013

NEWPORT POLICE

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: 6/10/13

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: [Signature]

Date: 05-21-13

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① Idalicemarudy Inc ③ _____

② _____ ④ _____

2. Trade Name (dba): PANACHEI

3. Business Location: 614 W. Olive St. Newport, OR 97365
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 614 W. Olive St. Newport, OR 97365
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: Phone: 541-265-2929 FAX: 541-265-3737
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: Idalicemarudy Inc. Type of License: Full On-Premises Commerical

8. Former Business Name: Panache'

9. Will you have a manager? Yes No Name: Zachary Wellman
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Newport
(name of city or county)

11. Contact person for this application: Zachary Wellman 541-265-2929
(name) (phone number(s))
614 W. Olive St. Newport, OR 97365 541-265-3737 idalicemarudy@gmail.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① [Signature] Date 05/02/2013 ③ _____ Date _____
② _____ Date _____ ④ _____ Date _____

1. Why do you want to serve on this committee/commission board task force and how do you believe you can add value?

As a small business owner in Newport I am very interested in the how Newport is perceived by visitors and locals alike. Being on this committee offers me the opportunity to be part of the process of creating an easier more navigable Newport.

2. What is a difficult decision you have made concerning issues of bias and or issues of conflict of interest.

In working at a small non-profit youth group where my children attended I would at times have to remove myself from voting on area's that might be construed by others or where I felt a bias as a parent or service recipient versus an employee working toward a program goal.

3. Describe the process of how you make decisions.

I'd like to think I'm a clear headed thoughtful thinker. I like to hear comments and options of others and research when I have questions then way my personal thoughts as well before making a decision.

4. What do you think about consensus decision making? What does the consensus decision making process mean to you?

The most important piece in consensus decision making is that not everyone has to agree completely for a decision to be made and acted on. Sometimes/many times committees can get into gridlock because not everyone can agree. With consensus decision making a decision becomes part of the collaborative discussion and negotiation occurs to move the project and decision making forward. This type of decision making lends itself to deeper discussions but in the end if a stalemate occurs the process able forward with something that is mostly agreeable for all.

5. Describe all other pertinent information/background for this position.

I'm a Newport High graduate and have family here. I believe my most valuable asset I bring to the table is my status as small business owner in Newport. I have a vested interest in helping Newport to attract and maintain tourist traffic and signage is a huge factor in the success of getting them here and helping them find where they want to go.

I have worked on many committee's and boards in my professional life in the social service world of Multnomah County. My education is accounting and I hold a Master's degree in Public Administration so I'm familiar with process and enjoy being a part of the larger picture.



Ted Smith
Interim City Manager
CITY OF NEWPORT
169 S.W. Coast Hwy.
Newport, OR 97365
t.smith@newportoregon.gov

Interim Manager's Report Through June 26, 2013

Following is the Interim City Manager's report for the period ending June 26:

Interim City Manager/Staff Interactions

- The Interim City Manager met with individual staff or attended staff meetings at the Library, the Airport, the Police Department, the Fire Department, Finance Parks & Rec and Information Technology.
- The Interim City Manager met with Richard Dutton, City IT Manager, to discuss the City's Communications Disaster Recovery Plan. A room has been identified at the Public Works Shop that will serve as the City's emergency IT Department. When completed, the City will have a redundant backup for all of our computer and telephone needs.
- The Interim City Manager met with Melissa Roman to get an update on the Airport Runway Projects. He also attended the RW 16-34 pre-bid briefing for contractors held later in the week at the airport
- The Interim City Manager met with John Baker to discuss issues concerning the Employee Advisory Committee.

Committee Attendance

The Interim City Manager attended the following board, committee and ad-hoc committee meetings:

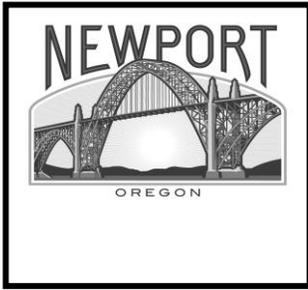
- Destination Newport Committee
- Employee Safety Committee

Citizens

The Interim City Manager met with various citizens, groups and clubs and part of his responsibility to be more publically available. During the past week, the City Manager met with:

- Sharon Beardsley, an adjunct faculty member of Oregon Coast Community College. Sharon will be designing three, two-hour business/professional writing classes that will be offered to staff.

- Caroline Bauman, Executive Director of the Economic Development Alliance (EAC) of Lincoln County, and Mayor Sandra Roumagoux to discuss how the EAC and the City might partner with and coordinate projects over the upcoming year.
- Frank Geltner to discuss City Center/Deco District issues and possible projects. The City Center still has funding available for a project to be built at the small park at 101 and Hubert.



Agenda Item # VI.B.1 _____
Meeting Date July 1, 2013 _____

CITY OF NEWPORT AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title Notification of Defect in Publication of the City's FY14 Adopted Budget

Prepared By: Ted Smith Dept Head Approval: _____ City Mgr Approval: _____

Issue Before the Council: ORS 294.451 requires the Budget Officer to "...advise the governing body in writing of (errors) in the publication of: "... notice, budget summary, or other document ... required to be published under any provision of ORS 294.305...."

Staff Recommendation: None. Information Only

Key Facts and Information Summary:

- The City's former Finance Director incorrectly included the URA Approved Budget amounts in the City's published LB-1. This error was mentioned at the budget hearing on June 17th, 2013, at which time, the Finance Director stated that the UR-1 was correctly published as required by Oregon Statute.
- Since then, a citizen contacted the Department of Revenue regarding the inclusion of the urban renewal funds in the LB-1. According to Xann Colver, the DOR contact for this incident (503.945.8293), "The citizen's specific complaint appears to be not knowing the city's indebtedness," though whether that means the annual debt payments or the total debt or the annual debt payments is unclear.
- The "fix" for this incident is clearly spelled out in statute (ORS 294.451 (2): "At the first regularly scheduled meeting of the governing body of the municipal corporation that is held following the discovery of any publication error ... the budget officer shall advise the governing body in writing of the error and shall correct the error by testimony before the governing body at the meeting."
- This agenda item meets those requirements.

Other Alternatives Considered:

None

Fiscal Notes:

None

Attachments

Corrected LB-1

Email from Xann-Marie CULVER

FINANCIAL SUMMARY - RESOURCES

TOTAL OF ALL FUNDS	Actual Amount 2011-12	Adopted Budget This Year 2012-13	Approved Budget Next Year 2013-14
Beginning Fund Balance/Net Working Capital	17,864,324	16,679,049	10,687,329
Fees, Licenses, Permits, Fines, Assessments & Other	8,191,840	7,094,475	15,032,913
Federal, State and All Other Grants, Gifts, Allocations and	127,881	1,151,518	9,255,378
Revenue from Bonds and Other Debt	0	0	0
Interfund Transfers / Internal Service Reimbursements	4,885,606	5,492,369	6,877,898
All Other Resources Except Current Year Property Taxes	2,047,389	7,043,714	430,890
Current Year Property Taxes Estimated to be Received	12,897,828	9,785,964	7,642,418
Total Resources	\$46,014,868	\$47,247,089	\$49,926,826

FINANCIAL SUMMARY - REQUIREMENTS BY OBJECT CLASSIFICATION

Personnel Services	8,166,427	9,663,670	10,147,395
Materials and Services	8,220,195	9,265,733	9,463,329
Capital Outlay	3,599,282	8,836,785	16,587,230
Debt Service	1,788,076	3,615,563	2,732,298
Interfund Transfers	5,584,059	4,220,976	4,526,257
Contingencies	1,083,112	7,583,189	4,260,078
Special Payments	0	0	0
Unappropriated Ending Balance and Reserved for Future Expe	0	4,061,169	2,210,239
Total Requirements	\$28,441,151	\$47,247,089	\$49,926,826

FINANCIAL SUMMARY - REQUIREMENTS AND FULL-TIME EQUIVALENT EMPLOYEES (FTE) BY ORGANIZATIONAL UNIT OR PROGRAM *

Name of Organizational Unit or Program FTE for that unit or program			
City Administration	1,406,704	2,001,810	1,819,980
FTE	9.63	16.31	12.85
Public Safety	4,707,768		
FTE	36.00		
Police		3,409,718	3,482,728
FTE		25.00	25.00
Fire		1,968,629	2,173,212
FTE		11.00	11.00
Library	960,659	986,320	1,024,715
FTE	11.58	11.54	11.54
Maintenance	211,573		
FTE	1.00		
Community Development	230,229	370,124	356,549
FTE	2.10	2.10	2.10
Facilities and Parks (Maintenance, Capital, Custodial)			878,444
FTE			8.00
Public Works Administration	255,761		
FTE	2.00		
Public Works Engineering	319,054		
FTE	3.30		
General Fund Non-Departmental	1,162,988	1,908,123	2,975,516
FTE			
Bonded Debt Service Fund	1,574,218	3,705,981	2,318,808
FTE			
General Proprietary Debt Service	636,956		1,204,962
FTE			
General Debt	481,015		378,867
FTE			
Public Works Administration and Engineering	2,000	700,880	869,567
FTE		5.58	6.58
Streets Fund	690,928	1,342,788	1,362,520
FTE	5.00	5.08	5.08
Water Fund	7,808,541	6,237,370	3,850,449
FTE	10.00	10.08	11.08
Wastewater Fund	2,678,409	6,228,156	4,125,000
FTE	7.00	7.08	8.08
Line Undergrounding Fund	62,990	485,810	490,000
FTE			
System Development Charges Fund	573,078	1,257,659	998,754

FTE			
Parks and Recreation Fund	1,356,701	1,347,260	1,374,807
FTE	26.70	24.10	21.50
Airport Fund	879,215	1,399,650	9,734,860
FTE	4.00	4.00	3.00
Room Tax Fund	2,285,001	3,583,000	2,924,500
FTE			
Building Inspection Fund	254,607	847,700	701,039
FTE	1.20	1.30	1.30
Public Parking Fund	108,341	301,200	278,754
FTE			
Agate Beach Closure Fund	20,419	1,487,700	1,455,000
FTE			
Housing Fund	5,751	181,000	188,924
FTE			
Capital Projects Fund	2,238,121	3,840,605	4,958,821
FTE			
Total Requirements	\$30,911,077	\$43,591,535	\$49,926,826
Total FTE	119.51	123.17	119.11

STATEMENT OF CHANGES IN ACTIVITIES and SOURCES OF FINANCING *

Only significant change in funding is the FY14 budgeted receipt of FAA and ODOT (matching) funds for major AIP work at the City's airport. We continue to adjust the City's financial structure; for FY14, that manifests itself in the Organizational Unit entitled "Facilities and Parks (Maintenance, Capital, Custodial) where activities formerly either contracted out, resident in Parks and Recreation, or subsumed in City Administration, are now found in cost centers 1310 - 1350.

PROPERTY TAX LEVIES

	Rate or Amount Imposed	Rate or Amount Imposed	Rate or Amount Approved
Permanent Rate Levy (rate limit \$5.5938 per \$1,000)	\$5.5938	\$5.5938	\$5.5938
Local Option Levy			
Levy For General Obligation Bonds			

STATEMENT OF INDEBTEDNESS

LONG TERM DEBT	Estimated Debt Outstanding on July 1.	Estimated Debt Authorized, But Not Incurred on July 1
General Obligation Bonds	\$20,050,541	
Other Bonds	\$14,552,000	
Other Borrowings	\$1,151,959	
Total	\$35,754,500	

* If more space is needed to complete any section of this form, insert lines (rows) on this sheet or add sheets. You may delete unused lines.

From: CULVER Xann-Marie F [<mailto:xann-marie.f.culver@dor.state.or.us>]
Sent: Monday, June 24, 2013 11:58 AM
To: David Marshall
Subject: RE: Budget Adoption

I believe the concern is with the LB-1 including both the city's indebtedness and the urban renewal agency's indebtedness, it is not clear how much is attributable to just the city. Yes, one could subtract the amount on the UR-1 from the LB-1, but I think the citizen's point is there may be a statutory violation. I don't necessarily agree that it is a violation.

Xann Culver

From: David Marshall [<mailto:D.Marshall@NewportOregon.gov>]
Sent: Monday, June 24, 2013 12:09 PM
To: CULVER Xann-Marie F
Cc: Ted Smith; Linda Brown
Subject: RE: Budget Adoption

Xann:

Your solution sounds okay, although I don't understand " ... not understanding the City's indebtedness." ?

Because I am leaving the City this week (returning, thankfully, to school districts), I am copying the Ass't Finance Director and the City Manager Pro Tem on this correspondence.

Thanks ...

A stylized signature logo consisting of the letters 'DJM' in a bold, green, sans-serif font.

From: CULVER Xann-Marie F [<mailto:xann-marie.f.culver@dor.state.or.us>]
Sent: Monday, June 24, 2013 11:58 AM
To: David Marshall
Subject: RE: Budget Adoption

David,

We have received an email from a citizen regarding the inclusion of the urban renewal funds in the published LB-1. The citizen's specific complaint appears to be not knowing the city's indebtedness.

Also, I should have mentioned the provision in ORS 294.451 (see below) for correcting errors of publication. Because a citizen has contacted us, I recommend the city to take the action required in subsection 2 of the statute. I'm sorry I didn't think about this last week when you brought the concern to my attention.

I'd like to respond to the citizen with confirmation that the city's budget officer did contact me about this concern, had included the urban renewal funds in the city's budget and budget summary because they are tied in the same financial accounts, we advised city's budget officer to keep the urban renewal funds separate from the city's budget funds next year and to notify the council of the error as required in ORS 294.451(2). Does that sound OK to you? Do you have any other suggestions or comments?

Please let me know if you have any questions. I'm in the office today until 3:00 and will return tomorrow morning.



Memo

To: Ted Smith, Interim City Manager and City Council
From: Ted Jones, PE, Sr. Proj. Mgr
Date: July 1st, 2013
Re: Capital Projects Status Update

Project: **Ash Street Design and Construction**
Project Number: 2010-003
Status: Street layout and rough-in of sub-base complete.
Next Task: Detail grading of multi-use path and storm sewer installation.
Budget: \$557,000
Description: Design and construct Ash Street between SE 40th St. and SE Ferry Slip Road.

Project: **Hwy 101 Crosswalk Improvements**
Project Number: 2012-001
Status: Design Acceptance Package is with ODOT for review.
Next Task: Project Open House 02 July 2013.
Budget: \$502,000
Description: This project will improve the visibility and safety of multiple crosswalks on Highway 101 between 15th Street and the bridge. Proposed improvements include curb extensions and/or pedestrian safety islands, improved signage and pavement markings, and in one location pedestrian activated warning lights.

Project: **Big Creek Road Landslide Repairs**
Project Number: 2011-003
Status: Bid documents are under final review by City Staff prior to advertising the bid.
Next Task: Assigned Bid Opening 31 July 2013.
Budget: \$750,000
Description: This project will restore Big Creek Road. A January of 2011 storm caused portions of the road to slide away, making the road unsafe for vehicles and jeopardizing a buried water main and electrical and telecommunications overhead transmission lines. This project is 75% funded through FEMA.

Project: Lower Big Creek Reservoir Drawdown Pipe Repair
Project Number: 2012-012
Status: Obtained permit from USACE to perform work during a July 1st to September 15th work window.
Next Task: Pre-construction meeting the week of 08 July 2013 and site mobilization.
Budget: \$160,000
Description: Repair a structurally deficient and functionally obsolete 30-inch corrugated metal outfall pipe with a 24-inch HDPE Liner and structural grout.

Project: Agate Beach/NE 71st Waterlines and Lakewood Hills Pump Station
Project Number: 2011-018 and 2012-013
Status: Preparing final revisions to bid documents prior to bid advertisement.
Next Task: Assigned Bid Opening 01 August 2013 for waterline and Lakewood Hills PS phases.
Budget: \$1.3 MM
Description: Installing a new water distribution pipeline along US-101 in the Agate Beach area and along NE 71st St this is Phase 1 of the NE 71st St. Tank/Waterline/Pump Station project to improve pressure and fire flow. The Lakewood Hills Pump Station which will improve performance and reliability for pressure and fire flow.

Project: Hwy 101 Sewer & Water Improvements
Project Number: 2011-008
Status: Installed waterline on west side of US-101. Performing flushing and pressure testing of water system between SE 40th and SE 50th Streets.
Next Task: Complete testing and disinfection.
Budget: \$1.3 MM
Description: This project replaces undersized and aging water pipes in the South Beach area, improving water capacity and pressure. In addition, sanitary sewer pipes are being extended allowing adjacent properties to connect to City services, thereby abandoning aging septic systems.

Project: AIP-020 RWY 16/34 Rehabilitation Pre-Design
Project Number: 2012-094
Status: Conducted a mandatory pre-bid meeting 25 June 2013.
Next Task: Bid Opening 10 July 2013.
Budget: \$10 MM
Description: Pre-design to rehabilitate RWY 16/34 with a FAA compliant x-section, a full overlay, improved drainage, lighting, and safety areas. The last major pavement improvement project was 30 years ago and the pavement is at the end of its useful service life.



Agenda Item # VII.B.
Meeting Date: July 1, 2013

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Parks and Recreation Department Presentation and Discussion Regarding the Work Performed for a new Municipal Pool to be Located Adjacent to the Recreation Center

Prepared By: Protiva Dept Head Approval: JP City Manager Approval: _____

Issue before the Council: The current municipal swimming pool has provided 50 years of service to the community and is currently experiencing many symptoms of an aging facility. The city is considering the option of a general obligation bond measure to be placed on the November ballot to fund construction of a new facility to continue providing municipal pool services in the future. The Parks and Recreation Advisory Committee working with staff, Robertson Sherwood Architects (a firm that specializes in municipal facilities), and the public, have identified needs and solutions for replacement of the current municipal pool.

Staff Recommendation: Staff recommends continued discussion and community input to make the most informed decisions on pool matters.

Proposed Motion: None. There is no decision to be made at this time

Key Facts and Information Summary: The Parks and Recreation Advisory Committee has discussed the needs and requirements for a municipal swimming pool, and is proposing the enclosed conceptual design be considered and further discussed before a final recommendation is made. The issue has been noticed and discussed at published meetings in March, April, May, and June with the Parks and Recreation Advisory Committee, as well as at a sub-committee meeting in May, and a public forum on June 4. Additionally, much of the information that was obtained during past efforts has been applied to this design. Public input is continually being received and will be considered before a final recommendation is presented to Council in August.

Other Alternatives Considered: There were several other configurations considered but the attached design best meets the needs of the available space.

City Council Goals: Address the issue of replacing the current aquatic facility (municipal pool).

Attachment List: Exhibits 1 through 8

Fiscal Notes: A separate handout will be provided at the July 1, 2013 City Council meeting (it was not available at the time of this posting).



Planning for Programs and Activities

A modern aquatic facility of any size is expected to meet the needs of a wide range of user interests and activities. In addition the specific interests and priorities of a given community may emphasize one or more program areas over another in order to address unique community characteristics. As the City of Newport contemplates a pool addition to the Newport Aquatic Center it is important to understand the nature and specific requirements of each of these activities in order to assure that the design of the facility will accommodate these requirements. These generally fall into the following categories:

- Water Safety Training and Instruction
- Recreation
- Fitness
- Competition
- Therapy

While it is recognized that not all goals may be met, the following section summarizes the preferred range of programs and activities to be offered or accommodated:

Water Safety Instruction Classes	Program Description
Public Swim Lessons	
- Learn to Swim, Parent/Child	2-4 foot water depth; warm water temperature
- Learn to Swim, Preschool	1-3 foot water depth; warm water temperature
- Am. Red Cross Aquatics	2-5 foot water depth; normal water temperature
Private Swim Lesson	2-5 foot water depth; warm to normal water temperature
Other Activities:	
- School Lessons/Activities	4-6 foot water depth; warm water temperature
- Senior Exercise Programs	4-6 foot water depth
- Adult Exercise Programs	8 foot minimum water depth, 10 feet preferred
- Life Guard Training	8 foot minimum water depth, 10 foot preferred
- WSI	8 foot minimum water depth, 10 foot preferred
- Instructor Aide Training	8 foot minimum water depth, 10 foot preferred
Recreational Swim Programs	Program Description
Open Swim	
- Swimmers	Swimming in variety of water depths and temperatures
- Non-Swimmers	Non-swim play in shallow water depth and warm water temperatures; friendly
- Family Swim	Swimming and non-swimming in a variety of water depths and temperatures
- Senior Swim	Swimming and non-swimming in moderate depth water, warm water temperatures
- Tot Wading	Water play, experimentation; shallow; place for parents to sit
- Interactive Water Play/Toys	Interactive, non-swimming activities
- Water Basketball	Active recreational activity; portable hoop; 4 foot depth
- Water Volleyball	Active recreational activity; net set-up; 4-5 foot depth
- Diving	Active recreational activity; short board (less than 1 meter)
- Soaking, Relaxing	Passive recreational activity; hot tub; 3-3.5 foot depth; 95-102 degrees



- Water Polo
- Kayak
- Snorkeling
- SCUBA

Fitness Programs

Program Description

- Lap Swim
- Deep Water Jogging
- Aquaerobics
- Deep Water Fitness
- Aquatic Body Conditioning
- Water Walking
- Weights and Water

8 lanes; 25 yard, min.; 3.5 foot depth preferred for flip turns
6.5 foot minimum depth
3.5 - 5 foot depth; normal water temperatures
6 foot min. depth and deeper, normal water temperatures
3.5 - 5 foot depth; normal water temperatures
3.5 - 4 foot depth; normal water temperatures
4.5 foot depth preferred, normal water temperatures

Competition

Program Description

Swim Meets

- 25 yard (short course)

8 lanes; 25 yards; 3.5 foot minimum depth preferred
cooler water temperatures

Support for Programs:

- H.S. Swim Teams
- Community Swim Club

Therapy/Wellness Programs

Program Description

- Prescribed Physical Therapy
- Water exercise programs
- Arthritis Aquatic Exercise
- Post-Op Conditioning

- Pre/Post natal Fitness
- Upper Body Recovery

Individual/trainer directed

Can be combined with activities in other pools, or in a separate pool designed specifically for Therapy

Spectator Support

Program Description

Seating

300 people; upper level preferred



Facility Program

General considerations for the design, and consequently the budgeting for the facility, include accommodating the desire for an attractive, durable, low maintenance facility that expresses its' role as a public facility and a source of community pride and identity. The proposed project budget will be based on the bid and constructed costs of similar facilities in Oregon and will seek to establish the funding parameters necessary to make prudent use of both public and private investment in this important community resource.

The following section presents the detailed considerations given to all aspects of the proposed project during the course of this study, leading up to the final recommendation for a Conceptual Design and proposed Project Budget. While additional planning and design work is necessary to see such a project through to fruition, this Conceptual Design will enable the community to review, discuss and build the important community and financial support required for a successful outcome.

In order to accommodate the proposed activities, the following described components are to be included in the development of the Conceptual Schematic Design. Where appropriate, proposed square foot areas are noted for enclosed spaces or components to provide a basis for cost estimating.

Natatorium

approximately 15,000 SF

In order to provide the community with year-round aquatic activities a cover would need to be provided over the pool area, creating a natatorium. Structural options for the natatorium are varied, but limited. In this region such structures are typically designed as long span, permanent, insulated, heated and ventilated structures designed for long-term use. For the purpose of this study the scope and cost of the natatorium will be based on this standard. Natatorium square footages noted include pool area, deck area, and spectator seating.

25 Yard Pool - 4,640 SF

New 25-yard, 8-lane pool with perimeter gutter system and piping, plaster finish and related equipment (lane lines, start blocks, guard stands, ladders). Depth will range from 3'-6" to 10'-6". Design to accommodate future water slide and diving board(s).

Warm Water Pool - 1,900 SF

New multi-use warm water pool with depths ranging from zero inches to approximately 4'-0" deep. Include ramp area and wide steps for easy access. Provide separate system from 25-yard pool to allow for differing temperatures. Includes wading area for toddlers and seating for parents. Include water play toys or fountains.

Therapy Pool - 600 SF

New warm water pool with depth ranging from 4'-0" to 6'-0" deep. Include wide steps for easy access and handrails along all sides inside pool. Could be considered part of a multi-use warm water pool,.

Hot Tub - 200SF

Depth ranging from 3'-0" to 3'-6" deep. sized for 8-10 people



Spectator Seating – 300 seats **1,000 SF**

Area for bleacher type seating adjacent to 25-yard pool for spectator seating. Locate to provide for, separate access and circulation for spectators to avoid traffic across pool deck. Preference to have raised from deck area. Some seating could be accommodated by portable bleachers.

Mechanical/Electrical Support Spaces **2,500 SF**

Includes boiler room, pump pits, surge pits, chemical storage room, electrical room, and fan room. In support of natatorium, pools, and other additional components.

Office/Storage Area **600 SF**

Guard station, first aid station and related pool staff support areas, and pool related storage area

Change Room Expansion **1,200 SF**

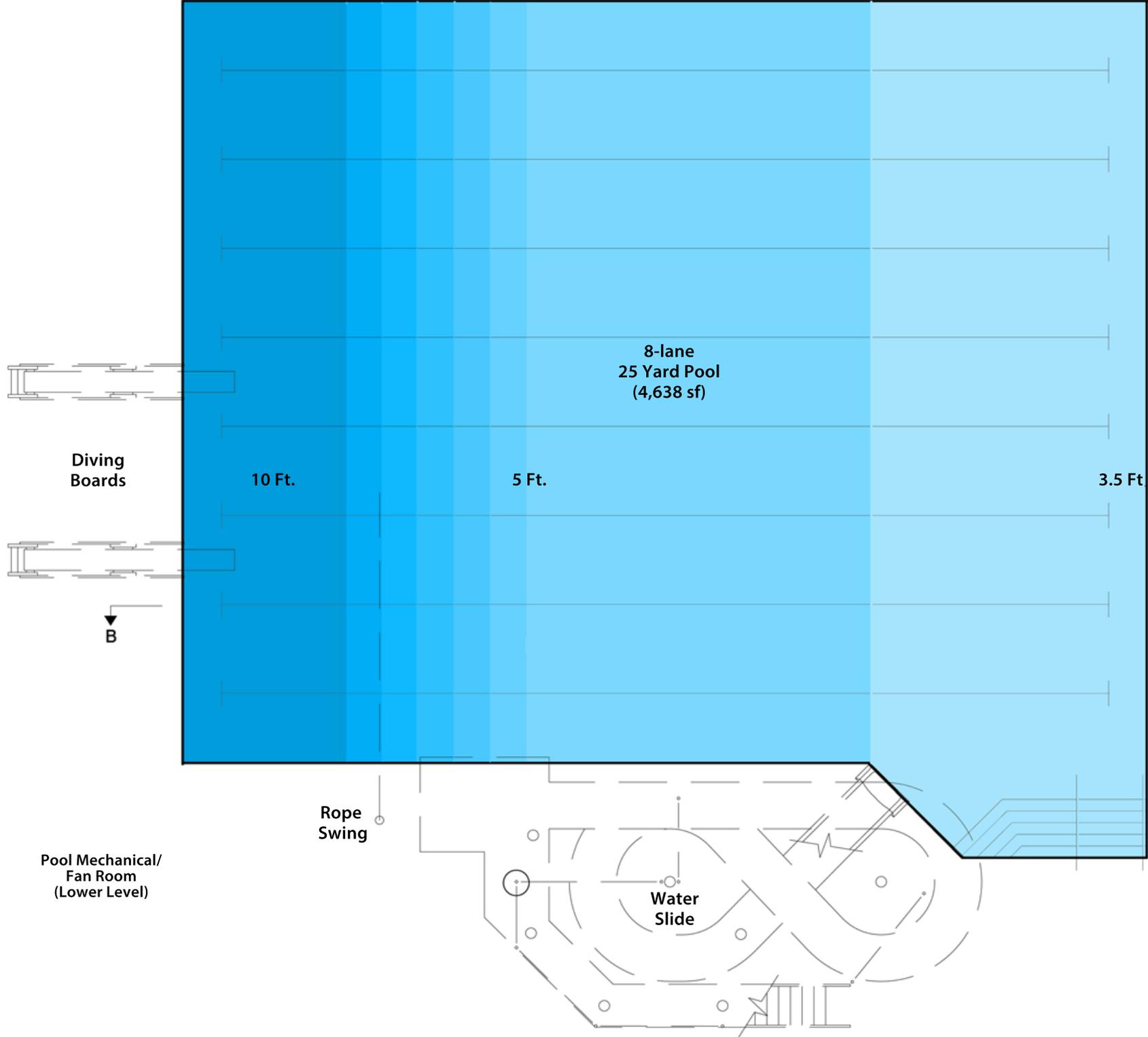
The existing change rooms of the Newport Recreation Center can meet a portion of the code required sanitary facilities (toilets, showers, etc.) required for the pool addition. Additional change room space is planned for in this design study to allow for expanded user needs as well as allowing for reconfiguration of the existing change rooms to allow for access to the natatorium.

Net-to-Gross @ 10% **2,050 SF**

Total Projected SF 22,350 SF

Additional Support Spaces **1,500 SF (renovated)**

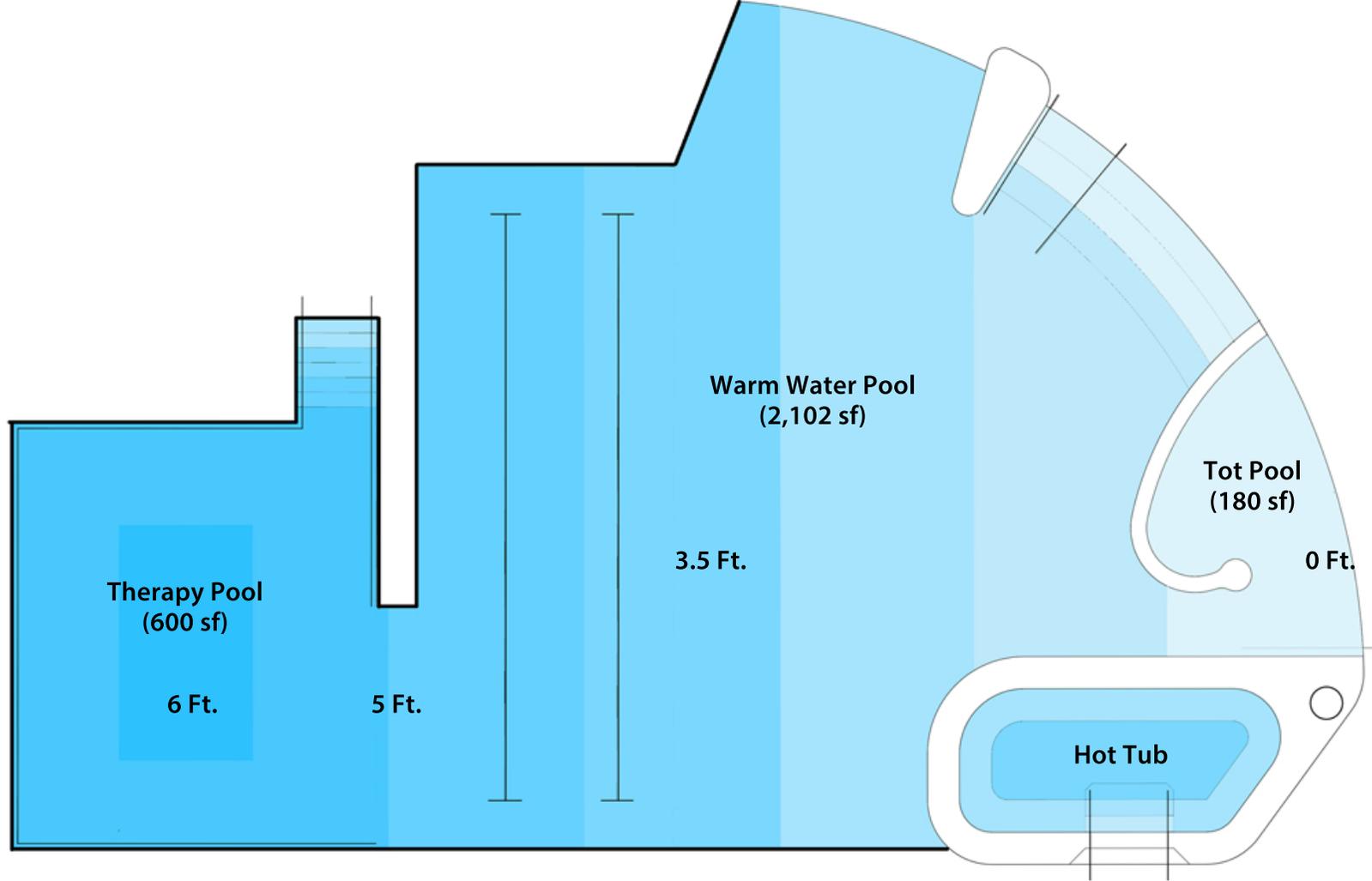
It is assumed that additional program support spaces (admissions, administration, multi-use rooms, etc.) can be accommodated within the existing Newport Recreation Center. The conceptual cost estimate included in this report includes an allowance for the reconfiguration and renovation of some existing space to tie the pool addition in functionally with the existing building.



Lap Pool Plan

Newport Recreation Center Pool Addition
4 June 2013



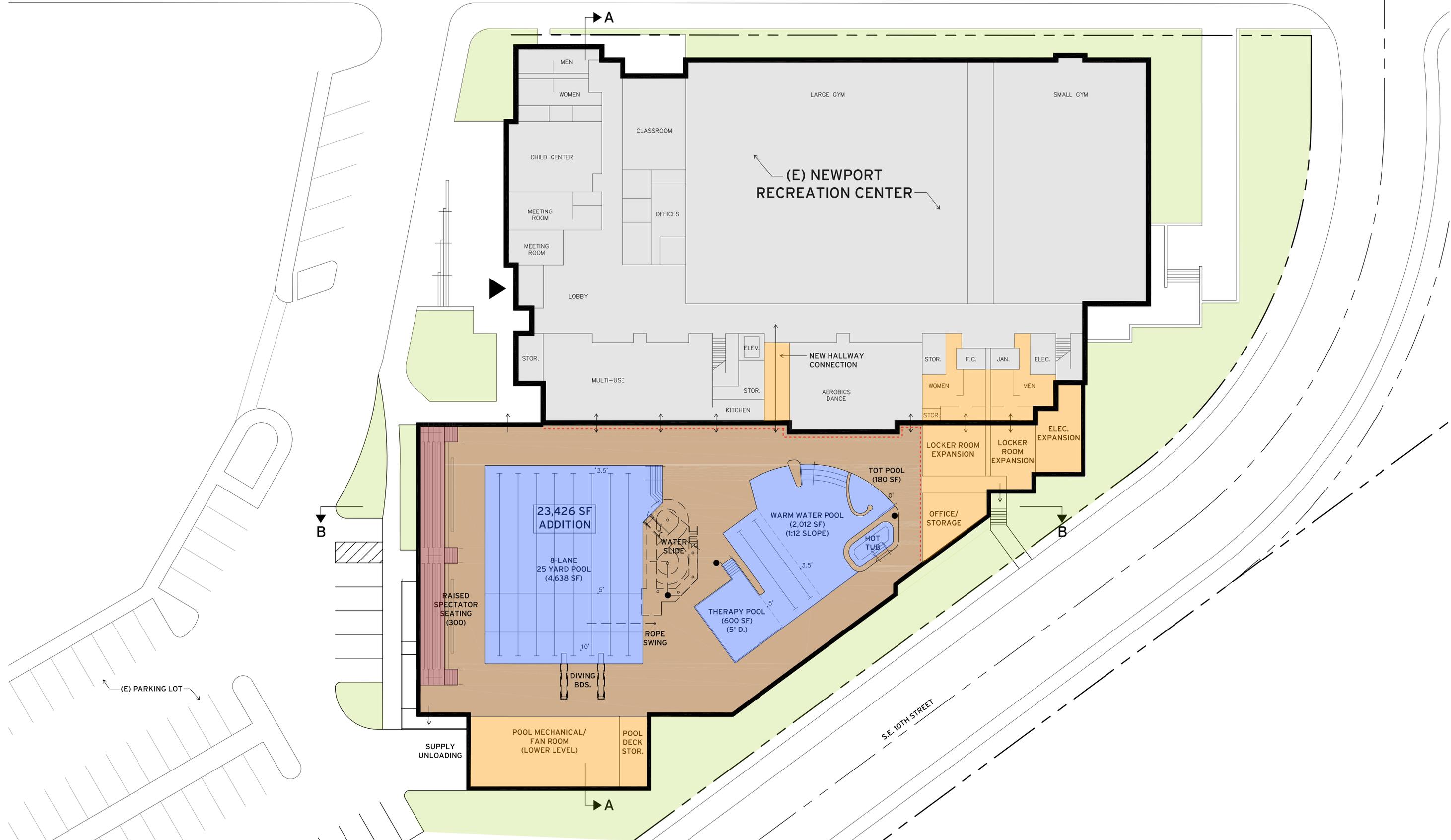


Warm Water Pool Plan

Newport Recreation Center Pool Addition
4 June 2013



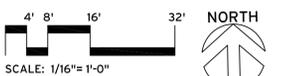
S.E. 2ND STREET



Site Plan - Option A1

Newport Recreation Center Pool Addition

4 June 2013





Overhead View from the Southwest

Newport Recreation Center Pool Addition
4 JUNE 2013



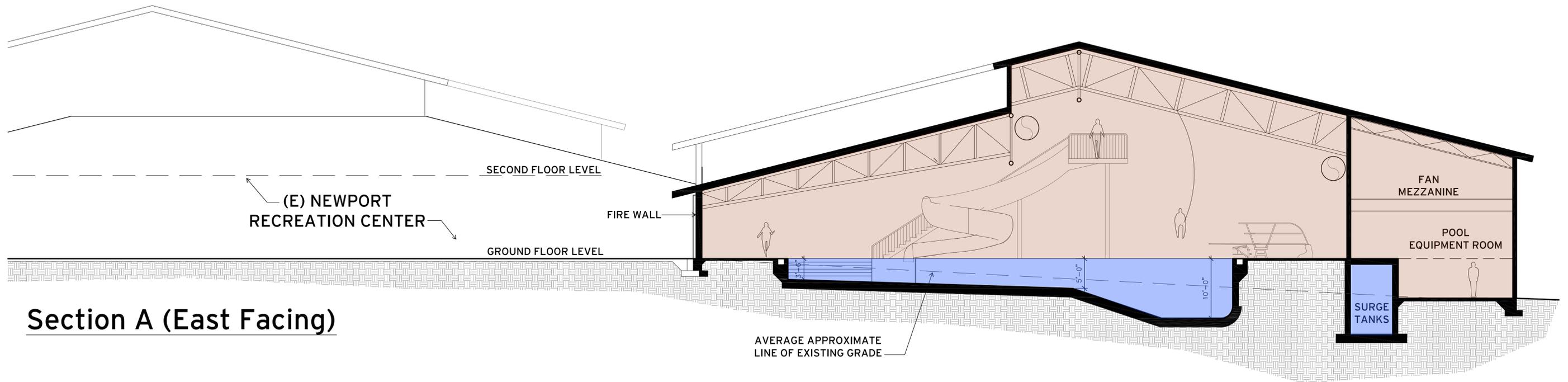
View from the Northwest

Newport Recreation Center Pool Addition
4 JUNE 2013

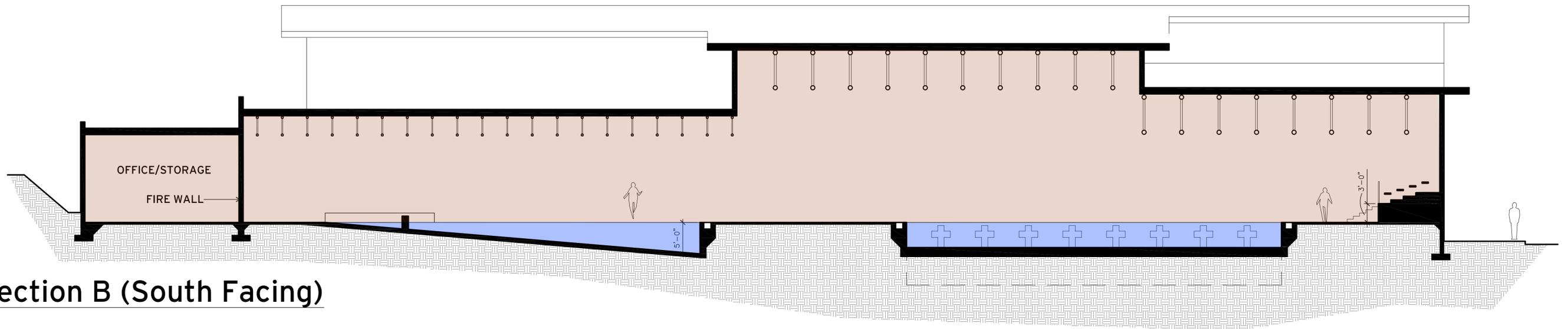


Overhead View from the Southeast

Newport Recreation Center Pool Addition
4 JUNE 2013



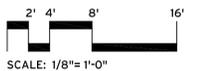
Section A (East Facing)

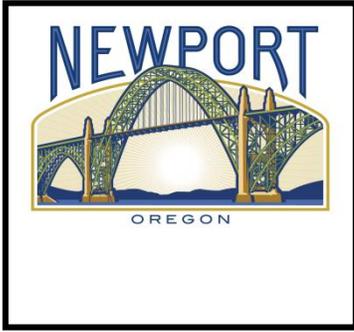


Section B (South Facing)

Preliminary Building Cross Sections

Newport Recreation Center Pool Addition
4 JUNE 2013





Agenda Item # VIII.A. _____
Meeting Date July 1, 2013 _____

CITY COUNCIL AGENDA ITEM SUMMARY
City of Newport, Oregon

Issue/Agenda Title Initial Hearing on Withdrawal of Lettenmaier Property from the Newport City Limits

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval: _____

ISSUE BEFORE THE COUNCIL: The first of two public hearings required pursuant to ORS 222.460 at which the public is invited to testify on whether or not it is in the public interest for the City to withdraw a 71.39 acre property from its corporate limits. The property is a part of the larger 668 acre Wolf Tree Destination Resort site, and is specifically identified as Tax Lot 801, Section 5, T12S, R11W, W.M. The City Council initiated the withdrawal process on June 3, 2013 (Res. #3632) at the request of the property owner, Terry Lettenmaier.

STAFF RECOMMENDATION: Staff recommends the City Council adopt Order No. 2013-3, which continues the withdrawal process and sets August 19, 2013 as the date for the final hearing.

PROPOSED MOTION: I move to adopt Order No. 2013-3, indicating that the Council still favors the withdrawal of the territory and that a final hearing on the matter be set for August 19, 2013.

KEY FACTS AND INFORMATION SUMMARY: The subject property is a part of the Wolf Tree Destination Resort that was brought into the Newport Urban Growth Boundary in July of 1987 (Ord. #1492). The developer at that time envisioned constructing the resort in two stages. This property, being on the far northeastern edge of the site, was to be part of the second stage of development. It was annexed a year later, in September of 1988 (Ord. #1522) and made a part of the “Stage One” concept because the developer came to the conclusion that additional acreage was needed to achieve the desired residential density once a preliminary design was completed for a planned golf course. Ultimately, the development never moved forward and the property has since changed hands.

The Wolf Tree resort site is zoned R-4/“High Density Residential” and C-2/“Tourist Commercial” with a Planned Destination Resort (PDR) overlay. The purpose of the overlay is to ensure that a destination resort use is established. To this end, it prohibits any development of the property that falls short of at least 150 rentable units, eating establishments for at least 100 persons, meeting room capacity for at least 100 persons and recreational facilities all of which must total an initial investment of at least \$6 million (in 1987 dollars). Such a scale of development would support the extension or development of urban services, which currently do not exist in the area.

On January 25, 2013, the City received a letter from Terry Lettenmaier requesting that property he and his wife Laurie Weitkamp purchased in July of 2011 be withdrawn from the City of Newport. Mr. Lettenmaier desires to construct one dwelling on the property. Withdrawing the property from the City helps achieve this objective by allowing them to approach the County to rezone the site to a designation where that use would be permissible.

ORS 222.460 sets out a procedure for withdrawing property from a City. The process must be initiated by Council resolution, followed by two noticed hearings at which the public is afforded an opportunity to testify. This is the first of the required hearings. If, after taking testimony, the Council desires to proceed then it must adopt an order to that affect and schedule a second hearing within 20-50 days. A draft order has been prepared that sets 7:00 PM on August

19, 2013 as the time and date for the final hearing. The meeting would be held in the Council Chambers at Newport City Hall.

Steel String, Inc., who owns the balance of the Wolf Tree destination resort property does not object to the withdrawal provided provisions are made to ensure that they can extend utilities through the subject property in the future if such an extension is needed to facilitate resort development. Mr. Lettenmaier is agreeable to reasonable provisions of this nature and staff is working with both parties on a utility easement that could be executed concurrent with adoption of an ordinance at the second and final hearing. The City Council can then find that the public interest is served because withdrawal of the property will not impede the development of the resort site.

It is relevant to note that withdrawal of the property from the City does not mean that it is forever foreclosed from being a part of the destination resort. The property would still be within the Urban Growth Boundary and could presumably be annexed back into the City in the future.

OTHER ALTERNATIVES CONSIDERED: None.

CITY COUNCIL GOALS: This request is not related to any adopted Council goals.

ATTACHMENT LIST:

- Draft Order No. 2013-3
- Resolution No. 3632 w/ attached map
- ORS 222.460
- Public Notice of the July 1, 2013 hearing

FISCAL NOTES: The property is presently under a forest tax deferral with an assessed value of \$25,570. Given that this is the case, the withdrawal would have a negligible impact on the City's tax base.

THE CITY COUNCIL OF THE CITY OF NEWPORT,
COUNTY OF LINCOLN, STATE OF OREGON

In the Matter of:

DECLARING INTENT TO)
APPROVE THE WITHDRAWAL OF TERRITORY) ORDER NO.
FROM THE CITY OF NEWPORT) 2013-3
)

WHEREAS, ORS 222.460 provides that the legislative body of a city may order the withdrawal of territory from the city limits when it determines that it is in the public interest to take such action; and

WHEREAS, ORS 222.460 further sets out procedures for withdrawing territory, including information that must be contained in city resolutions and orders, requirements for public hearings, thresholds for when elections are required, and disposition of taxes and assessments; and

WHEREAS, the Newport Municipal Code 14.52.030(A)(6) identifies the withdrawal of territory from the city limits as a land use action and requires the City Council to hold a public hearing prior to taking such action; and

WHEREAS, on January 25, 2013, the city received a letter from Terry Lettenmaier requesting that the property that he and his wife, Laurie Weitkamp, purchased in July of 2011 be withdrawn from the City of Newport. The property is approximately 71.39 acres in size and is identified as Tax Lot 801, Section 5, T12S, R11W, W.M.; and

WHEREAS, the Lettenmaier property is a part of the Wolf Tree Destination Resort that was brought into the Newport Urban Growth Boundary in July of 1987 and annexed in September of 1988; and

WHEREAS, the City Council adopted Resolution No. 3632, on June 3, 2013, initiating the withdrawal of the Lettenmaier property from the City of Newport, and setting a public hearing at 7:00 P.M., on July 1, 2013 to take public input on the issue of withdrawal of this property; and

WHEREAS, notice of the public hearing was provided consistent with State law and City Code.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The City Council still favors the withdrawal of territory as originally described in Resolution No. 3632, attached hereto as Exhibit A.
2. A final hearing on the resolution to withdraw territory shall be held at 7:00 PM or soon thereafter on August 19, 2013 in the Newport City Hall Council Chambers.
3. ORS 222.460 requires the city provide electors registered in the territory proposed to be withdrawn an opportunity to request in writing that an election be held on the question of withdrawal of the affected territory. The City Council understands that Terry Lettenmaier and his wife, Laurie Weitkamp, are the only electors who own real property within the affected territory, and that they are not interested in having the question put to a citywide vote.
4. Assuming no election is to be held pursuant to ORS 222.460, the City Council will adopt an ordinance detaching the territory from the city at the close of the public hearing on August 19, 2013.

SO ORDERED this first day of July, 2013.

Sandra N. Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

CITY OF NEWPORT

RESOLUTION NO. 3632

A RESOLUTION INITIATING WITHDRAWAL OF TERRITORY
FROM THE CITY OF NEWPORT

WHEREAS, except as expressly prohibited by city charter, ORS 222.460 provides that the legislative body of a city may order the withdrawal of territory from the city limits when it determines that it is in the public interest to take such action; and

WHEREAS, ORS 222.460 further sets out procedures for withdrawing territory, including information that must be contained in city resolutions, requirements for public hearings, thresholds for when elections are required, and disposition of taxes and assessments; and

WHEREAS, the Newport City Charter is silent as to the withdrawal of territory from the City limits; and

WHEREAS, the Newport Municipal Code (NMC) 14.52.030(A)(6) identifies the withdrawal of territory from the City limits as a land use action and requires the City Council to hold a public hearing prior to taking such action; but beyond this procedural requirement, the Newport Municipal Code sets no substantive criteria for the withdrawal of territory from the City; and

WHEREAS, on January 25, 2013, the City received a letter from Terry Lettenmaier requesting that property he and his wife Laurie Weitkamp purchased in July of 2011 be withdrawn from the City of Newport. The property is approximately 71.39 acres in size and is identified as Tax Lot 801, Section 5, T12S, R11W, W.M.; and

WHEREAS, the Lettenmaier property is a part of the Wolf Tree Destination Resort that was brought into the Newport Urban Growth Boundary in July of 1987 (Ordinance #1492) and annexed in September of 1988 (Ordinance #1522); and

WHEREAS, the Wolf Tree Destination Resort is subject to a Planned Development Overlay that prohibits any development of the property that falls short of at least 150 rentable units, eating establishments for at least 100 persons, meeting room capacity for at least 100 persons and recreational facilities, all of which must total an initial investment of at least \$6 million (in 1987 dollars); and

WHEREAS, Mr. Lettenmaier desires to construct one single family dwelling on the property and believes that this objective can best be accomplished if the property is withdrawn from the city limits and rezoned by Lincoln County; and

WHEREAS, Steel String, Inc., who owns the balance of the destination resort property at a little over 600 acres, indicated in a January 31, 2013 email that they do not object to the withdrawal provided provisions are made to ensure that they can extend utilities through the subject property in the future if such an extension is needed to facilitate resort development; and

WHEREAS, the City Council considered Mr. Lettenmaier's proposal, and testimony provided by Steel String, Inc., at a meeting on February 4, 2013 and agreed that the issues raised can be addressed through the withdrawal process. The Council further agreed to initiate the process provided a fee of \$700 was paid by Mr. Lettenmaier to off-set notification costs; and

WHEREAS, Mr. Lettenmaier paid the requested amount on May 13, 2013.

NOW, THEREFORE, THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The City Council intends to change the boundary of the City of Newport by means of a withdrawal of territory.

Section 2. The territory to be withdrawn from the City of Newport is real property in the County of Lincoln, State of Oregon, described as follows:

"U.S. Lot 3 and that portion of the southeast quarter of the northwest quarter lying northerly of Thiel Creek County Road, all in Section 5, Township 12 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon.

Excepting therefrom any portion falling within S.E. 98th Street (Thiel Creek Road and County Road 601).

Together with that portion of Government Lot 2 described as follows:

Beginning at the northwest corner of Government Lot 2; thence easterly along the north line of said lot to the northwest corner of Government Lot 1; thence south along the west line of said Lot 1, 655 feet; thence westerly, parallel with the north line of Government Lot 2 to the west line of said Lot 5; thence northerly along said west line to the point of beginning, all in Section 5, Township 12 South, Range 11 West of the Willamette Meridian, in Lincoln County Oregon.

Excepting that portion, if any, of the Tract described in Volume 261, Page 844, of the Lincoln County Film Records."

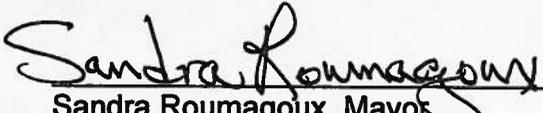
The territory is further illustrated on the Lincoln County Assessors Cadastral Map attached as Exhibit A.

Section 3. The City Council will hold a public hearing at 7:00 pm on July 1, 2013 in the Council Chambers at Newport City Hall (169 SW Coast Hwy), to be noticed per ORS 22.120(3) and as a land use public hearing per NMC 14.52.030(A)(6), at which time City residents may appear and be heard on the question of the withdrawal of this territory.

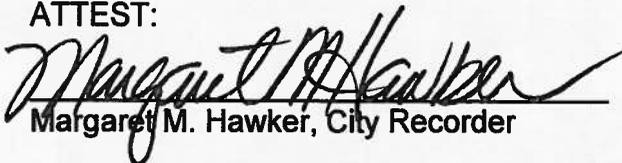
Section 4. The effective date of this Resolution is June 3, 2013.

Adopted by a 7-0 vote of the Newport City Council on June 3, 2013.

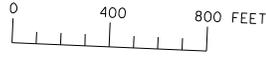
Signed on June 4, 2013.


Sandra Roumagoux, Mayor

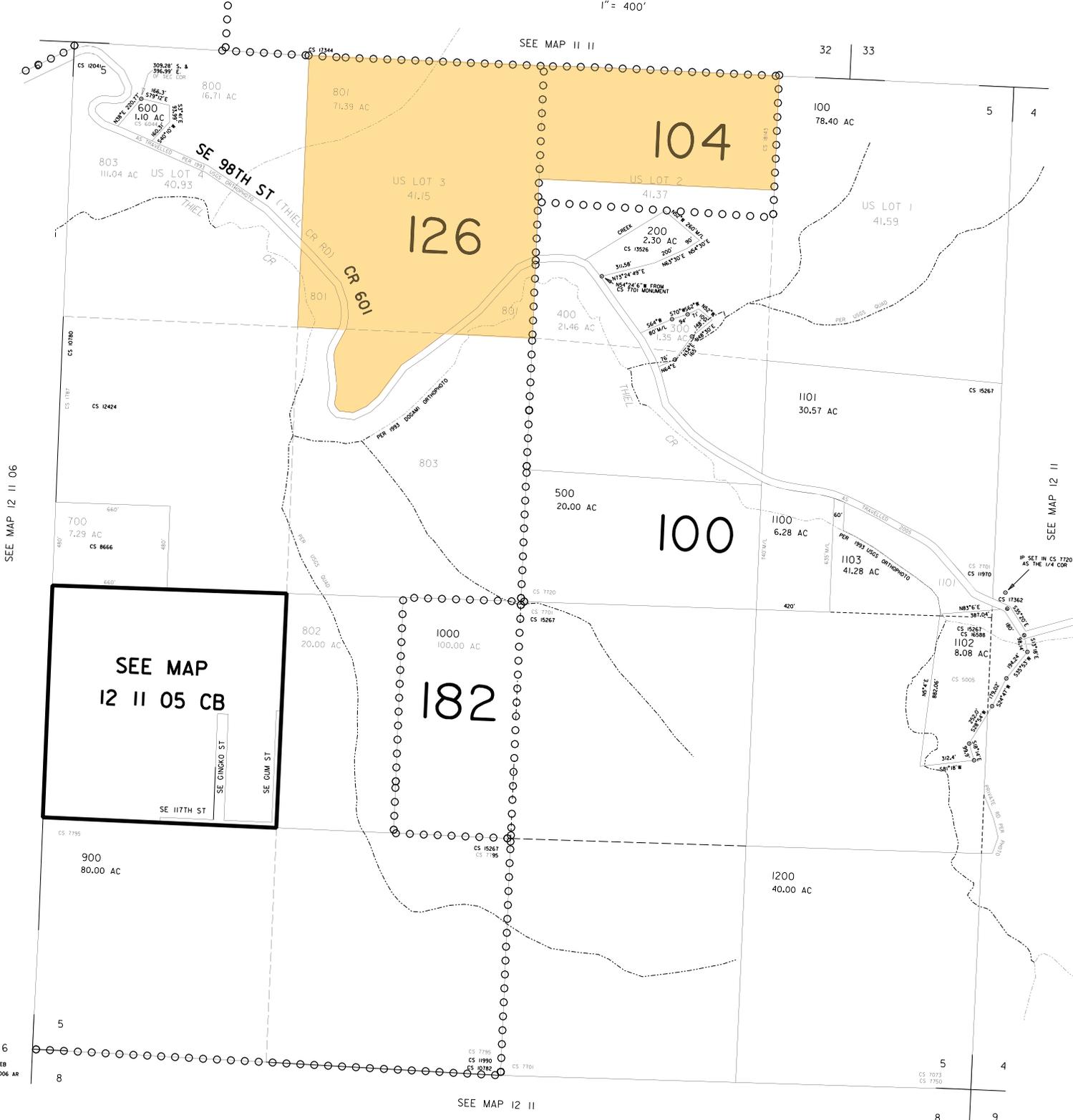
ATTEST:


Margaret M. Hawker, City Recorder

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



SECTION 5 T12S R11W WM
LINCOLN COUNTY
1" = 400'



SEE MAP 12 11 06

SEE MAP 12 11

SEE MAP 12 11

WITHDRAWAL OF TERRITORY

222.460 Procedures for withdrawal of territory; content of resolution; hearing; election; taxes and assessments. (1) Except as expressly prohibited by the city charter, when the legislative body of a city determines that the public interest will be furthered by a withdrawal or detachment of territory from the city, the legislative body of the city, on its own motion, may order the withdrawal of territory as provided in this section.

(2) A withdrawal of territory from the city shall be initiated by a resolution of the legislative body of the city.

(3) The resolution shall:

(a) Name the city and declare that it is the intent of the legislative body of the city to change the boundaries of the city by means of a withdrawal of territory;

(b) Describe the boundaries of the affected territory; and

(c) Have attached a county assessor's cadastral map showing the location of the affected territory.

(4) Not later than 30 days after adoption of the resolution, the legislative body of the city shall hold a public hearing at which the residents of the city may appear and be heard on the question of the withdrawal of territory. The legislative body of the city shall cause notice of the hearing to be given in the manner required under ORS 222.120 (3).

(5) After receiving testimony at the public hearing, the legislative body of the city may alter the boundaries described in the resolution to either include or exclude territory. If the legislative body of the city still favors the withdrawal of territory pursuant to the resolution, as approved or modified, it shall enter an order so declaring. The order shall set forth the boundaries of the area to be withdrawn. The order shall also fix a place, and a time not less than 20 nor more than 50 days after the date of the order, for a final hearing on the resolution. The order shall declare that if written requests for an election are not filed as provided by subsection (6) of this section, the legislative body of the city, at the time of the final hearing, will adopt a resolution or ordinance detaching the territory from the city.

(6) An election shall not be held on the question of withdrawal of the affected territory from the city unless written requests for an election are filed at or before the hearing by not less than 15 percent of the electors or 100 electors, whichever is the lesser number, registered in the territory proposed to be withdrawn from the city.

(7) At the time and place set for the final hearing upon the resolution for withdrawal, if the required number of written requests for an election on the proposed withdrawal have not been filed, the legislative body of the city shall, by resolution or ordinance, declare that the territory is detached from the city.

(8) If the required number of requests for an election are filed on or before the final hearing, the legislative body of the city shall call an election in the city upon the question of the withdrawal of the affected territory.

(9) If an election is called and a majority of the votes cast at the election is in favor of the withdrawal of the designated area from the city, the legislative body of the city shall, by resolution or ordinance, declare that the territory is detached from the city. If the majority of the votes cast is against the withdrawal, the legislative body of the city shall enter an order declaring the results of the election and that no withdrawal shall occur.

(10) The described area withdrawn shall, from the date of entry of the order, be free from assessments and taxes levied thereafter by the city. However, the withdrawn area shall remain subject to any bonded or other indebtedness existing at the time of the order. The proportionate share shall be based on the assessed valuation, according to the assessment roll in the year of the levy, of all the property contained in the city immediately prior to the withdrawal. [1985 c.702 §2; 1989 c.1063 §13]

Note: 222.460 and 222.465 were added to and made a part of ORS chapter 222 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that, consistent with Oregon Revised Statute (ORS) 222.460(4) and Newport Zoning Ordinance Section 14.52.030, the City Council of the City of Newport, Oregon, will hold a public hearing at 7:00 p.m. or shortly thereafter in the City Hall Council Chambers on July 1, 2013, to review a request from Terry Lettenmaier for withdrawal of territory from the corporate limits of the City of Newport. File No. 1-AX-13 involves a 71.39 acre property, which is a portion of the 669 acre Wolf Tree Destination Resort property. The property is currently identified as Tax Lot 801 of Lincoln County Assessor's Map 12-11-05 (located in the northeast corner of the Wolf Tree Destination Resort property). Testimony and evidence must be directed toward the request described above or other criteria in the Newport Comprehensive Plan and its implementing ordinances that a person believes applies to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department, City Hall, 169 SW Coast Hwy., Newport, OR 97365, must be received by 5:00 p.m. the day of the hearing or must be submitted to the City Council in person during the hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant, those in favor or opposed to the request, and questions and deliberation by the City Council. If, after taking testimony, the Council favors the withdrawal of the territory, then it will issue an order to that effect and set a date for a second hearing at which time a final decision could be made on the request. The staff report may be reviewed or purchased for reasonable cost at the Newport Community Development (Planning) Department (address above) seven days prior to the hearing. The application materials, applicable criteria, and other file material are available for inspection at no cost or copies may be purchased for reasonable cost at this address. Contact Derrick Tokos, Community Development Director, (541) 574-0626 (address above).

FOR PUBLICATION ONCE ON FRIDAY JUNE 21, 2013.

**CITY OF NEWPORT
NOTICE OF A PUBLIC HEARING ¹**

NOTICE IS HEREBY GIVEN that, consistent with Oregon Revised Statute (ORS) 222.460(4) and Newport Zoning Ordinance Section 14.52.030, the City Council of the City of Newport, Oregon, will hold a public hearing on July 1, 2013, to review the following request for withdrawal of territory from the corporate limits of the City of Newport:

File No.: 1-AX-13.

Applicant: Terry Lettenmaier.

Request: Consideration of a request to withdraw a 71.39 acre property, which is a portion of the 669 acre Wolf Tree Destination Resort property, from the corporate limits of the City of Newport.

Location: Lincoln County Assessor's Map 12-11-05 Tax Lot 801 (located in the northeast corner of the Wolf Tree Destination Resort property).

Testimony: Testimony and evidence must be directed toward the request described above or other criteria in the Newport Comprehensive Plan and its implementing ordinances that a person believes applies to the decision. Failure to raise an issue with sufficient specificity to afford the city and the parties an opportunity to respond to that issue precludes an appeal (including to the Land Use Board of Appeals) based on that issue. Testimony may be submitted in written or oral form. Oral and written testimony will be taken during the course of the public hearing. Letters to the Community Development (Planning) Department (address below in "Reports/Application Material") must be received by 5:00 p.m. the day of the hearing or must be submitted to the City Council in person during the hearing. The hearing will include a report by staff, testimony (both oral and written) from the applicant, those in favor or opposed to the request, and questions and deliberation by the City Council. If, after taking testimony, the Council favors the withdrawal of the territory, then it will issue an order to that effect and set a date for a second hearing at which time a final decision could be made on the request.

Reports/Application Materials: The staff report may be reviewed or purchased for reasonable cost at the Newport Community Development (Planning) Department, City Hall, 169 SW Coast Hwy., Newport, Oregon 97365, seven days prior to the hearing. The application materials, applicable criteria, and other file material are available for inspection at no cost or copies may be purchased for reasonable cost at this address.

Contact: Derrick Tokos, Community Development Director, (541) 574-0626 (address above in "Reports/Application Materials").

Time/Place of Planning Commission Hearing: Monday, July 1, 2013; 7:00 p.m. or shortly thereafter; City Hall Council Chambers (address above in "Reports/Application Materials").

MAILED: June 10, 2013.

PUBLISHED: June 21, 2013/News-Times.

¹ This notice is being sent to the applicant, the applicant's authorized agent (if any), affected property owners within 200 feet of the subject property (according to Lincoln County tax records), affected public/private utilities/agencies within Lincoln County, and affected city departments.

Wanda Haney

From: Wanda Haney
Sent: Monday, June 10, 2013 11:09 AM
To: David Marshall; Elwin Hargis; Jim Protiva; Mark Miranda; Phillip Paige; Ted Smith; Terry Durham; Tim Gross; Victor Mettle
Subject: File_1-AX-13_Withdrawal_Notice - CC
Attachments: File_1-AX-13_Withdrawal_Notice - CC.doc

Attached is a public notice concerning a land use action. The notice contains an explanation of the request, a property description, and a date for a public hearing. Please review this information to see if you would like to make any comments. We must receive comments at least 10 days prior to the hearing in order for them to be considered. **Should no response be received, a "no comment" will be assumed.**

Thanks,

Wanda Haney
Executive Assistant
City of Newport
Community Development Department
541-574-0629
FAX 541-574-0644
w.haney@newportoregon.gov

**NW Natural
ATTN: Alan Lee
1405 SW Hwy 101
Lincoln City, OR 97367**

**DLCD
810 SW Alder St Ste B
Newport OR 97365**

**CenturyLink
ATTN: Corky Fallin
740 State St
Salem OR 97301**

**Lincoln County Assessor
Lincoln County Courthouse
225 W Olive St
Newport OR 97365**

**Lincoln County Surveyor
880 NE 7th St
Newport OR 97365**

**WVCC
911 Emergency Dispatch
555 Liberty St SE Rm P-107
Salem OR 97301-3513**

**Lincoln County Clerk
Lincoln County Courthouse
225 W Olive St
Newport OR 97365**

**Central Lincoln PUD
ATTN: Randy Grove
PO Box 1126
Newport OR 97365**

**Charter Communications
ATTN: Keith Kaminski
355 NE 1st St
Newport OR 97365**

**Lincoln County School District
ATTN: Superintendent
PO Box 1110
Newport OR 97365**

**Lincoln County Commissioners
Lincoln County Courthouse
225 W Olive St
Newport OR 97365**

**US Post Office
ATTN: Postmaster
310 SW 2nd St
Newport OR 97365**

**Lincoln County Planning Dept
210 SW 2nd St
Newport OR 97365**

**Newport Rural Fire Protection
District
PO Box 923
Newport OR 97365**

**Lincoln County Library District
PO Box 2027
Newport OR 97365**

**Phil Paige
Fire Chief**

**Mark Miranda
Police Chief**

**Victor Mettle
Code Administrator/Planner**

**Terry Durham
Airport**

**Tim Gross
Public Works**

**Elwin Hargis
Building Official**

**EXHIBIT 'A'
(Affected Agencies)**

**David Marshall
Finance Director**

**TERRY LETTENMAIER
PO BOX 550
SOUTH BEACH OR 97366**

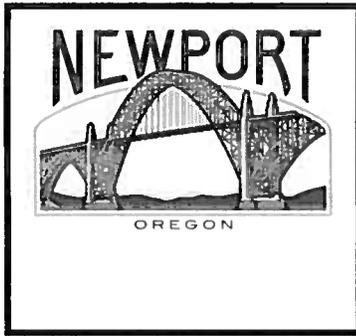
**STEEL STRING INC
PO BOX 12085
PORTLAND OR 97212-0085**

**FOX N BUSH LLC
777 NE 2ND ST STE F
CORVALLIS OR 97330**

**DELILAH A SMALLFOOT &
SHARON B HELLAND &
REBEKAH L WOLFENBARGER
251 SE OAKVIEW LN
ESTACADA OR 97023**

**BIG PICTURE PROPERTIES LLC
11626 7TH AFVE SW
SEATTLE WA 98146**

**EXHIBIT 'A'
ADJACENT PROPERTIES**



Agenda Item #: VIII.B.

Meeting Date: 7/1/13

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Public Hearing and Consideration of Resolution No. 3631 Establishing Hiring Standards, Criteria, Policy Directives, and a Timeline for the Recruitment and Hiring of the City Manager for the City of Newport, Oregon

Prepared By: Hawker Dept Head Approval: ph City Manager Approval: _____

Issue Before the Council: The issue before Council is to hold a public hearing on Resolution No. 3631 establishing hiring standards, criteria, policy directives, and a timeline for the recruitment and hiring of a new City Manager. On conclusion of the public hearing, Council will consider adopting the resolution.

Staff Recommendation: This is entirely a City Council decision.

Proposed Motion: I move to adopt Resolution No. 3631 establishing hiring standards, criteria, policy directives, and a timeline for the recruitment and hiring of a new City Manager.

Key Facts and Information Summary: ORS 192.660(7)(d)(D) provides that the standards, criteria, and policy directives to be used in hiring the chief executive officer (City Manager) must be adopted at a meeting open to the public at which the public has had an opportunity to comment. The public is provided an opportunity to comment on those matters at this public hearing. Resolution No. 3631 contains the requisite information, and if adopted, will allow Council to consider the employment of the City Manager in an executive session.

The former City Manager resigned his position effective June 4, 2013. The City Council met on May 16; June 3; and June 17, 2013 and discussed various aspects of the hiring of a City Manager. Resolution No. 3631 is the culmination of discussion at those meetings.

Other Alternatives Considered: None.

City Council Goals: None.

Attachment List: Resolution No. 3631

Fiscal Notes: None.

RESOLUTION NO. 3631

A RESOLUTION ESTABLISHING HIRING STANDARDS,
CRITERIA, POLICY DIRECTIVES, AND A TIMELINE
FOR THE RECRUITMENT AND HIRING OF THE
CITY MANAGER FOR THE CITY OF NEWPORT, OREGON

WHEREAS, Jim Voetberg, City Manager of the City of Newport, resigned effective June 4, 2013, thereby vacating the position of City Manager; and

WHEREAS, Section 34 of the City Charter provides that the City Manager is appointed by the City Council; and

WHEREAS, the City Council has determined that the recruitment and hiring of a new City Manager is necessary and appropriate, and Council intends by this Resolution to adopt hiring standards, criteria, policy directives, and a timeline in connection with such recruitment and hiring; and

WHEREAS, on July 1, 2013, the City Council conducted a public hearing and provided the public an opportunity to comment on the recruiting process of the City Manager and the proposed hiring standards, criteria, policy directives, and timeline;

The City of Newport resolves as follows:

Section 1. The City Council hereby directs that the City Recorder and appropriate City staff coordinate the recruitment of a City Manager. Such recruitment to begin immediately and to be conducted substantially in accordance with the timeline and activities for recruitment as set forth in attached Exhibit A.

Section 2. The City Council hereby adopts the criteria and hiring standards as set forth in the job description contained in Exhibit B.

Section 3. This resolution is effective immediately.

Adopted by the City Council of the City of Newport on July 1, 2013.

Sandra N. Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

EXHIBIT A

City Manager Recruitment and Hiring Timeline

Action	Goal Date	Status
Hiring standards, criteria, policy directions, and a timeline for selection of a City Manager submitted to Council for public hearing, public comment, and approval by Resolution No. 3631	7/1/13	
Advertise the position in local, state, regional, and national trade publications with an application deadline of August 16, 2013	6/18/13	
Deadline for receipt of preliminary applications including letter of application, resume, and city application form	8/16/13	
Deadline for receipt of supplemental questions from applicants	8/30/13	
Consultant to review applications to ensure that applicants meet minimum qualifications	9/7/13	
Present all applications to City Council, along with the recommendations of the top seven candidates. Discuss applications in an executive session of the City Council	9/16/13	
Schedule and conduct interviews	10/3/13 and 10/4/13	
Hold a meet and greet for the community and staff to meet the finalists	10/3/13	
Make a tentative employment offer contingent upon a successful background check, reference checks, and contract negotiations	10/7/13	
Repeat steps as appropriate		

EXHIBIT B

Non-Union, Supervisory, FLSA Exempt, and Confidential Position

ORGANIZATION: City of Newport
DEPARTMENT: City Manager

LOCATION: Newport, Oregon
DATE: May 2013

JOB TITLE: City Manager

CONTRACTED WAGE

PURPOSE OF POSITION:

The City Manager serves as the administrative head of the City Government. The City Manager is responsible to the Council for the proper administration of all City business. The City Manager will assist the Council in the development of City policies, and is charged with the duty of carrying out Council policies established by ordinances, rules, and resolutions.

ESSENTIAL JOB FUNCTIONS AND EXAMPLES OF DUTIES PERFORMED:

The City manager may perform any of the tasks listed below; however, these examples do not include all the tasks which the City Manager may be expected to perform.

The City Manager assumes full management responsibility, leadership, and accountability for all City operations. The City Manager plans, directs, manages and oversees all activities and operations of the City. This includes the following departments: Administration, Airport, Community Development, Finance, Fire, Library, Park and Recreation, Police, Public Works, and all Volunteers. This position provides direct support and reports, directly to the City Council.

Develops, plans and implements, with Council participation, goals and objectives for the City; recommends and administers policies and procedures necessary to provide municipal services; approves new or modified programs, systems, administrative and personnel policies and procedures. Keeps Council apprised of City developments, maintains open channel of communication between administration and Council.

Responsible for development and oversight of the City's budget. Directs the development, presentation, and administration of the City budget; prepares and oversees the financial forecast of funding needed for staffing, equipment, materials, and supplies; monitors revenues and expenditures; implements midyear adjustments.

Provides administrative staff assistance to the City Council; directs specific and comprehensive analyses of a wide range of municipal policies; prepares and submits to the City Council annual reports of financial and administrative activities.

Directs and confers with executive staff concerning administrative and operational problems; makes decisions or recommendations for City Council adoption.

Establishes, within City policy and budget, appropriate service and staffing levels. Supervises, appoints, trains, motivates, evaluates, disciplines, and removes all City employees (with the exception of City Attorney and Municipal Court Judge) establishes or oversees the establishment of performance objectives; prepares and presents employee performance reviews; implements discipline procedures; hears and rules on employee appeals to disciplinary actions.

Oversees the enforcement of all City ordinances; monitors all contractual agreements with franchises and contractors.

Represents the City at professional meetings; participates on a variety of boards and commissions, attends all City Council meetings (unless excused by Mayor or Council).

Negotiates contracts and solutions on a variety of administrative, fiscal, and special projects; participates in the preparation of program or special project budgets; analyzes and prepares recommendations on budget requests; monitors appropriate budget accounts.

Confers with residents, businesses, and other individuals, groups, and outside agencies having an interest or potential interest in affairs of City concern; interprets, analyzes, and explains policies, procedures, and programs.

Coordinates City activities with other governmental agencies and outside organizations; appoints administrative committees for coordination of services and activities.

Develops safe work habits and contributes to the safety of self, co-workers, and general public.

Performs other duties as required.

JOB QUALIFICATION REQUIREMENTS:

MINIMUM/MANDATORY EDUCATION AND EXPERIENCE REQUIREMENTS:

Bachelor's degree from and accredited College or University in Public Administration or Business Administration or other applicable degree. At least seven (7) years of progressively responsible experience in local government, including five (5) years of administrative or supervisory responsibility; or any equivalent combination of education and experience.

KNOWLEDGE:

Knowledge of local operations, procedures, practices, systems, and structures.

Knowledge of management techniques, principles and practices as they occur in government organizations.

Knowledge of the role of technology in local government.

Knowledge of current social, political and economic trends and operating issues of local government.

Knowledge of organizational and management practices as applied to the analysis and evaluation of programs, policies, and operational needs.

Knowledge of principles of effective public relations and interrelationships with community groups and agencies, private business and firms, and other levels of government.

Knowledge of City organization goals and Council policy.

Knowledge of UR principles.

Knowledge of pertinent Federal, State and local codes, and regulations. Knowledge of Oregon municipal operations and municipal law an added benefit.

SKILLS AND ABILITIES:

Knowledge of principles of supervision, training, and performance evaluation.

Knowledge of principles and practices of local government budget preparation and administration.

Ability to analyze, interpret, summarize, and present administrative and technical information and data in an effective manner.

Ability to analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals to improve operations, procedures, policies, or methods.

Ability to prepare and administer large and complex budgets.

Ability to provide competent advice to City Council and staff in a timely fashion.

Ability to effectively and fairly negotiate appropriate solutions and contracts.

Ability to gain cooperation through discussion and persuasion.

Ability to act as a liaison between elected officials, citizens, City departments, agencies, and the business community.

Ability to promote economic and business development.

Ability to communicate clearly and concisely, both orally and in writing.

Ability to establish and maintain cooperative working relationships with those contacted in the course of work including City Council members, staff, committee members, public officials, business leaders, and the general public.

Ability to utilize team management concepts.

Ability to manage multiple projects often within tight timeframes.

Ability to manage and evaluate the work of subordinates.

Ability to analyze and evaluate City operations and develop and implement plans to increase or improve departmental efficiency.

Ability to utilize word processing spreadsheets and database systems sufficiently to perform assigned duties.

DESIRABLE QUALIFICATIONS:

Master's degree from and accredited college or university in Public Administration or Business Administration or other applicable degree.

In-depth knowledge of civil engineering, airport operations, law enforcement practice, and/or fire department protocol.

Certification from the International City/County Manager Association.

PMP/PMI certification.

SPECIAL QUALIFICATIONS:

Must possess, or be able to obtain by time of hire, a valid Oregon State driver's license. Must be able to pass the City's security clearance standards, including review of past employment history, credit check, and driving record.

PHYSICAL DEMANDS OF POSITION:

Requires a high level of cognitive reasoning. Requires the ability to function indoors in an office environment engaged in work of primarily a sedentary nature and the ability to walk or move to various City locations. Requires the ability to use hearing and speech to make presentations to large audiences and carry on conversations over the phone and in person. Requires near visual acuity to read printed materials and computer screens. Requires sufficient hand/arm/finger dexterity to retrieve work materials and operate standard office equipment.

WORKING CONDITIONS/WORK ENVIRONMENT:

Work location is primarily indoors where most of work period occurs under usual office working conditions. Requires regular evening meeting as well as ability to work any hours during emergency situations.

SUPERVISION RECEIVED:

Reports directly to the City Council. Works under the general guidance of the City Council.



Agenda Item #: IX.A.
Meeting Date: 7/1/13

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Consideration of Award for Print/Outdoor Marketing Production to Newport News-Times

Prepared By: C.Breves Dept. Head Approval: TS City Mgr Approval: TS

Issue Before the Council: The issue before Council is the consideration of a print/outdoor marketing production services. A proposal was submitted by the Newport News-Times, and reviewed and recommended by the Destination Newport Committee.

Staff Recommendation: The current procedure requires a recommendation from the Destination Newport Committee to the City Council. The DNC is forwarding a positive recommendation to enter into agreement with the Newport News-Times for print/outdoor marketing production services at a total cost of \$17,000 plus \$22,000 for additional print of 4-panel brochure for the fiscal year 2014.

Proposed Motion: I move to approve the print/outdoor marketing production services and printing of brochures with the Newport News-Times in the amount of \$39,000.

Key Facts and Information Summary: The Newport News-Times proposed a renewal of their print/outdoor marketing production services for the DNC committee for the 2014 fiscal year. The News-Times will provide Double-truck in Travel Newport, Full page in Vino, Design for all print and visual materials for print publications, brochure, billboards, and signage. This will include design, proofing, production and delivery as needed. Photographs for the above will be provided if necessary.

Other Alternatives Considered: None.

City Council Goals: The request does not address a specific City Council goal.

Attachment List: Attached is the proposal and list of projects News-Times has worked on.

Fiscal Notes: If approved, this funding would come from marketing and advertising monies in the Room Tax Fund budgeted at \$325,000.

NEWS TIMES

James W. Rand
Publisher
News-Times

18 June 2013

Destination Newport: Services Agreement

The following is an outline of the services that the News-Times will provide in the 2013-2014 fiscal year.

1. Double-truck in Travel Newport. Valued at \$2,000.
2. Full page in Vino. Valued at \$1,200.
3. Design for all print and visual material for print publications, brochures, billboards, and signage. This will include design, proofing, production, and delivery as needed.
4. Photographs for the above will be provided if necessary.

The above services will be for the period beginning immediately and ending June 30, 2014. The cost of the services and advertising outlined above is one payment of \$17,000 due to the News-Times no later than August 15, 2013.

The News-Times will also offer a fixed price for securing the printing of the 19.5"x 9" 4-panel brochure on 99# Sonoma matte stock with reply card. Payment on this would be due no later than August 15, 2013.

100,000 brochures – Portland
40,000 brochures – SeaTac

140,000 brochures - \$22,000

I look forward to our continued partnership.

James Rand
Publisher
News-Times

NEWS TIMES

James W. Rand
Publisher
News-Times

18 June 2013

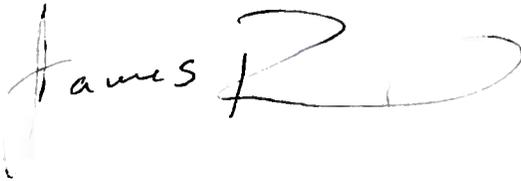
Destination Newport: 2012-2013 Project List

Below is a list of projects that the News-Times worked on during the 2012-2013 fiscal year for Destination Newport. (See examples)

Remember that each one required a number of communications, with Lorna, with the respective media, with the committee and back again for revisions. And though some ads do look similar, this was done for branding considerations. Plus, resizing and reproducing under a variety of specs occurred.

Also, finding appropriate photos and allowing photo rights and providing access to a digital library was another part of our work with Destination Newport.

- KTVZ-providing High Res logos
- CBS Outdoor fall Poster campaign
- CBS Outdoor Grande Ronde Billboard
- Oregon Coast Magazine-Mile by Mile ad
- Visitors Choice soft cover ad
- Visitors Choice Central Oregon Hard Cover
- Visitors Choice Coast Hard Cover
- CBS Outdoor Spring Poster
- CBS Outdoor Newberg Billboard
- Eugene Magazine (Fall)
- Eugene Magazine (Spring)
- 1859 Magazine
- Eugene Emerald Billboard
- Oregon Scenic Byways Guide ad
- Photo library



James Rand
Publisher
News-Times