



## **AGENDA and Notice of Special Meeting of the Newport City Council**

The City Council of the City of Newport will hold a Special Meeting on Monday, June 23, 2014, at 5:00 P.M., in Conference Room A at City Hall, 169 S.W. Coast Highway, Newport, Oregon 97365. **This meeting will be followed immediately by a meeting of the Newport Urban Renewal Agency.** A copy of the agenda follows.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder 541.574.0613.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the work session and/or meeting. Action items that do not require a public hearing may be moved up earlier in the meeting.

### **Special City Council Meeting Monday, June 23, 2014 - 5:00 P.M. Conference Room A**

- I. Call to Order
- II. Approval of OLCC License - Ocean Bleu Seafoods - Gino's
- III. Discuss Options for Legal Services in the Future
- IV. Executive Session Pursuant to ORS 192.660(2)(e) to Discuss Real Property Transactions
- V. Adjournment





**AGENDA and Notice of  
Special Meeting of the Newport Urban Renewal Agency**

The Urban Renewal Agency of the City of Newport will hold a Special Meeting on Monday, June 23, 2014, no earlier than 5:30 P.M., in Conference Room A at City Hall, 169 S.W. Coast Highway, Newport, Oregon 97365. **This meeting immediately follows a Special City Council meeting which begins at 5:00 P.M.** A copy of the agenda follows.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder 541.574.0613.

The Urban Renewal Agency reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the work session and/or meeting. Action items that do not require a public hearing may be moved up earlier in the meeting.

**Special City Council Meeting  
Monday, June 23, 2014 - No earlier than 5:30 P.M.  
Conference Room A**

- I. Call to Order
- II. Executive Session Pursuant to ORS 192.660(2)(e) to Discuss Real Property Transactions
- III. Adjournment





**CITY MANAGER'S REPORT AND RECOMMENDATIONS  
SPECIAL CITY COUNCIL AND URBAN RENEWAL AGENCY AGENDA  
Monday, June 23, 2014  
Conference Room A**

*This report is an executive summary of this agenda packet with recommended actions for the City Council. Detailed departmental reports, minutes and other supporting materials are provided within the full agenda packet where referenced.*

Note: We will be hold two special meetings on Monday, June 23, 2014. The Special City Council meeting will be held at 5 P.M. and the Special Urban Renewal Agency meeting at 5:30 P.M. (or immediately following the Special City Council meeting. At both the Special City Council meeting and The Special Urban Renewal meeting, we are proposing to have executive sessions pursuant to, ORS 192.6660(2)(e) to discuss real property transactions. In Addition, Mayor Roumagoux and I have place on the Special City Council agenda s discussion of options for pursuing City Attorney legal services in the future. The other item that will be on the Special agenda is approval of a liquor license. This did not make the June 16, 2014 City Council meeting and with the three week period between meetings I have indicated that we could have the Council provide input to the Oregon Liquor Control Commission at this meeting in order not to delay process of this permit for another two weeks.

**AGENDA ITEMS**

**Agenda Item: II**

**Recommendation of Approval of Liquor License for Ocean Bleu Seafoods @ Gino's Fish Market & Café**

**Background:**

Ocean Bleu Seafoods @ Gino's Fish Market & Café has made application to the Oregon Liquor Control Commission for a "Full On-Premises Sales" which would allow the applicant to sell 'by the drink' wine, malt beverages, cider and distilled liquor to be consumed on the premises. The application has been reviewed and the Police Department recommends favorable action by the City Council.

**Recommended Action:**

**I recommend that the City Council approve the following motion:**

**I move that the Oregon Liquor Control Commission liquor license application from Ocean Bleu Seafoods @ Gino's Fish Market & Café be recommended for approval to the Oregon Liquor Control Commission.**

Fiscal Effects:

None.

Alternatives:

None recommended.

Agenda Packet Reports:

See a report from Chief Mark Miranda.

Agenda Item: III

**Discussion of Options for City Attorney Services**

Background:

The City of Newport Charter provides: "Section 35.City Attorney. The office of City Attorney is established as the Chief Legal Officer of city government. A majority of the entire City Council shall appoint and may remove the attorney."

This position, and the City Manager are the two positions hired directly by the City Council that report directly to the City Council.

Since we are at a significant transitional point with recent resignation of City Attorney Rob Connell, I wanted to share my views with the Council from a city administration stand point about the role of the City Attorney from the perspective of the city administration.

First of all the City Attorney is employed and reports to the City Council just as I do. While not part of the management team, the City Attorney must work closely with city administration in the formulation of City policy, resolutions, ordinances and contract review in the development of items that ultimately go before the City Council.

There are advantages in having a City Attorney available to participate in various meetings, including potentially staff meetings, in order to address legal issues during the formulation of future recommendations to the City Council. While developing these agreements are clearly an administrative staff function, it should be noted that the role that the City Attorney would play at these meetings would be to represent the City Council in reviewing this issues legally as they are developed for recommendation by the City Council.

It is my belief that a majority of the interaction with a City Attorney is typically going to be at an administrative staff level with the City Attorney representing the City Council at this level. Furthermore, the City Attorney always needs to be available to provide legal opinions directly at the requests of the City Council in conjunction with any appropriate rules that are adopted by the Council regarding this interaction. These relationship can be governed in a variety of ways. The employment/contracting arrangements can be structured in a number of ways such as hourly compensation (similar to what is used with Rob and Speer-Hoyt), some fashion of retainer system in which certain levels of support are provided for a fixed amount with additional legal support for specific issues being charged at an hourly rate, a part-time position could be established on a salary basis for certain services or a full time position could be established as well. Please note that the most significant problem with the full-time position is that any individual would have to have a broad bases of municipal knowledge in order to minimize the use of contractual legal services particularly for specialized work which could include public works contracts, land use

issues, and other similar matters. With this type of position the skill set of the potential individuals or firm will need to be carefully evaluated in order to determine how to best balance this work and cost.

I have included the previous RFP used by the City Council from 2013. Councilor Allen had also suggested that I provide some financial information to the Council for reviewing legal cost of the past three years.

	<b>City of Newport Legal Services</b>		
	<b>11-12</b>	<b>12-13</b>	<b>13-14*</b>
<b>Speer Hoyt LCC</b>	\$132,585	\$115,071	\$69,095
<b>Rob Connell</b>	-	-	\$52,351
<b>Misc. (Municipal Court, Investigations, Retirement, etc.,</b>	\$14,654	\$5565	\$18,327
	\$147,239	\$120,636	\$139,773

\*As of 6/20/14 for Speer Hoyt, 5/31/14 for Rob Connell and 3/1/14 for Misc.

The City Attorney position is a City Council decision and I stand ready to provide any level of assistance including not to be directly involved with this process as is desired by the City Council.

**Agenda Item: II**

**Executive Session ORS 192.6660(2)(e) to Discuss Real Property Transactions**

**Recommended Action:**

**I recommend that the City Council approve a motion to go in executive session to discuss real property transactions for both the Special meeting and Newport Urban Renewal Agency.**

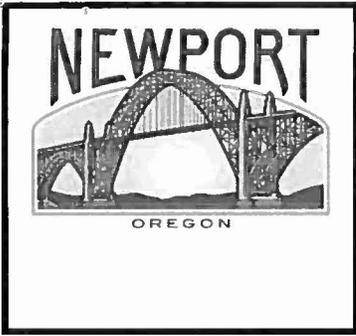
Please note that the Newport Urban Renewal Agency should meet in open session prior to considering a motion to go into closed session.

Respectfully Submitted,



Spencer R. Nebel  
Executive Director





Agenda Item # \_\_\_\_\_  
Meeting Date \_\_\_\_\_

**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 Ocean Bleu Seafoods @ Gino's Fish Market & Cafe.

**Staff Recommendation:**

The Police Department recommends favorable action by the City Council

**Proposed Motion:**

Handled as a consent calendar item

**Key Facts and Information Summary:**

Ocean Bleu Seafoods @ Gino's Fish Market & Cafe, 808 SW Bay Blvd. has made application to the Oregon Liquor Control Commission for a "Full On-Premises Sales" license due to an increase of privileges. 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. Ocean Blue is located on the Bay Front. There have been no police calls to the business within the last year.

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**

**RECEIVED**  
 JUN 09 2014  
 NEWPORT POLICE

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 \_\_\_\_\_

**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: 6/6/14

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: 6-6-14

90-day authority:  Yes  No

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

① Ocean Bleu Seafoods LLC ③ \_\_\_\_\_

④ \_\_\_\_\_

2. Trade Name (dba): Ocean Bleu Seafoods @ BINOS Fish Market & Cafe

3. Business Location: 808 SW Bay Blvd Newport Lincoln OR 97365  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: P.O. Box 1225 Newport OR 97365  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541-265-2424 (phone) (fax)

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

7. If yes to whom: Ocean Bleu Seafoods LLC DBA @ cafe type of License: off premises limited on premises sales

8. Former Business Name: same

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

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

11. Contact person for this application: Vanessa Donovan 541-272-9158  
(name) (phone number(s))  
5180 NW Rockyway \_\_\_\_\_  
(address) Newport OR 97365 (fax number) oceanbleu Seafoods @ gmail.com (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 6/5/14 ③ \_\_\_\_\_ Date \_\_\_\_\_  
② [Signature] Date 6/5/14 ④ \_\_\_\_\_ Date \_\_\_\_\_



CITY OF NEWPORT  
REQUEST FOR PROPOSALS

LEGAL SERVICES - GENERAL MUNICIPAL LAW

The City of Newport invites interested individual attorneys and law firms to submit written proposals to provide general municipal legal services.

The city is seeking general municipal legal services, anticipated to be approximately 10 hours weekly, (approximately 40 hours monthly) which would include advising the City Council on quasi-judicial and legislative procedures or other matters specifically before the City Council that have not already been addressed by outside counsel through the staff. It is expected that this individual or firm will attend City Council work sessions, regular and special meetings.

This individual or firm would be responsible for prosecution of traffic offenses and violations (including minor misdemeanors converted to violations) in the Municipal Court, in those cases in which defendants have legal counsel. This involves handling appropriate paperwork, occasionally conducting negotiations with opposing counsel, and in rare cases, handling Municipal Court trials.

The attached Appendix A shows the estimated proportions of time spent in various work areas monthly.

The city currently contracts with outside counsel for services in areas such as land use, contract law, personnel, bond counsel, real estate, and other areas. The City Manager is responsible for oversight of that contract, and may delegate authority to utilize said services to department heads or other city staff as appropriate.

The city is insured by the City-County Insurance Service both for tort-type claims and for workers compensation claims, so defense services in insured cases except for monitoring of significant cases and occasionally assisting lead CIS defense counsel in the assembly of city records would not be required.

The City Council meets regularly on the first and third Mondays of each month at 6:00 P.M. Work sessions of the City Council are generally held at noon on the first and third Mondays of each month. Occasional special meetings may be held, based on need, and at the request of the Mayor and City Council.

The City Council will appoint a licensed attorney to provide general legal services until June 30, 2014. The attorney selected to provide general legal services will serve at the pleasure of the City Council and may be removed at any time by the vote of at least four members.

The city is prepared to review proposals from individuals or firms to serve as an independent contractor. The city is requesting that proposals include fees calculated on an hourly basis, or a monthly retainer based on 40 hours per month.

The city is unable to provide office space and staffing, although limited equipment, supplies, and copying services may be negotiated.

Proposals may be mailed or hand-delivered to:

Peggy Hawker, City Recorder/Special Projects Director  
Attention: Legal Services Proposal  
City of Newport  
169 SW Coast Highway  
Newport, Oregon 97365

Alternatively, proposals may be e-mailed as an attachment, with the e-mail subject "Legal Services Proposal" to [p.hawker@newportoregon.gov](mailto:p.hawker@newportoregon.gov). E-mail attachments should be in Word format. The city will only consider proposals that it has received by 5:00 P.M., Friday, September 13, 2013.

If a proposer wishes to have his/her identity kept confidential, the proposer should include the statement "CONFIDENTIAL" at the upper right hand corner of the first page of the proposal. The city will make its best effort to keep the proposer's identity confidential.

The city reserves the right to reject all proposals, to request additional information concerning any proposal, to accept or negotiate modifications to any proposal, to interview any proposer, and to waive any irregularities in any proposal following the proposal submission deadline date, in order to serve the best interests of the city.

All inquiries about this Request for Proposals and current legal services received by the city, including inquiries about past and current litigation, should be directed by e-mail to Peggy Hawker, City Recorder/Special Projects Director, at [p.hawker@newportoregon.gov](mailto:p.hawker@newportoregon.gov).

**Requested Information.**

Proposals should include the following information. Proposers may submit additional information as deemed appropriate.

1. For individual proposers, employment history since 2000, and for firm proposers, legal status of firm or predecessor forms of organization since 2000, including specialization of individual, firm, or predecessor organization.
2. Qualifications for providing general legal services, for each attorney likely to provide services, including:
  - A. Law school (including year of graduation), year of admission to Oregon State Bar, and years of practice.
  - B. Years of municipal or other public sector law practice as a full-time government attorney or specializing in municipal or other public sector

law practice in a law firm or as a sole practitioner.

C. Particular areas of knowledge and experience in Oregon government law, including but not limited to law related to cities. Examples of areas may include but are not necessarily limited to law related to:

1. Land use;
2. Personnel matters and labor negotiations;
3. Franchises and franchise fees;
4. Taxes, fees, and charges such as systems development charges and water and sewer service charges;
5. Annexation;
6. Police matters;
7. Public purchasing and contracting;
8. Municipal court prosecutions;
9. Planning, construction, and operation of public facilities such as street, water, sanitary sewer, and storm drainage facilities;
10. Urban renewal;
11. Open meetings and public records;
12. Government ethics; and
13. Elections.

D. Litigation experience, including descriptions of representative cases and outcomes.

E. Drafting experience, such as drafting of contracts, memoranda, ordinances, and resolutions.

F. Experience giving oral advice such as during the course of City Council meetings and by telephone to city staff.

G. Other types of clients represented.

H. Affiliations or clients that could cause conflicts of interest regarding likely City Attorney matters.

3. How you propose to provide general legal services to the city. This should address issues such as office location; accessibility to City Council members and city staff; attendance at City Council, and occasional other meetings; services expected from the City; and if a firm, how you propose to manage the firm's provision of services to the city – for example, would there be a lead attorney and, if so, who would that attorney be and how would other attorneys be involved.

4. Proposed compensation for general legal services. As an independent contractor, this should include any proposal for expense reimbursements beyond payments for time. For a firm's proposal, if the proposed compensation

will vary depending on which attorney does work, this should include the proposed method of charging for each attorney who will be performing work.

5. Any work listed in Appendix A that would not be covered by your compensation proposal.

**APPENDIX A**

**ESTIMATED MONTHLY PROPORTION  
OF GENERAL LEGAL SERVICES TIME BY WORK AREA**

ATTENDANCE AT CITY COUNCIL MEETINGS	55%
PREPARATION FOR CITY COUNCIL MEETINGS	25%
CODE ENFORCEMENT AND MUNICIPAL COURT PROSECUTIONS	10%
MISCELLANEOUS	10%

Note: The amount of time spent in the work areas may vary from month to month.