

August 15, 2011
6:00 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, Brusselback, Allen, Beemer, Sawyer, Bertuleit, Roumagoux, and McConnell were present.

Staff present was City Manager Voetberg, City Recorder Hawker, Interim Public Works Director Gross, Finance Director Marshall, Fire Chief Paige, Airport Director Cossey, and Police Chief Miranda.

PLEDGE OF ALLEGIANCE

Council and audience participated in the Pledge of Allegiance.

PUBLIC COMMENT

Gary Painter distributed information on Oregon's commercial fishing industry. He reported that the Alaska Congressional delegation was asked to seek four new voting seats on the North Pacific Fishery Management Council. He expressed concern about the impact on Oregon boats fishing in Alaska. He requested Council consider adopting a resolution asking Congress to add two more voting memberships from Oregon to the North Pacific Fishery Management Council. Allen suggested taking this issue to OCZMA so that the ports and counties could look at it comprehensively. Council concurred that staff bring a resolution to Council and that the information be shared with OCZMA.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of City Council minutes from the work session and regular meeting of August 1, 2011;
- B. Report of accounts paid for July 2011;
- C. Police and Fire Department monthly reports for July 2011.

Allen suggested the following changes to the minutes: August 1, 2011 work session, first page, last line, add "under law" after confidential. August 1, 2011 regular meeting minutes, page four, last paragraph, first line, should read "A discussion ensued regarding the David Evans and Associates agreement, and that the city. . .," and the last line of the same paragraph should read, "that the firm is continuing to work for the city on engineering issues." He also had questions regarding the accounts paid.

MOTION was made by Brusselback, seconded by Beemer, to approve the consent calendar as amended. The motion carried unanimously in a voice vote.

OFFICER'S REPORTS

Mayor's Report. McConnell reported that Council had discussed the single-use plastic bag issue at the work session earlier in the day and agreed to continue the discussion to October 3, 2011, with public input scheduled for October 17, 2011. He added that Council will look at voluntary community projects; what is happening throughout the state; and what the local business community thinks.

McConnell reported that the Hatfield Marine Science Center will hold a tsunami drill on October 5. He added that the "Great Oregon Shake-Out is scheduled for October 20, 2011. He noted that the city plans to declare the month of October as tsunami awareness month on an annual basis.

McConnell reported that the NOAA opening is scheduled this weekend. He added that the banners for the bridge celebration were installed today. Banners will be hung on Marine Science Drive on Wednesday.

McConnell reported that the ribbon cutting for the South Beach Transportation Improvement Project will be held at 8:45 A.M., on Saturday. The ribbon cutting for the Marine Science building at OCCC will be held on Saturday at 2:00 P.M.

McConnell reported that planning continues for the 75th anniversary celebration of the Yaquina Bay Bridge. He reviewed plans to date.

City Manager's Report. Voetberg reported that the updated suggestion/concern/complaint log is included in the packet. He added that Rhododendron Drive is settling, and that this is a long-term problem.

Voetberg reported that the packet contains an update of key projects.

Voetberg reported that Barrett Business Services is used for temporary staffing for the Finance Department, Airport, and Public Works Department on a seasonal or special project basis.

Voetberg reported that FEMA, in conjunction with the FCC and NOAA, will be conducting an emergency alert system test of the integrated public alert and warning system on November 9, 2011, at 11:00 A.M.

Voetberg reported that Senator Betsy Johnson is hosting a meeting to discuss transit service and economic development in rural northwest Oregon. The local meeting will be held on August 16, 2011, from 1:30 P.M. to 4:30 P.M.

Voetberg reported that his weekly reports to Council are included in the packet.

Allen reported that he had received a copy of the LGLG invoice and asked about the police vehicle maintenance award, noting that it appears, based on the legal invoice, that there was a protest after the award. He asked about the resolution. Voetberg reported that a protest was received, and that he had asked LGLG to review the protest, adding that it appeared that there was enough justification to withdraw the bids. Allen asked what the status of the future of the issue is, and Voetberg reported that it is the intent to issue a new RFP.

Allen asked about the permanent engagement letter with the city's legal firm, and the special rate for attending meetings. Voetberg reported that the engagement letter will be on the next Council agenda, and that LGLG is willing to set a fee of \$750 per meeting.

Beemer asked about the grounds of the police vehicle maintenance proposal protest. Marshall reported that the basic protest is that the finance manager was not objective.

He added that there were two or three other issues. Allen asked whether the decision was entirely administrative, or whether the City Council should have input in withdrawing a proposal that was awarded by Council motion. Beemer stated that he is concerned about hearing about this issue on the street, and noted that he would like to be kept in the loop. Marshall noted that the city could use an intermediate procurement process, and Brusselback asked what this is. Marshall noted that it is for contracts that total less than \$150,000 and that it does not require an RFP, but rather three quotes and a record of the quotes. Brusselback asked whether this is a staff issue at this point.

Allen discussed the model for communication with the city attorney. He stated that since the city attorney works for the City Council; when there is a decision by Council of an award; it is incumbent upon the city attorney to send an e-mail to Council. He suggested that this be brought up to Christy Monson, pointing out this discussion and being proactive by sending emails to Council to keep them in loop.

McConnell reported that the public contracting rules are still on the docket.

DISCUSSION ITEMS AND PRESENTATIONS

Celtic Festival - Final Report on Use of Tourism Marketing Funds. Protiva presented a PowerPoint describing the Celtic Festival and the use of the tourism marketing funds that were awarded to the event. He discussed the impact on tourism in the city and specifically addressed reports from lodging establishments via the Chamber of Commerce. He reported that there is \$9,701 revenue above expenses. Bertuleit stated that Lincoln County believed it would be paid for use of the fairgrounds if there was a surplus. Protiva reported that the city has not yet received the bill from Lincoln County. A discussion ensued regarding what to do with the left over items. Protiva reported that he will provide the Destination Newport Committee a thumb drive, or e-mail, of this PowerPoint presentation.

ACTION ITEMS

Consideration of Adoption of Resolution No. 3557 Amending NE 31st Street Restrictions. It was reported that the issue before Council is consideration of adoption of Resolution No. 3557. It was noted that the resolution had been amended and that a copy of the amended resolution was placed before Council this evening. The changes were reviewed. It was noted that if adopted, the resolution would repeal Resolution Nos. 3309 and 3323, and provide for two-way traffic and a weight limit on NE 31st Street from NE 32nd Street to NE Harney Street. MOTION was made by Allen, seconded by Beemer, to adopt Resolution No. 3557, repealing Resolution Nos. 3309 and 3323, and providing for two-way traffic and a ten ton weight limit on NE 31st Street, from NE 32nd Street to NE Harney Street. The motion carried unanimously in a voice vote.

Closing of NE Eads Street During School Hours. Miranda and Jon Zagel appeared before Council and discussed the trial closure and proposed school-year closure of Eads Street. A discussion ensued regarding the actual necessary closure hours. It was noted that the financial impact to the city is less than \$500 for signage on either side of the closure. Walter Chuck appeared before Council and stated that closing the street is a poor choice as it teaches children that adults are going to solve problems for them. He suggested placing barricades during passing periods and using crossing guards.

MOTION was made by Bertuleit, seconded by Beemer, to authorize the closure of NE Eads Street between NE 3rd Street and NE 4th Street on school days between 7:00 A.M. and 5:00 P.M., subject to approval of a traffic control plan by the city engineer. The motion carried unanimously in a voice vote.

Notice of Intent to Award the 2011 Street Overlay Project. Gross reported that the issue before Council is whether to issue a notice of intent to award the city's 2011 street overlay project. He recommended issuing the notice of intent to award to Road and Driveway in the amount of \$105,088.49. A discussion ensued regarding how the streets were selected. Gross reported that a pavement management program, which he plans to develop in the next few years, would provide a more objective analysis method regarding where to spend overlay monies. MOTION was made by Bertuleit, seconded by Beemer, that the City of Newport Public Works Department issue a notice of intent to award the 2011 Street Overlay Project to Road and Driveway Company of Newport, Oregon, in the amount of \$105,088.49, and contingent upon no protest, authorize award and direct the city manager to execute the contract on behalf of the City of Newport. The motion carried unanimously in a voice vote.

Approval of Police and NEA Negotiations Including Non-Represented Employees. Marshall distributed handout that was requested at the earlier work session. He stated that the primary purpose of this item is to ratify collective bargaining agreements between the city and two of the three collective bargaining units; the Newport Employees Association (Public Works) and the Newport Police Association, and to provide similar compensation increases to non-represented employees. A discussion ensued regarding cost. Allen noted that there are several employees in the Newport Police Association who are at the top of their range and have no ability move up. He added that it was apparently agreed to give these employees a one-time \$600 payment. He noted that this request was not made by the Newport Employees Association. Allen asked how many employees would receive this payment, and Marshall noted that there would be 23.96 receiving the one-time payment, at a total cost of just over \$14,000. Allen asked why the decision was made to treat the non-represented employees equally with the police union as opposed to the NEA. McConnell noted that the goal is to compensate everyone fairly and recognize the fact that no one got an increase last year. Allen stated that the one-time payment is something he has never seen before, and seems almost arbitrary. He stated that he is trying to look at the issue objectively and procedurally. He asked why the police brought this up, and Marshall reported that the NPA was the most aggressive in bargaining, and that this was an attempt to reach a compromise from an extreme series of demands to something that that was thought to be fair and equitable to everyone. Marshall noted that the one-time payment can be used effectively, and at an extremely minor cost, for people who would not receive anything for two consecutive years. McConnell noted that these are both one-year contracts. He added that health insurance and retirement benefits will be discussed with employees. Allen asked whether, in Marshall's estimation, the one-time payment was important enough to the NPA, that if it was not on the table, there would have to be further negotiations. Marshall noted that this was his impression, and that it seemed to be a reasonable counter offer. He asked why this would not apply to everyone else in the city. Allen noted that there were budgetary issues with additional personnel, and

stated that what staff is doing now gives him pause for thought. Marshall stated that he believes this is doable due to new controls to be achieved with the new financial software; a heightened amount of attention to capital projects; and an innate conservatism that he has brought to the city. He added that he underestimated and believes that considerably more resources will be available than previously thought. He stated that he has no idea whether the city can afford a new police officer in the next budget. He added that it is possible to add staff when managing a budget ahead of time rather than managing it afterward. He noted that this \$242,000, 2.7% of \$8.8 million payroll, is well worth the cost. McConnell noted that Council adopted reserve policies to maintain stability. Beemer endorsed the suggestion of making the appearance of fairness by giving a one-time payment to the Public Works Department employee. Sawyer noted that it might be beneficial to consider changing the steps. Allen noted that some employees did not think it was an issue. McConnell asked whether there should be a caveat added to motion two. Voetberg reported that the city would work with the union. MOTION was made by Beemer, seconded by Sawyer, to approve the collective bargaining agreement with the Newport Police Association for Fiscal Year 2011-2012. Allen stated that the reason the one-time payment of \$600 was brought up was due to salary ranges. He noted that it is a good thing to deal with it comprehensively, but expressed concern about the arbitrary way it was done. He added that even when it comes to compensation, Council needs to be clear and objective, and for that reason, he will be voting against this agreement. Marshall stated that the one-time payment of \$600 was in response to something brought up by the NPA that he, the city manager, and labor negotiator had talked about prior to negotiations. Marshall added that there was nothing arbitrary about recognizing employees at top of their ranges. The motion carried in a voice vote with Allen voting no.

MOTION was made by Beemer, seconded by Brusselback, to approve the collective bargaining agreement with the Newport Employees Association for Fiscal Year 2011-2012. Allen stated that he would be voting on this agreement because it does not have a one-time payment in it. The motion carried unanimously in a voice vote.

MOTION was made by Beemer, seconded by Brusselback, to approve comparable compensation increases to the city's non-represented employees as provided in the NEA and NPA collective bargaining agreements. Allen stated that he would like to treat non-represented employees equally with the agreement that contains less fiscal impact. The motion carried in a voice vote with Allen voting no.

Request for Council Approval of DLCD Grant Applications to Conduct a Citywide Economic Opportunity Analysis. Tokos reported that the issue before Council is consideration of whether the Community Development Department should proceed with a grant request from DLCD to conduct a citywide economic opportunity analysis. Tokos reported that the total grant request is \$30,000 with a \$15,000 cash match on the part of the city. MOTION was made by Roumagoux, seconded by Sawyer, that Council direct staff to proceed with grant applications to DLCD for the purpose of conducting a citywide economic opportunity analysis. The motion carried unanimously in a voice vote.

COUNCILOR REPORTS AND COMMENTS

Sawyer reported on a recent meeting of the Destination Newport Committee. Issues discussed included billboards, coordination of promotions with the Aquarium, and a request for marketing monies from Yaquina Lights.

Sawyer reported that a new CERT training class starts September 27.

Sawyer suggested that the city look at a county emergency management grant to stockpile emergency supplies.

Roumagoux reported on the first meeting of the Recreation Facilities Management Review Task Force. She noted that a November 15 deadline has been established to develop a plan.

McConnell reported that the Tourism Facilities Grant Review Task Force meeting would be held on Friday.

Bertuleit reported that the Airport Committee will meet on Thursday afternoon.

Beemer requested an excused absence from the September 6, 2011 meetings. MOTION was made by Bertuleit, seconded by Brusselback, to excuse Beemer from the September 6, 2011 City Council meetings. The motion carried unanimously in a voice vote.

Allen reported on a recent meeting regarding ocean planning and wave energy.

Allen reported that a discussion on local government involvement occurred at the last working group meeting of OPAC. He noted that some ocean planning issues have a land based component. Tokos noted that this might be a conditional use permit process with the city. Allen suggested that the Mayor or appointee attend these meetings to provide input.

Sawyer thanked Walter Chuck for his interest in the school crossing issue.

Miranda reported that Wayde Dudley had asked him to pass along that he (Dudley) is not handling parking for the NOAA event; rather it will be handled by the Newport Police Volunteers. Allen noted that the Police Volunteers are an asset to the community.

McConnell reported that an Urban Renewal Agency work session will be held on August 29, 2011, at 6:00 P.M.

ADJOURNMENT

Having no further business, the meeting adjourned at 8:24 P.M.

Margaret M. Hawker, City Recorder

Mark McConnell, Mayor