

December 17, 2012
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, Beemer, Allen, Bertuleit, Brusselback, McConnell, Roumagoux, and Sawyer were present.

Staff present was City Manager Voetberg, Executive Assistant Morris, Community Development Director Tokos, Public Works Director Gross, Parks and Recreation Director Protiva, Police Chief Miranda, Fire Chief Paige, and Finance Director Marshall.

PUBLIC COMMENT

Lola Jones, from Samaritan House, presented a plaque in recognition of funds received from the Non-profit Funding Task Force. Jones explained this allowed them to fund a position for a case manager.

Lloyd "Oly" Olson presented concerns regarding potential log truck traffic on John Moore Dr. and Bay Blvd. He was concerned that a public hearing has not been held in regards to what he believes is now a truck route. Brusselback noted that the task force has publicly noticed meetings, and asked Olson if he felt that was an appropriate setting to voice his concerns. Olson indicated that the task force meetings are not the right setting to discuss quality of life issues. Allen noted that the task force is currently looking at short term solutions, but they will begin to look at long term issues in upcoming meetings. Allen believes that the public hearing process is a good idea in this case. Roumagoux would like to see the Port of Newport as a partner in discussions of this kind. Allen noted he would like for the traffic impact analysis to come back before this meeting occurs so that the task force can review it.

Jackie Trahan spoke about her concerns with recent log truck traffic on John Moore Dr. and Bay Boulevard, and how this affects her quality of life. She would like to request a public hearing and a geological survey on how this will affect her property.

Patricia Patrick representing Dolphin Real Estate had questions regarding the new water bills. Patrick presented questions regarding due dates on the new bills. Marshall will follow-up with Patrick tomorrow with an answer on the dates. Patrick also presented concerns referencing an email sent regarding the business license code. There have been no revisions, and she states that the City Manager issued a policy that is what she believes to be selective enforcement and discrimination against certain businesses. Voetberg stated the issue Patrick is referring to is in regards to the Embarcadero property and how the business licenses were issued for these units. He stated the Embarcadero was issued a hotel business license, not a license on a per unit basis. Patrick states that she felt they should be treated as individual units. McConnell asked questions regarding the administrative rules for business license enforcement. Allen

noted that in the administrative rules it states that the Council should have been informed of this decision. He would like to have the City Attorney look at this issue for the next council meeting.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of Work Session and City Council meeting minutes from November 19, 2012;
- B. Report of accounts paid for November 2012.

MOTION was made by Brusselback, seconded by Beemer, 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. McConnell stated that he has been attending several meetings and Roumagoux has been joining him so that there will be a smooth transition. He thanked Morris for putting together the City Employee Awards celebration.

City Manager's Report. Voetberg reported that the updated suggestion/concern/complaint report is included in the packet as well as are the departmental monthly reports.

Voetberg also included information from OCCC, and an update on the complaint regarding the Carpenter hedge, and the nomination sheets for the CWACT committee. Roumgoux will take McConnell's place and Sawyer will continue to serve on the committee.

Voetberg noted that the Fire department has established the structure and general responsibilities on the development of the Central Coast Fire Authority. He also noted that the Fire Department purchased a brush engine for \$175.

Voetberg stated that they have had to hire a new wastewater employee due to the amount of sludge that is being created. This will take the plant from one shift to two shifts to meet the needs of the plant. Gross noted that they are working on long term plans for the plant to handle capacity issues.

Voetberg announced that he has been appointed to be on the board of directors for the Oregon City Manager's Association to represent the coastal communities.

McConnell asked about the SOS fund on the new bills. Marshall stated that the SOS fund has been implemented. Voetberg stated the method of distribution for SOS funds is still being worked out.

Miranda addressed the Council regarding the recent school shooting on the east coast. He has met with the local school principles, and reminded Council there has been "target hardening" of the schools, allowing them to be locked down immediately if necessary. He noted that the School District has a plan, and they practice this plan to help minimize any damages that could occur. Everyone being prepared is crucial, per Miranda. Sawyer asked that there be an active shooter training for all City Hall staff.

PROCLAMATION

McConnell proclaimed December 14, 2012, as Arbor Day in the City of Newport. Ed Simon briefed the Council on the application process and accepted the proclamation.

PRESENTATIONS

Tree City USA. Ed Simon presented the application for Tree City USA to the Council. He stated that Nancy Steinberg will serve as the Tree City USA representative, but was unable to attend tonight's meeting. Simon noted that the City has met all the appropriate requirements to be designated as a Tree City.

Yaquina Bay Ocean Observation Initiative. John Lavrakas presented on the groups behalf. He briefed the Council on the background of YBOOI. He presented a request for funding, in the amount of \$5,000, for an Ocean Observing Conference. Allen noted that tourism promotion is not the same as economic development, and the room tax funds may not be able to be used for this type of conference. Lavrakas said they approached Destination Newport and were not successful in receiving grant funds. Allen asked if they had approached any other local jurisdictions for funding for this conference so that it would be a partnership venture. McConnell proposed that the Council fund \$3,000 if the City of Toledo will contribute \$2,000 to the conference, Roumagoux and Sawyer agreed. MOTION was made by Beemer, seconded by Roumagoux, to authorize the City Manager to grant \$3,000 to YBOOI from the general fund. The motion carried unanimously in a voice vote.

Community Microenterprise Program. Guy Faust presented a report on the 2011 activities of the Microenterprise program. He also requested funding for the next fiscal year. He stated that funding from the City helps with the advising and follow-up tutoring for students.

Ad Hoc Wayfinding Committee Report. Wendy Ingler presented on behalf of the wayfinding committee the current status of the group. She would like to make this ad hoc committee a standing committee, as it is the only ad hoc committee currently. McConnell stated that the City needs to find a way to communicate between the committee and City staff better. He also noted that this may be a committee that only needs to meet quarterly. McConnell requested that the committee discuss how this group could become more permanent at their next meeting. Gross updated the Council on the wayfinding budget for the year.

Audit Report. Marshall presented the audit committee report to the Council. He highlighted that there needs to be more governmental involvement in periodic financial reviews. He stated this could be accomplished through better goals and presentations in more detail to the Council on a regular basis. McConnell noted that it may be beneficial to highlight one department each month. Allen asked when the full audit report will be completed. Marshall stated that the report will be finished by December 31st but unsure when it will be ready to present to the Council.

Request by Councilor Sawyer Regarding Reno Lawsuit. Sawyer asked questions regarding an email via Allen whether the Reno settlement needed to be approved by the Council. He stated that two options were presented by the attorney; to either deem it a personnel issue, or have the Council ratify the agreement, via a resolution. Allen abstained from the discussion. Sawyer would like the Council to draft a resolution regarding this matter. Voetberg stated that this was not his interpretation of the attorney's recommendations. He presented concerns that the negotiations were not done by the City's attorney but by CIS and this may cause future issues. Brusselback stated that he agreed with the attorney's first recommendation that the Council needs to do nothing regarding this matter. Sawyer asked where the settlement monies were budgeted. Voetberg stated that the money would come from the Airport Fund. Sawyer asked if this was the reason the Airport Director position had not been filled. Voetberg stated that the two decisions were not related. Brusselback stated that a motion of this nature could be seen as crossing the line of the administrative functions of the City. MOTION was made by Sawyer, seconded by Bertuleit, to direct staff to draft a resolution to ratify the Reno lawsuit settlement. The motion did not pass with Bertuleit and Sawyer voting in favor, Beemer, McConnell, Roumagoux, and Brusselback voting opposed, and Allen abstaining.

Allen asked how this could be done from a budgetary stand point. Marshall stated that the monies will come out of the Airport operations cost center appropriation. He also stated that the Council only allocates monies to the cost centers, and it is the City Manager's responsibility to make sure these cost centers are not overrun. He noted that this action will not overrun the cost center, so it is within his spending authority. McConnell asked if this would still leave monies available for temporary help when needed in the summer. Voetberg stated that there will still be funds available for extra help.

ACTION ITEMS

Consideration of Automatic Aid Agreement with Seal Rock Fire District. Paige reported that the issue before council is to formalize an automatic aid agreement with Seal Rock Fire District. MOTION was made by Beemer, seconded by Allen, to authorize the City Manager to sign an automatic aid agreement with Seal Rock Fire District on behalf of the City of Newport. The motion carried unanimously in a voice vote.

Consideration of Resolution No. 3618 Regarding Annual SDC Fee Adjustment. Tokos reported that the issue before Council is consideration of a resolution adjusting water, wastewater, stormwater, transportation and parks System Development Charge rates based on the difference in construction costs included in the Construction Cost Index published in the Engineering News Record. Consistent with Council Resolution No. 3579, adjustments are calculated using the most recent Cost Index available as of November 1, 2012 and will become effective January 1, 2013. Water SDC rates are significantly higher than they were when the last construction cost adjustment was adopted. This is due to a mid-year change that the Council made to the Water SDC capital improvements project list, adding back three projects that had been removed because it was thought at the time that alternative funding would be sufficient to finance the work (Council Resolution No. 3597). The Water SDC fee is still less than the fee

imposed in 2008, when the projects were last listed as SDC eligible. MOTION was made by Beemer, seconded by Roumagoux, to adopt Resolution No. 3618, amending the City of Newport SDC rates to reflect annual changes in construction costs. The motion carried unanimously in a voice vote.

Discussion and Potential Action on A Recommendation from the Planning Commission Regarding the Territorial Sea Planning Process. Allen noted that he attended the last OPAC meeting and he will abstain from this discussion because he will be a decision maker in that process. McConnell noted that he attended the PMEC meeting and the drafted letter is a reflection of the opinion of the local fisherman. MOTION was made by Roumagoux, seconded by Sawyer, to authorize the Mayor to sign a letter on behalf of the City Council, supporting the siting of the PMEC facility off the coast of Newport and to express the City's desire that future wave energy deployments off the coast of the County be limited to research related endeavors of this nature. The motion carried unanimously in a voice vote with Allen abstaining.

Consideration of Support of Community Microenterprise Program. Voetberg reported that the issue before Council is continued support for the Microenterprise Program, including financial support in the amount of \$7,500. He noted that funding will come out of next year's budget. MOTION was made by Beemer, seconded by Bertuleit, to continue to support the Regional Microenterprise Program by authorizing the City Manager to sign an agreement for the City to participate in the formation of a Regional Microenterprise Program, and to direct staff to include \$7,500 in the FY 13/14 budget document for Budget Committee and Council consideration. The motion carried unanimously in a voice vote.

Consideration of Canvass of Ballots of November 6, 2012 Municipal Election. Voetberg reported that the issue before Council is post-election housekeeping, and includes the approval of the canvass of the ballots of the November 6, 2012 election. Once the approval is confirmed by motion, the Mayor will issue a proclamation declaring the election of a Mayor and three Councilors. MOTION was made by Allen, seconded by Beemer, to approve the canvass of the ballots of the November 6, 2012, election at which a Mayor and three Councilors were elected. The motion carried unanimously in a voice vote.

McConnell proclaimed the general election held November 6, 2012 as follows:

- Sandra Roumagoux was elected Mayor for a two-year term beginning January 7, 2013
- Laura Swanson was elected to the City Council for a four-year term beginning January 7, 2013.
- Dean Sawyer was elected to the City Council for a four-year term beginning January 7, 2013.
- Ralph Busby was elected to the City Council for a four-year term beginning January 7, 2013.

COUNCIL REPORTS AND COMMENTS

Allen reported that he had attended the PMEC site selection team meeting and the group will be forwarding recommendations on sites at their next gathering. He attended the Planning Commission meeting last week to update the group on the status of the Territorial Sea Plan. He also attended the Portland State Local Government workshop and will brief the Council on this at the first meeting in January. Allen participated in a FINE meeting where they discussed the future of OCZMA. He also attended the Retirement Trustees meeting this month.

Beemer attended several meetings on the collaborations for the participating fire departments. He will attend a meeting on January 24th to discuss the organization of the fire departments, and noted the entire Council and all the fire boards are invited.

Bertuleit reported he attended the airport committee meeting and discussed upcoming improvements to the drainage of the runways.

Sawyer reported that he had attended the COG meeting and they discussed the status of the Hwy 20 project, as well as the state gas tax fund. The loss in revenue to gas tax will directly affect ODOT's maintenance budget. He noted that there is a new regional bus service, Northwest Connector, which takes passengers to the northwest corner of the state. Sawyer also attended the Destination Newport Committee meeting where they decided to purchase billboards and television commercials in select markets. He noted that Charter Cable will be moving strictly to digital television and will not be offering analog any longer.

Roumagoux reported that she has attended several meetings with McConnell to introduce herself. She attended the YBEF meeting, where proposed new OMSI and Hatfield Marine Science Center projects were discussed. McConnell and she also met with the OMSI team to ask when we might expect a facility in Newport. They said they were aiming for spring of 2016.

Brusselback had no report.

PUBLIC COMMENT

Bill Bain noted that there will be an OTC meeting coming up regarding the Hwy 20 program. He encouraged the Council to attend and speak in favor of the completion of the Hwy 20 program, and how important it is to the economic development of the area.

ADJOURNMENT

Having no further business, the meeting adjourned at 9:05 P.M.

Nicole Morris, Executive Assistant

Mark McConnell, Mayor