

February 7, 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, McConnell, Bertuleit, Brusselback, Allen, Beemer, Roumagoux, and Sawyer were present.

Staff present was City Manager Voetberg, City Recorder Hawker, City Attorney McCarthy, Community Development Director Tokos, Public Works Director Ritzman, Senior Project Manager Gross, Finance Director Marshall, Airport Director Cossey, Acting Fire Chief Cole, Parks and Recreation Director Protiva, and Police Chief Miranda.

PLEDGE OF ALLEGIANCE

Council and audience participated in the Pledge of Allegiance.

ADDITIONS/DELETIONS AND APPROVAL OF THE AGENDA

There were no additions or deletions to the agenda.

PROCLAMATIONS AND RECOGNITIONS

McConnell awarded the Elton Pier Award to Dustin Kittel. Miranda read the nomination for the award.

PUBLIC COMMENT

Rory Lehrman addressed Council regarding the current design of the Art Deco Heritage Park. He noted that he feels the pinnacle will be an eyesore, and proposed something more suitable to the city. He suggested additional community input before construction.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of minutes from the City Council work session, regular meeting, and executive session of January 18, 2011; the work session of January 31, 2011; and the joint work session with the Lincoln County Commissioners;
- B. OLCC license approval - Ch'Boogie Jazz and Wine Bar.

Allen addressed corrections to the minutes of the January 18, 2011 work session, regular meeting, and executive session, and to the work session of January 31, 2011, and to the joint work session with the Lincoln County Commissioners. MOTION was

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

OFFICER'S REPORTS

Mayor's Report. McConnell reported that he had attended a recent meeting of the South Beach stakeholders meeting, at which it was noted that the main concern is the impact that the change in traffic patterns and lanes will have on the sport fishing opening. He added that the Port has requested the city participate in the planning process and help with implementation. Tokos reported that he has had a follow-up conversation with Don Mann, and developed two traffic alternatives.

McConnell reported that the Air Service Consortium met on February 4, and gave SeaPort a final subsidized flight date of March 12. He added that a final grant review and reconciliation will take place approximately two months beyond that date and then the Consortium will dissolve. He reported that he and Cossey have been negotiating with SeaPort to continue flights after the subsidy ends, and to develop interest in a voucher program.

Cossey stated that he has been talking with SeaPort regarding an agreement for continued use of the airport after the subsidy expires. The discussion has centered on airport usage fees, incentives for purchasing fuel, and standard contract language, with a focus on continued service to/from Newport/Portland. Allen asked whether Cossey and McConnell had been directed to negotiate with SeaPort for continued service. McConnell noted that the Air Sustainability Task Force asked that these contacts be made, and once a plan is available, that the information is to be reported to the Task Force. Cossey noted that the plan is that after preliminary negotiations, the contract would go to the city attorney for review, then to the city manager. Allen stated that he wanted to get a handle on procedural and substantive steps relative to this contract. Bertuleit noted that if another air carrier was interested, the city would have to offer the same agreement. He asked for ideas on how to make the airport more viable. McConnell stated that every effort would be made to bring the contract to the next Council meeting.

Beemer asked about the frequency of the South Beach project stakeholders meetings. McConnell reported that they occur every other Thursday, at 1:00 P.M., at the Guin Library, and there is a meeting this week.

McConnell reported that he had attended the COG and CWACT meetings, and that the annual dues will remain the same in the 2011/12 fiscal year.

McConnell reported that the Agate Beach neighborhood planning meeting was successful, and that the group is meeting again this week.

McConnell reported that he, Allen, and Roumagoux had attended a webinar on city manager evaluations. He added that Council needs to establish a work group soon to coordinate the information received from former Council Member Patrick and the webinar. He asked that anyone interested in the work group let him know.

McConnell reported that he had met with Senator Merkley's field rep, and that Merkley was also here touring the NOAA facility. He had talked with Merkley's staff about finishing the water system upgrades, assisting with continued flights by SeaPort, and additional funding to deal with urban flooding.

McConnell reported that he had participated in scholarship interviews at Newport High School.

McConnell asked for a discussion and a recommendation for staff on how best to proceed with obtaining legal services after March 15, and a human resources specialist. It was noted that the process of selecting a city attorney may extend beyond March 15, and that the city may need to look at transitional legal needs. Brusselback suggested that McCarthy might be willing to fill in as an interim at some level. Allen suggested looking for a law firm outside the Newport general area for a firm that has expertise in municipal law. Bertuleit noted that he likes the interim approach. McConnell suggested checking with similar sized cities to find out how others approach legal services. He added that there are also budgetary concerns. He asked whether it would be fair to ask staff for a report in two weeks. Voetberg noted that the city recorder had requested information from other communities, and 16 cities responded, and that none have an in-house attorney, and three have a dedicated human resources professional, and the other 13 have the human resources function performed by someone fulfilling other responsibilities as well. It was noted that an RFP may ultimately need to be issued. It was agreed that staff provide as much information as possible at the next meeting. Allen asked whether Council Members wanted staff to provide names of firms that could fill the city's short-term legal needs. McConnell asked whether staff could provide feedback to determine issues/needs/concerns regarding legal and human resources services.

McConnell reported that on February 15, at the Newport High School home game against Philomath, people are encouraged to bring a stuffed animal (preferably a bear) to toss onto the floor when the half-time buzzer rings. This is a fundraiser for the Police Department, Casa, and Children's Advocacy Center.

City Manager's Report. Voetberg reported that there is information in the packet from the COG that there may be trade-offs necessary on STIP projects.

Voetberg reported that this packet contains monthly departmental reports, and they should be more standardized in the future.

Voetberg reported that the Deco Park issue will be coming to the City Council on February 22. He noted that there are insufficient funds to build both the park and the pylon, and that the City Center Newport Association has informally voted to build the pylon. Gross reported that there are diagrams in the project manager's report.

Voetberg reported that the packet contains information on street naming. McConnell noted that the Winningstad family would be honored to have a street named for Norm Winningstad. Tokos noted that the next step is for the Planning Commission to consider the name change.

Voetberg reported that the packet contains a request from the Siletz Watershed Council. Don Larsen and John Sullivan, representing the Siletz Watershed Council, reported on its efforts to discourage use of gasoline powered boat motors on the upper Siletz. They have developed a voluntary program that discourages use of gasoline powered boat motors through use of signage, and asked whether Council Members would be willing to have the City of Newport added to the signage as a supporter of the voluntary program. Allen declared a potential conflict of interest, because an attorney at the law firm where he is of counsel is the city attorney in Siletz. MOTION was made by Bertuleit, seconded by Beemer, to support the voluntary program by including the City of Newport on the signs. The motion carried unanimously in a voice vote.

Voetberg reported that there is a brief report in the packet from Toby Cole, acting Fire Chief, regarding steps taken to advance relationships in the Fire Department. Voetberg reported that Cole is doing a great job, along with all members of the department. He stated that everyone is helping out, and that he feels positive that the department is headed in the right direction. He noted that there is a good working plan moving forward with support of all department members, he is confident this will correct communication and chain of command issues. Voetberg reported that the first step is to work on standard operating guidelines and procedures. Cole noted that reports had been received from two consultants, and that it is apparent that the department needs to work on policy procedures with a group comprised of volunteers, paid staff, and him, and to let the committee prioritize issues. Cole noted that the OSHA investigation should be concluded by 11:00 A.M. tomorrow.

Bertuleit suggested either extending Officer Dodds' (the Lincoln City police officer, and Newport resident, recently wounded in the line of duty) recreation center membership, or contributing a one year membership to him. MOTION was made by Bertuleit, seconded by Roumagoux, to extend Lincoln City Police Officer, Steve Dodds, recreation center membership for one year. The motion carried unanimously in a voice vote. McConnell reported that the fundraisers for Officer Dodds and the City of Aumsville tornado restoration were successful.

City Attorney's Report. McCarthy reported that she was designated as the city's labor negotiator on an interim basis. She has conducted an analysis of various negotiators, and Frank Forbes has met with staff and Council, and she recommended appointing Forbes as the city's labor negotiator. MOTION was made by Allen, seconded by Beemer, that Council designate Frank Forbes, a consultant for the Local Government Personnel Institute, to conduct labor negotiations on behalf of the city, in the city's 2011 collective bargaining negotiations; and that the Council authorize the city manager to execute an agreement between the city and the Local Government Personnel Institute, related to such representation. The motion carried unanimously in a voice vote.

McCarthy reported that she, Beemer, and Brusselback have been working on the contractor debris issue. She noted that a well-attended meeting was held with contractors, Thompson's Sanitary, and the city's code enforcement officer. She reported that an amendment to the solid waste code will be presented at the next Council meeting.

McCarthy reported that the developer of the Meritage complex has begun providing solid waste services for that development. She added that the city issued a citation and was notified by the developer's legal counsel that they will be preparing for trial. She recommended that the City Council direct the city attorney to work with Chris Minor on the municipal citation. McCarthy noted that the developer's arraignment is scheduled February 16, and that the hearing may be held as late as April or May. Allen asked whether Minor would perform these services and invoice the city monthly or whether a limited engagement contract is necessary. McCarthy suggested that a monthly invoice would be sufficient. McConnell reported that he had received a letter from CLOG that he believes is related to this matter. MOTION was made by Allen, seconded by Beemer, to authorize the city to engage the legal services of Chris Minor, on behalf of the city, to represent the city with respect to the citation issued against Meritage. The motion carried unanimously in a voice vote.

McCarthy reported that she and the city recorder had held two volunteer committee trainings regarding meetings, records and ethics. She will present the session to the Planning Commission next week and to the Retirement Trustees tomorrow.

DISCUSSION ITEMS AND PRESENTATIONS

Finance Department presentation. Marshall presented a PowerPoint presentation on the responsibilities, accomplishments, and challenges of the Finance Department. He recognized Linda Brown, Kay Keady, and Linda Sterling for their work during the past year. He reported that the department needs an integrated financial system.

Police presentation on Senate Bill 111 - Use of Force. Miranda made a presentation on SB 111 relative to use of force. He noted that the bill requires the creation of local comprehensive protocols to address the use of deadly force in the performance of police duties.

ACTION ITEMS

Initiate legalization of NW 68th Street. Tokos reported that the issue before Council is whether to initiate proceedings to legalize NW 68th Street. He noted that staff recommends Council initiate the legalization proceedings. He reported that the issue arose in 2005 when the city received a request from owners of property along NW 68th Street to address discrepancies between the mapped road right-of-way and the physical location of the road. He added that legalizing NW 68th Street would clarify the title for the neighboring properties and provides the city with clear authority to make future improvements to the road and sewer infrastructure. He noted that the county surveyor will charge \$4,000 to complete the required survey, and that some title work may need to be done at a nominal cost. He reported that the Public Works Department is prepared to cover these expenses with budgeted funds. MOTION was made by Brusselback, seconded by Bertuleit, to direct staff to initiate the statutory process to legalize NW 68th Street. The motion carried unanimously in a voice vote.

Replacement of the Performing Arts Center roof. Voetberg reported that the issue before Council is authorization from Council to proceed with bidding a project to replace the Performing Arts Center roof. He noted that staff recommends the roof be replaced. A discussion ensued regarding the initial projected budget of \$110,000, and it was noted that, at the time, it was believed that this was the amount left in the North Side URA fund, while in fact; it has turned out to be approximately \$168,000. Voetberg reported that this amount allows for a project contingency. MOTION was made by Roumagoux, seconded by Brusselback, to authorize staff to proceed with designing and bidding a project to replace the Performing Arts Center roof, with the understanding that funding will come from the Newport Urban Renewal Agency Fund and that the project cost will be included in a future supplemental budget. The motion carried unanimously in a voice vote.

Consideration of purchasing a 30-minute promotional Newport TV episode by Digital Video with a new show called "Next Stop." Lorna Davis, Destination Newport Committee

Chair, reported on the opportunity to purchase a 30-minute promotional Newport television episode created by Digital Video (PDXposed), with a new show called "Next Stop." This show will play to a much larger audience than PDXposed, and the cost is \$15,000. Allen asked whether the DNC recommendation was unanimous, and Davis reported that there were five "yes" votes, one "no" vote, and one abstention. He asked Davis what, from her perspective, this video would do that other forms of advertising might not do, and Davis responded that it gives the audience a 30-minute look into what is available in Newport, and it is reaching a broad market. MOTION was made by Bertuleit, seconded by Beemer, that the city enter into an agreement with Digital Video, in the amount of \$15,000 for the production of a new 30-minute Newport episode to be aired in the fall of 2011, and authorize the city manager to execute all necessary documents on behalf of the city. The motion carried unanimously in a voice vote.

COUNCILOR'S REPORTS AND COMMENTS

Sawyer reported that CERT training starts next Thursday, and that interested persons should contact Toby Cole at the Fire Department.

Roumagoux reported that she had attended a contractors meeting at OCCC for the aquarium science building, and progress is being made.

Roumagoux reported that the Parks and Recreation Committee made two recommendations for committee vacancies from among seven applicants.

Roumagoux and Brusselback attended the Public Arts Task Force meeting.

McConnell appointed Nancy Steinberg and Jimmy Rodriguez to the Parks and Recreation Advisory Committee. MOTION was made by Bertuleit, seconded by Beemer, to ratify the Mayor's appointments. The motion carried unanimously in a voice vote.

Brusselback noted that the minutes that were approved reflect that Ritzman could write to ODOT on crosswalk issues. He asked whether Ritzman needed direction, and Ritzman noted that he had gotten direction.

Brusselback reported that he had attended a Port meeting regarding the albacore treaty between the U.S. and Canada.

Brusselback reported that he attended a Port meeting at which there was an update from Day on the terminal and NOAA projects, and that Ginny Goblirsch will be the Port's liaison to the city.

Brusselback reported that he attended the solid waste meeting with the contractors regarding the construction debris issue.

Brusselback reported that he attended the Public Arts Task Force meeting, and that the RFP for the Deco Park pylon was issued this week, and the construction schedule for Coast Park is included in the packet. Ritzman noted that the Deco Park RFP will not be issued until an option is selected at the next meeting.

Brusselback reported that he had toured the NOAA facility during a visit by the undersecretary of commerce.

Bertuleit reported on a recent meeting of the Airport Committee at which the "through-the-fence" agreement was discussed, and will continue to be discussed. He reported that the foundation for the new rotating beacon has been installed, and that fuel sales are up. He noted that water and sewer service at the airport is an important issue.

Beemer reported that he had been discussing the solid waste issue with McCarthy, Brusselback, and contractors, and that a report is anticipated in two weeks.

Beemer thanked the Newport Police Department for its involvement and work following the shooting of Lincoln City Officer Dodds.

Allen reported that during the search for the police officer shooting suspect, he often saw Miranda on television.

Allen reported that OCZMA held a meeting in Salem on January 27 and 28, 2011. He reported that the group received legislative concepts and updates from different natural resource agencies, including ODF&W, DLCD, DSL, ODOT, and DOGAMI. He noted that the handout he provided at the January 31, 2011 work session related to the use of transient room taxes for more traditional services.

McConnell reported that the LOC would hold a legislative update, via telephone, on Wednesday at 10:00 A.M.

Allen reported that a proposed house bill would increase the state transient room tax rate of 1% to 6.29%. He added that SB542 would expand the definition of tourism related facilities to include roads that serve tourism destinations.

Brusselback reported that all Council Members had received an e-mail from Linda Sterling indicating that the transient room tax collections were up by 19%.

Bertuleit noted that the minimum standard poses difficulty along the coastline in development, and asked whether there is any progress in getting the standard changed. Tokos noted that there is slow progress, and that it will move into the public engagement process on February 28.

Allen reported that SB541 would expand the definition of tourism promotion to maintain public health, safety, and welfare, and could include water, sewer, police, and fire services.

McConnell noted that opposes changes to the transient room tax.

ADJOURNMENT

Having no further business, the meeting adjourned at 8:18 P.M.

Margaret M. Hawker, City Recorder

Mark McConnell, Mayor