

May 16, 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, Brusselback, Allen, Beemer, Roumagoux, Bertuleit, and Sawyer were present.

Staff present was City Manager Voetberg, City Recorder Hawker, Community Development Director Tokos, Public Works Director Ritzman, Finance Director Marshall, and Police Chief Miranda.

PLEDGE OF ALLEGIANCE

Council and audience participated in the Pledge of Allegiance.

ADDITIONS/DELETIONS AND APPROVAL OF AGENDA

The agenda was approved as presented.

PROCLAMATIONS AND RECOGNITIONS

Miranda introduced Bradley David Purdom a newly hired police officer with the city. Hawker administered the oath of office to Purdom.

McConnell proclaimed the week of May 16-22, 2011 as Emergency Medical Services week in the City of Newport.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of City Council minutes from the work session and regular meeting of May 2, 2011;
- B. Report of accounts paid for April 2011;
- C. Police and Fire Department monthly reports for April 2011.

Allen noted two minor changes to the regular session minutes. The changes were in the "Public Comment" section of the minutes, and included the addition of "NE" on the second line in reference to 31st and 36th Streets; and changing June 18" in the last line to read "June 20." Allen asked about the expenditures to Minor, Bandonis, and Connell, and the Oregon Department of Justice. Beemer asked about the expenditure for crime reports and the payments to No-D-Lay Shoe Shop. It was noted that the list of disbursements in excess of \$25,000 had not been included, and that the city's April disbursements had also been included in both the city and URA packets. MOTION was

made by Allen, seconded by Beemer, to approve the consent calendar as presented. The motion carried unanimously in a voice vote.

OFFICER'S REPORTS

Mayor's Report. McConnell reported on correspondence he had received, that was not included in the packet, including: a letter from Steve Dennis; a letter from the Central Oregon Old Car Club regarding Loyalty Days; a letter from Rod Croteau; and invitation from the Economic Development Alliance; and letters from Neal Ruegsegger, James Hanselman and Joann Ronzio, and Tom and Beryl Czuleger regarding the proposed geo hazards ordinance.

McConnell reported that he had been in communication with a property owner who has property in the vicinity of SE 2nd and Eads Streets regarding a potential green space.

McConnell reported that a Coast Guard Auxiliary breakfast would be held in the morning.

McConnell appointed Dave Teem to the Bicycle/Pedestrian Committee; David Young to the Technical Advisory Task Force; and Oly Olson to the Audit Committee. MOTION was made by Brusselback, seconded by Roumagoux, to ratify the Mayor's appointments. The motion carried unanimously in a voice vote.

McConnell noted that a vacancy exists on the Planning Commission. He noted that applications will be taken and applicants interviewed at the beginning of the June 20, 2011 work session.

McConnell noted that the first Budget Committee meeting will be held on May 17.

McConnell noted that two "Know Your Newport" sessions will be presented on May 18.

McConnell reported that the first annual "Bike to School with the Mayor Day" will be held on May 20. He added that sharrows are being installed in the city.

McConnell reported that Highway 20 will be closed this weekend from Friday evening until Monday morning.

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

City Manager's Report. Voetberg reported that the suggestion/concern/complaint update is included in the packet.

Voetberg reported that an update on key city projects had been distributed to Council. Ritzman reported that the roof trusses on the water plant were being installed this week.

Voetberg reported that the Semper Paratu group would be sponsoring a breakfast tomorrow, and that memberships in the organization were available.

Voetberg reported that the Business License/Transient Room Tax Task Force has been meeting weekly, and that the first draft could be available for public comment on June 6, with formal consideration on June 20.

Voetberg reported that Protiva is exploring fundraising activities and had suggested a sportsmen show. He noted that the sportsmen show would include guns and asked whether Council was comfortable with the show. Protiva reported that the goal is a

fundraiser that highlights outdoor recreational opportunities in the area. Protiva responded to Council questions.

Voetberg reported that a former Newport police officer was recently on the news for legal troubles in another city. He noted that this officer left Newport more than 11 years ago.

Voetberg reported that Police Officer, Ken Real had been involved in an automobile accident, and is expected to return to work on Thursday.

Voetberg reported that the Police Department is working with the school district on temporary street closures in the vicinity of the high school in an effort to better deal with traffic issues. If the trials are successful, staff will return to Council with a plan before the beginning of the next school year.

Voetberg reported that the property owner, whose property would be impacted by the South Beach trail, is unwilling to provide easements, and that the project will need to be shelved. Bertuleit noted that there may be other options.

Voetberg reported that bicycle sharrows have been placed on Sixth Street, west of Highway 101, and that the east side should be complete by tomorrow.

Allen asked whether the lien on the South Beach property, that would have been donated to the city if the pool bond issue had passed, has been paid. Marshall reported that the lien was paid on March 21 and was roughly \$133,000.

Voetberg reported that the public works luncheon is scheduled from 11:30 A.M. - 1:30 P.M., on Wednesday at the city shop.

Miranda reported that the halibut opening was slow due to ocean conditions. Don Mann, director of the Port of Newport, reported that there were no issues, and thanked the police volunteers for their assistance.

McConnell reported that the City Council had conducted the city manager's performance evaluation earlier in the day. He noted that it was a good conversation and common agreement on areas to work on. Allen noted that this session lasted nearly 2.5 hours, and was comprehensive, well done, and got the points across.

ACTION ITEMS

Renaming a portion of SE 84th Street to SE C.N. Winningstad Way. Tokos reported that the issue before Council is for consideration of Ordinance No. 2014 renaming a portion of SE 84th Street to SE C.M. Winningstad Way. Larry Johnson expressed opposition to the renaming. Ron Goulet expressed opposition to the renaming. Beemer reported that some of the Planning Commissioners had expressed disappointment with the City Council's decision regarding the renaming. Allen noted that he had looked at the cost to the number of properties that would be affected and the amount of support the issue received. He stated that he understood the Planning Commission concerns and added that the lack of precedence does not preclude the City Council from moving forward on an issue. He added that the other factor he considered was the recommendation from the Airport Committee. He noted that he is now starting to hear opposition from the Airport Committee in that some members did not understand what they were voting for. He stated that he would be willing to put the adoption on hold until there is further input from the Airport Committee. Sawyer agreed that additional input from the Airport Committee is necessary. MOTION was made by Beemer, seconded by

Sawyer, to table this matter. The motion carried in a voice vote with Brusselback, Bertuleit, and McConnell voting no.

Notice of intent to award for the construction of Coast Park. It was noted that additional information from Gross had been distributed to Council. Ritzman reported that the issue before Council is whether to issue a notice of intent to award a bid for the Coast Park improvements project. He noted that bids were opened last week, and that this price provides the opportunity to include the additive alternate. He recommended issuing the notice of intent to award for the construction of Coast Park to T3 Construction, in the amount of \$178,965.00. MOTION was made by Beemer, seconded by Bertuleit, that the City of Newport Public Works Department issue a notice of intent to award the Coast Park Improvements Project to T3 Construction in the amount of \$178,965.00, 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.

PUBLIC HEARINGS

Public hearing on the request from the Newport Church of the Nazarene to vacate a portion of an alley between Grove Street and Nye Street, south of NW 11th Street. Tokos reported that the issue before Council is consideration of whether it is in the public interest to vacate a portion of an alley between Grove Street and Nye Street, south of NW 11th Street. He noted that the Planning Commission recommended approval of the vacation with the stipulation that a storm drainage utility easement be retained over the portion of the alley to be vacated. Sawyer reported that this will be a community facility. McConnell opened the public hearing at 7:05 P.M. McConnell called for proponent testimony. Dean Coppage appeared on behalf of the request. A discussion ensued regarding the potential use of the railings from the old Waldport Bridge. There was no further testimony. McConnell closed the public hearing at 7:14 P.M. for Council deliberation. MOTION was made by Beemer, seconded by Sawyer, to vacate approximately 90 feet of undeveloped alley right-of-way between NW Grove Street and NW Nye Street, south of NW 11th Street, as recommended by the Planning Commission, and to direct staff to prepare an implementing ordinance for Council consideration at a future meeting. The motion carried unanimously in a voice vote.

Public hearing on Bayfront Parking District. McConnell opened the public hearing at 7:17 P.M. Tokos delivered the staff report, noting that this is the first of at least two public hearings. He noted that the issue before Council is whether to proceed with the process of forming an economic improvement district in the Bayfront area for parking system improvements. He reviewed the history of the payment in lieu of parking and the parking fund. He reviewed the issues created by the payment in lieu of parking provision. He noted a number of letters from owners of fishing vessels had been received, and this does not impact the potential district as fishing vessel owners are not being asked to pay a business license surcharge. It was suggested that a representative of the fishing community could be added to the advisory committee. McConnell noted that there are a lot of stakeholders, and that this is the beginning of the process.

Don Mathews expressed support for the Bayfront Parking District.

Gabe McEntee-Wilson expressed support for the Bayfront Parking District, and noted that the Bayfront Association has been meeting monthly for the last three years.

Don Mann, general manager of the Port of Newport, reported that the Commission has not had the opportunity to discuss and make a final decision on the parking issue.

Mike Becker stated that he is concerned with the way the parking district issue has evolved to this point. He noted that the tourist industry is economically the smallest group on the Bayfront. He suggested forming a truly representative stakeholder group if the issue moves forward.

Mike Pettis stated that he might be able to support the parking district if he was assured that each segment of Bayfront industry would be represented.

Mike Donovan stated that he could not afford the \$7,500 payment in lieu of parking payment and that a full length truck will not fit into designated parking spaces on the Bayfront.

Mark Schiewe stated that he is opposed to the formation of a parking district.

Dave Wright, general manager of Pacific Shrimp, stated that he believes change is needed, and that everyone needs to work together.

Chris Torp, owner of Inscapes Gallery, stated that he thinks the charge would be equitable but recognizes that it is going to take thought, process, and hard work to make it happen.

Joseph Rock displayed a drawing showing parking on the Bayfront. He suggested signage directing tourists to park on the east end of the Bayfront.

Janet Webster noted that the city needs a better mechanism to provide input on this matter. She added that all users need to be involved. She stated that she currently participates in the payment in lieu of parking plan, and that amount would be reduced with the proposed parking district.

Fran Mathews stated that she has a lifelong dedication to fisheries, but noted that the Bayfront has parking issues to resolve in a fair and equitable manner. She added that it is the right thing to do to share the costs.

Dac Wilde stated that he is encouraged by the idea of the district and a diverse committee.

Craig Cochran addressed the parking difficulties on the Bayfront, and noted that there is a lot to lose if there is no attention to the fishing community.

McConnell noted that the hearing will likely be kept open. He added that there are some short-term, low-cost options that could help improve parking on the Bayfront. A discussion ensued regarding the composition of the advisory committee. A discussion ensued regarding short-term solutions, and McEntee-Wilson noted that the Bayfront Association has a list of potential solutions but was told that a district was necessary first. Mathews expressed concern that the Bayfront has contributed approximately 80% of the total collections to the parking fund, and requested assurance that the collars contributed by each district remain for use by that district. Tokos noted that he can work with the group already working on the issue and with assistance from Don Mann, get some of the fishermen engaged. It was asked that the Public Works Department be involved in terms of signage and other issues. It was asked that staff relay to Council the amount of funds collected in the payment in lieu of parking fund; how they have been collected; how they might be divided up; and how they could be spent on short-term solutions.

MOTION was made by Bertuleit, seconded by Brusselback, to continue with the process of forming an economic improvement district in the Bayfront area for parking system improvements, and asked staff to work with the Port and business owners, fishing and tourism both, on an equitable representation, and set a hearing on September 6, 2011 on this issue. The motion carried unanimously in a voice vote.

DISCUSSION ITEMS AND PRESENTATIONS

Presentation on April financials by David Marshall, Finance Director. Marshall delivered a PowerPoint presentation, reviewed the April financial statements, and responded to Council questions.

ACTION ITEMS

Adoption of City Council Goals. Council made minor amendments to the goals. MOTION was made by Roumagoux, seconded by Brusselback, to approve the City Council goals as amended. The motion carried unanimously in a voice vote.

Adoption of Revised City Council Rules. It was the consensus of Council that this matter be tabled to the June 20, 2011 work session to discuss questions with legal counsel. Councilors were asked to forward issues to discuss with legal counsel to the city manager.

Thompson franchise agreement - and update to the Newport Municipal Code. Voetberg reported that the issue before Council is consideration of amending Section 7.05.015 of the Newport Municipal Code, Exclusive Franchise and Exceptions, by adding an exemption that allows contractors the ability to self-haul 12 cubic yards or less of construction debris at a time; and amending Section 7.05.055, Customer Dispute Resolution, to make clear that actions brought against the city under this section are subject to applicable tort limits in the Oregon Tort Claims Act and the Oregon. Rob Thompson, representing Thompson's Sanitary Service, stated that he is comfortable that given the limit, debris will stay within the system and be disposed of properly. He added that the City of Lincoln City could potentially shed some light on the environmental component. MOTION was made by Brusselback, seconded by Sawyer, to read Ordinance No. 2015, amending Sections 7.05.015 and 7.05.055 of the Newport Municipal Code, by title only, and place for final passage. The motion carried in a voice vote with Beemer voting no. Voetberg read the title of Ordinance No. 2015. Voting aye on the adoption of Ordinance No. 2015 were Allen, Bertuleit, McConnell, Brusselback, Roumagoux, and Sawyer. Beemer voted no.

Award of Tourism Promotion Services Contract. Voetberg reported that the issue before Council is for consideration of awarding a contract for tourism promotion services that is currently provided by the Chamber of Commerce. He noted that the city had received three proposals. He stated that because his wife works for the Chamber of Commerce, and to ensure that there is no perceived conflict of interest, he removed himself from review of the proposals, and had asked three Councilors to review the proposals. He noted that he can answer technical questions, but cannot provide a

recommendation. Allen noted that it would be good to have the information underlying these ratings. Sawyer stated that the Councilors had independently ranked the proposals. Brusselback stated that the Chamber of Commerce was most responsive to the RFP, and that the Fuze Group was least responsive. It was noted that the Bend Media Group assumed a partnership with the Chamber of Commerce. Roumagoux noted that she looked at projects completed by each firm, and found differences with the scope of work and the cost. She added that the Chamber of Commerce is unique in that it could hit the ground running. Brusselback added that the Chamber has a resource in its volunteers. Sawyer noted that the Chamber has developed the infrastructure and is ready to go. MOTION was made by Sawyer, seconded by Beemer, to award the tourism promotion services to the Greater Newport Chamber of Commerce, and direct the city manager to develop a tourism promotion services agreement for Council approval. The motion carried unanimously in a voice vote.

COUNCIL LIAISON REPORTS AND COMMENTS

Roumagoux reported that she had participated in a Police Department “ride-a-long” with Keith Garrett, and found it interesting and informative.

Brusselback reported that he attended the OPAC working group meeting and found it very interesting.

Brusselback reported on a recent meeting of the Bicycle/Pedestrian Committee at which thermoplastic for sharrows was discussed; Dave Teem was recommended to fill a vacancy; and the “Bike to School” event that will occur on May 20.

Brusselback reported that he attended two meetings of the Business License/Transient Room Tax Task Force, and that draft ordinances should be available for Council review on June 6.

Allen reported that he attended a work session of the OPAC territorial sea plan working group. He noted that this was an informative meeting to help familiarize folks with the mapping tool. He reviewed the calendar of upcoming meetings of this group.

Bertuleit reported that he attended a South Beach meeting held in conjunction with ODOT related to an alternate mobility standard.

It was noted that a joint meeting with the Planning Commission is scheduled for June 20, 2011, at 5:00 P.M.

It was noted that the Airport Committee meeting would be held Thursday at 2:00 P.M.

ADJOURNMENT

Having no further business, the meeting adjourned at 10:10 P.M.

Margaret M. Hawker, City Recorder

Mark McConnell, Mayor