

November 5, 2012
6:00 P.M.
Newport, Oregon

The City Council and the Urban Renewal Agency of the City of Newport met in a joint meeting 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, City Recorder Hawker, Community Development Director Tokos, Public Works Director Gross, Parks and Recreation Director Protiva, Police Chief Miranda, and Assistant Finance Director Brown.

PLEDGE OF ALLEGIANCE

Everyone participated in reciting the Pledge of Allegiance.

ADDITIONS/DELETIONS AND APPROVAL OF THE AGENDA

McConnell recommended adding Item C. to Discussion Items and Presentations to hear a draft report from the Port of Newport Task Force on pedestrian safety. He further recommended that Action Item B. be moved to Public Hearing C.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of City Council minutes from the regular City Council meeting of October 15, 2012, the Special City Council meeting of October 23, 2012, the Town Hall meeting of October 29, 2012, and the Urban Renewal meeting of September 17, 2012;
- B. OLCC license approval - Cobblestone Pizza.

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

PROCLAMATIONS

McConnell proclaimed the month of November, 2012 as Buy Local Month in the City of Newport. Guy Faust, from Oregon Coast Community College, accepted the proclamation.

McConnell acknowledged the altruistic work of A.B.A.T.E. in the City of Newport. The proclamation was accepted by Jim Protiva, Parks and Recreation Director for the City of Newport. Protiva noted that the proclamation would be given to A.B.A.T.E. at the Thanksgiving dinner for local seniors.

OFFICER'S REPORTS

Mayor's Report. McConnell reported that he participated in a panel discussion with OMSI in preparation for the fundraising and community outreach associated with the marine science camp.

McConnell noted that he attended the recent Oyster Cloyster fundraiser for the Oregon Coast Community College.

McConnell reported that there was a good turnout with good feedback at the recent Town Hall meeting.

McConnell noted that the ribbon cutting for the new water treatment plant was held earlier today. He thanked the voters who helped pass the bond issue; the Task Force; and staff.

McConnell appointed Alisha Kern to the Parks and Recreation Committee. MOTION was made by Brusselback, seconded by Roumagoux, to ratify the Mayor's appointment. The motion carried unanimously in a voice vote.

City Manager's Report. Voetberg reported that the fire departments/districts of North Lincoln, Central Coast, Depoe Bay, and Newport continue to meet monthly to discuss potential collaborations. He added that he anticipates preliminary documents regarding the collaboration of administrative functions to be presented at the next meeting.

Voetberg reported that the packet contains a petition from Greg Carpenter regarding the initiation of the nuisance abatement process on a number of properties. He added that the Municipal Code states that if the city becomes aware of a nuisance and does not begin the abatement process within 30 days, that Council can initiate the process. Miranda reported that the list submitted by Carpenter has been prioritized, and therefore the process has begun. Sawyer asked whether Carpenter had been notified of this information, and Miranda reported that Carpenter has been sent a copy of the log and will be updated monthly. Allen noted that there is no place in the code that defines what is involved with initiating the nuisance process. He added that he is not sure that logging complaints is initiating the nuisance process. Miranda confirmed that in the future, he will do what is reasonable under the circumstances.

Voetberg reported that the capital projects update is included in the packet. Gross updated Council on the status of the Big Creek Road repair.

Voetberg reviewed the timeline for the plastic bag election, noting that Council will receive a draft ordinance at the beginning of next year. Allen noted that the draft ordinance should be based on the Corvallis ordinance; replacing Corvallis with Newport. It was noted that once anything is drafted, it will need a legal review.

It was agreed to hold one Council meeting in December, and that it be on the 17th.

Sawyer asked what mechanism could be put in place so that Council is advised of the status of lawsuits. Voetberg reported that the Reno case is the only lawsuit in which the city is involved, and that CIS is handling it. Sawyer stated that Council should receive an e-mail when something happens with this case.

DISCUSSION ITEMS AND PRESENTATIONS

Library Foundation Proposal. Carol Ruggeri, representing the Library Board of Trustees, introduced Board Members, Michele Longo Eder, Patti Littlehales, and Chuck

Norman. Ruggeri talked about the importance of the Library to the city, and reviewed Library statistics. She reported that the Board is planning to commission a strategic plan, costing approximately \$70,000, that would include a community survey; space needs analysis; and a technology review. She stated that three grants have been identified to partially fund the plan, and asked for a commitment from the city to help pay for part of the strategic plan, adding that this would show support from the city. She requested that the 2013/2014 budget include \$30,000 to pay for part of the strategic plan. Allen noted that Council can commit to bringing it to the attention of the Budget Committee to debate the issue and deliberate on whether to include the monies in the recommended budget. Staff was encouraged to place this expense in the upcoming proposed budget.

First Quarter Financial Report. Voetberg reported that the first quarter financial report is included in the packet. He noted that everything looks fine, and there is nothing to be concerned with at this time. McConnell noted that the facilities and grounds maintenance expenses are projected to end up over budget, and expressed hope that the city allows more money for this function in the future. Gross noted that staff will do what is necessary and let the costs be as they are, as there is not enough money to perform even basic maintenance.

Update on Work of Port of Newport Pedestrian Safety Task Force. Doug Wills and Oly Olson, members of the Port of Newport's Pedestrian/Vehicle Safety Plan Task Force, updated Council on the work of the Task Force, including recommendations to ODOT, the city, and ultimately the county. Mike Peterson addressed Council regarding a letter he had written to the city, and asked whether he could expect a response. He also asked whether Moore Drive is a designated a truck route and if not, whether it will be designated such in the future. Allen noted that he would look at Peterson's letter, and he invited Peterson to the November 14 meeting of the Task Force.

PUBLIC HEARINGS

Continued Public Hearing and Potential Adoption of Ordinance No. 2044, an Ordinance Repealing and Replacing Ordinance No. 2018, Vacating SE 1st Street from SE Avery Street to South Coast Highway and Declaring an Emergency. Tokos reported that this is the continued public hearing regarding whether it is in the public interest to repeal and replace Ordinance No. 2018 which vacated a portion of SE 1st Street. He added that the ordinance is set for emergency adoption as a consequence of the late date at which the issues necessitating this action were brought to the attention of the property owner and city. He noted that neither the applicant nor the applicant's attorney was able to attend this hearing. He explained that Ordinance No. 2018 was adopted by Council on July 18, 2011, vacating the right-of-way effective upon several conditions; one of which required issuance of a certificate of occupancy for the Walgreen's store. The property owner informed the city that the lender it is using to finance construction of the store is concerned about lending funds for work within a right-of-way that does not vacate until a certificate of occupancy is issued. To resolve this issue, the property owner has requested that the city repeal and replace Ordinance No. 2018, to immediately vacate the right-of-way. Concurrent with this action, the property owner

proposes to enter into an improvement agreement with the city to guarantee that the right-of-way would be rededicated and street rebuilt if the Walgreen's store is not constructed. Tokos responded to Council questions.

McConnell called for public comment. There was none.

McConnell closed the public hearing for Council deliberation at 7:30 P.M.

MOTION was made by Sawyer, seconded by Beemer, to read Ordinance No. 2044, an ordinance repealing and replacing Ordinance No. 2018, vacating that portion of SE 1st Street from SE Avery Street to South Coast Highway, and declaring an emergency, by title only, and place for final passage. Tokos recommended that the motion include a stipulation that a deed be prepared for rededicating the right-of-way, and that that deed be placed in escrow with instructions for rededication if the terms of the agreement are not met, and that all costs are to be borne by the applicant. Council agreed to include Tokos' recommendation as a part of the motion. The motion carried unanimously in a voice vote. Voetberg read the title of Ordinance No. 2044. Voting aye on the adoption of Ordinance No. 2044 were Sawyer, Roumagoux, Brusselback, McConnell, Bertuleit, Beemer, and Allen.

Public Hearing and Possible Adoption of Ordinance No. 2046 and Resolution No. 3617 Renaming 95.86 Acres of City Land as a "Forest Park" and Establishing Management Strategies for the Park. McConnell opened the public hearing at 7:34 P.M. Tokos reported that the issue before Council is consideration of Ordinance No. 2046, renaming 95.86 acres of city-owned land south of Anderson Creek and east of Big Creek Road as a "Forest Park." He added that Resolution No. 3617 outlines management strategies for the property that clarify what it means for the property to have this designation. He noted that the Planning Commission had held a public hearing and found that the city criteria for renaming public property had been met and that a "Forest Park" designation for this property is appropriate. He added that the Planning Commission had also endorsed management strategies directed at maintaining the property in a natural state to the extent possible. He noted that the Parks and Recreation Committee considered the proposal and provided a favorable recommendation to the City Council. He recommended that Council accept the recommendations from the Planning Commission and Parks and Recreation Committee. Tokos responded to Council questions.

McConnell called for public comment.

Mark Saelens, a board member of the Oregon Coast Community Forest Association, introduced Chuck Willer and Don Andre, also board members. They spoke in support of Ordinance No. 2046 and Resolution No. 3617. Allen asked whether volunteer groups undertaking activities on behalf of the city would be entering into agreements with the city. Saelens reported that initial volunteer efforts would be an expansion of what is already being done at Forest Park. He added that OCCFA just obtained insurance for the organization and its volunteers. McConnell noted that the city has an Adopt-A-Park program in place. A discussion ensued regarding public infrastructure, and a potential extension of Harney Street, and Tokos noted that there are other options that would not impact the "Forest Park" designation.

McConnell closed the public hearing at 7:50 P.M. for Council deliberation.

MOTION was made by Sawyer, seconded by Brusselback, to read Ordinance No. 2046, an ordinance renaming 95.86 acres of city-owned land south of Anderson Creek

and east of Big Creek Road as a “Forest Park,” by title only, and place for final passage. The motion carried unanimously in a voice vote. Voetberg read the title of Ordinance No. 2046. Voting aye on the adoption of Ordinance No. 2046 were Allen, Beemer, Bertuleit, McConnell, Brusselback, Roumagoux, and Sawyer.

MOTION was made by Beemer, seconded by Roumagoux, to adopt Resolution No. 3617, establishing a management strategy for Forest Park. The motion carried unanimously in a voice vote.

Continued Public Hearing and Possible Adoption of Revisions to the Newport Comprehensive Plan and Zoning Ordinance Related to the City’s Transportation System Plan and Creation of an Alternate Mobility Standard for US 101 in South Beach. Tokos reported that the issue before Council is consideration of whether it is in the public interest to amend the Transportation System Plan element of the Newport Comprehensive Plan to set out a policy framework in support of an alternate mobility standard for US 101 south of the Yaquina Bay Bridge. He explained that an alternate mobility standard is a tool that the Oregon Department of Transportation can use to allow more vehicle trips to be generated onto US 101 than is permissible under current state law. He added that the alternate mobility standard would be put in place by the Oregon Highway Commission once the city and county adopt the proposed amendments. He stated that in addition to amendments to the Newport Comprehensive Plan, the Zoning Code will be amended to establish a trip budget program for South Beach, citywide traffic impact analysis requirements, and citywide transportation improvement requirements for infill development. He noted that functional classification maps of the city’s road network and future city transportation project priorities/cost estimates have also been updated. He reported that a detailed explanation of this issue was provided at the October 15 City Council meeting. He noted that one outstanding issue to be resolved, from the October 15 meeting, was how to address the 2007 Settlement Agreement that established the number of new vehicle trips that could be generated from Landwaves, Inc. and GVR Investments properties onto US 101 at SE 40th Street. He stated that the properties will retain a right to these trips for a period of ten years from the dates that the subdivision or partition plats were approved placing the parcels or lots into their current configuration. He noted that the methodology for calculating the number of trips under the new alternative mobility standard is different than the methodology used in the Settlement Agreement, but that this issue has been reconciled. He added that Landwaves, Inc. attorney has expressed written support for this approach, but there is a minor discrepancy between the letter and proposed ordinance in terms of the number of trips the city will reserve for Landwaves, Inc. properties. He stated that this discrepancy is the result of a math error in the letter from Landwaves, Inc. attorney, but that the attorney has expressed to staff that they are comfortable with the trip figures contained in the ordinance. He noted that a revised copy of the ordinance was distributed to Council this evening. Tokos responded to Council questions.

McConnell called for public comment.

Oly Olson asked whether action item number 14 is in the new TSP, and Tokos responded that it continues. McConnell noted that he had asked similar questions, and Tokos noted that most of the outreach was conducted in South Beach because that is

where the new projects were added, although the north side was cleaned up by adding updated cost estimates and eliminating completed projects.

McConnell closed the public hearing for Council deliberation at 7:59 P.M.

MOTION was made by Sawyer, seconded by Beemer, to read Ordinance No. 2045, an ordinance that repeals and replaces the Transportation System Plan element of the Newport Comprehensive and amends related provisions of the Newport Zoning and Subdivision Codes, by title only, and place for final passage. And, further that this ordinance shall be subject to review by the City Attorney prior to signature by the Mayor. The motion carried unanimously in a voice vote. Voetberg read the title of Ordinance No. 2045. Voting aye on the adoption of Ordinance No. 2045 were Sawyer, Roumagoux, Brusselback, McConnell, Bertuleit, Beemer, and Allen.

MOTION was made by Beemer, seconded by Brusselback, to adopt Resolution No. 3616, a resolution establishing a fee for preparing trip assessment and vesting letters and reviewing traffic impact analysis required by Ordinance No. 2045. The motion carried unanimously in a voice vote.

ACTION ITEMS

Authorization to Proceed with Interim Improvements to Safe Haven Hill. Tokos reported that the issue before the Council and Urban Renewal Agency is whether it is in the public interest to allocate up to \$20,000 of budgeted South Beach Urban Renewal Funds to make basic access improvements to Safe Haven Hill while the city awaits a decision from FEMA on its grant proposal to construct more permanent improvements. MOTION was made by Brusselback, seconded by Beemer, that the City Council and Urban Renewal Agency authorize the expenditure of up to \$20,000 of budgeted South Beach Urban Renewal funds for construction of basic access improvements at Safe Haven Hill. The motion carried unanimously in a voice vote.

Consideration of Resolution No. 3613 Authorizing the Establishment of a Health Reimbursement Arrangement/Voluntary Employees' Beneficiary Association (HRA-VEBA) Plan. Voetberg reported that the issue before Council is the adoption of Resolution No. 3613 which would establish a Health Reimbursement Arrangement/Voluntary Employees' Beneficiary Association (HRA-VEBA) Plan, for employees who are not legally allowed to have a Health Saving Account (HSA). MOTION was made by Sawyer, seconded by Beemer, to adopt Resolution No. 3613 establishing a Health Reimbursement Arrangement/Voluntary Employees' Beneficiary Association Plan. The motion carried unanimously in a voice vote.

Consideration of a Tourism Marketing Grant for the Newport Celtic Festival and Highland Games. Voetberg reported that the issue before Council is consideration of a tourism marketing grant application from the Celtic Heritage Alliance, in the amount of \$5,000, for assistance with marketing for the 2013 Newport Celtic Festival and Highland Games. It was noted that the Destination Newport Committee was recommending favorable action on the request. MOTION was made by Sawyer, seconded by Beemer, to approve the tourism marketing grant fund application, submitted by the Celtic Heritage Alliance, for assistance with marketing and advertising for the Newport Celtic

Festival and Highland Games, in the amount of \$5,000. The motion carried unanimously in a voice vote.

Consideration of a Contract with the Newport News-Times for Print/Outdoor Marketing Production. Voetberg reported that the issue before Council is the consideration of a print/outdoor marketing production services. It was noted that the proposal was reviewed and recommended by the Destination Newport Committee. MOTION was made by Beemer, seconded by Sawyer, to approve the print/outdoor marketing production services with the Newport News-Times, in the amount of \$15,000. The motion carried unanimously in a voice vote.

Consideration of a Contract with CBS Outdoor Billboard. Voetberg reported that the issue before Council is consideration of a billboard located on Highway 18, facing east, in Grand Ronde, Oregon. It was noted that the proposal was reviewed and recommended by the Destination Newport Committee. MOTION was made by Bertuleit, seconded by Brusselback, to approve the billboard location at Highway 18, in Grand Ronde, Oregon, with CBS Outdoor and enter into an agreement in the amount of \$14,000. The motion carried unanimously in a voice vote.

Consideration of Ratification of Collective Bargaining Agreement with the Newport Police Association, and Potential Additional Compensation for Non-Represented Employees. Voetberg reported that the issue before Council is consideration of ratification of the collective bargaining agreement with the Newport Police Association, and consideration of potential additional compensation for non-represented employees. He reviewed highlights of the tentative agreement and responded to Council questions. Allen asked about the fiscal impact of free access to the Recreation Center by police officers and their families. Voetberg noted three police officers were currently paying to use the Recreation Center each at the rate of \$22 per month. Allen noted that he believed that staff was trying to get all employees onto the high deductible health insurance plan. He asked about the total number of employees compared to the number represented by the NPA. Staff noted around 100 benefited employees with 18 represented by the NPA. Allen asked what the thinking is about having a large group of employees on a different health insurance plan. Voetberg noted that it was very important to the NPA to not change health insurance plans. Allen asked about the cumulative financial impact of the NPA not going with the high deductible plan. Voetberg noted that he did not have those numbers but could get them. Bertuleit noted that the issue can be revisited. Voetberg noted a cost to the city of around \$10,000 if it lost at arbitration. Allen asked about the fiscal impact of free access to the Recreation Center by non-represented employees and their families. Voetberg noted that 11 non-represented employees were currently paying to use the Recreation Center each at the rate of \$22 per month. Allen asked about the financial impact of the COLA increase for the NPA and the additional COLA increase for non-represented employees. Voetberg noted an impact this fiscal year of \$4,000 for the NPA and \$3,500 for non-represented employees. MOTION was made by Sawyer, seconded by Roumagoux, to ratify the collective bargaining agreement between the city and the Newport Police Association, as presented, and authorize the City Manager to execute the agreement on behalf of the city. Allen stated that he would vote in favor of the motion with the hope and anticipation

that a resolution be reached with the NPA next fiscal year because it is important that all employees are on the same health insurance plan. Bertuleit stated that he supports Allen's position. The motion carried in a voice vote with McConnell voting no. Allen asked for the yearly financial impact of the NPA health insurance costs due to the NPA not going with the high deductible plan.

Allen noted that there are two issues related to non-represented employees; one is and additional one percent COLA; and the other is free access to the recreation center by employees and families. It was noted that the recreation center benefit is already in place for the Fire Department and the just adopted NPA agreement. Voetberg suggested that if this benefit is important to the NEA, it could be a negotiation strategy to get something back from the NEA, particularly who has ability to determine whether comp time is granted. Voetberg noted that the budgetary impact is small enough that it can be covered and is fair to the non-represented employees. MOTION was made by Allen, seconded by Beemer, to authorize a one percent COLA, effective January 1, 2013, for non-represented employees, representing the difference between the 2012-2013 COLA given to the city's three bargaining units less what has already been given; and further move to allow non-represented employees and their families free access to the city's recreation facilities. The motion carried unanimously in a voice vote.

COUNCIL REPORTS AND COMMENTS

Roumagoux reported that she had attended a recent FINE meeting, and that it was enlightening and interesting to listen to the fishermen.

Roumagoux reported that she had attended a Parks and Recreation Committee meeting, and that three of the four categories necessary to obtain Tree City USA designation had been completed.

Allen reported that he attended a recent FINE meeting, and there is a FINE meeting scheduled for tomorrow. He added that there have been numerous meetings related to the territorial sea plan process. He noted that tomorrow night, a coastal public workshop, presented by DLCD on behalf of OPAC and TSPAC, will be held at the Hallmark. He stated that he presented an ocean planning update to the Chamber of Commerce. He noted that he had attended a recent YBEF meeting at which a discussion occurred regarding PMEC siting.

Allen reported that the city's Audit Committee will be meeting on Thursday.

Beemer reported that he had attended the joint fire departments meeting regarding collaboration.

Bertuleit stated that he had attended a recent meeting of the Airport Committee. He noted that the runway restriping is close to completion, and that clogged drains are being jetted.

ADJOURNMENT

Having no further business, the meeting adjourned at 8:54 P.M.

Margaret M. Hawker, City Recorder

Mark McConnell, Mayor