

September 19, 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, Beemer, Allen, Sawyer, Bertuleit, Roumagoux, and McConnell were present.

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

PLEDGE OF ALLEGIANCE

Council and audience participated in the Pledge of Allegiance.

ADDITIONS/DELETIONS AND APPROVAL OF AGENDA

McConnell asked that two items be added to the agenda: Tree City USA; and location of town hall meetings outside of City Hall. Allen added that he would have brief comments on the City Council/City Attorney/staff communication issue.

PUBLIC COMMENT

Kevin Chatterton addressed Council regarding a public safety issue near 8th and Avery Streets. He noted that 8th Street is a through street from Highway 101 to Eads Street, and suggested that traffic calming measures be taken. Gross suggested placing traffic counters as a first step.

Rob Thompson, Ken Riley, Lisa Kallenberger, and Ursula Marinelli addressed Council regarding a fundraising partnership between the Lincoln County trash haulers and the Samaritan Hospital Foundation to raise monies and awareness about cancer. Thompson noted that the Thompson's Sanitary October bill will include a lavender donation envelope for the CanCancer fundraiser. Marinelli reviewed hospital services. It was suggested that donation envelopes and a donation "can" be placed at the city's Finance Department.

Paul Lawson asked that Council direct staff to work toward a settlement with Lincoln County regarding annexation of a street near his property on North Avery Street. Gross noted that a letter from Lee Ritzman addressed other issues with the road. He suggested that the road be improved to acceptable conditions prior to the city taking ownership and maintenance duties.

PROCLAMATIONS AND RECOGNITIONS

McConnell proclaimed Wednesday, September 21, 2011, as International Day of Peace in the City of Newport. James Lynn accepted the proclamation and reviewed upcoming events associated with the International Day of Peace.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of City Council work session and regular meeting minutes of September 6, 2011;
- B. Report of accounts paid for August 2011;
- C. Police and Fire Department monthly reports for August 2011.

Allen asked about several items on the list of accounts paid, including the City Center Newport Association and Davis, Wright, and Tremaine. He asked whether Council will be notified of the status of the Rocky Creek water extension application, and Voetberg noted that he will keep Council apprised. It was noted that it appears that the city utilizes both Alan Brown Tire and Ocean Tire for vehicle maintenance. Miranda noted that the Police Department primarily uses Ocean Tire for vehicle maintenance. Gross noted that the Public Works Department obtains quotes for major work on vehicles. MOTION was made by Bertuleit, seconded by Roumagoux, to approve the consent calendar with the amendments to the minutes. The motion carried unanimously in a voice vote.

OFFICER'S REPORTS

Mayor's Report. McConnell reported that he had received a letter from Bevans Market and Deli regarding the utilization of gas tax dollars. He noted that Gross had responded. A brief discussion ensued regarding maintenance of the street near this business.

McConnell reported that plans for the bridge celebration continue. He noted that a birthday card for the bridge had been placed on the front lawn of the City Hall.

McConnell reported that the Tourism Facilities Grant Review Task Force will meet on Thursday. A discussion ensued regarding the use of funds and development of a policy. McConnell added that the application process needs a legal review. He noted that, at some point, a determination must be made regarding the agreement that will be entered into with the grantee.

McConnell noted that the economic development focus groups will be meeting with the Chamber of Commerce on September 30.

McConnell reported that the Recreation Facilities Management Review Task Force had developed a list of questions to ask various facilities, and established a list of facilities to visit. He added that the next meeting will be September 27.

McConnell noted that Council had a successful work session this morning. He noted that it had held a quarterly review with the city manager, and that things were moving forward well. He added that the next quarterly review will be held in January.

City Manager's Report. Voetberg reported that the packet contains an update of the suggestion/concern/complaint list.

Voetberg reported that the packet contains an update of key city projects. Gross reported that a temporary fix had been made of the welded steel conveyance line that

was brought up at the last meeting by Brett Hearne. He added that Brown and Caldwell are working on a long-term solution to the problem. McConnell noted that the matter will be kept on the list until a permanent solution is achieved. He added that the 54th/56th and Rhododendron Streets slippage issue should remain on the list as a reminder.

Voetberg reported that the packet contains his weekly reports of August 29 and September 5.

Brusselback thanked Gross and Voetberg for taking care of the problem of water on the sidewalk next to the laundry in Nye Beach.

McConnell noted that he would like to see progress on the plans for drainage and flooding issues, and asked whether there would be solutions before winter. Gross reported that he plans to have a short-term fix in place, and that a contractor should be working on it during October.

Allen asked whether Rotary was improving Mombetsu Park, noting that it could be a good fit for the Adopt-A-Park program. McConnell noted that the Rotary has adopted Literacy Park. He added that another group would like to adopt the PAC corner of Coast and Olive Streets. Allen asked whether the indemnity issue had been resolved. McConnell noted that he is interested in developing a “Company’s Coming” month to get the city ready for the summer season.

Bertuleit reported that the Bay to Beach Trail is in need of maintenance.

DISCUSSION ITEMS

Project Homeless Connect. Barb Doherty introduced Americorps/Vista volunteer, Elise Jordan. Jordan reviewed the upcoming 5th annual Homeless Connect project. Doherty reviewed last year’s project. She noted that volunteers are being sought, and urged Council’s attendance.

Tree City USA. Tokos reported that there is information in the packet regarding what is involved in obtaining a Tree City USA designation. He reviewed the criteria, and discussed the merits, of becoming a Tree City USA. He noted that there are costs associated with the application, ordinance preparation, and ongoing costs. A discussion ensued regarding the pros and cons of pursuing this designation. MOTION was made by Brusselback, seconded by Roumagoux, to direct staff to coordinate with the Planning Commission or the Parks and Recreation Committee in applying for a Tree City USA designation. Allen asked whether Council is looking for an ordinance or seeking a designation. Brusselback noted that a designation should be sought as this is a quality of life issue. Allen suggested doing this in a way that does not take on too much, and is within the constraints of budget and time, and does not undercut staff time on other issues. Tokos noted that it can be worked on as time permits. McConnell asked to hear about the steps as they occur. Beemer asked about the cost of the application, and Tokos noted that he would let Council know, but that the primary cost is staff time. Allen asked that the Planning Commission hold public hearings on this issue. The motion carried unanimously in a voice vote.

Start Town Hall Meeting Process. It was asked that the first Town Hall meeting be a URA meeting in South Beach. It was agreed to hold quarterly Town Hall meetings, in an

informal setting, and that the first three include South Beach, Agate Beach, and Nye Beach.

PUBLIC COMMENT

Ed Johnston addressed Council regarding the homeless plan, tree ordinance, building permits, plastic bags, and constitutional issues.

PUBLIC HEARINGS

Public hearing and possible adoption of Ordinance No. 2022, an ordinance streamlining the land use lists for commercial and industrial zones in the Newport Zoning Code. McConnell opened the public hearing at 7:43 P.M. He asked for declarations of conflict interest and bias. There were none. He asked whether there was any objection to any member of Council hearing this matter, or the Council as a whole hearing the matter. There were none. Tokos explained that the issue before Council is consideration of whether it is in the public interest to repeal and replace Section 2-2-1 of the Newport Zoning Code, and to amend Section 2-4-16 of the Newport Zoning Code. He noted that the changes replace the matrix that lists allowed commercial and industrial uses by Standard Industrial Classification code with a more simplified approach that groups like type uses into categories. He added that the Planning Commission voted unanimously to recommend adoption of the changes. He noted that the intent is to simplify the code and retain the industrial districts.

McConnell asked for public comment. Paul Lawson stated that he agreed to the provision, but is concerned about losing uses of his property. He asked for confirmation that any uses lost due to this ordinance will become a conditional use, and that he will still have access to that avenue. He asked that Council direct staff to write letters indicating that uses are not lost altogether and that the CUP process will be available.

Tokos reviewed the impact of the ordinance.

Dennis Bartoldus, representing GVR on 40th Street, stated that he would hate to see too many hoops. He added that he hopes Council is favorable when CUP's come before them, noting that he would like something on the record regarding this. He noted that heavy duty manufacturing would be an outright use in an I-3, but Costco would require a CUP. He added that he would not like to see so many conditions as to make a property undevelopable.

Lawson agreed with Bartoldus.

McConnell closed the public hearing at 8:09 P.M. for Council deliberation.

Tokos reported that the Planning Commission worked through the issues and erred on side of being more permissive. He added that a Measure 56 notice was sent. He noted that for purposes of streamlining the code; this does a good job.

MOTION was made by Roumagoux, seconded by Brusselback, to read Ordinance No. 2022, streamlining the land use lists for commercial and industrial zones, by repealing and replacing Section 2-2-1 and amending Section 2-4-16 of the Newport Zoning Ordinance, by title only, and place for final passage. The motion carried unanimously in a voice vote. Voetberg read the title of Ordinance No. 2022. Voting aye on the adoption of Ordinance No. 2022 were McConnell, Allen, Beemer, Roumagoux, Brusselback, Sawyer, and Bertuleit.

ACTION ITEMS

Request for support of ODOT Flexible Funds Program grant. Tokos reported that the issue before Council is whether the city should proceed with an application for an ODOT Flexible Funds Program grant. He noted that a 10.27% minimum match is required. He added that the application would bundle Highway 101 pedestrian crosswalk enhancements with tsunami evacuation route access improvements in South Beach. He noted that the city would offer \$215,000 as a match, and is slightly more than 20% of the project cost which could be close to \$1,000,000. A brief discussion ensued regarding funding. MOTION was made by Sawyer, seconded by Beemer, that the Council direct staff to prepare a grant application to the ODOT Flexible Fund Program for the purpose of enhancing Highway 101 crosswalk and tsunami evacuation routes within the city. The motion carried unanimously in a voice vote.

Request for support of a FEMA grant for tsunami evacuation route enhancements. Tokos reported that the issue before Council is whether staff should proceed with a grant application to the Oregon Emergency Management office for funding for tsunami evacuation routes. He added that the funding, if approved would be used to enhance access to Safe Haven Hill as a tsunami evacuation site. He noted that, if approved, FEMA would pay up to 75% of the project costs, and the city would be required to pay the balance. He stated that staff envisions offering \$200,000 of Urban Renewal Agency funds as the local match, and would scale the project so that total costs will not exceed \$800,000. MOTION was made by Beemer, seconded by Allen, that Council direct staff to prepare a FEMA hazard mitigation grant application for the purpose of enhancing tsunami evacuation routes within the city. The motion carried unanimously in a voice vote.

Consideration of award for the printing of Destination Newport brochures. Voetberg explained that the issue before Council is the consideration of awarding a contract to the Newport News-Times, in the amount of \$20,500, for the printing of 175,000 Destination Newport brochures. He reported that in compliance with the city's public contracting rules, three quotes were solicited, and the based on the review of the quotes, staff is recommending that the award be made to the Newport News-Times. MOTION was made by Bertuleit, seconded by Sawyer, that the city contract with the Newport News-Times for the printing of 175,000 Destination Newport brochures at a cost of \$20,500. The motion carried unanimously in a voice vote.

Selection of integrated financial software system. Marshall reported that the issue before Council is the consideration of the purchase of an integrated financial software system for the city. He noted that an RFP was issued in August, and six proposals were received. Of the six, two were non-responsive, and two were eliminated due to high costs. The remaining two are Caselle and Tyler. He recommended that Council approve the purchase of a Caselle system. MOTION was made by Roumagoux, seconded by Sawyer, to authorize the city manager to negotiate and enter into an agreement with Caselle for the purchase of an integrated municipal financial and utility billing software system, the financial terms of which will include payment over a two fiscal year period

and a total cost not to exceed \$140,000. The motion carried unanimously in a voice vote.

Approval of IAFF union contract. Marshall explained the proposed agreement with the IAFF. He added that the agreement authorizes step increases for bargaining unit members retroactive to July 1, 2011; and an affirmation of the city's intent to continue to pay 90% of health insurance costs. He noted that cost-of-living allowances do not apply for fiscal year 2011-2012, and that a one-time payment of \$600, payable in January 2012, is included for the IAFF member who is presently at Step 9 on the salary schedule. He reported that the contract term is three years, but is open for negotiations on June 30, 2012 and 2013. He suggested beginning negotiations in February. Allen asked whether the bargaining unit had brought up the \$600 payment or the city. It was noted that the city suggested this payment for parity with other bargaining units and non-represented employees. Allen suggested addressing this issue more comprehensively. He added that he is going to vote against this agreement for the same reason he voted against the police agreement and the non-represented at the August 15, 2011 regular City Council meeting. A discussion ensued regarding the award of a family membership to the recreation center. Voetberg noted that fire volunteers are afforded the opportunity to use the recreation center at no cost. Sawyer asked whether the travel pay provision is new, and Marshall reported that it is not. A discussion ensued regarding the legality of providing volunteers with the complimentary recreation center use benefit, and the fact that the Fire Department is the only department receiving free family passes to the recreation center. MOTION was made by Brusselback, seconded by Sawyer, to approve the collective bargaining agreement with the Newport Professional Firefighters Association, IAFF 4619 for fiscal year 2012. The motion carried in a voice vote with Allen voting no.

Proposal for Emergency Services Consulting International (ESCI) regional contract for a study and evaluation of the Fire Department services. Paige explained that the issue before Council is whether the city should enter into an agreement with ESCI and cooperate in a regional evaluation of Fire Department services. He reported that the cost to the city would be \$12,500, and the results would address several City Council goals. Voetberg reported that the intent would be to include this funding in a supplemental budget that will be coming before Council and also contain wages, and that it would come from an anticipated additional ending fund balance in the general fund. A discussion ensued regarding why other local fire departments are not participating, and the impact of the information on volunteer recruitment. MOTION was made by Beemer, seconded by Sawyer, to authorize the city manager to sign the contract for fire service evaluation services with ESCI at a cost not to exceed \$12,500. The motion carried unanimously in a voice vote.

COUNCIL REPORTS AND COMMENTS

Bertuleit reported on a recent meeting of the Airport Committee. Issues discussed included AIP projects and courtesy cars.

Bertuleit reported that the half-marathon was well attended.

Sawyer reported on a recent meeting of the Destination Newport Committee at which the contract approved earlier this evening was discussed.

Sawyer reported that a CERT fundraiser will be held tomorrow at the Rogue. He also noted that a new CERT training starts next Tuesday.

Brusselback reported on a recent meeting of the Public Arts Task Force noting that progress is being made.

Brusselback reported that he attended the recent Planning Commission open house on vacation rentals.

Allen reported that Council had held a good discussion on the communication issue. He added that he had prepared a memo on September 16 regarding this matter. He noted that he believed it was good to have Christy Monson and Voetberg in attendance as they are the two that Council has the most direct communication with. He noted that the goal is to have fewer communication issues occur in the future. He added that there are Council Rules and procedures for requesting information from city staff, and that this is a good process that is fair and not being abused. He noted that a resolution had been prepared in April regarding City Council communication with the interim city attorney. He suggested that since the city has a more permanent relationship with the city attorney, that another resolution be prepared that recognizes this new relationship with the city attorney. McConnell suggested that Monson attend a Council meeting every three or four months.

Allen reported that the local government group dealing with local issues related to the territorial sea plan had met. He noted that the next OPAC working group will meet on October 7 at City Hall.

McConnell invited to everyone to attend the bridge rededication on October 2 between 10:00 A.M. and 4:00 P.M.

ADJOURNMENT

Having no further business, the meeting adjourned at 9:13 P.M.

Margaret M. Hawker, City Recorder

Mark McConnell, Mayor