

September 6, 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, Allen, Sawyer, Bertuleit, Roumagoux, and McConnell were present. Beemer was excused.

Staff present was City Manager Voetberg, City Recorder Hawker, Finance Director Marshall, Fire Chief Paige, Airport Director Cossey, 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 AGENDA

It was agreed to add the following items to the agenda: swearing in of a new police officer; approval of FAA grant offer; and approval of the executive session minutes of August 15, 2011.

SWEARING IN OF NEW POLICE OFFICER

Miranda introduced Daniel Miller, a newly-appointed police officer. Hawker administered the oath of office to Miller.

PUBLIC COMMENT

Wendy Engler spoke on behalf of the Nye Beach District Parking Committee and thanked the Public Works department for striping, signage installation, and brush cutting. She stressed the importance of the wayfinding program and signs, and suggested reconvening the ad hoc Wayfinding Committee.

Brett Hearne and his neighbor appeared before Council regarding the leakage of two sewer lines that run through his property. He added that during big rain events, there is sewage going into the bay. He requested an answer regarding what to do with the water that runs between the houses during the winter. It was suggested that when the interim public works director returns from vacation, he could provide a timeline and associated costs for repairing the issue, and also whether there are any cost efficient, short-term measures for a temporary fix while a long-term design and repair is planned.

Brett Hearne asked, in regard to the Bayfront parking issue, that the Bayfront not be turned into a theme park that would run folks out of business.

PROCLAMATIONS AND RECOGNITIONS

McConnell proclaimed the week of September 11 - 16, 2011 as People's Coast Classic Bike Week in the City of Newport. Multiple bicycling enthusiasts were in attendance to receive the proclamation.

McConnell proclaimed September 2011 as National Recovery and Wellbriety Month in the City of Newport. Lincoln County District Attorney, Rob Bovett, addressed the issue.

McConnell proclaimed the week of September 5 - 11, 2011 as National Patriotism Week in the City of Newport.

McConnell proclaimed September 2011 as National Preparedness Month in the City of Newport. Sawyer reported that a new CERT training will begin on September 27.

McConnell proclaimed October 2011 as Tsunami and Earthquake Preparedness Month in the City of Newport.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of minutes of the City Council work session, regular meeting, and executive session of August 15, 2011;
- B. OLCC application for the Bay Market.

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

OFFICER'S REPORTS

Mayor's Report. McConnell appointed Ralph Busby to the Airport Committee. MOTION was made by Roumagoux, seconded by Bertuleit, to ratify the Mayor's appointment. The motion carried unanimously in a voice vote.

McConnell appointed Dave Teem to the Nye Beach Parking District Advisory Committee. MOTION was made by Roumagoux, seconded by Bertuleit, to ratify the Mayor's appointment. The motion carried unanimously in a voice vote.

McConnell reported that volunteers are needed to serve on the Non-Profit Funding Task Force.

McConnell reported that he had received a note from NOAA thanking the city and others for participating in the dedication of the new NOAA facility.

McConnell reported that he had attended the recent Airport Committee meeting.

McConnell reported that he had attended two recent meetings of the Tourism Facility Grant Review Task Force, and another meeting is scheduled for September 8.

McConnell reported that planning for the Yaquina Bay Bridge celebration is progressing. He displayed a bottle of the Yaquina Bay Bridge commemorative Rogue Ale.

City Manager's Report. Voetberg reported that the departmental monthly reports are included in the packet.

Voetberg reported that the packet contains the response from SeaPort Airlines to the letter that was sent to SeaPort on August 16. A copy of the letter sent to SeaPort was distributed to Council. A discussion ensued regarding whether to pursue the monies

owed to the city from SeaPort. Voetberg noted that the point had been made and that it was time to move on.

DISCUSSION ITEMS AND PRESENTATIONS

Destination Newport Committee Marketing Plan. Lorna Davis, executive director of the Chamber of Commerce, appeared on behalf of the DNC. The packet contained an advertising budget overview for 2011-12 that shows the active marketing plan. A discussion ensued regarding special events and whether there needs to be more reasons to visit the community.

PUBLIC HEARINGS

Public hearing and consideration of adoption of an ordinance amending the Zoning Map of the City of Newport Zoning Ordinance involving property at, and in the vicinity of, 749 SW 11th Street. McConnell opened the public hearing at 7:00 P.M. and asked for declarations of conflict of interest and bias. There were none. He asked for objections to individual Councilor's hearing this matter, or the Council as a whole. There were none. He read the public hearing rules of engagement. Allen noted that the hearing is not legislative, but quasi judicial, and Tokos noted that it is reasonable to proceed using the legislative hearing script. McConnell asked for ex parte contacts and site visits. Bertuleit and McConnell reported that they are familiar with the property. It was noted that the hearing was moving forward as a quasi judicial hearing.

Tokos delivered the staff report and reviewed the criteria. He explained that the issue before Council is consideration of whether it is in the public interest to change the zoning for property at 749 SW 11th Street, and adjoining right-of-way for SW Case Street, from R-3 to R-4. He added that the Planning Commission voted unanimously to recommend adoption of the zoning map change. McConnell asked whether parking requirements would be met, and Tokos responded that they would be met.

McConnell asked for proponent comments. Chris Minor stated that acquisition of the property is important to the hospital. He added that extensive renovation is planned to the interior of the building, but that the footprint will not change materially. He added that this rezoning will allow the hospital district to purchase the building and Samaritan to use it. There was no further public comment. McConnell closed the public hearing at 7:18 P.M., for Council deliberation.

MOTION was made by Allen, seconded by Brusselback, to read Ordinance No. 2021, an ordinance that amends the Zoning Map of the City of Newport Zoning Ordinance, such that the property at 749 SW 11th Street and adjoining right-of-way for SW Case Street will be zoned R-4 (High Density Multi-Family Residential), by title only, and place for final passage. The motion carried unanimously in a voice vote. Voetberg read the title of Ordinance No. 2021. Voting aye on the adoption of Ordinance No. 2021 were McConnell, Bertuleit, Allen, Brusselback, Roumagoux, and Sawyer.

Public hearing and consideration of an ordinance establishing an economic improvement district in the Bayfront area for parking system improvements. McConnell opened the public hearing at 7:18 P.M. Tokos made a PowerPoint presentation and explained that the issue before Council is Ordinance No. 2020 creating an economic

improvement district in the Bayfront area for parking system improvements. He reported that the district will be financed through a surcharge on business license fees, along with monetary contributions from the Port of Newport. He noted that an intergovernmental agreement will be needed with the Port of Newport to address its annual contribution of \$6,000 and that if Council elects to proceed, it should adopt the business license surcharge by motion, but defer final action on the ordinance until the intergovernmental agreement can be finalized. Tokos reviewed the exemptions noting that they are the same exemptions as are in place in the other districts. A discussion ensued regarding whether enforcement is unclear under certain scenarios.

McConnell asked for public comment.

Janet Webster, a member of the ad hoc committee, spoke in support of the ordinance and district.

Don Mann, General Manager, Port of Newport, echoed Webster's remarks. He thanked Council and staff on behalf of the Port Commission.

McConnell stated that he had received four letters. It was noted that approximately six percent were opposed to the district, and 33% is needed to stop the process.

McConnell closed the public hearing for Council deliberation at 7:43 P.M. MOTION was made by Brusselback, seconded by Roumagoux, to adopt Ordinance No. 2020 establishing an economic improvement district in the Bayfront area for parking system improvements, including the proposed business license surcharge fee, and direct staff to bring back the ordinance for reading by title only and adoption by roll call vote at such time as the intergovernmental agreement with the Port of Newport is ready for Council consideration. The motion carried unanimously in a voice vote.

Public hearing and consideration of an ordinance codifying City of Newport street naming and addressing provisions into the Municipal Code and establishing criteria and procedures for renaming public streets and places. McConnell opened the public hearing at 7:47 P.M. Tokos explained that the issue before Council is consideration of whether it is in the public interest to codify street naming and addressing provisions of Ordinance No. 665, as amended, into the Municipal Code, and to establish criteria and procedures for renaming public streets and places. He reported that the Planning Commission had voted unanimously to recommend adoption of the changes. A discussion ensued regarding whether a Planning Commission rejection of a request would stop the process. Tokos noted that the city attorney's position is that this is the safest pursuant to the ORS. Council agreed that individuals should have a right to appeal a Planning Commission decision to the City Council. A discussion ensued regarding the criterion that provides a time limit after a person has died before renaming a street in their memory. It was agreed to remove this language. Tokos agreed to take the suggested changes to the Planning Commission for input.

McConnell closed the public hearing for Council deliberation at 7:50 P.M. MOTION was made by Allen, seconded by Roumagoux, to direct staff to note the changes to the proposed ordinance, including the three year period one must be deceased before requesting a street renaming, and the jurisdictional issue, and send it to the Planning Commission for review and input before a final decision. The motion carried unanimously in a voice vote.

ACTION ITEMS

Consideration of award of a Tourism and Marketing grant to the Friends of the Yaquina Lighthouses. Hawker reported that the issue before Council is the consideration of a request from the Friends of Yaquina Lighthouses for a tourism marketing grant to assist with marketing the 2011 Cooperative Associate Conference to be held from October 6 - 10, 2011. It was noted that the Destination Newport Committee forwarded a positive recommendation regarding this proposed award. Steve Beck appeared on behalf of the request. MOTION was made by Roumagoux, seconded by Sawyer, to approve the tourism marketing grant fund application in the amount of \$500, submitted by the Friends of the Yaquina Lighthouses, for assistance with marketing the 2011 Cooperative Associate Conference to be held from October 6 - 10, 2011. The motion carried unanimously in a voice vote.

Approval of engagement letter with the Local Government Law Group for legal services. Voetberg reported that the issue before Council is consideration of an engagement letter with the Local Government Law Group for legal services. A discussion ensued regarding the lack of an end date, and that the special meeting rate is for the first three meetings, rather than the first three meetings annually. It was noted that Christy Monson had said that after the city uses the first three flat fee meetings, the issue could be revisited. Allen stated that the legal work is top notch, but face-to-face communication might bring the communication level to where it needs to be. MOTION was made by Allen, seconded by Roumagoux, that the city enter into an agreement for legal services with the Local Government Law Group, and authorize the Mayor to sign the engagement letter on behalf of the city. The motion carried unanimously in a voice vote.

Consideration of adoption of an Adopt-A-Park Program. Voetberg reported that the city attorney has not looked at the adopt-a-park application. A discussion ensued regarding the indemnification provision. It was noted that this is harsh language if the goal is to encourage volunteerism. Protiva stated that he had a conversation with the city attorney, and that this had not been vetted by the city's insurance provider. Voetberg reported that he will bring this matter back to Council after further review.

Consideration of an award for Outdoor Meadows Billboard renewal. Voetberg reported that the issue before Council is consideration of a billboard renewal, for one year, in Grand Ronde, Oregon, submitted by Meadows Outdoor Advertising, and reviewed and recommended by the Destination Newport Committee. MOTION was made by Bertuleit, seconded by Allen, to approve the renewal of the Grand Ronde billboard location with Meadow Outdoor Advertising in the amount of \$15,540. The motion carried unanimously in a voice vote.

Approval of a Homeland Security radio equipment grant. Paige reported that the issue before Council is consideration of whether the Fire Department should be included as a participating agency in a homeland Security grant application for the regional

purchase of radio equipment. He noted that a ten percent match would be required and budgeted out of next year's budget. MOTION was made by Allen, seconded by Sawyer, that the Council direct staff to proceed with the Homeland Security grant application for the regional purchase of radio equipment. The motion carried unanimously in a voice vote.

Approval of FEMA Assistance to Firefighters Grant application for the regional purchase of firefighting turnout gear and other personal protective equipment. Paige reported that the issue before Council is consideration of whether the Fire Department should proceed with submitting a FEMA Assistance to Firefighters Grant application for the regional purchase of firefighting turnout gear and other personal protective equipment. It was noted that the grant would require a ten percent match budgeted partly some from this year, and partly from next year's budget. He added that the match would be approximately \$4,608 depending on the actual purchases. MOTION was made by Sawyer, seconded by Allen, that Council direct staff to proceed with an AFG application to FEMA for the purpose of participating in a grant for the regional purchase of firefighting personal protective equipment. The motion carried unanimously in a voice vote.

Approval of Mutual Aid Agreement with Lincoln County Fire Protection Agencies. Paige reported that the issue before Council is consideration of whether the city should continue to participate in the Lincoln County Fire Protection Mutual Aid Agreement. Allen asked whether there are any language changes from the previous agreement. Paige reported that the previous agreement may have been signed without Council approval. He added that that this agreement might include more resources and inclusion in the state mobilization plan. MOTION was made by Roumagoux, seconded by Sawyer, that Council direct staff to proceed with the updated Lincoln County Fire Protection Mutual Aid Agreement. The motion carried unanimously in a voice vote.

Approval of supervising physician for training and standing orders. Paige reported that the issue before Council is consideration of whether the city should enter into a personal services contract with a new supervising physician for the Fire Department EMS programs. McConnell asked whether the city's share is pro-rated since the service is shared with other departments, and Paige noted that it is pro-rated. McConnell asked whether the other participating departments would share in the cost of the legal review provided by the city's attorney. Rob Murphy reported that the agreement had been reviewed by the attorney for special districts. Murphy noted that Dr. Hale is one of the hospitalists at the hospital. MOTION was made by Roumagoux, seconded by Brusselback, that the Council authorize the city manager to terminate the existing contract for supervising physician services and to sign a new personal services contract with Dr. Steven Hale, M.D. for supervising physician services in substantially the form submitted. The motion carried unanimously in a voice vote.

Consideration of Resolution No. 3558 regarding potential fishing legislation. Voetberg reported that the issue was brought forward at the last meeting by Gary Painter who had concerns that fishing in north Pacific is not advantageous to local fishermen. Painter appeared in support of the resolution. Allen reported that he sent a

current draft to Onno Husing at OCZMA. He recommended taking a copy to Husing and the Lincoln County Commissioners to see if there is additional support. McConnell suggested sending the resolution to all state and federal representatives and as many other folks as needed. Painter agreed to work with the city staff regarding who should receive the resolution. Allen noted a minor language change in that for consistency, it should read, North Pacific Fishery Management Council, adding that it should be spelled out once, and the acronym could be used subsequently. MOTION was made by Sawyer, seconded by Bertuleit, to adopt Resolution No. 3558, a resolution supporting Newport fishing families who fish in federal waters off Alaska. The motion carried unanimously in a voice vote. Voetberg reported that he would draft a letter for the Mayor's signature.

Consideration of financing for the purchase of police vehicles. Marshall reported that the issue before Council is consideration of approval of a government obligation contract for the financing of three 2011 Dodge Charger V-6 vehicles, and authorizing the finance director to sign the contract. MOTION was made by Bertuleit, seconded by Sawyer, to approve the government obligation contract to lease three police vehicles from Kansas State Bank of Manhattan, and to authorize the finance director to sign the government obligation contract for the financing. The motion carried unanimously in a voice vote.

Consideration of acceptance of an AIP project grant from the FAA. Cossey explained that the city has been offered an AIP grant by the FAA for planning the next phase of the airport lighting project. He noted that the grant, in the amount of \$76,142 must be accepted by September 14, 2011. He added that the grant requires a five percent match that has already been budgeted. MOTION was made by Bertuleit, seconded by Sawyer, to accept the AIP project grant from the FAA, in the amount of \$76,142. The motion carried unanimously in a voice vote.

COUNCIL REPORTS AND COMMENTS

Roumagoux reported that she had attended a presentation regarding expansion plans for the hospital.

Roumagoux reported that she had attended a Recreation Facility Management Review Task Force meeting at which questions were developed to ask other entities. She noted that the next meeting is September 13, and that she may need an alternate to attend in her stead.

Sawyer reported that he had met with the Running Springs homeowners association. He noted that the concerns are similar to those of Lakewood Hills. He complimented staff on their knowledge and willingness to work on the issue.

Sawyer extended an invitation to a CERT fundraiser to be held on September 20, 2011, at the Rogue on the Bayfront.

Brusselback reported on a recent meeting of the Technical Monitoring Task Force at which the draft RFP was reviewed.

Brusselback reported that the Public Arts Task Force is working on completing the guidelines.

Brusselback reported on a recent meeting of the Port of Newport at which the following issues were discussed: upcoming clean-up was discussed; the installation of a

public info kiosk near the restrooms; a food pantry benefit; and the removal of contaminants from the Hennebeque.

Allen reported that he had attended a recent FINE meeting. He added that a meeting will be held at City Hall to further discuss the territorial sea plan with local officials.

Bertuleit reported on a recent meeting of the Tourism Facilities Grant Review Task Force, and that the group is working on criteria and an application.

Bertuleit reported on the recent work session of the Urban Renewal Agency, noting that the URA had the opportunity to hear from interested individuals.

Bertuleit asked why progress has stopped on extending the Bay to Beach trail.

Bertuleit stated that he would like to see language regarding the per unit fee for property managers removed, and base the license fee on the location and numbers of employees. MOTION was made by Bertuleit to revoke, retroactively, the fee that was to be collected from real estate property managers. Allen noted that it is his understanding that enforcement of the existing ordinance is on hold. Voetberg stated that he would notify property managers and attorneys by the end of the week. The motion failed for lack of a second.

ADJOURNMENT

Having no further business, the meeting adjourned at 9:04 P.M.

Margaret M. Hawker, City Recorder

Mark McConnell, Mayor