

December 16, 2013  
6:06 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, Roumagoux, Beemer, Allen, Busby, Swanson, Sawyer, and Saelens were present.

Staff present was City Manager Nebel, City Recorder Hawker, Library Director Smith, Community Development Director Tokos, Public Works Director Gross, Fire Chief Paige, Deputy Fire Chief Murphy, and Police Chief Miranda.

### **PLEDGE OF ALLEGIANCE**

Council, staff, and the audience participated in the Pledge of Allegiance.

Roumagoux recognized Spencer Nebel and welcomed him to the city. Nebel thanked Council and noted that he looks forward to serving the City Council and citizens of Newport.

### **PROCLAMATIONS**

Roumagoux proclaimed the month of January 2014 to be Jewelry Collection Month in the City of Newport. Nancy Smith accepted the proclamation and thanked Council and the community for its support.

### **CONSENT CALENDAR**

The consent calendar consisted of the following items:

- A. Approval of City Council minutes from the work session, executive session, and regular meeting of November 18, 2013, and the special meeting of December 9, 2013.

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

### **OFFICER'S REPORTS**

**Mayor's Report.** Roumagoux appointed Amanda Capri, Susan Hogg, and Marcia Eckelman to the Bicycle/Pedestrian Advisory Committee. MOTION was made by Saelens, seconded by Beemer, to ratify the Mayor's appointments. The motion carried unanimously in a voice vote. Saelens reported that the Bicycle/Pedestrian Advisory Committee interviewed four top-notch candidates.

Roumagoux appointed Sawyer as the city's representative to the Cascades West Area Commission on Transportation, and Busby as the alternate. MOTION was made

by Beemer, seconded by Saelens to ratify the Mayor's appointments. The motion carried unanimously in a voice vote.

**City Manager's Report.** Smith, who was in the audience, reported that the departmental reports are included in the packet. Allen thanked Smith for his six months of excellent service as Interim City Manager.

## DISCUSSION ITEMS AND PRESENTATIONS

**Presentation by PAADA.** Don McDonald, Coalition Coordinator for PAADA, thanked Council for allowing time for his presentation. He explained the operations and work of PAADA, including: history; partnerships; mission; community change; marijuana issues; and City Council considerations relative to marijuana issues. He responded to Council questions.

**Big Creek Road Discussion.** Gross reported that the issue before Council relates to Big Creek Road between Frank Wade Park and NE Harney Street. He noted that the road has been closed since January of 2011 due to landslides associated with a winter storm that year. He stated that the city has recently completed a restoration project that repaired the slide areas. Gross added that the repair area encompassed approximately the northern half of the section of the road, and resulted in a road cross-section of between 16 to 20 feet in width. He noted that as Public Works staff began preparing Big Creek Road to be reopened, it became apparent that the entire length of Big Creek Road could be widened to accommodate a 16 to 20 foot width. He added that city staff, including the Interim City Manager, Police Chief, Community Development Director, and Public Works Director agreed that it was both safe and in the best interests of the city and the Lakewood Hills neighborhood to reopen Big Creek Road as a two-way road. He explained the initial plan to extend Harney Street and the feasibility of such an extension. He added that with the additional planned development, safety issues could occur at 31<sup>st</sup> and 36<sup>th</sup> Streets and Highway 101. He noted that it is in the best interest of the city to provide a secondary access. Gross explained that an adequate transportation route is needed in and out of that neighborhood, and with the infeasibility of the extension of Harney Street, Big Creek Road appeared as a viable option. Gross stated that he recommends opening Big Creek Road as a two-way road. He added that it is not necessary to make the road two-way now, but added that if Slayden begins construction on a residential development in the area, the city needs to be ahead of the game. Gross added that Lakewood Hills developed faster than the infrastructure necessary to maintain the neighborhood. It was noted that the Fire Department included a letter in the packet which expresses its desire not to limit access.

Roumagoux asked for public comment.

Pat Cowan read a letter requesting that Big Creek Road remain one-way.

Jean Cowan supported leaving the road as one-way.

Sharon Lihou concurred with the Cowan's that Big Creek Road remain one-way.

Wayne Brunelle, president of the Lakewood Hills Neighborhood Association, reported that the opinions of his members are approximately split. He added that he simply wants the road open.

Doug Hoffman stated that he supports opening Big Creek Road as a two-way road due to the need for a second arterial.

David Boys stated that eventually the city will need an arterial, but that currently, the neighborhood and city are best served by having the road as one-way southbound.

Roumagoux referred the matter to staff. Nebel noted that staff will research the issue and report back to Council by the second meeting in January. He added that Council may take action after reviewing the staff report. Allen asked whether the road would be opened as a one-way road. Gross added that when the city took jurisdiction of the road from the county, it was one-way. He noted that the city probably took some affirmative action related to the installation of signs and police enforcement. He added that even though the road was not formally designated as one-way by the city, the city has taken affirmative steps to keep it one-way. Allen asked whether the decision to make the street two-way is a staff decision. Gross noted that if Council wants to keep Big Creek Road as a one-way road, a traffic order should be issued, as this would provide a paper trail and give the police the enforcement authority. Allen asked what needs to be done in the time between when the road is opened and the time of the staff report in order to maintain the status quo of the road. Gross asked whether Council had an opinion relative to the road. Beemer suggested opening the road, one-way, going south. Gross asked whether Council needed additional information. It was noted that everyone should be on notice that it will probably become a two-way road. Beemer noted that he would like to find a bicycle/pedestrian area off the road, but that building a trail or sidewalk next to road will not be easy. Saelens stated that he would support the decision to make the road one-way for now. He noted that when the original proposal for the Harney Street extension was presented with a 600-foot bridge crossing streams, there was citizen outcry to convert Big Creek Road into a bypass for Newport. He noted that a bypass could possibly be constructed east of Forest Park. Allen noted that Council has the authority, under the code, to reverse a staff decision. He added that Council could also direct staff to draft a proposed traffic order establishing Big Creek Road as a one-way, and recommending a process for moving forward which could be discussed as part of an action item at the next meeting. Gross noted that staff is waiting for delineators before opening the street. Nebel noted that if Council consensus is to open Big Creek Road as a one-way road going south, staff will draft a traffic order formalizing the status for Council consideration. Busby stated that he prefers the road to open as a two-way road as it provides more freedom of movement. Saelens suggested consideration of a speed bump near Sam Case School. Sawyer added that he remembers when Big Creek Road was a two-lane road, but that his preference is the one-way option. Gross noted that he believed this discussion important as it may be necessary to open the road in both directions in the future until an alternate arterial can be constructed. He stated that he will improve the road, open it as a one-way road, and move forward. MOTION was made by Allen, seconded by Beemer, that when Big Creek Road opens up that it be kept as a one-way road with traffic going south bound; with an allowance for emergency access going northbound; and in addition to opening the road as a one-way; direct staff to come back to Council with a staff report acknowledging the issues discussed tonight and incorporate the issues into a traffic order for Council consideration in January. The motion carried unanimously in a voice vote.

## PUBLIC HEARINGS

**Public Hearing on the Scheduled 10-Year Review of the Nye Beach Design Review District.** Roumagoux opened the public hearing on the scheduled 10-year review of the Nye Beach Design Review District at 7:22 P.M. She asked for the staff report. Tokos reported that the issue before Council is to hold a public hearing to take testimony on whether the city should make changes to the Nye Beach Design Review District. He noted that this is a scheduled 10-year review required by Ordinance No. 1865.

Tokos stated that in 2003, the city created the Nye Beach Design Review District which enacted architectural design requirements and flexible development standards for new construction or areas of redevelopment in Nye Beach. He added that Ordinance No. 1865, which created the district, requires that within 10 years of the date of adoption, Council hold a hearing to consider whether changes need to be made to the district policies, boundaries, and implementing regulations, and that this hearing serves as the required 10-year review.

Tokos stated that on June 26, 2013, Nye Beach residents and business owners met with staff to relate concerns they have with the Design Review District. He noted that an e-mail summarizing those issues is included in the packet. He added that the need for the 10-year review was also discussed at the April 29, 2013 Town Hall meeting, and that information submitted to Council at that time is also included in the packet. He reported that the last project requiring a design review permit was the hotel formerly known as the Greenstone Inn, and that decision was issued in 2008.

Tokos reported that notice of this hearing was provided to all property owners within the boundary of the Nye Beach Design Review District; press releases were issued; and staff attended the recent Nye Beach Merchants holiday potluck to further advertise this opportunity for interested parties to weigh in on this issue.

Roumagoux asked for public testimony.

Doug Fitts reported that the bulb-outs make it difficult to turn corners without driving on the sidewalk. He added that the street lights on Beach Drive have been placed in the street eliminating several parking spaces.

Frances VanWert stated that Nye Beach has become a tourist destination partly due to its historical attributes and uniqueness. She suggested modifications to the district relative to size, height, mass, width, setbacks, and the solar aspect.

Kathy Cleary reported that her business does not get sun due to the three-story building across the street. She suggested that modifications to the district should include that development be done in a constructive and thoughtful way. She recommended sending the issue to the Planning Commission to work out the details, "put teeth" in the ordinances, and design something that is fair and just for everyone.

Norm Ferber reported that he has vacation homes in Nye Beach. He addressed potential zoning district changes. He noted that it is a unique community and urged Council to seriously consider any change it might consider making.

Wendy Engler distributed a map and photos to Council and the audience. She welcomed Nebel as City manager. She addressed the zoning district issues. She reported that the Glick Study and the Comprehensive Plan are the foundation for the overlay which was designed to enhance and preserve the historic feel of Nye Beach. She stated that she preferred the second motion in the staff report. She added that she does not think the ordinance needs much work, but recommended sending it to the

Planning Commission for review. When asked what the Planning Commission process would be, Tokos reported that it depends on the scope of what the Planning Commission has been asked to review. He added that it is a legislative process and a program would be established for public feedback. He added that if detailed architectural issues need to be addressed, the city might need outside resources. Tokos noted that it would be incumbent upon the Planning Commission to address any issues that are raised through the process. He added that this motion is designed to help focus the conversation so that the Planning Commission has some sidebars to start the conversation. Engler noted that emphasizing the history and maintaining the charm of the district is important. She reiterated that mass is the issue.

Allen noted that the packet contains an e-mail message between Tokos and Engler that lists eight bullet points. He added that motion two contains a blank for issues to be directed to the Planning Commission, and asked whether the eight bullet points could be used as a starting point. Allen asked how specific the motion needed to be in referring the matter to the Planning Commission. Tokos noted that specific issues of mass were brought up to try to illustrate concerns. It was noted that the issue would return to Council after the Planning Commission review. Saelens stated that the issues he tracked included: height; mass; setback; village character; consideration of taller buildings having stepped back roof lines; and open areas between buildings.

Roumagoux reported that she had received letters with good suggestions from Jody George and Mar Lehrman.

Saelens noted that if the matter is not referred back to the Planning Commission that history has indicated there is not much to stop another large mass project.

Frank DiFilippis reported that his concern is the height and mass of buildings. He added that open spaces are good.

Terry Obteshka stated that Engler clarified most of his concerns which relate to height and mass. He suggested keeping the good parts of the district and modifying it to make it better. He added that he is concerned about zoning on side streets where there are R-4's in R-1 zones. He suggested something in the building code that would encourage green building design. He also recommended requirements for making the area more bicycle and pedestrian friendly, and specifically suggested bike lockers. He summarized by stating that mass, height, and public safety are his main concerns.

Chuck Victory agreed with the previous speaker's comments relative to mass, height, size, structure, zoning, and parking.

Allen asked Tokos whether the Planning Commission could also look at the zoning issue or whether that would have to be dealt with separately from the design review issue. Tokos noted that if Council thinks that zoning should be addressed, it should be included in the motion. Allen noted that there is no formal check-in after this unless a provision is added to ordinance.

Jeff Bertuleit reported that he agrees that the issues of mass, size, sunshine, and zoning need to be addressed. He stated that he supports remanding the issue back to the Planning Commission.

Marletta Noe recommended leaving the residential areas alone and not dictating to residents what their homes should look like.

Allen noted that similar to the zoning issue, there was correspondence regarding the size of the district, and added that it may need to be adjusted. Tokos noted that the

boundaries are fair game, and the letters suggest that it might make sense to move the boundaries inward.

Roumagoux closed the public hearing for Council deliberation at 8:25 P.M.

Saelens noted that in his work with the Wayfinding Committee and the development of new tourist maps, it might make sense to more clearly define the boundaries of all districts.

MOTION was made by Saelens, seconded by Beemer, that, based upon the testimony provided this evening, the Council initiate proposed changes to the Nye Beach Design Review District to address the following issues but not limited to these issues: width, mass, setback, maintaining village character, height, size, zoning, boundaries, and direct the matter to the Newport Planning Commission to develop the necessary recommended amendments in accordance with the appropriate procedures contained in the Newport Zoning Ordinance. Allen recommended adding the word "proposed" before the word "changes" in the second line of the motion, and the word "recommended" before the word "amendments" in the fifth line of the motion. Both the motion maker and second agreed. The motion, as amended, carried unanimously in a voice vote.

**Public Hearing on Resolution No. 3652 Adopting a Supplemental Budget and Making Appropriations Changes for Fiscal Year 2013/2014.** Roumagoux opened the public hearing at 8:29 P.M. She asked for the staff report. Gazewood reported that the purpose of Resolution No. 3652 is to adopt a supplemental budget to increase appropriations in the General Fund and the Room Tax Fund. He added that this supplemental budget establishes a Reserve Fund for Future Capital Purchases. He noted that pursuant to Oregon Local Budget Law, a public hearing is required for this supplemental budget.

Gazewood reported that the General Fund was included in this supplemental budget as the General Fund is the primary source of funding for the establishment of the Reserve Fund for Future Capital Purchases. He stated that revenues for the Reserve Fund were provided by General Fund transfers to set aside monies for future Police, Fire, and Library capital purchases. He added that the General Fund's increased appropriation totals \$418,510, and is funded by beginning fund balance partial excess of \$65,000; transfer from the Room Tax Fund of \$72,900; and a transfer from the Newport Urban Renewal Agency - North Side District of \$280,610, and represents the District's close-out funds. He noted that the Urban Renewal Agency funds are the total of accumulated cash and receivables as of November 30, 2013, for debt payments on city held properties purchased with URA property tax collections.

Gazewood reported that the Reserve Fund for Future Capital Purchases is further financed by fire conflagration monies in the amount of \$25,000 directly allocated to the Reserve Fund. He noted that the revenue transferred to the Reserve Fund from the General Fund totals \$165,000. He stated that \$190,000 has been set aside in the Reserve Fund assigned to three accounts (Police, Fire, and Library) to be available for future capital purchases. He noted that the fire account has \$145,000 set aside in this supplemental budget. He added that this supplemental budget only creates the Reserve Fund and specifically states that available funds are not appropriated.

Gazewood reported that the Room Tax Fund has an appropriation increase of \$317,624 which is supported by an increase in the beginning fund balance of \$32,624;

revised estimate of transient room tax collections of \$135,000, and OCCA/PAC matching funds of \$150,000 for the new acoustic sound system for the PAC.

Roumagoux asked for public testimony. There was none.

Roumagoux closed the public hearing at 8:45 P.M. for Council deliberation. Allen asked whether this resolution formalizes information presented at a recent work session. Gazewood confirmed that once money is placed in the General Fund, it essentially gets lost in that Fund. He added that the only way to maintain a clear identity is to set up a reserve fund to save money for future capital purchases and designate accounts that you want in that fund. Allen noted that there were reserve funds for many years, but eventually staff started handling this internally in the General Fund. MOTION was made by Swanson, seconded by Beemer, to adopt Resolution No. 3652 with Attachment "A," a resolution adopting a supplemental budget for fiscal year 2013/2014 and making appropriation increases and changes for fiscal year 2013/2014. The motion carried unanimously in a voice vote.

## ACTION ITEMS

**Notice of Intent to Award the Bid for the Performing Arts Center Acoustic Sound System Project.** Melissa Roman, Engineering Technician, reported that the issue before Council is the consideration of approval of the notice of intent to award the bid for the PAC acoustic sound system project. She noted that this project is one phase of the PAC remodel which is being coordinated by the Oregon Coast Council for the Arts (OCCA). She added that the cost for the acoustic sound system has been isolated from other construction costs included in the remodel project. Roman reported that OCCA received a \$250,000 Tourism Facilities Grant, funded by transient room tax, and OCCA wishes to use a portion of the grant toward the purchase of an acoustic sound system. She added that the city has required OCCA to have 50% of the project costs on hand before moving forward with the award of the proposal. She stated that OCCA wishes to pay more than 50% of the contract amount, using only \$20,000 in grant funds; leaving remaining grant funds available for other components of the remodel project. Roman reported that bids were opened on October 8, 2013, and one bid was received from Doug Wilson Construction, Inc., and this firm has been determined to be a responsive bidder. Allen asked whether Speer Hoyt had vetted the agreement, and Roman noted that the agreement had been reviewed by the legal team.

Mark McConnell read a statement and referenced a handout regarding the PAC.

MOTION was made by Swanson, seconded by Busby, to authorize the Public Works Department to issue a Notice of Intent to Award the PAC Acoustic Sound System Project to Doug Wilson Construction, Inc., in the amount of \$288,086.00, and contingent upon no protest, authorize award and direct the City Manager to execute this contract on behalf of the city. The motion carried unanimously in a voice vote.

**Request from the Oregon Coast Council for the Arts to Place a Sculpture on City-Owned Property.** Catherine Rickbone, executive director of the Oregon Coast Council for the Arts, noted that the city created a Public Arts Committee and Percent for the Arts Program. She reviewed the Committee's activities.

Rickbone reported that the late Mark Sponenburgh bequeathed \$50,000 to OCCA for the purchase, placement, and maintenance of a sculpture, entitled "Mother and

Child,” by sculptor Mary Lewis. She noted that the project was reviewed and endorsed by the Public Arts Committee. She reported that various locations for placement of the sculpture were considered, and a site was selected near the PAC and the intersection of Coast and Olive Streets and displayed a slide of the proposed installation. She added that Jerry Harpster, a trustee of the Sponenburgh estate, and an artist in his own right, has designed a tamper-resistant base for the sculpture which is planned to be placed on an oval concrete pad. She stated that the costs of installation and maintenance would be borne by OCCA.

MOTION was made by Busby, seconded by Saelens, to direct staff to prepare an agreement between the city and the Oregon Coast Council for the Arts allowing the placement of a sculpture on city-owned property near the Performing Arts Center, which should address maintenance, insurance, and other issues relative to the sculpture. The motion carried unanimously in a voice vote.

**Consideration of a Request for a Special Event Fee Waiver from the Greater Newport Chamber of Commerce for the 2014 Seafood and Wine Festival.** Lorna Davis, Executive Director of the Greater Newport Chamber of Commerce, reported that the issue before Council is consideration of a special event permit fee waiver request for the Greater Newport Chamber of Commerce for the 2014 Seafood and Wine Festival to be held on February 20, 21, 22, and 23, 2014. Busby asked whether there are changes to this year’s Festival. Davis reported that there will be no general admission on Saturday unless all e-tickets are not sold. Sawyer asked whether there have been clarifications regarding what the Festival ticket includes. Davis noted that it would be good to have a permanent structure, as the Festival costs exceed \$500,000 including some in-kind. She added that the net is part of the Chamber’s operating budget. Allen asked whether the net was increasing, and Davis reported that the larger tent has increased the cost of the event, and the Chamber nets approximately \$125,000 - \$130,000.

MOTION was made by Sawyer, seconded by Beemer, to approve the special event permit request for the Greater Newport Chamber of Commerce for its 37<sup>th</sup> annual Seafood and Wine Festival to occur on February 20, 21, 22, and 23, 2014, as the event complies with special event permit criteria and guidelines, and to transfer \$4,200 from the Transient Room Tax Fund to the General Fund representing a contribution by the city of 35% of the estimated total city costs, the balance of which will be invoiced to the Chamber. A condition of approval is that the Community Development Department authorizes the temporary structure permit, and the temporary signage request, and that signs not be placed to create a hazard to pedestrian or vehicular traffic such as obstructing sight distance or other views. A further condition is that where public or emergency access could be blocked or impeded, event organizers are required to consult with the Fire and Police Departments prior to the event. The motion carried unanimously in a voice vote. Allen asked whether the percentage of the waiver has been formalized in a policy, and Hawker noted that it had not.

**Notice of Intent to Award a Bid for the 2013 Street Overlay Project.** Gross reported that the issue before Council is the consideration of issuance of an intent to award the 2013 street overlay program bid to Road and Driveway Company in the amount of \$174,736.20.

MOTION was made by Beemer, seconded by Busby, that the City of Newport Public Works Department issue a Notice of Intent to Award the 2013 Street Overlay Program project to Road and Driveway Company in the amount of \$174,736.20, and contingent upon no protest, authorize award and direct the City Manager to execute the contract after seven days on behalf of the City of Newport. The motion carried unanimously in a voice vote.

**Consideration of Resolution No. 3653 Providing for Budget Transfers and Making Appropriations Changes for the Fiscal Year 2013/2014.** Gazewood reported that the issue before Council is consideration of Resolution No. 3653 which would provide for budget transfers and make appropriation changes consistent with Resolution No. 3634, the resolution adopting the fiscal year 2013/2014 budget and making appropriations. He noted that this resolution corrects entries in the budget document for various funds that caused out-of-balance conditions between funds and/or line item entries were transfer items that were allocated to inappropriate expenditure line items.

MOTION was made by Saelens, seconded by Beemer, to adopt Resolution No. 3653 with Attachment "A," a resolution providing for budget transfers and making appropriation changes for fiscal year 2013/2014. The motion carried unanimously in a voice vote.

**Consideration of Resolution No. 3654 Providing for a Supplemental Budget and Making Appropriations Changes for Fiscal Year 2013/2014.** Gazewood reported that the issue before Council is consideration of Resolution No. 3654 which would adopt a supplemental budget to increase appropriations in the General Fund for certain departments, and to decrease appropriations in the Public Works Administration Fund and the Airport Fund. He added that the resolution corrects entries in the budget document for the two funds that caused out-of-balance conditions between funds and/or insufficient funding.

Allen thanked Gazewood for his detailed investigative work and fixing a lot of these things.

MOTION as made by Beemer, seconded by Allen, to adopt Resolution No. 3654 with Attachment "A," a resolution adopting a supplemental budget for fiscal year 2013/2014 and making appropriation decreases and changes for fiscal year 2013/2014. The motion carried unanimously in a voice vote.

**Consideration of Resolution No. 3659 Regarding the Annual Adjustment to the City's System Development Charge Rates.** Tokos reported that the issue before Council is consideration of Resolution No. 3659 regarding the annual adjustment to the SDC rates. He noted that the adjustment is based on the difference in construction costs included in the Construction Cost Index published in the Engineering News Record.

Allen asked whether legal counsel has indicated that public comment is sufficient on this Resolution, as opposed to a public hearing, and Tokos noted that legal counsel concurs that public comment is sufficient.

MOTION was made by Saelens, seconded by Beemer, to adopt Resolution No 3659, amending the City of Newport System Development Charge rates to reflect annual changes in construction costs. The motion carried unanimously in a voice vote.

**Consideration of Resolution No. 3651 Regarding the Closure of the Newport Urban Renewal Plan.** Tokos reported that the issue before Council is consideration of Resolution No. 3651 regarding the closure of the Northside Urban Renewal District. He noted that the last debt obligation is with the City of Newport, pursuant to an intergovernmental agreement between the URA and the city, dated December 8, 2010. He stated that if the city accepts the debt obligation has been satisfied, the Newport Urban Renewal Plan will officially close.

MOTION was made by Allen, seconded by Sawyer, to adopt Resolution No. 3651 acknowledging that the Newport Urban Renewal Agency has satisfied the terms of its December 8, 2010 intergovernmental agreement with the City of Newport and that the Newport Urban Renewal Plan be terminated. The motion carried unanimously in a voice vote.

**Initiation of Amendments to Ordinance No. 1931 and Associated Settlement Agreement Related to the Intersection of SE 40<sup>th</sup> Street and US 101 in South Beach.**

Tokos reported that the issue before Council is consideration of whether it is in the public interest for the city to participate in amending a settlement agreement and to initiate revisions to Ordinance No. 1931, both of which relate to the 2007 annexation of the Oregon Coast Community College District, Landwaves, Inc., Emery Investments, Inc., and GVR Investments properties. He added that the proposed amendments lift restrictions on the number of vehicle trips that can be generated from development of the annexed parcels at the intersection of SE 40<sup>th</sup> Street and US 101. He noted that such restrictions were enacted to meet the state's Transportation Planning Rule, and will no longer be needed once the Oregon Transportation Commission accepts a program for improving the transportation network as outlined in recent city and country Transportation System Plan amendments and enacts more lenient mobility targets for US 101 in South Beach, as the Commission is scheduled to do on December 18, 2013. Allen asked for confirming e-mail regarding OTC action.

MOTION was made by Beemer, seconded by Saelens, to authorize the Mayor to enter into an amendment to the 2007 Annexation Settlement Agreement that is substantially similar to the draft presented this evening, and clarifies the intent to terminate the obligations and limitations in the 2007 Annexation Settlement Agreement. The motion carried unanimously in a voice vote.

A discussion ensued regarding the approval of the initiation of the amendments to Ordinance No. 1931 prior to action by the OTC. It was agreed to add a clause to the motion to indicate that the initiation of amendments is based on OTC approval of the settlement agreement which should occur on 12/18/13.

MOTION was made by Allen, seconded by Busby, that based on OTC approval of the settlement agreement which should come on 12/18/13, to initiate amendments to Ordinance No. 1931, an ordinance that approved the annexation and established zoning for the affected properties so that the vehicle trip caps and related limitations are removed. The motion carried unanimously in a voice vote.

**Selection of Council Liaison to Group Supporting the VAC Re-Envisioning Process.** Saelens reported that Swanson had a scheduling conflict with the first meeting of the VAC re-envisioning group, and that he had attended in her stead. He noted that the meeting was very well attended, constructive, and organized. He added that the next

meeting is scheduled for January 4, 2014, from 1:30 - 3:30 P.M. Swanson volunteered to be the liaison to the group supporting the VAC re-envisioning process, with Saelens as the alternate. Council concurred.

## **COUNCIL REPORTS AND COMMENTS**

Swanson asked whether a Town Hall meeting was planned since December had a fifth Monday. Hawker noted that no Town Hall meeting had been planned due to the holidays.

Sawyer reported that he attended a recent meeting of the Destination Newport Committee. He noted that the Corvallis Knights, a minor league baseball team, has requested funding, and this would be great for the city as folks could attend the game and drive to the beach.

Saelens reported that he had attended the recent Bicycle/Pedestrian Advisory Committee meeting, and that the end results were covered at the work session held earlier today.

Saelens reported that the pool bond measure has been discussed at the Parks and Recreation Advisory Committee meeting.

Busby reported on a recent meeting of the Airport Committee, noting that Jim Hawley, chair and member for 15 years, had resigned. He added that the Committee is working on significant issues including Part 139 certification, minimum standards, and insurance requirements.

Beemer reported that he had attended a reception at the Port of Newport to meet the Port Manager candidates. He added that the Port intends to name a replacement for Oly Olson tomorrow night.

Allen noted that the employee awards banquet was a nice event.

Busby noted that when Smith got up to speak at the employee awards banquet, he received a round of applause, and that was the best evaluation he could have had.

Allen reported that he will give a detailed report on activities of the Coastal Oregon Marine Experiment Station Advisory Board at the next meeting. He noted that he has the annual report for 2012/2013, and will leave it in the Council office, and provide a copy to Nebel and Hawker. He added that Bob Cowen, director of the HMSC, provided an update on the OSU marine studies campus initiative at the recent COMES Advisory Board meeting.

## **PUBLIC COMMENT**

Marletta Noe wished everyone a Merry Christmas and a more prosperous new year.

## **ADJOURNMENT**

Having no further business, the meeting adjourned at 9:50 P.M.

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Margaret M. Hawker, City Recorder

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Sandra N. Roumagoux, Mayor