

May 17, 2010
Noon
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, Bain, Bertuleit, Kilbride, McConnell, and Patrick were present. Brusselback and Obteshka were excused.

Staff present was City Manager Voetberg, City Recorder Hawker, City Attorney McCarthy, Community Development Director Tokos, Public Works Director Ritzman, Library Director Smith, Airport Director Cossey, Parks and Recreation Director Protiva, Police Chief Miranda, and Interim Finance Director Brown.

PUBLIC COMMENT

Linda Neigebauer, a member of the Lincoln County Transit Advisory Committee, reported that two buses had been approved to transport runner's families during the Marathon. She noted that the busses are available partly because of the \$90,000 contribution the city makes from the transient room tax fund.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of minutes from the City Council work session and regular meeting of May 3, 2010;
- B. Report of accounts paid for April 2010;
- C. Police and Fire Department monthly reports for April 2010.

Kilbride asked about the reserve account in the accounts paid, and Brown reported that this is for postage. Kilbride suggested that the auditing contract go out to bid as soon as possible. He noted that the audit report was unavailable until the end of March, and that is not satisfactory. Brown noted that a combination of issues contributed to the delay of the audit report. Kilbride asked about the payment to the sheriff's office, and Brown noted that this expenditure is for animal control.

Kilbride asked about the fire inspections, and Voetberg reported that they are likely fire marshal reviews.

McConnell noted the high number of animal issues last month, and asked whether they are escalating, and whether there is something the city should be doing. Miranda reported that the animal control officers work weekdays from 8:00 A.M. until

5:00 P.M, and calls after hours are handled by the local police. He added that the number of calls is seasonal, and that the reasons for calling vary.

MOTION was made by Patrick, seconded by McConnell, to approve the consent calendar as presented. The motion carried unanimously in a voice vote.

COUNCILOR'S REPORTS AND COMMENTS

Patrick reported that the Port is moving forward with the NOAA project, and that a groundbreaking will be held soon.

Patrick reported that she attended the Community Legends dinner on Saturday.

Patrick noted that the most current edition of Local Focus contains several good articles, and would be applicable to the Planning Commission and other committees.

Bertuleit reported on a recent meeting of the Bicycle/Pedestrian Committee. He noted that the bike map should be completed by the end of June. He added that the committee had discussed lighted sidewalks, and a new grant opportunity for Oceanview Drive.

Bertuleit reported that he attended the recent Community Legends program, and that both honorees are tireless community volunteers.

Kilbride reported that he attended a recent meeting of the city's pension committee. He stated that he is concerned about the funding of the defined benefit plan. It was noted that the funding is based on a 30-year standard.

Kilbride reported that he received the most recent invoice from SeaPort, and the carryover is depleted.

OFFICER'S REPORTS

City Manager's Report. Voetberg reported that the 1991-2009 Newport Travel Impacts information included in the packet indicates that visitors are coming to Newport.

Voetberg reported that the City Center Newport Association clean-up is scheduled for May 23. He noted that the city provides a power washer and staff for this event.

Voetberg reported that the U.S. Department of Energy is proposing funding to the Northwest National Marine Renewable Energy Center/Oregon State University for its proposed project to construct and operate a wave energy test facility offshore.

Voetberg reported that the Greater Newport Lodging Association has asked that Council review the transient room tax ordinance, and noted that this will be on an agenda after the budget is adopted.

Voetberg reported that a City Council communication retreat, with Caryn Tilton, will be held on June 21. He noted that CIS will provide training to the staff on conflict management and stress reduction.

Voetberg reported that he had received an e-mail from the 2010 Census congratulating Toledo and Newport on a 79% mail in participation rate.

Voetberg distributed the monthly financial reports to Council.

Kilbride spoke about travel impacts, noting that lodging sales for Newport indicate a strong number for Newport, and a decline for the rest of the Oregon coast. Bain asked whether a lodging property was in arrears on a scheduled payment plan. Brown indicated that this client is one month late with an outstanding balance of approximately \$20,000.

City Attorney's Report. McCarthy reported that ethics training for the City Council and Planning Commission is scheduled for July 6, from 2:00 P.M. - 3:30 P.M.

McCarthy reported that Judge Pridgeon will report on municipal court activities at the evening meeting of June 7.

McCarthy reported that the refinancing resolutions will be on the June 7 agenda, with a short work session on the resolutions.

McCarthy reported that the GP Task Force appointments will appear on the June 7 agenda, and asked Council to consider appointments to this technical task force.

McCarthy reported that Burt Lippman has resigned from the Airline Sustainability Task Force. She added that this is a position to be filled by a Chamber of Commerce member. McCarthy will ask the Chamber to make a recommendation for the appointment, along with a list of possible appointees.

McCarthy noted that the evaluation of the city attorney is scheduled for June 7. She distributed the evaluation policy that was adopted by Council on March 1. She requested the evaluation in open session, and noted that she will provide Council with the evaluation form that was used to evaluate the previous city attorney. She reported that she will provide a self-evaluation on June 7. Patrick asked for a copy of McCarthy's contract.

ACTION ITEMS

Award of bid for Senior Center remodel. Protiva reported that the issue before Council is to approve the notice of intent to award a bid on the Senior Center remodel project. He recommended issuing the notice of intent to award to Mega-Pacific Company, in the amount of \$474,600, and Alternate bid A1 in the amount of \$7,500. He added that Alternate bids A2 and A3 are also recommended if sufficient funding is available. Voetberg noted that the grant and the local match total \$720,000 for construction and contingency. It was noted that alternates not included in the original grant application cannot be funded with grant monies. Kilbride asked whether the city is required to take the lowest bid. Voetberg noted that because this is a CDBG grant, the city cannot use the local preference. Patrick asked whether there is a cap on change orders, and it was noted that change orders are originated by the city which is why it is

important to have a good project manager to limit change orders. Ritzman reported that Council has adopted a model ordinance with amendments that limit the amount of change order work. MOTION was made by McConnell, seconded by Bertuleit, to authorize the city manager to issue a Notice of Intent to Award to the Mega-Pacific Company, of Portland, Oregon, in the amount of \$482,100, to perform basic bid requirements, and Alternate bid A1 for the construction work on the Senior Center remodel project. The motion carried unanimously in a voice vote.

Approval of Modification No. 3 to the Revenue Guarantee Agreement between the City of Newport, Port of Astoria, and SeaPort Airlines. McCarthy reported that Modification No. 3 to the Revenue Guarantee Agreement with SeaPort Airlines modifies the language of the agreement to: (1.) approve the use of the Cessna Caravan by SeaPort; (2.) reallocate one non-stop scheduled flight every day in each direction between Astoria and Portland to Newport and Portland, effective June 1; and (3.) require SeaPort to use its best efforts to obtain at least one interline ticketing agreement as soon as reasonably practicable that will allow connections to a variety of major destinations. MOTION was made by McConnell, seconded by Kilbride, to approve Modification No. 3 to the Revenue Guarantee Agreement between the City of Newport, the Port of Astoria, and SeaPort Airlines, and authorize the city manager to execute same. Bertuleit stated that he is concerned with the deadline for having an interline ticketing agreement, and noted that he plans to vote no. McCarthy noted that the provision regarding termination of the agreement will not be affected by this modification. McCarthy noted that this language could be used if it is not believed that SeaPort is using its best efforts to obtain an interline ticketing agreement. The motion carried in a voice vote with Patrick and Bertuleit voting no. McConnell asked whether the ridership numbers have been analyzed lately. Bain noted that the reimbursement cap effectively takes care of that issue. McCarthy will bring this analysis to the next City Council meeting.

Reconsideration of David Evans and Associates Task Order No. 5 for the Abbey Street Pier parking lot expansion. It was noted that this matter was discussed at the last meeting, particularly the cost per parking space and the opinions of the Bayfront Association. Ritzman noted that the city's goal is to get the most spaces for the optimum dollars. He added that the contract to build the wall will be a separate decision. Ritzman reported that the issue before Council is the approval of task order No. 5 to David Evans and Associates for engineering services for the Abbey Street Parking Lot Improvements project. Ritzman reported that this project involves the design and construction of a retaining wall on the northwest side of the Abbey Street parking lot and paving the additional spaces. He noted that a geotechnical analysis was performed and that the project will square up the parking lot and allow approximately 18 additional parking spaces. He added that the project is included in the current budget in the amount of

\$250,000 split between the Public Parking Fund and the Room Tax Fund. Don Mathews noted that this project is more than dollars for parking spaces, but it is also a major clean-up. He added that nothing firm will be known until the engineering work is complete. He reported that he supports the project. Janet Webster stated that she also supports the project. She added that the city has already made an investment with the geotechnical report. Bertuleit suggested an artistic approach to the wall. Ritzman noted that the concept is to make it appear to be natural stone. Webster reported that there is inadequate motorcycle and bicycle parking, noting that the spaces could be used more efficiently. MOTION was made by McConnell, seconded by Patrick, to approve task order No. 5 for David Evans and Associates, and authorize the city manager to sign the work scope. The motion carried unanimously in a voice vote.

Consideration of Brown and Caldwell Task Order No. 1 for USDA funding application assistance. Ritzman reported that the issue before Council is the approval of task order No. 1 for Brown and Caldwell Environmental Engineers and Consultants for engineering services needed for an application to the USDA Rural Development Administration for funding assistance for sewer collection system improvements. He noted that the city has a master agreement with Brown and Caldwell, and this task order would fall under that agreement. Kilbride noted that the total construction costs are about five million dollars, and asked about the city match. Ritzman reported that the grant would be approximately one million dollars, with a low interest loan from the USDA for the balance. He noted that the terms of the loan would be up to 30 years with interest in the two percent range. He recommended approval of task order No. 1 in an amount not to exceed \$76,954. MOTION was made by McConnell, seconded by Patrick, to approve task order No. 1 for Brown and Caldwell and authorize the city manager to sign the scope of work. The motion carried unanimously in a voice vote.

Resolution No. 3508 supporting a bicycle friendly community. Voetberg noted that the issue before Council is whether to adopt Resolution No. 3508 adopting a complete streets policy that takes into consideration motorized and non-motorized transportation options in the design and planning of future transportation projects. The complete streets program is designed to: assure safety and accessibility for all users of roads, trails, and transit systems; reduce congestion by encouraging safe options for non-motorized travel; and enhance safe walking and bicycling options for school-aged children. MOTION was made by Bertuleit, seconded by McConnell, to adopt Resolution No. 3508, supporting expanded transportation choices in recognition of its benefits to the community in providing a balanced transportation system. Patrick asked whether this matter will return to Council when the design is complete. It was noted that it would. The motion carried unanimously in a voice vote.

OLCC license renewal - Sandbar Tavern. Miranda introduced Paul and Bonnie Parashak, owners of the Sandbar. Miranda explained that the issue before Council is whether to recommend renewal of the Sandbar liquor license. He added that he has met with the owners, and recommends renewal of the liquor license conditioned upon the establishment installing a video monitoring system capable of 24-hour monitoring of the front and rear doors, the interior, and the street in front of the establishment. The system should have the capability of maintaining recordings for at least seven days. Parashak discussed the issue, noting that his business employs 10 - 13 people; closes an hour earlier than other establishments; is an OLCC responsible vendor; and that in 17 years, has only received one warning from the OLCC. Patrick asked whether conditions have been imposed on other establishments, and whether this action would set a standard. MOTION was made by Bertuleit, seconded by Patrick, to approve the annual renewal of the Sandbar OLCC liquor license with the stipulation that the establishment install a video monitoring system that is capable of 24-hour monitoring of the front and rear doors, the interior and the street in front of the establishment, and have the capability of maintaining recordings for at least seven days. The motion carried unanimously in a voice vote.

ADJOURNMENT

Having no further business, the meeting adjourned at 1:13 P.M.

Margaret M. Hawker, City Recorder

William D. Bain, Mayor

May 17, 2010
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, Bain, Bertuleit, Kilbride, McConnell, Obteshka, and Patrick were present. Brusselback was excused.

Staff present was City Manager Voetberg, City Recorder Hawker, City Attorney McCarthy, Executive Assistant Atkinson, Community Development Director Tokos, Public Works Director Ritzman, Library Director Smith, Airport Director Cossey, Fire Chief Crook, Parks and Recreation Director Protiva, Police Chief Miranda, and Interim Finance Director Brown.

PUBLIC COMMENT

PROCLAMATIONS AND RECOGNITIONS

Proclamation celebrating the 125th year of the Volunteer Fire Department. Bain honored the Newport Volunteer Fire Department for its 125th anniversary. Crook accepted the proclamation on behalf of the Fire Department.

Proclamation recognizing the life and work of Brenda Adams. Bain recognized the life and work of Brenda Adams, long-time community volunteer who passed away unexpectedly. Mrs. Adams' husband accepted the proclamation.

Recognition of Newport Police Department by the Corvallis Police Department. Bain reported that the Newport Police Department was recognized by the Corvallis Police Department for its efforts in the Brooke Wilberger investigation. Miranda accepted the proclamation on behalf of the Police Department.

ADJOURNMENT

Having no further business, the meeting adjourned at 6:10 P.M.

Margaret M. Hawker, City Recorder

William D. Bain, Mayor