

January 22, 2019
6:00 P.M.
Newport, Oregon

CITY COUNCIL MEETING

CALL TO ORDER AND ROLL CALL

The Newport City Council met on the above date and time in the Council Chambers of the Newport City Hall. On roll call, Allen, Botello, Sawyer, Jacobi, Parker, and Hall were present. Goebel was excused.

Staff in attendance was: Peggy Hawker, City Recorder/Special Projects Director; Steve Rich, City Attorney; Gloria Tucker, Deputy City Recorder; Derrick Tokos, Community Development Director; Tim Gross, Public Works Director; Mike Murzynsky, Finance Director; Jim Protiva, Recreation Director; and Jason Malloy, Police Chief.

PUBLIC COMMENT

Mona Linstromberg reported that she was concerned that the Spring Street trail had been impacted by recent development. She requested the city open a dialogue with the county to establish public access and a trail in the area.

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITION

Recognition of Participants in the Mayor's Art Show. Tucker introduced the agenda item. Tom Webb, Newport Visual Arts Center Director, and Sawyer presented certificates to the participants of the mayor's art show.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Ratification of the Mayor's appointments to the Budget Committee for one term expiring on December 31, 2019, one term expiring on December 31, 2020, and two terms expiring on December 31, 2021;
- B. Ratification of the Mayor's appointments to the Bicycle and Pedestrian Advisory Committee of Tomas Follet for a term expiring December 31, 2019, and alternate members, Jacob Osburne and Will Templeton for terms expiring December 31, 2021;
- C. Approval of the minutes of the regular session of January 7, 2019;
- D. Approval of the minutes of the transitional meetings of January 7, 2019;
- E. Receipt of the monthly financial report.

Sawyer appointed Michael Kerton to the Budget Committee for a term expiring December 31, 2019, Michael Sydow for a term expiring December 31, 2020, Ralph Busby for a term expiring December 31, 2021, and Bob Berman for a term expiring December 31, 2021. Allen suggested minor corrections to the minutes.

MOTION was made by Hall, seconded by Allen, to approve the consent calendar with corrections to the minutes as noted by Allen. The motion passed unanimously in a voice vote.

PUBLIC HEARING

Consideration and Potential Adoption of Resolution No. 3835 Providing for a Supplemental Budget and Making Appropriation/Total Requirement Changes for the 2018/2019 Fiscal Year. Tucker introduced the agenda item. Murzynsky reported that the majority of the adjustments were to align the budget with the audit.

Sawyer opened the public hearing on Resolution No. 3835 at 6:16 P.M. He called for public comment.

There was no comment. Sawyer closed the public hearing, for Council deliberation, at 6:17 P.M.

MOTION was made by Allen, seconded by Hall, to adopt Resolution No. 3835, a resolution approving a supplemental budget for the 2018/2019 Fiscal Year, and making appropriation increases, and changes for the 2018/2019 Fiscal Year, and incorporating Attachment A as a part of Resolution No. 3835. The motion carried unanimously in a voice vote.

COMMUNICATIONS

From the Oregon Coast Council for the Arts - Consideration and Potential Adoption of Resolution No. 3837, Initiating the Naming of the Performing Arts Center Box Office to the Julia Carlson and/or Carlson Family Box Office. Tucker introduced the agenda item. Hawker reported that the Oregon Coast Council for the Arts (OCCA) has been conducting a capital campaign to fund various improvements to Newport's Performing Arts Center. She stated as part of this effort, OCCA has provided naming opportunities for various spaces within the Performing Arts Center (PAC). She added Resolution No. 3837 would initiate this renaming process. She noted if Council adopts Resolution No. 3837, staff would publish a notice of public hearing in the Newport News-Times, and a public hearing would be held at the February 4, 2019 City Council meeting. Andrea Spirtos, Capital Campaign Coordinator for the OCCA, said that the final name for box office has not yet been chosen.

MOTION was made by Allen, seconded by Botello, to adopt Resolution No. 3837, initiating the naming of the Performing Arts Center Box Office to the Julia Carlson and/or Carlson Family Box Office, and that a public hearing be scheduled for the February 4, 2019 City Council meeting to allow for public comment on the proposed renaming of the Performing Arts Center Box office to the Julia Carlson and/or Carlson Family Box Office. The motion carried unanimously in a voice vote.

From the Oregon Coast Council for the Arts - Consideration and Potential Adoption of Resolution No. 3838, Initiating the Naming of the Performing Arts Center Concession Stand to the McEntee Family Concession Stand. Tucker introduced the agenda item. Hawker reported OCCA has been conducting a capital campaign to fund various improvements to Newport's Performing Arts Center. She stated that as part of this effort, OCCA has provided naming opportunities for various spaces within the PAC. She added

Resolution No. 3838 would initiate this naming process. She noted if Council adopts Resolution No. 3838, staff would publish a notice of public hearing in the Newport News-Times, and a public hearing would be held at the February 4, 2019 City Council meeting.

MOTION was made by Parker, seconded by Hall, to adopt Resolution No. 3838, initiating the naming of the Performing Arts Center Concession Stand to the McEntee Family Concession Stand, and that a public hearing be scheduled for the February 4, 2019 City Council meeting to allow for public comment on the proposed naming of the Performing Arts Center Concession Stand to the McEntee Family Concession Stand. The motion carried unanimously in a voice vote.

From the Newport Chapter of Surfrider Foundation - Request to Consider an Ordinance Regulating Single-Use Plastic Carry-Out Bags. Tucker introduced the agenda item. Hawker reported the issue of plastic bags was considered by a work group with a report provided to Council on February 19, 2013. She stated that, ultimately, Council opted to refer Ordinance No. 2047, an ordinance creating Municipal Code Section 4.30 regarding single-use plastic carry-out bags, to the voters. She added that on May 21, 2013, an election was held in which the voters in Newport turned down the proposed ordinance by vote of 1,486 to 1,112. She noted that since that time, the Newport Chapter of the Surfrider Foundation has indicated that a number of Oregon cities have adopted some form of regulations of single-use plastic carry-out bags. She stated that they are requesting that the city reconsider an ordinance banning plastic bags.

Briana Goodwin, a representative of Surfrider, encouraged the Council to reconsider adopting an ordinance to ban plastic bags.

Aimee Thompson, a representative of Thompson's Sanitary Service, presented the waste perspective on plastic bags.

Five students from Olivia Schroeder's fifth-grade class spoke in favor of a plastic bag ban.

Michael Harrington stated that plastic bags are not just a problem in the great Pacific garbage patch but also in Newport.

Lee Larson spoke in opposition to a plastic bag ban.

Jacobi asked what Thompson and Goodwin have heard from other cities that have banned the bag. Thompson and Goodwin reported they would need to contact other communities for this information. Botello asked if there was a strategy to educate public and non-English speaking communities regarding this issue. Goodwin said that the Surfrider Foundation would partner with the city on public outreach.

Sawyer asked Charlie Plybon for an update on plastic bag legislation at the state legislature. Plybon reported the bag ban legislation, at the state level, has about a 50 percent chance of passing. He stated that the earliest timeframe would be in the summer.

Allen asked if any other cities, besides the ones listed in the packet, had been approached about passing a plastic bag ban. Goodwin reported that Tillamook County, Yachats, and Florence have been approached.

MOTION was made by Hall, seconded by Parker, to direct staff to draft an ordinance banning plastic bags for a vote at the February 4, 2019 City Council meeting.

Marletta Noe spoke in opposition to the plastic bag ban.

Alissa Brown said by 2025 the majority of grocery stores will be plastic bag free.

Michael Card reported that many Washington cities have banned plastic bags.

Lyn Marie spoke in favor of the ban.

Schroeder spoke in favor of the ban.

Kelsey Ingles spoke in favor of the ban.

Consuelo Kammerer spoke in favor of the ban.

Jill Wheaton Abraham spoke in favor of the ban.

Dia Heel spoke in favor of the ban.

Rex Capri questioned some of the information, and stated with money involved, the issue should be brought to a public vote.

Stan Sinick spoke in favor of the ban.

Allen stated that this item was noted as a communication, not an action item on the agenda. He added that he believes it is good to move more methodically, openly, and transparently when making these kinds of important decisions. He reported that since there was a vote of the community just six years ago, he said he believes it is fair to allow the community to vote again. He explained, typically, whenever Council considers an ordinance, they usually have a draft ordinance in front of them; they consider the pros and cons of the specific language in the ordinance; revise the ordinance; hold a public hearing that is very well noticed; revise the ordinance until there is a final conclusion; and then have another public hearing before voting on the ordinance. He stated that there needs to be something clearly articulated to staff on the ordinance language. He concluded that he would not support the motion because it gives no clear direction to staff and it does not include the entire community in the process.

Botello said the next meeting should have public comment and outreach should be made to other groups.

Jacobi asked for the opinion of Rich. Rich stated that a draft ordinance could be made in two weeks, but suggested a work session would be helpful for gaining more direction.

Hall amended the motion from "voted on at the February 4, 2019 City Council meeting" to "reviewed at the February 4, 2019 City Council meeting." Parker seconded the amendment. At this time, no vote was taken on the amendment.

Hawker asked if staff should bring back the ordinance from 2011. Hall suggested using model language from the Surfrider Foundation for the ordinance rather than the original ordinance. Goodwin said she would provide staff with model ordinance language.

Tucker read the motion - "Direct city staff to draft an ordinance to be reviewed at the February 4 City Council meeting."

Hall added, "Using model language provided by and in consultation with Surfrider."

Hawker said, "Goodwin mentioned that she could provide some policy options."

Hawker asked, "Do you want us to bring a couple of draft ordinances with the different policy options in them, so you can have some good discussion, or do you just want us to pick one?"

Goodwin said, "To be clear, we have developed a model ordinance with the Northwest Grocer's Association, something they support as well. I'll give you that model ordinance, but because there is discussion, I'd be happy to highlight some of the differences in the other ordinances. But, there is one model ordinance."

Hawker said, "Whatever information you can provide, we will give to Council for the next meeting."

Sawyer said, "We don't want to make a decision without having all of that."

Parker said, "I support giving what Goodwin will give to city staff to have the model ordinance as a starting point to continue the conversation."

Botello said, "I agree too."

Sawyer asked, "Are we ready for a vote?"

After discussion, the original motion was amended to read, "to direct staff to draft an ordinance using model language provided by and in consultation with Surfrider to be reviewed at the February 4 City Council meeting."

The motion carried in a voice vote with Allen voting no.

Allen suggested sending this issue to the Vision 2040 Advisory Committee for review.

CITY MANAGER'S REPORT

Consideration and Potential Approval of an Improvement Agreement with GSBN, LLC (dba Airrow Heating) for the Extension of Public Water and Sewer Mains Adjacent to Property at 100 and 110 SE 40th Street. Tucker introduced the agenda item. Hawker reported GSBN, LLC, dba Airrow Heating, owns property south of SE 40th Street. She stated that GSBN plans to renovate an existing storage building, and construction additional building(s), on this property, for its HVAC business, and other commercial or light industrial uses. She added that GSBN is relocating in advance of the signal relocation project at Highway 101/SE 35TH Street, which will likely be constructed in 2020.

Hawker reported the new location of the Airrow Heating building requires water and sewer service, which is currently available from public mains to the south along a private road known as SE Stocker Drive. She stated that the City Engineer determined that, while service connections exist at SE Stocker Drive, the public system would benefit from an extension of the mains from SE Stocker Drive north, along the driveway at the west side of the GSBN property, to the southwest corner of the 10.45 acre parcel owned by the Tryon family. She noted this will allow the water system to be looped in as development occurs to the north, improving the performance of the system. She added the sewer main extension will facilitate gravity sewer service to industrial properties north of the GSBN property.

MOTION was made by Allen, seconded by Parker, to approve the improvement agreement between the City of Newport and GSBN, LLC, and authorize the City Manager to sign the agreement on behalf of the City of Newport. The motion carried unanimously in a voice vote.

Consideration and Potential Adoption of Resolution No. 3836, Amending the List of Capital Improvement Projects Eligible to be Funded with System Development Charges. Tucker introduced the agenda item. Hawker reported if Council adopts Resolution No. 3836, two projects will be added to the list of eligible capital improvement projects that could be funded with SDC revenue. She stated one is a water system capital project, and the other is a wastewater project. These projects are at the same location, and consist of approximately 360 feet of new water and sewer lines, extending north from existing mains in SE Stocker Drive toward SE 40th Street. She noted the City Engineer identified these as necessary improvements to adequately serve developable industrial property in the area. She stated since the property to be served is undeveloped, the projects will be 100% SDC eligible. The combined cost of both projects is \$130,000. She noted it is timely to include these projects on the eligibility list because a developer is prepared to construct the improvements in the upcoming construction season pursuant to an agreement with the city.

MOTION was made by Jacobi, seconded by Botello, to adopt Resolution No. 3836, amending the list of capital improvement projects eligible to be funded with System Development Charge revenues, to include a water and sewer project, at the same location, consisting of approximately 360 feet of new water and sewer lines, extending north from existing mains in SE Stocker Drive toward SE 40th Street. The motion carried unanimously in a voice vote.

Consideration and Potential Adoption of Resolution No. 3834, a Resolution Establishing an Application Processing Fee for the City of Newport's Multiple-Unit Housing Property Tax Exemption Program. Tucker introduced the agenda item. Hawker reported Ordinance No. 2155 established a number of approval criteria that must be met for a project to qualify for a multi-unit housing property tax exemption. She stated that this includes the submittal of a financial analysis showing that the project requires a tax exemption to be financially feasible. She noted that the financial analysis would be performed by a qualified consultant, with the cost of this analysis being covered by an application-processing fee set by Council resolution. She added staff contacted qualified consulting firms to assure the application fee is sufficient to cover the city's out-of-pocket cost for this analysis. She stated the proposed application-processing fee would be established at \$4,500, and would be incorporated in the city's comprehensive schedule of fees and charges.

Allen asked Tokos for the justification of the fee amount. Tokos reported the fee covers the cost of at least two firms who perform the service.

MOTION was made by Allen, seconded by Parker, to adopt Resolution No. 3834, a resolution establishing fees for the evaluation of multiple unit housing property tax exemption applications, with the application fee being established at \$4,500 to cover the city's costs, and utilizing independent professional consultant to review the project's financial proforma. The motion carried unanimously in a voice vote.

Consideration and Potential Approval of the Continued Fee Waiver for Active Military Personnel and their Families for Use of the Newport Recreation and Aquatic Centers. Tucker introduced the agenda item. Hawker reported the fee waiver was initiated as a part of the Coast Guard City program, and extended to all active military members and their immediate families. She stated Council reviewed this matter on January 16, 2018, and authorized the city administration to allow active military personnel and their families to have free usage of the Newport Recreation Center/Aquatic Center through the 2018 calendar year.

MOTION was made by Hall, seconded by Botello, to authorize city staff to allow active military personnel to have free usage of the Newport Recreation/Aquatic Center, through the 2019 calendar year, and to allow the immediate family members of active Coast Guard personnel, and full-time, active National Guard personnel stationed in Newport, to have free access to the Recreation Center and Aquatic Center. The motion carried unanimously in a voice vote.

Activity Update on Newport's Community Service Officer, Jovita Ballentine. Tucker introduced the agenda item. Malloy reported on Ballentine's accomplishments during the past six months. Botello suggested Ballentine seek opportunities to reach out to the Latino community. Hall asked if Ballentine could handle Vacation Rental Dwelling code

enforcement. Malloy stated an additional Community Service Officer would be needed to take on VRDs.

Legislative Priorities for the 2019 Oregon Legislative Session. Tucker introduced the agenda item. Hawker reported in addition to League of Oregon Cities priorities, white papers will be available for Council to take to Senator Roblan and Representative Gomberg at the League of Oregon Cities “City Day at the Capitol” on January 24, 2019. She stated the papers include House Bill 2284 related to the renaming of the Port of Newport with Port Commissioners being selected by the Governor, and the Big Creek Dam Improvement Project.

MOTION was made by Allen, seconded by Parker, to approve the white papers for the League of Oregon Cities City Day at the capitol, in Salem, Oregon, on Thursday, January 24. The motion carried unanimously in a voice vote.

Rescheduling the 2019-2020 Goal Setting Meeting. Tucker introduced the agenda item. Hawker reported the initial goal setting date that was selected was Monday, February 25. Hawker suggested an alternate date of Friday, March 1 for the annual goal setting session.

MOTION was made by Parker, seconded by Jacobi, to schedule the 2019/2020 annual goal setting session for Friday, March 1, beginning at 9 A.M. through 3:30 P.M. in the City Council Chambers. The motion carried unanimously in a voice vote.

Annual Schedule for Holding City Council Work Sessions. Tucker introduced the agenda item. Hawker reported the Council agreed at its work session of earlier today that it would prefer a six-month work session schedule, and hold work sessions on Mondays of the Council meetings around 3:00 P.M.

MOTION was made by Hall, seconded by Parker, that Council work sessions be scheduled on the Mondays of City Council meetings at 3:00 P.M. after consultation with and approval of the City Manager. The motion carried unanimously in a voice vote.

Scheduling a City Facilities Tour for the City Council on Friday, Feb. 8, 2019. Tucker introduced the agenda item. Hawker reported Nebel would like to schedule a daylong tour of city facilities beginning at 9:00 A.M. through 3:30 P.M. on Friday, February 8. Parker suggested a Doodle poll since that day did not work for many of the Councilors. Hawker reported she would send a Doodle poll.

REPORT FROM MAYOR AND COUNCIL

Allen announced he will be speaking at the Chamber of Commerce luncheon on January 25, 2019 regarding the Public/Private Climate Change Partnership.

Parker asked to be excused from the April 1, 2019, City Council meetings.

MOTION was made by Allen, seconded by Hall, to excuse Parker from the April 1, 2019 City Council meetings. The motion carried unanimously in a voice vote.

PUBLIC COMMENT

Yale Fogarty reported the Port of Newport is not functioning properly, adding if Port Commissioners were appointed, they would have to be voted on by the Port District. He also commended Representative Smith for the successful ports in his district and for his past support of the Port of Newport.

ADJOURNMENT

Having no further business, the meeting adjourned at 9:45 P.M.

Gloria Tucker, Deputy City Recorder

Dean Sawyer, Mayor