

CITY OF LINCOLN CITY

LINCOLN CITY COUNCIL AGENDA

MONDAY JANUARY 11, 2021 6:00 PM

6:00 PM - The Lincoln City Council meeting for January 11, 2021 will be held via Zoom. The City Council Chambers will be open and the meeting will be broadcast live in the Council Chambers. It will also be live on Channel 4 and through streaming on the web at www.lincolncity.org.

Public comments can be submitted to publiccomment@lincolncity.org, by attending the City Council meeting, or by attending through Zoom invitation.

Public comments submitted by email to publiccomment@lincolncity.org will be summarized and entered into the record.

Citizens present in the Council Chambers will be given the opportunity to comment via Zoom. Laptops will be set up for those comments. Citizens present in the Council Chambers will be required wear a face covering and must observe social distancing. A member of the Information Technology staff will be present during the meeting to assist with any technical issues.

Citizens requesting to give public comment via Zoom must email publiccomment@lincolncity.org no later than 12 pm on the meeting day. The request must include the person's name, the subject the person wishes to address and the Zoom screen name the person intends to use for the meeting. A Zoom invitation will be sent to the person requesting prior to the meeting. Persons who will give public comment via Zoom will be placed in a Zoom waiting room upon entering the meeting until the public comment portion of the meeting at which time they will be admitted into the meeting through Zoom.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder, 541-996-1203.

The Lincoln City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

All information for this meeting is available at www.lincolncity.org under "Agenda, Packets & Video". This meeting will be televised on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Regular Meeting – December 14, 2020 6:00 PM
2. Regular Meeting – Minutes of Special Meeting – December 21, 2020 10:00 AM
3. Oregon Liquor Control Commission - Request for Brewery / Public House Liquor License for Autobahn 101 / Waggy Dog Brewing

E. COUNCIL DELIBERATIONS

F. OATH OF OFFICE CEREMONY AND SEATING OF CITY COUNCILORS DIANA HINTON, RILEY HOAGLAND, ANNEMARIE SKINNER AND JUDY CASPER AND COMMENTS BY NEWLY ELECTED CITY COUNCILORS

1. Oath of Office Ceremony and Seating of Councilors Diana Hinton, Riley Hoagland, AnneMarie Skinner and Judy Casper

G. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

2. Public Comments

H. PRESENTATIONS

I. PUBLIC HEARING / ORDINANCE

J. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Public Hearing for an Alternative Bid Method for the Water Treatment Plant Generator Replacement
2. Public Hearing for an Alternative Contracting Method for the City Hall HVAC Upgrade Project

K. ORDINANCES

3. ORDINANCE 2021-01 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.04 (CITY COUNCIL), AMENDING SECTION 2.04.020 (ORDER OF BUSINESS)
4. ORDINANCE NO. 2021-02 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 1 (GENERAL PROVISIONS), AMENDING CHAPTER 1.16 (VIOLATIONS), AMENDING SECTION 1.16.030 (DEFINITIONS) TO UPDATE THE DEFINITION OF ENFORCEMENT OFFICER
5. ORDINANCE NO. 2021-03 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 12 (STREETS, SIDEWALKS, AND PUBLIC PLACES), ADDING CHAPTER 12.02 (PUBLIC RIGHT OF WAY) AND RELOCATING EXISTING TEXT FROM CHAPTER 12.26

L. RESOLUTIONS

6. RESOLUTION NO. 2021-01 A RESOLUTION OF THE CITY OF LINCOLN CITY, ADOPTING FINDINGS FOR A PUBLIC CONTRACTING EXEMPTION AND AUTHORIZING AN ALTERNATIVE CONTRACTING METHOD FOR THE WATER TREATMENT PLANT GENERATOR REPLACEMENT PROJECT.

7. RESOLUTION NO. 2021-02 A RESOLUTION OF THE CITY OF LINCOLN CITY, ADOPTING FINDINGS FOR A PUBLIC CONTRACT EXEMPTION AND AUTHORIZING AN ALTERNATIVE CONTRACTING METHOD FOR THE CITY HALL HVAC UPGRADE PROJECT.
8. RESOLUTION NO. 2021-03 A RESOLUTION OF THE CITY OF LINCOLN CITY, DECLARING AN EMERGENCY AS A RESULT OF A HOUSING SHORTAGE CAUSED TO THE ECHO MOUNTAIN COMPLEX FIRE AND AUTHORIZING EMERGENCY OPERATIONS USES (TEMPORARY HOUSING) ON LISTED TRIBE - OWNED PROPERTIES IN ACCORDANCE WITH THIS RESOLUTION

M. SPECIAL ORDER OF BUSINESS

9. Request to set hearing - NE 14th Street Sidewalk Project
10. Mayor Vacancy Discussion / Resolution
11. Election of Council President
12. Outside City Committee Appointments
13. Schedule of Proposed City Council Meetings
14. Department Report - Parks and Recreation
15. Department Report - Explore Lincoln City
16. COVID-19 Update
17. Echo Mountain Complex Fire Update

N. CITY MANAGER/CITY ATTORNEY REPORTS

O. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION

P. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

Q. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

R. ACTIONS, IF ANY, BASED ON WORK SESSION, EXECUTIVE SESSION OR CITIZEN COMMENT

S. ADJOURNMENT

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

December 14, 2020, 6:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets and Videos". The staff reports, resolutions, ordinances and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

B. ROLL CALL

Mayor Anderson called the meeting to order. Mayor Anderson advised the public that there are now three ways to provide public comment.

1. Comments can be made through email to publiccomment@lincolncity.org;
2. Comments can be made via Zoom if a request is emailed to publiccomment@lincolncity.org by 12 pm on the meeting day;
3. Comments can be made in person at the Council Chambers (COVID-19 precautions are taken).

Attendee Name	Title	Status	Arrived
Dick Anderson	Mayor	Present	06:00 PM
Judy Casper	Councilor Ward 3	Present	06:00 PM
Diana Hinton	Councilor Ward 1	Present	06:00 PM
Riley Hoagland	Councilor Ward 2	Present	06:00 PM
Rick Mark	Councilor Ward 3	Present	06:00 PM
Mitch Parsons	Councilor Ward 1	Present	06:00 PM

Staff Present: Ron Chandler, City Manager; Richard Appicello, City Attorney; Chief Palmer, Lincoln City Police Department; Alison Robertson, Economic Development and Urban Renewal Director; Ed Dreistadt, ELC Director; Jeanne Sprague, Parks and Recreation Director; David Twigg, I.T. Support Specialist; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

SKIPPED DUE TO MEETING BEING HELD REMOTELY

D. CONSENT AGENDA

Councilor Hinton pulled items three and four for discussion; also, she provided slight edits to the meeting minutes for November 9 and November 23 Councilor Hinton would like to hear more about items three and four since they will mean more money from the budget. Mr. Chandler explained they are requesting a hearing rather than sending for a public bid. Both items are very specialized and more complex projects, so Mr. Chandler is requesting a hearing for both items to present Staff's findings.

- 1. Regular Meeting – Minutes of Regular Meeting – November 9, 2020 6:00 PM
- 2. Regular Meeting – Minutes of Work Session – November 23, 2020 10:00 AM

MOTION: Motion to Approve items 1 and 2 on the Consent Agenda
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Rick Mark, Councilor Ward 3
AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed

- 3. Request to set hearing on January 11, 2021 - Water Treatment Plant Generator Replacement Project - Exemption from Competitive Bid
- 4. Request to set January 11, 2021 hearing - City Hall HVAC Upgrade Public Contracting Exemption

MOTION: Motion to set items 3 and 4 from the Consent Agenda for hearings on January 11, 2021.
MOVER: Diana Hinton, Councilor Ward 1
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed

E. COUNCIL DELIBERATIONS

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

5. Public Comments

Steve Griffiths, Vice President and Dawn Villaescusa, President of the Audubon Society. The Audubon Society has beenserving Lincoln and Tillamook Counties since 2006. They are proposing a marine conservation area at Cape Foulweather. More information can be found at lincolncityaudubon.org or by emailing info@lincolncityaudubon.org.

Fran Lonnon: Ms. Lonnon stated that there is an issue when you go into the Zoom meetings. The City Council meeting cannot be heard while you are in the Zoom waiting room. Also, the TurnKey project should be for working-class people, not for people impacted by the Echo Mountain Fire, who will be able

to be housed in FEMA trailers in the Villages. Ms Lonnon also commented on the Helping Hands loan. Ms Lonnon stated another pedestrian was hit by a car in a crosswalk today. Pedestrian issues should be dealt with before Helping Hands. Mayor Anderson asked Chief Palmer if he was aware of a pedestrian accident today. Chief Palmer said he was not aware of one.

Mr. Chandler said that most of the comments received have been attached to the agenda packet. Mr. Chandler summarized extra comments received since the Agenda was published.

Fran Lonnon: Ms. Lonnon submitted a series of questions pertaining to emergency evacuations of Lincoln City. These questions have been sent to Ken Murphy, Emergency Preparedness Coordinator, to answer.

Liza Corzine: Ms. Corzine asked questions pertaining to fireworks over the Christmas holiday. Her message was forwarded to the Police Chief for a response.

Holly Hatchet: Ms. Hatchet sent an email asking that the City Council add a "No Parking" sign to SW Jetty in the resort of Bayview community.

Fran Lonnon: Ms. Lonnon asked about the TurnKey project and an article that was in the Yachats newspaper.

Caroline Nguyen: Ms. Nguyen sent an email regarding a letter that she sent to Mr. Chandler regarding non-partisan elected officials using their position on a televised meeting to advertise political organizations.

G. PRESENTATIONS

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Supplemental Budget Public Hearing

Staff report read by Mr. Chandler as Ms. Bridges is on vacation. There is a request to transfer \$500,000 from the general fund contingency to be used in 2 different ways; Helping Hands, \$250,000 and the Police Building \$250,000. Mayor Anderson asked if they should be for FY18-19 as noted, Mr. Chandler said they are for FY20-21. Councilor Mark asked if they were voting to move the money, and if Council would later discuss moving the money. Mayor Anderson said they will not be taking action yet, they will talk about the resolution later. Mr. Appicello asked Mayor Anderson if he would consider having Alan Evans from Helping Hands speak now.

Mr. Evans asked to have the loan extended for the Helping Hands building. Helping Hands have completely demolished the inside of the building to the point that it could be examined. A wall in the building that faces the property to the North has no reinforced steel or concrete masonry unit. The building has also shifted over time between 7 – 12 inches. The repair cost for these items would be over 50 percent of the property value, which would require utilities to be placed underground. Councilor Hinton asked how firm the amount is, could there be more issues discovered and also if it is possible that it could cost less? Councilor Hinton asked about the length of the loan. Mr. Evans would like the max payment amount to be around \$2000. Mayor Anderson asked if there has been any drawn downs on the existing loan. Mr. Evans said they have about \$40,000 on the existing loan. He is hoping to be operational by June. Councilor Hoagland asked about the building not being inspected before the purchase and the 12 foot lean not being detected? Councilor Casper asked to clarify 12 foot or 12 inches. It was verified as 12 inches.

MOTION: Motion to Close the Public Hearing for the Supplemental Budget
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Judy Casper, Councilor Ward 3
AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed via Voice Vote

J. ORDINANCES

K. RESOLUTIONS

2. Resolution 2020-23: A Resolution Declaring the Official Results of the Canvass of Votes of the General Election Held in the City of Lincoln City, Oregon on November 3, 2020.

Mr. Chandler read the election results provided by the County. Elected to the City Council were: Diana Hinton, Councilor Ward I; Dennis Riley Hoagland, Councilor Ward II; Anne Marie Skinner, Ward II; Judy Casper, Councilor Ward III.

MOTION: Motion to Approve Resolution Declaring the Official Results of the Canvass of Votes of the General Election Held in the City of Lincoln City, Oregon on November 3, 2020.
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Riley Hoagland, Councilor Ward 2
AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed via Voice Vote

3. Resolution No. 2020-24, a Resolution of the City of Lincoln City, declaring an emergency as a result of a housing shortage caused to the Echo Mountain Complex fire and authorizing emergency operations uses (temporary housing) on listed public properties in accordance with this resolution.

Mr. Appicello read alternate language, referred to as option three. Mr. Chandler has requested that Council provide him with a list of deal breakers for these negotiations. The Council requested advanced notice of the decision made by the City Manager and City Attorney before the lease is signed.

MOTION: Motion to Accept the Modified Language and Approve Resolution No. 2020-24, a Resolution of the City of Lincoln City, declaring an emergency as a result of a housing shortage caused to the Echo Mountain Complex fire and authorizing emergency operations uses (temporary housing) on listed public properties in accordance with this resolution.
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Diana Hinton, Councilor Ward 1
AYES: Anderson, Casper, Hinton, Mark, Parsons
NAYS: Hoagland
RESULT: Passed by Roll Call Vote

4. Resolution No. 2020-25, A Resolution adopting the supplemental budget of the City of Lincoln City, Oregon, for the fiscal year 2020-2021, as approved by the City Council, and making appropriations.

Mayor Anderson explained this Resolution moves money for the additional cost of the Police Building and for the loan increase on the Helping Hands building from the general fund into the appropriate accounts.

MOTION: Motion to Approve Resolution 2020-25, A Resolution adopting the supplemental budget of the City of Lincoln City, Oregon, for the fiscal year 2020-2021, as approved by the City Council, and making appropriations.

MOVER: Judy Casper, Councilor Ward 3

SECONDER: Mitch Parsons, Councilor Ward 1

AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons

RESULT: Passed by Roll Call Vote

5. Resolution No. 2020-26, a Resolution of the City of Lincoln City amending Resolution 2020-22 concerning displaced Lincoln County residents caused by the Echo Mountain Complex fire.

Mr. Appicello explained the Resolution will authorize an emergency RV park for displaced Lincoln County residents who were impacted by the Echo Mountain Fire

MOTION: Motion to Approve Resolution No. 2020-26, a Resolution of the City of Lincoln City amending Resolution 2020-22 concerning displaced Lincoln County residents impacted by the Echo Mountain Complex fire.

MOVER: Judy Casper, Councilor Ward 3

SECONDER: Riley Hoagland, Councilor Ward 2

AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons

RESULT: Passed by Roll Call Vote

L. SPECIAL ORDER OF BUSINESS

6. Helping Hands Loan Request

Previously discussed in Section I., Public Hearings.

MOTION: Motion to Approve Helping Hands Loan Request. \$250,000 with Approximately 26 Year Term.

MOVER: Judy Casper, Councilor Ward 3

SECONDER: Diana Hinton, Councilor Ward 1

AYES: Anderson, Casper, Hinton, Mark, Parsons

NAYS: Hoagland

RESULT: Passed by Roll Call Vote

7. Planning Commission Appointments - Patti Kroen and Marci Baker

Council interviewed both candidates for the two openings. The Motion appoints both candidates.

MOTION: Motion to Approve Appointments to Planning Commission - Patti Kroen and Marci Baker.

MOVER: Diana Hinton, Councilor Ward 1

SECONDER: Riley Hoagland, Councilor Ward 2

AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons

RESULT: Passed via Voice Vote

8. Re-appointment to Sustainability Committee - Applicant Dawn Villaescusa

Councilor Hinton and Councilor Mark interviewed Ms. Villaescusa for the Sustainability Committee. She is currently serving and reapplying for another term. Councilor Hinton would highly recommend Ms. Villaescusa. Councilor Mark strongly recommends Ms. Villaescusa.

MOTION: Motion to Approve Re-appointment to Sustainability Committee - Applicant Dawn Villaescusa
MOVER: Diana Hinton, Councilor Ward 1
SECONDER: Rick Mark, Councilor Ward 3
AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed via Voice Vote

9. Re-appointment to Visitor and Convention Committee - Applicant Diana Steinman

Councilor Mark and Councilor Hinton interviewed Ms. Steinman for the Visitor and Convention Committee. Councilor Mark and Councilor Hinton recommend the appointment of Ms. Steinman.

MOTION: Motion to Approve Re-appointment to Visitor and Convention Committee - Applicant Diana Steinman
MOVER: Diana Hinton, Councilor Ward 1
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed via Voice Vote

10. Appointment to Arts Committee - Applicant Steve Griffiths

Councilor Casper and Councilor Hinton interviewed Mr. Griffiths for the Arts Committee. Councilors Casper and Hinton highly recommend Mr. Griffiths.

MOTION: Motion to Appoint to Arts Committee - Applicant Steve Griffiths
MOVER: Judy Casper, Councilor Ward 3
SECONDER: Diana Hinton, Councilor Ward 1
AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed via Voice Vote

11. Lincoln County - Project Turnkey Application Funding Request

Mr. Chandler spoke about the State of Oregon's Project TurnKey, which turns hotels into non-congregate housing shelters. NW Coastal Housing, through Lincoln County, is applying for funds. The County Board of Commissioners authorized up to \$10,000 as a match if NW Coastal Housing received the funding. The Board of Commissioners placed a condition on their match; the City of Lincoln City would have to match up to \$10,000 as well. The City has budgeted \$50,000 for outside agency requests in FY2020-21, which has not yet been used. Mayor Anderson asked if the funds were not used, would they come back to Lincoln City. Mr. Chandler confirmed that as he understands it, the funds would not be committed until the City was notified the grant was approved. Councilor Hinton said that she supports the idea; she wishes that there were two hotels in the County.

MOTION: Motion to Approve Lincoln County - Project Turnkey Application Funding Request
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Judy Casper, Councilor Ward 3
AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

12. COVID-19 Update

Mr. Chandler states that there is nothing to add other than what is already in the packet. Mayor Anderson reminded Council about the County's weekly dashboard updates. Councilor Hinton expressed

concern regarding COVID enforcement especially with VRDs. She asked Mr. Chandler if he was going to speak with Chief Palmer about enforcement. Mr. Chandler said that Chief Palmer is ready to speak on this topic

Chief Palmer said that he has corresponded with partners around the state, and they all agree that the primary mission for law enforcement in enforcing the Governor's orders is education and voluntary compliance. He read a press release on the executive order about enforcement. Chief Palmer confirmed that the process for reporting VRD violations is to call and report them to the non-emergency Police number and the appropriate person will be sent out to look at the issue. Chief Palmer agrees that reaching out to the management teams that run the VRDs and reminding them of the importance of following the Governor's orders will be helpful. Also, Chief Palmer wants to encourage management companies making sure that their renters are educated on COVID-19 regulations.

Councilor Hinton added that the piece that is missing is additional education for the management companies. If you look online there is nothing listed on Property Manager's websites regarding the extreme risk categories and the rules that correspond with that status. Councilor Hoagland said he looked online at a website to book vacation rentals in Lincoln City; the first one that he found could sleep 19 people, starting next week. Mayor Anderson said that the City used to check websites and advertising and encouraged Mr. Chandler to make sure this is done again. Mr. Appicello said that VRD enforcement efforts included checking website and advertising for compliance with VRD permits. Chief Palmer is working on a proposal with Mr. Chandler to bring back to Council.

13. Echo Mountain Complex Update

No update was given.

M. CITY MANAGER/CITY ATTORNEY REPORTS

1. Proposed Motions for Traffic Control / Parking Resolutions

Mr. Appicello said that there are a couple of options for Council to consider. The first motion would be for Council to direct staff to bring forward the code amendment set forth in the work session materials. The second motion would direct staff to study the following areas: Logan, Sal-la-Sea & Port Drive, 50th, 59th, 61st, 64th, 67th, 69th, 71st, 72nd, 73rd. Also, the motion would add NE 35th to the study area. The third motion would be to direct staff to make overnight metered parking spaces in City parking lots and prepare appropriate traffic control parking resolutions. The fourth motion would direct staff to create a limited number of overnight camping spaces with restrictions in City parking lots and prepare appropriate traffic control parking resolutions. Ordinance amendment approval will come back with resolutions.

Councilor Casper asked for clarification from Mr. Appicello on whether he meant NE 35th or SW 35th. He said that NE 35th is written on the email from Councilor Hinton. He asked that SW 35th and SW 33rd be added for study as well. All proposed motions were approved.

MOTION:	Motions to Approve Proposed Motions for Traffic Control / Parking Resolutions
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Diana Hinton, Councilor Ward 1
AYES:	Anderson, Casper, Hinton, Hoagland, Mark
NAYS:	Parsons
RESULT:	Passed via Roll Call Vote

2. Mr. Appicello emailed Council that he was contacted by a realtor in regards to some lots for sale that are adjacent to the property owned by the City at SW 29th and Coast. No motion made by the Council for additional information.

N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION

1. Taft Property- Exercise of option to proceed with closing.

MOTION:	Motions to Direct City Manager to Proceed with Exercising the option and Proceed with Closing.
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT:	Passed via Roll Call Vote

2. Union Contracts Negotiation- Propose one year roll over for both Unions.

MOTION:	Motion to Propose One Year Rollover for Both Unions.
MOVER:	Diana Hinton, Councilor Ward 1
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT:	Passed via Roll Call Vote

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

Prior to Council receiving additional comments from citizens present, Mayor Anderson announced that he has been elected to State Senate and that he was resigning effective immediately

The meeting was turned over to Council President Casper.

Citizen Comments:

Sheila Stiley, Executive Director of NW Coastal Housing: Ms. Stiley wanted to provide context and clarification of project TurnKey. Ms. Stiley thanked Councilor Casper for joining them on their site tour. She also wanted to respond to Councilor Hinton; NW Coastal Housing did consider an additional site in Newport. However, applying for two sites would have hindered their ability to be funded at all. Given that Lincoln City was most effected by the wildfires, has more homeless children, and the highest poverty rate, Lincoln City made sense.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Council President Casper spoke about appointing or electing the Mayor. Mr. Appicello would like council to vote to accept the resignation and then give direction as to election or appointment. Council

President Casper asked if Council, by unanimous consent, would like to add this to the agenda for discussion. Unanimous Consent was given.

Councilor Mark has a question regarding getting the mayoral election on the March ballot. Does Council have to decide tonight in order to accomplish this?

Council President Casper read some ideas about the qualifications for Mayor based on the experiences with the former Mayor. Councilor Parsons and Councilor Hoagland would like to have an election.

Councilor Mark says that an appointment sounds like a smoother and easier route. However, the public is going to want to have a vote, so he would lean toward having an election. Councilor Hinton is leaning towards an appointment. Councilor Mark would like a special meeting to discuss.

MOTION: Motion to Accept the Resignation of Mayor Anderson.
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed by Voice Vote

MOTION: Motion to Elect the Mayor by Special Election.
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Hoagland, Parsons
NAYS: Casper, Hinton, Mark
RESULT: Failed by Roll Call Vote

MOTION: Motion to Hold a Special Council Meeting on Monday December 21 at 10 AM.
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Diana Hinton, Councilor Ward 1
AYES: Casper, Hinton, Mark
NAYS: Hoagland, Parsons
RESULT: Passed by Roll Call Vote

Council President Casper read a poem for former Mayor Anderson.

MOTION: Motion to Have a Joint Meeting with the Fire District Board in Early January 2021
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Diana Hinton, Councilor Ward 1
AYES: Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

Council expressed thanks and gratitude to former Mayor Anderson.

Councilor Hinton asked Mr. Appicello if he had been able to work with the HR Director on a compliance policy. Mr. Appicello will report on this at a future Council meeting.

Councilor Parsons asked Mr. Chandler if Council could get an update at the next meeting regarding public arts. Also, Councilor Parsons requested that, for public comments given by Zoom, he would like the public to use their full name and list the section for which they are commenting (e.g. F- Comments from Citizens Present) to make managing Zoom comments easier.

Q. ADJOURNMENT

Meeting adjourned at 11:00pm

DICK ANDERSON, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

CITY OF LINCOLN CITY

CITY COUNCIL

MINUTES OF SPECIAL MEETING

December 21, 2020, 10:00 AM

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APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Judy Casper	Councilor Ward 3	Present	10:00 AM
Diana Hinton	Councilor Ward 1	Present	10:00 AM
Riley Hoagland	Councilor Ward 2	Present	10:00 AM
Rick Mark	Councilor Ward 3	Present	10:00 AM
Mitch Parsons	Councilor Ward 1	Present	10:00 AM

C. SPECIAL ORDER OF BUSINESS

1. Mayor Vacancy Discussion / Resolution

Council President Casper would like to change discussion to deliberation. After discussion, Council agreed to continue this matter until the January 11th meeting. Councilor Hoagland clarified that all City Council positions are unpaid.

MOTION: Motion to Continue until January 11, 2021.
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Diana Hinton, Councilor Ward 1
AYES: Casper, Hinton, Hoagland, Mark
NAYS: Parsons
RESULT: Motion to Continue - Passed

D. ADJOURNMENT

Meeting adjourned at 10:30 AM.

JUDY CASPER, COUNCIL PRESIDENT

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

Oregon Liquor Control Commission - Request for Brewery / Public House Liquor License

Meeting Date: January 11, 2021 Primary Staff Contact: Jamie Young
Department: City Council E-Mail: JYoung@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Ronald F Chandler Estimated Time: 3 min

Questions:

Should the City Council provide a recommendation to the Oregon Liquor Control Commission (OLCC) for a new Brewery- Public House (BPH) 1st location for Autobahn 101 / Waggy Dog Brewing?

Staff Recommendations:

A review was conducted by Chief Palmer, who recommends that City Council provide a favorable recommendation to grant the license to the applicant.

Legal Background and Framework:

Oregon Revised Statute (ORS) 471.166 establishes the process for local governments to make recommendation to the OLCC.

Lincoln City Municipal Code Chapter 5.20 sets forth the local process for making recommendations to OLCC.

Council Options:

1. Approve a favorable recommendation for a new Brewery- Public House (BPH) 1st location.
2. To not approve the license application.
3. To approve the license application.

Attachments:

Autobahn 101 / Waggy Dog application.pdf (PDF)



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 st Location	RECEIVED
Brewery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	Date application received and/or date stamp: DEC 11 2020
<input checked="" type="checkbox"/> Brewery-Public House (BPH) 1 st location	Name of City or County: CITY OF LINCOLN CITY LINCOLN CITY OR
BPH Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	Recommends this license be:
<input type="checkbox"/> Distillery	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied
<input type="checkbox"/> Full On-Premises, Commercial	By: [REDACTED]
<input type="checkbox"/> Full On-Premises, Caterer	Date: <u>12-14-2020</u>
<input type="checkbox"/> Full On-Premises, Passenger Carrier	OLCC USE ONLY
<input type="checkbox"/> Full On-Premises, Other Public Location	Date application received: <u>12/02/2020</u>
<input type="checkbox"/> Full On-Premises, For Profit Private Club	Date application accepted: <u>12/02/2020</u>
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	License Action(s): <u>Off-Prem, Ext Prem, C/UP, C/Hrs</u>
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 st location	
GSP Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/>	
<input type="checkbox"/> Limited On-Premises	
<input type="checkbox"/> Off-Premises	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 st Location	
Winery Additional location (2 nd) <input type="checkbox"/> (3 rd) <input type="checkbox"/> (4 th) <input type="checkbox"/> (5 th) <input type="checkbox"/>	

2. Identify the applicant(s) applying for the license(s). **ENTITY (example: corporation or LLC) or INDIVIDUAL(S)**¹ applying for the license(s):

Roy & Maggie's Gasthaus, LLC

App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See) Autobahn 101/Waggy Dog Brewing		
4. Business Address (Number and Street Address of the Location that will have the liquor license) 1512 SE HWY 101		
City Lincoln City	County Lincoln	Zip Code 97367

¹ Read the instructions on page 1 carefully. If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See)
Autobahn 101/Waggy Dog Brewing

6. Does the business address currently have an OLCC liquor license? YES NO

7. Does the business address currently have an OLCC marijuana license? YES NO

8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your license certificate, renewal application and other mailings as described in OAR 845-005-0311[6])
PO Box 1226

City Lincoln City	State OR	Zip Code 97367
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9. Phone Number of the Business Location
541-614-1811

10. Email Contact for this Application and for the Business
[REDACTED]

11. Contact Person for this Application
Roy Baker

Phone Number
[REDACTED]

Contact Person's Mailing Address (if different)	City Lincoln City	State OR	Zip Code 97367
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Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

ATTESTATION: **READ CAREFULLY AND MAKE SURE YOU UNDERSTAND BEFORE SIGNING THIS FORM**

I understand that marijuana is **prohibited** on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application are true and complete.

I affirm that I have read [OAR 845-005-0311](#) and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per OAR 845-005-0311[6]) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an unwaivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

Applicant(s) Signature

- Each individual (sole proprietor) listed as an applicant must sign the application below.
- If an applicant is an entity, such as a corporation or LLC, at least one **INDIVIDUAL who is authorized to sign for the entity** must sign the application.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign the application. If an individual other than an applicant signs the application, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. **Applicants are still responsible for all information on this form.**

Roy Baker [REDACTED] 12/04/2020
 App. #1: (PRINT NAME) App. #1: (SIGNATURE) App. #1: Signature Date Atty. Bar Information (if applicable)

Magdalena Baker [REDACTED] 12/04/2020
 App. #2: (PRINT NAME) App. #2: (SIGNATURE) App. #2: Signature Date Atty. Bar Information (if applicable)

App. #3: (PRINT NAME) App. #3: (SIGNATURE) App. #3: Signature Date Atty. Bar Information (if applicable)

App. #4: (PRINT NAME) App. #4: (SIGNATURE) App. #4: Signature Date Atty. Bar Information (if applicable)



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Roy & Maggie's Gasthaus, LLC Phone: 541-614-1811

Trade Name (dba): Autobahn 101/Waggy Dog Brewing

Business Location Address: 1512 SE HWY 101

City: Lincoln City ZIP Code: 97367

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	<u>11:30 AM</u>	to	<u>12 AM</u>
Monday	<u>11:30 AM</u>	to	<u>10 PM</u>
Tuesday	<u>11:30 AM</u>	to	<u>10 PM</u>
Wednesday	<u>Closed</u>	to	<u>Closed</u>
Thursday	<u>11:30 AM</u>	to	<u>10 PM</u>
Friday	<u>11:30 AM</u>	to	<u>12 AM</u>
Saturday	<u>11:30 AM</u>	to	<u>12 AM</u>

Outdoor Area Hours:

Sunday	<u>11:30 AM</u>	to	<u>12 AM</u>
Monday	<u>11:30 AM</u>	to	<u>10 PM</u>
Tuesday	<u>11:30 AM</u>	to	<u>10 PM</u>
Wednesday	<u>Closed</u>	to	<u>Closed</u>
Thursday	<u>11:30 AM</u>	to	<u>10 PM</u>
Friday	<u>11:30 AM</u>	to	<u>12 AM</u>
Saturday	<u>11:30 AM</u>	to	<u>12 AM</u>

The outdoor area is used for:

- Food service Hours: 11:30 to 12 AM
- Alcohol service Hours: 11:30 to 12 AM
- Enclosed, how 6' Fence

The exterior area is adequately viewed and/or supervised by Service Permittees.

OC (Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: During the partial Shutdown we are open Thursdays through Sundays

ENTERTAINMENT

Check all that apply:

- Live Music
- Recorded Music
- DJ Music
- Dancing
- Nude Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	<u>6 PM</u>	to	<u>12 AM</u>
Monday	_____	to	_____
Tuesday	_____	to	_____
Wednesday	_____	to	_____
Thursday	_____	to	_____
Friday	<u>7 PM</u>	to	<u>12 AM</u>
Saturday	<u>7 PM</u>	to	<u>12 AM</u>

Always suitable for minors.

SEATING COUNT

Restaurant: 52 Outdoor: 12
Bar
 Lounge: 6 Other (explain): Lottery 3
 Banquet: _____ Total Seating: 73

OLCC USE ONLY

Investigator Verified Seating: 73 (Y) _____ (N)

Investigator Initials: OC

Date: 12/07/2020

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: _____ Date: 12/04/2020

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)

Council Communication

Oath of Office

Meeting Date:	January 11, 2021	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

The City Recorder will administer the oath of office to the newly elected City Councilors; Diana Hinton of Ward 1; Riley Hoagland of Ward 2; AnneMarie Skinner of Ward 2; and, Judy Casper of Ward 3.

The newly, sworn-in City Councilors will be given time make comments.

Council Communication

Public Comments

Meeting Date:	January 11, 2021	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Attached, please find the public comments received at publiccomment@lincolncity.org since the last regularly scheduled City Council meeting.

Attachments:

2021-01-11 Public Comments_Redacted (PDF)

Ronald Chandler

From: Fran London [REDACTED]
Sent: Tuesday, December 15, 2020 8:15 AM
To: Jerry Palmer; Ronald Chandler; Diana Hinton; Riley Hoagland; Public Comment
Cc: [REDACTED]
Subject: Pedestrian injured after being hit on Highway 101 in Lincoln City | News | [REDACTED]

Last night at the City Council meeting, I had mentioned that another pediatrician was hit in Lincoln City in a crosswalk. Chief Palmer stated I was talking about the accident that happened in November but that was not correct information from the Chief Palmer.

This is the second accident involving a pediatrician in less than a month. It is imperative that we put up flashing lights at all crosswalks that are not controlled by stop lights in downtown Lincoln City. Before for the Council spends money on anything, the safety of the Citizens that elected you should be your first priority! The council is giving away millions of dollars for the their special projects and ignoring the safety of your Residents? This is appalling! Your first duty as City Council is to PROTECT the citizens!

Sincerely,
Fran Lonnon

[REDACTED]

Ronald Chandler

From: JoanAndChester Erlanger/Noreikis [REDACTED]
Sent: Thursday, December 17, 2020 3:29 PM
To: Public Comment
Subject: appointment vs election

I am concerned that our city council has voted 3-2 to appoint Mr. Anderson's replacement. The democratic approach would be to hold an election in March and let the people represented by the council make that determination.

The opportunity for cronyism abounds with appointments. I have seen far too much of that on the federal level. If you believe as I do that voting is a valuable privilege, then please do not deny the citizenry that right.

Respectfully,
Joan Erlanger
Ward 2 resident

Please enter the above statement in the record. Thank you.

Ronald Chandler

From: JoanAndChester Erlanger/Noreikis [REDACTED]
Sent: Thursday, December 17, 2020 3:42 PM
To: Public Comment
Subject: for the record...

This message is regarding the recently imposed mandate that all customers of North Lincoln Sanitary be required to pay \$6.00/month for a recycling bin for compostable waste. While I commend the powers that be for their attempts to reduce the waste stream in our city, I contend that a mandate without exemption is punitive of households that are already on board with composting.

I would like to see an exemption that required application and verification to be added to the recently passed mandate.

I also believe that exempting the commercial sector is a mistake with impactful consequences. Groceries and restaurants generate large amounts of compostable waste that is currently commingled with trash. The impact from these businesses is many times that of a household, indeed many households. Including them would likely offset the impact of exempting households that are already being responsible regarding their organic waste stream.

Thank you for your kind consideration.

Joan Erlanger
[REDACTED]

Ronald Chandler

From: Lisa Corzine [REDACTED]
Sent: Monday, December 21, 2020 6:35 PM
To: Public Comment; Riley Hoagland; Ronald Chandler; Diana Hinton; Fran London
Subject: Special Election

I believe there needs to be a Special Election for the Mayor’s seat now available.
Speaking with people living in All Wards of the City, we are all wanting to see an election, NOT the Council choosing a person they think will fit.
This council has made made Enough Bad Decisions (Helping Hands, Echo Mountain Fire, 87 million dollar renewal plan,) it just goes on and on.

Lisa Corzine
Director of Sales | K&R Plastics
Phone: [REDACTED] | Email: [REDACTED] | Fax: [REDACTED]
[REDACTED]

[REDACTED]

Ronald Chandler

From: Carolyn [REDACTED]
Sent: Saturday, January 2, 2021 5:50 PM
To: Public Comment
Subject: Mayoral Candidate

Dear City Council,

Please consider holding an open election for the remainder of the Mayor's term.

When Council member Diane Kusz resigned with 2 years left, you all voted to have this position filled by way of election rather than appointment.

As one of the Candidates who ran for the open Council position I thoroughly enjoyed the opportunity to campaign, meet with prospective voters & give people an opportunity to know my thoughts on service.

The people of our town deserve to have input and a vote on who should be representing them for the next two years as Mayor.

Thank you for considering a fair opportunity for those who want to step up and serve this town rather than appointment.

Sincerely,
Carolyn Nguyen

Sent from my iPhone

Council Communication

Public Hearing for Water Treatment Plant Generator

Meeting Date:	January 11, 2021	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	5 min

Conduct the Public Hearing:

[Open the Hearing. Request Staff Report. Request Public Comment. Close hearing. Deliberate].

For Action – See Resolution 2021-01 later on this Agenda].

Background:

In the last five years, Public Works procured over 55 construction contracts. Six of those projects used an exemption to the competitive bidding process. The six projects were undergrounding, borings, retaining wall, bridge replacement and the Neotsu Path along Hwy 101; these projects were found by City Council to meet the intent and criteria set forth in the ORS referenced below.

Staff finds this project meets the criteria for an exemption. The generator serving the City's Water Treatment Plant is over 38 years old and needs replacing. The last repair to the generator required a part to be custom manufactured, as it was no longer available. This project includes upgrading the existing 400KW to a new 800KW and tying into the existing plant control system.

The findings addressing the ORS criteria for approval are attached to Resolution 2021-01 later on this Agenda.

Authority:

Exemptions are allowed under ORS 279C.335 (2) (highlighted below) providing the agency seeking an exemption follow the required procedures including preparing findings for the exemption.

279C.335 Competitive bidding; exceptions; exemptions. (1) All public improvement contracts shall be based upon competitive bids except:

- (a) A public improvement contract with a qualified nonprofit agency that provides employment opportunities for individuals with disabilities under ORS 279.835 to 279.855.
- (b) A public improvement contract that is exempt under subsection (2) of this section.
- (c) A public improvement contract with a value of less than \$5,000.
- (d) A public improvement contract with a contract price that does not exceed \$100,000 made under procedures for competitive quotes in ORS 279C.412 and 279C.414.
- (e) A contract to repair, maintain, improve or protect property the Department of Veterans' Affairs obtains under ORS 407.135 and 407.145 (1).
- (f) An energy savings performance contract that a contracting agency enters into in accordance with rules of procedure adopted under ORS 279A.065.

(2) Subject to subsection (4)(b) and (c) of this section, the Director of the Oregon Department of Administrative Services, a local contract review board or, for contracts described in ORS 279A.050 (3)(b), the Director of Transportation may exempt a public improvement contract or a class of public improvement contracts from the competitive bidding requirement of subsection (1) of this section after the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board approves the following findings that the contracting agency submits or, if a state agency is not the contracting agency, that the state agency that is seeking the exemption submits:

- (a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.
- (b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to the contracting agency or the public. In approving a finding under this paragraph, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:
 - (A) How many persons are available to bid;
 - (B) The construction budget and the projected operating costs for the completed public improvement;
 - (C) Public benefits that may result from granting the exemption;
 - (D) Whether value engineering techniques may decrease the cost of the public improvement;
 - (E) The cost and availability of specialized expertise that is necessary for the public improvement;
 - (F) Any likely increases in public safety;
 - (G) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;
 - (H) Whether granting the exemption will affect the sources of funding for the public improvement;
 - (I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
 - (J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;
 - (K) Whether the public improvement involves new construction or renovates or remodels an existing structure;
 - (L) Whether the public improvement will be occupied or unoccupied during construction;
 - (M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
 - (N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise

and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

(c) As an alternative to the finding described in paragraph (b) of this subsection, if a contracting agency or state agency seeks an exemption that would allow the contracting agency or state agency to use an alternative contracting method that the contracting agency or state agency has not previously used, the contracting agency or state agency may make a finding that identifies the project as a pilot project for which the contracting agency or state agency intends to determine whether using the alternative contracting method actually results in substantial cost savings to the contracting agency, to the state agency or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to the contracting agency or the public. The contracting agency or state agency shall include an analysis and conclusion regarding actual cost savings, if any, in the evaluation required under ORS 279C.355.

(3) In making findings to support an exemption for a class of public improvement contracts, the contracting agency or state agency shall clearly identify the class using the class's defining characteristics. The characteristics must include a combination of project descriptions or locations, time periods, contract values, methods of procurement or other factors that distinguish the limited and related class of public improvement contracts from the agency's overall construction program. The agency may not identify a class solely by funding source, such as a particular bond fund, or by the method of procurement, but shall identify the class using characteristics that reasonably relate to the exemption criteria set forth in subsection (2) of this section.

(4) In granting exemptions under subsection (2) of this section, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall:

(a) If appropriate, direct the use of alternative contracting methods that take account of market realities and modern practices and are consistent with the public policy of encouraging competition.

(b) Require and approve or disapprove written findings by the contracting agency or state agency that support awarding a particular public improvement contract or a class of public improvement contracts, without the competitive bidding requirement of subsection (1) of this section. The findings must show that the exemption of a contract or class of contracts complies with the requirements of subsection (2) of this section.

(c) Require a contracting agency or state agency that procures construction manager/general contractor services to conduct the procurement in accordance with model rules the Attorney General adopts under ORS 279A.065 (3).

(5)(a) A contracting agency or state agency shall hold a public hearing before approving the findings required by subsection (2) of this section and before the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board grants an exemption from the competitive bidding requirement for a public improvement contract or a class of public improvement contracts.

(b) Notification of the public hearing must be published in at least one trade newspaper of general statewide circulation a minimum of 14 days before the hearing.

(c) The notice must state that the public hearing is for the purpose of taking comments on the draft findings for an exemption from the competitive bidding requirement. At the time of the notice, copies of the draft findings must be made available to the public. At the option of the contracting agency or state agency, the notice may describe the process by which the findings are finally adopted and may indicate the opportunity for further public comment.

(d) At the public hearing, the contracting agency or state agency shall offer an opportunity for any interested party to appear and comment.

(e) If a contracting agency or state agency must act promptly because of circumstances beyond the agency's control that do not constitute an emergency, notification of the public hearing may be published simultaneously with the agency's solicitation of contractors for the alternative public contracting method, as long as responses to the solicitation are due at least five days after the hearing and approval of the findings.

(6) The purpose of an exemption is to exempt one or more public improvement contracts from competitive bidding requirements. The representations in and the accuracy of the findings, including any general description of the resulting public improvement contract, are the bases for approving the findings and granting the exemption. The findings may describe anticipated features of the resulting public improvement contract, but the final parameters of the contract are those characteristics or specifics announced in the solicitation document.

(7) A public improvement contract awarded under the competitive bidding requirement of subsection (1) of this section may be amended only in accordance with rules adopted under ORS 279A.065.

(8) A public improvement contract that is excepted from the competitive bidding requirement under subsection (1)(a), (c), (d), (e) or (f) of this section is not subject to the exemption requirements of subsection (2) of this section. [2003 c.794 §103; 2003 c.794 §§104,105a; 2005 c.103 §§12,13,14; 2005 c.625 §§58,59,60; 2007 c.70 §§69,70,71; 2007 c.764 §§14,15,17; 2013 c.522 §8]

Council Options:

Council may authorize an exemption to the competitive bidding process for the Water Treatment Plant generator replacement based on the draft findings [Approve Resolution 2021-01].

Council may authorize an exemption to the competitive bidding process for the Water Treatment Plant generator replacement and modify the draft findings. [Approve Resolution 2021-01 with changes].

Council may disagree with the findings and direct staff to procure the contract under the competitive bidding process.

Potential Motions:

See Resolution 2021-01

Attachments:

See Resolution 2021-01

Council Communication

Public Hearing for City Hall HVAC Upgrade

Meeting Date:	January 11, 2021	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Conduct the Public Hearing:

[Open the Hearing. Request Staff Report. Request Public Comment. Close hearing. Deliberate].

For Action – See Resolution 2021-02 later on this Agenda].

Background:

In the last five years, Public Works procured over 55 construction contracts. Six of those projects used an exemption to the competitive bidding process. The six projects were undergrounding, borings, retaining wall, bridge replacement and the Neotsu Path along Hwy 101; these projects were found by City Council to meet the intent and criteria set forth in the ORS referenced below.

This project will upgrade city hall commercial building's Heating, Ventilation, and Air Conditioning control network. The City Hall building currently runs off a 15-year-old control network, on software with limited support. Upgrading this system will solve systemic heating/cooling issues, address employee & public comfort complaints, and significantly improve building energy efficiency.

The findings addressing the ORS criteria for approval are attached to Resolution 2021-02 later on this Agenda.

Authority:

Exemptions are allowed under ORS 279C.335 (2) (highlighted below) providing the agency seeking an exemption follow the required procedures including preparing findings for the exemption.

279C.335 Competitive bidding; exceptions; exemptions. (1) All public improvement contracts shall be based upon competitive bids except:

(a) A public improvement contract with a qualified nonprofit agency that provides employment opportunities for individuals with disabilities under ORS 279.835 to 279.855.

(b) A public improvement contract that is exempt under subsection (2) of this section.

(c) A public improvement contract with a value of less than \$5,000.

(d) A public improvement contract with a contract price that does not exceed \$100,000 made under procedures for competitive quotes in ORS 279C.412 and 279C.414.

(e) A contract to repair, maintain, improve or protect property the Department of Veterans' Affairs obtains under ORS 407.135 and 407.145 (1).

(f) An energy savings performance contract that a contracting agency enters into in accordance with rules of procedure adopted under ORS 279A.065.

(2) Subject to subsection (4)(b) and (c) of this section, the Director of the Oregon Department of Administrative Services, a local contract review board or, for contracts described in ORS 279A.050 (3)(b), the Director of Transportation may exempt a public improvement contract or a class of public improvement contracts from the competitive bidding requirement of subsection (1) of this section after the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board approves the following findings that the contracting agency submits or, if a state agency is not the contracting agency, that the state agency that is seeking the exemption submits:

(a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.

(b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to the contracting agency or the public. In approving a finding under this paragraph, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

(A) How many persons are available to bid;

(B) The construction budget and the projected operating costs for the completed public improvement;

(C) Public benefits that may result from granting the exemption;

(D) Whether value engineering techniques may decrease the cost of the public improvement;

(E) The cost and availability of specialized expertise that is necessary for the public improvement;

(F) Any likely increases in public safety;

(G) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;

(H) Whether granting the exemption will affect the sources of funding for the public improvement;

(I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;

(J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;

(K) Whether the public improvement involves new construction or renovates or remodels an existing structure;

(L) Whether the public improvement will be occupied or unoccupied during construction;

(M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and

(N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

(c) As an alternative to the finding described in paragraph (b) of this subsection, if a contracting agency or state agency seeks an exemption that would allow the contracting agency or state agency to use an alternative contracting method that the contracting agency or state agency has not previously used, the contracting agency or state agency may make a finding that identifies the project as a pilot project for which the contracting agency or state agency intends to determine whether using the alternative contracting method actually results in substantial cost savings to the contracting agency, to the state agency or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to the contracting agency or the public. The contracting agency or state agency shall include an analysis and conclusion regarding actual cost savings, if any, in the evaluation required under ORS 279C.355.

(3) In making findings to support an exemption for a class of public improvement contracts, the contracting agency or state agency shall clearly identify the class using the class's defining characteristics.

Council Options:

Council may authorize an exemption to the competitive bidding process for the City Hall HVAC system based on the draft findings [Approve Resolution 2021-02].

Council may authorize an exemption to the City Hall HVAC system and modify the draft findings. [Approve Resolution 2021-01 with changes].

Council may disagree with the findings and direct staff to procure the contract under the competitive bidding process.

Potential Motions:

See Resolution 2021-02

Attachments:

See Resolution 2021-02

Council Communication

Ordinance 2021-01 - Order of Business

Meeting Date:	January 11, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	Ronald Chandler
Approval:	Ronald F Chandler	Estimated Time:	5 mins.

Question: Should the City Council conduct and approve First Reading and Second Reading of Ordinance 2021-01 Amending Section 2.04.020?

ORDINANCE 2021-01

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.04 (CITY COUNCIL), AMENDING SECTION 2.04.020 (ORDER OF BUSINESS)

Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2021-01 and, *if unanimous*, Conduct and approve Second Reading and adopt Ordinance 2021-01.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

The Order of Business is being refined to acknowledge that the City Council holds different kinds of meetings, including regular meetings, special meetings and work sessions.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to January 25, 2021.
3. Continue First Reading to January 25, 2021.
4. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE 2021-01

**AN ORDINANCE OF THE CITY OF LINCOLN CITY
AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.04 (CITY
COUNCIL), AMENDING SECTION 2.04.020 (ORDER OF BUSINESS)**

Council:

1. Motion to approve First Reading of Ordinance 2021-01.

If unanimous: Conduct Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2021-01.

Attachments:

4049 Order of Business Ordinance 2021-01 (DOC)

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ORDINANCE 2021-01

**AN ORDINANCE OF THE CITY OF LINCOLN CITY
AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.04
(CITY COUNCIL), AMENDING SECTION 2.04.020 (ORDER OF BUSINESS)**

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provide:

2.1 Powers of the City

The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

2.2 Construction of Charter

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop*, 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, the City of Lincoln City desires to clarify and amend the order of business to recognize different council meetings; and

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code, Title 2 (*Administration and Personnel*), Chapter 2.04 (*City Council*), Section 2.04.020 (*Order of business*) is hereby amended to read as follows:

1 **Order of business.**

2 In the conduct of the business of the council, the order of business **at a regular**
3 **meeting** shall be substantially as follows, except as otherwise provided in LCMC
4 2.04.027 for time certain agenda items:

5 A. Roll call;

6 B. Pledge of allegiance;

7 C. Consent agenda;

8 D. Council deliberations;

9 E. Comments from citizens present on agenda ~~and nonagenda~~ items not
10 involving public hearings or public comment **[This agenda item for public**
11 **comment does not authorize or enter into the record comments on an item**
12 **where the public hearing (or record) is closed];**

13 F. Presentations;

14 G. Public hearings/public comments;

15 H. Ordinances (ordinances may be advanced and considered immediately
16 following a public hearing on the ordinance);

17 I. Resolutions (resolutions may be advanced and considered immediately
18 following a public hearing on the resolution);

19 J. Special order of business, if any;

20 K. City manager and city attorney reports;

21 L. Actions, if any, based on work session, executive session or citizen comment;

22 M. Additional comments from citizens present on nonagenda items **[This**
23 **agenda item for public comment does not authorize or enter into the record**
24 **comments on an item where the public hearing (or record) is closed];**

25 N. Announcements or comments by city council;

1 O. Adjournment.

2 **A Special Meeting, Emergency Meeting, Executive Session, or Work Session**
 3 **meeting of the City Council need not follow the above order of business and**
 4 **such meetings do not require an opportunity for public comment. "Work"**
 5 **or "Work Session" meetings allow for Council discussion, but not Council**
 6 **action.**

7

8 **SECTION 2. Findings Adopted.** The findings in the Whereas Clauses and
 9 otherwise in the record of this legislative proceeding are adopted and
 10 incorporated herein by this reference.

11

12 **SECTION 3. Severability.** The sections, subsections, paragraphs and clauses of
 13 this ordinance are severable. The invalidity of one section, subsection, paragraph,
 14 or clause shall not affect the validity of the remaining sections, subsections,
 15 paragraphs and clauses.

16

17 **SECTION 4. Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance
 18 takes effect 30 days after the date of its adoption.

19

20 **SECTION 5. Codification.**

21

22 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal
 23 Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"
 24 or another word, and the sections of this Ordinance may be renumbered, or re-lettered,
 25 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need not
 26 be codified and the City Recorder is authorized to correct any cross-references and any
 27 typographical errors.

28

29 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
 30 Section 9.2 of the City of Lincoln City Charter on the 11th day of January, 2021 (First
 31 Reading). The Ordinance was again read by title only on the 11th day of January, 2021
 32 (Second Reading) and Council approved Second Reading and adoption of the Ordinance.

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PASSED AND ADOPTED by the City Council of the City of Lincoln City this
11th day of January, 2021.

JUDY CASPER,
COUNCIL PRESIDENT

ATTEST:

JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

Council Communication

Ordinance 2021-02 Enforcement Officer

Meeting Date:	January 11, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	Ronald Chandler
Approval:	Ronald F Chandler	Estimated Time:	10 mins.

Question: Should the City Council conduct and approve First Reading and Second Reading of Ordinance 2021-02 amending the definition of enforcement officer?

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 1 (GENERAL PROVISIONS), AMENDING CHAPTER 1.16 (VIOLATIONS), AMENDING SECTION 1.16.030 (DEFINITIONS) TO UPDATE THE DEFINITION OF ENFORCEMENT OFFICER

Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2021-02 and, *if unanimous*, Conduct and approve Second Reading and adopt Ordinance 2021-02.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

The City Manager has previously designated in writing various staff members (like the Planning Director) as City Enforcement Officer under LCMC 1.16.030. For clarity, such designated officers are being added to the list in the Ordinance.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to January 25, 2021.
3. Continue First Reading to January 25, 2021.
4. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 1 (GENERAL PROVISIONS), AMENDING CHAPTER 1.16 (VIOLATIONS), AMENDING SECTION 1.16.030 (DEFINITIONS) TO UPDATE THE DEFINITION OF ENFORCEMENT OFFICER

Council:

1. Motion to approve First Reading of Ordinance 2021-02.

If unanimous: Conduct Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 1 (GENERAL PROVISIONS), AMENDING CHAPTER 1.16 (VIOLATIONS), AMENDING SECTION 1.16.030 (DEFINITIONS) TO UPDATE THE DEFINITION OF ENFORCEMENT OFFICER

Council:

1. Motion to approve Second Reading and adopt Ordinance 2021-02.

Attachments:

4018 Ordinance 2021-02 Enforcement Officer (DOCX)

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 1 (GENERAL PROVISIONS), AMENDING CHAPTER 1.16 (VIOLATIONS), AMENDING SECTION 1.16.030 (DEFINITIONS) TO UPDATE THE DEFINITION OF ENFORCEMENT OFFICER

Annotated to show deletions and additions to the code sections being modified. Deletions are bold ~~lined through~~ and additions are **bold underlined**.

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

2.1 Powers of the City

The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

2.2 Construction of Charter

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. *City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop*, 20 Or. App. 293; 531 P 2d 730, 734 (1975); *LaGrande/Astoria v. PERB*, 281 Or 137, 142 (1978), *aff'd on reh'g* 284 Or 173 (1978); and

WHEREAS, the City Council wanted to expand the definition of Enforcement Officer to encompass some designated staff; and

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code Title 1 (*General Provisions*), Chapter 1.16 (*Violations*), Section 1.16.030 (*Definitions*) is amended to read as follows:

1 **1.16.030 (Definitions)**

2
3 As used in this chapter, unless the context requires otherwise:
4

5 "City enforcement officer" or "enforcement officer," means, for purposes of this
6 chapter, any one or more of the following personnel: city manager, city attorney,
7 code enforcement officer, VRD compliance officer, city engineer, building official,
8 building inspector, **planning director, floodplain administrator**, any sworn
9 member of the Lincoln City police department, or any city employee, contractor
10 or agent designated by the city manager in writing to perform code enforcement.

11
12 "Fine" means the penalty imposed when a violation is found to have been
13 committed.

14
15 "Person" means any person, firm, partnership, corporation or association of
16 persons.

17
18 "Violation" is defined as described in ORS 153.008 which generally means that the
19 offense is not punishable by imprisonment but may be subject to a fine or other
20 sanction.

21
22 **SECTION 2. Findings Adopted.**

23
24 The findings contained in the Whereas Clauses of this Ordinance, as well as the
25 competent substantial evidence in the whole record of this legislative proceeding are
26 incorporated into this section by reference as if fully set forth herein, and are adopted in
27 support of this legislative action.

28
29 **SECTION 3. Severability.**

30 The sections, subsections, paragraphs and clauses of this Ordinance are severable. The
31 invalidity of one section, subsection, paragraph, or clause shall not affect the validity of
32 the remaining sections, subsections, paragraphs and clauses.

33
34 **SECTION 4. Ordinance Effective Date.**

35
36 Pursuant to Chapter IX, Section 9.3, this ordinance takes on the thirtieth (30th) day after
37 its adoption
38

1 **SECTION 5. Codification.**

2
3 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal
4 Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"
5 or another word, and the sections of this Ordinance may be renumbered, or re-lettered,
6 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 2-5) need
7 not be codified and the City Recorder is authorized to correct any cross-references and
8 any typographical errors.
9

10 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
11 Section 9.2 of the City of Lincoln City Charter on the 11th day of January, 2021 (First
12 Reading). The Ordinance was again read by title only on the 11th day of January, 2021
13 (Second Reading) and Council approved Second Reading and adoption of the Ordinance.
14

15 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 11th day of
16 January, 2021.
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19 _____
20 JUDY CASPER,
21 COUNCIL PRESIDENT
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23
24 ATTEST:

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26 _____
27 JAMIE YOUNG, CITY RECORDER
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31 APPROVED AS TO FORM:
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33 _____
34 RICHARD APPICELLO, CITY ATTORNEY

Council Communication

Ordinance 2021-03 Chapter 12.02

Meeting Date:	January 11, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	Ronald Chandler
Approval:	Ronald F Chandler	Estimated Time:	10 mins.

Question: Should the City Council conduct and approve First Reading and Second Reading of Ordinance 2021-03, relocating code authority over city right-of-way to a new Chapter 12.02?

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 12 (STREETS, SIDEWALKS, AND PUBLIC PLACES), ADDING CHAPTER 12.02 (PUBLIC RIGHT OF WAY) AND RELOCATING EXISTING TEXT FROM CHAPTER 12.26

Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2021-03 and, *if unanimous*, Conduct and approve Second Reading and adopt Ordinance 2021-03

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

The text in Section 12.26.005 applies generally to all right-of-way regulation, not just to small telecommunication facilities. The section is therefore proposed to be moved to its own chapter.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Conduct and approve First Reading. Continue Second Reading to January 25, 2021.
3. Continue First Reading to January 25, 2021.
4. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only]

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 12 (STREETS, SIDEWALKS, AND PUBLIC PLACES), ADDING CHAPTER 12.02 (PUBLIC RIGHT OF WAY) AND RELOCATING EXISTING TEXT FROM CHAPTER 12.26

Council:

1. Motion to approve First Reading of Ordinance 2021-03.

If unanimous: Conduct Second Reading

City Attorney: [Conduct Second Reading of Ordinance by Title only]

Council:

1. Motion to approve Second Reading and adopt Ordinance 2021-03.

Attachments:

4021 Ordinance 2021-03 authority for right of way regulation(DOCX)

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 12 (STREETS, SIDEWALKS, AND PUBLIC PLACES), ADDING CHAPTER 12.02 (PUBLIC RIGHT OF WAY) AND RELOCATING EXISTING TEXT FROM CHAPTER 12.26

Annotated to show deletions and additions to the code sections being modified. Deletions are bold ~~lined through~~ and additions are bold underlined.

WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provides:

2.1 Powers of the City

The city has all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities as fully as though this charter specifically enumerated each of those powers.

2.2 Construction of Charter

In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state Constitution; and

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop, 20 Or. App. 293; 531 P 2d 730, 734 (1975); LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978), aff'd on reh'g 284 Or 173 (1978); and

WHEREAS, the City Council desires to relocate general text concerning regulation of City rights-of-way from Chapter 12.26 to its own Chapter in Title 12; and

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

SECTION 1. Lincoln City Municipal Code Title 12 (Streets, Sidewalks and Public Places), Chapter 12.02 (Public Right of Way) is added to read as follows:

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12.02 Control of public right-of-way.

A. The city has jurisdiction and exercises regulatory control over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way.

B. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure, or other means.

C. Except when authorization is granted as provided in this municipal code, no person or entity may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use public rights-of-way, by franchises, licenses, concessions and permits.

D. Fees and charges for franchises, licenses, concessions and permits, including application and ongoing usage fees, shall be established by council resolution based on actual cost, or, when applicable, set by federal authority, or, when applicable, as negotiated and set forth in applicable license or franchise agreements.

SECTION 2. Lincoln City Municipal Code Title 12 (*Streets, Sidewalks and Public Places*), Chapter 12.26 (*Small Wireless Communication Facilities*), is hereby amended to remove Section 12.26.005, (*Control of public right of way*).

~~12.26.005 Control of public right-of-way.~~

~~**A. The city has jurisdiction and exercises regulatory control over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way.**~~

~~**B. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure, or other means.**~~

~~**C. Except when authorization is granted as provided in this municipal code, no person or entity may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use public rights-of-way, by franchises, licenses, concessions and permits.**~~

1 ~~D. Fees and charges for franchises, licenses, concessions and permits, including~~
2 ~~application and ongoing usage fees, shall be established by council resolution~~
3 ~~based on actual cost, or, when applicable, set by federal authority, or, when~~
4 ~~applicable, as negotiated and set forth in applicable license or franchise~~
5 ~~agreements.~~

6
7 **SECTION 3. Findings Adopted.**

8
9 The findings contained in the Whereas Clauses of this Ordinance, as well as the
10 competent substantial evidence in the whole record of this legislative proceeding are
11 incorporated into this section by reference as if fully set forth herein, and are adopted in
12 support of this legislative action.

13
14 **SECTION 4. Severability.**

15 The sections, subsections, paragraphs and clauses of this Ordinance are severable. The
16 invalidity of one section, subsection, paragraph, or clause shall not affect the validity of
17 the remaining sections, subsections, paragraphs and clauses.

18
19 **SECTION 5. Ordinance Effective Date.**

20
21 Pursuant to Chapter IX, Section 9.3, this ordinance takes on the thirtieth (30th) day after
22 its adoption .

23
24 **SECTION 6. Codification.**

25
26 Provisions of this Ordinance shall be incorporated in the City of Lincoln City Municipal
27 Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"
28 or another word, and the sections of this Ordinance may be renumbered, or re-lettered,
29 provided that any Whereas clauses and boilerplate provisions (i.e. Sections 3-6) need
30 not be codified and the City Recorder is authorized to correct any cross-references and
31 any typographical errors.

32
33 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
34 Section 9.2 of the City of Lincoln City Charter on the 11th day of January, 2021 (First
35 Reading). The Ordinance was again read by title only on the 11th day of January, 2021
36 (Second Reading) and Council approved Second Reading and adoption of the Ordinance.
37

1 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 11th day of
2 January, 2021.

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JUDY CASPER,
COUNCIL PRESIDENT

10 ATTEST:

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JAMIE YOUNG, CITY RECORDER

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17 APPROVED AS TO FORM:

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RICHARD APPICELLO, CITY ATTORNEY

20

Council Communication

Resolution 2021-01 Alternative Contracting Method - Water Plant Generator

Meeting Date:	January 11, 2021	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	Public Works	Secondary Contacts:	Ronald Chandler
Approval:	Ronald F Chandler	Estimated Time:	5 Minutes

Question:

Should the City Council approve Resolution 2021-01 approving the required Public Contract Code Findings for an Exemption and authorizing an Alternative Contracting Method for procurement of a Water Treatment Plant Generator?

Staff Recommendation:

Staff recommends the Council approve Resolution 2021-01.

Authority:

LCMC Chapter 2.05(Public Contracting)
See also authority listed under Public Hearing item on this Agenda

Background:

See public hearing agenda item

Council Options:

The City Council may:

Approve the attached Resolution. [or]

Do not approve the attached Resolution.

Potential Motions:

I move to approve Resolution 2021-01.

Attachments:

Final Res 2021-01 (DOC)

findings Water Plant Generator (PDF)

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RESOLUTION NO. 2021-01

A RESOLUTION OF THE CITY OF LINCOLN CITY, ADOPTING FINDINGS FOR A PUBLIC CONTRACTING EXEMPTION AND AUTHORIZING AN ALTERNATIVE CONTRACTING METHOD FOR THE WATER TREATMENT PLANT GENERATOR REPLACEMENT PROJECT.

RECITALS

WHEREAS, ORS 279C.335(2) permits the City Council, acting as the Local Contract Review Board, to exempt a public improvement contract or class of contracts from the competitive bidding requirements of the Lincoln City Public Contracting Code and use an alternative contracting method, subject to making required findings; and

WHEREAS, on January 11, 2021, the City Council conducted an advertised public hearing on the proposed findings to exempt the Water Treatment Plant Generator Replacement Project from competitive bidding and authorize an alternative public contracting method; and

WHEREAS, on January 11, 2021, after due consideration of public comment and the proposed findings in the record, the City Council, acting as the Local Contract Review Board, deliberated and decided to approve the exemption and authorize the alternative contracting method; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. APPROVAL. The City Council, acting as the Local Contract Review Board, hereby approves the required Findings to support the exemption from competitive bidding and the use of an alternative contracting method for the Water Treatment Plant Generator Replacement Project, said findings being attached to this Resolution and incorporated herein by this reference; and

SECTION 3. EFFECTIVE DATE. This resolution is effective as of the date of its adoption and signature by the Council President.

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PASSED AND ADOPTED by the City Council of the City of Lincoln City this 11th day of January 2021.

JUDY CASPER, COUNCIL PRESIDENT

ATTEST:

JAMIE YOUNG, CITY RECORDER

APPROVED AS TO FORM:

RICHARD APPICELLO, CITY ATTORNEY

Findings in Support of Alternative Contracting Method

FOR THE PROCUREMENT, INSTALLATION, AND INTEGRATION OF THE WATER TREATMENT PLANT GENERATOR. PROJECT

Introduction

Use of Alternative Contracting methods, such as Best Value is made possible under ORS Chapter 279C, which permits certain contracts or classes of contracts to be exempt from competitive public bidding under strict procedural safeguards. Like other alternative contracting methods, best value has significantly different legal requirements than a typical design-bid-build project delivery method.

Pursuant to ORS 279C.335, a local contract review board may exempt specific contracts from traditional, competitive bidding by showing that an alternative contracting process is unlikely to encourage favoritism or diminish competition and will result in cost savings to the public agency. The Oregon Attorney General's Model Public Contract Rules provide for public notice and opportunity for the public to comment on draft findings in favor of an exemption before their final adoption.

ORS 279C.330 provides that: "findings" means the justification for a contracting agency conclusion that includes, but is not limited to, information regarding:

- Operational, budget and financial data;
- Public benefits;
- Value engineering;
- Specialized expertise required;
- Public safety;
- Market conditions;
- Technical complexity
- Funding sources
- Findings

Background

This project will replace Water Treatment Plant's existing 400 KW generator with a 800 KW generator, including integrating the generator into the numerous controls The scope of work includes constructing a new building, installing the

generator, and programming the generator to interface with the plant's control systems.

Operational, Budget, and Financial Data

The project cost estimate is \$400,000.00. The project is budgeted in the City's Fiscal Year 2020/2021 approved budget.

Public Benefit

Best Value provides opportunities for cost savings by asking project teams to propose on installing and programming the new generator to interface with the Plant. The proposers will need to submit a not to exceed cost for the entirety of the project. This greatly limits the opportunity for cost overruns and change orders. The City will not develop plans and specification to the degree of detail required to use the design-bid-build delivery method. Developing plans and specifications for the level of detail and electrical/computer work needed would be difficult, especially to the degree to avoid change orders.

Value Engineering

The best value process essentially is value engineering. Rather than the City designing the installation and integration of the generator, this process requires proposers to visit the plant and assess the needs and determine the lowest cost for their approach.

Specialized Expertise Require

Specialized expertise required is to understand the Plant's computer and mechanical control systems and program the new generator to function in the system.

Market Conditions

The Design-Build contracting process is a modern construction delivery method used by both public and private organizations. The team is tasked with knowing the latest programming techniques and generator types and availability. The team will inform the City of current market conditions, labor and materials availability, and methodologies that can reduce costs..

Technical Complexity

The Project has significant technical complexities which will be best addressed by a full team approach, and before proposing will be required to visit the site and fully understand the existing conditions.

Competition and Cost Savings

The Best Value method of contracting provides the greatest cost controls for limited budgets and therefore benefits the City.

Unlikely to Encourage Favoritism or Diminish Competition

It is unlikely that the process of selecting a contractor and programming team will encourage favoritism in the awarding of the public contract or substantially diminish competition for the public contract. Competition will not diminish because the contract will be awarded based on a competitive process.

Cost Savings

The low-bid process offers a level of certainty to the owner that the initial bid price of the project is the lowest cost; however, if changed conditions are encountered during construction, resulting change orders can have significant cost impacts.

With the Best Value method, the contractor is required to submit the team's qualifications, approach to the work, project understanding, and not to exceed cost. The Best Value process will eliminate change orders and progress delays to help meet the timeline. These savings are not realized under a low bid process.

Summary

Substantial cost savings are anticipated from the Best Value approach because the construction and programming team develop the lowest, do not exceed cost and best approach.

Council Communication

Resolution 2021-02 Alternative Contracting Method HVAC

Meeting Date: January 11, 2021	Primary Staff Contact: Richard Appicello
Department: City Attorney	E-Mail: RAppicello@lincolncity.org
Secondary Dept: Public Works	Secondary Contacts: Ronald Chandler
Approval: Ronald F Chandler	Estimated Time: 5 Minutes

Question:

Should the City Council approve Resolution 2021-02 approving the required Public Contract Code Findings for an exemption and authorizing an Alternative Contracting Method for procurement the HVAC Upgrade Project?

Staff Recommendation:

Staff recommends the Council approve Resolution 2021-02.

Authority:

LCMC Chapter 2.05(Public Contracting) See also Public Hearing item for statutory and rule authority

Background:

See public hearing agenda item

Council Options:

The City Council may:

Approve the attached Resolution. [or]

Do not approve the attached Resolution.

Potential Motions:

I move to approve Resolution 2021-02.

Attachments:

Final Res 2021-02 (DOC)

findings HVAC (PDF)

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RESOLUTION NO. 2021-02

A RESOLUTION OF THE CITY OF LINCOLN CITY, ADOPTING FINDINGS FOR A PUBLIC CONTRACT EXEMPTION AND AUTHORIZING AN ALTERNATIVE CONTRACTING METHOD FOR THE CITY HALL HVAC UPGRADE PROJECT.

RECITALS

WHEREAS, ORS 279C.335(2) permits the City Council, acting as the Local Contract Review Board, to exempt a public improvement contract or class of contracts from the competitive bidding requirements of the Lincoln City Public Contracting Code and use an alternative contracting method, subject to making required findings; and

WHEREAS, on January 11, 2021, the City Council conducted an advertised public hearing on the proposed findings to exempt the City Hall HVAC Upgrade Project from competitive bidding and authorize an alternative public contracting method; and

WHEREAS, on January 11, 2021, after due consideration of public comment and the proposed findings in the record, the City Council, acting as the Local Contract Review Board, deliberated and decided to approve the exemption and authorize the alternative contracting method; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. APPROVAL. The City Council, acting as the Local Contract Review Board, hereby approves the required Findings to support the exemption from competitive bidding and the use of an alternative contracting method for the City Hall HVAC Upgrade Project, said findings being attached to this Resolution and incorporated herein by this reference; and

SECTION 3. EFFECTIVE DATE. This resolution is effective as of the date of its adoption and signature by the Council President.

1 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 11th day of
2 January 2021.

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7 JUDY CASPER, COUNCIL PRESIDENT

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9 ATTEST:

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13 JAMIE YOUNG, CITY RECORDER

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16 APPROVED AS TO FORM:

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20 RICHARD APPICELLO, CITY ATTORNEY

21

Findings in Support of Alternative Contracting Method

FOR THE CONSTRUCTION OF THE CITY HALL HVAC CONTROL UPGRADE PROJECT

Introduction

Use of Alternative Contracting methods, such as Best-Value, is made possible under ORS Chapter 279C, which permits certain contracts or classes of contracts to be exempt from competitive public bidding under strict procedural safeguards. Like other alternative contracting methods, Best-Value has significantly different legal requirements than a typical design-bid-build project delivery method.

Pursuant to ORS 279C.335, a local contract review board may exempt specific contracts from traditional, competitive bidding by showing that an alternative contracting process is unlikely to encourage favoritism or diminish competition and will result in cost savings to the public agency. The Oregon Attorney General's Model Public Contract Rules provide for public notice and opportunity for the public to comment on draft findings in favor of an exemption before their final adoption.

ORS 279C.330 provides that: "findings" means the justification for a contracting agency conclusion that includes, but is not limited to, information regarding:

- Operational, budget and financial data;
- Public benefits;
- Value engineering;
- Specialized expertise required;
- Public safety;
- Market conditions;
- Technical complexity; and
- Funding sources
- Findings

Background

This project will upgrade city hall commercial building's Heating, Ventilation, and Air Conditioning control network. The City Hall building currently runs off a 15-year-old control network, on software with limited support. Upgrading this system will solve systemic heating/cooling issues, address employee & public comfort complaints, and significantly improve building energy efficiency.

Operational, Budget, and Financial Data

In 2018, the public works department completed a Technical Analysis Study (TAS) with Energy Trust of Oregon and Trane of Oregon; This study and subsequent energy efficiency analysis, resulted in an incentive offer of a 45% of the project cost to replace this with a more efficient Building Automated Control network (BACnet). This incentive amount may vary but cannot exceed 50%.

The total project cost of \$162,000 was estimated by Trane Oregon in two phases. The first phase of work, totaling ~\$40,000.00, was completed in 2018. This leaves an estimated project cost of \$122,000.00, with total incentive funds as much as \$54,900.00. The city has currently budgeted \$100,000 in city funds to complete the project.

Public Benefit

A Best-Value RFP provides public benefit and opportunities for cost saving in a variety of ways. The presented incentive measures allow for a variety of project implementation styles; contractors familiar with the work can evaluate this and propose the most appropriate & cost effective implementation method.

By utilizing a Best-Value RFP schedule adherence & customer satisfaction criteria can also be considered in order to minimize disruption to employees and visitors to the building.

Value Engineering

The Best-Value process provides many benefits and opportunities for cost savings. The project implementation method allows for specialized contractor input on implementation of the project.

The chosen team can customize Project sequencing & propose the equipment & methods most viable with the existing conditions & the allotted budget. All of these beneficial actions by the team will improve value, expedite construction and in turn eliminate cost & potential change orders.

The benefits of value engineering are allowed for using as a part of the best value process, but only after design and bidding are completed limiting decisions to a short time period to determine if the project can move forward financially.

Specialized Expertise Required

HVAC controls work requires a unique combination of low voltage electrical work, logic programming, and ventilation control. Efficient reconstruction requires specialized knowledge in all these trades, and robust project experience in order to understand and improve system function, both electrically and mechanically.

Market Conditions

The Best-Value contracting process is a modern construction delivery method used by both public and private organizations. Proposers are required to present the required qualifications and project experience. This includes knowledge of the latest construction techniques and products. The team will inform the City of current market conditions, labor and materials availability, and construction methodologies. This can be incorporated into proposals and design and reduce construction time and costs.

Technical Complexity

The Project has significant technical complexities which are best addressed by a specialty contractor with installation & design expertise. Collaboration between a contractor familiar with the requested work and city personnel familiar with the build project implementation will be necessary in the pre-construction phase.

Competition and Cost Savings

The Best-Value method of contracting provides the option to include cost controls within the contract and therefore benefits the City. The collaborative approach, construction schedule, the value analysis, and plan presentation all provide effective cost analysis options. It is critical, and also consistent with the spirit of collaboration encouraged throughout the process that everyone on the Project Team works towards a budget of which they can take ownership.

Unlikely to Encourage Favoritism or Diminish Competition

It is unlikely that the process of selecting a Best-Value firm will encourage favoritism in the awarding of the public contract or substantially diminish competition for the public contract. Competition will not diminish because public advertisement will be used for the Request for Proposal. All qualified specialty contractors will have the opportunity to bid & the Best-Value contract will still be awarded based on a competitive process.

Cost Savings

The low-bid process offers a level of certainty to the owner that the initial bid price of the project is the lowest cost; however, if changed conditions are encountered during construction, resulting change orders can have significant cost impacts.

With the Best-Value method, the contractor will be asked to compile and own the submitted drawings. This allows the contractor a level of control over implementation of the project schedule, reduces change orders, and results in a more accurate project bid. These costs are not always reflected in a low-bid project scenario.

During proposal submittal, the contractors will provide drawings according to the contract criteria and the associated cost estimate breakdown. This will allow the City to make decisions in the selection process, negotiate on project implementation, and assure that the costs stay within the estimated cost.

The process also allows the construction timing and sequence to be considered. Installation of new wiring and new mechanical equipment will impact employee's work space & comfort. The best-value delivery method will allow customization & presentation of this careful planning of the project schedule during proposal. This will allow the city to include schedule in contractor selection, benefitting city employees and otherwise unaccounted staff productivity.

Summary

An improved cost-benefit will result from a Best-Value approach because decision-making is based on cost effective solutions & collaboration with an experienced, specialized contractor.

Council Communication

Resolution 2021-03 Resolution of Declaration of Emergency - FEMA Housing Displaced Residents

Meeting Date: January 11, 2021 Primary Staff Contact: Richard Appicello
 Department: City Attorney E-Mail: RAppicello@lincolncity.org
 Secondary Dept: Emergency Preparedness Secondary Contacts: Ronald Chandler
 Approval: Ronald F Chandler Estimated Time: 5 Minutes

Question:

Should the City Council approve Resolution 2021-03 concerning authorization for emergency operations uses (temporary housing) on tribe-owned property (Logan Road RV Park) subject to an agreement between the owner and FEMA?

Staff Recommendation:

Staff recommends the Council approve Resolution 2021-03.

Authority:

Chapter 2.72 (Emergency Operations).

Background:

FEMA has determined that the City property (Fernwood) will not be used for FEMA trailers. FEMA is negotiating with the Confederated Tribe of the Siletz Indians concerning their RV park property on Logan Road. This resolution facilitates emergency operations uses on Tribe property.

Council Options:

The City Council may:

Approve the attached Resolution. [or]

Do not approve the attached Resolution.

Potential Motions:

I move to approve Resolution 2021-03.

Attachments:

Resolution 2021-03 corrected (DOC)

RESOLUTION NO. 2021-03

A RESOLUTION OF THE CITY OF LINCOLN CITY,
DECLARING AN EMERGENCY AS A RESULT OF A HOUSING SHORTAGE
CAUSED TO THE ECHO MOUNTAIN COMPLEX FIRE AND AUTHORIZING
EMERGENCY OPERATIONS USES (TEMPORARY HOUSING) ON LISTED
TRIBE PROPERTIES IN ACCORDANCE WITH THIS RESOLUTION

RECITALS

WHEREAS, in 2018, as part of the City's Emergency Operations Plans, the Lincoln City
City Council adopted Ordinances 2018-14 and 2018-15, which, among other things,
authorized Temporary Emergency Operations Uses as permitted uses in any zone,
(except Open Space), subject to authorization in an Order or Resolution under
authority of Chapter 2.72 (Emergency Operations Ordinance); and

WHEREAS, LCMC 17.80.140 provides:

A. Temporary Emergency Operations Uses are permitted in any zone, except
Open Space, and are not required to comply with the minimum lot size,
parking, landscaping, city services availability, or yard requirements of the zone
in which they are located. Notwithstanding the above, emergency operations
uses shall not be located on environmentally sensitive lands and resources,
including but not limited to Goal 5 resources, coastal shorelands, beaches and
dunes, or estuarine resource areas.

B. Temporary Emergency Operations Uses are not required to comply with the
requirements of LCMC 17.52.240 (Site Plan Review).

C. Temporary Emergency Operations Uses are of limited duration and are
intended to terminate when the emergency has ended. In no event will an
emergency operations use be permitted to remain past the time needed to
demobilize, or sixty (60) days past the end of the declared emergency under
LCMC 2.72, whichever is less.

D. Emergency Operations Uses must be authorized by the Emergency Order
under LCMC 2.72 and may be sited on city property, except for Open Space
properties, when the property or buildings thereon meet the need created by
the emergency. Private property or other public property may, with permission
of the owner, be used for such temporary emergency operations purposes.

1 Emergency operations uses include, but are not limited to, emergency facilities,
2 shelters, overnight shelters, bivouacs, mess halls, emergency campgrounds,
3 staging areas, inoculation centers, distribution centers, or similar emergency
4 operation uses.

5
6 **WHEREAS**, the City has previously authorized by various Orders and Resolutions
7 certain emergency operations uses (emergency sheltering/ housing) on specifically
8 listed properties based on a housing crisis caused in part from the loss of over 300
9 homes in the recent ECHO MOUNTAIN COMPLEX FIRE. Specifically Resolution 2020-
10 22, authorized emergency operations uses (temporary recreational vehicle parks) in
11 accordance with resolution terms and conditions on specified properties in the City;
12 and

13
14 **WHEREAS**, since the adoption of Resolution 2020-22, the Federal Emergency
15 Management Agency (FEMA) approached the City and requested that a specific
16 City-owned property be designated for emergency operations uses, (temporary
17 housing); A Resolution authorizing such use (Resolution 2020-24) was adopted, but
18 subsequently the property (Fernwood) has been determined to be less desirable than
19 other nearby property owned by the Tribe.

20
21 **WHEREAS**, the City Council desires to authorize FEMA use of property owned by the
22 Confederated Tribes of the Siletz Indians (Tribe) for emergency operations uses in
23 accordance with this Resolution. Said use is subject to the property owner’s consent
24 and written agreement with FEMA for such use, including but not limited to rental
25 payments or other consideration to facilitate the temporary emergency housing use;
26 and

27
28 **WHEREAS**, on September 28, 2020, December 14, 2020, and January 11, 2021, the
29 City Council heard a report from the City Manager concerning a request to declare an
30 emergency due to the housing crisis caused by the ECHO MOUNTAIN COMPLX FIRE
31 and COVID emergencies. The prior reports are incorporated herein by this reference.
32 The conditions as reported by the City Manager are detailed herein.

33
34 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**
35 **LINCOLN CITY, AS FOLLOWS:**

36
37 **SECTION 1. RECITALS.** The above recitals are true and correct and are
38 incorporated herein by this reference.
39

1 **SECTION 2. EMERGENCY DECLARATION.** The City of Lincoln City does hereby
 2 declare a State of Emergency to exist in the City of Lincoln City, and under the
 3 authority of Oregon Revised Statutes, the Lincoln City City Charter and LCMC Chapter
 4 2.72, the City Council does hereby Order as follows:

5
 6 **A. A description of the nature of the emergency;**

7 The Manager reports that the following conditions have resulted in the need
 8 for a declaration of a state of emergency:

- 9
- 10 • As a result of the Echo Mountain Complex Fire, residents in North Lincoln
 11 County have been driven from their homes and are in need of temporary
 12 shelter while homes are repaired or reconstructed. Additionally, renters of
 13 destroyed homes not being reconstructed have been permanently displaced
 14 and need shelter while they look for alternative housing. A large number of
 15 homes (over 300) were destroyed by area fires, with many more homes having
 16 been destroyed by fires in other parts of Oregon; and
 - 17 • Displaced residents have been observed sleeping in cars and recreational
 18 vehicles in Lincoln City and Lincoln County. Hotels, motels and VRDs are
 19 experiencing high occupancy levels, and rental units have historically been in
 20 short supply in the City of Lincoln City; Illegal camping on public and private
 21 property is a continuing problem; and
 - 22 • The unknown duration of the shortage of affordable temporary housing will
 23 have significant financial impact to the community.
 - 24 • Pursuant to ORS 401.309(1), the governing body of a city may declare, by
 25 Ordinance or Resolution, that a State of Emergency exists within a city.
 - 26 • Pursuant to Lincoln City Municipal Code Section 2.72.040, the City Council of
 27 the City of request may declare an emergency at a regular, special or
 28 emergency meeting of the City Council. All declarations must address the
 29 required terms as set forth in LCMC 2.72.060.
 - 30 • The Council must ratify a declaration by the Order of the City Manager within 7
 31 days (This Resolution ratifies the City Manager's Order dated December 7,
 32 2020).
 - 33 • This Emergency Declaration will Replace Resolution 2020-24 which designated
 34 City property (Fernwood) for emergency operations uses.

B. The geographic boundaries of the area where the emergency exists as well as the portions lying within the city’s boundaries and areas to be subject to emergency powers/controls:

The geographic boundaries of the emergency are:

The boundaries of the emergency are the city limits of the City of Lincoln City.

C. An estimate of the number of individuals at risk, injured or killed; and

The emergency impacts the entire population of the City of Lincoln City, including residents, visitors and the homeless. Emergency Management estimates approximately 300 families are impacted by local fires with many more impacted by other Fires in Oregon.

D. A description of the actual or likely damage caused by the emergency; and

Public health and safety risks, and risks to person and property caused by inadequate shelter and access to sanitary facilities.

E. A statement of the type of assistance or resources required to respond to the emergency; and

- Designation of specified Tribe property for emergency operations uses, including temporary housing and other sheltering as specified herein.

F. An estimate of the length of time during which the designated area will remain under the emergency declaration; and

January 11, 2023, (plus a 60 day demobilization period) to accommodate the installation of temporary housing and the process of repairing, rebuilding and reconstructing homes destroyed or damaged by fire in an area with a shortage of suitable contractors for such works. The duration of the emergency may be extended by the City Manager without further Order of the Council so that the total duration of the emergency shall be not more than two years from first occupancy of the FEMA provided temporary housing on the subject Tribe property.

1 **G. Any special regulations or emergency measures, powers or orders**
 2 **imposed as a result of the declared emergency; and**

3 The City Manager, and designees, (hereinafter Designated City Staff) are
 4 authorized, without further Order of the City Council to use any and all
 5 emergency powers, including those specifically listed in Lincoln City
 6 Municipal Code [LCMC 2.72.070] to appropriately assist the Tribe and FEMA
 7 in the response to this emergency.

8 Designated City Staff are to assist in the implementation of any order of the
 9 federal government, the Governor, State Officer, County or Special District
 10 related to emergency, as directed, ORS 401.165, or other applicable statute
 11 or order.

12 The Emergency Preparedness Coordinator is expressly authorized to take all
 13 actions authorized by law to coordinate the City's response to this
 14 emergency, including but not limited to requesting assistance from State,
 15 County, Federal, and Tribal authorities.

16 The following emergency powers are operative, without limitation or
 17 prejudice to other authorized powers:

- 18 • Pursuant to LCMC 17.80.040, the City Council hereby designates the
 19 below listed Tribe property for specified temporary emergency
 20 operations uses, specifically for use as FEMA-provided temporary
 21 housing (whether the temporary housing is provided as manufactured
 22 dwellings, recreational vehicles, trailers or other similar housing)
- 23 • The duration of such authorized use is only during the specified period
 24 of the emergency as set forth herein (to January 11, 2023) and for a
 25 reasonable period of time (60 days) after the end of the declared
 26 emergency for demobilization. (This duration may be extended by the
 27 City Manager).
- 28 • The following Tribe property is designated for the above-referenced
 29 emergency operations uses:
 - 30
 - 31 ○ The limits of the Logan Park RV Park located at 4800 NE
 32 Logan Road, Lincoln City, Oregon. (+/-20.37 acres)
 - 33
 - 34 • The emergency use authorization for the Logan Park RV Park property is
 35 expressly subject to the owner's consent and execution of a written
 36 agreement between the owner and FEMA, limiting the authorized use to

- 1 the temporary emergency housing use of the subject property as
- 2 specified in this Resolution.
- 3 • Consistent with LCMC 17.80.140, all wetland and upland preservation
- 4 'natural' areas within and adjacent to subject property shall be
- 5 delineated and protected with appropriate barricades during
- 6 construction and use.
- 7 • Except as noted in LCMC 17.80.140 for site plan approvals, this
- 8 resolution does not waive, excuse or alter any applicable approvals,
- 9 building permits, fees or charges from applicable governmental entities,
- 10 including specifically charges and permits for public utilities and
- 11 services.
- 12 • Notwithstanding the above limited designation, all City Emergency
- 13 Powers as specified in LCMC 2.72 are operative and available for use by
- 14 the City Manager, as necessary with regard to this emergency. The City
- 15 Manager or his designee may take such other measures [by written
- 16 order] as are found to be necessary for the protection of life, property,
- 17 infrastructure, the environment, or for the recovery from the emergency.

18 **SECTION 3. RATIFICATION / REPEAL.** This Resolution ratifies any Order of the
 19 City Manager concerning this emergency taken within the previous seven days. This
 20 Resolution repeals Resolution 2020-24.

21 **SECTION 4. EFFECTIVE DATE.** This resolution is effective as of the date of its
 22 adoption and signature by the Mayor.

23
 24 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 11th day of
 25 JANUARY, 2021.

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 JUDY CASPER, COUNCIL PRESIDENT

ATTEST:

 JAMIE YOUNG, CITY RECORDER

Council Communication

Request to set hearing - NE 14th Street Sidewalk Project

Meeting Date:	January 11, 2021	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	5 min

Question:

Should the City Council set a January 25, 2021 public hearing to consider authorizing an exemption from the competitive bidding process for the NE 14th Street Sidewalk Project?

Staff Recommendation:

Staff recommends the Council set a January 25, 2021 public hearing to consider authorizing an exemption from the competitive bidding process for the NE 14th Street Project.

Authority:

Exemptions are allowed under ORS 279C.335 (2) (highlighted below) providing the agency seeking an exemption follow the required procedures including preparing findings for the exemption.

279C.335 Competitive bidding; exceptions; exemptions. (1) All public improvement contracts shall be based upon competitive bids except:

- (a) A public improvement contract with a qualified nonprofit agency that provides employment opportunities for individuals with disabilities under ORS 279.835 to 279.855.
- (b) A public improvement contract that is exempt under subsection (2) of this section.
- (c) A public improvement contract with a value of less than \$5,000.
- (d) A public improvement contract with a contract price that does not exceed \$100,000 made under procedures for competitive quotes in ORS 279C.412 and 279C.414.
- (e) A contract to repair, maintain, improve or protect property the Department of Veterans' Affairs obtains under ORS 407.135 and 407.145 (1).
- (f) An energy savings performance contract that a contracting agency enters into in accordance with rules of procedure adopted under ORS 279A.065.

(2) Subject to subsection (4)(b) and (c) of this section, the Director of the Oregon Department of Administrative Services, a local contract review board or, for contracts described in ORS 279A.050 (3)(b), the Director of Transportation may exempt a public improvement contract or a class of public

improvement contracts from the competitive bidding requirement of subsection (1) of this section after the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board approves the following findings that the contracting agency submits or, if a state agency is not the contracting agency, that the state agency that is seeking the exemption submits:

(a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.

(b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to the contracting agency or the public. In approving a finding under this paragraph, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:

- (A) How many persons are available to bid;
- (B) The construction budget and the projected operating costs for the completed public improvement;
- (C) Public benefits that may result from granting the exemption;
- (D) Whether value engineering techniques may decrease the cost of the public improvement;
- (E) The cost and availability of specialized expertise that is necessary for the public improvement;
- (F) Any likely increases in public safety;
- (G) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;
- (H) Whether granting the exemption will affect the sources of funding for the public improvement;
- (I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
- (J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;
- (K) Whether the public improvement involves new construction or renovates or remodels an existing structure;
- (L) Whether the public improvement will be occupied or unoccupied during construction;
- (M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; and
- (N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.

(c) As an alternative to the finding described in paragraph (b) of this subsection, if a contracting agency or state agency seeks an exemption that would allow the contracting agency or state agency to use an alternative contracting method that the contracting agency or state agency has not previously used, the contracting agency or state agency may make a finding that identifies the project as a pilot project for which the contracting agency or state agency intends to determine whether using the alternative contracting method actually results in substantial cost savings to the contracting agency, to the state agency or, if the contract is for a public improvement described in ORS 279A.050 (3)(b), to the contracting agency or the public. The contracting agency or state agency shall include an analysis and conclusion regarding actual cost savings, if any, in the evaluation required under ORS 279C.355.

(3) In making findings to support an exemption for a class of public improvement contracts, the contracting agency or state agency shall clearly identify the class using the class's defining characteristics. The characteristics must include a combination of project descriptions or locations, time periods, contract

values, methods of procurement or other factors that distinguish the limited and related class of public improvement contracts from the agency's overall construction program. The agency may not identify a class solely by funding source, such as a particular bond fund, or by the method of procurement, but shall identify the class using characteristics that reasonably relate to the exemption criteria set forth in subsection (2) of this section.

(4) In granting exemptions under subsection (2) of this section, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall:

(a) If appropriate, direct the use of alternative contracting methods that take account of market realities and modern practices and are consistent with the public policy of encouraging competition.

(b) Require and approve or disapprove written findings by the contracting agency or state agency that support awarding a particular public improvement contract or a class of public improvement contracts, without the competitive bidding requirement of subsection (1) of this section. The findings must show that the exemption of a contract or class of contracts complies with the requirements of subsection (2) of this section.

(c) Require a contracting agency or state agency that procures construction manager/general contractor services to conduct the procurement in accordance with model rules the Attorney General adopts under ORS 279A.065 (3).

(5)(a) A contracting agency or state agency shall hold a public hearing before approving the findings required by subsection (2) of this section and before the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board grants an exemption from the competitive bidding requirement for a public improvement contract or a class of public improvement contracts.

(b) Notification of the public hearing must be published in at least one trade newspaper of general statewide circulation a minimum of 14 days before the hearing.

(c) The notice must state that the public hearing is for the purpose of taking comments on the draft findings for an exemption from the competitive bidding requirement. At the time of the notice, copies of the draft findings must be made available to the public. At the option of the contracting agency or state agency, the notice may describe the process by which the findings are finally adopted and may indicate the opportunity for further public comment.

(d) At the public hearing, the contracting agency or state agency shall offer an opportunity for any interested party to appear and comment.

(e) If a contracting agency or state agency must act promptly because of circumstances beyond the agency's control that do not constitute an emergency, notification of the public hearing may be published simultaneously with the agency's solicitation of contractors for the alternative public contracting method, as long as responses to the solicitation are due at least five days after the hearing and approval of the findings.

(6) The purpose of an exemption is to exempt one or more public improvement contracts from competitive bidding requirements. The representations in and the accuracy of the findings, including any general description of the resulting public improvement contract, are the bases for approving the findings and granting the exemption. The findings may describe anticipated features of the resulting public improvement contract, but the final parameters of the contract are those characteristics or specifics announced in the solicitation document.

(7) A public improvement contract awarded under the competitive bidding requirement of subsection (1) of this section may be amended only in accordance with rules adopted under ORS 279A.065.

(8) A public improvement contract that is excepted from the competitive bidding requirement under subsection (1)(a), (c), (d), (e) or (f) of this section is not subject to the exemption requirements of subsection (2) of this section.

Background:

This project will add pedestrian improvements on the north side of NE 14th Street from Hwy 101 to NE Port Drive. The improvements will consist of new sidewalk, curb and gutter for about 1,000 linear feet, 700 feet of new stormwater pipe and a 500 foot extension of the sanitary sewer system.

NE 14th Street is a major collector street with primarily ditches for drainage and narrow shoulders making it very difficult for pedestrians. This project is a segment of the Head to Bay Trail and the plan is to eventually extend this sidewalk along West Devils Lake Road to meet with the trail on SE 22nd Street.

This project involves a local improvement district formation and construction impacts that require close coordination with the residences throughout the project. For this reason and others staff has prepared draft findings to justify an exemption from the competitive bidding process. The draft findings are attached; an overview plan drawing of the project is attached.

Council Options:

Direct staff to advertise a January 25, 2021 public hearing to consider authorizing an exemption from the competitive bidding process for the NE 14th Street Sidewalk Project.

Direct staff to not advertise a public hearing and use the competitive bidding process for the NE 14th Street Sidewalk Project.

Financial Impact

This project is budgeted in the fiscal year 2020/2021 in the Street Capital Improvement Fund.

Potential Motions:

Move to direct staff to advertise a January 25, 2021 public hearing to consider authorizing an exemption from the competitive bidding process for the NE 14th Street Sidewalk Project.

Move to direct staff to not advertise a public hearing and use the competitive bidding process for the NE 14th Street Sidewalk Project.

Attachments:

Findings in Support of Alternative Contracting Method CM (002)1 (PDF)

NE 14th Cover Sheet (PDF)

Findings in Support of Alternative Contracting Method

FOR THE CONSTRUCTION OF THE NE 14TH STREET SIDEWALK PROJECT

Introduction

Use of Alternative Contracting methods, such as Design-Build is made possible under ORS Chapter 279C, which permits certain contracts or classes of contracts to be exempt from competitive public bidding under strict procedural safeguards.

Pursuant to ORS 279C.335, a local contract review board may exempt specific contracts from traditional, competitive bidding by showing that an alternative contracting process is unlikely to encourage favoritism or diminish competition and will result in cost savings to the public agency. The Oregon Attorney General's Model Public Contract Rules provide for public notice and opportunity for the public to comment on draft findings in favor of an exemption before their final adoption.

ORS 279C.330 provides that: "findings" means the justification for a contradicting agency conclusion that includes, but is not limited to, information regarding:

- Operational, budget and financial data;
- Public benefits;
- Value engineering;
- Specialized expertise required;
- Public safety;
- Market conditions;
- Technical complexity
- Funding sources
- Findings

Background

This project will add pedestrian improvements on the north side of NE 14th Street from Hwy 101 to NE Port Drive. The improvements will consists of new sidewalk, curb and gutter for about 1,000 linear feet, 700 feet of new stormwater pipe and a 500 foot extension of the sanitary sewer system.

NE 14th Street is a major collector street with primarily ditches for drainage and narrow shoulders making it very difficult for pedestrians. This project is a segment of the Head to Bay Trail and the plan is to eventually extend this sidewalk along West Devils Lake Road to meet with the trail on SE 22nd Street.

Operational, Budget, and Financial Data

The amount budgeted for the project was \$600,000.00 and the Engineer's estimate, after the design was completed was \$706,164.00

Public Benefit

Best Value Contracting Method provides opportunities for cost savings by
Allowing the contractor to make changes to meet the project budget.

A Best-Value proposal will additionally benefit the public by allowing the city to take contractor's proposed schedule and traffic control plan into consideration when awarding the bid. This will provide substantial benefit to both the residents & through traffic on NE 14th.

Value Engineering

The Best Value Contracting Method is essentially value engineering. The plans are complete, but this process allows cost saving design changes or substitutions to be identified through constructability reviews. This allow the contractor, at the city's discretion, to implement real-time cost saving strategies up to the construction phase of the project. These beneficial actions by the team will improve design, expedite construction and eliminate the potential for costly change orders.

Specialized Expertise Required

While sidewalks and storm water systems typically do not require expertise outside of ADA right-of-way development, in this case the sidewalk construction will impact 30 property owners with limited setbacks from NE 14th street.

Throughout design and public outreach, discussions with property owners revealed that many did not realize how much of their front yards were actually City right of way.

Property owners have signed temporary construction easements to accommodate the improvements and allow construction to temporarily disturb their properties. This project requires a contractor who can understand the anxiety that property owners experience when construction occurs close to their property. The work will require a contractor who possesses the ability to communicate respectfully and effectively with each resident. The best-value method will allow the city to consider the above criteria and additionally incorporate a contractor's proposed schedule into the contract documents, ensuring the chosen contractor diligently works to meet it.

The City has used the standard design-bid-build method for the last two sidewalk improvement projects

Market Conditions

The Best-value contracting process is a modern construction delivery method used by both public and private organizations. The team is tasked with knowing the latest construction techniques and products. The chosen contractor is given the opportunity to incorporate their knowledge of current market conditions, labor and materials availability, and construction methodologies and reduce construction time and costs. The process also allows the construction timing and sequence to be considered.

Technical Complexity

The Project has technical complexities in the project conditions; the work consists of infrastructure construction on a high volume street, in close proximity to existing homes, businesses, and through-traffic.

Competition and Cost Savings

The Best Value method of contracting provides the greatest cost controls for limited budgets and therefore benefits the City. The approach requires the contractor to compete with other proposals and present the most affordable & efficient method of project implementation.

Unlikely to Encourage Favoritism or Diminish Competition

It is unlikely that the process of selecting a contractor through the Best-value method will encourage favoritism in the awarding of the public contract or substantially diminish competition for the public contract. Competition will not diminish because the Design-Build contract will be awarded based on a competitive process, with clearly identified criteria.

Cost Savings

The low-bid process offers a level of certainty to the owner that the initial bid price of the project is the lowest cost; however, if changed conditions are encountered during construction, resulting change orders can have significant cost impacts.

With the Best-Value method, the contractor is required to submit their mark-up percent. The percent mark-up includes the contractor's profit. This allows the contractor a level of certainty and eliminates the motivation for finding ways to increase his profit during construction.

With the Best-Value method, the contractor will be asked to review the plans for constructability & propose improvements where feasible. This allows the contractor a level of control over implementation of the project schedule, reduces change orders, and results in a more accurate project bid.

During proposal submittal, the contractors will provide a traffic control plan, project schedule, and any construction improvements according to the contract documents. This will allow the City to make decisions in the selection process, negotiate on project implementation, and assure that the costs fall within budget.

Additionally, the use of value engineering through cooperation among the contractor and City is essential to the Project delivery. Value engineering will help eliminate change orders and progress delays – benefitting both the city budget and residents affected by the construction. Cost savings will result from consideration of construction timing and sequence, public impact, and constructability are not realized under a low bid process.

Summary

















Substantial cost savings and minimizing the are anticipated from the Best-Value approach because decision-making is based on cost effective and informed solutions proposed by contractors with proven project expertise.

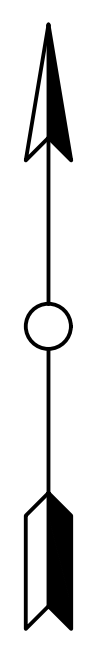
Project Site



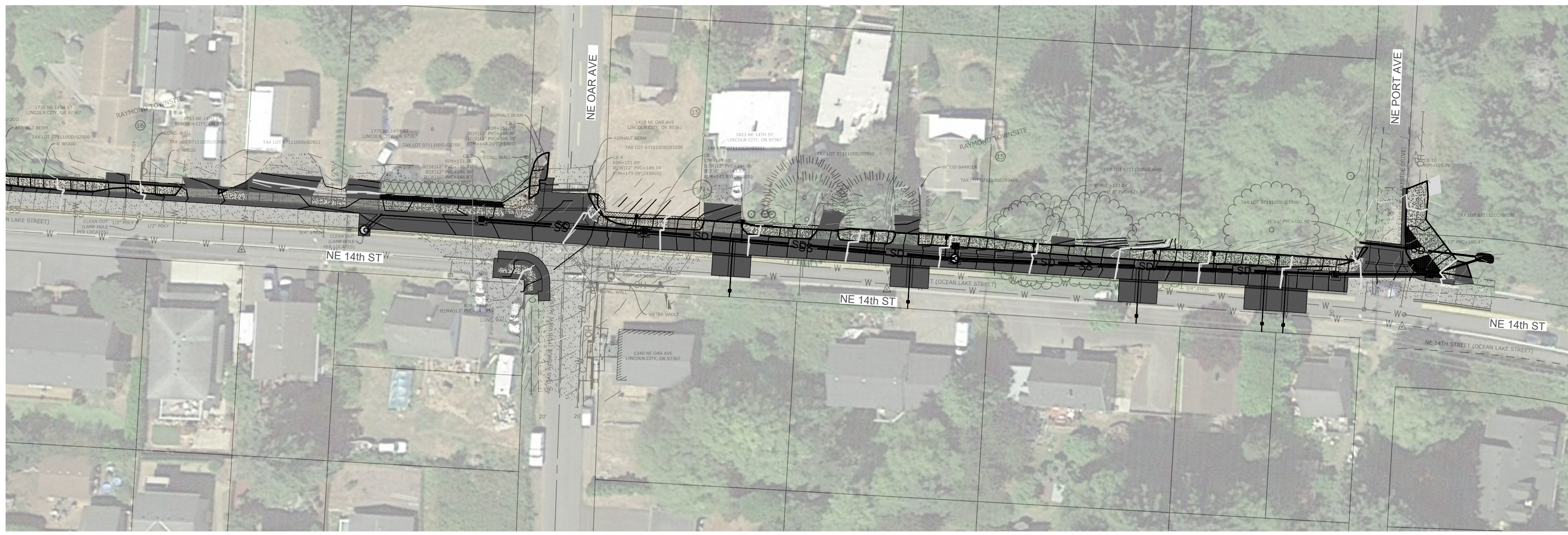
Lincoln City Vicinity Map NTS

PROPOSED CONDITIONS:

-  TYPE CG-2 CATCH BASIN
-  TYPE CG-3 CATCH BASIN
-  TYPE 3 CATCH BASIN
-  DITCH INLET CATCH BASIN
-  SIDEWALK HATCH
-  DW HATCH
-  GRIND AND RE-PAVE 2" AC
-  REMOVE AND REPLACE 4" TO 8" AC
-  GUTTER
-  GRAVEL/2"-0" RIVER ROCK/RIP RAP
-  SOD
-  GRASS SEED
-  CONCRETE
-  ASPHALT
-  DECIDUOUS TREE (DTR)
-  EVERGREEN TREE (ETR)



CITY OF LINCOLN CITY NE 14th STREET SIDEWALK



NET NEW IMPERVIOUS AREA=4912 SF

Site Map 1" = 40'

General Notes

OWNER:

CITY OF LINCOLN CITY
801 SW HIGHWAY 101
PO BOX 50
LINCOLN CITY, OREGON 97367
CONTACT: TERRY CHAMBERLAIN, PE
PH: (541) 996-1238

SHEET INDEX

- SHEET 1 COVER SHEET
- SHEET 2 SW & PAVING PLAN
- SHEET 3 SW & PAVING PLAN
- SHEET 4 SW & PAVING PLAN
- SHEET 5 SW & PAVING PLAN
- SHEET 6 SW & PAVING PLAN
- SHEET 7 SW & PAVING PLAN
- SHEET 8 UTILITY PLAN & PROF
- SHEET 9 UTILITY PLAN & PROF
- SHEET 10 UTILITY PLAN & PROF
- SHEET 11 UTILITY PLAN & PROF
- SHEET 12 UTILITY PLAN & PROF
- SHEET 13 UTILITY PLAN & PROF
- SHEET 14 ESCP 1
- SHEET 15 ESCP 2
- SHEET 16 ESCP 3
- SHEET 17 ESCP 4
- SHEET 18 ESCP 5
- SHEET 19 ODOT SIGNAL DETAIL
- SHEET 20 DETAILS
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- SHEET 22 DETAILS
- SHEET 23 DETAILS
- SHEET 24 DETAILS
- SHEET 25 DETAILS
- SHEET 26 DETAILS
- SHEET 27 DETAILS

UTILITY LOCATE:

(48 HOUR NOTICE PRIOR TO EXCAVATION)

OREGON LAW REQUIRES YOU TO FOLLOW THE RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH 757.562 AND ORS 757.993. YOU MAY OBTAIN COPIES OF THE RULES FROM THE CENTER BY CALLING (503) 246-1987. ONE CALL SYSTEM NUMBER 1-800-332-2344.

No.	Revision/Issue	Date



LINCOLN CITY PUBLIC WORKS
801 S.W. HWY 101
P.O. BOX 50
LINCOLN CITY, OREGON 97367
PHONE: (541) 996-2154
FAX: (541) 994-4881
www.lincolncity.org

Project Name and Address
14th Street Sidewalk
NE Mast Ave to NE Port Ave
Lincoln City, OR 97367

Project	18002	Page	1 of 27
Date	1/31/2020		
Scale	1" = 80'		

Council Communication

Mayor Vacancy Discussion

Meeting Date:	January 11, 2021	Primary Staff Contact:	Tony LaSoya
Department:	Administration	E-Mail:	tlasoya@lincolncity.org
Secondary Dept:	City Attorney	Secondary Contacts:	Richard Appicello
Approval:	Ronald F Chandler	Estimated Time:	

This Item was continued on December 21, 2020 until the January 11, 2021 City Council Meeting.

Question:

Should the City Council appoint or hold a special election to fill the vacancy created by the resignation of Mayor Anderson?

Staff Recommendation:

Per the Charter, this matter is in the sole discretion of Council

Authority:

Lincoln City Charter:

3.8 Qualifications of Officers.

- (1) To be eligible for an elective city office, a person must **be a qualified elector within the meaning of the state Constitution and have resided in the city during the six months immediately preceding the last day available for filing for election.** For purposes of this subsection, city means all area included in the corporate limits as of the date of the election.
- (2) To serve as a councilor elected from a ward, the candidate must have resided within the ward he or she seeks to represent for six months immediately preceding the last day available for filing for election or appointment and must continue to reside in the ward throughout his or her term of office.
- (3) Removal of an officer's principal residency from the city or from the area he or she represents shall create a vacancy in the office for which elected, to be filled in the manner other vacancies in that office are filled.
- (4) No city employee or appointive officer may serve on the council.
- (5) Except as otherwise provided in this Charter, the council is the final judge of the qualifications and election of its own members (**emphasis added**)

8.2 Filling Vacancies

A vacancy in the council **shall be filled by appointment by majority of the council**, provided, **however**, that the **council may in its discretion call a special election for the purpose of filling such vacancy**. The appointee's term shall begin immediately upon his or her appointment and qualification and shall continue through the unexpired term of the appointee's predecessor. During the temporary disability of a council member, or during a member's absence from the city, the office may be filled pro-tem in the manner provided for filling vacancies in office. (**emphasis added**)

LCMC 1.12.040 Petition – Time for filing.

All nomination papers comprising a petition shall be assembled and filed with the city recorder as one instrument not later than five working days before the last day available for filing for the election with the county. The city recorder will post notice of the date for filing nomination petitions with the city at least 20 days prior to the filing date. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name, residence and mailing address of the person by whom it is filed.

(Note: March election deadline has passed. December 10 2020 was the deadline to post notice of date for filing petitions)

Chapter 2.06 (City Appointive Bodies) Section LCMC 2.06.005, in pertinent part, provides: "These rules do not apply to filling a vacancy under Chapter VIII, Section 8.2 of the Lincoln City Charter."

Chapter 2.04 (City Council), including the Section 2.04.180 (Appendix- council rules) does not contain any limitations or procedures for exercising the authority in the Charter to appoint a member of the City Council.

See Also Chris Thomas memorandum dated January 2003, pages 2-3 (included in your training materials) regarding the Council-Manager form of government in Lincoln City. In sum: the power of the City is vested in the City Council as a whole, not in the Mayor or any individual Council member. This is not a 'strong mayor' form of government; the mayor is just another member of council with some specific authority to preside over the meetings and some ceremonial functions:

Mayor-Council. The Mayor is elected City-wide and the other Council members are elected from wards. Charter Sections 3.3-3.5. All are members of the City Council, with the Mayor generally acting as the presiding officer. Charter Sections 4.5, 5.1.

Background:

Mayor Anderson has resigned. Under the City Charter a resignation creates a vacancy. Charter 8.1.(1)(f). A vacancy **shall** be filled by appointment by a majority of the Council – however the Council may, in its sole discretion, refer the vacancy to a special election.

A City Councilor and a Mayor are treated the same under the Charter – all are members of the city council. (There is no special provision requiring an election for the mayor).

Whether by appointment or election, the position, once filled will serve for the remainder of the term.

Council Options:

See alternative motions below.

In sum, the Council has two basic options (with variations) - appoint a new Mayor or hold a special election. If the Council chooses to appoint a new mayor, they may do so at any time either through direct appointment or through an application and interview process.

If the council decides to move forward with an election, the council would need to approve a resolution referring the position to the voters. The City then will advertise a filing period for interested candidates and then take filings from candidates. The City must then certify the candidates that qualify to be on the ballot to the County Clerk. For the May 18 election, March 18 would be the deadline to certify candidates to the County Clerk. However the local filing deadline is 5 working days earlier per LCMC 1.12.040 (quoted above). Voters' Pamphlet deadline March 22.

Financial Impact

For a May election, the election cost would be in the \$1,200 to \$1,600 range for the city.

Potential Motions:

1. Simple call for election

Motion to approve Resolution 2020-27 Declaring a Vacancy in the City Council position of Mayor and calling for a special election in May 2021 to fill the position of Mayor for the remainder of the vacated term; or

[A draft Resolution will be prepared for the meeting]

2. Simple appointment of a qualified elector

Motion to Declare a Vacancy in the City Council position of Mayor and announcing the vacated position will be filled by appointment as provided in Lincoln City Charter Chapter VIII, Section 8.2, appointing _____ *name* _____, a qualified elector of the City of Lincoln City, to the position of Mayor for the remainder of the vacated term; or

[This appointment and other appointment options can also be done by Resolution, if desired]

3. Announcing that the position of Mayor shall be filled by appointment as provided by Chapter VIII, Section 8.2 of the Lincoln City Charter, following a process of solicitation of interested parties and interviews of qualified finalists, in sole discretion of the City Council.

Motion to Declare a Vacancy in the City Council position of Mayor and announcing the vacated City Council position of Mayor will be filled by appointment as provided in Lincoln City Charter Chapter VIII, Section 8.2, following a process of solicitation of interested parties and interviews.

4. Appointment of existing councilor to Mayor position (after resignation), and direct appoint councilor replacement

Motion to Declare a Vacancy in the City Council position of Mayor and declaring a vacancy in City Council position Ward ____, appointing, pursuant to City Charter Chapter VIII, Section 8.2 _____, now former City Councilor and qualified elector of the City of Lincoln City, to the position of Mayor for the remainder of the vacated term of former Mayor.

Further motion that the vacancy for Ward __ shall be filled by appointment, and appointing _____ *name* _____, a qualified Elector of the City of Lincoln

City to fill the position of City Councilor, Ward ___ for the remainder of the vacated term of former Councilor; or

[Note: A sitting councilor being appointed to the Mayor position would have to resign first to avoid dual office holding prohibition.]

5. Appointment of existing councilor to Mayor position (after resignation), and appoint councilor replacement, after solicitation of interested parties and interviews

Motion to Declare a Vacancy in the City Council position of Mayor and declaring a vacancy in City Council position Ward ____, appointing, pursuant to City Charter Chapter VIII, Section 8.2 _____, now former City Councilor and qualified elector of the City of Lincoln City, to the position of Mayor for the remainder of the vacated term of former Mayor.

Further motion that the vacancy for Ward ___ will be filled by appointment as provided in Lincoln City Charter Chapter VIII, Section 8.2, following a process of solicitation of interested parties and interviews.

Note: A sitting councilor being appointed to the Mayor position would have to resign first to avoid dual office holding prohibition.]

6. Appointment of existing councilor to Mayor position (after resignation), and call for special election in May 2021 to fill vacated City Councilor term

Motion to Declare a Vacancy in the City Council position of Mayor and declaring a vacancy in City Council position Ward ____, and appointing, pursuant to City Charter Chapter VIII, Section 8.2 _____, now former City Councilor and qualified elector of the City of Lincoln City, to the position of Mayor for the remainder of the vacated term of former Mayor.

Further motion that the vacancy for Ward ___ shall be filled by election, and calling for a special election in May 2021 to fill the position of City Councilor Ward ___ for the remainder of the vacated term of former Councilor – directing staff to prepare a resolution to make the special election referral;

[Note: A sitting councilor being appointed to the Mayor position would have to resign first to avoid dual office holding prohibition.]

7. Motion to postpone discussion on filling the vacancy created by Mayor Anderson's resignation until January 11, 2021 after newly elected Councilors are seated.

Council Communication

Election of Council President

Meeting Date:	January 11, 2021	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Section 4.6 of the City of Lincoln City Charter states the following

"At its first meeting of each odd-numbered year, the council shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of his office, the president shall act as mayor."

The City has used the following procedure for selecting a Council President.

- 1) The presiding City Council member opens the meeting for nominations for Council President from the City Councilors.
- 2) The Presiding City Council member calls for closure of the nominations. Closure is done by motion, second and voice vote.
- 3) Paper ballots are usually handed out. However, since this is a Zoom meeting, members will submit their vote using the Chat Room feature in Zoom.
- 4) The City Recorder will read the ballots.
- 5) A motion is made by a City Councilor to appoint a Council President, second and adopted by voice vote.

Council Communication

Outside City Committee Appointments

Meeting Date:	January 11, 2021	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Attached, please find the list of the outside City committees with City representation. Due to Dick Anderson’s resignation, there are vacancies in the Oregon Coastal Zone Management Association, Cascade West Area Commission on Transportation and the Mid-Willamette Valley Area Commission on Transportation.

Section 2.04.070 of the Lincoln City Municipal Code states “The mayor shall appoint, from among the members of the Council, members of ad hoc committees, when the need for a committee arises.”

The Mayor has made these appointments during the City Council meeting.

The Mayor has also appointed subcommittees to interview applicants for committee appointments. The subcommittee has consisted of two City Council members.

Committee Applicant Interview Subcommittee

Committee	City Council member 1	City Council member 2
Arts Committee		
Library Board		
Parks Board		
Sustainability Committee		
Transient Room Tax Committee		
Visitor and Convention Committee		

Budget Committee – Interview by the City Council
 Planning Commission – Interview by the City Council

Attachments:
 OUTSIDE CITY COMMITTEES 2021 (DOCX)

OUTSIDE CITY COMMITTEES/BOARDS/COMMISSIONS WITH CITY REPRESENTATION

- 1. Lincoln County State Transportation Improvement Fund Advisory Committee (LCSTIFAC)**
City Rep (Current) Councilor Riley Hoagland (Council Appointment required)
Alternate (Current) Councilor Rick Mark (Council Appointment required)
Meets 3rd Thursday of January, April, July and October at 3:00 pm
Term Expires - Three year terms
Location Newport Chamber of Commerce
Purpose Committee consists of representatives from all cities, and members at large, who give direction on matters relating to the Lincoln County Transit Service District.

- 2. Lincoln City Driftwood Public Library Board**
City Rep (Current) Councilor Mitch Parsons (Council Appointment required)
Alternate (Current) Councilor Rick Mark (Council Appointment required)
Meets First Wednesday of each month at 3:30 pm in Library FischerRoom
Term Until resigns or term expires
Location Driftwood Public Library
Purpose

- 3. Lincoln County Solid Waste Disposal Service District Advisory Committee (SWAC)**
City Rep (Current) Councilor Judy Casper (Council Appointment required)
Alternate (Current) Councilor Mitch Parsons (Council Appointment required)
Term Remains until resigns
Meets Occasionally
Location Newport City Hall
Purpose To advise the district on long-range planning for solid waste disposal, recycling education and promotion, and illegal dumping enforcement.

- 4. Lincoln County Solid Waste Consortium (Agate Beach Landfill Closure)**
City Rep (Current) Debbie Bridges, Finance Director
Alternate (Current) Scott Morgan, Finance Manager
Term Until resigns
Purpose Managing the long-term fund for closure of the Agate Beach Landfill.

- 5. Oregon Coastal Zone Management Association (OCZMA)**
City Rep. (Current) Vacant (Council Appointment required)
Alternate (Current) Councilor Rick Mark (Council Appointment required)
Term Until resigns
Meets Meet quarterly
Location Varies.

Purpose Concentrates on a wide range of federal, state, and local issues that are uniquely coastal in nature – ports (continued dredging of the coastal harbors), fisheries (salmon disaster assistance and other fishery related work important to the Oregon Coast, coastal zone management and land use, ocean planning (issues such as marine protected areas, marine sanctuaries, wave energy, etc.), coastal tourism, coastal hazard issues (tsunamis, earthquakes, and landslides), coastal economics, coastal telecommunications and coastal transportation. Also works closely with the Oregon’s Congressional Delegation and Oregon’s State Legislators representing the Oregon Coast relating to these issues.

Note Cost to City is \$500/year

- 6. **Cascade West Area Commission on Transportation (CWACTION)**
 - City Rep. (Current)** Vacant (Council Appointment required)
 - Alternate (Current)** Councilor Rick Mark (Council Appointment required)
 - Term** 2 years (expires December 31, 2020)
 - Meets** About every 60 days
 - Location** Albany in person; or drive to Toledo and attend via teleconference at the Cascade West Council of Government office.
 - Purpose** Commission consists of officials from city and county agencies in Linn, Benton and Lincoln Counties. This agency is the city’s link to the Oregon Department of Transportation.

- 7. **Cascade West council of Governments (CWCWG) – Executive Board**
 - City Rep. (Current)** Councilor Judy Casper (Council Appointment required)
 - Alternate (Current)** Councilor Riley Hoagland (Council Appointment required)
 - Meets** Monthly with no set calendar
 - Term** Remains until resigns
 - Location** Albany (attends via video conference from Toledo)
 - Purpose** Oversees and approves policy decisions proposed by staff

- 8. **Village at Sitka Woods Homeowner’s Association (VSWHOA)**
 - President (Current)** Councilor Diana Hinton (Council Appointment required)
 - Brd Mem (Current)** Councilor Mitch Parsons (Council Appointment required)
 - Meets** Annually
 - Term** Remains until resigns

- 9. **Mid-Willamette Valley Area Commission on Transportation (MWVACT)**
 - City Rep (Current)** Vacant (Council Appointment required)
 - Alternate (Current)** Councilor Rick Mark (Council Appointment required)
 - Meets** About every 60 days
 - Location** Salem at Council of Governments office
 - Purpose** Advocate for Hwy 18 improvements

Council Communication

Proposed Work Meetings

Meeting Date:	January 11, 2021	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

The following meetings are proposed for City Council meetings.

Work Meeting - Tuesday, January 19, 2021 - It is proposed that the City Council hold a work meeting to discuss with and give guidance to the Staff regarding the disposition of the space in the Community Center used by the Senior Citizens. Monday, January 18, 2021 is a holiday and the office is closed. I am proposing that the City Council meet on January 19, 2021 at 10 a.m.

Work Meeting - Monday, February 1, 2021 – The City Council previously discussed holding a “Goal and Priority” meeting on Monday, February 1st.

Joint Meeting with the City of Lincoln City Planning Commission - Tuesday, February 2, 2021 – The City Council previously discussed holding a joint meeting with the Lincoln City Planning Commission during the Planning Commission’s regularly scheduled meeting time – 6:30 pm.

Joint Meeting with the North Lincoln Fire and Rescue District Board. Chief Dahlman is supportive of the City Council and the NLFR Board and will bring it up with the Board during their next meeting. The NLFR Board meets during the second week of each month and their next meeting is on January 13th. They’ll propose some dates to meet.

Joint Meeting with the Lincoln County Board of Commissioners - June 2021 – The Lincoln City City Council has held an annual joint meeting with the Lincoln County Board of Commissioners. It is proposed that we meet together on the evening of June 9, 2021, June 16, 2021 or June 23, 2021. I will send the City Council’s preference to the County.

Joint Meeting with the Tribal Council - July 2021 – The City of Lincoln City City Council joint meeting with the Tribal Council of the Confederated Tribes of Siletz Indians. It is proposed that we meet on Monday, July 19, 2021 or August 2, 2021. I’ll send the City Council’s preference to the Tribal Council.

Council Communication

Department Report - Parks and Recreation

Meeting Date: January 11, 2021 Primary Staff Contact: Jeanne Sprague
Department: Parks and Recreation E-Mail: JSprague@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Ronald F Chandler Estimated Time:

At the January 11, 2021 City Council meeting, Lincoln City Parks and Recreation Director Jeanne Sprague will present a Powerpoint to Council regarding LCP&R capital projects and programs from 2020.

Council Communication

Department Report - Explore Lincoln City

Meeting Date: January 11, 2021 Primary Staff Contact: Liz Francis
Department: Public Arts Committee E-Mail: lfrancis@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Ronald F Chandler Estimated Time: 5 Min

Explore Lincoln City Director Ed Dreistadt will give a presentation about Explore Lincoln City's 2020 programs and activities. Ed will also give an update on the Public Art Project at the Lincoln City Cultural Center on behalf of the Public Art Committee.

Attachments:

elc_update (PDF)



The Lincoln City Brand

THE UNEXPECTED

Lincoln City is uniquely full of surprises big and small.

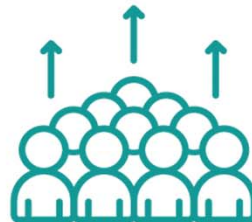
Marketing During a Pandemic

Recovery Strategy



Regroup

Where new cases of COVID-19 are occurring, and stay-at-home orders/travel restrictions are still in place. Pre-reopening and State Phase 1.



Rebound

When travel advisories loosen, and institutions/events/activities start to reopen. State Phase 2.

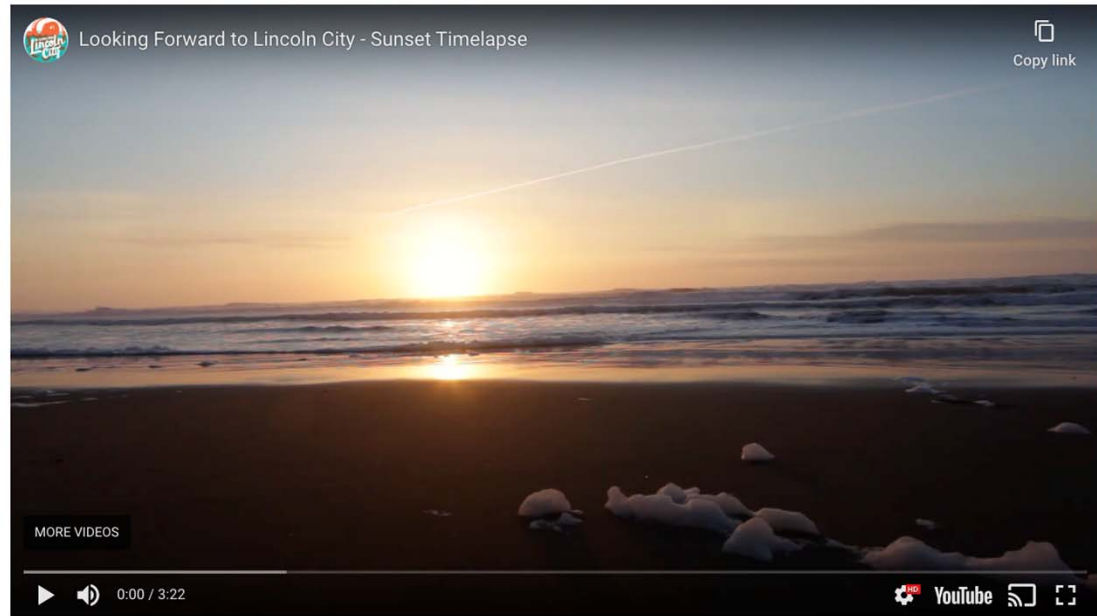


Next Normal

When COVID-19 cases are in remission, and "non-essential" travel is okay. State Phase 3.

Starting in March:

Virtual Content during Short-Term Lodging Lockdown



Each week, we'll bring you a new virtual experience to explore until it's safe to come visit us again.
Find a moment to pause and take in the beautiful things to look forward to in Lincoln City.



All Outer Market Advertising Canceled

Remaining media messages converted to stay at home messaging.



Shifting Gears in June:

Education Campaign



theneWSguard.com | Local news - x +

theneWSguard.com

Let's keep the coast clear.

WE ALL HAVE A PART TO KEEP EACH OTHER SAFE.

WEAR A MASK

Six feet!
MAINTAIN SOCIAL DISTANCE

WASH YOUR HANDS

Stay safe
AND PLEASE STAY HOME IF SICK!

EXPLORE Lincoln City

MENU THE NEWSGuard LINCOLN CITY · OREGON News Community Opinion Sports Obituaries Weather Classifieds E-Edition Subscribe



Online Advertising

- Health and safety messages
- Runs in the local market only
 - Print, digital, geo-fenced social media and radio
- To be complimented with street signs and entry signage

EXPLORE Lincoln City

MONTHLY NEWSLETTER DECEMBER 2020



GIVE THE GIFT OF LINCOLN CITY THIS HOLIDAY SEASON

As we enter into the holiday season, give the gift of shopping locally. Our businesses will thank you, and so will your friends and family. [READ MORE](#)



KING TIDES ON THE COAST THIS WINTER

It is King Tide season! A beautiful reminder of the strength of the ocean. Learn how to observe it safely. [READ MORE](#)



CULTURAL CENTER SPARKS HOLIDAY SPIRIT

A virtual tree lighting, drive through craft pick up, and much more to kick off this December. [READ MORE](#)

Guest Newsletter

- Staying in touch with 33,000 guests
- Virtual experiences, shopping opportunities, restaurant updates, safe ways to enjoy Lincoln City

EXPLORE Lincoln City

INDUSTRY NEWS

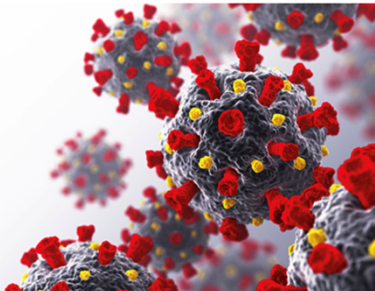
DECEMBER 2020



GRANT PROGRAM OPENS TO COASTAL OREGON BUSINESSES

Business Oregon is seeking applications from businesses in Oregon's coastal region to meet geographic distribution targets for the round of \$20 million in grant funding it previously announced on Wednesday, November 18th. **The application will be posted on Thursday, Dec. 3 at 3 p.m.**, and will be open until 8 p.m., though applications will be reviewed and processed on a first-come, first-served basis.

[\[READ MORE\]](#)



LINCOLN COUNTY IN "HIGH RISK" CATEGORY

Effective December 3, 2020, Lincoln County will enter the "High Risk" category for Oregon's Risk & Protection Framework. This is due to a significant increase in cases over the last two weeks. This will remain in effect through December 17, 2020, and can be extended or adjusted at any time.

[\[READ MORE\]](#)

Industry Newsletter

- Explore Lincoln City *Industry* Newsletter
- Keeping in touch with our stakeholders
- News, funding opportunities, events, education

Sign up at ExploreLincolnCity.com/Industry

○ All Users +0.00% Users

○ + Add Segment

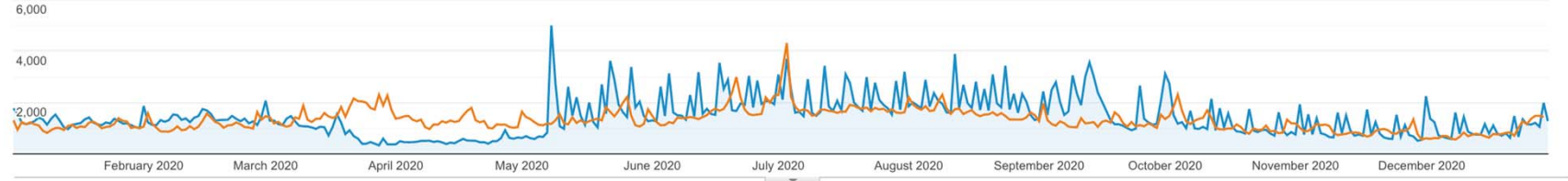
Jan 1, 2020 - Dec 31, 2020
Compare to: Jan 1, 2019 - Dec 31, 2019

Overview

Users VS. Select a metric

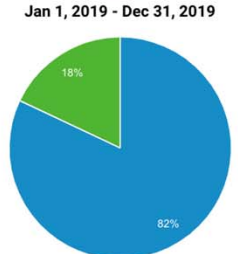
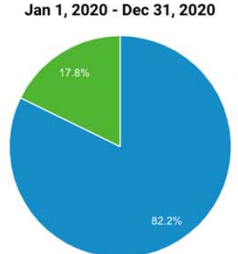
Hourly Day Week Month

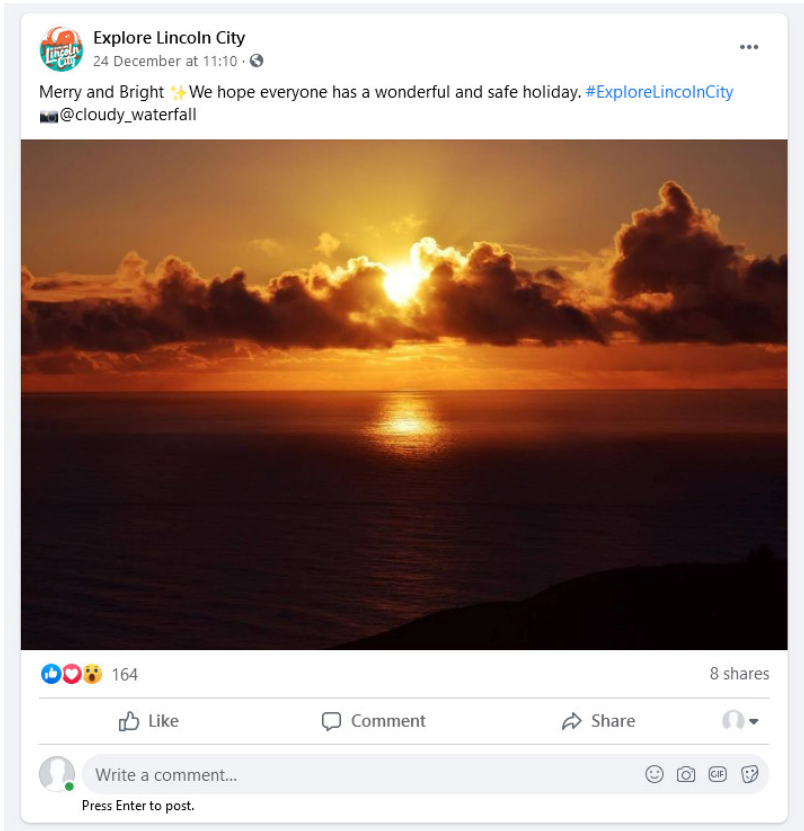
Jan 1, 2020 - Dec 31, 2020: ● Users
Jan 1, 2019 - Dec 31, 2019: ● Users



Users -0.18% 386,286 vs 386,992	New Users -0.63% 378,388 vs 380,777	Sessions 7.41% 579,829 vs 539,847	Number of Sessions per User 7.60% 1.50 vs 1.39	Pageviews 4.95% 1,190,676 vs 1,134,533
Pages / Session -2.29% 2.05 vs 2.10	Avg. Session Duration 7.46% 00:01:47 vs 00:01:40	Bounce Rate -5.30% 56.49% vs 59.65%		

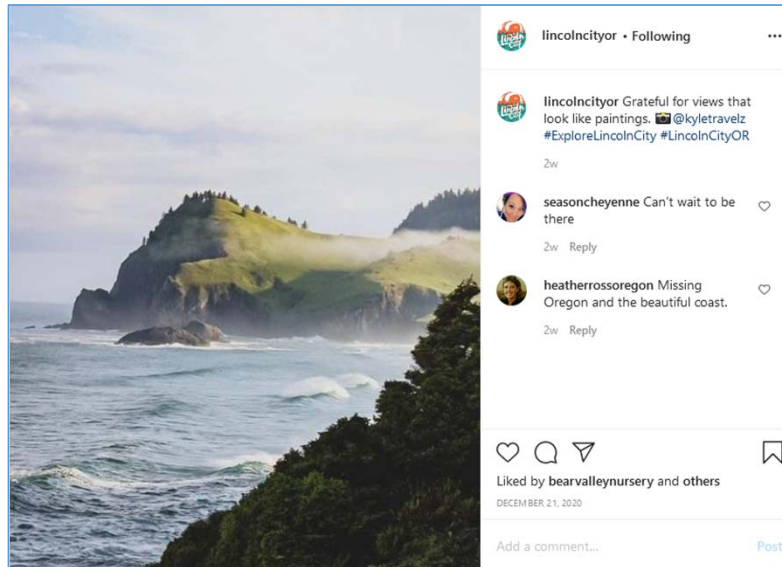
■ New Visitor ■ Returning Visitor





Ongoing social media efforts.

- Facebook: 74,500 followers
- Instagram: 13,800 followers
- Twitter: 3,300 followers



Culinary Center Goes Virtual: What's Cookin'?



 **Culinary Center in Lincoln City**
18 November at 17:13 · 🌐

In this What's Cooking Lincoln City video I share a unique recipe for Buttered Popcorn Cookies. What a great little gift this would make for the popcorn lover in your life!

Buttered Popcorn Cookies

- 2 tbsp vegetable oil
- 1/4 cup popcorn kernels
- 1/4 tsp table salt
- 1 tbsp butter, melted
- 1/2 cup (1 stick) butter, softened
- 1/2 cup packed brown sugar
- 1/3 cup granulated sugar
- 1 large egg
- 1/2 tsp vanilla extract
- 1-1/4 cups all purpose flour
- 1/2 tsp baking soda

0:17 / 7:44

👍❤️ 10

8 comments 3 shares

Updates, Foodie Fridays, Dashboard Dining

Culinary Center in Lincoln City
 29 June at 13:06 · 🌐

Be on the lookout for the opening (hopefully this week) of Pub Fish and Chips in Lighthouse Square Shopping Center. Their menu is pub inspired food. In addition to fish and chips you can expect lots of fun appetizers and Oregon wines, beers and hard ciders. We are so happy to have them in our Lincoln City restaurant family.



👍❤️ 19

7 comments 1 share

Culinary Center in Lincoln City
 12 June at 16:59 · 🌐

Join me as I pick up lunch from Salt- Lincoln City
 1500 SE Devil's Lake Road 541-921-4048

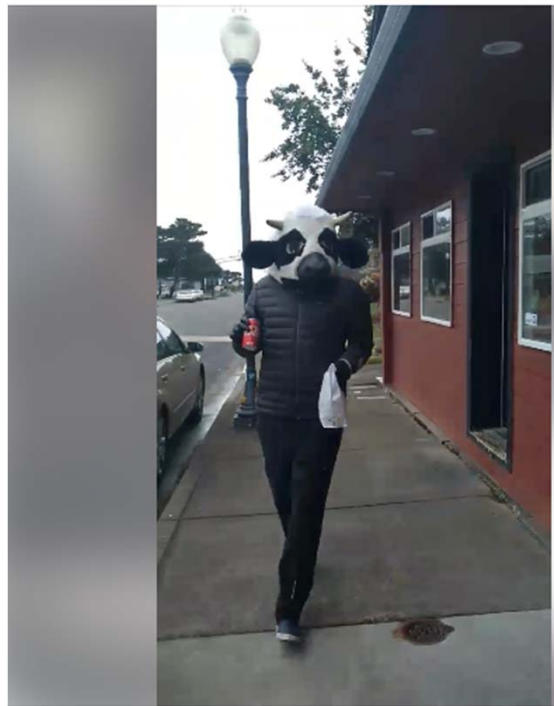


👍❤️ 14

3 cor

Culinary Center in Lincoln City
 24 April at 17:28 · 🌐

Dashboard Dining with Donna
 Burger 101 & Steak in Lincoln City 541-418-2305
 #foodiefriday



👍❤️🤪 29

9 comr

Takeout as the Safest Way to Enjoy Restaurants

EXPLORE Lincoln City

HOT SHEET NOVEMBER 2020



THANKSGIVING TO-GO

This year is a bit different in so many ways. Our guests can still enjoy a great Thanksgiving meal from one of our local restaurants or grocery stores. We have compiled a list of options throughout Lincoln City.



Secret Takeout

AUGUST 2-16, 2020

For two weeks, secret menu items will be popping up across menus all over Lincoln City. From Siletz Day to Hwy 101, your favorite restaurants will be creating mysterious, sensational meals for takeout only to be enjoyed at your favorite secret spot. Call or visit participating restaurants and ask them about their 'secret' menu item.

- Acis Sports Bar and Grill
541-994-8232 • 3309 NE Clubhouse Dr.
- 60's Cafe
541-998-8898 • 4157 NW U.S. 101 #139
- Pub Fish and Chips
541-814-1404 • 4157 NW U.S. 101 #137
- Mist & SurfTides
541-884-3877 • 2046 NW Jetty Ave
- Beach Club Restaurant and Sports Bar
541-418-5488 • 2020 NE 22nd St
- The Grub's On
541-857-4184 • 1146 NW US 101
- Zest Creperie and Tea House
541-921-1423 • 1816 NE Hwy 101
- Murphy's Bar and Bains
541-921-1423 • 1343 NW 101
- Grill 1566
541-614-1540 • 1049 NE Hwy 101
- Best Thai
541-814-1777 • 1437 NW Hwy 101
- Vivian's Restaurant and Bill's BBQ
541-994-9507 • 1115 SE 1st St
- Autobahn 101
541-614-1811 • 1812 SW Hwy 101
- New Foon Hing Yuan
541-998-3831 • 3138 SW HWY 101
- Nelscott Breakfast House
541-614-0030 • 3237 SW HWY 101
- Shuckers Oyster Bar
541-998-9500 • 4814 SW Hwy 101
- Snug Harbor
541-998-4976 • 5001 SW Hwy 101
- Hwy 101 Burger
541-418-2305 • 5045 US 101

EXPLORE Lincoln City
ExploreLincolnCity.com/Secret-Takeout

Make it a Merry Meal

DECEMBER 1-18, 2020

Some of your favorite restaurants are coming together to help make this holiday season a bright spot for children! From now until December 18th, 2020, restaurants are offering the chance to upgrade to a Merry Meal.

A Merry Meal allows you to donate to the North Lincoln Fire & Rescue's annual Holiday Food Basket and Toy Drive by adding an additional amount to a purchase.

Participating locations include:

- Wild Flower Grill
4250 NE Hwy 101 • 541-994-9663
- Puerto Vallarta
3001 NW Hwy 101 • 541-994-0300
- MIST @ SurfTides
2945 NW Jetty Ave • 541-994-3877
- Thal Bay
2937 NW Hwy 101 • 541-994-8289
- Zest Creperie
1816 NE Hwy 101 • 541-614-1444
- Enrique's Authentic Mexican Food
1509 NW Hwy 101 • 541-418-5336
- Marci's Bar & Bistro
1343 NW Hwy 101 • 541-921-1423
- Olde Line Lanes & Kitchen
316 SE Hwy 101 • 541-614-1650
- Shuckers Oyster Bar
4814 SE Hwy 101 • 541-996-9800
- Eleanor's Undertow
869 SW 51st St • 541-996-3800
- Hwy 101 Burger
5045 SW Hwy 101 • 541-418-2305

EXPLORE Lincoln City

ExploreLincolnCity.com/Merry-Meals

Two Challenges, One Campaign

- North Lincoln Fire & Rescue Toy Drive is running behind because of COVID-19 and the wildfire.
- Shifting restrictions are causing more challenges for our restaurants
- Problem #1 + Problem #2 = Merry Meals
- Create awareness for takeout & raise funds for NLFR

Finders Keepers Home Edition



Virtual Finders Keepers experience

After 31 weeks:

- Over 71,500 unique weekly entries
- Over 7,400 unique signups for the ELC monthly newsletter
- Winners from 25 different states

Creating Safe Ways to Enjoy Lincoln City



Drive-in Movies



The Great (Almost) Boat-in Concert on Devils Lake



Will become a multi-concert series in 2021

Spooky Spectacular Rescued by Lincoln City Outlets, Kiwanis and ELC

A purple and teal poster for a 'Spooky Spectacular' drive-thru event. The background is dark purple with teal and yellow accents. There are illustrations of hands holding candy, a dashed line, and a Kiwanis logo. The text is in white and teal. The event is on Saturday, October 31, 2020, from 5:00 PM to 7:30 PM at Lincoln City Outlets - Parking Garage. A list of sponsors is provided in two columns.

2020 DRIVE-THRU

SPOOKY SPECTACULAR!

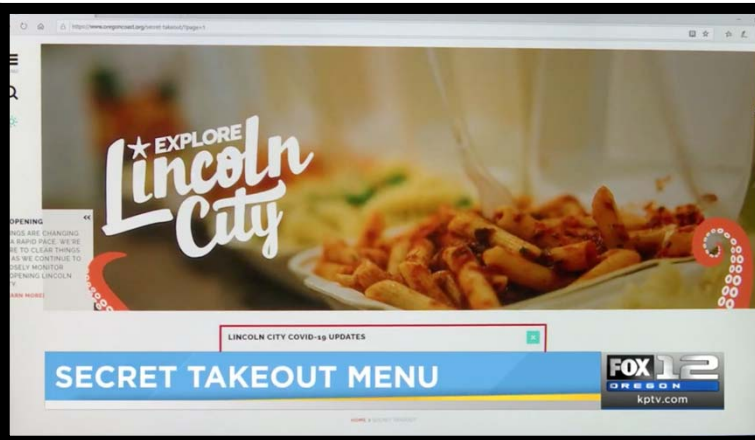
Fang-tastic Sponsors:

- Explore Lincoln City
- Lincoln City Gifts
- Lincoln City Outlets
- Rotary Club of Lincoln City
- Lincoln City Cultural Center
- Lincoln City Police Department
- Driftwood Library
- Lincoln City Parks & Recreation
- Kenny's IGA

Kiwanis
LINCOLN CITY

SATURDAY
OCTOBER 31, 2020
5:00PM - 7:30PM
LINCOLN CITY OUTLETS -
PARKING GARAGE

Telling Lincoln City's Story



Results by the Numbers (March thru January to Date)

Total Placements	Total Circulation	CPM
186	347,535,703	\$0.16

Coming Up Soon...

Lincoln City: Invest and Recover

Invest Now

- *\$768,000 awarded as pre-purchased goods and services for the promotion of Lincoln City post-pandemic.*
 - *116 lodging properties(hotels/motels/VRD's/B&B's)*
 - *70 non-lodging businesses*
 - *Money awarded spent on any business-related expense*

Promote Later

- *A three quarters of a million dollar war chest for post-COVID promotional programs.*
 - *Hotel room nights*
 - *Vacation rental homes*
 - *Meals*
 - *Dog washes*
 - *Tattoos*

The Promise

- *We will always ask, never demand.*
- *“No” is an acceptable answer.*
- *The program is to provide money now and promotional benefit later, but NEVER financial hardship.*

Coming Up Soon...

Lincoln City: Marketing

- Reengage paid media when time is right
- Reimagined visitor guide
- New Finders Keepers creative
- New points of interest map
- New strategic marketing plan

Coming Up Soon...

New Attraction Recruitment Campaign

War on Empty Storefronts

- *Cooperative Partnership with:*
 - *Economic Development Alliance of Lincoln County*
 - *Lincoln City Urban Renewal*
 - *Lincoln City Economic Development*
 - *Lincoln County Small Business Development Center*
 - *Culinary Center of Lincoln City*
 - *Lincoln City Planning Department*

Destination Management

- *Actively recruit new attractions to Lincoln City*
 - *\$50,000 budgeted by ELC*
 - *Urban Renewal Economic Toolbox*
 - *Catalog of available properties, both city and privately owned*
 - *Pitch kit on why to locate in Lincoln City*
 - *Culinary Center as commercial kitchen incubation space for restaurant entrepreneurs*
 - *Other tools as determined by discussions with partners*

Coming Up Soon...

Post-Pandemic Events

Kite Festivals

- *Leverage D-River Wayside becoming a Lincoln City park*
 - *Family-friendly activities and additional festival food in D-River plaza*
 - *Kites or other iconic wind-driven pieces purchased using Invest & Recover credits*

4th of July built up as a Festival

- *Continue to provide entertainment with live music*
- *Expand 4th of July fireworks with:*
 - *Additional food concessions*
 - *New games and activities via Kiwanis*
 - *Local artist showcase*

Coming Up Soon...

Post-Pandemic Events

Devils Lake Floating Concert Series

- *A series of boat in concerts via Devil's Lake HOA*
 - *Repurposed 7/3/2020 fireworks ELC grant money*

Shoulder Season Foodie Events

- Three unique restaurant trails encouraging foodie experiences throughout Lincoln City
 - Partner with the Culinary Center to offer themed classes with local chefs.

Lincoln City Holiday Lights

- *Continued partnership with Parks on Deck the Dock lights*
 - *Add a giant holiday tree to the plaza to the east of Mo's*
 - *Solar-powered LED lights on city light posts in partnership with Public Works*
 - *Holiday lights drive-thru (partnership TBD)*

Coming Up Soon...

Culinary Center Reboot

Primary Mission: Bringing customers through the doors of Lincoln City restaurants

Keep an build on lessons learned during the pandemic

- Reduce the number of classes to free up resources
- Build on relationships and programs developed during COVID

Promotions and Events:

- *Restaurant Weeks/Months*
- *Other restaurant promotions to replace cook-offs (A Taste of Lincoln City event)*
- *Central Coast Food Trail with special promotion of Lincoln City trail members*
- *Continued video features of restaurants*
- *Partnerships with agribusiness associations*

Coming Up Soon...

Culinary Center Reboot

A Taste of Lincoln City

- *Mini-attraction tasting center*
 - *Café area of the Culinary Center remodeled*
 - *Info/tasting center of the Oregon Coast food scene with special emphasis on Lincoln City food products.*

Assisting Entrepreneurs

- *Lincoln City as a food product and restaurant incubator*
 - *Commercial kitchen available for startups who also utilize business classes offered by SBDC*
 - *Not a kitchen for rent, but a 3-6 month assist for those who have a strong business plan*
 - *Goal of assisting 3-4 new food product and restaurant launches per year*

Career Tech Food Science Class

- Program developed by Career Tech's Health teacher Amy Getter and the Culinary Center
 - Culinary Center as lab space to learn about food as medicine
 - Also learn about kitchen basics (sanitation, knife skills, etc.) so students can be safe and have fun



Council Communication

COVID-19 Update

Meeting Date:	January 11, 2021	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

County Risk Levels are updated every two weeks in response to how COVID-19 is spreading in our communities.

On Tuesday of Week One (called the Warning Week), data for the previous two weeks is published so counties can prepare for potential risk level changes the following week. Lincoln Counties warning week is January 4-8, 2021.

On Tuesday of Week Two (called the Movement Week), updated data is published and County Risk Levels are determined. Risk Levels take effect on Friday and remain in effect for the next two weeks while this process repeats. Lincoln Counties movement week is January 11-14, 2021 and if a new risk level is assigned for Lincoln County it would take effect on January 15, 2021.

Council Communication

Echo Mountain Complex Fire Update

Meeting Date:	January 11, 2021	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Officials from FEMA and other Federal Government organizations concluded the cost for developing Fernwood does justify developing the Fernwood project for occupancy by survivors of the wildfires in Oregon. They continue to search for an alternate location to house the 25 families in need.

One potential site at 4800 Logan Rd, managed by the Siletz Tribe, is under consideration. FEMA is working with our Planning and Legal departments on the City's land use regulations. As noted, Resolution 2021-03 adds the Tribal property to the list of properties that are authorized for emergency, temporary housing.