

CITY OF LINCOLN CITY

LINCOLN CITY COUNCIL AGENDA

MONDAY DECEMBER 14, 2020 6:00 PM

6:00 PM - The Lincoln City Council Meeting for December 14, 2020 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 used for those comments. Citizens present in the Council Chambers are required to 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 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 live 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 – November 9, 2020 6:00 PM
2. Regular Meeting – Minutes of Work Session – November 23, 2020 10:00 AM
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

E. COUNCIL DELIBERATIONS

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

5. Public Comments

G. PRESENTATIONS

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

1. Supplemental Budget Public Hearing

J. ORDINANCES

K. RESOLUTIONS

2. Resolution 2020-23: A Resolution Declaring the Official Results of the Canvas of Votes of the General Election Held in the City of Lincoln City, Oregon on November 3, 2020.
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
4. 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
5. RESOLUTION NO. 2020-26 A RESOLUTION OF THE CITY OF LINCOLN AMENDING RESOLUTION 2020-22 CONCERNING DISPLACED LINCOLN COUNTY RESIDENTS CAUSED BY THE ECHO MOUNTAIN COMPLEX FIRE

L. SPECIAL ORDER OF BUSINESS

6. Helping Hands Loan Request
7. Planning Commission Appointments - Patti Kroen and Marci Baker
8. Re-appointment to Sustainability Committee - Applicant Dawn Villaescusa
9. Re-appointment to Visitor and Convention Committee - Applicant Diana Steinman
10. Appointment to Arts Committee - Applicant Steve Griffiths
11. Lincoln County - Project Turnkey Application Funding Request
12. COVID-19 Update

13. Echo Mountain Complex Update

M. CITY MANAGER/CITY ATTORNEY REPORTS

14. Proposed Motions for Traffic Control / Parking Resolutions

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

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

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Q. ADJOURNMENT

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

November 9, 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

Mayor Anderson called the meeting to order.

Mayor Anderson advised the public there were three ways to provide public comment- through email to publiccomment@lincolncity.org, in the Council Chambers, or via Zoom.

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Dick Anderson	Mayor	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Diana Hinton	Councilor Ward 1	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Present	6:00 PM

Staff present: Ron Chandler, City Manager; Richard Appicello, City Attorney; Jerry Palmer, Chief of Police; Ken Murphy, Emergency Preparedness Coordinator; Abigail Edwards, H.R. Supervisor; David Twigg, I.T. Support Specialist.

C. PLEDGE OF ALLEGIANCE

The Pledge Of Allegiance was skipped because this meeting was held remotely.

D. CONSENT AGENDA

1. Oregon Liquor Control Commission- Application for Off Premises License- Grocery Outlet of Lincoln City
2. Regular Meeting – Minutes of Regular Meeting – October 26, 2020 6:00 PM

MOTION:	Motion to Approve the Consent Agenda
MOVER:	Judy Casper, Councilor Ward 3
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**

Miles Schlesinger appeared via Zoom. Mr. Schlesinger asked the Council to prioritize the building of Foothill Boulevard in SE Lincoln City. Mr. Schlesinger said this road would provide an extra route connecting East Devils Lake Road to High School Drive and SE 51st St. Mr. Schlesinger noted this road would provide economic opportunities out of the tsunami zone and would provide extra connectivity in emergencies.

Fran Lonnon: Ms. Lonnon was in the Zoom Waiting Room. She had asked to make her comments under Section O, at the end of the meeting.

No written comments were received via email and there were no citizens in the Council Chambers.

G. PRESENTATIONS**H. PUBLIC HEARING / ORDINANCE****I. PUBLIC HEARINGS / PUBLIC COMMENTS****J. ORDINANCES**

1. ORDINANCE NO. 2020-21 AN ORDINANCE OF THE CITY OF LINCOLN CITY GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO ASTOUND BROADBAND, LLC, DOING BUSINESS AS WAVE, SUCCESSOR IN INTEREST TO COASTCOM, INC. AND DECLARING AN EMERGENCY

Mr. Appicello read changes from the ordinance in the packet. Changes included contact information for the City and Astound Broadband. Mr. Appicello also read changes to Section 25 to make this ordinance qualify for an emergency adoption.

Councilor Parsons asked about any more substantive changes? Mr. Appicello said that the % of money the City would collect from this ordinance was wrong. It was drafted at 7% when it should have been 5%. Mr. Appicello said that franchisees currently pay a 5% franchise fee to the City and it would have been unfair to move Astound Broadband to 7%. All franchisees will be moved to 7% franchise fees at a future date.

MOTION: Motion to approve 1st Reading of Ordinance 2020-21 with read changes, with additional correction to a typo in the ordinance title
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Riley Hoagland, Councilor Ward 2
AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

MOTION: Motion to declare an emergency for Ordinance 2020-21, allowing for immediate adoption of the Ordinance.
MOVER: Mitch Parsons, Councilor Ward 1
SECONDER: Rick Mark, Councilor Ward 3
AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed by Voice Vote

MOTION: Motion to Approve 2nd Reading of Ordinance 2020-21 and immediately adopt the Ordinance.
MOVER: Riley Hoagland, Councilor Ward 2
SECONDER: Mitch Parsons, Councilor Ward 1
AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

2. ORDINANCE 2020-23 AN ORDINANCE OF THE CITY OF LINCOLN CITY AMENDING TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS), CHAPTER 5.14 (VACATION RENTAL DWELLING LICENSE), AMENDING SECTIONS 5.14.090 TO CLARIFY AND DEFINE THE JURISDICTIONAL REQUIREMENT FOR STATING A BASIS FOR APPEAL.

Mr. Appicello explained that this ordinance was related to a recent Vacation Rental Dwelling (VRD) license appeal. The appeal could have been denied outright by staff if the code had been more clear on the requirements to file an appeal. To file an appeal, you need a legal basis- i.e. City staff applied the wrong law to your application. Mr. Appicello talked with Mr. Chandler about this issue and Mr. Chandler gave Mr. Appicello authorization to prepare this Ordinance for tonight's meeting.

MOTION: Motion to Approve 1st Reading of Ordinance 2020-23
MOVER: Rick Mark, Councilor Ward 3
SECONDER: Riley Hoagland, Councilor Ward 2
AYES: Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT: Passed by Roll Call Vote

MOTION:	Motion to approve 2nd Reading of Ordinance 2020-23 and adopt the Ordinance.
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Anderson, Casper, Hinton, Hoagland, Mark, Parsons
EXCUSED:	Kusz
RESULT:	Passed by Roll Call Vote

K. RESOLUTIONS

L. SPECIAL ORDER OF BUSINESS

M. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION (CHANGED TO SPECIAL ORDER OF BUSINESS)

Mr. Chandler said that he had made an error in categorizing the Echo Mountain, Parking, and COVID items. They should have been Special Order of Business items instead. Mr. Chandler asked Council if they would be OK with changing the agenda to consider these as Special Order of Business items. No objections were received.

3. Echo Mountain After Action Update

Mr. Murphy presented this item. Mr. Murphy offered the following comments:

- 1. The Parks Department should have radios. Police and Public Works have these currently;*
- 2. The City could develop a larger network of Amateur Radio Operators;*
- 3. The City needs more than one message reader board;*
- 4. The City needs a Public Information Officer (PIO) to monitor social media and provide updates to the City website and other media outlets.*

Councilor Hoagland asked how much a PIO would cost? Mr. Murphy was unable to get that information in time for this meeting.

Councilor Hoagland said that he wants to add additional readerboards to next year's budget. He would like to see the City have 4 readerboards available; two for each end of town and two smaller ones to serve the middle of town.

Councilor Mark asked Mr. Murphy why local radio stations depend on cell service and internet? Mr. Murphy said that the local stations get lots of their information via the internet. Power is also another issue for local radio stations. With no power, a radio station can't operate. Lincoln City's KBCH does not have a generator currently.

Councilor Mark asked if the radio stations were staffed? Mr. Murphy said the Lincoln City station was staffed part time. Mr. Murphy will find out if the Newport radio stations are manned 24 hours a day.

Councilor Hoagland asked about emergency apps. Mr. Murphy said that Lincoln Alerts is the current system for Lincoln County, but we could consider an extra system for the Lincoln City community.

Mr. Murphy then discussed evacuation. Mr. Murphy noted evacuation is always difficult, saying that "Walking to High Ground" is the standard we have for tsunami evacuations.

Mr. Murphy said that the Levels 1, 2, and 3 guidance are critically important. Further, Mr. Murphy stressed the importance of communication. Mr. Murphy said that the City should work on improving its communications with neighboring jurisdictions and counties.

Councilor Mark suggested using sandwich boards to mark emergency evacuation routes and using volunteers to direct traffic. Councilor Mark said that a "higher-up" should evaluate traffic during the emergency and consider implementing alternate evacuation routes. Mr. Murphy agreed with Councilor Mark and said that performing a better evaluation of our available evacuation routes would help.

Councilor Hoagland suggested doing evacuation drills in a similar way to the current "Shake Out" drill in October. Cover all 4 areas of town and meet with people at a predetermined rendezvous point. The City should offer gift packs and other incentives for people to participate in these drills. Councilor Hoagland said that when he lived in the mid-West, he did tornado drills. These made him less scared of the potential for an actual tornado. Councilor Hoagland would like to see more frequent evacuation events, more participation, and more familiarity.

Mr. Murphy discussed the Emergency Operations Center (EOC). Councilor Hinton asked if the City had applied for any FEMA funding this year, noting that funding is usually available in November. Mr. Murphy said that the City had not applied for FEMA funding this year, but advised that EOC upgrades don't always qualify for FEMA grants.

Councilor Parsons asked when the City should activate its own EOC? Mr. Murphy said that, during the Echo Mountain Complex emergency, he would have recommended opening the City's EOC on a limited basis. Mr. Murphy said that it should be open for any emergency events that might affect Lincoln City. Mr. Murphy noted that the extra equipment he recommends could be purchased and not used for four years. However, Mr. Murphy cautioned that being prepared and ready is an insurance policy to help the City survive an event and continue providing necessary services to its citizens.

Mr. Murphy offered the following comments:

1. Training: ICS 300 and 400 cannot be taken right now since they require a classroom, and COVID has prevented those sorts of gatherings. Mr. Murphy can offer abbreviated training on these topics via Zoom. Mr. Murphy would like to promote these training sessions by all means possible.
2. It's critical to get the lodging industry participating, offering incentives as necessary.
3. CERT- CERT requires in-person meetings which are currently limited due to COVID.
4. City Departments would need laptops for remote work. Mr. Murphy noted the 24 laptops purchased for the EOC have been temporarily assigned to staff to work remotely during COVID-19.
5. Mr. Murphy plans to finish work on the Emergency Caches sooner rather than later.
6. Mr. Murphy plans to offer training on other types of emergencies, such as preparing for damage caused from a solar electro-magnetic pulse.

Mr. Murphy said that he will take Council's suggestions from this discussion and come back with a definitive set of information. Mr. Murphy said that training can start right away.

Mayor Anderson asked Mr. Murphy what was the low hanging fruit? Mr. Murphy said that training was the low hanging fruit. Mr. Murphy said the EOC was a priority. The EOC might not be able to be opened 24 / 7, but the City needs to be capable of doing something if disaster strikes.

Mayor Anderson noted that training will take staff away from their day-to-day work. While there isn't necessarily a dollar cost associated with this, there is a productivity cost. Mr. Murphy said he will discuss with department heads, with a plan to offer training that doesn't disrupt daily activities. Mr. Murphy said classes will be limited in time and he will teach in small vignettes.

Mayor Anderson commented that not all staff would be able to perform the duties required for EOC operations. Mayor Anderson suggested that staff be made aware of EOC duties when they are hired.

Councilor Hinton asked Mr. Murphy and Mr. Chandler if they had heard anything about housing for evacuees? Councilor Hinton discussed the FEMA incentive program of 125-150% of Fair Market Value for rentals. Mr. Murphy said that no decisions had been made currently. Mr. Murphy said that discussions were taking place with VRD management companies. Mr. Murphy noted the cost of VRD rentals and if owners would be willing to allow a family to stay in their second home for an 18 month period. Mr. Murphy said that FEMA was considering the Fernwood site at the north end of Lincoln City as a possible location for temporary housing.

Councilor Hinton said that using VRDs for evacuee housing would lead to a loss of Transient Room Tax for the City. Further, VRD owners would be concerned about losing their license due to perceived inactivity. The City would need to provide an exception for this. Councilor Hinton said that County Commissioner Jacobsen said that FEMA would make the decision about housing. However, U.S. Representative Schrader said that local people would have input on this decision as well. Councilor Hinton said that Dave Price from the Small Business Development Center reports that four local businesses are enrolled in classes to restart their businesses. Also, the Oregon Health Authority provided a grant to the RecKids program at the Lincoln City Community Center for childcare.

Mr. Murphy said that debris cleanup was taking longer than people would like. The state is managing this process across all of Oregon. There are specific requirements for different types of debris. Mr. Murphy stated that the state is focusing on badly-hit Southern Oregon regions at the moment, not Lincoln County. Mr. Murphy said that local citizens are doing what they can to stabilize ground in the Otis area prior to winter rains, noting that hay was put down. Mr. Murphy said he would push FEMA to help our area as hard as he could.

Mayor Anderson thanked Mr. Murphy for his report. He asked if Mr. Murphy was forwarding his report to the County? Mr. Murphy said he wasn't yet. Mr. Murphy is waiting to see what the County is going to discuss on this issue. The County has hired an outside contractor to lead their discussions. Once the County has more information on what they are discussing, Mr. Murphy will forward his notes and recommendations to them.

Mr. Murphy said that the Tsunami sirens can't have their tones changed at this time. Mr. Murphy said he was still waiting for data from Lincoln Alerts.

Councilor Hoagland asked Mr. Murphy if the City could buy a radio frequency? Mr. Murphy said he would find out. Councilor Hinton said that radio frequencies are issued for free to municipalities. It takes around 18 months to obtain a radio frequency and you work with the FCC. Mr. Murphy said he would come back to Council with more information on radio options.

7. Proposed Parking Restrictions/Changes

Mr. Chandler presented results of community meetings on Parking to the City Council. Mr. Chandler said that he had received 13 general comments; however, 3 issues rose to the top. Those issues are:

1. VRDs and their impacts on parking;

2. Enforcement;
3. How big the parking permit / no parking areas would be.

Mr. Chandler discussed the general comments:

1. The proposed ordinance would penalize daytrippers, impacting the City's tourist industry;
2. Need a limit on the number of vehicles brought to a VRD. Mr. Chandler noted the misconception that it is illegal for VRD guests to park on the street;
3. The need to define parking space standards- generally they are 8 feet wide and 20 feet long. Sometimes we can permit a 7 foot wide parking space;
4. The need for VRD owners to have a say on these proposed regulations;
5. The need to make parking permit / no parking areas larger to avoid restrictions in one area negatively impacting neighboring areas;
6. The City should make the determination on the parking / no parking area, not the neighborhood as is currently proposed;
7. How close can you park to a mailbox? Oregon law allows for parking in front of a mailbox. The City could consider a local ordinance to prohibit parking in front of mailboxes;
8. How do you enforce new restrictions? With more restrictions comes more enforcement cost. Mr. Chandler is working with Chief Palmer to discuss the possibility of part-time enforcement focusing on the busy season;
9. The width of right-of-way, including the need to accommodate pedestrians. Mr. Chandler noted the right-of-way includes sidewalks but much of the City does not have sidewalks in place;
10. How big is the actual parking problem?
11. The initial discussion of this issue focused on Nelscott and its beach accesses and parking lots being used for residential parking. Can residents of this area get residential parking permits to use at beach accesses?
12. What about grandfathered-in VRDs?

Mr. Chandler said that Sandra Roth had asked him to consider a smaller concept first. Ms. Roth was one of the petitioners regarding the initial issue at Nelscott.

Mr. Chandler said the biggest discussion item was VRDs. Mr. Chandler said an alternative would be to create a parking pass area allowing guest parking in front of a VRD as long as the parking space met the 8 x 20 feet size requirements. Beyond that, parking spaces would be limited by hours.

Mr. Chandler asked Council for their thoughts on the citizen comments received and what they thought about the VRD parking pass idea?

Councilor Hinton said that VRDs need to provide parking for their renters. Councilor Hinton said that when VRD guests bring more cars than they are allowed it causes problems since these guests park on the street. Mr. Chandler asked how to enforce this issue, noting that residential occupants can also have more cars than they have off-street parking space for. Councilor Hinton said that residential occupants could obtain a parking permit for the time that they would need extra parking. Mr. Chandler said the issue of enforcement still remains.

Councilor Parsons said that he had lots of unanswered questions. Councilor Parsons believes that the Planning Department and Planning Commission should review these proposals before they return to Council. Councilor Parsons said that enforcement is a priority of this Council. Councilor Parsons said the City should hire extra Code Enforcement Officers, not parking attendants.

Councilor Hoagland said that Mr. Chandler had engaged with 33 citizens out of a City population of 9,000. Councilor Hoagland does not want to make changes based on that low level of representation. Councilor Hoagland said that this issue had initially come before Council because of Nelscott residents getting tickets for parking in the beach accesses as they have no parking spaces at their condo complexes. Councilor Hoagland has asked Mr. Chandler to consider no parking regulations in front of houses and he didn't see any analysis of that issue in the packet. Councilor Hoagland wants to see strong enforcement. Councilor Hoagland asked what happened to the City Attorney's form. Councilor Hoagland wants to focus on providing needed parking to residents.

Mr. Appicello said that part of the issue can be addressed through an ordinance. If there isn't sufficient right-of-way to allow for parking, then parking should be illegal. This can be accomplished through resolution, or a City Manager order. Additionally, street parking is necessary. You can't use City parking lots to store your vehicles for more than 24 hours. There are also overnight parking restrictions as well. Mr. Appicello asked Council if they wanted to establish a permit where people can pay to use City property for parking? This wouldn't exclude vehicle storage for more than 24 hours. Mr. Appicello asked if he should provide ordinance language to help pare this down to essential items?

Mr. Chandler agreed with Mr. Appicello. However, Mr. Chandler noted that an ordinance will not address VRD parking problems. How can we enforce these?

Councilor Casper said that Lincoln City has VRDs in residential areas. This is why VRD parking problems exist.

Mayor Anderson asked Mr. Chandler if there had been any discussion with VRD property managers regarding this issue? Mayor Anderson would like to hear how VRD property managers would resolve the problem. Mr. Chandler said he had invited VRD property managers to the discussions but none had attended. Mayor Anderson said that he was bothered by this, suggesting a certified letter be sent to VRD property managers saying that you cannot complain about any new laws put into place without your input.

Mayor Anderson suggested a work session to discuss the item further. Mayor Anderson suggested pilot programs in targeted areas. Mayor Anderson also discussed how, in the past, motel condos were built by developers because those developments did not require as many parking spaces as apartments.

Mr. Chandler asked if Council wanted an ordinance to be drafted regarding the beach access lots issue and then to discuss that Ordinance more at the work session?

Mayor Anderson said he was in favor of this approach. Councilor Casper agreed.

Councilor Hoagland said that lots of staff time had been spent for little public input.

Councilor Hinton suggested making parking lots bigger, noting this would really help the parking congestion at the Logan Road beach access. Councilor Hinton noted that the Nelscott residents bought properties without parking spaces, creating a unique situation. Councilor Hinton said she wasn't in support of having the Police Department issue parking tickets to these residents.

Mayor Anderson asked Council if the consensus was to have a work session to discuss the Nelscott parking issues, and then proceed from there? Council concurred.

Councilor Casper noted that, in Nelscott, the beach access was once just a parking lot. One impacted owner bought their home in 1986, when the beach access was their assigned parking area. The beach access hasn't always been a beach access.

8. COVID-19 Update

Mr. Murphy noted that the United States has increased case counts, with the consensus being that social gatherings with families and friends are causing the spread. Case numbers have increased dangerously in Oregon, with almost 1,000 cases a day being recorded.

Governor Brown has implemented a two week pause for certain counties with high case counts per capita. The pause will go into effect on November 11 and will last until November 25. Mr. Murphy is not sure what will come after that.

Mr. Murphy notes that Lincoln County has had very few COVID cases in the last week. Mr. Murphy said he will continue to put messages out encourages people to refrain from social gatherings.

Mr. Murphy does not see much COVID relief coming. There are going to be stricter standards in Oregon, and perhaps nationwide. It's important to wear a mask, social distance, and wash your hands. There are now 100,000 cases a day of COVID being reported across the United States.

On Thursday, a COVID testing center will be opened at the Lincoln City 6 cinema complex. Adjacent counties can also visit this center for testing. Mr. Murphy expects our COVID case count to increase with more testing being available.

N. CITY MANAGER/CITY ATTORNEY REPORTS

Mr. Chandler asked Council when they would like to have a Work session. Consensus was reached for Monday November 23 at 10 am.

Mr. Chandler provided information to Council about the transition after the November election. On February 2, 2021 there will be a joint hearing with the Planning Commission.

Mr. Chandler asked Council when they wanted to schedule their goal setting and priorities meeting? Options were February 1, or February 15. It was agreed to schedule the goal setting and priorities meeting for February 1 at 9:30 am.

Mr. Appicello discussed a dispute between ODOT, a developer, and adjacent property owners. Mr. Appicello asked Council for authorization to facilitate a resolution to this dispute. Mayor Anderson said this was a sensible first step to avoid conflict. Council gave Mr. Appicello unanimous consent to proceed.

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

9. Public Comment

Ms. Lonnon had left the Zoom Waiting Room and was not available to provide public comment. No written comments were received and no citizens were present in the Council Chambers.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Parsons asked if Council could host a town hall once a year to have a back and forth with constituents?

Councilor Mark congratulated Mayor Anderson on his election to the state senate. Councilor Mark noted that north Lincoln County was fortunate to have excellent legislative representation.

Councilor Mark asked about the process to replace the Mayor? Mr. Appicello said that the vacancy can be filled by appointment, or the Council may have a Special Election. Mayor Anderson noted he has to resign his seat first. After that, the Council declare the seat vacant. The next elections would be in March, or May. Typically the Council President serves as interim Mayor. The Council President will be appointed by Council in January. Mr. Appicello asked Mayor Anderson if he had been scheduled for swearing in at the state senate. Mayor Anderson said he had not been contacted yet.

Councilor Casper thanked Ward 3 constituents for electing her to City Council. Councilor Casper asked Ward 3 constituents to contact her with any questions they have. Councilor Casper looks forward to 4 more years serving on the City Council.

Councilor Casper said that, in Toledo, Georgia Pacific were working on a project to recycle fiber from solid waste into cardboard boxes. This project created 10 jobs and starts in January. Councilor Casper said that the state is going to create a symbol for products that are completely recyclable. If products aren't completely recyclable, the manufacturer will get charged.

Councilor Casper said that there's been an increase in mental health calls from children and families. Oregon Family Support Network offers counseling.

Councilor Casper said the state was considering implementing a Tennessee program for children's advocacy, in particular regarding sex abuse. In TN, materials were placed in grocery bags advising people what to look for and how to report sexual abuse.

Councilor Casper said that she was concerned about the mental health impacts that will be created from the passage of Measure 110.

Councilor Casper asked that citizens learn more about what Urban Renewal does. Councilor Casper noted that Urban Renewal has made a lot of positive changes to Lincoln City over the years.

Councilor Hinton echoed Councilor Casper's comments about the Urban Renewal district. Councilor Hinton thanked Ward 1 voters for working for her and promised to continue working hard on City Council. Councilor Hinton congratulated the Mayor on his election and wished him good luck.

Councilor Hoagland also congratulated Mayor Anderson on his election. Councilor Hoagland thanked those citizens who voted for him. He will continue working hard to represent Ward 2 residents.

Councilor Hoagland wants Roundup to be banned in the City, especially in playparks like Regatta Park. Councilor Hoagland would like to see the City consider community greenhouses. These could allow the City to grow its own plants for Parks and Recreation needs, reducing costs.

Mayor Anderson reminded Council that there wasn't a regular meeting on November 23 at 6 pm. There will be a work session the morning of November 23. In December, there will be one meeting on December 14.

Q. ADJOURNMENT

DICK ANDERSON, MAYOR

ATTEST:

OFFICE OF THE CITY RECORDER

e.

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF WORK SESSION MEETING

November 23, 2020, 10:00 AM

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:

1. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Dick Anderson	Mayor	Present	10:00 AM
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

Staff present: Ron Chandler, City Manager; Richard Appicello, City Attorney; Jerry Palmer, Chief of Police; Tony LaSoya, I.T. Director.

Mayor Anderson performed Roll Call.

2. DISCUSSION ITEMS

A. Use of the Public Right-of-way and other public property for Parking

Mr. Appicello said there were several items of Council Consensus regarding Parking.

The first item was criteria to use when restricting parking. Mr. Appicello discussed how his draft ordinance language reflects the Transportation Plan parking guidelines, and the parking guidelines of the Public Works Department. Mr. Appicello recommends providing the City Engineer with the ability to

apply these guidelines and approve restrictions. Mr. Appicello added parking-specific text (metered parking, prohibited parking, parking permits) to the "Authority" part of the ordinance.

To address Council's desire to allow the public to park in City lots with a permit, Mr. Appicello said the City Manager could issue a placard to residents who don't have access to off-street parking. However, Mr. Appicello cautioned that using public property should come with a fee. Council could charge a fee for placards, or use parking meters. Mr. Appicello said that residents who don't have off-street parking can park in the City right-of-way for free.

Regarding VRDs in the Roads End area, Mr. Appicello said that Roads End had VRDs with Lincoln County permits grandfathered in when Roads End was annexed into the City. In other areas of the City VRDs have to have an off-street parking space for every bedroom. In Roads End, that isn't always the case. Mr. Appicello said that parking cannot be considered a health and safety issue; it's a land use issue. Mr. Appicello said that the best option he sees is to mark the right-of-way in the Roads End area for appropriate parking spaces. The City can also prohibit parking in the right-of-way on either side of the road as appropriate. The City could also develop additional parking by improving the right-of-way or developing City property to provide extra public parking spaces. Mr. Appicello said the law cannot prohibit visitors from parking in City-owned right-of-way.

Mr. Appicello discussed how the overnight parking in Taft was authorized and permitted by the City. Mr. Appicello noted that these spaces haven't always been used as intended (for locals needing a place to stay overnight). Vacationers have also taken advantage of the free parking spaces. With the Governor's emergency order prohibiting gatherings of more than 6 people, Mr. Chandler has revoked his emergency order permitting the overnight parking in Taft.

Mayor Anderson asked for clarification re: placards. Are placards synonymous with permits? Mr. Appicello confirmed they were.

Councilor Hinton asked Mr. Appicello if there would be an appropriate time to update the rules regarding the grandfathered in VRDs in Roads End? Mr. Appicello said that health and safety regulations are the only rules that can be changed with grandfathered in VRDs. Parking is not considered a health and safety regulation.

Mayor Anderson asked Council if they could discuss the easier parking issues? The first item would be identifying streets that are too narrow for parking on both sides, and that Council do whatever is necessary to find those and limit parking to one side. This might provide a positive impact to the Roads End parking issues. Mr. Appicello said that the Municipal Code does not to be amended to do this; however, Mr. Chandler would need to issue an Order or Council would need to issue a resolution to prohibit parking in certain parts of the right-of-way. Mr. Appicello asked for Council direction on where to start.

Councilor Mark said that he didn't know if this was a city-wide problem, while acknowledging the issues in Roads End and the previously-discussed issues on NW 8th Court. Councilor Mark said that he doesn't see parking issues in Cutler City. Councilor Mark suggested building more parking lots in Roads End and not making changes in other areas of the City.

Mayor Anderson said that he would prefer to get ahead of potential issues across the City now. Mayor Anderson said the new City Park in the SE area of the City will increase parking along those streets, noting that SE Keel is a narrow gravel road. Mayor Anderson said he would like to survey complaints City-wide regarding parking problems.

Mayor Anderson asked Mr. Chandler how long it would take to survey these areas? Mr. Chandler said it would take some time and some money. The survey would be a contracted service. Mr. Chandler said that he would have City staff do an initial review and then contract with an agency to perform a targeted survey.

Councilor Hinton says that the survey is the first step. Councilor Hinton asked Mr. Chandler about additional parking. Are Oregon State Parks willing to provide more parking at Roads End? Mr. Chandler said that State Parks are willing to do so, if the City pays for it. Councilor Hinton asked if Transient Room Tax could fund extra parking spaces for visitors. Mr. Chandler said that it could. Mayor Anderson asked how a parking lot could be limited to tourist parking only? Mr. Chandler said that you could make a good case that Roads End State Park would be primarily used by tourists.

Mayor Anderson asked about charging for parking at Roads End? Mr. Chandler said he would bring that up with Oregon State Parks. Councilor Hinton said that people would be adverse to paying for parking and they would park more in the residential streets.

Councilor Mark suggested a system with 2 hours of free parking and then you pay for more parking after that. Councilor Hoagland said that Drift Creek Falls is a State Park with paid parking.

Mayor Anderson asked about enforcing parking regulations. Chief Palmer said the main thing is being easily able to determine what is legal parking and what isn't. The Police Department have a hard time with this in Roads End and in the SW 35th area of town. Currently the PD look for parking that encroaches on traffic. Chief Palmer said that a legal parking spot in the City right-of-way is legal for both residents and visitors to use. Chief Palmer suggested a local community services officer might be a good solution to enforcing parking in problem areas.

Councilor Casper gave an example scenario of a person moving their car from one legal spot to another nearby spot after the 24 hour period expired. Councilor Casper asked if this was legal? Chief Palmer confirmed that it was legal, and that this was a difficult issue for the PD to effectively enforce. Councilor Casper said that other cities have regulations that prohibit parking on the same street within a certain period of time.

Mayor Anderson asked Chief Palmer how many staff would be needed for more regimented enforcement? Chief Palmer said the PD would need at least 2 more officers. Overnight Parking, between 2:30 am and 5 am, occurs at the times when there are fewer officers out patrolling Lincoln City streets. If Council wants 24 hour parking enforcement then more staff would definitely be needed.

Councilor Casper said this is a seasonal issue. Could we focus on a certain time frame? Chief Palmer said that while more issues come up during the summer, it is a year round issue. Chief Palmer said it is harder to hire part-time enforcement officers. Chief Palmer discussed how a Community Services Officer could help with other area issues such as VRD and Code Enforcement.

Mayor Anderson said that surveying and marking certain areas is important. SW 35th gets very congested, and Roads End needs to have appropriate parking spaces identified. Signage identifying where you cannot park is important as well. Are these the next steps? Mr. Appicello suggested that, at the next Council meeting, Council give direction to staff through motions to start surveying areas for appropriate parking. Councilor Hinton agrees with Mayor Anderson that surveying and marking is the first step.

There was a power outage at this point in the meeting, which created a pause in the discussion.

Upon the meeting resuming, Councilor Hinton said there will have to be a lot of public involvement in the process. Mayor Anderson agreed, saying that getting information to the public is important. Mayor Anderson asked Mr. Appicello to share some suggested motions for the next Council meeting. Mayor Anderson asked City Councilors to provide information about problem parking areas in their wards.

Councilor Hoagland said that there was a public parking lot on SE 3rd that could serve the new City park, provided that the City improves pedestrian access.

Mr. Appicello asked Council for their suggestions ahead of the next meeting so that Mr. Appicello can incorporate those suggestions into potential motions.

Councilor Hinton asked if the Police Department could provide extra patrol along problem areas when they have time? Police presence makes a big difference and a couple of tickets would help get the word out that the City is taking parking enforcement seriously. Councilor Hinton noted that vacation rentals are fuller than in previous years due to the increase in people being able to work remotely.

Mayor Anderson said this is a good opportunity to think ahead about where new or expanded public parking lots might be, and also noted that having a private parking lot might be a good business opportunity.

Councilor Casper said it's worth discussing metered parking at beach accesses. Councilor Casper is concerned about people taking advantage of the paid parking and it not being used to assist local residents as intended. Councilor Casper discussed the issue in SW 35th with local residents getting a ticket for parking near their residence in a City beach access lot. Councilor Hoagland noted that the parking ticket was dropped once the Police Department learned of the circumstances. Mr. Appicello said that enforcement needs to occur equally for residents, visitors, and transients. Councilor Casper said that metered parking on the lot at SW 32nd would help resolve the issue in the Nelscott area, since the lot is quiet at night. Mr. Appicello said that at the next meeting a motion could be passed to create metered overnight spaces in the Nelscott area.

Mayor Anderson asked for an explanation of how an overnight meter would work. Mr. Appicello said that signage would be required, permitted spaces should be marked, and overnight parking hours should be defined as non-daylight hours or 9-10 pm to 7-8 am.

Mr. Chandler said that newer parking meters can accept payment by credit cards. These newer meters provide electronic information on payments received. Councilor Hoagland said that these meters would still require enforcement and monitoring, and also residents would need to pay a permit fee. Councilor Hoagland is not in favor of charging residents for parking.

Councilor Mark said he thinks residents will use free parking in the City right-of-way overnight rather than meters. Councilor Mark said that there are apps for parking in bigger cities. Councilor Mark wonders if enforcement will be made easier with new technology. Mr. Chandler will do some more research on parking meter technology, specifically where the information gathered from the meter goes. Does the information get transferred to the Police Department, or does it remain at the meter?

Mr. Appicello reminded Council that overnight parking is currently prohibited, so the Police Department can ticket cars parked in City lots between 2:30 am and 5:00 am. Mr. Appicello doesn't suggest getting rid of this provision. Instead, he recommends using metered spaces in a lot for overnight parking, or allowing overnight parking in an entire City lot through a paid permit.

Mayor Anderson asked about resting in these lots. Can these spaces be used for resting, or just for parking? Mr. Appicello suggested providing limited spaces for overnight parking- perhaps one or two spaces in a particular lot. Mr. Appicello said that, following Council direction, he is working on contacting local religious institutions to ask for their assistance with this. Mayor Anderson asked how the City could stop people taking advantage of overnight parking spaces designed to help local people who need a place to sleep? Mr. Appicello said signage, and also prohibiting empty vehicles in these lots between the designated hours.

Mr. Chandler reminded Council that more regulations will lead to more enforcement.

Councilor Parsons asked for confirmation that overnight parking in the Taft lot is now prohibited. Mr. Appicello said yes, and that the Governor's order led to this decision. Mr. Chandler said that enforcement issues and the need to re-stripe parking areas also led to the decision to revoke the emergency order.

Councilor Parsons asked if, once the COVID freeze is over, the City will re-allow overnight parking in that area? Mr. Appicello said that he recommends the City do something once the freeze is over. Chief Palmer said that the PD now has housing information and resources they can give people who were parking overnight in that lot, including information on temporary hotel accommodations.

Mayor Anderson asked about the need to offer victims of the Echo Mountain Fire a place to sleep overnight. Mr. Appicello said that all fire victims were taken care of with help from the Red Cross.

Mayor Anderson asked if surveying and metered spaces would be two good first steps to get started? Council concurred that they were.

Councilor Casper asked about private parking lots, mentioning that perhaps the Eagles in Nelscott might want to offer this. Mr. Appicello said that interested parties should contact the Planning Department for more information.

Councilor Hinton said this was a good start.

Mayor Anderson reminded Council of the Planning Director candidate meet and greet tomorrow (Tuesday November 24) and of the Executive Session on November 30. Discussion was held regarding whether the Executive Session should start at 9:30 am, 10 am or 2 pm. The consensus was to have the Executive Session at 10 am on November 30.

3. ADJOURNMENT

DICK ANDERSON, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

Request to set hearing - Water Treatment Plant Generator Replacement Project

Meeting Date: December 14, 2020 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

Question:

Should the City Council set a January 11, 2021 hearing to consider authorizing an exemption to the competitive bidding process for the Water Treatment Plant Generator replacement project?

Staff Recommendation:

Staff recommends the Council set the hearing to consider authorizing an exemption to the competitive bidding process for the Water Treatment Plant Generator replacement 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. [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]

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 above.

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. Staff requests Council set the hearing to consider the exemption on January 11, 2021.

Council Options:

Set the hearing or do not set the hearing ;

In January –

Council may authorize an exemption to the competitive bidding process for the Water Treatment Plant generator replacement based on the draft findings.

Council may authorize an exemption to the competitive bidding process for the Water Treatment Plant generator replacement and modify the draft findings.

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

Financial Impact

The project was approved in the fiscal year 2020/2021 in the estimated amount of \$400,000.00

Potential Motions:

Motion to set the January 11, 2020 hearing to consider the exemption.

In January -

Move to authorize an exemption to the competitive bidding process for the Water Treatment Plant generator replacement based on the draft findings.

Move to authorize an exemption to the competitive bidding process for the Water Treatment Plant generator replacement and modify the draft findings.

Move to reject the findings and direct staff to procure the contract under the competitive bidding process.

[Council may want to consider asking staff to skip this step and just allow staff to notice the hearing ahead of time without asking Council to authorize noticing]

Attachments:

Findings in Support of Alternative Contracting Method (PDF)

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

Request to set hearing -City Hall HVAC Upgrade

Meeting Date:	December 14, 2020	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

Question:

Should the City Council set a January 11, 2021 hearing to consider authorizing an exemption to the competitive bidding process for the City Hall Heating Ventilation and Air Conditioning (HVAC) Control Upgrade (HVAC Project)?

Staff Recommendation:

Staff recommends the Council set the January 11, 2021 hearing to consider an exemption to the competitive bidding process for the HVAC Upgrade?

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]

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 above.

Staff finds this project also meets the criteria. Please see the attached findings document. Two of the HVAC system units serving the City Hall building are in need of replacement. The control system is not functioning properly and this project will improve the control system.

Council Options:

Set the January 2021 hearing or do not set the hearing.

In January,

Council may authorize an exemption to the competitive bidding process for the HVAC Upgrade based on the draft findings.

Council may authorize an exemption to the competitive bidding process for the HVAC Upgrade and modify the draft findings.

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

Financial Impact

The project is estimated to cost \$140,000.00 with a \$50,000.00 match from Energy Trust.

Potential Motions:

Motion to set a January 11, 2021 hearing to consider an exemption from competitive bidding for the City Hall HVAC system.

In January:

Move to authorize an exemption to the competitive bidding process for the HVAC Upgrade based on the draft findings.

Move to authorize an exemption to the competitive bidding process for the HVAC Upgrade and modify the draft findings.

Move to reject the proposed findings and direct staff to procure the contract under the competitive bidding process.

Attachments:

Findings in Support of Alternative Contracting Method - HVAC Controls (Draft) (PDF)

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

Public Comments

Meeting Date:	December 14, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

We have received the attached public comments through publiccomment.org.

Attachments:

public comment 12-14-2020 City Council Meeting_Redacted (PDF)

Ronald Chandler

From: Fran London [REDACTED]
Sent: Thursday, November 12, 2020 8:24 AM
To: Mitch Parsons; Public Comment; Diana Hinton; Riley Hoagland
Cc: [REDACTED]
Subject: Town Hall Meeting with City Council

Good Morning,

I was listening to the City Council video from Monday's meeting 11/9/20 and Councilor Parsons had asked a question about the Town Hall meeting. I think this is a great idea but I also noticed that the Council just blew off this issue.

Residents in this City are very frustrated with the inability to ask this Council questions in a meeting forum. It seems this Council only want questions in an email or phone call but NOT in a meeting forums. This stance by the Council is wrong. It is showing the Residents you can't answer questions in a live setting.

Thank you Mitch for listening to your constituents!!!!

Sincerely,
Fran Lonnon

Ronald Chandler

From: Lisa Corzine [REDACTED]
Sent: Thursday, November 12, 2020 8:38 AM
To: Fran London; Mitch Parsons; Public Comment; Diana Hinton; Riley Hoagland
Subject: RE: Town Hall Meeting with City Council

Yes we are. More than that, we are beyond frustrated that even though we can only "Comment" nothing is Ever responded to. So what is the point, The Council turns a Blind Eye and Deaf Ear to the Tax Payers of this City.

Lisa Corzine

-----Original Message-----

From: Fran London [REDACTED]
Sent: Thursday, November 12, 2020 8:24 AM
To: mparsons@lincolncity.org; Public Comment <publiccomment@lincolncity.org>; Diana Hinton <dhinton@lincolncity.org>; Riley Hoagland <rhoagland@lincolncity.org>
Cc: Lisa Corzine [REDACTED]
Subject: Town Hall Meeting with City Council

Good Morning,

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Thank you Mitch for listening to your constituents!!!!

Sincerely,
 Fran Lonnon

From: Karen Urrizola [REDACTED]
Sent: Monday, November 23, 2020 10:51 AM
To: Courtney Liberato <cliberato@lincolncity.org>
Subject: Re: No Parking signs needed

I reviewed the City Council meeting in regards to parking and was wondering if what they were referring to as far as parking limitations would in fact extend to our neighborhood in Bayview. They were mainly concerned about the Roadsend area. Obviously our area is not affected by tourists but is still a hazard. The other question I have is, how long would it take the city to survey our area and make a decision about No Parking signs? The Bayview area as a whole has No Parking signs throughout the neighborhood and I'm wondering why this particular street, as heavily traveled as it is, was not part of this zoning ordinance, especially since it's the only way to enter or exit this subdivision. It's a real concern to me not only for safety reasons but as I mentioned before the emergency vehicles that may need access to our area.

Thank You,
Karen Urrizola

Ronald Chandler

From: Joan James [REDACTED]
Sent: Friday, November 13, 2020 11:47 AM
To: Public Comment
Subject: TOWN MEETINGS

To: Mayor Anderson & Lincoln City Council

I STRONGLY support and hereby request Town Meetings for Lincoln City. Town Meetings are an important piece of administrative democracy. The fact that you, as Mayor and Council of Lincoln City are resisting them is subject for questions and concern on the part of Lincoln City citizens.

There are many of us watching to see when and if Town Meetings are expeditiously installed on your agenda. This issue will be a big consideration in our next vote.

Sincerely,

Joan C. James

[REDACTED]

Ronald Chandler

From: Nikki Hayes [REDACTED]
Sent: Monday, November 23, 2020 5:21 PM
To: Public Comment
Subject: County approval of \$10,000

I would be proud of our City to match the \$10,000 donation from the county. I support the use of the fern wood property for emergency housing for fire victims.

Nikki and Richard Hayes
Sent from my iPhone

Ronald Chandler

From: Rock Your World [REDACTED]
Sent: Monday, November 23, 2020 5:44 PM
To: City Council; Public Comment
Subject: Say YES to Fernwood

My message is a simple message of support. Please say yes to FEMA trailers and affordable housing at The Villages now! Please develop Fernwood for the people who make Lincoln City home!!!

Thank you,

Laura Joki
Business owner
Tax payer
Property owner
Voter
Community advocate

Ronald Chandler

From: Fran London [REDACTED]
Sent: Tuesday, November 24, 2020 8:40 AM
To: Public Comment; Jerry Palmer
Cc: lisa@krplastic.com
Subject: Overnight Parking

I was listening to the meeting on 11/21/2020 and one of the points that were discussed was overnight parking in Lincoln City.

Here are my concerns:

1. No other coastal town on the Oregon coast has overnight parking. The reason they have no overnight parking is because of the mess they leave and then you have to force them leave.
2. This situation causes a tremendous amount of work on our police force due to enforcement and crime. (Just ask Chief Palmer about the lot behind Ace store in the south of town)
3. Every time the City cleans up any kind of homeless camp it costs the city \$5,000 to have a hazmat crew come in and clear the site (ask the parks and recreation about the process).
4. Why do we need to provide this service when Chinook Winds and Grande Ronde both have free dry camping? You have to ask yourself why are they not parking at these locations if they are free?

It just seems to me by having City property for overnight camping is just beyond comprehension. This will cost the taxpayers more money for enforcement and clean up.

Sincerely,
Fran Lonnon

Ronald Chandler

From: Fran Lonnon [REDACTED]
Sent: Tuesday, November 24, 2020 11:00 AM
To: Ronald Chandler
Cc: lisa@krplastic.com; Public Comment
Subject: Zoom Meeting 11/22/20

Thank you so much Ron for listening to our concerns about the parking issues and ill dumping of human waste on 8th court. These neighbors have had a horrible time time getting these issue corrected.

The human waste issue is a huge concern because when it rains the waste could flow downhill to a group of townhouses below. One person who lives in the town homes below have seen this dumping process several times. This person is living in the trailer on the property and has no way to tow the trailer to a dump station so we know he has to be dumping on his property.

Again, thank you so much for your assistance with this issue and we hope to get it resolved quickly because it is a hazmat issue!

Sincerely,
Fran Lonnon

Ronald Chandler

From: Lisa Corzine [REDACTED]
Sent: Tuesday, November 24, 2020 11:04 AM
To: Fran Lonnon
Cc: Ronald Chandler; Public Comment
Subject: Re: Zoom Meeting 11/22/20

Yes! Thank you very much Ron, I really appreciate your taking the time to listen.
I look forward to hearing your progress.
Have a wonderful Turkey Day.

Lisa Corzine
K&R Plastics, Inc.
[REDACTED]

> On Nov 24, 2020, at 11:00 AM, Fran Lonnon [REDACTED] wrote:

>

> Thank you so much Ron for listening to our concerns about the parking issues and ill dumping of human waste on 8th court. These neighbors have had a horrible time time getting these issue corrected.

>

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>

> Again, thank you so much for your assistance with this issue and we hope to get it resolved quickly because it is a hazmat issue!

>

> Sincerely,

> Fran Lonnon

Ronald Chandler

From: Louis Lorenzi-Prince [REDACTED]
Sent: Thursday, November 26, 2020 9:27 AM
To: Public Comment
Subject: Crosswalks on Hwy 101 in Lincoln City

Dear LC City Council,

I understand someone was hit by a car at a marked crossing in town last evening. This accident happened at a crossing that didn't have flashing lights to alert drivers that someone was going to cross. I think Lincoln City needs to install flashing yellow warning lights at all st ALL stand-alone Hwy 101 pedestrian crossing; not just a few.

As residents of the city, we all know-how traffic is at all times of the day and night, in all weathers with cars darting from lane to lane to get through town as quickly as possible. Crossing 101 is hazardous even at crossings with the hazard lights. No one should be injured crossing the street for lack of proper safety equipment. Please install hazard lights at all crossings.

Thanks,
Lou Lorenzi-Prince

Ronald Chandler

From: Robert Hill [REDACTED]
Sent: Thursday, November 26, 2020 6:59 PM
To: Public Comment
Cc: [REDACTED]
Subject: CROSSWALK LIGHTS !!!!

I have never seen such a slapstick, wasteful, ignorant group of dimwits running a city in my life, I am back in Lincoln City(moved here in 1965 did all schooling here) after a 20 year absents, visiting on occasion as I have 3 grandchildren here, I was sorely disappointed in my attempt to move back home for retirement, jesus you all have messed up this city in a short 10 years(\$\$\$\$ million's paid for city vehicle's, police car's, police station, fire stations), not one penny of these funds went to improve the life's of our citizens?

These fucking Vacation Rental Houses are a sham and highly suggest a roll back on the % of allowed places so our citizen's can have a place to live so we can get quality workers whom are happy to live here, we currently have a work force that is competent and capable to exceed expectations if only they didn't have to worry about living in a decent home(the apartment buildings in Lincoln city are dilapidated and well past their life expectancy), most apt buildings are ran by SLUM LORDS like Norris & Stevens properties (Sandpiper & Cascade view commons both next to mall), if you don't want to put out the effort and lazily blow this off, might I suggest you all do some door knocking and find out what this city needs, you all are out of touch, as I plan on being very vocal as it is about time to shake a tree or two. I will be knocking/flyers on every single door to express my views about this city government and their absolute disregard for the people of this city

My qualifications for my comments: Locomotive engineer BNSF Railway, Legislative Representative Brotherhood of Locomotive Engineers Vancouver, Wa local 758, Vice Local Chairman, Tacoma, Wa, Chairman Railroad Workers United, International organization... I worked with local governments on Railroad Issues, human rights, labor, protest, campaigning, organizing and special meetings. I have viewed the long term agenda put out, I am impressed but have seen the same thing off and on for decades, meaning when will you move on anything that enhances the lives of our citizens, we have the worst health care on the planet SAMARITAN HEALTH CARE, we have the worst of the worst Doctors? The worst roads, bad lighting, not properly marked yellow curbs for no parking, ineffective ran departments, the wildfires just showed what a KEYSTONE COP mentality of our Mayor and City Manager, what a damn mess you all made, once again if it were not for "NO PLANNING THERE WOULD'VE BEEN NO PLANNING AT ALL" It was an embarrassment for our citizens you all should be ashamed of yourselves you all seem to be Republicon in nature which means it's all about you and not the people SHAME SHAME ON YOU.

Being a tourist destination you'd think the brain trust of this city could figure out how to add a nice mix of industry, businesses, and accommodations? Have any of you been to Breckenridge, Colorado? Now that's what a tourist destination looks like!

Hell, I could keep going but it just falls on deaf ears, and closed up minds!

Robert Hill jr
 Lincoln City, Oregon
 [REDACTED]

Ronald Chandler

From: jonathan hill [REDACTED]
Sent: Thursday, November 26, 2020 7:04 PM
To: Public Comment; Robert Hill
Cc: [REDACTED]
Subject: Re: CROSSWALK LIGHTS !!!!

Not bad

Sent from my Verizon, Samsung Galaxy smartphone
 Get [Outlook for Android](#)

From: Robert Hill [REDACTED]
Sent: Thursday, November 26, 2020 6:59:11 PM
To: Publiccomment@lincolncity.org <Publiccomment@lincolncity.org>
Cc: [REDACTED]
Subject: CROSSWALK LIGHTS !!!!

I have never seen such a slapstick, wasteful, ignorant group of dimwits running a city in my life, I am back in Lincoln City(moved here in 1965 did all schooling here) after a 20 year absents, visiting on occasion as I have 3 grandchildren here, I was sorely disappointed in my attempt to move back home for retirement, jesus you all have messed up this city in a short 10 years(\$\$\$\$ million's paid for city vehicle's, police car's, police station, fire stations), not one penny of these funds went to improve the life's of our citizens?

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Hell, I could keep going but it just falls on deaf ears, and closed up minds!

Robert Hill jr
Lincoln City, Oregon



Ronald Chandler

From: jill baucom bettencourt [REDACTED]
Sent: Thursday, November 26, 2020 11:50 PM
To: Public Comment
Cc: Jill M. Bettencourt baucombettencourt
Subject: Crosswalk Lights Desperately Needed in Lincoln City's Downwn Area, ASAP.

City Council of Lincoln City,

I have lived in Otis for 22 years. I usually make it to Safeway or the back lake way to the mall.

Since the fire, I had to stay in a Lincoln City motel and experienced the extremely dangerous situation in the downtown area caused by the lack of lights that should be controlling the excessive amount of speed by tourists cars, RVs and large trucks.

The pedestrians are at high risk each time they cross any of those downtown streets with all the traffic going over the speed limits, especially in the daylight and when it's raining.

Like I said, I got first hand knowledge for 2 straight months and I am surprised that more people haven't gotten hit or killed.

I know, the first thing you will say is where will the money come from for the purchase and installation?

My answer to you would be this: It is an awful lot cheaper to purchase and install those life saving lights than to have to pay out multiple lawsuits, multiple lawyers, multiple hospital bills , multiple victims, and God only knows what else in these days and times.

Please be proactive in putting in these lights and be more on top of any problem that may occur before it does.

Lives are at stake.

Thank you for your time.

Ronald Chandler

From: [REDACTED]
Sent: Saturday, November 28, 2020 8:58 AM
To: Public Comment
Subject: Crosswalk Danger

Good afternoon. I am requesting please that this public comment be read at the next council meeting. Thank you very much and have a nice day.

The recent incident in which a pedestrian in Lincoln City was hit while crossing the road brings to light once again the need for flashing lights at crosswalks that do not have traffic lights. Before you spend tens of thousands of dollars worrying about parking issues, let's worry first about human lives. It is ridiculous that we do not have these all over Lincoln City, especially considering that we are a very popular tourist destination. There is much foot traffic and this is a necessity. Thank you for your immediate attention to this matter.

Kristina Pico
Gleneden Beach

Ronald Chandler

From: Ronald Chandler
Sent: Thursday, December 3, 2020 10:28 AM
To: Public Comment
Subject: FW: for parking work session

From: Doug and Connie [REDACTED]
Sent: Monday, November 30, 2020 9:37 AM
To: Dick Anderson <anderson@lincolncity.org>; Mitch Parsons <mparsons@lincolncity.org>; Diana Hinton <dhinton@lincolncity.org>; Riley Hoagland <rhoagland@lincolncity.org>; Judy Casper <jcasper@lincolncity.org>; Rick Mark <rmark@lincolncity.org>; Ronald Chandler <rchandler@lincolncity.org>; Richard Appicello <rappicello@lincolncity.org>
Subject: for parking work session

11.30.2020

To whom it may concern,

After watching the work session on the parking issue, I felt the need to comment. The comments that there was one parking ticket issued and forgiven is inaccurate. There were two tickets at the same condos. Only one was forgiven and the judge does have the authority to do so.

When this problem was presented, there was no desire to make this a city-wide issue.

The city has allowed this development to take place, although, none of you are personally responsible. In my opinion, the city has an obligation to attempt to make thing better not, to implement more harsh restrictions.

When you talk about remedies, I don't really support meters. Meters would be my last preference and the rates should be kept very reasonable. At our location, the maintenance would be costly in our salty, sandy environment. I would expect to see vandalism.

I can't imagine that the auto-mirror tag system would be more costly. If you put a yearly fee on a permit, who but those who needed the permit, would apply? Make it available to everyone in order to avoid prejudices. I do like the idea of marked available spaces at all city lots. Maybe two at our location. After all, restrictions were intended to prevent overnight camping, not to penalize honest tax-payers (contributors to our city economy). The city sign verifies this.

Thank you for your consideration.

Doug Wheldon

By the Waves



Virus-free. www.avast.com

Ronald Chandler

From: Karen Urrizola [REDACTED]
Sent: Thursday, December 10, 2020 11:35 AM
To: Public Comment
Subject: No parking signs at Bayview

I have made multiple attempts to have SE Jetty in the Bayview community reviewed for "No Parking" signs. SE Jetty is the only entrance and exit to the Bayview community. Bayview has multiple no parking signs posted throughout the neighborhood. SE Jetty is a highly traveled road and no parking should be addressed. On several occasions when traveling this road I have had to move on to the lane of oncoming traffic due to parked vehicles. I have witnessed large equipment trucks detour to an opposite street due to parked vehicles. This is a serious situation and my fear is that emergency vehicles if needed could be detained. Please review my plea and consider my request.

Thank You,
Karen Urrizola
[REDACTED]

Ronald Chandler

From: David Jamieson [REDACTED]
Sent: Friday, November 27, 2020 10:16 AM
To: Parking Comments
Subject: Logan Rd at NE 69th Street .. Roads End

Hello,

The picture below, taken on 11/27/2020 at 8:08AM, is a good example of the need for a survey of appropriate parking spaces in the right of way and signage delineating those spaces.

As you can see in this picture, there are four cars utilizing the available space. The first car (red) is a full time resident who lives on the west side of Logan in a 4-plex with limited parking.

The other three cars are probably VRD guests staying at a large ocean front home that has limited parking.

The car closest to the mailboxes is blocking the mail carrier from pulling in, delivering the mail, and pulling out without having to back up. So that spot should be marked as "no parking."



I hope that helps with another real-world example of common parking issues in Roads End.

Best,

David Jamieson
 [REDACTED]

"Stay Home, Save Lives"

Council Communication

Budget Amendment Public Hearing

Meeting Date:	December 14, 2020	Primary Staff Contact:	Debbie Bridges
Department:	Administration	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	10 Minutes

Authority:

ORS 294.471 provides that the governing body of any municipal corporation may make a supplemental budget where an occurrence or condition which had not been anticipated at the time of the preparation of the budget for the current year requires a change in financial planning.

Background:

Following are the items for which staff is requesting appropriation changes in the FY2018-19 budget. This supplemental budget request does require a public hearing; notice has been published in the News Guard.

General Fund:

On the agenda is a presentation from Helping Hands requesting an additional \$250,000 loan for their transitional housing program. Should the City Council wish to approve this request, the attached resolution provides an appropriation of \$250,000 from General Fund contingency.

Police Building Bond Fund:

This resolution also includes a \$250,000 transfer from the General Fund contingency to the Police Building Bond Fund. There are several significant cost overruns that are currently being disputed by the City. At this time it is unclear how much of the cost overruns the City will be liable for.

Additionally, the Police department is requesting funds for the following work that was originally value-engineered out of the project but determined to be a priority for operation effectiveness. These two change order requests are not a function of design error or omission.

#	Title	Change Event	Amount
197	Forensic Exam Station	CE #344	\$41,332.72
201	Acoustical Panels – phase 2	CE #355	\$25,639.33

Staff does not anticipate needing the full \$250,000 transfer from the general fund; but to avoid asking for additional funding now, and then asking for additional funding later, we are requesting appropriation to transfer the amount needed from the General Fund, not to exceed \$250,000.

Council Options:

1. Motion to approve Resolution 2020-25 adopting the supplemental budget for FY2020-21.
2. Motion to approve Resolution 2020-25 adopting the supplemental budget for FY2020-21 as amended.
3. Do not approve Resolution 2020-25

Council Communication

Resolution 2020-23 Canvass of Votes

Meeting Date:	December 14, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	10 minutes

Question:

Should the City Council adopt Resolution 2020-23 concerning the canvass of votes?

Staff Recommendation:

Staff recommends approval of the resolution adopting the canvass of votes.

Background:

The official canvass of votes is required to be made a part of the City's public record.

Potential Motions:

Motion to approve Resolution 2020-23.

Attachments:

FINAL Res. 2020-23 (DOCX)

Exhibit A-Canvassed Votes 2020.pdf (PDF)

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Section 3. The results of the General Election held on November 3, 2020, as set forth in this Resolution, and the attached Abstract of Votes, are declared the official record for the journal of the proceeding of the City Council; the City Recorder is directed to include a copy of this Resolution as part of the minutes of the December 14, 2020 meeting of the City Council of the City of Lincoln City.

Section 4. Recitals. The City Council adopts the recitals of this resolution, which are incorporated into this section by reference, as additional facts supporting its conclusion that the resolution is in the public interest of the City of Lincoln City.

Section 5. Effective Date. This resolution is effective as of the date of its adoption.

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 14th day of December, 2020.

DICK ANDERSON, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Official Abstract of Votes - November 3, 2020 General Election
 County of Lincoln - State of Oregon
 Dated this 20th day of November, 2020

I certify that the votes recorded on this abstract correctly summarize the tally of votes at the election indicated

Dana W. Jenkins

Dana W. Jenkins, Lincoln County Clerk



Council Member, Ward II Lincoln City-Ward 2 Council Member, Ward II Lincoln City-Ward 2

VOTE FOR 1

VOTE FOR 1

	Riley Hoagland	Write-in Totals	Total Votes Cast	Overvotes	Undervotes	Carolyn Nguyen	Anne Marie Skinner	Write-in Totals	Total Votes Cast	Overvotes	Undervotes
20 DELAKE	764	13	777	0	365	421	496	4	921	0	221
21 OCEANLAKE	338	6	344	0	199	221	203	0	424	0	119
Totals	1,102	19	1,121	0	564	642	699	4	1,345	0	340

Official Abstract of Votes - November 3, 2020 General Election
 County of Lincoln - State of Oregon
 Dated this 20th day of November, 2020

I certify that the votes recorded on this abstract correctly summarize the tally of votes at the election indicated

 Dana W. Jenkins, Lincoln County Clerk

Council Member, Ward III Lincoln City-Ward 3

VOTE FOR 1

Mayor City of Newport

VOTE FOR 1

	Judy Casper	Write-in Totals	Total Votes Cast	Overvotes	Undervotes	Sandy Roumagoux	Dean H Sawyer	Write-in Totals	Total Votes Cast	Overvotes	Undervotes
08 SOUTH BEACH						150	204	1	355	0	53
09 NYE CREEK						374	471	3	848	0	92
10 NEWPORT BAY						252	325	2	579	0	64
11 OCEANVIEW						291	430	3	724	0	73
12 YAQUINA						259	448	9	716	0	77
13 PACIFIC						373	741	1	1,115	0	109
14 AGATE BEACH						347	586	6	939	0	116
19 SCHOONER CREEK	743	22	765	0	417						
20 DELAKE	361	3	364	0	161						
Totals	1,104	25	1,129	0	578	2,046	3,205	25	5,276	0	584



Official Abstract of Votes - November 3, 2020 General Election
 County of Lincoln - State of Oregon
 Dated this 20th day of November, 2020

I certify that the votes recorded on this abstract correctly summarize the tally of votes at the election indicated

Dana W. Jenkins

Dana W. Jenkins, Lincoln County Clerk



Council Member, Position 6 City of Depoe Bay

VOTE FOR 1

VOTE FOR 1

Council Member, Ward 1 Lincoln City-Ward 1

	601	309	4	914	0	206	561	16	577	0	290
16 DEPOE BAY	601	309	4	914	0	206	561	16	577	0	290
21 OCEANLAKE											
22 SUNSET WEST							801	30	831	0	407
Totals	601	309	4	914	0	206	1,362	46	1,408	0	697

Official Abstract of Votes - November 3, 2020 General Election
 County of Lincoln - State of Oregon
 Dated this 20th day of November, 2020

I certify that the votes recorded on this abstract correctly summarize the tally of votes at the election indicated

Dana W. Jenkins

Dana W. Jenkins, Lincoln County Clerk

Council Member, Ward II Lincoln City-Ward 2 Council Member, Ward II Lincoln City-Ward 2

VOTE FOR 1

VOTE FOR 1

	Riley Hoagland	Write-in Totals	Total Votes Cast	Overvotes	Undervotes	Carolyn Nguyen	Anne Marie Skinner	Write-in Totals	Total Votes Cast	Overvotes	Undervotes
20 DELAKE	764	13	777	0	365	421	496	4	921	0	221
21 OCEANLAKE	338	6	344	0	199	221	203	0	424	0	119
Totals	1,102	19	1,121	0	564	642	699	4	1,345	0	340



Official Abstract of Votes - November 3, 2020 General Election
 County of Lincoln - State of Oregon
 Dated this 20th day of November, 2020

I certify that the votes recorded on this abstract correctly summarize the tally of votes at the election indicated


 Dana W. Jenkins, Lincoln County Clerk



	Council Member, Ward III Lincoln City-Ward 3				Mayor City of Newport			
	Write-in Totals	Total Votes Cast	Overvotes	Undervotes	Write-in Totals	Total Votes Cast	Overvotes	Undervotes
08 SOUTH BEACH					1	365	0	53
09 NYE CREEK					3	848	0	92
10 NEWPORT BAY					2	579	0	64
11 OCEANVIEW					3	724	0	73
12 YAQUINA					9	716	0	77
13 PACIFIC					1	1,115	0	109
14 AGATE BEACH					6	939	0	116
19 SCHOONER CREEK	743	765	0	417				
20 DELAKE	361	364	0	161				
Totals	1,104	1,129	0	578	25	5,276	0	584

Council Communication

Resolution 2020-24 Resolution of Declaration of Emergency - FEMA Housing Displaced Residents

Meeting Date: December 14, 2020 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: 10 Minutes

Question:

Should the City Council approve Resolution 2020-24 concerning authorization for emergency operations uses (temporary housing) on city-owned property (Fernwood) subject to an acceptable lease/improvement agreement with FEMA?

Staff Recommendation:

Staff recommends the Council approve Resolution 2020-24.

Authority:

Chapter 2.72 (Emergency Operations)

Background:

Note: the Resolution delegates to the Manager and Attorney the authority to execute the lease / improvement agreement.

See attached Draft Resolution

Council Options:

The City Council may:

Approve the attached Resolution. [or]

Do not approve the attached Resolution.

Potential Motions:

I move to approve Resolution 2020-24.

Attachments:

Resolution 2020-24 corrected 2 (DOC)

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

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, in 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) has approached the City and requested that a specific
16 City-owned property be designated for emergency operations uses, (temporary
17 housing); the subject property (Fernwood) is suitable for such use and meets the need
18 created by the emergency. Such emergency operations uses however would be
19 expressly subject to agreeable lease terms, including but not limited to rental
20 payments and improvement of subdivision infrastructure to facilitate the temporary
21 use; and

22
23 **WHEREAS**, the City Council desires to authorize FEMA use of city-owned property for
24 emergency operations uses in accordance with this Resolution; and

25
26 **WHEREAS**, on September 28, 2020, and again on December 14, 2020, the City
27 Council heard a report from the City Manager concerning a request to declare an
28 emergency due to the housing crisis caused by the ECHO MOUNTAIN COMPLEX FIRE
29 and COVID emergencies. The conditions as reported by the City Manager are
30 detailed herein.

31
32 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**
33 **LINCOLN CITY, AS FOLLOWS:**

34
35 **SECTION 1. RECITALS.** The above recitals are true and correct and are
36 incorporated herein by this reference.

37
38 **SECTION 2. EMERGENCY DECLARATION.** The City of Lincoln City does hereby
39 declare a State of Emergency to Exist in the City of Lincoln City, and under the

1 authority of Oregon Revised Statutes, the Lincoln City City Charter and LCMC Chapter
2 2.72., the City Council does hereby Order as follows:

3
4 **A. A description of the nature of the emergency;**

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

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

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

34
35 The geographic boundaries of the emergency are:
36

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

3
 4 **C. An estimate of the number of individuals at risk, injured or killed; and**

5
 6 The emergency impacts the entire population of the City of Lincoln City,
 7 including residents, visitors and the homeless. Emergency Management
 8 estimates approximately 300 families are impacted by local fires with many
 9 more impacted by other Fires in Oregon.

10
 11 **D. A description of the actual or likely damage caused by the emergency;**
 12 **and**

13
 14 Public health and safety risks, and risks to person and property caused by
 15 inadequate shelter and access to sanitary facilities.

16
 17 **E. A statement of the type of assistance or resources required to respond**
 18 **to the emergency; and**

- 19
 20 • Reimbursement for salaries, resources, provisions and other expenses
 21 incurred by the city in responding to the emergency from federal and state
 22 sources.
 23 • Loan of city personnel to county permitting agencies to aid in processing
 24 permits for repair and reconstruction, including but not limited to technical
 25 assistance from the County and Fire District, State and Federal government.
 26 • Provision of emergency supplies from those in need from emergency
 27 caches.
 28 • Primarily - designation of public properties for emergency operations uses,
 29 including temporary housing and other sheltering as specified herein.

30
 31 **F. An estimate of the length of time during which the designated area**
 32 **will remain under the emergency declaration; and**

33
 34 December 14, 2022, (plus a 60 day demobilization period) to accommodate
 35 the process of repairing, rebuilding and reconstructing homes destroyed or
 36 damaged by fire in an area with a shortage of suitable contractors for such
 37 works. The duration of the emergency may be extended by the City
 38 Manager without further Order of the Council so that the total duration of
 39 the emergency shall not exceed two years from first occupancy of the
 40 FEMA site provided temporary housing on the Fernwood property [said

1 property consisting of both the platted portions of Fernwood together with
2 unplatted portions of Fernwood shown on the approved master plan].
3 herein.

4
5 **G. Any special regulations or emergency measures, powers or orders**
6 **imposed as a result of the declared emergency; and**

7 The City Manager, and designees, (hereinafter Designated City Staff) are
8 authorized, without further Order of the City Council to use any and all
9 emergency powers, including those specifically listed in Lincoln City
10 Municipal Code [LCMC 2.72.070] to appropriately respond to the
11 emergency and to minimize loss of life.

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

16 The Emergency Preparedness Coordinator is expressly authorized to take all
17 actions authorized by law to coordinate the City's response to this
18 emergency, including but not limited to requesting assistance from State,
19 County and Federal authorities.

20 The following emergency powers are operative, without limitation or
21 prejudice to other authorized powers:

- 22 • Pursuant to LCMC 17.80.040, the City Council hereby designates the
23 following developed and undeveloped city property for specified
24 temporary emergency operations uses, specifically for use as FEMA-
25 provided temporary housing (whether the temporary housing is
26 provided as manufactured dwellings, recreational vehicles, trailers or
27 other similar housing)
- 28 • The duration of such authorized use is only during the specified period
29 of the emergency as set forth herein and for a reasonable period of
30 time after the end of the declared emergency, not to exceed an
31 additional 60 days for demobilization.
- 32 • The following City property is designated for the above-referenced
33 emergency operations uses:
 - 34 ○ The limits of the city-owned Fernwood Subdivision, including
35 both Phase 1 (platted) and Phase 2 (unplatted) as set forth in
36

1 the approved Master Plan for the Villages at Cascade Head
 2 and associated final plat and final development plan
 3 approvals, (if any).

- 4
- 5 • The use authorization for the Fernwood property noted above is
 6 expressly subject to execution of a written lease and improvement
 7 agreement, together with any and all other associated documents
 8 necessary for FEMA approval of the temporary use of the property. Said
 9 documentation shall address, at a minimum, the specific emergency
 10 operations use authorized, terms and conditions of such use, as well as
 11 financial consideration for emergency use of the property.
 12 Consideration shall include, but not be limited to rental payments and
 13 capital facility and/or infrastructure improvements necessary to
 14 complete the platted Fernwood subdivision and otherwise facilitate the
 15 temporary emergency use without wasting the infrastructure
 16 investment. Execution of the lease, improvement agreement and all
 17 other necessary documents is expressly delegated to the City Manager,
 18 with the written concurrence of the City Attorney.
- 19 • Consistent with LCMC 17.80.140, all wetland and upland preservation
 20 'natural' areas within and adjacent to Fernwood shall be delineated and
 21 protected with appropriate barricades during construction and use.
- 22 • Except for pads for temporary placement of authorized temporary
 23 housing uses, all infrastructure development shall be consistent with
 24 Lincoln City construction standards and approved plans.
- 25 • Without further order of the Council, Designated City Staff may restrict,
 26 regulate or prohibit vehicular or pedestrian traffic for such distance or
 27 degree as may be deemed necessary under the circumstances, including
 28 the closing to the public of any or all public places, including streets,
 29 alleys, public ways, schools, parks, beaches, amusement areas and
 30 public buildings.
- 31 • The City Manager or his designee may establish a curfew during
 32 specified hours in specified geographic areas and locations.
- 33 • The City Manager or his designee may prohibit or limit the number of
 34 persons who may gather or congregate upon any public street, public
 35 place, or any outdoor place within the area designated as an emergency
 36 area.
- 37 • All necessary city funds shall be redirected for emergency use, and
 38 standard city procurement procedures shall be suspended for any
 39 contract or purchase necessary to combat the emergency.

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- Price gouging is prohibited – specifically no person or business may sell or attempt to sell any goods or services [including specifically housing] for a price in excess of the “normal market price,” which shall mean that person’s or business’s average of the regular price of the goods or services for the 30 days preceding the declaration of the State of Emergency.
- All mutual aid agreements are operative and Designated Staff may make application for such emergency assistance as is needed from local, state or federal sources.
- The City Manager or his designee may curtail or suspend commercial activity.
- The City Manager or his designee may take such other measures [by written order] as are found to be necessary for the protection of life, property, infrastructure, the environment, or for the recovery from the emergency.

SECTION 3. RATIFICATION. This Resolution ratifies any Order of the City Manager concerning this emergency taken within the previous seven days.

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

PASSED AND ADOPTED by the City Council of the City of Lincoln City this 14th day of DECEMBER, 2020.

DICK ANDERSON, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

Resolution 2020-25 Supplemental Budget

Meeting Date:	December 14, 2020	Primary Staff Contact:	Debbie Bridges
Department:	Finance	E-Mail:	dbridges@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	10 Minutes

See Public Hearing for Staff Report

Attachments:

Resolution 2020-25 - Supplemental Budget FY2020-21 (DOC)

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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

WHEREAS, ORS 294.471 provides that the governing body of any municipal corporation may make a supplemental budget where an occurrence or condition which had not been anticipated at the time of the preparation of the budget for the current year requires a change in financial planning; and

WHEREAS, the publication of the supplemental budget was given in the manner provided in ORS 294.311;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Lincoln City as follows:

Section 1. That it hereby adopts the supplemental budget for 2020-2021, and is now on file in the office of the Finance Director.

Section 2. BE IT FURTHER RESOLVED that the additional amounts for the fiscal year ending June 30, 2021, for the purposes shown below are hereby appropriated as follows:

SEE EXHIBIT "A"

This resolution shall be effective upon passage.

PASSED AND APPROVED by the City Council of The City of Lincoln City this 14th day of December 2020.

DICK ANDERSON, Mayor

ATTEST:

JAMIE YOUNG, City Recorder

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EXHIBIT A

SUMMARY OF SUPPLEMENTAL BUDGET

FUND: GENERAL FUND

Resource	Amount	Requirement	Amount
1 _____		1 Transfers Out	250,000
_____		2 City Hall Operations	250,000
2 _____		3 Contingencies	-500,000
Revised Total Resources	15,855,297	Revised Total Requirements	15,855,297

Comments:

To appropriate \$250,000 loan for Helping Hands, and provide additional \$250,000 for new Police Building.

FUND: POLICE BUILDING BOND 2018

Resource	Amount	Requirement	Amount
1 Beginning Fund Balance	673,033	1 Capital Outlay	923,033
2 Transfers In	250,000	2 Materials and Services	
Revised Total Resources	1,294,530	Revised Total Requirements	1,294,530

Comments:

To change beginning fund balance to actual, and transfer in \$250,000 from general fund.

3
4

Council Communication

Resolution 2020-26 Amending Resolution 2020-22

Meeting Date: December 14, 2020 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: 10 Minutes

Question:

Should the City Council approve Resolution 2020-26 amending Resolution 2020-22 to, *inter alia*, add a new property to the list of private properties where emergency operations uses (temporary housing RV park) are authorized?

Staff Recommendation:

Staff recommends the Council approve Resolution 2020-26.

Authority:

Chapter 2.72 (Emergency Operations)

Background:

See attached Draft Resolution

Council Options:

The City Council may:

Approve the attached Resolution. [or]

Do not approve the attached Resolution.

Potential Motions:

I move to approve Resolution 2020-26.

Attachments:

Corrected 2020-26 (DOC)

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RESOLUTION NO. 2020-26

**A RESOLUTION OF THE CITY OF LINCOLN
AMENDING RESOLUTION 2020-22 CONCERNING DISPLACED LINCOLN
COUNTY RESIDENTS CAUSED BY THE ECHO MOUNTAIN COMPLEX FIRE**

RECITALS

WHEREAS, an additional private property owner has requested to be designated for emergency recreational vehicle park use, and the City Council is not opposed to such use provided the requirements of Resolution 2020-22 are strictly observed; 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. AMENDMENT. Section 3, Paragraph G of Resolution 2020-22 is hereby replaced with the following text:

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

The City Manager, the City Emergency Preparedness Coordinator, and all City Department Heads, and their designees, (hereinafter Designated City Staff) are authorized, without further Order of the City Council to use any and all emergency powers, including those specifically listed in Lincoln City Municipal Code [LCMC 2.72.070] to appropriately respond to the emergency and to minimize loss of life.

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

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

- 1 the closing to the public of any or all public places, including streets,
- 2 alleys, public ways, schools, parks, beaches, amusement areas and
- 3 public buildings.
- 4 • The City Manager or his designee may establish a curfew during
- 5 specified hours in specified geographic areas and locations.
- 6 • The City Manager or his designee may prohibit or limit the number of
- 7 persons who may gather or congregate upon any public street, public
- 8 place, or any outdoor place within the area designated as an emergency
- 9 area.
- 10 • The City Manager or his designee may curtail or suspend commercial
- 11 activity.
- 12 • The City Manager or his designee may take such other measures [by
- 13 written order] as are found to be necessary for the protection of life,
- 14 property, infrastructure, the environment, or for the recovery from the
- 15 emergency.

16

17 **SECTION 3. NO OTHER ENDMENT.** All other Sections and Exhibits to Resolution

18 2020-22 (other than Section 3, Paragraph G), remain in full force and effect.

19 **SECTION 4. EFFECTIVE DATE.** This resolution is effective as of the date of its

20 adoption and signature by the Mayor.

21

22 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 14th day of

23 December, 2020.

24

25

26

27 _____

28 DICK ANDERSON, MAYOR

29

30 ATTEST:

31

32

33 _____

34 CITY RECORDER

35

36

37

Council Communication

Helping Hands

Meeting Date:	December 14, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

In January 2020, the Lincoln City Council adopted Resolution 2020-02 authorizing the conveyance of properties at 3454 NE Highway 101 and 2202 NE 34th Street to Helping Hands Re-Entry Outreach Centers (HHRC) to be used for transitional housing (as proposed in the conditional use approved by the Planning Commission). The City Council also approved Resolution 2020-01 to provide appropriation for a \$350,000 loan to HHRC for renovation of the above mentioned properties.

In November 2020 the City Staff was informed by HHRC that an additional \$250,000 will be needed to stabilize a retaining wall that is leaning into the subject property. HHRC is requesting a modification and extension of their loan.

Preliminary calculations are as follows.

Current Loan Amount:	\$350,000
Monthly Payment:	\$1,470.33
Term:	20 years

Increase of \$250,000 to revised loan amount of \$600,000

Revised Loan Amount:	\$600,000
Monthly Payment:	\$1,470.33
Term:	34 years

Or

Revised Loan Amount:	\$600,000
Monthly Payment:	\$2,512.00
Term:	20 years

Or

Revised Loan Amount:	\$600,000
----------------------	-----------

Monthly Payment: \$1,991.17
Term: 25.11 years

Representatives from HHRC will attend the meeting to discuss this request.

Council Communication

Planning Commission Appointments

Meeting Date: December 14, 2020 Primary Staff Contact: Ronald F Chandler
Department: Administration E-Mail: RChandler@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Ronald F Chandler Estimated Time:

Planning Commissioners Patti Kroen and Marcella Baker's terms of office as Planning Commissioners expire at the end of December 2020. Both Commissioners applied for reappointment and their applications are attached. Also attached, please find the questions we've used in past Planning Commission interviews with the City Council. A copy of these questions have been sent to the candidates.

No other applications for the Planning Commission have been received.

Attachments:

Kroen_Redacted (PDF)

Baker_Redacted (PDF)

QUESTIONS FOR PLANNING COMMISSION APPLICANTS 12-2020 (PDF)



**CITY OF LINCOLN CITY
Committee / Board / Commission Application**

Please indicate which committee/board/commission you are applying for:

- | | |
|---|---|
| <input type="checkbox"/> Arts Committee | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> *Budget Committee | <input type="checkbox"/> Parks and Recreation Board |
| <input type="checkbox"/> Building Board of Appeals | <input checked="" type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Community Sustainability Committee | <input type="checkbox"/> Transient Room Tax Committee |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> Visitor and Convention Committee |

* If applying for the Budget Committee or Planning Commission, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.

NAME:	Patti Kroen	DATE:	4 December 2020
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	[REDACTED]		
CITY, STATE, ZIP:	Lincoln City, OR 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:	[REDACTED]	CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

Do you reside within the City limits: Yes Length of Time 5+ years

Do you reside within the Urban Growth Boundary? Yes Length of Time _____

Do you reside within the Lincoln County School District North: Yes No

Are you a registered voter in Lincoln County? Yes No

Are you a Lincoln City business owner or Manager? Yes No

If yes, please indicate which business you own/manage? _____

RECEIVED



CITY OF LINCOLN CITY
Committee \ Board \ Commission Application

APPLICATION PACKET – CITY APPOINTED BODIES

Thank you for your interest in volunteering to serve on a Lincoln City Appointed Body. We appreciate your time and look forward to WELCOMING you to our family of volunteers.

This Packet Contains:

- 1) Committee Member Volunteer application
- 2) Criminal Background Check Authorization
- 3) Committee Volunteer Emergency Contact Information Form
- 4) Lincoln City Municipal Code Chapter 2.06 (*Committee, Board, Commission*), also located at : <https://www.codepublishing.com/OR/LincolnCity/>

What We Need From You:

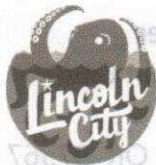
- Thoroughly complete and sign the Application (incomplete applications will not be processed)
- Complete and sign the Criminal Background Check Authorization
 - This will only be used if you are a finalist
 - Only a criminal background check will be conducted (not a credit check)
- Keep the Fair Credit Reporting Act (FCRA) Information Sheet for your reference
- Complete the Appointed Body Information Form
- **Return the completed original signed forms to the City Recorder, City of Lincoln City, PO Box 50 (801 S. Hwy 101), Lincoln City, OR, 97367. (Note we must have the originals.)**

What You Can Expect From Us:

- The City Recorder will review and notify you if you do not meet the residency requirements, or any other criteria in the code applicable to the Appointive Body.
- The City will conduct criminal background check prior to making any selection decision. If you have any questions about how the background check process works, or what kinds of things could prevent you from serving, please contact Colleen Scanlon, Human Resources Director at 541-996-1201.
- Reference checks will be conducted.
- Appointment from among qualified candidates is made by vote of the Council at a regular City Council meeting.
- You will be notified of the outcome whether you are selected or not.
- We will protect your personal information.

RECEIVED

DEC 8 2020
CITY OF LINCOLN CITY
LINCOLN CITY OR



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

I currently serve as the chair of the Lincoln City Planning Commission. I have been a commissioner for the past four years.

List names of volunteer/work supervisors:

Please provide any previous experience with committees, boards or commissions and positions held:
I have been on the Planning Commission for the past four years, the last two as Chair. I spent 10 years on the Board of the Northwest Hydroelectric Association, two as President.

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:
NA

Explain why you would like to serve on this board, commission, or committee:
I would like to continue working on long-range planning and the comp plan review and update

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Janet Knipe Phone: [REDACTED]

Name: Steve Griffith Phone: [REDACTED]

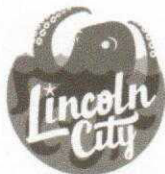
My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

[REDACTED SIGNATURE]

4 December 2020

SIGNATURE

DATE



City Recorder
City of Lincoln City
PO Box 50
Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Patti Kroen
START DATE:	January 1, 2021
NAME OF COMMITTEE, BOARD, OR COMMISSION:	Lincoln City Planning Commission
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
MAILING ADDRESS:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	Paul Kroen
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]

DATE:	4 December 2020
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL

4 December 2020
DATE

[Signature]
SIGNATURE

2 of 2 - Application
Revised 20190129



FOR FAIR CREDIT REPORTING ACT (FCRA) DISCLOSURE REGARDING A BACKGROUND INVESTIGATION FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

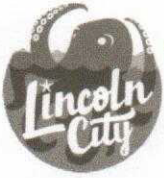
PLEASE READ CAREFULLY BEFORE SIGNING!

DISCLOSURE REGARDING "INVESTIGATIVE CONSUMER REPORT" BACKGROUND INVESTIGATION

The City of Lincoln City ("the City") to which you have applied for employment, may request an investigative consumer report about you from a third party consumer reporting agency, in connection with your employment, or application for employment (including independent contractor or volunteer assignments, as applicable).

An "investigative consumer report" is a background report that includes information from personal interviews (except in California, where that term includes background reports with or without information obtained from personal interviews). The most common form of an investigative consumer report in connection with your employment is a reference check through personal interviews with sources such as your former employers and associates, and other information sources. The investigative consumer report may contain information concerning your character, general reputation, personal characteristics or mode of living. You may request more information about the nature and scope of an investigative consumer report, if any, by contacting the City.

You have the right, upon written request made within a reasonable time, to request (1) whether an investigative consumer report has been obtained about you, (2) disclosure of the nature and scope of any investigative consumer report and (3) a copy of your report. These reports will be conducted by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Phone: 1-800-955-5306; www.pinnacleprof.com**. The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of investigative consumer reports throughout the course of your employment to the extent permitted by law.



FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

PLEASE READ CAREFULLY BEFORE SIGNING!

DISCLOSURE REGARDING "INVESTIGATIVE CONSUMER REPORT" BACKGROUND INVESTIGATION
The City of Lincoln City ("the City") to which you have applied for employment, may request an
I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION" and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

An "investigative consumer report" (except in California, where that term includes background reports with or without interviews) is a report that is prepared for use in connection with a credit transaction, and that includes information from interviews (except in California, where that term includes background reports with or without interviews) or from other sources, and that is used to evaluate the creditworthiness, reliability, or general character of a consumer. To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

[Redacted Signature]

4 December 2020

SIGNATURE

DATE



CITY OF LINCOLN CITY Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- Arts Committee
- *Budget Committee
- Building Board of Appeals
- Community Sustainability Committee
- Library Board
- Open Space Committee
- Parks and Recreation Board
- Planning Commission
- Transient Room Tax Committee
- Visitor and Convention Committee

* If applying for the Budget Committee or Planning Commission, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.

NAME:	Marcella Baker		DATE:	12/09/20
HOME ADDRESS:	[REDACTED]			
MAILING ADDRESS:	[REDACTED]			
CITY, STATE, ZIP:	Lincoln City OR 97367			
E-MAIL ADDRESS:	[REDACTED]			
HOME PHONE:	[REDACTED]	CELL PHONE:	[REDACTED]	

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

Do you reside within the City limits: Yes Length of Time 10+ years

Do you reside within the Urban Growth Boundary? Yes Length of Time _____

Do you reside within the Lincoln County School District North: Yes No

Are you a registered voter in Lincoln County? Yes No

Are you a Lincoln City business owner or Manager? Yes No

If yes, please indicate which business you own/manage? Marcis Bar & Bistro, Zest Creperie & Boutique



APPLICATION PACKET – CITY APPOINTED BODIES

Thank you for your interest in volunteering to serve on a Lincoln City Appointed Body. We appreciate your time and look forward to WELCOMING you to our family of volunteers.

This Packet Contains:

- 1) Committee Member Volunteer application
- 2) Criminal Background Check Authorization
- 3) Committee Volunteer Emergency Contact Information Form
- 4) Lincoln City Municipal Code Chapter 2.06 (*Committee, Board, Commission*), also located at : <https://www.codepublishing.com/OR/LincolnCity/>

What We Need From You:

- Thoroughly complete and sign the Application (incomplete applications will not be processed)
- Complete and sign the Criminal Background Check Authorization
 - This will only be used if you are a finalist
 - Only a criminal background check will be conducted (not a credit check)
- Keep the Fair Credit Reporting Act (FCRA) Information Sheet for your reference
- Complete the Appointed Body Information Form
- **Return the completed original signed forms to the City Recorder, City of Lincoln City, PO Box 50 (801 S. Hwy 101), Lincoln City, OR, 97367. (Note we must have the originals.)**

What You Can Expect From Us:

- The City Recorder will review and notify you if you do not meet the residency requirements, or any other criteria in the code applicable to the Appointive Body.
- The City will conduct criminal background check prior to making any selection decision. If you have any questions about how the background check process works, or what kinds of things could prevent you from serving, please contact Colleen Scanlon, Human Resources Director at 541-996-1201.
- Reference checks will be conducted.
- Appointment from among qualified candidates is made by vote of the Council at a regular City Council meeting.
- You will be notified of the outcome whether you are selected or not.
- We will protect your personal information.



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

I have served on the Planning Commission since Sept 19 and am interested in serving another term.

List names of volunteer/

Don Baker

Please provide any previous experience with committees, boards or commissions and positions held:

Planning Commission - Sept 19 - Present

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

None

Explain why you would like to serve on this board, commission, or committee:

I am committed to being involved in the future planning for Lincoln City.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Donald Olson

Phone:

Name: Misty Lambrecht

Phone:

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information is provided in accordance with personal privacy protection laws.

12/09/20
DATE



City Recorder
City of Lincoln City
PO Box 50
Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Marella Baker
START DATE:	
NAME OF COMMITTEE, BOARD, OR COMMISSION:	Planning Commission
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED] Lincoln City OR 97367
MAILING ADDRESS:	[REDACTED] Lincoln City OR 97367
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

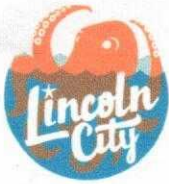
EMERGENCY CONTACT NAME/RELATIONSHIP:	[REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]

DATE:	12/09/20
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL

12/09/20
DATE

SIGNATURE



FAIR CREDIT REPORTING ACT (FCRA) DISCLOSURE REGARDING A BACKGROUND INVESTIGATION FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

DISCLOSURE REGARDING "INVESTIGATIVE CONSUMER REPORT" BACKGROUND INVESTIGATION

The City of Lincoln City ("the City") to which you have applied for employment, may request an investigative consumer report about you from a third party consumer reporting agency, in connection with your employment, or application for employment (including independent contractor or volunteer assignments, as applicable).

An "investigative consumer report" is a background report that includes information from personal interviews (except in California, where that term includes background reports with or without information obtained from personal interviews). The most common form of an investigative consumer report in connection with your employment is a reference check through personal interviews with sources such as your former employers and associates, and other information sources. The investigative consumer report may contain information concerning your character, general reputation, personal characteristics or mode of living. You may request more information about the nature and scope of an investigative consumer report, if any, by contacting the City.

You have the right, upon written request made within a reasonable time, to request (1) whether an investigative consumer report has been obtained about you, (2) disclosure of the nature and scope of any investigative consumer report and (3) a copy of your report. These reports will be conducted by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Phone: 1-800-955-5306; www.pinnacleprof.com**. The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of investigative consumer reports throughout the course of your employment to the extent permitted by law.



**FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR
BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED
BODY**

PLEASE READ CAREFULLY BEFORE SIGNING!

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

SIGNATURE

[Redacted Signature]

DATE

12/09/20

QUESTIONS FOR PLANNING COMMISSION APPLICANTS

1. Please introduce yourself and tell us why you want to be a Planning Commissioner, your vision for the City, and what you hope to accomplish in your tenure?
2. What are the top 3 planning issues facing Lincoln City?
3. What should be the role of the public when making Planning Commission decisions?
4. How should the planning commission balance individual property owners desire to develop property with the community interest?
5. What should be the role of the City in creating a look or image in the business districts?
6. How should the city balance housing affordability with regulations for multi-family housing?
7. Based on your experience as a Planning Commissioner what ordinances, policies and/or practices would you change and why?

Council Communication

Re-appointment to Sustainability Committee - Applicant Dawn Villaescusa

Meeting Date:	December 14, 2020	Primary Staff Contact:	David Twigg
Department:	City Council	E-Mail:	dtwigg@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	5 minutes

Question:

Should the City Council approve the re-appointment of Dawn Villaescusa for a "City Resident" position on the Sustainability Committee?

Staff Recommendation:

Ms. Villaescusa has served on the Sustainability Committee. Her term expired on October 7, 2020. Councilor Hinton and Councilor Mark interviewed Ms. Villaescusa via Zoom on December 2, 2020. Both Councilor Hinton and Councilor Mark asked to move Ms. Villaescusa's application forward for consideration of a position on the Sustainability Committee. Ms. Villaescusa qualifies for a "City Resident" position.

Background:

The Sustainability Committee currently has one (1) vacant position- the position left vacant by Ms. Villaescusa's expired previous term.

Council Options:

Review and discuss the recommendation for appointment of Dawn Villaescusa to the "City Resident" position on the Sustainability Committee for a term expiring October 7, 2023.

Potential Motions:

- 1. I move to appoint Dawn Villaescusa to the Sustainability Committee for a "City Resident" position with a three year term. The term expires 10/07/2023.**

Attachments:

Dawn Villaescusa-Redacted Application (PDF)

FINANCE DEPARTMENT



NOV 8 2020

CITY OF LINCOLN CITY
Committee / Board / Commission Application
 CITY OF LINCOLN CITY
 LINCOLN CITY OR

Please indicate which committee/board/commission you are applying for:

- | | |
|--|---|
| <input type="checkbox"/> Ad Hoc Committee (Committee Name: _____) | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Arts Committee | <input type="checkbox"/> Parks and Recreation Board |
| <input type="checkbox"/> *Budget Committee | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Building Board of Appeals | <input type="checkbox"/> Transient Room Tax Committee |
| <input checked="" type="checkbox"/> Community Sustainability Committee | <input type="checkbox"/> Visitor and Convention Committee |
| <input type="checkbox"/> Library Board | |

* If applying for the Budget Committee or Planning Commission, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.

NAME:	dawn villaescusa	DATE:	10-31-2020
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	"		
CITY, STATE, ZIP:	Lincoln City OR 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:	N/A	CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

- Do you reside within the City limits: Yes Length of Time 11 yrs
- Do you reside within the Urban Growth Boundary? Yes Length of Time _____
- Do you reside within the Lincoln County School District North: Yes No
- Are you a registered voter in Lincoln County? Yes No
- Are you a Lincoln City business owner or Manager? Yes No
- If yes, please indicate which business you own/manage? _____



FINANCE DEPARTMENT

NOV 4 2020

QUALIFICATIONS/EXPERIENCE (Additional space is provided on back) **CITY OF LINCOLN CITY**

Describe relevant qualifications (i.e. work or volunteer experiences) to include education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

Retired Business Analyst (28 yrs State of Oregon). President of Audubon Lincoln City (2 yrs); active with Oregon Birding Assn (OBA) for 7+ yrs bookkeeper & membership coord, etc. Partnering currently to run Salmon River Grange wildlife distribution center.

List names of volunteer/work supervisors:

I've been retired 8 years, No supervisors. OBA president is Nagi Aboulenein. Partner at the Grange is Norma Jean Washburn.

Please provide any previous experience with committees, boards or commissions and positions held:

See above

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

None

Explain why you would like to serve on this board, commission, or committee:

I love Lincoln City, It's a growing energetic community, I'd like to be part of planning for its sustainable future.

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Caren Willoughby

Phone: [REDACTED]

Name: Steve Griffiths

Phone: [REDACTED]

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

[REDACTED SIGNATURE]

SIGNATURE

10/31/2020

DATE



FINANCE DEPARTMENT

NOV 05 2020

CITY OF LINCOLN CITY
LINCOLN CITY ORCity Recorder
City of Lincoln City
PO Box 50
Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	dawn villaescusa
START DATE:	9/9/2019
NAME OF COMMITTEE, BOARD, OR COMMISSION:	LC Sustainability Committee
CITY STAFF REPRESENTATIVE:	
HOME ADDRESS:	[REDACTED]
	Lincoln City OR 97367
MAILING ADDRESS:	same
HOME PHONE:	None
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	Desi Villaescusa, husband
HOME PHONE:	None
CELL PHONE:	[REDACTED]

DATE:	10-31-20
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

PLEASE READ CAREFULLY BEFORE SIGNING!

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

[Redacted Signature]

SIGNATURE

10-31-20

DATE

[Redacted Date of Birth]

DATE OF BIRTH

[Redacted Social Security Number]

SOCIAL SECURITY NUMBER

FINANCE DEPARTMENT

NOV 08 2020

**CITY OF LINCOLN CITY
LINCOLN CITY OR**

Council Communication

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

Meeting Date: December 14, 2020 Primary Staff Contact: David Twigg
Department: City Council E-Mail: dtwigg@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Ronald F Chandler Estimated Time: 5 minutes

Question:

Should the City Council approve the re-appointment of Diana Steinman for a "Motel / Lodging Operator" position on the Visitor and Convention Committee?

Staff Recommendation:

Ms. Steinman has served on the Visitor and Convention Committee. Her term expired on November 5, 2020. Councilor Hinton and Councilor Mark interviewed Ms. Steinman via Zoom on December 2, 2020. Both Councilor Hinton and Councilor Mark asked to move Ms. Steinman's application forward for consideration of a position on the Visitor and Convention Committee. Ms. Steinman qualifies for a "Motel / Lodging Operator" position.

Background:

The Visitor and Convention Committee currently has four (4) vacant positions, including the position left vacant by Ms. Steinman's expired previous term. These vacant positions have been advertised.

Council Options:

Review and discuss the recommendation for appointment of Diana Steinman to the "Motel / Lodging Operator" position on the Visitor and Convention Committee for a term expiring November 5, 2023.

Potential Motions:

- 1. I move to appoint Diana Steinman to the Visitor and Convention Committee for a "Motel / Lodging Operator" position with a three year term. The term expires 11/05/2023.**

Attachments:

Diana Steinman-Application_Redacted (PDF)



**CITY OF LINCOLN CITY
Committee / Board / Commission Application**

Please indicate which committee/board/commission you are applying for:

- | | |
|---|--|
| <input type="checkbox"/> Ad Hoc Committee (Committee Name: _____) | <input type="checkbox"/> Open Space Committee |
| <input type="checkbox"/> Arts Committee | <input type="checkbox"/> Parks and Recreation Board |
| <input type="checkbox"/> *Budget Committee | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Building Board of Appeals | <input type="checkbox"/> Transient Room Tax Committee |
| <input type="checkbox"/> Community Sustainability Committee | <input checked="" type="checkbox"/> Visitor and Convention Committee |
| <input type="checkbox"/> Library Board | |

* If applying for the Budget Committee or Planning Commission, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.

NAME:	Diana Steinman	DATE:	11/2/2020
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	Same		
CITY, STATE, ZIP:	Lincoln City, OR 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:		CELL PHONE:	[REDACTED]

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

Do you reside within the City limits: Yes Length of Time 3 yrs. 11 mos

Do you reside within the Urban Growth Boundary? Yes Length of Time 3 yr. 11 mos

Do you reside within the Lincoln County School District North: Yes No

Are you a registered voter in Lincoln County? Yes No

Are you a Lincoln City business owner or Manager? Yes No

If yes, please indicate which business you own/manage? Inn at Wecoma
Coho Oceanfront Lodge

RECEIVED

NOV 04 2020



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

BS degree in Hospitality, 2yrs on ELCC committee, guest service, conducting hospitality training for staff, community relations revenue mgmt, food & beverage, events, conflict mgmt, budgets

List names of volunteer/work supervisors:

John Lee, Ed Dreistadt, Gregory Staneruck

Please provide any previous experience with committees, boards or commissions and positions held:

2 yrs ELCC committee

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

NA

Explain why you would like to serve on this board, commission, or committee:

Promote tourism in Lincoln City, help community, represent tourism industry in Lincoln City, promote committee to improve industry participation, work on cross functional teams

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: Gregory Staneruck (ORLA) Phone: [Redacted]

Name: John Lee (VIP Hospitality) Phone: [Redacted]

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

[Redacted Signature]

SIGNATURE

[Redacted Date]

DATE



City Recorder
 City of Lincoln City
 PO Box 50
 Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Diana Steinman
START DATE:	11/5/2020
NAME OF COMMITTEE, BOARD, OR COMMISSION:	Visitor & Convention Committee
CITY STAFF REPRESENTATIVE:	Ed Dreistadt
HOME ADDRESS:	[REDACTED]
	Lincoln City, OR 97367
MAILING ADDRESS:	Same
HOME PHONE:	
CELL PHONE:	[REDACTED]
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	Denise Steinman - Sister
HOME PHONE:	
CELL PHONE:	[REDACTED]

DATE:	11/2/2020
VOLUNTEER SIGNATURE:	[REDACTED]

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

PLEASE READ CAREFULLY BEFORE SIGNING!

I acknowledge receipt of the separate document entitled "DISCLOSURE REGARDING BACKGROUND INVESTIGATION and a SUMMARY OF YOUR RIGHTS UNDER THE FAIR CREDIT REPORTING ACT", and certify that I have read and understand both of those documents. I hereby authorize the obtaining of "consumer reports" and/or "investigative consumer reports" by Lincoln City ("City") at any time after receipt of this authorization and throughout my employment, if applicable.

To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

[Redacted Signature]

SIGNATURE

11/2/2020

DATE

[Redacted Date of Birth]

DATE OF BIRTH

[Redacted Social Security Number]

SOCIAL SECURITY NUMBER

Council Communication

Appointment to Arts Committee - Applicant Steve Griffiths

Meeting Date:	December 14, 2020	Primary Staff Contact:	David Twigg
Department:	City Council	E-Mail:	dtwigg@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	David Twigg	Estimated Time:	5 minutes

Question:

Should the City Council approve the appointment of Steve Griffiths for a "City Resident / LCSD- North" position on the Public Arts Committee?

Staff Recommendation:

Mr. Griffiths was interviewed by Councilor Hinton and Councilor Casper via Zoom on December 10, 2020. Councilor Hinton asked to move Mr. Griffiths' application forward for consideration. Councilor Casper has not yet provided staff with her recommendation. Councilor Hinton asked Mr. Chandler if Mr. Griffiths' application could be considered by the Council at the Monday December 14 Council meeting. Mr. Chandler approved this request. This item was added to the agenda on Friday December 11.

Background:

The Public Arts Committee currently has four (4) vacant positions. These vacant positions have been advertised.

Council Options:

Review and discuss the recommendation for appointment of Steve Griffiths to a "City Resident" position on the Public Arts Committee for a term expiring December 31, 2022.

Potential Motions:

- 1. I move to appoint Steve Griffiths to the Public Arts Committee for a "City Resident" position with a two year term. The term expires 12/31/2022.**

Attachments:

Committee Applicant-Griffiths_Redacted.pdf (PDF)



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COCOPY

By ce **CITY OF LINCOLN CITY**
Committee / Board / Commission Application

Please indicate which committee/board/commission you are applying for:

- | | |
|---|---|
| <input type="checkbox"/> Ad Hoc Committee (Committee Name: _____) | <input type="checkbox"/> Open Space Committee |
| <input checked="" type="checkbox"/> Arts Committee | <input type="checkbox"/> Parks and Recreation Board |
| <input type="checkbox"/> *Budget Committee | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Building Board of Appeals | <input type="checkbox"/> Transient Room Tax Committee |
| <input type="checkbox"/> Community Sustainability Committee | <input type="checkbox"/> Visitor and Convention Committee |
| <input type="checkbox"/> Library Board | |

* If applying for the Budget Committee or Planning Commission, you may not serve on any other City board or committee at the same time. Other City committee volunteer positions allow dual representation if it does not present a conflict of interest.

NAME:	Steve Griffiths	DATE:	3/11/20
HOME ADDRESS:	[REDACTED]		
MAILING ADDRESS:	Lincoln City		
CITY, STATE, ZIP:	Oregon, 97367		
E-MAIL ADDRESS:	[REDACTED]		
HOME PHONE:	[REDACTED]	CELL PHONE:	Same

RESIDENCY AND SPECIFIC ELIGIBILITY CRITERIA

- Do you reside within the City limits: Yes Length of Time 10 years
- Do you reside within the Urban Growth Boundary? Yes Length of Time 11 "
- Do you reside within the Lincoln County School District North: Yes No
- Are you a registered voter in Lincoln County? Yes No
- Are you a Lincoln City business owner or Manager? Yes No
- If yes, please indicate which business you own/manage? _____



QUALIFICATIONS/EXPERIENCE (Additional space is provided on back)

Describe relevant qualifications (i.e. work or volunteer experiences) to include any applicable education and/or training. For example, if you are a hotel owner or operator and applying for the Visitor and Convention Committee; and highlight any skills, interests or hobbies that you believe would bring value to your ability to serve this position:

Parks and Recreation Board, Lincoln City -- 3 years
Planning Commission -- 5 years
Theatre West actor -- 8 years
Arts supporter -- long, long time!

List names of volunteer/work supervisors:

PatH Kroen, Planning Commission Chair
Dawn Villaesusa, President Audubon Society of Lincoln City
(I'm vice-president)

Please provide any previous experience with committees, boards or commissions and positions held:

See above. My experience on the Parks Board and Planning Commission provide me with a good background to evaluate proposed arts projects for the city

State the name, title and any relationship you have to a City Council member, Commissioner, board member or city employee:

No relationship.
Have friendships with some Council members and Planning Commission members

Explain why you would like to serve on this board, commission, or committee:

I know LC well -- have visited LC regularly since 1968 and have lived here since 2009. I know that public art projects can enhance a city and enrich its residents, as well as reflect its history and character

List the name, phone number, and e-mail address (if possible) of two personal or professional references:

Name: PatH Siberz *left message 3/17/2020* Phone: [REDACTED]
Name: Dawn Villaesusa Phone: [REDACTED]

My signature affirms that all information contained herein is true and correct to the best of my knowledge, and that I understand that any misstatement of fact, or any misrepresentation of credentials may result in this application being disqualified and is cause for removal from any appointed body. Shaded information will not be released due to personal privacy protection laws.

Stephen L Giffithus 3/11/20
SIGNATURE DATE



City Recorder
 City of Lincoln City
 PO Box 50
 Lincoln City, OR 97367

COMMITTEE VOLUNTEER EMERGENCY CONTACT INFORMATION FORM

FULL NAME:	Stephen L. Griffiths
START DATE:	open
NAME OF COMMITTEE, BOARD, OR COMMISSION:	Arts Committee
CITY STAFF REPRESENTATIVE:	Ed Dreisdorf
HOME ADDRESS:	[REDACTED]
	Lincoln City, OR 97367
MAILING ADDRESS:	
HOME PHONE:	[REDACTED]
CELL PHONE:	same
PERSONAL E-MAIL ADDRESS:	[REDACTED]

EMERGENCY CONTACT NAME/RELATIONSHIP:	Jill Yelas / [REDACTED]
HOME PHONE:	[REDACTED]
CELL PHONE:	[REDACTED]

DATE:	3/11/20
VOLUNTEER SIGNATURE:	Stephen L. Griffiths

ALL PERSONAL INFORMATION WILL BE KEPT STRICTLY CONFIDENTIAL



FAIR CREDIT REPORTING ACT (FCRA) ACKNOWLEDGEMENT AND AUTHORIZATION FOR BACKGROUND CHECK FOR A VOLUNTEER POSITION WITH A LINCOLN CITY APPOINTED BODY

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To this end, I hereby authorize, without reservation, any law enforcement agency, administrator, state or federal agency, institution, school or university (public or private), information service bureau, employer, or insurance company to furnish any and all background information requested by **Pinnacle Investigations, 920 North Argonne Road, Suite 200, Spokane Valley, WA, 99212; Telephone Number 1-800-955-5306; www.pinnacleprof.com** and or "City". I agree that a facsimile ("fax"), electronic or photographic copy of this Authorization shall be as valid as the original.

Stephen R. Gifford
SIGNATURE

3/11/20
DATE

[REDACTED]
DATE OF BIRTH

[REDACTED]
SOCIAL SECURITY NUMBER

Nina Gonzales

From: Patti Siberz [REDACTED]
Sent: Wednesday, March 18, 2020 4:01 PM
To: Nina Gonzales
Subject: Re: Committee applicant-Patti

Committees
Regarding Steve Griffiths
Reference: Patti Siberz

I am retired so I don't have a professional relationship with Steve. I have known Steve for 15 or more years. Steve is very active in St. James Episcopal Church, and with Theatre West, and I have done many projects with him at both places. Steve has worked for years on the Planning Commission. Steve Griffiths is especially organized and, yet, artistic. He is the best of both worlds. He is also good at follow through. He has good communication skills, but probably he is best at remaining objective when everyone else is getting are pushing their agenda. I also feel that he has moved here from San Francisco that he knows and understands art. I was on the Public Art Committee for 10 years and I wished I would have been able to work with him then. Thanks for asking, Patti Siberz

On Tue, Mar 17, 2020 at 4:22 PM Nina Gonzales <ngonzales@lincolncity.org> wrote:

Hi Patti,

I've attached a reference sheet to fill out for Steve Griffiths, he has put you down as a reference for the Arts Committee application.

Thank you,



Niña Gonzales

HR Administrator | Information Specialist

City of Lincoln City | Administration

801 SW Hwy 101 | PO Box 50 | Lincoln City, OR

P: 541.557.1139 | F: 541.994.7232

E: ngonzales@lincolncity.org | W: LincolnCity.org

--

Patti Siberz





Human Resources

REFERENCE CHECK- COMMITTEES

Reference regarding: Steve Griffiths (Arts Committee applicant)

Reference: Dawn Villaescusa

Reference taken by; date / time: 3-18-2020 @ 9:59 A.M.

- What is your professional relationship with the applicant? Steve serves as vice-president on the Audubon Society of Lincoln City Board of Directors, of which I serve as President.
- How long have you known him/her? How long have you worked / served with him/her? 4 years
- Did you hire or select him/her? If not, would you hire/select him/her given the opportunity to do so? No, he was elected to the position. Yes I would definitely hire/select him!
- Do you have personal knowledge of the applicant serving on any boards? If so, please describe. If not, would serving on our Arts Committee be a good match based on your knowledge of the applicant? Would you recommend him/her for the Board/Commission/Committee? Yes, Steve is a hard worker and is self-motivated. He works well alone and with a team. He always has good input and is willing to listen.
- Does the applicant possess good decision making / reasoning skills? Yes, he is able to think things through, gather information, and make decisions alone or with partners.
- Does the applicant have good communication / interpersonal skills? Yes, he is friendly and well-spoken. Always has a smile. He isn't afraid to speak his mind but is always mindful of others and listens well.
- Is he/she responsible and reliable? Yes.
- What are his/her strongest skills? Does he/she possess any special skills? Steve is great at facilitating in instances where parties do not agree. He takes initiative and is self-motivated.
- If applicable, what was his/her reason for leaving the position he/she held when you worked / volunteered together? Not applicable



Human Resources

- Are there any areas he/she could use help in developing (i.e. written communication, organization)? What do we need to provide to help him/her succeed on the Board/Commission/Committee? None that I can think of.
- Do you have any other feedback you could provide that would help us make a decision? Steve would be a great addition to the Arts Commission. It isn't often that you find someone who is community minded, conscientious, friendly, as well as being a strong leader and hard worker.

Council Communication

Lincoln County - Project Turnkey Application Funding Request

Meeting Date:	December 14, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

On November 12, 2020 I signed a letter of support for Northwest Coastal Housing and Lincoln County's efforts to acquire funding for acquisition of a hotel in Lincoln City for Project Turnkey to further housing efforts at all parts of the housing continuum, (letter attached).

On November 23, 2020 the Lincoln County Board of Commissioners authorized up to \$10,000 in a dollar for dollar match with the City of Lincoln City to support the application of Northwest Coastal Housing (NWCH) for Project Turnkey funding authorized by the legislature. This is a one-time, hard dollar commitment. The Board recognized that having multiple public agencies providing this hard financial support will strongly position NWCH in the competitive grant process and hopefully result in a much needed housing asset being provided in our community.

Lincoln City budgeted \$50,000 for outside agency requests in the FY2020-21 budget but hasn't used these funds due to other contributions made in 2020. This funds are available if the City Council chooses to match the \$10,000 approved by the County Commissioners.

Possible Motion: Motion to approve \$10,000 to be used as a match for Project Turnkey.

Attachments:

Lincoln City Letter of Support Project Turnkey (PDF)

November 12, 2020
OREGON COMMUNITY FOUNDATION
530 CENTER STREET NE
SUITE 230
SALEM, OR 97301

Re: Project Turnkey

To the Oregon Emergency Board & Oregon Community Foundation:

The City of Lincoln City is pleased to support the proposal submitted by Northwest Coastal Housing (NWCH) in Lincoln County to acquire funding for acquisition of a hotel in Lincoln City for Project Turnkey to further housing efforts at all parts of the housing continuum.

Lincoln County has suffered from a diminished supply of housing as a whole, but North County has suffered at a higher degree due to loss of homes from the FEMA Declared Wildfires and Wind Storms, leading to an increase of displacement and homelessness thus impacting Lincoln City and surrounding communities.

The City of Lincoln City has historically been a collaborative partner with NWCH to identify and actively pursue funding for development of much needed housing. As a rural coastal county with limited traditional access to resources or capacity, we understand NWCH's role with various housing groups including the Permanent Supportive Housing Taskforce to help reduce costs to our healthcare and public safety systems. It also supports the priority of housing and homelessness as identified across systems including FEMA, Red Cross, County Veterans Office, Community Services Consortium, County Health and Human Services, Samaritan Health Services, Lincoln County Sheriff, and InterCommunity Health Network CCO.

Lincoln City heartily endorses the main objectives of this proposal: To provide non-congregate shelter from wildfire displacement and during COVID-19 pandemic, while addressing longer-term housing needs after the pandemic. We value opportunities to be part of collaborative and inclusive approaches. Therefore, we offer to support of NWCH's efforts to embrace collective strategies for improving supportive housing options for Lincoln County.

Thank you for considering the NWCH Project Turnkey proposal, and for the Oregon E-Board and OCF commitment to improving the housing system for underserved communities.

Respectfully Submitted,

DocuSigned by:

City Manager, Ronald F. Chandler

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Ronald F. Chandler

City Manager, City of Lincoln City



Council Communication

COVID-19 Update

Meeting Date:	December 14, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

City Council Meeting COVID-19 Update as of December 9, 2020

1. Oregon Counties COVID-19 Warning Week Data for County Risk Levels

Current Lincoln County Status is High Risk

Current data from November 22, 2020 thru December 5, 2020 for Lincoln County places the County in the Extreme Risk category.

Case Count = 130

Cases per 100,000 = 269.4

Test Positivity = 8.1%

Here is current schedule for determining Risk Levels;

12/7: Warning Week Data Shared (no risk level movement yet)

12/14: Final Data Pulled for counties to move into a new risk level, if deemed appropriate

12/18: Effective date for new risk levels

2. Oregon OSHA COVID-19 Temporary Rules

The City of Lincoln City currently has completed the COVID-19 Risk Assessments and Infection Control Plans for each Department in accordance with the temporary rule.

The Temporary Rule is in effect until May 4, 2021.

3. Progress with COVID-19 Vaccine gives us hope

The first COVID-19 vaccine was given to a 90-year-old grandmother in the United Kingdom. The vaccine, which was produced by Pfizer, was recently approved for use in the U.K. Vaccination provides hope that the pandemic will come to an end. To read more about the first vaccination in the U.K., see the story on the [National Health Service webpage](#).

The first shipment of vaccines are due to arrive in Oregon around Dec. 15 and will be distributed according to [Oregon's COVID-19 Vaccination Plan](#). Since the vaccine will take time to be distributed widely, it's important to continue taking safety measures to slow the spread of COVID-19. Oregon's vaccination plan is still a draft and can change based upon;

- a. Actual doses of vaccine received by Oregon.
- b. Issues with shipping logistics and providers
- c. Correct and accurate identification of critical populations

Here is a draft of potential groups that the State is considering as they prioritize who gets vaccinated first:

- Healthcare personnel
- Other essential workers
- Long-term care facility residents (e.g., nursing home and assisted living facility residents)
- People with underlying medical conditions that are risk factors for severe COVID-19 illness
- People 65 years of age and older
- People from racial and ethnic minoritized groups
- People from tribal communities
- People who are incarcerated/detained in correctional facilities
- People experiencing homelessness/living in shelters
- People attending colleges/universities
- People living and working in other congregate settings
- People living in rural communities
- People with living with intellectual, developmental, and other disabilities
- People who are under- or uninsured

The State initially will not have enough vaccine for everyone as this will take time and go into phases over the next 6-8 months. As a reference when we talk about numbers in Oregon we have approximately 300,000 healthcare workers and between 60,000-70,000 individuals in Long-term care facilities.

Council Communication

Echo Mountain Complex Update

Meeting Date:	December 14, 2020	Primary Staff Contact:	Ronald F Chandler
Department:	Administration	E-Mail:	RChandler@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Ronald F Chandler	Estimated Time:	

Staff is working with FEMA to provide temporary housing to individuals/households displaced by the Echo Mountain Complex fire. FEMA identified the Fernwood subdivision as the ideal property for temporary housing.

Staff is working on the lease with FEMA. Components of the lease include the term of the lease, rental fee for the property, the number of housing units, the buildout of infrastructure and restoration work.

Council Communication

Proposed Motions for Traffic Control / Parking Resolutions

Meeting Date:	December 14, 2020	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:	

Question:

Does the Council have any motions to direct staff to study any areas for parking restrictions and prepare appropriate traffic control / parking resolutions?

Does the Council have any motions to direct staff to create overnight metered parking spaces in city parking lots and prepare appropriate traffic control / parking resolutions?

Does the City Council have any motions to direct staff to create a limited number of overnight camping spaces, with restrictions, in city parking lots and prepare appropriate traffic control resolutions?

Background:

The City Council held a parking traffic control workshop meeting on November 23, 2020. No motions can be made at such meetings. This meeting is the appropriate time to direct staff by motion.

There did appear to be some consensus that Logan Road in Roads End should be studied, including delineation of travel lanes and determination if adequate improved shoulder exists on one or both sides of the street for legal parking. Other areas of the City may also be suggested for study.

Allowing some overnight parking in City parking lots may alleviate some pressure on neighborhoods. Parking in a legal parking space on the street is free; staff recommends metered overnight parking be permitted in city parking lots, in designated parking spaces only. Council could choose not to require payment for such designated overnight spaces.

Allowing some overnight in-vehicle camping in a limited number of designated parking spaces in City lots may help protect the city's camping ordinance from challenge.

Overnight camping is not permitted in city rights-of-way, streets, parks or lots. If this law is overturned - overnight camping would occur throughout the city. A limited number of spaces, scattered around various city lots, should help avoid legal challenges by providing a legal place to persons to rest during overnight hours. Distribution around town (combined with time limits – e.g. overnight user must vacate by 9 am] should help avoid impromptu encampments.

Materials from the work session are below.

Council Options:

First, at a minimum, staff requests direction to bring forward the code amendments set forth in the work session materials.

Please make desired motions for study, parking and camping, as appropriate.

Motion to direct staff to study -----for parking restrictions and prepare appropriate traffic control / parking resolutions?

Motion to direct staff to create overnight metered parking spaces in city parking lots and prepare appropriate traffic control / parking resolutions?

Motion to direct staff to create a limited number of overnight camping spaces, with restrictions, in city parking lots and prepare appropriate traffic control resolutions?

November 23, 2020 Work Session Materials

To review:

- The City has regulatory authority over the City right-of-way.
- Parking is permitted under City code in city right-of-way, subject to compliance with any adopted restrictions or prohibitions. An adopted resolution, parking schedule, or traffic control order should exist for each such regulation or prohibition. Clear signage and marking is advised to avoid problems with enforcement.

- The City Public Works Department has adopted street design and construction standards; there is some flexibility in the standards based on the City Engineer's discretion, except maybe for ADA issues. The City also has adopted Transportation System Plan standards for road design and construction. The city standard on-street parking space is 8 x 20.
- Overall in the City, signage and paint marking concerning on-street parking is lacking. Striping, re-striping or other delineation of safe and appropriate on-street parking spaces is needed. Most rights-of-way in the city are technically deficient for parking purposes, either in terms of width or level of shoulder improvement.
- Storage of personal property, automobiles, trucks, recreational vehicles, campers, trailers and the like, is expressly prohibited in city right-of-way as well as on city parking lots or other city property. Over 24 hours is prohibited storage under the code.
- Overnight parking – unoccupied vehicle (between 2:30 am and 5:00 am) is prohibited in City parking lots, but not in city right-of-way (except where prohibited).
- Overnight camping is prohibited in city right-of-way and on city parking lots and other properties, subject to listed exceptions (like emergency orders).
- City VRD land use parking requirements require one (1) on-site space for each bedroom in the VRD. The number of bedrooms may be reduced for VRD use if the on-site parking is inadequate. A full size VRD space is 9 x 20 feet. A compact space is 8 x 16. At least one-half of the spaces provided on-site must be full size.
- There is no special rule prohibiting vacation rental visitors from using otherwise legal parking spaces in the right-of-way. No preference is afforded to city residents for such legal on-street parking spaces.

In June 2020, the question asked of Council was:

Should the City Council direct the City Manager to proceed with using his delegated authority to direct posting parking restrictions on constrained rights-of-way and administer a residential parking permit / revocable license program

to authorize parking in appropriate right-of-way locations and public parking areas?

At the time, staff recommended the Council authorize the Manager to proceed with ordering and posting parking restrictions on constrained streets. Under the Manager's authority, by written Order, parking was restricted on NW 8th Court -the example used in the June 2020 Council Communication. The basis for the prohibition was the inadequacy of the right-of-way – in terms of width and level of physical improvement of the shoulder. [Council should periodically compile such parking and traffic control orders in a Council Resolution].

Also in June 2020, staff further recommended a parking permit / revocable license program be implemented to authorize parking (where safe and appropriate) in public right-of-way and public parking areas. The City Manager subsequently returned to Council with concepts and conducted public outreach on a proposed residential parking permit program.

On November 9, 2020, the Council heard the manager's report regarding the public outreach. Council was less than enthusiastic about the proposed concept of severely restricting parking in residential areas and issuing permits to residents. Among other issues, the program as envisioned was complex and would require additional city enforcement officers. In addition, public comment varied, but again much of the comment focused on use of public right-of-way parking spaces by vacation rental visitors and other day-tripping tourists. To clarify – day-tripping tourists and VRD guests are not, under current law, prohibited from using legal on-street parking spaces.

Prohibitions / Regulations Based on Engineering.

Council did express interest in some smaller measures. Council agreed that the standards in the 2015 Transportation System Plan (together with adopted street design and construction standards) should provide the engineering basis for regulations restricting or prohibiting parking. Accordingly, a draft code amendment referring to such construction standards as the primary consideration for such actions is proposed; because strict adherence may not always be possible, some flexibility, based on the City's Engineer's professional judgment, is included.

SECTION ##. Lincoln City Municipal Code Title 10 (*Vehicles and Traffic*), Chapter 10.08 (*Administration*), Section 10.08.010 (*Powers of the City Council*), numbered paragraph B.(13), is amended to read as follows:

13. Establishment, maintenance, removal or alteration of the following classes of traffic controls:
- a. Crosswalks, safety zones and traffic lanes,
 - b. Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when such prohibitions apply,
 - c. **Parking, including but not limited to** truck parking areas, parking for disabled persons, parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal), **prohibited parking areas (one or both sides of the street), parking permits and metered parking.**
 - d. Loading zones and stops for vehicles,
 - e. Traffic-control signals. (Ord. 88-8 § 4.01)

SECTION ##. Lincoln City Municipal Code Title 10 (*Vehicles and Traffic*), Chapter 10.08 (*Administration*), Section 10.08.010 (*Powers of the City Council*), adding a new paragraph C., to read as follows:

C. Engineering basis for decisions.

In exercising its municipal traffic authority pursuant to this Chapter, the City Council or its designee, shall be guided by adopted street design and constructions standards, including but not limited to the 2015 Lincoln City Transportation Plan. Where appropriate, variations or alternatives to standard design and constructions standards may

be approved in the discretion of the City Engineer. Traffic control and parking measures are imposed based on the engineering considerations and public safety such as the adequacy of the right-of-way width and suitable shoulder base, and not on any other basis.

Accordingly, traffic and parking control measures, like prohibitions on parking, will be based on professional staff review of the width and quality of the road and shoulder improvement. Unlike the prior concept, there is no process for neighborhoods to petition for parking prohibitions based on other considerations, such as attitudes toward VRDs or other visitors. The use or non-use of right-of-way for parking, approved franchise purposes, or other approved uses is solely controlled by the City in the public interest.

The concept of imposing strict two hour parking time limits on all parking in certain residential areas, and then issuing permits to residents was rejected by Council. In lieu of such a program, staff would return to the simple approach of reducing conflicts in residential neighborhoods caused by excessive parking (by residents and visitors alike) by adopting a program of reviewing the width and road / shoulder base in residential areas, delineating and marking appropriately sized parking spaces outside the travel lane, ordering (by resolution of Council or Manager Order) appropriate prohibitions for parking (on one or both sides of the street or portions thereof), based on engineering concerns. This work is primarily accomplished by technical review by your City Engineer and staff and/or consultants. There are no proposed special exceptions to such parking prohibitions for city residents, and accordingly no discrimination against visitors or others in favor of residents; enforcement is therefore simplified. One advantage residents have (e.g. residents NW 8th Court) is that residents may develop / improve their own property with additional parking or garage improvements and can request a driveway permit to access such improvements. While residents cannot control who parks in a legal parking space in front of their home, driveways cannot be obstructed.

Overnight Use of Public Lots

Council was not adverse to considering language for a revocable permit or license to authorize some overnight use of public parking lots. *[Also in June, staff related that a prior Councilor had suggested use of City park lots for VRD overflow (for a fee) thereby getting such vehicles out of neighborhoods].* Overnight parking is parking between 2:30 a.m. and 5:00 a.m. Currently overnight parking in a city lot, including beach accesses is prohibited. **By contrast, overnight parking on a city street is not.**

This issue was initially raised by owners of units who stated they did not have on-site parking. How that came to be is unclear, but unimportant. Residential units in cities often do not have on-site parking. Residents have to “circle the block” so to speak, to find an available on-street parking space. Some residents store their vehicles in a for-profit parking garage or lot, others rely on on-street parking. In Lincoln City, such on-street parking spaces are currently free; Council certainly does have the legal authority to meter spaces in desirable locations. So while it may be more convenient (closer to their units) for some residents to park in a city lot or beach access – it is by no means a requirement that the City provide free parking to such unit owners. (There is no land use - based vested right to use public property for private use).

Accordingly, the first option here is - do not authorize such use of city parking lots in this way. The second option would be to authorize the manager to issue overnight 2:30-5:00 a.m. permitted placards for a set annual fee. The fee would likely be based on the yearly square footage fee used for encroachments – which is high. Such a placard program is more complicated, and would be best based only on a high fee. Other criteria for issuance of such a parking placard may invite criticism and legal challenge. [If this option is sought staff will attempt to come up with nondiscriminatory criteria for issuance of such placards]. *Another possible solution for these owners might be to request a vacation of a portion of the right-of-way for development of their own private parking.* In lieu of the placard permit / license staff would recommend creating specifically designated metered “overnight parking permitted” spaces in all city lots. The draft code amendment above - authorizing parking permits and metering (although metering was already authorized), is proposed for your consideration.

The recommended alternative would be to install a limited number of clearly marked “metered” overnight parking spaces in certain city lots. These spaces would be available to anyone. Meters would be the credit card swipe variety that issue a sticker to be placed in the window for parking in specifically designated marked overnight parking spaces. VRD overflow could be directed to these pay parking spaces. The City storage ordinance (prohibiting storage of personal property or vehicles on city property or right-of-ways would still apply – that is you cannot use the space for more than 24 hours.

Alternatively, you could designate a few spaces in city lots “Overnight Parking 2:30 a.m. – 5:00 a.m. authorized” and not meter the spaces. The spaces would be available to anyone. Staff is not recommending this, as overnight parking is permitted, for free, in legal parking spaces in the city right-of-way.

If this option is pursued, a fee/meter rate will be brought forward in a Resolution before the effective date of the ordinance and such fee/rate structure would be somewhat

consistent with square footage based encroachment permits for use of public right of way.

Threshold VRD Issue:

Based on comments at the November 9, 2020 City Council meeting, clearly some councilors are interested in amending the land use or license codes regarding VRDs to require VRD businesses in residential areas to park all vehicles associated with the VRD use on the VRD property. Currently the law requires the VRD to have one on-site parking space for each bedroom in the VRD. Prior City Councils have discussed this issue as part of the City's land use standards, and the current law reflects the decision to base parking on the number of bedrooms, not the expected number of vehicles anticipated to visit the rental during the rental term. For example, if five families rent a large VRD, five parking spaces on-site should be adequate to accommodate the vehicles used by the renters. If a relative from Newport drives up for the day to visit with the five families, they would park in an available legal parking space. There is no special rule prohibiting VRD use of a legal on-street parking space.

The problem may be that in Roads End, many VRDs are nonconforming in relation to City of Lincoln City land use parking requirements. That is, the VRD use was legally established under County regulations that did not require the on-site parking the City code requires. While license ordinance requirements concerning health and safety standards, (e.g numeric occupancy limits) are not protected by nonconformity issues, on-site parking is land use, and enjoys nonconforming status.

In an August 2020 memo to the City Manager, Richard Townsend explained the issue as follows:

Issue 2: Parking. *Parking is one of the areas that receives the most complaints. Typically these complaints center on an excessive number of vehicles at a VRD and on VRD renters or their guests using on-street parking. The ordinance sets out a requirement for VRDs to have a certain number of off-street parking spaces and limits the number of vehicles that may be parked on the property to the number of designated off-street parking spaces. It is silent regarding the use of on-street parking by VRD occupants or their guests. It also is silent on whether the residents' or guests' violations of on-street parking rules set out in LCMC Title 10 amount to VRD violations.*

Additionally, almost all Roads End VRDs were approved under the county's rules, which did not have parking standards. This means in Roads End things like

excessive parking are not VRD violations. We have informed people of this over and over, but we still get numerous complaints about VRD parking in Roads End, often repeatedly from the same people.

Complicating the parking issue is that it is difficult or impossible to link cars that may be parked in violation of LCMC Title 10, or, if made applicable, VRD parking rules, to a specific VRD. The fact that a car is parked in front of or near a VRD does not amount to proof that the cars come from that VRD. There also is the philosophical issue of whether a VRD owner should be cited for a parking violation by their renters or their renters' guests.

Some things we can do about parking issues include the following:

- 1. Increase public education efforts regarding parking issues in Roads End;*
- 2. Clarify the parking provisions in LCMC 17.80.050 to specify whether VRD renters or guests are allowed to use on-street parking;*
- 3. Clarify the parking provisions in LCMC 17.80.050 to specify whether VRD residents' or guests' parking illegally on the street amount to VRD violations or just LCMC Title 10 violations.*
- 4. Once these clarifications are undertaken, we will need to establish a clear procedure for how parking violations are handled between the Police Department and the Planning Department.*
- 5. Decide whether to establish one or more residential parking permit programs, and if established, clearly post the streets with signs at frequent intervals and educate VRD owners and managers of the rules.*
- 6. Clearly mark areas of legal or prohibited parking in highly concentrated VRD areas, or other areas where parking is a consistent problem.*

There is no special prohibition on use of public on-street parking spaces which is applicable only to persons renting or visiting a vacation rental. While residents may be annoyed by persons parking in the right-of-way in front of their homes, if such parking spaces are legal parking spaces, such use is legal and we do not discriminate based on who uses such spaces. Such on-street spaces are subject to the ordinance prohibiting use of the right-of-way for storage of personal property, vehicles, campers, trailers and the like. Residents and visitors alike who exceed 24 hours of use of on-street parking are subject to citation. Residents who move their cars to the street to prevent others from parking in front of their house may be risking citation. Similarly, residents who erect signs in city right-of-way (regardless of content but including signs which purport to prohibit parking) also risk citation.

The suggested delineation and marking of spaces, particularly in congested areas like Roads End, in conjunction with posting appropriate prohibitions on parking on one or both sides of the street, where right-of-way is inadequate – from an engineering perspective – should go a long way toward reducing conflict caused by inadequate parking land use standards used by the County in Roads End. The City can also develop off-street city lots for parking and other on-street parking where road/shoulder base is inadequate but can be improved. In addition, metered overnight spaces in city lots can be used by VRD overflow when legal parking is inadequate.

In sum, staff requests that the Council by motion, make a decision on this issue. Either direct staff to explore a code amendment to limit on-street parking for VRDs (which will require extensive work and outreach to VRD owners -owing to the Roads End nonconformities issues) or reject the often-repeated misstatement that VRD renters and visitors are not permitted to park in legal on-street parking spaces and further direct staff to add language to the Code to clarify this issue as suggested by Mr. Townsend.

Overnight Camping.

The City prohibits overnight camping (between 2:30 a.m. and 5:00 a.m.) in city right-of-way, as well as city lots and parks. There are exceptions to the prohibition, including emergency resolutions, traffic and emergency orders. Earlier this year, at the outset of the COVID crisis, an emergency order was issued and later ratified and supplemented, permitting the designation of several individual parking spaces in the Taft parking lot for overnight in-vehicle use – that is, a legal place for someone to rest in their vehicle between 2:30 and 5:00 am.

The Order provided relief over the summer to those in need of a place to rest. Unfortunately, persons with large and expensive recreational vehicles in search of free storage and some in search of free recreational camping opportunities have overtaken the lot and the authorized spaces - parking in unauthorized spaces and even across several authorized spaces, converting the safety valve for those in need to a free, albeit illegal, camping spot. The governor's recent COVID freeze orders impacts this excessive and improper use of the lot and the manager has decided to order the lot closed to comply with the governor's order.

Council may want to consider whether or not a space or two in several of the City's parking lots (or even in designated rights-of-way) should be marked for such "rest in vehicle" use. One or two spaces marked "2:30 am-5:00 am in-vehicle use authorized" in several lots spread across the city (as opposed to a dozen in one lot) should provide

relief for those in need of a place to rest but avoid the COVID risk and nuisance of an illegal campground.

Housekeeping.

The following language in LCMC 12.26.005 appears in Title 12 but should be its own chapter and not buried in small wireless telecommunication facilities:

SECTION ##. Lincoln City Municipal Code Title 12 (*Streets, Sidewalks and Public Places*), is hereby amended to create a new Chapter 12.02 (*Control of Public Right-of-Way*) and removing the same text from Chapter 12.26 (*Small Wireless Telecommunication Facilities*) to read as follows:

12.02.005 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.

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.

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