

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF MEETING

October 26, 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: November 9, 2020

A. CALL TO ORDER

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; David Broderick, Lieutenant, Lincoln City Police; David Twigg, I.T. Support Specialist.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was skipped as this meeting was held remotely.

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Work Session – October 5, 2020 1:00 PM
2. Regular Meeting – Minutes of Regular Meeting – October 12, 2020 6:00 PM

RESULT:	Motion to Approve the Minutes from October 5 and October 12
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Anderson, Casper, Hinton, Hoagland, Mark, Parsons

E. COUNCIL DELIBERATIONS

3. REQUEST FOR CONTINUANCE - STATUTORY DEVELOPMENT AGREEMENT INCORPORATING ANNEX 2020-01 CPA/ZC 2020-02 -

Mr. Appicello advised Council that the applicant has requested a 6 month continuance. Mr. Appicello said that he advised the applicant that the Planning Department will re-notice this matter since new material will be submitted. The applicants agreed to that request.

Mayor Anderson asked if there was any alternative to the continuance? Mr. Appicello said that the continuance was legally acceptable, but the main reason for the continuance is that the applicant plans to submit a more detailed concept plan that will control Planned Unit Development (PUD) approval.

MOTION:	Motion to reopen hearing and record for the Woods Annexation and continue the matter until the April 26, 2021 City Council meeting.
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT:	Passed via Voice Vote

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

4. Public Comment Received for the 10/26/2020 City Council Meeting

Liza Corzine appeared via Zoom. Ms. Corzine commented on the Echo Mountain Fire, noting that the hospital has a natural gas generator. Ms. Corzine is curious if the hospital is in compliance with fire codes. Ms. Corzine asked if the tsunami sirens all work.

Mr. Chandler placed written comments received in the packet. Since the packet was published, he has received written comments from:

*Patrick Dunne- commenting on the Woods Annexation;
 Fran Lonnon- commenting on the Echo Mountain Fire Complex; Mr. Chandler advised Council that Ken Murphy (Emergency Preparedness Coordinator) and Chief Palmer would be providing an update to Council on the Echo Mountain Fire Complex on November 9.
 Liza Corzine- commenting on the Echo Mountain Fire Complex;
 Jay Roelof- commenting on the Echo Mountain Fire Complex.*

These written comments will be added to these minutes once the minutes are approved by the City Council.

Councilor Mark noted that many of the public comments included copied and pasted minutes from Council meetings with additional comments. Councilor Mark asked that citizens break out their comments and asked citizens to please make their written comments direct and concise.

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, SUCESSOR IN INTEREST TO COASTCOM, INC. AND DECLARING AN EMERGENCY

Mr. Appicello asked Council to continue this matter until November 9, 2020. Mr. Appicello explained that outside counsel is handling this matter and he needs to discuss this matter further with them. Mr. Appicello explained that the current franchise agreement expires on November 12, 2020, so the ordinance would need to be an emergency adoption at the next meeting.

Councilor Mark asked if service is lacking from a franchisee, who is responsible or liable? The franchisee, or the City? Mr. Appicello said it depends. Previously, local customer service (such as having an office in the City limits) was a negotiated item. Lately negotiations have been more complex, with federal laws to consider (which is why outside counsel handles these negotiations). Mr. Appicello said he will provide more information on the differences between the old agreement and the new agreement at the November 9, 2020 meeting.

Councilor Casper asked if this would impact commercial or residential areas? Mr. Appicello said it would impact both, since the agreement would cover the whole City. Mr. Chandler thinks impacts will mostly be in commercial areas.

MOTION:	Motion to Continue Ordinance 2020-21 until November 9, 2020
MOVER:	Riley Hoagland, Councilor Ward 2
SECONDER:	Mitch Parsons, Councilor Ward 1
AYES:	Anderson, Casper, Hinton, Hoagland, Mark, Parsons
RESULT:	Passed via Voice Vote

K. RESOLUTIONS

L. SPECIAL ORDER OF BUSINESS

2. July 4th

Mr. Chandler said he is proposing to hire up to 6 security guards to offer additional patrol for fireworks violations on July 4. The cost for security guards was much less than Mr. Chandler expected. Mr. Chandler said security guards can write citations and confiscate fireworks.

Mr. Chandler said he would like to recruit volunteers at beach access points to help keep illegal fireworks off the beaches. He'd like to use signage and continue the social media campaigns from previous years, using other sources than Facebook while expanding Facebook exposure. Last year the City ran 9 posts on Facebook. The message this past year focused on making people aware which fireworks were illegal. 2 years ago the City used "all fireworks are illegal on the beach" as a message. Mr. Chandler would use both messages this next year. Mr. Chandler said that the City would also encourage people to watch the Siletz Bay firework display on July 4 (COVID-19 restrictions permitting) rather than bringing their own illegal fireworks. Mr. Chandler said the Siletz Bay event has grown in previous years from an evening

fireworks display to a daylong festival. This year the City hopes to host an artisan's fair on SW 51st- this would be a family friendly event promoted as an alternative to individual firework displays. Mr. Chandler will place all of these recommendations in the proposed 2021-22 budget.

Councilor Hoagland said there should be security guards at every beach access checking for fireworks, from Cutler City to Roads End. You would need 2 people at each beach access plus a container for confiscated fireworks.

Councilor Parsons reminded Council of the July 4 confrontation on the beach by Spanish Head this year. Councilor Parsons said that security guards would not be able to handle such matters. Councilor Hoagland said that is why you stop people with illegal fireworks from getting onto the beach in the first place. Councilor Parsons said his concerns are to do with liability.

Councilor Mark said that he felt this year's confrontation by Spanish Head was an anomaly. The City's Police handled that issue wonderfully well. Should such an event happen again, any security personnel should step down and allow City police to take over. Councilor Mark said that Chief Palmer has commented that you can't fully cover the 7 miles of Lincoln City beaches. Councilor Mark thinks efforts should be concentrated at Roads End. Councilor Mark would like to see a strong campaign saying that fireworks aren't acceptable. Signage could include information about people getting arrested for having illegal fireworks. Councilor Mark believes Lincoln City Police will figure this issue out.

Councilor Parsons asked if the State has offered assistance, given that the beach is technically managed by Oregon State Parks? Mr. Chandler said he will continue to try to get more state park involvement.

Mayor Anderson asked if a ban on fireworks was being considered? Mr. Chandler said no. The City would enforce the laws already in place.

Councilor Hinton asked if the City was planning to use 4 wheelers on the beach? Mr. Chandler said yes. Councilor Hinton asked Mr. Chandler to spend the 4th of July in Roads End to experience what it is like, especially from 10 pm until 2 am. Councilor Hinton said that the Echo Mountain fire is a reminder of why people must be very careful with fireworks. Councilor Hinton said that the Roads End Improvement Association had previously delivered informational flyers about fireworks in the Roads End area and that volunteers had previously been at the beach accesses to let people know fireworks were illegal on the beach. Councilor Hinton said that neighborhoods are getting tired of cleaning up firework related mess. Councilor Hinton didn't think that a ban on fireworks in Roads End was off the table.

Councilor Parsons said he thought Council wanted to proceed with additional fireworks enforcement in neighborhoods where most complaints were filed this past year.

Mr. Appicello said the municipal code prohibits fireworks in City parks and Open Spaces. Mr. Appicello asked Council if they should expand the existing provisions in the code regarding fireworks to also ban them in City parking lots and City rights of way? Mr. Chandler said the challenge of further bans is enforcement, and the amount of staffing needed. Mr. Chandler said that you need due process to search a person for illegal fireworks and to confiscate them. Mr. Chandler thinks the City needs to focus on where staff is placed.

Councilor Hinton said that other cities have banned fireworks. Councilor Hinton said that Seaside and Vancouver, WA were examples. Councilor Mark asked if these efforts had been successful. Councilor Hinton said she thinks so, but more research could be done.

Mayor Anderson confirmed with Mr. Chandler that these items would be up for consideration in the 2021-22 budget. Mr. Chandler clarified that the marketing funds were available in the 2020-21 budget, but any additional personnel costs would be in the 2021-22 budget.

3. COVID-19 Update

Mr. Chandler said there were new face covering guidelines in Oregon for public and private workspaces. Mr. Chandler noted that the Oregon Health Authority (OHA) was not recommending face shields without a face covering because face shields don't prevent the release of aerosols.

Mr. Chandler said OHA was recommending that anyone with COVID-19 symptoms get a test, along with close contacts of anyone with COVID symptoms.

Mr. Chandler noted the large increase in COVID test capacity in Oregon. It is going to increase to 60-80,000 tests per day.

Mr. Chandler noted OHA had specific recommendations for Halloween. They recommend not doing traditional trick or treating and not having costume parties with people from outside your home. They also recommend using a face covering since Halloween costume masks do not provide any protection against COVID-19.

OHA also state that the flu vaccine does not increase your chances of catching COVID-19.

Mayor Anderson said that this information came from Lincoln County, and he wanted to encourage people to go to the Lincoln County website to get the information for themselves. Mayor Anderson also said that social gatherings seem to spread COVID-19.

Councilor Hinton asked about sheltering the homeless population. Homeless people need a non-congregate shelter due to COVID-19. The County is working with hotels to provide shelter. Can Lincoln City help financially with this effort? Last year the City of Lincoln City gave \$2,500.

Mr. Chandler said that Lincoln County is working with a hotel in Lincoln City and a hotel in Newport. Each hotel would provide a block of 20 rooms. The County is trying to work with local non-profits. The City of Newport is contributing \$10,000 to this program this year. Mr. Chandler is waiting to hear from the County regarding what they would like Lincoln City to contribute.

4. Echo Mountain Complex Update

Mr. Chandler said that FEMA had not yet given approval for a housing mission. Cleanup is happening in fire areas. Lincoln County is partnering with the Olalla Center to help evacuees. FEMA has an office at the Lincoln City Outlets (Suite 200). You can visit this office to apply for assistance in-person, to check on the status of an application, or to scan documents as part of an existing application.

Mr. Chandler said that Mr. Murphy and Chief Palmer will present their After Action Review to Council on November 9.

Mayor Anderson said that Lincoln County is doing their after-action review with the help of a consultant. Will Lincoln County be taking our information and adding it into their report? Mr. Chandler said that Lincoln City is sending information to Lincoln County.

Councilor Hinton said that the Red Cross and FEMA vouchers for temporary housing continue through December 31, 2020. Then, FEMA will hopefully place trailers for temporary housing. Agencies are

looking at other ways to meet housing needs, including VRDs. Councilor Hinton said that incentives will be provided for landlords providing rentals to people impacted by the Echo Mountain Fire. 125% of the median fair market value will be provided for up to 18 months of rent.

Mayor Anderson asked Councilor Hinton if there was any other information from the task force meetings? Mayor Anderson noted that misinformation continues to be spread regarding water in Otis.

Councilor Hinton said that Panther Creek Water District is providing water to anyone who needs it in Otis. Councilor Hinton said that septic tanks and pipes are being mapped so that infrastructure is protected when debris is cleared. Councilor Hinton said that Lincoln City is offering 4 approved house plans free of charge to people wishing to rebuild homes. Using one of these approved plans can save people thousands of dollars. Councilor Hinton also encouraged citizens to appeal any FEMA denials received. Sometimes FEMA just needs extra data to approve a request for assistance.

M. CITY MANAGER/CITY ATTORNEY REPORTS

Mr. Appicello said that he had contacted Oregon State Parks regarding opening Devils Lake State Park for RV and tent camping to provide temporary housing for homeless people. Does the City Council want Mr. Appicello to pursue this further? Mr. Appicello noted that the City code allows religious institutions to permit RV parking overnight if they provide access to bathroom facilities. However, no institution has offered this service to the community.

Mayor Anderson said he understands the City and Lincoln County met with Oregon State Parks regarding the potential use of the state park. As Oregon State campgrounds are closed, it would be up to Lincoln County and the City to manage the facility. Mr. Appicello said his most recent correspondence with the State indicated that the State would be willing to rent the campground to the City and the City would need to manage the campground, providing it back to the state for summer camping in a good condition.

Councilor Casper asked about the City's liability for people using State campgrounds as temporary RV and tent campsites. Who would vet these people? Mr. Appicello said that working with non-profits is a more desirable approach, and that is why the City code allows local churches to provide this assistance.

Mayor Anderson said he would like to see the City expand on what it already has. He would like to see Mr. Appicello contact local churches and ask what they need from the City to offer overnight camping to those in need. The campground has lots of facilities and would be difficult to manage and control.

Councilor Hinton agreed with Mayor Anderson. Councilor Hinton noted that the campground would have been a good option if the state had been willing to partner with Lincoln County and Lincoln City.

Mayor Anderson asked Council for unanimous consent for Mr. Appicello to contact local churches to see what they would need to provide RV camping overnight. Unanimous consent was given.

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

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

Fran Lonnon appeared via Zoom. Ms. Lonnon said she agreed with Councilor Hinton about not selling fireworks in Lincoln City because fireworks are illegal to take to the beach.

Ms. Lonnon said she is a Lincoln City resident petitioning to repeal the Urban Renewal district. Ms. Lonnon said this group's first attempt to gather signatures was hampered by the Echo Mountain Fire.

The group requested an extension but that request was denied. Ms. Lonnon said the group obtained over 800 signatures and is now proceeding with an initiative. Ms. Lonnon said that the ballot title drafted by the City Attorney violates state law as it refers to a referendum, not an initiative. Ms. Lonnon said that to avoid further delays, her group will have to accept the ballot title even though it is wrong. Ms. Lonnon asked who benefits from these errors or delays?

No citizens were present in the Council Chambers and Mr. Chandler had not received any further written comments.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Q. ADJOURNMENT

// s //

DICK ANDERSON, MAYOR

ATTEST:

// s //

OFFICE OF THE CITY RECORDER

Ronald Chandler

From: Doug Pullen [REDACTED]
Sent: Monday, September 21, 2020 7:47 AM
To: Ronald Chandler
Subject: Evacuation idea

Good morning Mr Chandler, my name is Doug Pullen. I'm a resident of Lincoln city for the past 8 years and I would like to make a comment for the next meeting scheduled for tonight, September 21st. I sent a email to mayor Anderson last week after listening to everyones complaining about notification. First off I was out of town, BUT i still got my lincoln county department of emergency services warning of phase two, for me on Wednesday at 1130 am, 420 miles away. Great.... now how about the city investing in NEW battery back up tsunami warning sirens and place them every 12 blocks north to south and from west devils lake road to hwy 101...The others 2 or 3 blocks of the beach. So everyone can hear them. They can be both voice and siren programmed. Because it sounds like cell service was down in town. All lcpd would have to do is punch in the code and the sirens would go off. They do this every Wednesday anyway. The battery backup just incase electricity is off. Presently you can barely here the d river siren go off 15 blocks away. The message could be phrased for what ever situation. Please give it some discussion. We are going to need this updated system someday soon. Thank you. Doug pullen.

Ronald Chandler

From: Ronald Chandler
Sent: Tuesday, October 20, 2020 9:23 AM
To: Fran London
Cc: Public Comment
Subject: RE: Council meetings with Zoom

Dear Ms. Lonnon:

We began making this opportunity available at our last City Council meeting. Each agenda notice will include the following language. This will continue for the foreseeable future.

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

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

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

Citizens requesting to give public comment via Zoom must email publiccomment@lincolncity.org no later than 12 pm on the meeting day. The request must include the person's name, the subject the person wishes to address and the Zoom screen name the person intends to use for the meeting. A Zoom invitation will be sent to the person requesting prior to the meeting."

I'll add your email, plus my response, to publiccomment@lincolncity.org so it can be added into the record.

Sincerely yours,

Ron Chandler
CITY MANAGER

—

City of Lincoln City
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541-996-1200 | F: 541-994-7232
E: rhandler@lincolncity.org | W: LincolnCity.org

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

From: Fran London [REDACTED]

Sent: Tuesday, October 20, 2020 7:54 AM
To: Ronald Chandler <rhandler@lincolncity.org>
Cc: [REDACTED]
Subject: Council meetings with Zoom

Good Morning Ron,

I know it was discussed in one of the Council meetings that the City was working on the Zoom platform. The Residents want to be able to ask the council questions via the Zoom platform without having to jeopardize their health by coming into City Hall.

Do you know if this work on the Zoom platform adjustment will be completed by the next council meeting? Do you plan to announce this accomplishment in the newspaper so everyone in the city will know about this development?

If this won't be completed by the next Council, could you please put this as an agenda item?

Thanks
Fran Lonnon

Ronald Chandler

From: Patrick Dunne [REDACTED]
Sent: Saturday, October 24, 2020 7:21 PM
To: Public Comment; Ronald Chandler
Subject: Fwd: City Council Meeting October 26,2020 ANNEX 2020-01 CPA & ZC 2020-02 Woods One Annex and Rezone and SDA 2020-01 Woods One Annexation Development Agreement
Attachments: Oct262020Testimony.pdf

I sent the following to planning and jwhite October 19, 2020, but cannot find it in the agenda packet for City Council Monday. I believe this testimony is useful as Woods One LLC takes another long delay in their request.

Pat Dunne (Funpa)

----- Forwarded message -----

From: Patrick Dunne [REDACTED]
Date: Mon, Oct 19, 2020 at 9:15 PM
Subject: City Council Meeting October 26,2020 ANNEX 2020-01 CPA & ZC 2020-02 Woods One Annex and Rezone and SDA 2020-01 Woods One Annexation Development Agreement
To: <planning@lincolncity.org>, <jwhite2@lincolncity.org>

I am submitting the attached testimony for the subject meeting.

Pat Dunne

WRITTEN TESTIMONY

Submitted by:
Patrick M. Dunne
5155 NE Voyage Ave
Lincoln City, OR 97367

October 20, 2020

My objective is to encourage the Lincoln City Council to thoughtfully consider the proposed annexation (ANNEX 2020-01/CPA & ZC 2020-02 Woods One Annex and Rezone).

1. The Oct 12, 2020 STATUTORY DEVELOPMENT AGREEMENT draft states that 10% of all residential units will be offered for sale or rent to people earning 120% of AMI or less.

10% of 80 units proposed is only 8 residential units. Will 72 units provide needed workforce housing? Will it be affordable?

What is AMI?

a. The Median household income of a Lincoln City resident is \$35,524 a year. © Sperling's Best Places. All rights reserved.

b. Estimated median household income in 2017: Lincoln City: \$40,662. Read more: <https://www.city-data.com/city/Lincoln-City-Oregon.html>
City-data.com does not guarantee the accuracy or timeliness of any information on this site. Use at your own risk. Website © 2020 Advameg, Inc.

c. The median household income (\$38,843) for 97367 is more than Lincoln City (\$38,010). Copyright 2020 Cubit Planning Inc.

d. Oregon minimum wage: $\$12.00 \times 40 \times 52 = \$24,960$

e. Meredith hiring sign in town: $\$19.00 \times 40 \times 52 = \$39,520$

f. $120\% \text{ of } \$25,000 = \$30,000$ $80\% \text{ of } \$25,000 = \$20,000$
 $120\% \text{ of } \$40,000 = \$48,000$ $80\% \text{ of } \$40,000 = \$32,000$

(remember there will only be 8 of these available)

What if the offer is 80% AMI?

2. Lincoln County Property Report lot 2900 10.15 acres sold for \$245,000 6/21/2019
and lot 2400 1.0 acres no sales data
 $\$245,000 / 80 = \3062.50 (+ \$ infrastructure + \$ residential unit)
What unit price range in dollars is offered in the development agreement?

3. I am concerned with the development agreement timetable, Exhibit C. Since the June 8, 2020 meeting, June, July, August, September, and most of October, Woods One, LLC has done nothing visible on the 11.5 acres to show good faith. Adding up the time, it could result in the property remaining as is for 4-1/2 years (2025) and then 1 more year to start (2026) and 5 more to completion (2031).

I request Councilors consider strong verbiage in the development agreement that Woods One LLC begin immediate removal of invasive species (see my June 8, 2020 testimony) and plant a vegetation barrier on the property line with adjacent owners of non-invasive hedge or otherwise forfeit the land to the city for development of a city park with parking, sports field, and picnic facilities. The timing in Exhibit C should be shortened to completion in 2025.

Mr. Woods said he had been advised not to make any improvements to the lots until the City approves development. – Lincoln City Council Minutes September 28, 2020

This does not show good faith and does not address the on-going violation of the Forest Practices Act in my February 12, 2020 testimony.


Patrick M. Dunne

Ronald Chandler

From: Ronald Chandler
Sent: Monday, October 26, 2020 8:29 AM
To: [REDACTED]
Cc: Public Comment
Subject: FW: EchoMountain Fire
Attachments: Echo Mountain Fire.docx; ATT00001.txt

Dear Mrs. Lonnon:

Thank you for your email. I will send it to the City Council and make sure it is entered into the record.

Sincerely yours,

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

From: Fran London [REDACTED]
Sent: Monday, October 26, 2020 7:58 AM
To: Ronald Chandler <rhandler@lincolncity.org>
Cc: [REDACTED]
Subject: Fwd: EchoMountain Fire

Good Morning Ron,
Here are the minutes from the 10/5/20 meeting on the Echo Mountain fire.

I have marked my questions in red and would like this addressed in the Council meeting tonight under the agenda Item Echo Mountain fire update.

>>
>>
>>

Echo Fire Questions

On 10/5/2020 Mr. Murphy gave an update to the Council about issues surrounding the Echo Mountain fire.

After this meeting (10/6/2020) I sent an email to Mr. Murphy with suggestions to the issues surrounding the fire. I still haven't heard back from Mr. Murphy about my suggestions so I am now requesting Mr. Chandler, his superior, to answer my questions.

The Office of CITY ADMINISTRATION

CITY OF LINCOLN CITY LINCOLN CITY COUNCIL AGENDA MONDAY OCTOBER 26, 2020 6:00 PM
6:00 PM - The Lincoln City Council Meeting for October 26, 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. The witness computer will be used for these comments. The microphone used by citizens will be sanitized by Information Technology staff between speakers. 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.

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

1 – Lincoln City Council Agenda October 26, 2020

C. PLEDGE OF ALLEGIANCE

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Work Session – October 5, 2020 1:00 PM

2. Regular Meeting – Minutes of Regular Meeting – October 12, 2020 6:00 PM

E. COUNCIL DELIBERATIONS

3. REQUEST FOR CONTINUANCE - STATUTORY DEVELOPMENT AGREEMENT INCORPORATING ANNEX 2020-01 CPA/ZC 2020-02 -

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS 4. Public Comment Received for the 10/26/2020 City Council Meeting

G. PRESENTATIONS

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

J. ORDINANCES

5. 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, SUCESSOR IN INTEREST TO COASTCOM, INC. AND DECLARING AN EMERGENCY

K. RESOLUTIONS

L. SPECIAL ORDER OF BUSINESS

6. July 4th

7. COVID-19 Update

8. Echo Mountain Complex Update

M. CITY MANAGER/CITY ATTORNEY REPORTS

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

2 – Lincoln City Council Agenda October 26, 2020

The Office of
CITY ADMINISTRATION

D.1

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF WORK SESSION MEETING October 5, 2020, 1:00 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/>.)

1.

CALL TO ORDER

Dick Anderson Judy Casper Diana Hinton Riley Hoagland Rick Mark Mitch Parsons

Attendee Name

Title

Status

Arrived

Mayor

Councilor Ward 3 Councilor Ward 1 Councilor Ward 2 Councilor Ward 3 Councilor Ward 1

Present Present Present Late Present Present

1:00 PM 1:00 PM 1:00 PM 1:07 PM 1:00 PM 1:00 PM

2.

Staff present: Ken Murphy, Emergency Preparedness Coordinator; Jerry Palmer, Chief of Police; Ron Chandler, City Manager; Richard Townsend, Interim Planning Director; Richard Appicello, City Attorney; Jeanne Sprague, Parks and Recreation Director; David Twigg, I.T. Support Specialist.

DISCUSSION ITEMS

A. Echo Mountain Complex Emergency Debriefing

Mayor Anderson said this work session will provide a preliminary assessment of the Echo Mountain Fire Complex event and the efficiency of the emergency response. Council will be given an opportunity to comment, and public comments received will be presented.

Chief Palmer said that 6 City employees had lost their homes during the fire. 30 City Employees are Otis residents who were displaced for the longer evacuation period. 40 employees were evacuated in total; 5 employees remained at work while their families evacuated. Chief Palmer asked Council to be proud of

1 – Lincoln City Council Minutes October 5, 2020

Packet Pg. 3

APPROVED BY CITY COUNCIL DATE: _____

City employees. Chief Palmer said that a couple of staff members in Dispatch did not know if they had lost their property; however, they stayed on the job and focused on helping others. Chief Palmer said that from September 8 through September 11, there were 4,244 calls made to the Lincoln City Police Department. 372 of those were 911 calls. During the same time period in 2019, there were 75 911 calls made, and 380 other calls.

Chief Palmer said there is lots of disinformation being spread about this multi-jurisdictional event, which had other factors beyond City control, like road closures. Chief Palmer hopes that the information presented today will allow Council to make decisions about where resources should be focused in the future. Chief Palmer noted that there was no loss of life and no missing persons have been reported as a result of this emergency, and there weren't any traffic crashes during the evacuation.

Mr. Murphy gave an overview of citizen comments. Mr. Murphy said that reported problems included: Evacuation Issues: No-one was directing traffic. 2 road projects were being undertaken at the same time on East Devils Lake Rd and West Devils Lake Rd;

Communications: sporadic Lincoln County Alerts; unclear information; no radio communications; residents didn't know how what frequency to use to access P.D. scanners; no power led to no internet access, no internet based phone service, and no email access. Vacation Rental Dwelling guests were not informed timely about the emergency and need to evacuate; cell service was down; broadband communications were shut down;

Fire suppression: There were no airplanes to deploy fire retardant;

Utilities: The hospital didn't have a power generator; natural gas was turned off without notice.

Mr. Murphy said that residents offered the following comments: Clear and frequent communications;

Don't rely on Lincoln County to provide information;

More visible leaders;

Email communications are not adequate;

Develop a plan for Vacation Rental Dwelling education;

Develop workable channels of communication;

Use Social Media;

Retrofit the tsunami alert systems to cover wildfire alerts;

Widen Highway 101;

Encourage people to sign up for Lincoln Alerts;

Work with neighborhoods to find out what communication methods work best;

Deploy trained staff in traffic disaster quickly;

Make both lanes on Logan Road outbound;

Limit guest parking for Vacation Rentals;

Emergency Preparedness information and evacuation information must be required and posted in Vacation Rentals; ensure that guests read and sign before booking that they understand safety instructions and agree to abide by them. Make sure vacation rental properties have safety equipment such as flashlights;

All radio stations should broadcast emergency alerts;
Police should make more noise if they are alerting neighborhoods to "Go Now";
Lincoln Alerts should text evacuation notices to Level 1 residents and should change their evacuation sites much earlier;
Motels should be evacuated in zones, not all at once. In this disaster motels closer to the ocean were at far less risk than those located near woodlands;

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ODOT should factor in major holidays, drought conditions, and wildfire danger before starting major projects;

A bypass for Lincoln City to reduce congestion;

A one way traffic evacuation plan;

Conduct more emergency preparation seminars in the fall. Make brochures and flyers available to the public.

Mr. Murphy said these comments would be posted in full on the City website.

Mr. Murphy said that, during any disaster, people, including City employees, need to think of their families first. Mr. Murphy said that, in his experience, people working in an Emergency Operations Center who don't know if their family is OK might not be 100% effective at work. Communications are always tricky, but in a disaster scenario like this, we are going to have some issues that are not within City control. Cell phone systems can be brought down by heavy traffic, never mind emergency situations. With so many cell providers it's hard to analyze who had the best coverage and service during the emergency. Even on a sunny day in Lincoln City, the Police Department cannot communicate in every inch of Lincoln City. The City is working on this.

Mr. Murphy discussed communications. They were hectic, and sporadic. The County were in as much of a crisis as everyone else, with people from all agencies and departments working to evacuate people from Kimberling Mountain and Echo Mountain. Lincoln City Police helped with the initial evacuation process in these unincorporated areas.

The City did not put out much information on its website at first. Mr. Murphy said the City's website is on an old platform that requires significant effort to update. You need a computer to update it, and a dedicated person to do the updates. Mr. Murphy said the City does not necessarily have a dedicated person to watch all City social media sites in Lincoln City. Explore Lincoln City has one person that monitors social media relating to tourism in Lincoln City. Mr. Murphy said that, during an emergency, the need to monitor social media sites is a 24 hour job, so at least 2 staff would be needed for day and night shift operations.

We have several talented retirees that are very computer savvy that could handle this process from home at no additional expense to the city. During the fire social media was a wealth of information and the city's Facebook page could be a huge support to the community.

Mr. Murphy said that the City has now launched a Facebook page. The Police Department, Emergency Preparedness Department, Library, Parks and Recreation, and Explore Lincoln City also have Facebook pages. Explore Lincoln City also has Instagram and Twitter. These are lots of potential sources of information, but it's not easy to keep them all up-to-date during an event unless we have the resources. Mr. Murphy said that media releases might not be a great help in these situations. Local newspapers publish on certain days of the week, and while they publish online news stories, access to those is dependent on power and internet.

Mr. Murphy said AM radio would be a possibility for communications. KBCH and KNPT / The Wave are local options, with KBCH being located in Lincoln City. KBCH is only manned at certain times.

Mr. Murphy said that amateur radio volunteers can communicate reliably during emergency situations, but the City would have to ensure that good information gets broadcast. Mr. Murphy said that satellite phones would not have worked well during this emergency due to the heavy clouds and smoke. While the City has a trailer that can boost the signal strength of these phones, that would only have helped to a point.

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Mr. Murphy said that he is yet to get a report from the County regarding how many people were contacted and how many people responded to Lincoln Alerts. These communications were likely hampered by internet and phone service issues.

Do you have this information now? If so is it posted on the city's Facebook page?

Mr. Murphy said that the City has radio systems for the Police Department, Public Works Department, and Parks Department.

Mr. Murphy tried to send information to City employees via Lincoln Alerts, and that message didn't go out successfully. Mr. Murphy noted that Lincoln Alerts relies on internet and power to transmit messages. It's not a 100% solution.

So what is the solution?

Mr. Murphy said that in the first stage of an emergency, communications tend to be hectic. Mr. Murphy recommends establishing a frequent schedule of communication alerts. Social media, radio, and message reader boards are all useful sources.

Mr. Murphy discussed Emergency Operations Center (EOC) policy groups. Mr. Murphy believes the City should have had a representative in the County EOC. This representative needs to be trained on handling EOC basics.

Do we now have a representative for this position? Would that be our City's emergency coordinator?

Mr. Murphy suggested that Mayor Anderson talk with Commissioner Kaety Jacobsen to see if Lincoln City should be a part of the County EOC policy group. Mr. Murphy observed that Lincoln City was extremely close to this disaster and many people think Otis is a part of Lincoln City.

Did this meeting happen?

Mr. Murphy said the City needs a crisis communication plan. Mr. Murphy said we should develop a plan regarding what we want to create and delegate a group of people for these communications. Mr. Murphy recommends a joint information center that deals with social media and handles communication inputs and outputs. Training on this subject is available. Mr. Murphy thinks this need could be handled right away.

Is this plan in place now? When will the training start?

Mr. Murphy discussed local radio station KBCH. It is privately owned, and doesn't have a generator. Mr. Murphy said he was in contact with KBCH frequently during his first 6 months as Emergency Preparedness Coordinator asking if they would like City assistance in procuring a generator and also asking them if they would consider moving location to be out of the tsunami inundation zone. KBCH has not responded to Mr. Murphy. Mr. Murphy will continue to work on contacting KBCH, and is willing to make contact with Newport area AM radio stations.

Has Mr. Murphy reached out to the radio stations? If so what was their responses? Did we advise them we would be giving them a tax break if they install a generator?

The City's tsunami sirens are owned by North Lincoln Fire and Rescue (NLFR). They are older sirens that have either been purchased or donated to NLFR from other agencies, such as the Trojan Nuclear Power Plant that was outside of Portland. They are a patchwork of systems that produce a single audible tone. City residents are familiar with the tsunami sirens from weekly testing. If the City wanted to use these sirens for other emergency notifications, the community would need to be educated on how they were being used to avoid confusion and misinformation. Mr. Murphy noted that the City's tourist population would not know how to respond to a tsunami siren being used for a fire evacuation.

Did we talk to NLFR about the possibility of using a different signal (2 short bursts for non tsunami) for a signal to the residents? Maybe put a flier in the water bill for these instructions? We don't need to spend millions on a new system.

The City could have stood up an EOC during this event. Many City employees would not have been available to staff the EOC due to the evacuation orders. Also, taking staff to the EOC takes staff away from their regular duties. Mr. Murphy noted that the City does not have enough staff to run its EOC 24 hours a day. Mr. Murphy suggests that, if a similar event happens again in the area with another agency leading the emergency response, the City take a graduated, phased-in approach to opening its own EOC. It takes 30 employees to run the EOC for each shift.

Why pay city employees to man these positions? Why not use volunteers from the different committees and boards? I am sure several of these civic minded citizens would love to assist with these kinds of things. You don't need to throw money at something when you have many people who would freely donate their time!

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Mr. Murphy said there can never be enough training on how to run an EOC. He will continue consistently training staff on these operations, making sure to obtain departmental buy in. Mr. Murphy recommended the Policy Group- the City Council and City Manager- join these training sessions.

When will these training sessions start?

Mr. Murphy noted that the EOC was short of laptops during this emergency due to COVID-19. In March, many City employees started working from home and the new EOC laptops that were purchased were provided to these employees for remote access purposes. Mr. Murphy noted we need additional laptops for EOC purposes. Mr. Murphy noted the EOC needs Whiteboards, GIS capability, and signage. Further, staff may need to sleep at the EOC and so the EOC needs to have food and sleeping equipment available.

Why can't people use their own laptops? Why does the city need to buy more laptops for an EOC when everyone has a laptops at home? You could have IT put whatever is necessary for the laptop to have on volunteers home laptops. I am sure the volunteers you pick for the EOC would gladly let you update their computers.

Mr. Murphy analyzed the evacuation issues. The main problem is the limited road network in the area. Area roads are managed by different groups- ODOT (Hwy 101), Lincoln County, and Lincoln City. The City needs to work with other agencies in the area to develop a better plan to use roads. For example, Highway 229 to Siletz was not used during this emergency. There was no traffic control, and the City doesn't have enough staff currently trained in providing traffic control. Road and traffic control issues will need to be worked through with other agencies.

When will this coordination and training start?

Mr. Murphy said evacuation decisions were made by the Incident Commander (North Lincoln Fire and Rescue). These decisions were relayed to Lincoln County and the County proceeded with issuing evacuation orders. Mr. Murphy noted it would have been very helpful to have a City employee in the County EOC to get information to the City as quickly as possible.

Did anyone from the City reach out to the Fire Chief during the emergency to find out what was happening during the fire?

Mr. Murphy said more training should be provided on the differences between evacuation levels 1, 2, and 3. Mr. Murphy noted people evacuated Lincoln City from areas that were at a level 1 evacuation level.

What kind of training? Is this being addressed?

Mr. Murphy said that the return to the area was handled by North Lincoln Fire and Rescue. They based their decisions on fire conditions and risk.

Training and preparation for emergencies is always helpful. You cannot train employees and the public enough. Mr. Murphy noted that getting interest in emergency training is difficult. Mr. Murphy said he's tried to offer classes to businesses and to the public but he hasn't received favorable results. Now, there will be a lot of interest. Mr. Murphy wants to take advantage of this interest and wants to keep interest high even when nothing is going on from an emergency perspective. Mr. Murphy sees training and information as a form of an insurance policy. He noted that COVID-19 makes training more challenging; however, small classes and online information can be provided. Mr. Murphy recommends offering separate training sessions for the general public and local businesses.

Mr. Murphy discussed the need for local businesses and individuals to obtain generators. Mr. Murphy would like to educate local businesses about the value of a generator, and help them find sources of grant funding to purchase one. Mr. Murphy noted that generators allowed McKay's Market to stay up and running, and Carson Oil also could provide gasoline. Mr. Murphy thinks every family should have a small generator if they can afford one.

Is the city going to give business a tax credit if the businesses purchase a generator?

Mr. Murphy said that he will continue working on City preparedness. There's lots to reflect on after this event- radio systems, communications systems, and the City hasn't yet finished the disaster caches due to COVID-19. Mr. Murphy wants to get the caches completed and ready-to-go.

Why were the Cities caches not filled prior to COVID? I think not filling these caches are beyond ridiculous!!!! This should have been done years ago? Can someone please tell when they will be filled?

Mr. Murphy said he will provide extra information to Council upon request and direction. He cautioned Council that some of the issues aren't overnight fixes and some will cost money.

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Mayor Anderson asked what happens next? Does a report get forwarded to Lincoln County? Will this be a public document?

Mr. Murphy said there was no requirement to send the County a report; however, he thinks it would be helpful to do so. Mr. Murphy would like to request a City staff member get added to the County EOC Policy Group. Further, Mr. Murphy said he would like to contact the County to see if Lincoln City can get permission to send out Lincoln Alerts to the whole County. Mr. Murphy noted that Newport might be the hub of a future disaster and then Lincoln Alerts wouldn't work at all.

Has this been done?

Chief Palmer said he was talking with Sheriff Landers about what worked and what didn't work. Chief Palmer said that the County and City plan to have a joint debrief in a couple of weeks. Chief Palmer said the County should produce a report on this disaster as well.

Mayor Anderson asked what Mr. Murphy and Chief Palmer needed from Council? Mr. Murphy asked Council if they had observations and items he had missed in his summary. Also, Mr. Murphy wanted Council to provide direction on what to do first. Chief Palmer concurred with Mr. Murphy, asking Council to provide direction to allow for the most effective use of time and money towards improving emergency preparedness.

Councilor Casper said she had taken CERT classes with Mayor Anderson just prior to the March 2011 Tohoku earthquake and potential local tsunami. In March 2011 Councilor Casper was evacuated from Nelscott to Taft High School. Councilor Casper said the community learned a lot about how to evacuate people and pets during this event. Councilor Casper suggested doing evacuation drills, focusing on segments of the City.

Are the CERT classes going to be on Line for everyone to attend?

Councilor Mark asked about utilizing radio stations. Could there be a City of Lincoln City radio station, with a tower out of the tsunami zone? What about a County radio station, or a coast-wide radio station? A radio station could also provide messaging for signs along Highway 101. Might state funding for this be available? Councilor Mark said that the Siletz Highway could have been used for evacuations. Also, people could have used South Drift Creek Road, getting there via SE 32nd St, High School Drive and Schooner Creek Road. Councilor Mark asked who makes emergency traffic decisions.

Chief Palmer said that creating a rural side-ride diversion to Highway 229 (the Siletz Highway) would have needed significant labor for traffic control and detour signs. Chief Palmer also said that the types of traffic being sent on those roads should be considered. Would you just send passenger cars that way, or also allow motorhomes and trucks? Chief Palmer also said that while East Devils Lake and West Devils Lake roads were closed, both of them end up on Highway 101, so having access to those wouldn't have helped with traffic issues. Chief Palmer suggests that controlling evacuations by evacuation levels is a better way to handle the situation.

Councilor Hinton said that she would have been willing to direct traffic if she had been given appropriate information. Councilor Hinton said that knowing that Highway 101 was closed to the north would have helped people understand why evacuation was taking so long. Also, knowing exactly where the fire was burning would have helped. Councilor Hinton noted that people in Level 3 evacuation zones couldn't evacuate quickly because people in Level 1 and 2 zones were also evacuating at the same time.

Councilor Hinton said people received Lincoln Alerts, but couldn't open them to read them. She would like to see Lincoln Alert information on the front of the alert rather than embedded within it.

Councilor Hinton says that a Communications Plan for the City is important. Councilor Hinton asked if the City can work on alternate evacuation routes, perhaps partnering with other agencies. Might FEMA \$ be available for evacuation?

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Councilor Hinton suggested an evacuation drill be tied in with October's Shakeout drill.

Councilor Hinton has received information on public radio services. Councilor Hinton said there are 2 available radio opportunities in this area that the City could apply to own and manage. The City could create a public information radio station for emergency notifications, with weather and tide information available day-to-day.

The City does not need to own a radio station! The radio station in Newport should be the channel for people to go to. The City needs to negotiate with this radio station to stay open during a fire. After the

negotiations the city will need to have signs around town giving the radio information in case of an emergency.

Councilor Hinton would like to see printed flyers on City property for after-event information, such as telling evacuees where to go and where to get help. Councilor Hinton also wants to make sure the City obtain as much FEMA funding as it can for emergency preparedness and mitigation.

Councilor Hinton asked how City Council can be utilized better in emergency situations, noting that she felt disconnected during this emergency situation. Councilor Hinton appreciated Mr. Chandler calling her twice a day with updates but feels that the value that Council could bring to an emergency was not used.

Mayor Anderson noted it was reported in rural areas that people in civilian clothes knocked on doors to order residents to evacuate. Mayor Anderson said that some people in the Schooner Creek area were suspicious of these orders, especially as they didn't see or feel the fire outside. Chief Palmer said that all County, State and Police staff deployed were in well-marked uniforms. Chief Palmer said that these people could have been local residents trying to spread the word about the evacuation. Chief Palmer reported there has been no reported burglaries or looting from this event.

Councilor Hoagland thanked Mr. Murphy for his report. Councilor Hoagland would like to have seen Councilors and Volunteers working at critical intersections of local roads and Highway 101 to direct traffic. These areas include Holmes Road, and SE 3rd Street. Councilor Hoagland would like to see a radio station providing relevant information.

Councilor Parsons agrees with all points raised. Councilor Parsons would like to see radio being used for emergency notifications. Councilor Parsons wants to focus on prevention and mitigation, noting we have lots of forested land in the City limits. Councilor Parsons wants the City to be prepared for fire emergencies going forward.

Councilor Hinton asked how Council can discuss updating Lincoln City's part of the County Emergency Mitigation Plan with Mr. Murphy?

Mr. Murphy said he would schedule a meeting on this with Council.

Mayor Anderson asked how Council can be of help during an emergency?

Mr. Murphy said that dealing with rumors that were posted on Facebook took a tremendous amount of time. Mr. Murphy said he attended a debrief with Samaritan North Lincoln Hospital. Mr. Murphy wanted to state that the rumor that the hospital didn't have a generator was not true. The hospital evacuated because it was in a level 2 evacuation zone. The evacuation process for patients went well.

Mr. Murphy would like to propose what to look at and what to fix, with a graduated timeline. Some items can be worked on right away; others will require funding and staff time.

Councilor Mark asked about CERT involvement. Councilor Mark also asked what caused cell towers to go out, and if there was any backup technology available for cell towers in the event of failure? Councilor Mark would have liked a message to have gone to Level 2 and Level 1 areas encouraging those folks to stay home and free up the highway for Level 3 evacuees. Councilor Mark also encouraged the public to

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take only one car if they are evacuating, to not tow boats during evacuations, and to prepare for emergencies.

Chief Palmer said that CERT had become a part of NLFR. Councilor Hinton said that CERT members in Roads End were delivering meals on behalf on the Red Cross to evacuees in hotels and motels.

Mr. Murphy said that he referred CERT members directly to the Red Cross during this emergency, knowing that NLFR would not have time to manage CERT during a fire emergency. He will ask Chief Dahlman from NLFR about having the City activating CERT directly during future fire emergencies.

Did we contact NLFR about these CERT classes? I know because of COVID they stopped classes. Did Mr. Murphy as about on line classes?

Chief Palmer said education regarding evacuation procedures would be very helpful. Chief Palmer said that when the north end of town was in a level 3 evacuation zone and when people were stuck in traffic. Chief Palmer said that if the fire had been cresting near that area, he wondered how many people knew they could have parked their vehicles and walked to the beach or 1 /2 a mile south to a level 2 zone and been out of immediate danger. Chief Palmer noted that the word evacuation doesn't necessarily mean a journey to Newport or Portland; it can mean a short journey on foot to get yourself to safety.

Mr. Chandler said that public comments sent to the publiccomment@lincolncity.org email address will be posted. Mayor Anderson asked Mr. Chandler about a sensible expectation for the level of recommendations presented by Mr. Murphy? Mayor Anderson noted that there are limited Council meetings in November and December, and that in January Council focuses on its annual goals and the budget.

Mr. Chandler said he will ask Mr. Murphy and Chief Palmer to divide their recommendations into two parts- ones that won't cost much to implement and ones that would have a significant impact on the budget. Mr. Chandler noted that a radio system would be a major budgetary decision.

Mayor Anderson asked when Council could discuss these recommendations with Mr. Murphy and Chief Palmer? Mr. Murphy said he could organize the information into the two categories by the 1st of November.

Mr. Chandler noted how this was a multi-jurisdictional emergency. He also said he will ask Mr. Murphy and Chief Palmer to add a third category of recommendations- ones that need to be made to Lincoln County to improve responses to a multi-jurisdictional emergency.

In the future will Lincoln City be responsible for their own evacuation? According to state ordinances each CITY is responsible for its own evacuations and not to defer to county to evacuate our own CITY.

Councilor Parsons asked Mr. Chandler to be specific about where public comments were being posted, and to share them on the new Facebook page. Mr. Chandler said they were being posted in 4 places- as part of the record for a particular meeting; on Facebook with a link; on the City webpage; and on the Ron's Report blog.

3. ADJOURNMENT

DICK ANDERSON, MAYOR

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ATTEST:

CATHY STEERE, CITY RECORDER

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The Office of
CITY ADMINISTRATION

A.

B.

Attendee Name
Title
Status
Arrived

C.

Staff present: Ron Chandler, City Manager; Richard Appicello, City Attorney; Lila Bradley, Public Works Director; Alison Robertson, Economic Development and Urban Renewal Director; Jeanne Sprague, Parks and Recreation Director; Richard Townsend, Interim Planning Director; Abby Edwards, H.R. Supervisor; David Mattison, Senior Planner; Sgt. Bomar, Lincoln City Police Department; David Twigg, I.T. Support Specialist.

PLEDGE OF ALLEGIANCE- SKIPPED DUE TO MEETING BEING HELD REMOTELY

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APPROVED BY CITY COUNCIL DATE: _____

D. CONSENT AGENDA

1. Regular Meeting – Minutes of Regular Meeting – September 28, 2020 6:00 PM

2. Approval of Final Order 2020-03 - The Cove Phase 3

3. THIRD AMENDMENT TO LICENSE AGREEMENT FOR NELSCOTT DECK (SCOTT PLAZA)

Mayor Anderson was going to pull item 3 for discussion, but Mr. Appicello advised him that necessary corrections were already made. Councilor Hinton said she had sent three corrections to the September 28 minutes to Mr. Twigg.

E. COUNCIL DELIBERATIONS

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

4. Public Comments via publiccomment@lincolncity.org

Mr. Chandler said he'd only received one comment via email, and it was already in the packet. No-one was present in Council Chambers or on Zoom.

G. PRESENTATIONS

H. PUBLIC HEARING / ORDINANCE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

J. ORDINANCES

K. RESOLUTIONS

L. SPECIAL ORDER OF BUSINESS

1. Review of Sustainability Committee Recommendations

Mr. Chandler advised Council that these recommendations had been presented to them previously by Dave Price, chair of the Sustainability Committee. Mr. Chandler wanted to ask Council where they wanted to go with some of these recommendations. Mr. Chandler said it's a good time to look at these again because it's time to prepare the 2021-22 budget and also COVID restrictions have loosened a bit. Mr. Chandler covered the 3 recommendations of the Sustainability Committee- reducing plastics, sustainable landscaping, and sustainable food. Mr. Chandler told Council he had spoken with Mr. Price and asked him how the Sustainability Committee prioritized these recommendations. Mr. Price said reducing plastics was the committee's priority. Mr. Chandler noted it is also a priority of Council. Mr. 2 – Lincoln City Council Minutes October 12engaging with local businesses on that change. Is there an opportunity to hear from businesses on their concerns?

Mr. Chandler said this ordinance would not be effective until after January 2021. It was intended to be the first step in a plastic reduction program. This ordinance would be a part of a larger package that would be discussed with the community and businesses, taking a "carrot and stick" approach with educational campaigns and incentives.

Councilor Casper asked if businesses could be surveyed to get their input. Councilor Mark said that was the piece missing from the ordinance. He feels the Sustainability Committee wanted the City to do outreach and the City glossed over it.

Mr. Appicello noted that the ordinance is not effective until April 13, 2021.

Mayor Anderson asked if Council were looking for a multi-step educational and surveying program, should Mr. Chandler go forward?

Mr. Chandler said he would work with the Sustainability Committee first to develop a framework. Once that was developed, there would be work sessions and public input. Mr. Chandler asked if Council was ready to move forward on plastics. Mayor Anderson said as this is a top priority of Council, Mr. Chandler should move forward. Mayor Anderson noted this project would likely take a while. Mr. Chandler said this will have budgetary impacts, so it's a good time to get started.

Mr. Chandler covered the sustainable landscaping proposals. These included a reduction in pesticides and herbicides, a focus on native plants, and better use of groundwater. A sample garden could be

created. The City could host classes, workshops, and post signage regarding landscaping requirements. Mr. Chandler said that before moving forward he would review the Oregon State University Master Gardener program to make sure the City isn't duplicating content from that. Mr. Chandler asked Council if he should proceed?

Councilor Casper asked if the Public Works and Parks departments use pesticides? Mr. Chandler replied that they do. Mayor Anderson said that previous councils have voted to reduce pesticides. After a few years, Public Works and Parks came back to Council asking for pesticides to be permitted again because weeds were out of control. Mr. Chandler said that Lincoln County and ODOT use pesticides around the streets that they manage.

Councilor Hinton said that there are already sustainable landscaping plans available and the City should not reinvent the wheel. There are plenty of programs out there that encourage sustainable landscaping. Mayor Anderson said that Planning has a recommended landscaping guide. This guide should be updated with any new information developed from these recommendations. Mayor Anderson asked Mr. Chandler what is Council's role here?

Mr. Chandler said Council's role is Financial. If the City is starting a program, the City would need to run it, or partner with an organization to run it. Running a program would have budgetary impacts.

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Councilor Hoagland said he supported sustainable landscaping. Councilor Hoagland said he didn't think the City used pesticides and asked when Council could discuss the use of pesticides in City playgrounds. Councilor Hoagland wants to see the City be a good example to the community.

Councilor Hinton said she had professional experience in this area from a City perspective. Setting up a program like this is more involved than it sounds and it costs money. Councilor Hinton said she hired a 3 / 4 time consultant through a non-profit to obtain grants and incentives. Setting up a program like this is not as easy as it sounds on paper. Oregon Department of Fish and Wildlife and the DEQ has good information, and the City already has a good plant list. Council need to give the Sustainability Committee direction on how much Council wants to do with sustainable landscaping. The City can use existing resources or design its own plan.

Mayor Anderson asked Mr. Chandler if he was planning to come back to Council with more information? Mr. Chandler said he would. He recommends Council have a work meeting to provide more input on moving forward.

Councilor Casper said that the City's existing landscaping ordinances should be reviewed. She would like to see the City encouraging residents who wish to use sustainable landscaping principles to use existing resources, for example the OSU Master Gardener's program. Councilor Casper thinks these kinds of programs can reduce the use of pesticides without a big budgetary dent.

Councilor Hinton asked if the workbook she used when working on this issue previously would be helpful for Council and Mr. Chandler? Mr. Chandler said it would be very helpful.

Mr. Chandler discussed the Sustainability Committee's food program recommendations. The biggest feature in this recommendation is to create an event- Flavors 101, a food festival attracting locals and tourists that features healthy and easy eating in Lincoln City.

Mayor Anderson asked for more information about budget and Explore Lincoln City availability before moving forward. Mr. Chandler said he would get that information.

Mayor Anderson said that, depending on costs, Council should look at all 3 recommendations and decide which to move forward.

Mr. Chandler asked for confirmation that Council was ready to move forward? Mayor Anderson said yes, depending on staff time and costs.

Mr. Chandler said that he would work with Mr. Mattison to report back to the Sustainability Committee on this discussion and would come back to Council with more information.

2. Criteria for Installing Traffic Calming Devices

Mr. Chandler discussed various traffic calming measures designed to reduce speeding.

The first measure discussed was ticketing through the Police Department. Mr. Chandler said this is the most effective method, but it is the most labor intensive and expensive. Photo ticketing is an option, with speed signs being able to have cameras installed. "Speed being monitored by radar" signs are available.

Mr. Chandler discussed road modifications. On narrow roads you can use deceptive street striping to fool a driver that there's a barrier or speed hump ahead. You can also employ speed humps, bulb outs (NW

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Harbor), roundabouts, islands, bollards, and pinch points. Mr. Chandler discussed how landscaping islands can create pinch points. Mr. Chandler also said that tree-lined streets can give the illusion that a road is less wide, therefore making drivers slow down.

Mr. Chandler said he's looking for direction and approval from Council on a concept, and if there are traffic calming features Council doesn't want to use.

Mr. Chandler said that radar signs collect data which could be used to determine where traffic calming measures would be used. Criteria has not been established for when to use different traffic calming features. Mr. Chandler said that speed bumps cost between \$2-5,000; signs cost about the same amount as well.

Mr. Chandler said that speed humps need to allow a vehicle to travel over the hump at the speed limit.

Mr. Chandler said speed humps are not used on "commercial" roads. Mr. Chandler also noted speed humps would impact sidewalks and bike routes.

Mr. Chandler asked Council how many complaints about speeding should be received in order for the City to take some sort of action? 1, or more than 1? If more than 1, how many are needed to conduct a traffic study and implement traffic calming features?

Councilor Hoagland said he likes speed bumps, and the deceptive street painting.

Councilor Casper said she finds speed bumps noisy, and they can irritate surrounding neighbors. She mentioned that rubber speed bumps are less intrusive.

Councilor Hinton likes the radar signs and street striping. Bumps might be an option depending on the location. Councilor Hinton does not like bulb outs on residential streets- she finds them confusing. She also doesn't think roundabouts are effective. citing how people drive around the Taft roundabout backwards.

Councilor Parsons likes radar signs. He is opposed to photo ticketing- those tickets are too easy to get out of. Councilor Parsons likes street striping and roundabouts, if roundabouts are properly constructed. He does not like bollards or bulb outs in residential areas.

Councilor Hoagland asked if the City has considered one way streets from SW Canyon to SW 15th?

Councilor Hoagland said he had heard concerns about this area and perhaps one way streets would be slower. Mr. Chandler said this hasn't been discussed.

Councilor Mark said he likes bumps and radar signs. He feels people would ignore the striping once they're used to it. Councilor Mark would like to see a written policy on criteria used to avoid favoritism.

Councilor Mark would like to see any radar signs being moved to different locations around the City.

Mayor Anderson asked if Mr. Chandler could obtain recommendations regarding traffic from other communities like Lincoln City? Mayor Anderson said roundabouts can be a problem, taking up more land than a 4 way stop. Mayor Anderson asked about the purpose of the roundabout in Roads End.

Mr. Chandler said the challenge that elected officials will have is that ODOT has an established set of criteria and no matter how hard you push, ODOT rarely varies from that criteria. People will still perceive there is a problem and will come to their local elected officials to report that issue.

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D.2

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Mr. Chandler has concluded that the City has received enough requests to create a policy. He will bring more information on cost and potential location of traffic calming devices back to Council.

Councilor Parsons asked how much a traffic study would cost? Mr. Chandler said he'd come back to Council with that information. Mayor Anderson asked for more information on where complaints about speeding are coming from now.

3. OPTION AGREEMENT - TAFT SCHOOL DISTRICT PROPERTY

Mr. Appicello said that Lincoln County School District (LCSD) had provided an option for \$1 for the City to purchase the property by December 15. This can be extended if the City closes on the property by December 29. Mr. Chandler said the City has funds available for the purchase. Mr. Appicello confirmed the budget for the property purchase is \$420,000- the \$1 is for the option to purchase (i.e. an exclusive right for the City to purchase the property). Mr. Appicello confirmed with Councilor Hinton this was an "as-is" purchase.

Councilor Parsons asked if the option was necessary. Can the City just purchase the property? Mayor Anderson said that the School District's attorney likes the option agreement approach. Mr. Appicello said there is a lot to do in order to close this property transaction.

Councilor Mark asked for an update on the environmental assessment of this property. Mr. Appicello said a "no further action required" letter was obtained by LCSD. This letter also provided an order not to remove a cap on parts of the property. Mr. Chandler said the cap was where buses were parked.

Councilor Hoagland asked if there were other steps in place in the event the City doesn't want to obtain the property? There doesn't seem to be an opportunity for further environmental assessment. Mr. Appicello said that the City could breach the contract terms and then the agreement to purchase would be terminated. Mr. Appicello noted that the City can enter the property before the sale is completed.

Councilor Hoagland noted the City would use this property as a park. Mr. Appicello said the City should complete an environmental assessment either before or after purchase. Councilor Hoagland asked what happens if nearby water tables or Drift Creek get impacted by the property? Mr. Appicello said that after purchase, the City would be responsible for mitigating any environmental contamination. Mr. Chandler said that there is contamination on the property, but no further action is needed. Councilor Hoagland asked what there was no action needed for? Can the City allow children to play on the property? Mr. Appicello said that the "no further action" letter and order restricts the use of the parcel and restricts the owner from altering covering of parts of the property. If the City purchases the property, the City will be responsible for mitigating any environmental damage caused by this property.

Councilor Hoagland said there's no guarantee LCSD will let the City perform further environmental testing. Mr. Appicello said that while the City would be responsible to repair any damage caused by further environmental testing, the City could choose not to exercise the option to purchase and not buy the property.

Councilor Mark asked why the City would need to perform more environmental testing? Mr. Appicello said there is a leaking storage tank on the property. While there is a no action letter regarding this tank,

it is still a concern, and that Council has until December 15 to take any action on the property. Further, the "no further action" document does not cover the entire property.

Mayor Anderson outlined the history of the property, acknowledging that there was a gasoline tank on the premises and that it was a school with children playing on the premises for many years. Mayor
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D.2

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Anderson observed that tidewater is near the location. Mayor Anderson said the City wants this property as a park for the social good of the community. If the City doesn't purchase the property, it will become a blight on Taft. After purchase, the City can work with Economic Development on obtaining grants from state agencies to clean up the property. Mayor Anderson has no concerns and wants to move forward with the purchase.

Councilor Hinton agrees with Mayor Anderson and wants to do a two part motion regarding further testing. Councilor Hinton wants to pursue grant opportunities for further testing.

Councilor Hoagland said that if it is easy to make this lot into a park, someone else would do so, so he does not agree with Mayor Anderson. Councilor Hoagland would like a Level 2 environmental assessment to be performed by December 15, 2020. Councilor Hoagland said he's not opposed to the purchase of the property; he just wants to know exactly what the City is buying and for the property to be as safe as possible.

Councilor Mark asked if there was a way to get professional guidance based on the initial documents regarding the need for further environmental testing? Or do the initial documents say that testing has been adequate?

Mr. Appicello said the Level 1 environmental assessment was given to Council on thumb drives. The Level 1 assessment said that a Level 2 study should be performed.

Mayor Anderson said that DEQ should have alerted the City if there were more concerns. Mayor Anderson said the City can pay, or try to get a grant, for property clean-up by December 15, 2020.

Mayor Anderson said that there was no oil floating in the river as a result of conditions on this property. Councilor Hoagland said water quality had not been tested.

Councilor Casper said that she is in favor of moving forward. There are things the City can do to mitigate concerns and the City should be ready to make a final decision by December 15.

4. ORDER NO. 2020-04 AN ORDER APPROVING A SIX MONTH LEASE EXTENSION FOR MCKAY'S MARKET, INC.

Mr. Appicello said that more time was needed to get a new agreement ready for review. McKays Market agrees to a lease extension.

D.2

MOTION:

MOVER: SECONDER: AYES: RESULT:

Motion to Approve Option Agreement for the Taft School District Property and authorize the execution of all necessary documents to complete acquisition. The motion does not include exercising the accepted option to purchase.

Rick Mark, Councilor Ward 3

Diana Hinton, Councilor Ward 1

Anderson, Casper, Hinton, Hoagland, Mark, Parsons Passed by Roll Call Vote

MOTION: MOVER: SECONDER: AYES: RESULT:

Motion to Approve a 6 month Lease Extension with McKays Market Riley Hoagland, Councilor Ward 2
Mitch Parsons, Councilor Ward 1

Anderson, Casper, Hinton, Hoagland, Mark, Parsons

Passed by Roll Call Vote

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5. COVID-19 Update

Mr. Chandler said that City offices would be partially opened for voting purposes. The ballot box will be just in front of the Information Desk, which will be open for citizen questions. The offices will be open from Friday October 16 until election day. Mr. Chandler asked that the public come in through the main parking lot, using the front doors to City Hall.

Councilor Hoagland asked Mr. Chandler what hours the ballot box would be open in City Hall. Mr. Chandler said 8 am until 5 pm, Monday through Friday.

Mr. Chandler said the Community Center is open, with limited capacity. The Community Center is asking patrons to make appointments; however, walk ins are accepted if capacity is available. The Community Center is opening a little later, closing earlier, and is closed on Sundays. The Senior Center is not open. RecKids is operating. Mr. Chandler said that there were no layoffs during the COVID-19 pandemic, but many lifeguards have resigned their positions. The City is looking to recruit new lifeguards. FEMA and the Red Cross are using the Community Center currently to serve the needs of evacuees from the Echo Mountain Fire Complex. Meals on Wheels also uses the Community Center for meal delivery. Driftwood Library has public access computers available by appointment. Curbside pickup is available. Driftwood Library will continue to gradually open. Library staff are working on establishing appointments to browse the Library for books. Mr. Chandler will provide more information to Council on this.

Councilor Hinton said she participated in a League of Oregon Cities meeting regarding COVID-19 and the fire emergencies. Councilor Hinton said that in Oregon, COVID cases have gone up. Councilor Hinton said that a representative from Governor Brown's office said at this meeting all options to reduce the spread of COVID are on the table, including going back to a baseline status. The focus is on getting children back into school. Councilor Hinton asked the public to do what they could to keep COVID numbers down by using a face covering and social distancing.

Mayor Anderson asked if kindergarten students were back in school? Councilor Parsons said that kindergarten students are now in a hybrid model of education, coming to class two days a week and then doing the rest of their studies from home. High school sports instruction is also open now.

Councilor Hoagland asked about Spanish signage regarding face coverings. Had it been changed to use the correct word for face covering? Mr. Twigg confirmed it had been changed, advising Mr. Hoagland the word for face covering had been changed from "tapadera de cara" to "cubrebocha".

6. Echo Mountain Complex Update

Mr. Chandler said that Lincoln County was waiting to hear from FEMA regarding displaced housing. The County is going to do an after-action review, and they are in the process of hiring a consultant. Mr. Chandler confirmed that Mr. Murphy (Emergency Preparedness Coordinator) and Chief Palmer were working on their after action report and this would be presented to Council at their first November meeting. Mr. Chandler said that the report would present the low hanging fruit first.

FEMA will be at Suite 118 in the outlet mall next week.

Many organizations continue to provide relief opportunities. St. Augustine Church is leading a group of local churches in providing food weekly for at least the next three weeks on Wednesdays at 3 pm. The food will be taken to the Old Taft Firehouse, which has a walk-in fridge.

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D.2

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Mayor Anderson said that citizen comments regarding this emergency are available on Ron's Report. Mr. Chandler said comments will also be attached to the minutes for the last few Council meetings. If citizens would like a copy of the comments, they should email Mr. Chandler to request a copy. Councilor Hoagland noted that many people and organizations were volunteering to help. Lots of groups are donating and delivering food, and they don't necessarily know each other. Councilor Hoagland asked if Council could have a work session with groups that are helping the community to thank them and to help coordinate their efforts to help?

Mr. Chandler said that Marci Baker and Amanda Cherryholmes are leading a group to work on this issue. Mr. Chandler said a work session would be a good opportunity for the City to say thank you, but he notes that the City doesn't have knowledge of many of these organizations. Councilor Hoagland said holding a work session would give the City an opportunity to ask, on Facebook and social media, who has been helping with relief.

Councilor Hinton said she is serving on the Governor's Regional Recovery Task Group. There are disaster recovery funds available for affected counties. Three counties have already been approved for funding and have received \$1,000,000. Lincoln County is in great need and the County believes it could qualify for this funding. If the funding is granted, it will be available for 2 years and it can go towards employing temporary staff to help with recovery for up to 12 months. Temporary staff that are hired must be displaced workers. The money can be used for temporary housing, child care, mental health, planning and building, appropriate clothing.

Councilor Hinton provided data from the task group. There are 474 displaced fire survivors. As of September 29, 24 are in emergent housing, 7 in vehicles, 2 are staying at their place of employment, 2 are in a shelter, 9 are homeless, 1 is living in a tent, and 365 are in short-term housing. 178 people are in hotels or motels; 6 are in second homes; 134 are living with family and friends. 23 people are living in campers; 24 are in new temporary rentals. 85 people have been permanently re-housed; 83 people are in new rental units, 1 person is living in FEMA housing, and one person is purchasing a new home.

M. CITY MANAGER/CITY ATTORNEY REPORTS

Mr. Chandler reported that 36 people had expressed interest in attending workshops regarding parking in Lincoln City. He will start scheduling Zoom meetings with interested parties in the three City wards.

Mr. Chandler asked Council if they wanted to hold the second scheduled meetings in November and December? These meetings fall around the Thanksgiving and Christmas holidays. Mayor Anderson asked Mr. Chandler and Mr. Appicello if there were any time-sensitive issues that need action by the end of December? None were reported, apart from the Taft Property purchase option, which could be handled at the first December meeting (December 14). Council had no objections to cancelling the second scheduled meetings in November and December.

Mr. Appicello noted an initiative petition was recently submitted regarding the new Urban Renewal plan adoption. He will work with Mr. LaSoya (I.T. Director) on this submission. Mr. Appicello reminded Council that City employees can't advocate for or against any candidate or political measure while they are at work. Also, elected officials cannot influence or direct staff to do anything "for" or "against" any political candidate. Mr. Appicello will come back to Council with more information on the initiative petition at a future Council meeting.

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

9 – Lincoln City Council Minutes October 12, 2020

D.2

Packet Pg. 19

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

Fran Lonnon: Ms. Lonnon had questions for Mr. Chandler. Ms. Lonnon asked about the Echo Mountain Fire. Where did Mr. Chandler post the public comments? Mr. Chandler said they are at ronsreport.org.

Ms. Lonnon asked what meeting dates would have public comments added to the minutes? Mr. Chandler said the comments should start being in the minutes packets from September 28.

Ms. Lonnon asked Mr. Chandler if he had heard from North Lincoln Fire regarding an after-action report? Mr. Chandler said he had not heard from them.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Parsons asked about the special election to fill the vacant Ward 2 Council position. When would a new councilor be seated? Mayor Anderson said that the City has to wait until the election results are certified by Lincoln County. Most likely the City won't be ready to seat a new councilor until January- at the same time as the other election winners.

Councilor Hinton said that Explore Lincoln City had provided new information to the public about where to park to access the hiking trails to the Thumb and to the Knoll. The public should park at the cul-de-sac in the Villages at Sitka Woods at the end of West Devils Lake Road. Councilor Hinton said that the information is getting delivered successfully and that people are now parking in the correct place. Councilor Hinton thanked staff for doing incredible and creative work. Councilor Hinton also thanked local businesses and members of the public for helping others. Councilor Hinton is proud to be living in Lincoln City.

Councilor Hoagland thanked everybody. He will provide a specific list of people to thank at the next Council meeting. Councilor Hoagland said he feels fortunate to have been able to donate food for this emergency. He has worked alongside many people donating food and it feels good to connect with people. Councilor Hoagland said it's wonderful to work with everyone.

Councilor Mark asked about having the public offer public comment to Council via Zoom. Councilor Mark wants to make sure the public are aware of this opportunity. Perhaps information should be put on Facebook? Councilor Mark noted that there is a ballot box available outside the building as well as the one inside City Hall. Councilor Mark further noted that voting in Oregon is a pleasure compared to many other states, including his home state of Pennsylvania.

Councilor Mark asked for clarification on the St. Augustine church program. Mr. Chandler confirmed that volunteers could meet at Wednesday at 3 pm at the Old Taft Firehouse.

Councilor Mark noted that donations were being taken at Salmon River Grange and that B'Nai Brith distributed hundreds of food bags to people in need.

Q. ADJOURNMENT

DICK ANDERSON, MAYOR

10 – Lincoln City Council Minutes October 12, 2020

ATTEST:

CATHY STEERE, CITY RECORDER

D.2

Packet Pg. 20

Council Communication

REQUEST FOR CONTINUANCE -ANNEX 2020-01 CPA/ZC 2020-02 Woods annexation and development agreement

Should the City Council reopen the public hearing and continue the applications to April 26, 2021?

Staff Recommendation:

Staff recommends the Council reopen the hearing and continue the application to April 26, 2021. When appropriate, staff will re-notice the applications for the 2021 hearing.

Authority:

Oregon Revised Statutes concerning Annexation

Statewide Planning Goals as applicable

Lincoln City Comprehensive Plan

Lincoln City Municipal Code (LCMC). Title 17, including without limitation 17.96 (Development Agreements)

Background:

The record for pending land use applications ANNEX 2020-01 CPA/ZC 2020-02 Woods Annexation and Development Agreement closed on October 26, 2020 at 5 p.m.. The Council is scheduled to deliberate on October 26, 2020 at 6:00 pm. Staff and the applicant were to post changes to the development agreement by October 19, 2020; no changes have been made to the agreement. Instead, the applicant and staff have requested that the City Council re-opened the hearing and the record and continue the matter to April 26, 2021. This six (6) month continuance is intended to allow for the development of a more detailed concept plan for the project to be incorporated into the Development Agreement proposal. Staff will provide new notice of the hearing per the City Code for the April 26, 2021 hearing.

E.3

Meeting Date: October 26, 2020

Department: City Attorney

Secondary Dept: Administration

Approval: Ronald F Chandler

_____ Question:

Primary Staff Contact: Richard Appicello E-Mail: RAppicello@lincolncity.org Secondary Contacts: Ronald Chandler Estimated Time: 5 minutes

Packet Pg. 21

Council Options:

1) Re-open the hearing and continue to April 26, 2020 to allow for preparation of detailed concept plan for Development Agreement. Staff directed to re-notice 2021 public hearing before Council.

Financial Impact

Will add tax revenue if the request is approved. Additional impact to infrastructure in this area of the city, namely storm, sewer, water, and streets.

Potential Motions:

1) Motion to re-open the hearing and continue hearing to April 26, 2021. Staff to re-notice hearing per the Lincoln City Municipal Code.

See attached staff report

E.3

Packet Pg. 22

Council Communication

Public Comments for 10-26-2020 Meeting

October 26, 2020 Administration

Ronald F Chandler

F.4

Primary Staff Contact: Ronald F Chandler E-Mail: RChandler@lincolncity.org Secondary Contacts:

Estimated Time:

Meeting Date:

Department:

Secondary Dept:

Approval:

_____ The attached comments were received at publiccomment@lincolncity.org.

Attachments:
2020-10-26 Public Comments_Redacted (PDF)
Packet Pg. 23

Ronald Chandler

From: Sent: To:

Cc: Subject:

Dear Ms. Lonnon:

We began making this opportunity available at our last City Council meeting. Each agenda notice will include the following language. This will continue for the foreseeable future.

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

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

Citizens present in the Council Chambers will be given the opportunity to comment via Zoom.

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

Citizens requesting to give public comment via Zoom must email publiccomment@lincolncity.org no later than 12 pm on the meeting day. The request must include the person's name, the subject the person wishes to address and the Zoom screen name the person intends to use for the meeting. A Zoom invitation will be sent to the person requesting prior to the meeting."

I'll add your email, plus my response, to publiccomment@lincolncity.org so it can be added into the record. Sincerely yours,

Ron Chandler CITY MANAGER __

City of Lincoln City

801 SW Hwy 101 | PO Box 50 | Lincoln City, OR P: 541-996-1200 | F: 541-994-7232

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

-----Original Message----- From: Fran London

F.4.a

Ronald Chandler

Tuesday, October 20, 2020 9:23 AM Fran London

Public Comment

RE: Council meetings with Zoom

1

Packet Pg. 24

Sent: Tuesday, October 20, 2020 7:54 AM

To: Ronald Chandler <rhandler@lincolncity.org> Cc:

Subject: Council meetings with Zoom

Good Morning Ron,

I know it was discussed in one of the Council meetings that the City was working on the Zoom platform. The Residents want to be able to ask the council questions via the Zoom platform without having to jeopardize their health by coming into City Hall.

Do you know if this work on the Zoom platform adjustment will be completed by the next council meeting? Do you plan to announce this accomplishment in the newspaper so everyone in the city will know about this development?

If this won't be completed by the next Council, could you please put this as an agenda item?

Thanks

Fran Lonnon

F.4.a

2

Packet Pg. 25

Ronald Chandler

From: Sent: To: Subject:

Good morning Mr Chandler, my name is Doug Pullen. I'm a resident of Lincoln city for the past 8 years and I would like to make a comment for the next meeting scheduled for tonight, September 21st. I sent a email to mayor Anderson last week after listening to everyones complaining about notification. First off I was out of town, BUT i still got my lincoln county department of emergency services warning of phase two, for me on Wednesday at 1130 am, 420 miles away. Great.... now how about the city investing in NEW battery back up tsunami warning sirens and place them every 12 blocks north to south and from west devils lake road to hwy 101...The others 2 or 3 blocks of the beach. So everyone can hear them. They can be both voice and siren programmed. Because it sounds like cell service was down in town. All lcpd would have to do is punch in the code and the sirens would go off. They do this every Wednesday anyway. The battery backup just incase electricity is off. Presently you can barely here the d river siren go off 15 blocks away. The message could be phrased for what ever situation. Please give it some discussion. We are going to need this updated system someday soon. Thank you. Doug pullen.

F.4.a

Doug Pullen

Monday, September 21, 2020 7:47 AM

Ronald Chandler Evacuation idea

1

Packet Pg. 26

Council Communication

Ordinance 2020-21 Coast Com / Astound

Meeting Date:

Department:

Secondary Dept:

Approval:

_____ Question: Should the City Council conduct and approve First Reading and Second Reading of Ordinance 2020-21 CoastCom (Astound Broadband LLC) Franchise Agreement?

October 26, 2020 City Attorney

Ronald F Chandler

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, SUCESSOR IN INTEREST TO COASTCOM, INC. AND DECLARING AN EMERGENCY

Staff Recommendation:

Staff recommends Council conduct and approve First Reading of Ordinance 2020-21, Declare an emergency and, if unanimous, Conduct and approve Second Reading and adopt Ordinance 2020-21.

Authority:

City of Lincoln City Charter, Chapter IX. Section 9.2(1) provides that an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members voting when a quorum is

present upon being read by title only. Adoption of an ordinance after second reading requires the express concurrence of a majority of the members present. Ordinances may be read by title only, after compliance with Charter procedures. A non-emergency ordinance takes effect on the thirtieth (30th) day after its adoption or on a later day the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as it is adopted or on some other date specified in the ordinance.

Background:

The attached CoastCom Inc. (Astound Broadband LLC) franchise agreement has been negotiated by outside legal counsel. This agreement amends franchise agreement 2014-26.

J.1

Primary Staff Contact: Richard Appicello E-Mail: RAppicello@lincolncity.org Secondary Contacts: Ronald Chandler Estimated Time: 10 mins.

Packet Pg. 27

Because the last extension of the franchise was to November 12, 2020, less than 30 days remain. Accordingly, to void an interruption in service, an emergency enactment is necessary to make the ordinance effective on November 12, 2020.

Council Options:

1. Conduct and approve First Reading. Read changes, if any. Declare an emergency. Conduct and Approve Second Reading and Adopt the Ordinance.
2. Continue First Reading to November 9, 2020.
3. Do not proceed with proposed ordinance.

Potential Motions:

City Attorney: [Conduct First Reading of Ordinance by Title only] 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, SUCESSOR IN INTEREST TO COASTCOM, INC.

Council:

Council:

1. Motion to approve First Reading of Ordinance 2020-21.

If unanimous: conduct Second Reading

1. Motion to Declare an Emergency (to avoid interruption in service).

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

1. Motion to approve Second Reading and adopt Ordinance 2020-21 as an emergency enactment..

J.1

Packet Pg. 28

Attachments:

Astound Broadband-Lincoln City Or Telecom Franchise Renewal merged v.2 10.21.20 (00732785-5xB8084) 10-21-20 347pm (DOC)

J.1

Packet Pg. 29

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6 ORDINANCE NO. 2020-21 7

8 AN ORDINANCE OF THE CITY OF LINCOLN CITY GRANTING A NON-EXCLUSIVE
9 TELECOMMUNICATIONS FRANCHISE TO ASTOUND BROADBAND, LLC, DOING
10 BUSINESS AS WAVE, SUCESSOR IN INTEREST TO COASTCOM, INC. AND
11 DECLARING AN EMERGENCY

12 13 14

15

16

17 WHEREAS, Chapter 2, Section 2.1 and 2.2., of the City of Lincoln City Charter provide: 18

19 2.1 Powers of the City

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

23

24 2.2 Construction of Charter

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

31

32 WHEREAS, the above referenced grant of power has been interpreted as affording
33 all legislative powers home rule constitutional provisions reserved to Oregon Cities.
34 City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop,
35 20 Or. App. 293; 531 P 2d 730, 734 (1975); LaGrande/Astoria v. PERB, 281 Or 137, 142 (1978),
36 aff'd on reh'g 284 Or 173 (1978); and;

37

38 WHEREAS, in 2016 the City of Lincoln City ("Grantor" or "City") consented to the
39 assignment of a non-exclusive telecommunications franchise to Astound Broadband,
40 LLC, doing business as Wave ("Grantee" or "Wave"), continuing the 2014 non-
41 exclusive telecommunications franchise granted to its predecessor company
42 CoastCom in 2014, by Ordinance No. 2014-26 (the "Expired Franchise");

43

Ordinance 2020-21 October 26, 2020 Page 1

J.1.a

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

Packet Pg. 30

1 WHEREAS, Section 4 of the Expired Franchise (Duration) states as follows: "This
2 franchise is granted for a period of five (5) years from and after the effective date of
3 this ordinance, unless sooner terminated as provided in this ordinance".

4

5 WHEREAS, on July 2, 2019, Wave sent a letter to the City requesting a five-year
6 extension of the Expired Franchise;

7

8 WHEREAS, the original terms of the Expired franchise expired on November 12, 2019;

9 and

10

11 WHEREAS, the parties agreed to a temporary extension of the Expired Franchise to
12 May 12, 2020, to facilitate negotiations of a new franchise; and

13

14 WHEREAS, the parties agreed to a second extension of the franchise to November
15 12, 2020, to facilitate negotiations of a new franchise, with all terms and conditions of
16 the Expired Franchise remaining in effect through the effective date of this Ordinance;

17 and

18

19 WHEREAS, the City Council desires to approve an updated and re-negotiated
20 extension of a non-exclusive franchise to Wave for telecommunications service.

21

22

23 CITY OF LINCOLN CITY ORDAINS AS FOLLOWS: 24

25 SECTION 1. Recitals. The recitals set forth above are true and correct and incorporated
26 herein by this reference.

27

28 SECTION 2. Purpose. The purpose of this Ordinance is to set forth the terms and
29 conditions upon which Grantee, may be permitted to occupy the right-of-way within
30 the City of Lincoln City pursuant to the powers of the City of Lincoln City, the Oregon
31 Constitution and Oregon State Law, and except as to matters preemptively regulated
32 by state or federal authorities. This Ordinance and the written acceptance by Grantee
33 constitutes a contract between the City and Grantee (hereinafter referred to as the
34 "Franchise") and is binding upon and inures to the benefit of Grantee and its
35 permitted successors, legal representatives and assigns under the conditions imposed
36 herein.

37

38 SECTION 3. Definitions and Explanation. 39

40 A. As used in this Franchise, the following words, except where the context
41 clearly indicates otherwise, mean:

Ordinance 2020-21 October 26, 2020 Page 2

J.1.a

Packet Pg. 31

1 i. 2

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4 ii. 5

6 iii. 7

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18 iv. 19

20 v. 21

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24 vi. 25

26 vii. 27

City. Means the City of Lincoln City, an Oregon municipal corporation and individuals authorized to act on the City's behalf, and includes the area within its boundaries, and its boundaries as extended in the future.

City Council. Means the legislative body of the City or as defined by the Charter of the City of Lincoln City.

Gross Revenue. Means all amounts, in whatever form and from all sources, in connection with providing Telecommunication Services and the operation of the Facilities using the right of way of the City, including but not limited to: revenues from subscribers and customers; installation fees, equipment fees and other fees related to the provided Telecommunications Services; access and attachment charges paid to Grantee by other Telecommunication Services providers and carriers; and, revenue from the sale or lease of wire, cable, facility, pole, duct, conduit or similar Transmission equipment less net uncontrollables. Gross Revenues do not include proceeds from the sale of bonds, mortgage or other evidence of indebtedness, or securities or stocks, or any revenues that are exempt from franchise fees under federal or state law.

Facilities. Means the cable, wire, equipment, antennas, poles and associated facilities used by Grantee to provide Telecommunications Services.

Person. Includes an individual, corporation, association, firm, sole proprietorship, company, partnership, co-partnership, joint stock company, trust, limited liability company, governmental entity, or other organization, including any natural person or any other legal entity.

Public Place. Means any City-owned park, place or grounds, within the City that is open to the public but does not include a right of way.

Right-of-way. Means streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public utility easements and all other public ways for use by the public for transportation purposes, including the subsurface under and air space over these areas within the City, but only to the extent of the city's right, title, interest or authority to grant a franchise to occupy and use such spaces for Grantee's facilities.

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32 viii. Telecommunications. Means the transmission of data over and through

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any media capable of carrying the data, and includes fiber and copper media.

Telecommunications Facility. Means all wires, cables, conduits, poles, equipment, appliances and associated structures used by grantee in conducting its Telecommunications Services business.

Telecommunications Services. Means any service provided for the purpose of voice, video or data transmission, including but not limited to local exchange service, access service, extended area service, call origination,

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interconnection, switching, transport, call termination and/or any other telecommunications service identified and authorized by the Federal Communications Commission (FCC) or the Public Utility Commission of Oregon. Telecommunications Service includes any service that enables a third party to provide such services, including but not limited to wholesale services, provision of dark fiber and/or authorization to use facilities to provide such services except where such authorization is required by applicable state or federal law or administrative rule. As used in this Franchise, Telecommunications Service does not include: 1) cable service as defined by 47 U.S.C. §522; 2) open video system service as defined in 47 C.F.R 76; 3) private communications system services provided without using the right-of-way; 4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the FCC or any successor thereto; and 5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act.

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17 B.

18 the plural number may include the singular.

19

As used in this Franchise, the singular number may include the plural and

20 SECTION 4. Rights Granted. 21

22 A. Subject to the conditions and reservations contained in this Franchise

23 and subject to any applicable ordinances and regulations of the City, including but

24 not limited to ordinances and regulations regarding zoning, development, tree

25 pruning or removal, erosion control, excavation and any other work in the right-of-

26 way, the City hereby grants to Grantee the privilege and non-exclusive Franchise to

27 occupy right-of-way for the purpose of constructing, using, maintaining and

28 operating a system to provide Telecommunications Services within the City. This

29 grant includes the authority, subject to the conditions and reservations contained in

30 this Franchise and subject to any applicable ordinances and regulations of the City, to

31 place, erect, lay and maintain facilities customarily associated with

32 telecommunications systems. Franchisee acknowledges that the City separately

33 regulates the placement, erection, and operation of "Small Wireless Facilities" as

34 defined by 47 C.F.R 1.60002(1), as amended or superseded, under Chapter 12.26 of

35 the Lincoln City Municipal Code.

36

37 B. This Franchise does not convey any right, title or interest in the right-of-

38 way, but shall be deemed a grant to use and occupy the right-of-way for the limited

39 purposes and term stated in this Franchise. This Franchise does not authorize

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1 telecommunications services herein. Grantee agrees that prior to providing cable or
2 any non-telecommunications services in the City, it must obtain all necessary and
3 applicable authorizations from the City for use of the right-of-way for such provision,
4 including entering into a separate franchise with the City and paying a separate
5 franchise fee to the City.

6

7 C. Grantee shall, at all times during the term of this Franchise, be subject
8 to and comply with all applicable laws, including the lawful exercise of the police
9 power by the City and such regulation as the City shall hereafter provide.

10 D. Prior to use or occupation of City right of way, Grantee shall obtain all
11 lawfully required permits and other authorizations required by the City to do so, and
12 shall comply with any special conditions the City desires to impose on such use or
13 occupation.

14 SECTION 5. Construction. Grantee's construction, installation, work or operation of
15 facilities within the right-of-way shall be subject to and comply with all applicable City
16 standards including, without limitation, Lincoln City Municipal Code ("LCMC") Chapter
17 12.12, as amended from time to time, as if fully incorporated in this Franchise and
18 regardless of whether or not Grantee is a "telecommunications carrier," provides
19 "telecommunications services" or has "telecommunications facilities" as those terms
20 are defined herein. The Grantee shall file with the City maps showing the location of
21 any material construction, extension or relocation of its Telecommunications Facilities
22 in the Rights of way and Public Places of the City and shall obtain all required permits
23 before commencing the construction, extension or relocation of any of its
24 Telecommunications Facilities.

25

26 SECTION 6. Location and Relocation of Facilities. The location and relocation of
27 Grantee's facilities shall be subject to and comply with LCMC Chapter 12.12, as
28 amended from time to time, as if fully incorporated in this Franchise and regardless of
29 whether or not Grantee is a "telecommunications carrier," provides
30 "telecommunications services" or has "telecommunications facilities" as those terms
31 are defined herein. Facilities shall be placed so that they do not materially interfere
32 with the use by the City and by the public of the rights-of-ways and other Public
33 Places, and in accordance with any specifications lawfully adopted and uniformly
34 applied by the City governing the location of such facilities. The City may require, in
35 the public interest, the removal or relocation of Telecommunication Facilities
36 maintained by the Grantee in the Right of ways and Public Places of the City, and the
37 Grantee shall remove and relocate such Facilities within a reasonable time after
38 receiving notice so to do from the City. The City shall provide the Grantee with timely
39 notice of any anticipated requirement to remove or relocate its Facilities. The cost of
40 such removal or relocation of its Facilities shall be paid by the Grantee. If the Grantee
41 fails to remove or relocate its Telecommunication Facilities as required in this

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1 Franchise, upon fifteen (15) days written notice to the Grantee, the City or its
2 contractor may relocate or remove Grantee's Telecommunication Facilities, and
3 Grantee shall be responsible for paying the cost of such relocation or removal,
4 including the City's cost of inspection, supervision and administration. When a removal
5 or relocation is required for the convenience or benefit of any Person that is not a
6 governmental agency or instrumentality, Grantee may refuse to accomplish such
7 removal or relocation unless such party agrees to pay the reasonable costs thereof.

8

9 SECTION 7. Safety Standards and Work Specifications. The Facilities shall at all
10 times be maintained in a safe and workmanlike manner. For the purpose of carrying
11 out the provisions of this section, the City may provide such specifications relating
12 thereto as may be necessary or convenient for public safety or the orderly
13 development of the City. The City may amend and add to such specifications from
14 time to time. Subject to the provisions of this Franchise, the Grantee may make
15 necessary excavations for the purpose of constructing, installing, maintaining and
16 operating its Facilities. Except in emergencies, and in the performance of routine
17 service connections and ordinary maintenance, prior to making an excavation in the
18 traveled portion of any Right of way and, when required by the City, in any untraveled
19 portion of any Right of way, the Grantee shall obtain from the City a permit approving
20 the proposed excavation and its location. Grantee shall give notice to the City by
21 telephone, electronic data transmittal or other appropriate means prior to the
22 commencement of service or maintenance work requiring a permit. In the event of an
23 emergency, Grantee shall give notice to the City by telephone, electronic data
24 transmittal or other appropriate means as soon as is practicable and and for work
25 requiring a permit shall obtain such permit approving the work as soon as is
26 practicable, which may be after commencement or completion of the work. When any
27 excavation is made by the Grantee, the Grantee shall promptly restore the affected
28 portion of the Right of Way or Public Place to at least the same condition in which it
29 was prior to the excavation. The restoration shall be in compliance with specifications,
30 requirements and regulations of the City in effect at the time of such restoration. If
31 the Grantee fails to restore promptly the affected portion of a Right of Way or Public
32 Place to the same condition in which it was prior to the excavation, upon fifteen (15)
33 days written notice to the Grantee, the City may make the restoration, and Grantee
34 shall be responsible for paying the actual cost of such restoration, including the City's
35 cost of inspection, supervision and administration.

36

37 SECTION 8. Duration. The privileges set forth in this Franchise are hereby granted
38 for a period of five (5) years from and after the effective date of this Franchise as set
39 forth in Section 25. However, this Franchise shall be inoperative unless it is accepted
40 in writing by Grantee as provided in Section 24.

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SECTION 9. Franchise Not Exclusive. This Franchise is not exclusive and except as otherwise indicated herein, shall not be construed as a limitation on the City in:

- i. Granting rights, privileges and authority to other persons similar to or different from those granted by this Franchise; or
- ii. Constructing, installing, maintaining or operating any City-owned public utility.

SECTION 10. Public Works and Improvements. Nothing in this Franchise shall be construed in any way to prevent the proper authorities of the City or other public entities operating within the City from sewerage, grading, paving, repairing, altering, maintaining, constructing or improving any right-of-way in or upon which facilities of Grantee may have been placed. Except to the extent caused by negligent, willful, intentional or malicious acts by the City, the City shall not be liable for any damage to or loss of any Grantee facility within the right-of-way as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the right-of-way by or on behalf of the City, or for any consequential losses resulting directly or indirectly therefrom. Without limitation, the City expressly reserves the right to:

- (i) Construct, install, maintain and operate any public improvement, work or facility;
- (ii) Do any work that the City may find desirable on, over or under any Right of Way or Public Place;
- (iii) Vacate, alter or close any Right of Way or Public Place, provided that the City shall make a reasonable effort to make available to Grantee an alternative Right of Way for the location of its Facilities, if an alternative Right of Way is necessary and if space in an existing Right of Way is available for Grantee's Telecommunications Facilities;
- (iv) Control or prevent the use of any Public Place by Grantee and require payment of additional compensation for use of the Public Place at a reasonable amount.
- (v) Whenever the City excavates or performs any work in any of the present and future Rights of Way and Public Places of the City, or contracts for such excavation or work, and where such excavation or work may disturb Grantee's Telecommunications Facilities, the City shall, in writing, notify Grantee sufficiently in advance of such contemplated excavation or work to

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1 enable Grantee to take such measures as may be deemed necessary to
2 protect such Telecommunications Facilities from damage and possible
3 inconvenience or injury to the public. In any such case, the Grantee, upon

4 request, shall furnish maps or drawings to the City or contractor, as the
5 case may be, showing the approximate location of all its structures in the
6 area involved in such proposed excavation or other work.

7 (vi) Whenever the City shall vacate any Right of way for the convenience or benefit
8 of any person or governmental agency or instrumentality, Grantee shall, at
9 its own expense, remove its facilities from the Right of way unless the City
10 reserves a public utility easement, in its sole discretion.

11 SECTION 11. Compensation.

12

13 (1) As compensation for the Franchise granted by this Ordinance, Grantee
14 shall pay to the City an annual Franchise fee of seven percent (7%) of the Gross
15 Revenues. The City reserves the right to increase the fee rate at any time upon thirty
16 (30) days' written notice to Grantee, provided the rate is not greater than the
17 percentage rate charged to the incumbent provider, and that the rate and its
18 imposition must be consistent with all applicable state and federal law.. If the
19 incumbent provider's percentage rate is increased, Grantee's percentage rate will
20 automatically increase to the same percentage rate without protest.

21 (2) Compensation required by this Section shall be due and payable within
22 thirty (30) days after the close of each quarter. Late franchise fee payments will be
23 subject to a late fee calculated on the basis of nine percent (9%) per annum of the
24 amount past due. Within ninety (90) days after the termination of this Franchise,
25 compensation shall be paid for the period elapsing since the close of the last quarter
26 for which compensation has been paid and operations terminated.

27

28 (3) Grantee shall furnish to the City with each payment of compensation
29 required by this Section a written statement, executed by an officer of Grantee, or
30 such duly authorized agent showing the amount of Gross Revenue of Grantee within
31 the City for the period covered by the payment, and indicating that the statement has
32 been reviewed and approved by the officer or agent. The compensation for the
33 period covered by the statement shall be computed on the basis of the gross revenue
34 so reported. If Grantee fails to pay the entire amount of compensation due the City
35 through error or otherwise, the difference due the City shall be paid by Grantee within
36 fifteen (15) days from discovery of the error or determination of the correct amount.

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1 (4) Grantee shall keep accurate books of account accessible at an office in
2 Oregon for the purpose of determining the amounts due to the City under the
3 provisions of this Franchise. The City may inspect the books of account as provided
4 in Section 12, and may audit the books from time to time but no more often than
5 once per calendar year and may not re-audit periods already audited and may not
6 audit any period more than three (3) years prior to the date of the audit. For
7 purposes of conducting the audit (which, as used in this Section, includes a franchise
8 fee review), Grantee shall provide the City copies of requested records within thirty
9 (30) days. Should such an audit reveal that payments tendered by Grantee to the City
10 are less than the amounts due under the terms of this Franchise, Grantee shall

11 promptly remit the amounts due the City, together with interest at a rate of nine
12 percent (9%) per annum from the date such payment was originally due. If an audit
13 reveals that payments tendered by Grantee to City were less than the amounts due
14 under the terms of this Franchise by a differential of five percent (5%) or greater, all
15 costs incurred by the City, including but not limited to accountant's fees and
16 attorney's fees, for such audit are to be fully paid by Grantee. Any overpayment shall
17 be refunded by City to Grantee within fifteen (15) days from the discovery or the error
18 or determination of the correct amount.

19

20 (5) Acceptance by the City of any payment due under this Franchise shall not
21 be deemed to be a waiver by the City of any other obligation of Grantee under this
22 Franchise, nor shall the acceptance by the City of any such payments preclude the
23 City from later establishing that a larger amount was actually due, or from collecting
24 any balance due to the City. Should Grantee fail or neglect to pay any of said
25 quarterly payments provided for in this Section for thirty (30) days after any quarterly
26 payment shall become due and payable and after thirty (30) days written notice from
27 the City, the City, by its properly constituted authority, may at its option either
28 continue this Franchise in force and/or proceed by suit or action to collect such
29 payment or declare a forfeiture of this Franchise because of the failure to make
30 payment, but without waiving the right to collect earned Franchise payment.

31

32 SECTION 12. Duty to Provide Information. Except as provided in Section 11, upon
33 ten (10) days prior written request from the City, but no more than once per calendar
34 year, Grantee shall furnish the City information demonstrating compliance with all
35 requirements of this Franchise. The City may request periodic reports from Grantee
36 relating to its operations, revenues, and services within the City. Grantee shall
37 maintain current maps showing the location of its Facilities within the Right-of-Way
38 of the City. The City shall be allowed to inspect such maps at any time upon at least
39 ten (10) days prior written notice. If requested by City, Grantee shall furnish, up to
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1 one time in a calendar year, without charge and within a reasonable time, maps
2 relating to specified areas of the City.

3

4 SECTION 13. Indemnification. Except to the extent due to the negligent or willful
5 misconduct of City, its agents or contractors, Grantee hereby agrees and covenants to
6 defend, indemnify and hold the City and its officers, employees, agents and
7 representatives harmless from and against any and all third party claims for damages,
8 losses and expenses, including reasonable attorney's fees and costs of suit or defense,
9 arising out of, resulting from or alleged to arise out of or result from: (i) the negligent,
10 careless or wrongful acts, omissions, failures to act or misconduct of the Grantee or its
11 affiliates, officers, employees, agents, contractors or subcontractors in the
12 construction, operation, maintenance, repair or removal of Grantee's facilities, and
13 from providing or offering telecommunications services over the facilities, whether
14 such acts or omissions are authorized, allowed or prohibited by this Franchise; and
15 (ii) Grantee's failure to remove, adjust or relocate all or any portion of its facilities in a

16 timely manner pursuant to provisions of this Franchise.

17

18 SECTION 14. Performance Surety. Before the effective date of this Franchise, the
19 Grantee shall provide the performance bond required by LCMC Section 12.12.070.

20

21 SECTION 15. Assignment or Transfer of Franchise. 22

23 A. Ownership or control of a majority interest in the Facilities or this
24 Franchise may not, directly or indirectly, be transferred, assigned or disposed of by
25 sale, lease, merger, consolidation or other act of the Grantee, by operation of law or
26 otherwise, without the prior written consent of the City, which consent shall not be
27 unreasonably withheld or delayed, and then only on such reasonable conditions as
28 may be prescribed in such consent.

29

30 B. Grantee and the proposed assignee or transferee of the Franchise or
31 Facilities shall provide and certify the following information to the City not less than
32 one hundred twenty (120) days prior to the proposed date of transfer:

33

34 i. Complete information setting forth the nature, terms and condition of the
J.1.a

proposed transfer or assignment;

35

36 ii. All information required of a telecommunications franchise applicant
37 pursuant to LCMC 12.12.020 with respect to the proposed transferee or
38 assignee;

39 iii. Any other information reasonably required by the City.

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1 C. No transfer shall be approved unless the assignee or transferee has the
2 legal, technical, financial and other requisite qualifications to own, hold and operate
3 the facilities pursuant to this Franchise.

4

5 D. Grantee shall reimburse the City for all fees, costs, and expenses
6 reasonably incurred by the City in considering a request to transfer or assign this
7 Franchise.

8

9 E. Any transfer or assignment of this Franchise or the facilities without
10 prior approval of the City under this Section shall be void.

11

12 SECTION 16. Reservation of Statutory Authority. The City reserves the right to
13 exercise, with regard to this Franchise and Grantee, all authority now or hereafter
14 reserved or granted to the City by the Oregon Constitution, the City Charter and state
15 and federal laws.

16

17 SECTION 17. Insurance. 18

19 A. Grantee shall secure and maintain the following liability insurance
20 policies insuring both the Grantee and the City, and its elected and appointed

21 officers, officials, agents and employees as coinsured:

22 i. 23

24

25

Comprehensive general liability insurance with limits not less than:

(a) Three million dollars (\$3,000,000) for bodily injury or death to each person;

(b) Three million dollars (\$3,000,000) for property damage resulting from any one accident; and

(c) Three million dollars (\$3,000,000) for all other types of liability.

Automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars (\$1,000,000) for each person and three million dollars (\$3,000,000) for each accident.

Worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars (\$1,000,000). Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars (\$3,000,000).

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28 ii. 29

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31 iii. 32

33 iv. 34

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38 maintained by the Grantee throughout the term of this Franchise or for such
39 time Grantee is engaged in the removal of its Facilities. Each insurance policy
40 shall contain the following endorsement: "It is hereby understood and agreed

B. The liability insurance policies required by this Section shall be

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1 that this policy may not be canceled nor the intention not to renew be stated
2 until thirty (30) days after receipt by the City, by registered mail, of a written
3 notice addressed to the Public Works of such intent to cancel or not to renew."
4

5 C. Within sixty (60) days after receipt by the City of the notice set
6 forth in subsection B of this Section, and in no event later than thirty (30) days
7 prior to cancellation, the Grantee shall obtain and furnish to the City evidence
8 that the Grantee meets the requirements of this Section.

9

10 SECTION 18. Breach and Termination of Franchise.

11 A. The City may declare a breach and terminate or revoke this
12 Franchise as provided in this Section for the following reasons:

35 i. 36

37 ii.

38 iii.

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B. In the event that the City believes that grounds exist for Ordinance 2020-21 October 26, 2020 Page 12

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13 i. 14

15 ii.

16 iii.

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18 iv. 19

20 v.

21 vi.

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23 vii.

24 viii.

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26 ix.

27 x.

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30 revocation of this Franchise, the City shall give the Grantee written notice of
31 the apparent violation or noncompliance, providing a short and concise
32 statement of the nature and general facts of the violation or noncompliance,
33 and providing the Grantee a reasonable period of time not exceeding thirty
34 (30) days to furnish evidence:

Construction or operation in the City or in the right-of-way of the City without all required permits.

Construction or operation at an unauthorized location.

Failure to comply with Section 14 with respect to transfer or assignment of the facilities or this Franchise.

Misrepresentation by or on behalf of Grantee in any application to the City.

Abandonment of facilities in the right-of-way.

Installation of facilities or equipment in the right-of-way of a kind that are not covered by the scope of this Franchise.

Failure to relocate or remove facilities as required in this Franchise. Failure to pay taxes, compensation, fees or costs when and as due the City.

Insolvency or bankruptcy of the Grantee.

Violation of material provisions of this Franchise.

That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance.

That rebuts the alleged violation or noncompliance.

That it would be in the public interest to impose some penalty or sanction less than revocation.

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1 C. In the event that the Grantee fails to provide evidence reasonably
2 satisfactory to the City as provided in subsection B of this Section, the City
3 Manager shall refer the apparent violation or noncompliance to the City
4 Council. The City Council shall provide the Grantee with notice and a
5 reasonable opportunity to be heard concerning the matter.

6

7 D. If persuaded that the Grantee has violated or failed to comply
8 with material provisions of this Franchise, after providing notice and a
9 reasonable opportunity to be heard as set forth in subsection C of this Section,
10 the City Council shall determine whether to revoke this Franchise, or to
11 establish some lesser sanction and cure, considering the nature, circumstances,
12 extent and gravity of the violation as reflected by one or more of the following
13 factors:

14 i.

15 ii.

16 iii.

17 iv.

18

19 v.

20 vi.

21 22

Whether the misconduct was egregious.

Whether substantial harm resulted.

Whether the violation was intentional.

Whether there is a history of prior violations of the same or other requirements.

Whether there is a history of overall compliance.

Whether the violation was voluntarily disclosed, admitted or cured.

E. Other sanctions include, but are not limited to, penalties of not
23 less than one hundred dollars (\$100.00) nor more than one thousand dollars
24 (\$1,000) for each offense. A separate and distinct offense shall be deemed
25 committed each day on which a violation occurs.

26

27 F. Upon any termination of this Franchise, whether before or upon
28 the expiration of the Franchise, Facilities installed in the Right of Way by
29 Grantee under this Franchise shall be removed by Grantee at Grantee's
30 expense and the property upon which the facilities were used shall be restored
31 by Grantee to the same or better condition it was in before installation or use
32 by Grantee, as directed by the City. Notwithstanding the preceding sentence,
33 the City may in its sole discretion permit Grantee in writing to abandon its
34 Facilities, or any portion thereof, in place, in which case the ownership of such
35 facilities shall transfer to the City as of the date of termination or expiration.
36 Notwithstanding the other provisions of this section, Grantee, by written notice
37 to Grantor, may elect to abandon certain of the Facilities, including
38 underground conduit, wiring, and vaults, in which case Grantee shall have no
39 further obligation hereunder as to such abandoned Facilities, except that
40 within ninety (90) days of receipt of such abandonment notice Grantor may by
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1 written notice require Grantee to remove wiring as deemed necessary by
2 Grantor to provide space for other authorized uses, or to accomplish or enable
3 the accomplishment or other public purposes.

4

5 SECTION 19. Remedies Not Exclusive, When Requirement Waived. All remedies
6 and penalties provided under this Franchise, the common law, the statutes of this
7 State, the statutes of the United States and the ordinances and regulations of the City,
8 are cumulative and the enforcement or recovery of one is not a bar to the
9 enforcement or recovery of any other remedy or penalty. The remedies and penalties
10 contained in this Franchise are not exclusive, and the City reserves the right to enforce
11 and to avail itself of any and all remedies available at law or in equity. Failure to
12 enforce any right accruing to or available to the City whether arising under this
13 Franchise or otherwise, shall not be construed as a waiver of a breach of any term,
14 condition or obligation of this Franchise or a violation of any requirement of law. A
15 specific waiver of any particular breach of any term, condition or obligation pursuant
16 to this Franchise shall not be a waiver of any other, subsequent or future breach of
17 the same or of any other term, condition, or obligation or as a waiver of the term,
18 condition or obligation itself.

19

20 SECTION 20. Additional Remedy. In addition to any rights available at law or in
21 equity, including, without limitation, any rights set out elsewhere in this Franchise, as
22 well as its rights under the City Code, if there is a material violation of this Franchise
23 by Grantee the City reserves the right at its sole option to suspend issuance of any
24 permits and/or approvals to Grantee until Grantee corrects or otherwise remedies the
25 violation.

26

27 SECTION 21. Notice. Any notice provided under this Franchise shall be sufficient if
28 in writing and (1) delivered to the other party or deposited in the U.S. Mail, postage
29 prepaid, certified mail; (2) sent by commercial air courier; or (3) sent by facsimile
30 transmission, provided receipt of such facsimile is confirmed in writing. Notice shall
31 be sent to the following address, or such other address as each party may specify in
32 writing:

33

34 If to City: 35
36 City Manager
37 City of Lincoln City
38 801 SW Hwy 101
39 Lincoln City, OR 97367

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1 If to Grantee: 2

3 Astound Broadband, LLC

4 650 College Road East, Suite 3100

5 Princeton, NJ 08540

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7 Any notice provided under this Franchise, other than pursuant to Sections 16 and 17,

8 may be by the methods set forth above or any other reasonable means, including
9 email.

10

11 SECTION 22. Severability. The provisions of this Franchise are severable. If any
12 portion of this Franchise is for any reason held to be invalid, such decision shall not
13 affect the validity of the remaining portions of this Franchise.

14

15 SECTION 23. Findings Adopted.

16 The findings contained in the Whereas Clauses of this ordinance together with the
17 competent substantial evidence in the record of this legislative proceeding are
18 incorporated into this section by reference as if fully set forth herein, and are adopted
19 in support of this legislative action.

20

21 SECTION 24. Acceptance of Franchise. Grantee shall, within thirty (30) days from
22 the date this Franchise takes effect, file with the City its written unconditional
23 acceptance of this Franchise in the form attached hereto as Exhibit A, and if Grantee
24 fails to do so, this Franchise shall be null and void and of no force or effect.

25

26 SECTION 25. Emergency Declaration and Effective Date. The existing Franchise
27 Agreement with Astound Broadband terminates on November 12, 2020. In order to
28 avoid disruption in telecommunications service, it is necessary to adopt the Ordinance
29 approving the franchise extension by emergency enactment. The Lincoln City
30 Charter Chapter IX, Section 9.3, expressly authorizes the City Council to adopt an
31 emergency ordinance for the immediate preservation of the public peace, health or
32 safety upon making a statement declaring the basis of the emergency. Council finds
33 and determines that conditions in the City of Lincoln City are such that this Ordinance
34 is necessary for the immediate preservation of the public peace, health, safety and
35 welfare; an emergency is declared to exist because of the imminent termination of the
36 existing franchise. Therefore, pursuant to the City Charter, this ordinance shall be in
37 full force and effect before the normal thirty (30) day effective date, specifically on
38 November 12, 2020. Provided, effectiveness is expressly conditioned on Grantee
39 filing with the City its written unconditional acceptance of this Franchise as required
40 in Section 24.

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J.1.a

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The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section 9.2 of the City of Lincoln City Charter on the 26th day of October, 2020 (First Reading) and on the 26th day of October, 2020 (Second Reading).

PASSED AND ADOPTED AS AN EMERGENCY ENACTMENT by the City Council of the City of Lincoln City this 26th day of October, 2020.

DICK ANDERSON DATE

MAYOR _____

CITY RECORDER DATE

APPROVED AS TO FORM: _____

RICHARD APPICELLO,

DATE

Ordinance 2020-21

October 26, 2020

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Astound Broadband LLC

401 ParkPlace Center Suite 103 Kirkland, WA 98033

By: _____ DATE

Print Name: Title:

J.1.a

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1

2 EXHIBIT A

3 ACCEPTANCE

4 5

6 City Manager

7 City of Lincoln City

8 801 SW Hwy 101

9 Lincoln City, OR 97367

10 11

12 This is to advise the City of Lincoln City, Oregon that Astound Broadband, LLC, doing
13 business as Wave (the "Grantee"), hereby unconditionally accepts the terms and
14 provisions of Ordinance No. 2020-21, passed by the City Council on October 26, 2020
15 (the "Franchise") granting a Franchise to Grantee. The Grantee agrees to abide by

16 each and every term and condition of the Franchise.

17

18 ASTOUND BROADBAND, LLC. 19

20 BY

21

22 TITLE

23

24 DATE

25

26

27

28

J.1.a

Ordinance 2020-21

October 26, 2020

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Council Communication

July 4th

Ronald F Chandler

L.2

Meeting Date:

Department:

Secondary Dept:

Approval:

_____ The intent of this meeting is to update the City Council on changes the staff is proposing to the marketing, monitoring and enforcement of the July 4th event and activities.

Enforcement

Staffing

33 police persons were deployed for the July 4th event in 2020

October 26, 2020 Administration

Primary Staff Contact: Ronald F Chandler E-Mail: RChandler@lincolncity.org Secondary Contacts:

Estimated Time:

LCPD Officers

LCPD Reserve Officers

Toledo PD Officers

Parole and Probation Officers

Police/Fire/Medical Dispatchers

Evidence Technician

Area/Duty Assignments - 2020

2019

23 2 2 3

3 1

2020

22 1 3 2

3 1

- ☐ 4 Officers and 1 Patrol Sergeant assigned to regular patrol
 - ☐ 2 Officers assigned to rove patrol (utilized to assist with custody transports, provide cover and handle overload calls)
 - ☐ 8 Officers assigned to foot patrol in the SW 51st Street area (includes Siletz Bay beach, State beach and neighborhoods surrounding SW 51st Street.)
 - ☐ 1 Officer assigned to foot/vehicle patrol in Cutler City neighborhood area, including the beaches.
 - ☐ 3 Officers assigned to remain in the Roads End area.
 - ☐ 2 Officers assigned to beach patrol utilizing an LCPD ATV to patrol beaches in Roads end
 - ☐ 2 Officers assigned to beach patrol utilizing an LCPD ATV to patrol beaches between Canyon Drive and Roads End.
 - ☐ 2 Officers assigned to beach patrol utilizing LCPD ATV to patrol beaches from Canyon Drive to Taft area.
 - ☐ 1 Patrol Sergeant assigned to oversee the command post.
 - ☐ 1 Chief of Police worked patrol and oversaw patrol operations.
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- ☐ 1 Police Lieutenant worked patrol and oversaw patrol operations
 - ☐ 1 Evidence Technician assigned to command post for collection of seized evidence
 - ☐ 3 Dispatchers assigned to regular Police/Fire/Medical dispatch duties.
- Event and Patrol Activity/Calls for Service
- ☐ Total Events (includes calls for service/officer initiated activity 240
 - ☐ Calls for fireworks complaints 97
 - ☐ Fireworks related contacts made by officers
 - ☐ Number of contacts resulting in fireworks seizures
 - ☐ Total Non-emergency calls to 911 center
 - ☐ Total 911 emergency calls to 911 center
- 157
- ☐ Total persons arrested (criminal)
 - ☐ Total fireworks citations 9
 - ☐ Estimated weight of seized fireworks Significant Incidents - 2020
 - ☐ Intoxicated individuals confronting a large group of beach visitors
- Further Analysis from Lt. Broderick - 2020
- 2019
- 74 29 213
- 0
- 300 lbs 1
- 157 64
- 48 0
- 2020
- 87 22 758
- 7
- 250 lbs
- L.2

“There are a number of factors that contribute to the difficulty in enforcing fireworks on a complaint driven basis. Staffing and calls for service are the main factors that prevent officers from simply sitting and waiting/watching for fireworks violations. . . On average an officer will spend 35 minutes investigating a call, sometimes less and sometimes much longer. During the typical shift an officer

spends approximately 6 hours simply responding to calls for services. This does not include other duties such as civil paper service, community contacts, traffic and parking enforcement, etc. If a call for service is criminal in nature then the time on a call is extended, oftentimes significantly due to evidence collection, victim care and arrest, custody and transport. These calls are typically handled by multiple officers . . . When not handling a call for service or writing police reports, officers are directed to be conducting traffic/parking enforcement, business checks, serving civil papers, conducting follow up on pending investigations, keeping up with daily training protocols, etc. When a call of illegal fireworks is received by dispatch it is then relayed to officers. If there is an officer clear to take the call at the moment it comes in, he/she responds to

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the area . . . More times than not, when an officer is dispatched to the FWs call, he/she is given a location, 'illegal fireworks in the Roads End State Park.' When the officer arrives he/she then has to try and determine who in the area was shooting the FWs off, which is difficult to nearly impossible if the officer does not witness it or have specific information about the person lighting the FW . . ."

Enforcement Proposal 2021

It is my intent, if approved by the City Council, to hire security guards – up to six – to assist the Police officers. Their primary duty will be to increase the number of fireworks contacts made by police or their representatives. They will be stationed where the need is greatest.

Marketing

The City will continue to run its "Keep It Legal and Keep It Safe" marketing campaign. The emphasis has been on distinguishing between legal and illegal fireworks with some emphasis that the use of fireworks is prohibited on the beach. This campaign has included the following.

☑ Flyers – 1,500

☑ Paid Facebook Campaign through L.C. PD

☑ Organic Facebook through Explore Lincoln City

☑ Signs – 20 large signs are posted at all beach access points

Marketing Proposal 2021

☑ The City plans to increase the number of flyers, emphasizing their distribution to the lodging industry.

☑ Expand our use of social media

☑ Run a second marketing campaign that emphasizes that all fireworks are illegal on the beach.

☑ Virus permitting, emphasize in our marketing that the "Independence Day at Siletz Bay" Festival is an excellent family activity and an alternative to personal fireworks.

July 4th Event

L.2

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Virus permitting, it is our intent to host the "Independence Day at Siletz Bay" festival. This has expanded over the past five years and now includes the fireworks show accompanied by music and live music during the day and early evening. We propose to add an artisan fair to the festival in 2021.

L.2

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Council Communication

COVID-19 Update

L.3

Meeting Date:

Department:

Secondary Dept:

Approval:

October 26, 2020 Administration

Ronald F Chandler

Primary Staff Contact: Ronald F Chandler E-Mail: RChandler@lincolncity.org Secondary Contacts:

Estimated Time:

The following is a list of official outbreaks for Lincoln County as of October 21, 2020

1. Active outbreaks in care facilities, senior living communities and congregate living settings (requires 3 or more confirmed cases or one or more COVID-19 related deaths)

a. No active outbreaks in Lincoln County

2. Resolved Care Facility outbreaks in in care facilities, senior living communities and congregate living settings (requires 3 or more confirmed cases or one or more COVID-19 related deaths)

a. Avamere Rehabilitation (Newport), reported June 15, 2020, 51 cases and 7 deaths.

b. Lakeview Long Term Care (Lincoln City), reported June 21, 2020, 3 cases and no deaths

c. Hillside Place (Lincoln City), reported July 30, 2020. 28 cases and 4 deaths

3. Active workplace outbreaks (requires five or more confirmed cases) No active workplace outbreaks in Lincoln County

4. Resolved workplace outbreaks (requires five or more confirmed cases)

a. Pacific Seafood (Newport), reported June 2, 2020, 187 cases

b. Local Ocean Restaurant (Newport), reported June 10, 2020,

c. Georgie's Beachside Grill (Newport), reported June 12, 2020,

d. McDonald's (Newport), reported June 16, 2020, 7 cases

e. Clearwater Restaurant (Newport), reported June 5, 2020,

f. Inn at Spanish Head (Lincoln City) reported August 20, 2020,

g. SurfTides Resort (Lincoln City), reported August 8, 2020,

Current Zip Code case count update for Lincoln County

97341 – Depoe Bay 1-9 cases 97368 – Rose Lodge/Otis 1-9 cases

12 cases

8 cases

7 cases

9 cases

6 cases

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97343 cases 97388 cases 97367 cases 97357 cases 97364 cases 97365 cases 97369 cases

– Eddyville

– Lincoln Beach – Lincoln City

– Logsden

– Neotsu

– Newport

– Otter Rock

No cases No cases 97 cases No cases No cases 323 cases

No cases

97376 – Seal Rock 1-9 97380 – Siletz 13 97366 – South Beach 10

97390 – Tidewater No 97391 – Toledo 28

97394 – Waldport 1-9 97498 – Yachats 1-9

Attachments:

LCPD_COVID-19_20201021_OHA Weekly-Report (PDF) LCPD_COVID19_20201019 Statewide Mask Guidance (002) (PDF)

L.3

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COVID-19 Weekly Report

Oregon's Weekly Surveillance Summary Novel Coronavirus (COVID-19)

L.3.a

Oregon Public Health Division Published October 21, 2020

Background

COVID-19 Weekly Report data will be finalized every Sunday at 11 p.m. PDT, and the report will be published on Wednesday. Please note that the data reported here are continually being updated. For daily up-to-date information, visit the OHA COVID-19 web page: <https://govstatus.egov.com/OR-OHA-COVID-19>.

As of 11 p.m. Sunday, October 18, there have been 39,794 cases of COVID-19 reported to the Oregon Health Authority. Of these, 2,013 (5.1%) are “presumptive” cases—i.e., people with COVID-19-like symptoms and close contact with a confirmed case, but who did not have a confirmatory laboratory test. Though not confirmed, presumptive cases are highly likely to have COVID-19, given their specific symptoms and known exposure. Presumptive cases are encouraged to seek testing to confirm that they do have COVID-19. Presumptive cases who test positive are recategorized as confirmed cases. These data represent a snapshot of COVID-19 risk factors and clinical and demographic characteristics of cases, and they include data on cases with pending investigations. Not all cases have been interviewed at the time of this report. The data shown in this report come from Oregon's electronic disease surveillance system for reportable diseases.

During the week of October 11–October 17,* 28,960 Oregonians were tested for COVID-19, and 6.5% of them

†

had a positive result. Not all positive tests represent new cases; some are from specimens collected from people who had already been counted as presumptive cases. The number includes tests done at all locations, including commercial non-hospital-based laboratories, hospital laboratories and Oregon State Public Health Laboratory.

Weekly Report Summary

During Monday, October 12, through Sunday, October 18, OHA recorded 2,327 new cases of COVID-19 infection—down 4% from last week's record-high tally of 2,418. The number of Oregonians newly tested rose another 1.6%, to 28,960, and the percentage of tests that were positive rose slightly to 6.5%.

Twenty-seven Oregonians were reported to have died in association with COVID-19—compared to 25 last week. One hundred forty-three Oregonians were hospitalized. The 39,794 COVID-19 cases reported in Oregon to date computes to 939 cases per 100,000 Oregonians; of these, 627—1.6% of all cases reported to date—have died in association with COVID-19, giving a mortality rate of 14.8 deaths per 100,000 Oregonians. Recent data on mortality in Oregon, including deaths related to COVID-19, are available at <https://public.tableau.com/profile/oha.center.for.health.statistics>.

The incidence of reported infection has been highest in persons 20–49 years of age, who account for 39% of Oregon's population and 56% of reported cases. Persons <30 years of age make up 37% of

Oregon's population and have accounted for 37% of reported cases but only 9% of hospitalizations and 0.3% of deaths. Hospitalization and death rates increase with age; 321 (51%) of the 627 deaths have been among persons at least 80 years of age, and 472 (75%) in persons 70 and older. Additional data are available at

<https://public.tableau.com/profile/oregon.health.authority.covid.19#!/vizhome/OregonCOVID-19CaseDemographicsandDiseaseSeverityStatewide/DemographicData>.

* This date range aligns with CDC's "MMWR week."

† Does not include antibody (serology) tests. Percent positivity is now calculated using specimen collection date.

Data are provisional and subject to change. Page 1 of 33
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COVID-19 Weekly Report

Oregon's Weekly Surveillance Summary Novel Coronavirus (COVID-19)

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Oregon Public Health Division Published October 21, 2020

Clinical Characteristics, Risk Factors and Demographic Characteristics

Figure 1 shows the number of cases reported by week of onset and epidemiologic link. Figure 2 shows the number of sporadic cases reported by week of onset and race. Figure 3 shows the number of sporadic cases reported by week of onset and ethnicity. Figure 4 provides information on signs and symptoms from all COVID-19 cases. Of 39,794 cases, 30,362 (76.3%) reported having signs and symptoms of COVID-19. The most commonly reported symptoms are cough (n=20,271, 50.9%) and headache (n=19,274, 48.4%). Figure 3 provides information on the percentage of COVID-19 cases that report symptoms. Figure 4 provides information on risk factors from all COVID-19 cases. The most common risk factors are having contact with a known COVID-19 case prior to symptom onset (n=26,865, 67.5%) and having underlying medical conditions (n=17,824, 44.8%). Note that a person may report more than one sign/symptom or risk factor.

Where displayed by week in this report, case data are categorized by week of reported symptom onset, not by date of case report. This results in reduced numbers in the most recent week or more due to reporting lags.

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COVID-19 Weekly Report

Oregon's Weekly Surveillance Summary Novel Coronavirus (COVID-19)

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Oregon Public Health Division Published October 21, 2020

Epidemiologic link designations

Sporadic: Cases who do not have known exposure to another case or outbreak.

Outbreak: Cases who have a shared, defined exposure with at least one other case. For example, a defined exposure could be an event, a workplace, a congregate facility, etc.

Cluster: Cases who had contact with another case, but the exposure is not well defined. For example, cases from two households who interacted many times prior to illness onset.

Household: Cases who were exposed to another case in their household.

Close contact: Cases who were exposed to another case, not in their household. This designation was added on 7/15.

Due to the lag between case reporting and case investigation, the proportion of cases categorized as sporadic is high in the most recent week or more; some of these cases will be recategorized after investigation is completed.

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COVID-19 Weekly Report
Oregon’s Weekly Surveillance Summary Novel Coronavirus (COVID-19)
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COVID-19 Weekly Report
Oregon’s Weekly Surveillance Summary Novel Coronavirus (COVID-19)
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Sex
Cases
% of total cases
Cases per 100,000a
Hospitalized
% Hospitalized
Deaths
Case fatality

Oregon Public Health Division Published October 21, 2020

*Congregate living situations include, but are not limited to, long-term care facilities, group homes, prisons, and shelters. Data include people with confirmed cases who live or work in congregate living situations.

**Direct patient care is only asked if a case is a healthcare worker or volunteer. The denominator is the number of healthcare workers or volunteers.

***Underlying medical conditions include cardiovascular disease, chronic liver disease, chronic lung disease, chronic renal disease, current or former smoker, diabetes mellitus, immunocompromised condition, neurologic and neurodevelopmental conditions, obesity, or other chronic diseases.

The following tables show the demographic characteristics for all COVID-19 cases. Tables 1 and 2 show case counts and severity by demographic categories. Figures 7 and 8 show the case demographic distribution by week of onset. Tables 3 and 4 show race and ethnicity, respectively. Figures 9 and 10 show race and ethnicity by week of onset, respectively.

Table 1. Severity and rates of COVID-19 by sex

Male
Female Non-Binary Not available Total

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19,137 20,513 4 140
48.1% 51.5% 0% 0%
889.8 953.8 n/a n/a 939.3
1554 8.1% 1390 6.8% 0 0.0% 3 2.1%
352 1.8% 275 1.3% 0 0% 0 0%
39,794

480

938.0 583.8 555.4 854.8 -

22.4%

39,794 100.0%

aPopulation data were compiled from the 2019 Annual Oregon Population Report, which is produced by the Population Research Center, Portland State University

939.3

2,947 7.4% 627 1.6%

Data are provisional and subject to change. Page 6 of 33

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COVID-19 Weekly Report

Oregon's Weekly Surveillance Summary Novel Coronavirus (COVID-19)

L.3.a

Race

Cases

% of total cases

Cases per 100,000b

Hospitalized

% Hospitalized

Deaths

Case fatality

Ethnicity

Case count

% of total cases

Cases per 100,000a

Hospitalized

% Hospitalized

Deaths

Case fatality

Oregon Public Health Division

Published October 21, 2020

Table 3. Severity and rates of COVID-19 by racea

White

Black

Asian

American Indian/Alaska Native

Pacific Islander Other

>1 race

Not available Total

17,191 43.2% 1,322 3.3% 1,114 2.8%

969 2.4%

641 1.6% 12,986 32.6%

789 2.0% 4,782 12.0% 39,794 100.0%

480.7 1637.5 615.1

1988.2 3858.7 n/a 392.6 n/a 939.3

1660 9.7% 118 8.9% 105 9.4%

96 9.9%

86 13.4% 666 5.1% 43 5.4% 173 3.6%
 423 2.5% 13 1.0% 19 1.7%
 12 1.2% 7 1.1% 69 0.5% 11 1.4% 73 1.5%
 2,947 7.4%

aDuring the case investigation, people are asked to self-report their race, ethnicity, tribal affiliation, country of origin, or ancestry.

627 1.6%

bNational Center for Health Statistics (NCHS). Estimates of the resident population of the U.S. by year, county, age, bridged race, Hispanic origin, and sex (Vintage 2018). 2) Census Bureau Population Estimates: U.S. Census bureau, Population Division, Annual Estimates of the Resident Population by Age, Sex, Race, and Hispanic Origin for counties (Vintage 2018)

c11,959 (97.2%) of the 12,308 persons who identify as “Other” race also self-identify as Hispanic or Latino.

Table 4. Severity and rates of COVID-19 by ethnicity

Hispanic Non-Hispanic Not available Total

14,830 20,175 4,789

39,794

37.3% 50.7% 12.0%

100.0%

2727.2 546.4 n/a 939.3

779 5.3% 1911 9.5% 257 5.4% 2,947 7.4%

82 0.6% 436 2.2% 109 2.3% 627 1.6%

aNational Center for Health Statistics (NCHS). Estimates of the resident population of the US by year, county, age, bridged race, Hispanic origin, and sex (Vintage 2018). 2) Census Bureau Population Estimates: U.S. Census bureau, Population Division, Annual Estimates of the Resident Population by Age, Sex, Race, and Hispanic Origin for counties (Vintage 2018)

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COVID-19 Weekly Report

Oregon’s Weekly Surveillance Summary Novel Coronavirus (COVID-19)

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Oregon Public Health Division Published October 21, 2020

Follow-up

Figure 11 shows the percentage of cases that were called within 24 hours of being reported to public health by race. Figure 12 shows the percentage of cases that were called within 24 hours of being reported to public health by ethnicity. Figure 13 shows the percentage of cases that were interviewed, by race. Figure 14 shows the percentage of cases that were interviewed, by ethnicity.

Data are provisional and subject to change. Page 8 of 33

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COVID-19 Weekly Report

Oregon’s Weekly Surveillance Summary Novel Coronavirus (COVID-19)

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Oregon Public Health Division Published October 21, 2020

a Race and ethnicity data are collected when cases are interviewed. Race and ethnicity data for cases that were not interviewed are abstracted from laboratory reports and medical records if it is available.

b The orange line represents the state metric for timely follow up for all cases: 95%.

a Race and ethnicity data are collected when cases are interviewed. Race and ethnicity data for cases that were not interviewed are abstracted from laboratory reports and medical records if it is available.

b The orange line represents the state metric for timely follow up for all cases: 95%.

Data are provisional and subject to change. Page 9 of 33

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Oregon's Weekly Surveillance Summary Novel Coronavirus (COVID-19)

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Oregon Public Health Division Published October 21, 2020

a Race and ethnicity data are collected when cases are interviewed. Race and ethnicity data for cases that were not interviewed are abstracted from laboratory reports and medical records if it is available.

a Race and ethnicity data are collected when cases are interviewed. Race and ethnicity data for cases that were not interviewed are abstracted from laboratory reports and medical records if it is available.

Data are provisional and subject to change. Page 10 of 33

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COVID-19 Weekly Report

Oregon's Weekly Surveillance Summary Novel Coronavirus (COVID-19)

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Recovery

OHA staff periodically call people with reported COVID-19 who experienced fever, cough, shortness of breath or diarrhea and were initially interviewed before May 1, when OHA changed its definition of recovery, to inquire about resolution of symptoms. This group includes 1,884 people who were all diagnosed before mid-April and have not succumbed to their illness. Among these, 1,682 (88.8%) are considered to have recovered, and a recovery date is available for 1,387 people; their time to recovery is depicted in Figure 15. Of these 1,884 people, 16 (0.8%), have not yet recovered; and recovery status is not available for 186 (9.8%). People are assumed to have recovered three days after resolution of all symptoms. The median time to recovery among non-hospitalized symptomatic cases is 20 days (interquartile range: 15–29 days); among symptomatic cases who were hospitalized it is 26 days (interquartile range: 18–37 days).

*Three days after reported resolution of diarrhea, cough, shortness of breath and fever.

** Includes cases who were interviewed about their date of recovery before a change in recovery definition on May *** This was last updated on 9/16; Data will be updated again as new information is available.

Weekly Care Facility, Senior Living Communities and Congregate Living Settings Report

OHA is publishing data on cases and deaths in care facilities, senior living communities, and congregate living settings that have three or more confirmed COVID-19 cases or one or more deaths (Table 5).

Facilities with outbreaks that are considered resolved are moved to the closed outbreak list (Table 6). An outbreak is considered resolved if no new cases are identified for 28 days after the last case onset.

Facilities will be removed from the closed outbreak list after 56 days. This list does not include correctional facilities.

In addition to the facilities listed, OHA is aware of 62 congregate settings of five or fewer beds that have three or more confirmed COVID-19 cases or one or more deaths. Because foster homes typically have relatively few residents, OHA follows the Oregon Department of Human Services practice in not naming these locations to protect patient privacy.

To date, there has been one death of a staff person who worked in a congregate care setting from COVID-19. To protect patient privacy, OHA does not report employee deaths by workplace or other potentially identifying information. Similar information will be released in the future in weekly reports only if OHA determines that such information, in addition to other information it releases, and information released by other agencies, like the Centers for Medicaid and Medicare Services, cannot be used to identify an individual. To date, there have been 3,606 cases and 363 deaths associated with congregate care settings.

Data are provisional and subject to change. Page 11 of 33
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COVID-19 Weekly Report

Oregon's Weekly Surveillance Summary Novel Coronavirus (COVID-19)

L.3.a

Facility name

County

First reported

Total cases

Total deaths

Oregon Public Health Division Published October 21, 2020

Table 5. Active outbreaks in care facilities, senior living communities and congregate living settings with three or more confirmed COVID-19 cases or one or more COVID-19 related deaths (n=53)

Miramont Pointe Assisted Living Touchmark in the West Hills Tierra Rose Care Center Maryville

Countryside Living of Canby Umpqua Valley

Marquis Centennial

St. Anthony Village

Springs at Willow Creek Flagstone Senior Living West Hills Health & Rehab Battlecreek Memory Care

Rosewood Memory Care Sapphire at Gateway Farmington Square

The Oaks at Sherwood Park Horton Plaza

Gateway Living

Elder Health and Living Marquis Vermont Hills

Arbor at Avamere

Rose Villa

Forum at Town Center Happy Valley Royalton Place Memory Care

The Ackerly at Timberland

Hearthstone at Murrayhill

Avamere Riverpark of Eugene

Seaview Senior living memory care unit Timber Pointe Senior Living

Cascade Terrace

Sweet Bye N Bye

Hillside Brookdale

Ashley Manor Senior Living

Avamere Health Services of the Rogue Valley

Data are provisional and subject to change.

Clackamas Washington Marion Washington Clackamas Douglas Multnomah Multnomah Marion Wasco

Multnomah Marion Washington Multnomah Lane Marion Jackson Lane Lane Multnomah Marion

Clackamas Clackamas Clackamas Washington Washington Lane Curry Lane Multnomah Marion Yamhill

Klamath Jackson

7/19/2020 7/22/2020 7/28/2020 8/9/2020 8/22/2020 8/31/2020 9/5/2020 9/7/2020 9/9/2020
 9/13/2020 9/15/2020 9/18/2020 9/20/2020 9/21/2020 9/22/2020 9/22/2020 9/23/2020 9/23/2020
 9/24/2020 9/25/2020 09/26/2020 09/28/2020 09/29/2020 10/01/2020 10/01/2020 10/02/2020
 10/02/2020 10/02/2020 10/02/2020 10/03/2020 10/03/2020 10/05/2020 10/05/2020 10/05/2020
 15 1 18 3 21 0 70 7 11 0 11 0 70 1
 7 0 22 0 51 12
 3 0
 16 1 13 0
 58 2 21 5 6 0 4 0 10 0 5 0 11 0 6 0 5 0 3 0 10 0 6 0 3 0 7 0 25 0 4 0 9 0 21 0 3 0 5 0 3 0

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COVID-19 Weekly Report
 Oregon’s Weekly Surveillance Summary Novel Coronavirus (COVID-19)
 L.3.a

- Facility name
- County
- First reported
- Total casesa
- Total deathsa
- Oregon Public Health Division
- Marquis Mill Park Post Acute Rehab Robison Health & Rehabilitation Center Bend Transitional care
- Salem Transitional Care
- Tanner Spings Memory Care Holladay Park Plaza Parkhurst Place
- Sweet Bye N Bye
- Ochoco Manor Apartments
- Advocate Care
- Mennonite Home Skilled Nursing Facility
- Avamere Transitional Care at Sunnyside
- Avamere Rehabilitation of Clackamas
- Forest Grove Rehabilitation & Care Center
- Linda Vista Nursing & Rehab
- Marquis Tualatin Post Acute Rehab
- NW Memory Care in Florence
- Gracelen Terrace

Published October 21, 2020

Multnomah Multnomah Deschutes Marion Clackamas Multnomah Hood River Marion Crook Multnomah
 Linn Marion Clackamas Washington Jackson Washington Lane Multnomah -

Table 6. Recently resolved outbreaks in care facilities, senior living communities and congregate living
 settings with three or more confirmed COVID-19 cases or one or more COVID-19 related death (n=77)

10/07/2020 10/07/2020 10/07/2020 10/08/2020 10/08/2020 10/09/2020 10/11/2020 10/12/2020
 10/13/2020 10/14/2020 10/14/2020 10/14/2020 10/14/2020 10/15/2020 10/16/2020 10/16/2020
 10/18/2020 10/19/2020 -
 7 0 7 1 3 0 6 0 4 0 6 1 1 1
 28 2 6 1 4 0 3 0 3 0 3 0 3 0 6 0 6 0 3 0 3 0

Total

aCase and death counts include all cases and deaths associated with the outbreak (e.g., staff, residents,
 close contacts)

634 38

Arcadia Senior Living Laurelhurst Village Rehabilitation
Farmington Square Salem Assisted Living
Brookdale Assisted Living
Guardian Angel Homes
Avamere Rehabilitation of Beaverton Hillside Independent Living Gresham Post Acute Care & Rehab
Capitol Manor
Monterey Court
Cedar Village
Marquis Mt. Tabor
Avamere Rehabilitation of Coos Bay

Data are provisional and subject to change.

Multnomah Multnomah

Marion

Malheur

Umatilla

Washington

Yamhill

Multnomah

Polk Clackamas

Marion Multnomah Coos

6/16/2020 6/18/2020

6/23/2020

6/25/2020 6/26/2020 6/28/2020 6/30/2020 7/6/2020 7/6/2020 7/7/2020 7/9/2020 7/9/2020

7/10/2020

10 1 3 1

34 8

37 5

18 1 8 0 12 0 3 0 9 0 22 5 4 0 7 0 5 0

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L.3.a

Oregon Public Health Division

Mt Bachelor Memory Care Hood River Care Center Regency Hermiston

Mountain Park Memory Care

Dorian Place Assisted Living

Sun Terrace

Forest Grove Rehabilitation and Care Center

Wellsprings Assisted Facility

Tabor Crest

Terwilliger Plaza

Friendship Health Center

Regency Park

St. Andrews Memory Care

Farmington Square Beaverton

Harold Schnitzer Center for Living
The Springs at Tanasbourne
Marquis Forest Grove Assisted Living
Emerson House
Laurel Parc Bethany Village Waterford Grand
Avamere Rehabilitation of Oregon City
The Taft House
Hillside Place
Parkland Village
Pear Valley Senior Living
Rock of Ages
O'Hara's Manor
Dallas Retirement Village
Murray Highland Memory Care
Avamere Crestview of Portland
Creekside Rehabilitation and Nursing
Prestige Senior Living Orchard Heights
Morning Star Assisted Living and Memory Care
Silver Creek Senior Living
Data are provisional and subject to change.
Deschutes Hood River Umatilla
Clackamas Malheur Umatilla
Washington
Malheur Multnomah Multnomah
Multnomah Washington Multnomah Washington Multnomah Washington
Washington Multnomah Washington Lane
Clackamas
Multnomah
Lincoln Yamhill
Jackson Yamhill Multnomah Polk Washington Multnomah Multnomah Polk
Washington Marion
7/11/2020 7/13/2020 7/13/2020
7/14/2020 7/15/2020 7/15/2020
7/19/2020
7/20/2020 7/20/2020 7/21/2020
7/21/2020 7/23/2020 7/23/2020 7/23/2020 7/24/2020 7/26/2020
7/28/2020 7/29/2020
7/29/2020 7/30/2020
7/30/2020 7/30/2020
7/30/2020 7/30/2020
7/30/2020 7/30/2020 7/31/2020 7/31/2020 8/1/2020 8/1/2020 8/1/2020 8/3/2020
8/4/2020 8/5/2020
Published October 21, 2020
66 8
4 0
97 14 34 4 23 3 10 2
4 0
6 1

24 3
12 0 4 0
22 1 22 0 14 1
4 0 6 1
8 0
46 5 6 0 3 0
3 0
7 0 28 4 4 1 4 0 38 2 31 2 6 2 35 5 29 2 50 6

3

21
0
9

4 0

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Oregon Public Health Division

French Prairie Nursing and Rehab Life Care Rehabilitation

Regency Village Prineville Meadowbrook Place

Country Meadows

Gracelen Terrace

Marquis Hope Village

Lancaster Village

Ashley Manor Hermiston

Marquis Mill Park Post Acute Rehab Mary's Woods

Providence Benedictine Mt. Angel Springs Clackamas Woods Redwood Heights

Prestige Care Milwaukie Riverside Manor

Windsor Health and Rehab Robinson Health and Rehab Center Evergreen Memory Care Facility Nyssa Gardens

Regency Redmond

Prestige Care Milwaukie

Avamere at Sandy

Pioneer Place

Pacific Health and Rehab

Melody Court Memory Care Heartwood Place

Avamere at Three Fountains Spings at Veranda Park

Marion Yamhill

Crook

Baker Marion Multnomah Clackamas Marion Umatilla Multnomah Clackamas Marion Clackamas Marion

Clackamas Malheur Marion Multnomah Lane Malheur Deschutes Clackamas Clackamas Malheur

Washington Multnomah Marion Jackson Jackson

8/5/2020 8/7/2020

8/8/2020

8/9/2020 8/10/2020 8/10/2020 8/13/2020 8/13/2020 8/13/2020 8/14/2020 8/15/2020 8/17/2020
8/20/2020 8/22/2020 8/31/2020 8/21/2020 8/24/2020 8/25/2020 8/25/2020 8/28/2020 8/28/2020
8/31/2020 8/31/2020 8/31/2020 9/5/2020 9/5/2020 9/10/2020 9/18/2020 9/22/2020

Published October 21, 2020

92 13
21 1 7 0
27 2 8 0
11 0 4 0 7 1
13 0 3 0 5 0 7 0 3 0 7 0 3 0 3 1 7 0 3 0 4 0 13 9 0 6 0 3 0 9 0
40 2 4 0
11 0 23 2
4 0
5 0

Total

aCase and death counts include all cases and deaths associated with the outbreak (e.g., staff, residents, close contacts)

Weekly Workplace Outbreak Report

OHA is publishing data on cases in workplace outbreaks. Given a cluster of cases in space and time, within plausible incubation periods for the pathogen, OHA epidemiologists will consider cases to be related—i.e., part of a workplace outbreak—unless a more likely alternative source for acquisition is identified. Any suspected workplace outbreak is required to be reported to the local public health authority (see OAR 333-018-015). Local health department and tribal partners investigate to identify workplace outbreaks. This list of outbreaks will be

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-
-

1,227 132

COVID-19 Weekly Report

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Workplace

Address

County

Investigation start date

Most recent onset

Total cases

Oregon Public Health Division Published October 21, 2020

updated as investigations continue, and we learn about epidemiologic links between cases. This list may not reflect all the workplace outbreaks in Oregon.

To protect privacy, OHA is only reporting workplace outbreaks with five or more cases and only for workplaces with at least 30 workers. If more than 50% of the workers are COVID-19 cases, specific case numbers will not be reported. Case counts include all persons linked to the outbreak, which may include household members and other close contacts. The list below includes active workplace outbreaks (Table 7), meaning that there has been a case within the past 28 days. Outbreaks that are resolved are moved to a separate table of resolved outbreaks (Table 8). Outbreaks are removed from the closed outbreak list after 56 days.

The presence of correctional facilities and food packing and agricultural worksites on this list highlights the challenges of controlling COVID-19 in settings where people must work or live in proximity. People of color are overrepresented in agricultural and correctional settings, contributing to the higher rates of COVID-19 observed in these groups. OHA publishes these data in response to public request, but with some concern that workers or staff members at these workplaces might be subject to discrimination. State and local public health officials work intensively with staff at workplaces where outbreaks are identified to isolate sick workers, test and quarantine those who have been exposed and implement workplace changes to reduce risk of transmission. Unless otherwise noted, public health officials have determined that these workplaces, their workers and their products do not pose significant risk to the public. Workers of a business with a workplace outbreak should never be subjected to discrimination or excluded from patronizing other businesses. In fact, discriminating against workers or avoiding products might jeopardize the economic viability of essential local businesses.

Employers can support their workers with policies that ensure that ill workers are not in the workplace and are not penalized for taking sick leave. Employers should ensure that workers are aware of and understand these policies.

There have been 29 deaths and 7,882 cases associated with all workplace outbreaks that have been reported to date. To protect patient privacy, OHA does not report employee deaths by workplace. Cases that are associated with more than one workplace outbreak will be reported in the case count for all relevant workplace outbreaks.

Table 7. Active workplace outbreaks with five or more confirmed COVID-19 cases (n=79)

Snake River Correctional Institution	
Eastern Oregon Correctional Institution	
Lamb Weston	
Two Rivers Correctional Institution	
Pacific Seafood	
Oregon State Correctional Institution	
777 Stanton Blvd, Ontario, OR 97914	
2500 Westgate, Pendleton, OR 97801	
78153 Westland Road, Hermiston, OR 97838	
82911 Beach Access Rd, Umatilla, OR 97882	
Umatilla	
Malheur	
6/24/2020	
7/8/2020 6/16/2020	
6/24/2020 9/15/2020	
9/28/2020	
10/16/2020 518	
10/14/2020 423 10/6/2020 190	
10/2/2020 128 9/25/2020 94	
10/10/2020 77	
Umatilla Umatilla	
450 NE Skipanon Dr, Warrenton, OR 97146	
3405 Deer Park Dr SE, Salem	
Clatsop Marion	

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Oregon Public Health Division
Lamb Weston East
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Walmart Amazon Planasa
Distribution Center Troutdale
Oregon Operations, LLC
Morrow Umatilla

Multnomah Klamath

7/13/2020 6/30/2020

5/21/2020 10/1/2020

7/9/2020 7/28/2020 5/27/2020

7/1/2020 7/16/2020

7/28/2020 6/16/2020

5/21/2020 7/13/2020 10/7/2020

6/30/2020

7/19/2020 9/23/2020

9/24/2020 9/23/2020

7/24/2020 8/21/2020

9/19/2020 10/5/2020

6/22/2020 7/24/2020

9/23/2020 8/16/2020

9/25/2020

9/12/2020

8/24/2020

10/5/2020 72 9/30/2020 70

10/7/2020 70 10/9/2020 62

9/23/2020 57

10/8/2020 57 10/12/2020 55

10/4/2020 47 10/9/2020 46

10/11/2020 43 9/27/2020

41 10/7/2020 41 10/15/2020 35 10/14/2020 33

9/24/2020 27

10/16/2020 23 9/28/2020 21

10/6/2020 20 10/4/2020 18

10/3/2020 17 10/16/2020 17

10/6/2020 17 10/9/2020 16

10/5/2020 16

10/8/2020 16 10/14/2020 15 10/7/2020 15

10/5/2020 15

9/30/2020 14

10/1/2020 14

750 Columbia Ave NE, Boardman, OR 97818

2650 US-395, Hermiston, OR 97838 1250 NW Swigert Rd, Troutdale, OR 97060

8383 Short Rd, Klamath Falls, OR

97603
1350 N 1st St, Hermiston, OR 97838
9500 SE 327th Ave, Boring, OR 97009
890 Oak Street SE, Salem, OR 97301
730 Columbia Ave NE, Boardman OR
97818 Morrow 610 NW 11th St, Hermiston, OR 97838 Umatilla
441 W Antelope Rd, White City, OR
97503 Jackson
Walmart

J. Frank
Salem Hospital
Lamb Weston Boardman Pac Center
Good Shepherd Hospital
Amy's Kitchen
Columbia River Processing (TCCA)
Amazon Aumsville
Oregon State Hospital Georgia Pacific
Threemile Canyon Farms
Don Pancho Authentic Mexican Food Work
New Season Foods, Inc
SYGMA Network Seneca Sawmill Co
CabDoor Westside Drywall
Oregon Beverage Recycling Cooperative
Eagle Veneer, Inc
Pacific Coast Fruit
Home Depot
White City VA Rehab Center & Clinics
Freres Lumber
Mercy Medical Center
MHA Resource Company
Ascentron
Umatilla Clackamas Marion
Schmidt & Son Co.

79588 Rippe Rd, Boardman, OR

97013
4775 Depot Ct SE, Salem, OR 97317
2600 Center St NE, Salem, OR 97301
30470 American Dr, Halsey, OR 97348
75906 Threemile Rd, Boardman, OR
97818 Morrow 3060 Industrial Way NE, Salem, OR
Morrow
Marion Washington
Clackamas Lane
Marion Marion Lane
Linn
Marion Marion Linn
97301
2329 Yew St, Forest Grove, OR 97116

13019 SE Jennifer St #404, Clackamas, OR 97015
22476 Fir St, Noti, OR 97461
2900 Pringle Rd SE Ste #150, Salem, OR 97302
2755 Pacific Hwy, Hubbard, OR 97032 2105 W Broadway, Eugene, OR 97402
450 Lasalle St, Harrisburg, OR 97446 201 NE 2nd Ave Ste 100, Portland, OR
97232 Multnomah 300 W Harper Rd, Hermiston, OR

97838

8495 Crater Lake Hwy, White City, OR
97503
141 14th St, Lyons, OR 97358
2700 NW Stewart Pkwy, Roseburg,
OR 97471
5120 NE 42nd Ave, Portland, OR
97218 Multnomah 994 Antelope Rd, White City, OR
97503 Jackson
Umatilla Jackson
Linn Douglas

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L.3.a

Oregon Public Health Division
North American Plants
Eugene Water and Electric Board
Boardman Foods Inc Lowes Distribution Center
Coffee Creek Correctional Facility BrucePac
SDLA Courier Service Chick-fil-A
J & J Snack Foods
Harry and David's
Essex General Construction Travel Centers of America
Oregon Spice Company Roseburg VA Health Care System
Flexpack Corporation
Vigor Industrial LMC Construction
Lithia Chrysler Dodge Jeep RAM of Portland
Jacobs Heating & Air Conditioning
All Trades General Contractors Disdero Lumber Company Yamhill County Mushrooms Walmart
GEM Equipment of Oregon, Inc Dennis Uniform
Published October 21, 2020
9375 SE Warmington Rd, McMinnville

Ronald Chandler

From: Lisa Corzine [REDACTED]
Sent: Monday, October 26, 2020 9:16 AM
To: Public Comment
Subject: Echo Mountain Fire
Attachments: ECHO FIRE CITY COUNCIL MEETING 10-26-2020.pdf

Good Morning,

I have attached a file of the last meetings notes of the Echo Fire Evacuation – My Comments are in Blue as you scroll down and these are what I would like answers to. Under the Echo Mountain discussion.

Thank you



Lisa Corzine

10-26-202

8:19 AM

City employees. Chief Palmer said that a couple of staff members in Dispatch did not know if they had lost their property; however, they stayed on the job and focused on helping others. Chief Palmer said that from September 8 through September 11, there were 4,244 calls made to the Lincoln City Police Department. 372 of those were 911 calls. During the same time period in 2019, there were 75 911 calls made, and 380 other calls.

Chief Palmer said there is lots of disinformation being spread about this multi-jurisdictional event, which had other factors beyond City control, like road closures. Chief Palmer hopes that the information presented today will allow Council to make decisions about where resources should be focused in the future. Chief Palmer noted that there was no loss of life and no missing persons have been reported as a result of this emergency, and there weren't any traffic crashes during the evacuation.

Mr. Murphy gave an overview of citizen comments. Mr. Murphy said that reported problems included:

Evacuation Issues: No-one was directing traffic. 2 road projects were being undertaken at the same time on East Devils Lake Rd and West Devils Lake Rd;
Communications: sporadic Lincoln County Alerts; unclear information; no radio communications; residents didn't know how what frequency to use to access P.D. scanners; no power led to no internet access, no internet based phone service, and no email access. Vacation Rental Dwelling guests were not informed timely about the emergency and need to evacuate; cell service was down; broadband communications were shut down;

Fire suppression: There were no airplanes to deploy fire retardant;

Utilities: The hospital didn't have a power generator; natural gas was turned off without notice. * [Why would a New Hospital install a Natural Gas generator? Is the City Hospital Complying with the National Fire Protection Association \(NFPA\) or NFPA 101, the latter code applies to hospitals as well as Nursing Homes. These codes state that a Hospital is required to have enough gas on hand to run a Generator for \(96 hours and to start up within 10 seconds of turning on. The reality is that the Hospital had No Generator – if it cannot be used than it is useless. How is this being resolved?](#)

Mr. Murphy said that residents offered the following comments: Clear and frequent communications;

Don't rely on Lincoln County to provide information;

More visible leaders;

Email communications are not adequate;

Develop a plan for Vacation Rental Dwelling education;

Develop workable channels of communication;
Use Social Media;
Retrofit the tsunami alert systems to cover wildfire alerts; * [The Tsunami Alert Systems need to be in working order to do this – When will they all be in good working order?](#)
Widen Highway 101;
Encourage people to sign up for Lincoln Alerts;
Work with neighborhoods to find out what communication methods work best;
Deploy trained staff in traffic disaster quickly;
Make both lanes on Logan Road outbound;
Limit guest parking for Vacation Rentals;
Emergency Preparedness information and evacuation information must be required and posted in Vacation Rentals; ensure that guests read and sign before booking that they understand safety instructions and agree to abide by them. Make sure vacation rental properties have safety equipment such as flashlights;
All radio stations should broadcast emergency alerts;
Police should make more noise if they are alerting neighborhoods to "Go Now";
Lincoln Alerts should text evacuation notices to Level 1 residents and should change their evacuation sites much earlier;
Motels should be evacuated in zones, not all at once. In this disaster motels closer to the ocean were at far less risk than those located near woodlands;

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ODOT should factor in major holidays, drought conditions, and wildfire danger before starting major projects;
A bypass for Lincoln City to reduce congestion;
A one way traffic evacuation plan;
Conduct more emergency preparation seminars in the fall. Make brochures and flyers available to the public.

Mr. Murphy said these comments would be posted in full on the City website.

Mr. Murphy said that, during any disaster, people, including City employees, need to think of their families first. Mr. Murphy said that, in his experience, people working in an Emergency Operations Center who don't know if their family is OK might not be 100% effective at work. Communications are always tricky, but in a disaster scenario like this, we are going to have some issues that are not within City control. Cell phone systems can be brought down by heavy traffic, never mind emergency situations. With so many cell providers it's hard to analyze who had the best

coverage and service during the emergency. Even on a sunny day in Lincoln City, the Police Department cannot communicate in every inch of Lincoln City. The City is working on this. [I have At&T and can get a signal anywhere here Maybe ask the residents who had the best service during this emergency?](#)

Mr. Murphy discussed communications. They were hectic, and sporadic. The County were in as much of a crisis as everyone else, with people from all agencies and departments working to evacuate people from Kimberling Mountain and Echo Mountain. Lincoln City Police helped with the initial evacuation process in these unincorporated areas.

The City did not put out much information on its website at first. Mr. Murphy said the City's website is on an old platform that requires significant effort to update. You need a computer to update it, and a dedicated person to do the updates. Mr. Murphy said the City does not necessarily have a dedicated person to watch all City social media sites in Lincoln City. Explore Lincoln City has one person that monitors social media relating to tourism in Lincoln City. Mr. Murphy said that, during an emergency, the need to monitor social media sites is a 24 hour job, so at least 2 staff would be needed for day and night shift operations.

[We have several talented retirees that are very computer savvy that could handle this process from home at no additional expense to the city. During the fire social media was a wealth of information and the city's Facebook page could be a huge support to the community.](#)

Mr. Murphy said that the City has now launched a Facebook page. The Police Department, Emergency Preparedness Department, Library, Parks and Recreation, and Explore Lincoln City also have Facebook pages. Explore Lincoln City also has Instagram and Twitter. These are lots of potential sources of information, but it's not easy to keep them all up-to-date during an event unless we have the resources.

Mr. Murphy said that media releases might not be a great help in these situations. Local newspapers publish on certain days of the week, and while they publish online news stories, access to those is dependent on power and internet.

Mr. Murphy said AM radio would be a possibility for communications. KBCH and KNPT / The Wave are local options, with KBCH being located in Lincoln City. KBCH is only manned at certain times.

Mr. Murphy said that amateur radio volunteers can communicate reliably during emergency situations, but the City would have to ensure that good information gets broadcast. Mr. Murphy said that satellite phones would not have worked well during this emergency due to the heavy clouds and smoke. While the City has a trailer that can boost the signal strength of these phones, that would only have helped to a point.

D.1

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Mr. Murphy said that he is yet to get a report from the County regarding how many people were contacted and how many people responded to Lincoln Alerts. These communications were likely hampered by internet and phone service issues.

Do you have this information now? If so is it posted on the city's Facebook page?

Mr. Murphy said that the City has radio systems for the Police Department, Public Works Department, and Parks Department.

Mr. Murphy tried to send information to City employees via Lincoln Alerts, and that message didn't go out successfully. Mr. Murphy noted that Lincoln Alerts relies on internet and power to transmit messages. It's not a 100% solution.

So what is the solution?

Mr. Murphy said that in the first stage of an emergency, communications tend to be hectic. Mr. Murphy recommends establishing a frequent schedule of communication alerts. Social media, radio, and message reader boards are all useful sources.

Mr. Murphy discussed Emergency Operations Center (EOC) policy groups. Mr. Murphy believes the City should have had a representative in the County EOC. This representative needs to be trained on handling EOC basics.

Do we now have a representative for this position? Would that be our City's emergency coordinator?

Mr. Murphy suggested that Mayor Anderson talk with Commissioner Kaety Jacobsen to see if Lincoln City should be a part of the County EOC policy group. Mr. Murphy observed that Lincoln City was extremely close to this disaster and many people think Otis is a part of Lincoln City.

Did this meeting happen?

Mr. Murphy said the City needs a crisis communication plan. Mr. Murphy said we should develop a plan regarding what we want to create and delegate a group of people for these communications. Mr. Murphy recommends a joint information center that deals with social media and handles communication inputs and outputs. Training on this subject is available. Mr. Murphy thinks this need could be handled right away.

Is this plan in place now? When will the training start?

Mr. Murphy discussed local radio station KBCH. It is privately owned, and doesn't have a generator. Mr. Murphy said he was in contact with KBCH frequently during his

first 6 months as Emergency Preparedness Coordinator asking if they would like City assistance in procuring a generator and also asking them if they would consider moving location to be out of the tsunami inundation zone. KBCH has not responded to Mr. Murphy. Mr. Murphy will continue to work on contacting KBCH, and is willing to make contact with Newport area AM radio stations.

Has Mr. Murphy reached out to the radio stations? If so what was their responses? Did we advise them we would be giving them a tax break if they install a generator?

The City's tsunami sirens are owned by North Lincoln Fire and Rescue (NLFR). They are older sirens that have either been purchased or donated to NLFR from other agencies, such as the Trojan Nuclear Power Plant that was outside of Portland. They are a patchwork of systems that produce a single audible tone. City residents are familiar with the tsunami sirens from weekly testing. If the City wanted to use these sirens for other emergency notifications, the community would need to be educated on how they were being used to avoid confusion and misinformation. Mr. Murphy noted that the City's tourist population would not know how to respond to a tsunami siren being used for a fire evacuation.

Did we talk to NLFR about the possibility of using a different signal (2 short bursts for non tsunami) for a signal to the residents? Maybe put a flier in the water bill for these instructions? We don't need to spend millions on a new system.

The City could have stood up an EOC during this event. Many City employees would not have been available to staff the EOC due to the evacuation orders. Also, taking staff to the EOC takes staff away from their regular duties. Mr. Murphy noted that the City does not have enough staff to run its EOC 24 hours a day. Mr. Murphy suggests that, if a similar event happens again in the area with another agency leading the emergency response, the City take a graduated, phased-in approach to opening its own EOC. It takes 30 employees to run the EOC for each shift.

Why pay city employees to man these positions? Why not use volunteers from the different committees and boards? I am sure several of these civic minded citizens would love to assist with these kinds of things. You don't need to throw money at something when you have many people who would freely donate their time!

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Mr. Murphy said there can never be enough training on how to run an EOC. He will continue consistently training staff on these operations, making sure to obtain

departmental buy in. Mr. Murphy recommended the Policy Group- the City Council and City Manager- join these training sessions.

When will these training sessions start?

Mr. Murphy noted that the EOC was short of laptops during this emergency due to COVID-19. In March, many City employees started working from home and the new EOC laptops that were purchased were provided to these employees for remote access purposes. Mr. Murphy noted we need additional laptops for EOC purposes. Mr. Murphy noted the EOC needs Whiteboards, GIS capability, and signage. Further, staff may need to sleep at the EOC and so the EOC needs to have food and sleeping equipment available.

Why can't people use their own laptops? Why does the city need to buy more laptops for an EOC when everyone has a laptop at home? You could have IT put whatever is necessary for the laptop to have on volunteers home laptops. I am sure the volunteers you pick for the EOC would gladly let you update their computers.

Mr. Murphy analyzed the evacuation issues. The main problem is the limited road network in the area. Area roads are managed by different groups- ODOT (Hwy 101), Lincoln County, and Lincoln City. The City needs to work with other agencies in the area to develop a better plan to use roads. For example, Highway 229 to Siletz was not used during this emergency. There was no traffic control, and the City doesn't have enough staff currently trained in providing traffic control. Road and traffic control issues will need to be worked through with other agencies.

When will this coordination and training start?

Mr. Murphy said evacuation decisions were made by the Incident Commander (North Lincoln Fire and Rescue). These decisions were relayed to Lincoln County and the County proceeded with issuing evacuation orders. Mr. Murphy noted it would have been very helpful to have a City employee in the County EOC to get information to the City as quickly as possible.

Did anyone from the City reach out to the Fire Chief during the emergency to find out what was happening during the fire?

Mr. Murphy said more training should be provided on the differences between evacuation levels 1, 2, and 3. Mr. Murphy noted people evacuated Lincoln City from areas that were at a level 1 evacuation level.

What kind of training? Is this being addressed?

Mr. Murphy said that the return to the area was handled by North Lincoln Fire and Rescue. They based their decisions on fire conditions and risk.

Training and preparation for emergencies is always helpful. You cannot train employees and the public enough. Mr. Murphy noted that getting interest in emergency training is difficult. Mr. Murphy said he's tried to offer classes to businesses and to the public but he hasn't received favorable results. Now, there will be a lot of interest. Mr. Murphy wants to take advantage of this interest and wants to keep interest high even when nothing is going on from an emergency perspective. Mr. Murphy sees training and information as a form of an insurance policy. He noted that COVID-19 makes training more challenging; however, small classes and online information can be provided. Mr. Murphy recommends offering separate training sessions for the general public and local businesses.

Mr. Murphy discussed the need for local businesses and individuals to obtain generators. Mr. Murphy would like to educate local businesses about the value of a generator, and help them find sources of grant funding to purchase one. Mr. Murphy noted that generators allowed McKay's Market to stay up and running, and Carson Oil also could provide gasoline. Mr. Murphy thinks every family should have a small generator if they can afford one.

Is the city going to give business a tax credit if the businesses purchase a generator?

Mr. Murphy said that he will continue working on City preparedness. There's lots to reflect on after this event- radio systems, communications systems, and the City hasn't yet finished the disaster caches due to COVID-19. Mr. Murphy wants to get the caches completed and ready-to-go.

Why were the Cities caches not filled prior to COVID? I think not filling these caches are beyond ridiculous!!!! This should have been done years ago? Can someone please tell when they will be filled?

Mr. Murphy said he will provide extra information to Council upon request and direction. He cautioned Council that some of the issues aren't overnight fixes and some will cost money.

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Mayor Anderson asked what happens next? Does a report get forwarded to Lincoln County? Will this be a public document?

Mr. Murphy said there was no requirement to send the County a report; however, he thinks it would be helpful to do so. Mr. Murphy would like to request a City staff member get added to the County EOC Policy Group. Further, Mr. Murphy said he would like to contact the County to see if Lincoln City can get permission to send out

Lincoln Alerts to the whole County. Mr. Murphy noted that Newport might be the hub of a future disaster and then Lincoln Alerts wouldn't work at all.

Has this been done?

Chief Palmer said he was talking with Sheriff Landers about what worked and what didn't work. Chief Palmer said that the County and City plan to have a joint debrief in a couple of weeks. Chief Palmer said the County should produce a report on this disaster as well.

Mayor Anderson asked what Mr. Murphy and Chief Palmer needed from Council? Mr. Murphy asked Council if they had observations and items he had missed in his summary. Also, Mr. Murphy wanted Council to provide direction on what to do first. Chief Palmer concurred with Mr. Murphy, asking Council to provide direction to allow for the most effective use of time and money towards improving emergency preparedness. [Has this been Prioritized and assigned? Will it be Posted on City FB page? And LC home page? So residents can see the progress?](#)

Councilor Casper said she had taken CERT classes with Mayor Anderson just prior to the March 2011 Tohoku earthquake and potential local tsunami. In March 2011 Councilor Casper was evacuated from Nelscott to Taft High School. Councilor Casper said the community learned a lot about how to evacuate people and pets during this event. Councilor Casper suggested doing evacuation drills, focusing on segments of the City.

Are the CERT classes going to be on Line for everyone to attend?

Councilor Mark asked about utilizing radio stations. Could there be a City of Lincoln City radio station, with a tower out of the tsunami zone? What about a County radio station, or a coast-wide radio station? A radio station could also provide messaging for signs along Highway 101. Might state funding for this be available? Councilor Mark said that the Siletz Highway could have been used for evacuations. Also, people could have used South Drift Creek Road, getting there via SE 32nd St, High School Drive and Schooner Creek Road. Councilor Mark asked who makes emergency traffic decisions.

Chief Palmer said that creating a rural side-ride diversion to Highway 229 (the Siletz Highway) would have needed significant labor for traffic control and detour signs. Chief Palmer also said that the types of traffic being sent on those roads should be considered. Would you just send passenger cars that way, or also allow motorhomes and trucks? Chief Palmer also said that while East Devils Lake and West Devils Lake roads were closed, both of them end up on Highway 101, so having access to those wouldn't have helped with traffic issues. Chief Palmer suggests that controlling evacuations by evacuation levels is a better way to handle the situation. Councilor Hinton said that she would have been willing to direct traffic if she had been given appropriate information. Councilor Hinton said that knowing that

Highway 101 was closed to the north would have helped people understand why evacuation was taking so long. Also, knowing exactly where the fire was burning would have helped. Councilor Hinton noted that people in Level 3 evacuation zones couldn't evacuate quickly because people in Level 1 and 2 zones were also evacuating at the same time. Councilor Hinton said people received Lincoln Alerts, but couldn't open them to read them. She would like to see Lincoln Alert information on the front of the alert rather than embedded within it.

Councilor Hinton says that a Communications Plan for the City is important.

Councilor Hinton asked if the City can work on alternate evacuation routes, perhaps partnering with other agencies. Might FEMA \$ be available for evacuation?

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Councilor Hinton suggested an evacuation drill be tied in with October's Shakeout drill.

Councilor Hinton has received information on public radio services. Councilor Hinton said there are 2 available radio opportunities in this area that the City could apply to own and manage. The City could create a public information radio station for emergency notifications, with weather and tide information available day-to-day.

The City does not need to own a radio station! The radio station in Newport should be the channel for people to go to. The City needs to negotiate with this radio station to stay open during a fire. After the negotiations the city will need to have signs around town giving the radio information in case of an emergency.

Councilor Hinton would like to see printed flyers on City property for after-event information, such as telling evacuees where to go and where to get help. Councilor Hinton also wants to make sure the City obtain as much FEMA funding as it can for emergency preparedness and mitigation.

Councilor Hinton asked how City Council can be utilized better in emergency situations, noting that she felt disconnected during this emergency situation.

Councilor Hinton appreciated Mr. Chandler calling her twice a day with updates but feels that the value that Council could bring to an emergency was not used.

Mayor Anderson noted it was reported in rural areas that people in civilian clothes knocked on doors to order residents to evacuate. Mayor Anderson said that some people in the Schooner Creek area were suspicious of these orders, especially as they didn't see or feel the fire outside. Chief Palmer said that all County, State and Police staff deployed were in well-marked uniforms. Chief Palmer said that these people could have been local residents trying to spread the word about the evacuation.

Chief Palmer reported there has been no reported burglaries or looting from this event.

Councilor Hoagland thanked Mr. Murphy for his report. Councilor Hoagland would liked to have seen Councilors and Volunteers working at critical intersections of local roads and Highway 101 to direct traffic. These areas include Holmes Road, and SE 3rd Street. Councilor Hoagland would like to see a radio station providing relevant information.

Councilor Parsons agrees with all points raised. Councilor Parsons would like to see radio being used for emergency notifications. Councilor Parsons wants to focus on prevention and mitigation, noting we have lots of forested land in the City limits. Councilor Parsons wants the City to be prepared for fire emergencies going forward. Councilor Hinton asked how Council can discuss updating Lincoln City's part of the County Emergency Mitigation Plan with Mr. Murphy?

Mr. Murphy said he would schedule a meeting on this with Council.

Mayor Anderson asked how Council can be of help during an emergency?

Mr. Murphy said that dealing with rumors that were posted on Facebook took a tremendous amount of time. Mr. Murphy said he attended a debrief with Samaritan North Lincoln Hospital. Mr. Murphy wanted to state that the rumor that the hospital didn't have a generator was not true. The hospital evacuated because it was in a level 2 evacuation zone. The evacuation process for patients went well.

Mr. Murphy would like to propose what to look at and what to fix, with a graduated timeline. Some items can be worked on right away; others will require funding and staff time.

Councilor Mark asked about CERT involvement. Councilor Mark also asked what caused cell towers to go out, and if there was any backup technology available for cell towers in the event of failure? Councilor Mark would have liked a message to have gone to Level 2 and Level 1 areas encouraging those folks to stay home and free up the highway for Level 3 evacuees. Councilor Mark also encouraged the public to

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take only one car if they are evacuating, to not tow boats during evacuations, and to prepare for emergencies.

Chief Palmer said that CERT had become a part of NLFR. Councilor Hinton said that CERT members in Roads End were delivering meals on behalf on the Red Cross to evacuees in hotels and motels.

Mr. Murphy said that he referred CERT members directly to the Red Cross during this emergency, knowing that NLFR would not have time to manage CERT during a fire emergency. He will ask Chief Dahlman from NLFR about having the City activating CERT directly during future fire emergencies.

Did we contact NLFR about these CERT classes? I know because of COVID they stopped classes. Did Mr. Murphy as about on line classes?

Chief Palmer said education regarding evacuation procedures would be very helpful. Chief Palmer said that when the north end of town was in a level 3 evacuation zone and when people were stuck in traffic. Chief Palmer said that if the fire had been cresting near that area, he wondered how many people knew they could have parked their vehicles and walked to the beach or 1 /2 a mile south to a level 2 zone and been out of immediate danger. Chief Palmer noted that the word evacuation doesn't necessarily mean a journey to Newport or Portland; it can mean a short journey on foot to get yourself to safety.

Mr. Chandler said that public comments sent to the publiccomment@lincolncity.org email address will be posted. Mayor Anderson asked Mr. Chandler about a sensible expectation for the level of recommendations presented by Mr. Murphy? Mayor Anderson noted that there are limited Council meetings in November and December, and that in January Council focuses on its annual goals and the budget.

Mr. Chandler said he will ask Mr. Murphy and Chief Palmer to divide their recommendations into two parts- ones that won't cost much to implement and ones that would have a significant impact on the budget. Mr. Chandler noted that a radio system would be a major budgetary decision.

Mayor Anderson asked when Council could discuss these recommendations with Mr. Murphy and Chief Palmer? Mr. Murphy said he could organize the information into the two categories by the 1st of November.

Mr. Chandler noted how this was a multi-jurisdictional emergency. He also said he will ask Mr. Murphy and Chief Palmer to add a third category of recommendations- ones that need to be made to Lincoln County to improve responses to a multi-jurisdictional emergency.

In the future will Lincoln City be responsible for their own evacuation? According to state ordinances each CITY is responsible for its own evacuations and not to defer to county to evacuate our own CITY.

Councilor Parsons asked Mr. Chandler to be specific about where public comments were being posted, and to share them on the new Facebook page. Mr. Chandler said

they were being posted in 4 places- as part of the record for a particular meeting; on Facebook with a link; on the City webpage; and on the Ron's Report blog.

3. ADJOURNMENT

DICK ANDERSON, MAYOR

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ATTEST:

CATHY STEERE, CITY RECORDER

D.1

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The Office of
CITY ADMINISTRATION

A.

Ronald Chandler

From: Jay Roelof [REDACTED]
Sent: Monday, October 26, 2020 6:13 PM
To: Riley Hoagland
Cc: Diana Hinton; Ronald Chandler
Subject: Fwd: Please read
Attachments: Extract from Oct. 12 mtg..docx; Extract from Oct. 12 mtg..docx

But, it would be helpful if I attached the file!

Begin forwarded message:

From: Jay Roelof [REDACTED]
Subject: Please read
Date: October 26, 2020 at 6:10:14 PM PDT
To: LC Ward 2 Rep Riley Hoagland <rhoagland@lincolncity.org>
Cc: LC Ward 1 Rep Diana Hinton <dhinton@lincolncity.org>, Ronald Chandler <rhandler@lincolncity.org>

I'll do that now.

On Oct 26, 2020, at 6:02 PM, Riley Hoagland <rhoagland@lincolncity.org> wrote:

Thank you for your email. I appreciate the input. Did you send it to Ron as well?

-Riley

Riley Hoagland
City Councilor Ward 2

City of Lincoln City
801 SW Hwy 101 | PO Box 50 | Lincoln City, OR
P: 541.418.1787 |
E: rhoagland@lincolncity.org | **W:** LincolnCity.org

Begin forwarded message

Riley,

Sorry for the late delivery - but the attached comments from Georgia and me on what was

said at the 10/12 Council meeting might apply
to tonight's meeting.

- - Jay

[REDACTED]

- - Jay

[REDACTED]

- - Jay

[REDACTED]

- - Jay

[REDACTED]

Extract from City Council Minutes for October 12, 2020, 6:00 PM meeting

SPECIAL ORDER OF BUSINESS

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"...Mr. Murphy analyzed the evacuation issues. The main problem is the limited road network in the area. Area roads are managed by different groups- ODOT (Hwy 101), Lincoln County, and Lincoln City. The City needs to work with other agencies in the area to develop a better plan to use roads. For example, Highway 229 to Siletz was not used during this emergency. There was no traffic control, and the City doesn't have enough staff currently trained in providing traffic control. Road and traffic control issues will need to be worked through with other agencies..."

"...Councilor Mark said that the Siletz Highway could have been used for evacuations. Also, people could have used South Drift Creek Road, getting there via SE 32nd St, High School Drive and Schooner Creek Road..."

"... Chief Palmer said that creating a rural side-ride diversion to Highway 229 (the Siletz Highway) would have needed significant labor for traffic control and detour signs. Chief Palmer also said that the types of traffic being sent on those roads should be considered. Would you just send passenger cars that way, or also allow motorhomes and trucks? ..."

"...Councilor Hinton noted that people in Level 3 evacuation zones couldn't evacuate quickly because people in Level 1 and 2 zones were also evacuating at the same time..."

FIRST COMMENT: Georgia has a HAM license, so on the day that the Western shore of Devils Lake (where we live) was told to be prepared to respond to being classified as "Level 2" we could hear, first hand how bad the traffic was backed up (including 14th St. going south to Hwy 101). So, we went to an amateur radio frequency that was reserved for accurate emergency reports (mostly traffic oriented) from Lincoln City mobile HAM

operators. When the traffic reports became more reasonable for us to evacuate (5 pm), we left and headed south to Hwy 229.

The intersection with Hwy 229 was manned with emergency personnel and southbound traffic was given a choice to take.

We took "the road less traveled" and had no problems, even though we soon found ourselves behind a HUGE mobile home. It was slow going for a while, but he found a clear spot to pull over so that the cars lined up behind him could pass.

We then made it safely to Salem, where we stayed with our oldest son.

"...Councilor Hinton has received information on public radio services. Councilor Hinton said there are 2 available radio opportunities in this area that the City could apply to own and manage. The City could create a public information radio station for emergency notifications, with weather and tide information available day-to-day..."

"...Councilor Hoagland would like to see a radio station providing relevant information..."

"...Councilor Parsons would like to see radio being used for emergency notifications...."

SECOND COMMENT: Councilor Hinton has focused in on the main communications problem that Georgia and I saw unfold during this crises and council seems to agree. REGARDLES OF COST this should be pursued ASAP.

"...Mr. Murphy said that dealing with rumors that were posted on Facebook took a tremendous amount of time. Mr. Murphy said he attended a debrief with Samaritan North Lincoln Hospital...The hospital evacuated because it was in a level 2 evacuation zone. The evacuation process for patients went well.

THIRD COMMENT: Georgia and I heard A LOT of rumors debunked by her fellow HAM radio colleagues during this crisis. If Lincoln City had an emergency radio station set up to monitor a HAM radio station devoted to informed updates (and not just chatter), these rumors would never have had the impact that they had on social media.

"...Mr. Chandler said he will ask Mr. Murphy and Chief Palmer to divide their recommendations into two parts- ones that won't cost much to implement and ones that would have a significant impact on the budget. Mr. Chandler noted that a radio system would be a major budgetary decision.."

"...Councilor Parsons asked Mr. Chandler to be specific about where public comments were being posted, and to share them on the new Facebook page. Mr. Chandler said they were being posted in 4 places - as part of the record for a particular meeting; on Facebook with a link; on the City webpage; and on the Ron's Report blog..."

FOURTH COMMENT: When our lives are at stake, and a good solution is found, cost should be a challenge to overcome, not a barrier to obtaining the solution.

Also, please note that:

1. Many of us have chosen a long time ago to unsubscribe from Facebook (and some have never subscribe and are unlikely to do so). So it is good that the city is not depending on this form of social media.
2. The City Webpage is really poorly designed to get important, late breaking information from. And it is not dependable. For example, this evening it took almost a half hour to open the agenda packet for this meeting!
3. I've been complaining for months to the Mayor about what a poor information source and format "Ron's Report" is. Gradually, it is finally becoming more readable. But, it will never replace an emergency radio station in an emergency.