

June 27, 2023
6:04 P.M.
Newport, OR

PORT OF NEWPORT COMMISSION MINUTES

This is not an exact transcript. The video of the session is available on the Port's website.

The Port of Newport Commission met on the above date and time at the Administration Building, 600 SE Bay Blvd., and virtually via Microsoft Teams. In attendance were Commissioners Burke, Retherford, Chuck, Lackey, and Sylvia. Also in attendance were General Manager Paula Miranda, Director of Business and Finance Services Mark Brown, Operations Director Aaron Bretz, PR Consultant Angela Nebel, Administrative Assistant Gloria Tucker, Oregon Coastal Management Program Specialist Meg Reed, and Pat Ruddiman.

PUBLIC COMMENT

Burke read the written public comment submitted by Diane Henkels regarding inclusion of the Yaquina Bay Yacht Club and Oregon Boating Foundation in an update to the Strategic Business Plan. Miranda noted the update to the Strategic Business Plan will begin next year.

CONSENT CALENDAR

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

NEW BUSINESS

Presentation on Yaquina Bay Estuary Management Plan. Reed presented the progress on the Yaquina Bay Estuary Management Plan update. Chuck asked what group sets the standard for developers on climate vulnerabilities criteria. Reed replied the decision is pretty discretionary. She noted as long as developers address the items relevant to their proposal, there is no standard for objecting. Chuck asked if in the future with sea level rise, will a matrix be developed. He asked what happens if a project is contested for not considering enough sea level rise. Reed replied the sea level rise map predicts 1.5-foot sea level rise, and developers would use that.

Sylvia stated the problem with sea level rise is who predicts it. He noted he is on the technical committee. He explained the Port does planning 50 years out. He asked who makes that sea level prediction when there is so much uncertainty and large error margins. He emphasized who is the ultimate arbiter and how much flexibility would there be. Reed replied the study by NOAA in 2022 was downscaled to each area, and that is the best available science right now. She stated for a project, the applicant would use that data, give a range, and then design to that standard. Sylvia stated he is concerned in the future, there will be a lot more sensitivity about environmental and climate issues, and this process will be a lot less about checking a box and more about those who don't like a project challenging it. He noted one suggestion is the plan be adaptive and updated every five years. Reed replied that can be added to the plan update piece.

Burke asked what agency reviews the information submitted for addressing sea level rise, or do multiple agencies approve it. Reed replied that depends on the decision level of the proposal.

She noted some proposals would require Planning Director review, Planning Commission review, or state agency review, DLCD or ODFW for example.

Retherford emphasized dredging is an important part of keeping a healthy Port for commercial fishing, sport fishing, and Terminal use. She noted her concern is as time goes by, it is getting harder and harder to get permits for dredging and new projects. She asked how much more involved are these applications going to be. She asked what is changing that is going to affect the fishing fleet. Reed replied the areas that allow dredging are not changing. She explained the plan adds in assessment of climate change vulnerabilities to applications, and that would be new and additional work. She noted the amount of work is determined by the scale of the project.

Retherford asked in the update is there room to ensure Ports stay healthy and thriving and the Port of Newport is able to still do commerce. Reed replied the purpose of the plan is to balance those things. She explained it's a spatial development tool that says communities want development to occur here and communities want protections here. She indicated the plan protects development by designating areas meant for development. She noted the assessment is more work, how much more is hard to say. She added she does not think this would prevent dredging from moving forward. Miranda stated the difficulty with permitting is more associated with state agencies than with the estuary plan.

Sylvia added the plan has inconsistent use of language on this issue of impacts and inconsistent definitions of all these terms. He stated that bothers him because the Port wants to have conversations with these agencies in all of this planning, and they need to make sure everyone is on the same page, otherwise all sides will lawyer up. He indicated he will point this out in written comments. He emphasized definitions matter for conversations with city planners and state agencies.

Employee Recognition – 6 Year Anniversary – Aaron Bretz. Burke introduced the agenda item. Miranda recognized Bretz for his years of service. The Commission thanked him.

OLD BUSINESS

Extension of Sale of Real Property (343 SW Bay Blvd) to Ocean's Edge, LLC. Burke introduced the agenda item. Miranda reported Ocean's Edge asked for additional time to complete the sale. She stated Fran Matthews does not have any intention of not purchasing, but she was not able to get the paperwork completed in time. She added Matthews intends to work with the city on timing for construction.

MOTION was made by Chuck, seconded by Retherford, to authorize the General Manager to execute the amendment to the purchase and sale agreement, as attached, and any closing documents necessary to complete the sales transaction. The motion carried unanimously in a voice vote.

Approval of Capital Improvement List. Burke introduced the agenda item. Miranda overviewed the Capital Improvement List. Burke noted the list is very comprehensive and ambitious.

MOTION was made by Lackey, seconded by Sylvia, to adopt the Capital Improvement List as reflected in the Strategic Plan as attached. The motion carried unanimously in a voice vote.

Approval of Contract with Summit PR. Burke introduced the agenda item. Miranda reported the Port has been working with Angela Nebel at Summit for Public Relations. She stated Nebel has always done an amazing job with newsletters, Facebook, and newspapers. She noted she would like to continue working with her. She indicated this year, she added \$3,200 to have three newsletters published instead of just two.

Burke stated he thinks it is imperative as part of the Port's outreach to constituents to keep it going. He noted people definitely come to all of the Commissioners with questions, comments and kudos because of it. Miranda added there will be a newsletter out soon.

Lackey stated not only does Nebel do a great job, but she also brings great value to the Port. He asked of the different publications, newsletters, social media, or news releases, what do staff get the most comments on, what resonates the most. Miranda replied the reach is different for each one. She noted some people like social media and are active on Facebook, and a lot of stakeholders like the newsletters. Nebel stated the goal of a layered communication is you want to make sure people are hearing about it from all directions.

Sylvia stated Nebel is very professional, and it is critical the Port does this kind of communication. Retherford stated she appreciates the newsletter. She notes this keeps the Port transparent and open to the community. She emphasized people can't say they didn't know because they get a newsletter mailed to their mailbox. She congratulated Miranda and Nebel for their work.

MOTION was made by Lackey, seconded by Retherford, to authorize the General Manager to contract with Summit Public Relations Strategies, LLC, not to exceed \$29,000 plus another 10% contingency. The motion carried unanimously in a voice vote.

Approval of PBS Consulting Agreement for Final Design of Rogue Seawall. Burke introduced the agenda item. Miranda reported she applied for \$1.14 million from the state for the project. She noted staff are still working on permits, and she received the scope of work from PBS and final geotechnical.

Sylvia clarified with staff the cost of the project. He confirmed with staff the construction will be separate.

MOTION was made by Sylvia, seconded by Chuck, to authorize the General Manager to contract with PBS Engineering as presented, not to exceed an additional \$225,865 plus 10% contingency and to authorize the General Manager to contract with GRI as presented to complete additional geotechnical consultation for the final design, not to exceed \$20,000 plus 10% contingency. The motion carried unanimously in a voice vote.

Ratify NOAA Amendment for Property Improvements and new NOAA Amendment for Property Improvements. Burke introduced the agenda item. Miranda reported there were a couple of requests to build glass walls and power stations for electrical vehicles at NOAA. She noted she discussed this with Commission, but she signed the requests. She asked Commission to ratify those supplemental lease agreements, and then approve the new supplemental lease agreement showing the work has been done.

Chuck asked what fund does this come from. Miranda replied NOAA pays for it; they are modifying Port property.

MOTION was made by Chuck, seconded by Lackey, to ratify the General Manager's signature to the two previous supplemental lease agreements and authorize the General Manager to execute the new supplemental lease agreement as attached. The motion carried unanimously in a voice vote.

Extension of Lease with Rondys. Burke introduced the agenda item. Bretz reported at Mclean Point the Port has a stretch of land with about 40,000 cubic yards of material. He noted the term is up. He requested extending this lease for another six months. He added Rondys stated they are not looking to develop that property for another year or two.

Sylvia asked if staff are positive six months will get the material moved. Bretz replied staff do the best they can. He noted Rondys considered trading sand in return for transportation of other material, but that does not look like it will work.

MOTION was made by Retherford, seconded by Lackey, to approve the attached draft lease amendment with Rondys Inc. The motion carried unanimously in a voice vote.

Approval of OSP Lease. Burke introduced the agenda item. Bretz reported the state of Oregon would like to amend their current lease to keep the state police enforcement vehicle Guardian at Newport. He noted the agreement increased the rate over the last five years, but that was established before the recent inflation. Bretz stated he negotiated with them to have a 16 percent rate increase to catch up, and then establish a 3 percent increase over the next five years. He indicated the Port may need to do some bigger maintenance on that dock after that.

MOTION was made by Chuck, seconded by Sylvia, to approve the attached draft lease for Oregon State Police. The motion carried unanimously in a voice vote.

General Manager Evaluation. Burke introduced the agenda item. The Commission praised Miranda's work over the past year. Burke confirmed with staff the Port's COLA this year is 6 percent. Sylvia asked has the General Manager compensation been brought to competitive with other port General Managers. Miranda replied it is competitive with Astoria, Tillamook, and Hood River. She noted Port of Morrow and Port of Coos Bay are way higher. She added she does not consider Port of Portland. Brown requested an effective date in the motion such as the anniversary of the contract. Chuck confirmed with staff the anniversary is in May. Retherford confirmed with staff the pay would be retroactive to that date.

Chuck suggested COLA plus a 4 percent increase. Retherford asked about PTO. Miranda requested this year, an extra week since she will have a knee surgery that will take a week. Lackey suggested rounding up to the nearest \$100, whatever the amount works out to.

MOTION was made by Chuck, seconded by Retherford, to increase the General Manger's salary by 10 percent retroactive to her anniversary date in May, rounded up to the nearest \$100, and to add one week of PTO. The motion carried unanimously in a voice vote.

Retherford suggested changing Miranda's title from General Manager to Executive Director. Miranda recommended putting together a resolution that would officially change the title. Burke tabled the item for next month.

STAFF REPORTS

General Manager Report. Miranda presented Burke with a plaque for his service to the Commission. The Commission praised Burke for his service and leadership. Miranda presented her report included in the packet.

COMMISSIONER REPORTS

Sylvia reported he serves on the Cascades West Area Commission on Transportation. He stated there will be funding for the 27-29 Fiscal Year for three counties, including Lincoln County. He noted the counties decide their priorities. He asked the Commission and staff if there are any transportation projects critical to the Port that he could bring back to Cascades West. Miranda replied that depends on how they define transportation; they tend not to include docks or ports. Sylvia stated the projects are funded by ODOT, which tends to be more land transportation. Miranda stated she will look into Port projects to see if anything fits. Sylvia noted their strategic plan for next year does not include congestion as a category. He added access to the Port is important, especially for trucks.

Chuck reported he was contacted by one of the ODFW Commissioners who wanted to do a dock walk. He stated he overviewed the Port Dock 7 rebuild and talked about NOAA, NIT, and the sport marina to the ODFW Commission. He noted he explained to them there are 400 small businesses supported in the Commercial Marina.

Lackey thanked Bretz for his service to the Port.

ADJOURNMENT

Having no further business, the meeting adjourned at 7:45 p.m.

ATTESTED:



Gil Sylvia, Vice President



Walter Chuck, Secretary/Treasurer