



**CITY COUNCIL SPECIAL MEETING AGENDA**  
**Thursday, December 21, 2023 - 5:00 PM**  
**Council Chambers 169 SW Coast Highway Newport, Oregon 97365**

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All public meetings of the City of Newport will be held in the City Council Chambers of the Newport City Hall, 169 SW Coast Highway, Newport. The meeting location is accessible to persons with disabilities. A request for an interpreter, or for other accommodations, should be made at least 48 hours in advance of the meeting to Erik Glover, City Recorder at 541.574.0613, or [e.glover@newportoregon.gov](mailto:e.glover@newportoregon.gov).

All meetings are live-streamed at <https://newportoregon.gov>, and broadcast on Charter Channel 190. Anyone wishing to provide written public comment should send the comment to [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov). Public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. To provide virtual public comment during a city meeting, a request must be made to the meeting staff at least 24 hours prior to the start of the meeting. This provision applies only to public comment and presenters outside the area and/or unable to physically attend an in person meeting.

The agenda may be amended during the meeting to add or delete items, change the order of agenda items, or discuss any other business deemed necessary at the time of the meeting.

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**1. ROLL CALL AND CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE**

**3. CITY MANAGER'S REPORT**

**3.A Report and Appropriation Addition to Funding for Repairs for the Oceanview Drive Slide Under Limited Emergency 2023 - 2**

[City Manager Report.pdf](#)

[2023-02\\_Declaration\\_of\\_Limited\\_Emergency\\_NW\\_Oceanview\\_Drive\\_SN\\_Signed\\_11-2023.pdf](#)

[CM-Report\\_on\\_Oceanview\\_Drive\\_Emergency.pdf](#)

**4. LOCAL CONTRACT REVIEW BOARD**

**4.A Possible Action as Local Contract Review Board**

[Staff Report \(12-21-23\).pdf](#)

[Exhibit 1 - Sewer Replacement.pdf](#)

[Exhibit 2 - Staff Report \(12-4-23\).pdf](#)

[Exhibit 3 - Project Photos.pdf](#)

**5. ADJOURNMENT**

# CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: December 21, 2023

## Agenda Item:

**Report to City Council of Appropriation on Funding and Authorization of a Contract for Oceanview Drive Slide Repairs.**

## Background:

At the December 4 City Council meeting, Council heard a report on efforts to repair the slide that occurred on Oceanview Drive. An emergency was declared, and confirmed, by the City Council with that emergency being extended through January 3, 2024. Two contracts have been executed since that time in order to conduct repairs to Oceanview Drive. The first contract with Construction-Building-Road, LLC (CBR) involved replacing the 24-inch storm pipe under Oceanview Drive with approximately 100 linear feet of new 24-inch pipe. The new pipe is at a depth of approximately ten feet, whereas the original pipe was approximately 27 feet under the road surface. The abandoned pipe will be filled with flowable grout. In addition, repairs to an eight-inch sanitary sewer were initially conducted. Additional repairs were necessary as work proceeded north of Oceanview Drive to stabilize the slope with rock armoring. Rock armoring is being done by Road and Driveway. Additional sanitary sewer replacement is the recommendation of City Engineering and Public Works that this would replace the sanitary sewer line in its entirety from manhole-to-manhole, a distance of approximately 220 feet. The condition of the sanitary sewer line is marginal, and any connection points are subject to failure in the future. Since the street is currently closed, it makes sense to renew this entire line between these two points.

In order to complete this work, the contract with CBR will need to be increased. To date, CBR has been authorized to conduct \$150,000 worth of work on restoring this line. I am recommending that Council authorize an additional \$100,000 to this contract to complete all of the sanitary sewer work as part of this emergency repair.

It should be noted that Road and Driveway anticipates completing their work within the original \$150,000 authorized contract amount.

Fiscally, the Wastewater Fund is limited in its capacity to fund this additional project. I am recommending that the City Council appropriate \$100,000 from the General Fund reserve in order to complete this work.

## Recommendation:

I recommend the City Council consider the following motion:

I move to appropriate \$100,000 from the General Fund reserve for future expenditures to complete the necessary sanitary sewer work and restoration work for the emergency repairs to Oceanview Drive.

I further recommend that the City Council, acting as the Local Contract Review Board, consider the following motion:

I move to authorize an increase in contracted amount with Construction- Building- Road, LLC (CBR) for repairs to the storm sewer and sanitary sewer for the Oceanview Drive emergency repair project from an amount of \$150,000 to a new not-to-exceed amount of \$250,000, subject to review by the City Attorney.

**Fiscal Effects:**

In addition to a contingency, the General Fund has a reserve for future expenditures of \$1,167,084 which is sufficient to cover this additional expense.

**Alternatives:**

Do not replace the balance of the sanitary sewer line or as suggested by the City Council

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel".

Spencer R. Nebel  
City Manager

**Emergency # 2023-02**  
**DECLARATION OF A LIMITED EMERGENCY**

Findings:

1. Section 1.70.050 of the Newport Municipal Code reads:
  - A. A limited emergency is defined, but not limited to, an emergency that is limited in effect, such as a landslide that affects only one area, or a water shortage that affects only water supply and usage.
  - B. The City Manager, or Acting City Manager, has the authority to declare a limited emergency. It is the obligation of the City Manager, or Acting City Manager, to notify the City Council of the declaration of a limited emergency.
  - C. If the anticipated cost for addressing the limited emergency is no greater than \$250,000, the limited emergency shall be effective until the next regularly scheduled City Council meeting. In the event that the anticipated cost will likely exceed \$250,000, the City Manager, or Acting City Manager, will schedule a meeting of the City Council to be held as soon as possible. The City Council may extend or terminate the emergency at that time.
2. The City to take any of the following necessary actions during the emergency:
  - A. Procure goods and services without compliance with normal procurement procedures.
  - B. Use any available city funds for emergency purposes.
  - C. Close or limit the use of streets and other public places.
  - D. Order and assist the evacuation of people to protect safety or health.
  - E. Turn off water, gas, or electricity.
  - F. Control, restrict, and/or regulate the sale of goods and services, including the imposition of price controls.

IT IS RESOLVED:

On October 25, 2023 at 08:09 P.M. Public Works was notified of the occurrence of a landslide/sinkhole on NW Oceanview Drive just north of NW 25<sup>th</sup> St intersection. On October 25, 2023 public works crews responded and discovered that the sinkhole/landslide eliminated approximately one-half of the southbound lane and had undermined the remaining half of the lane. Subsequent erosion has further undermined the entire southbound lane and is endangering the northbound lane. In addition, crews

determined that communication lines, and a sanitary sewer line ran through the affected area and were exposed/unsupported, but did not fail. On October 25, 2023 Public Works crews closed off NW Oceanview Drive from NW 25<sup>th</sup> St. to the Agate Beach Wayside. Public Works has had geotechnical consultant on site to obtain an analysis on the repair.

On November 02, 2023 crews will begin work to provide emergency support for the suspended sanitary sewer line, and shoring of the slide area.

The Limited Declaration of Emergency is declared to facilitate immediate temporary repairs to the landslide/sink hole area to mitigate the risk of further erosion to the roadway surface, a sanitary sewer or communications line failure, and to facilitate the process to bring contractors onsite to effect permanent repairs to the slide/sinkhole area allowing the section of NW Oceanview Drive to be opened.

At the City Council meeting to be held on Monday, November 06, 2023, the City Council will be asked to extend or terminate the emergency.



Spencer R. Nebel, City Manager



Date

\*At the November 6, 2023 meeting the City Council extended the limited emergency to November 21, 2023.

\*At the November 20, 2023 meeting the City Council extended the limited emergency to January 3, 2024.

# CITY MANAGER REPORT AND RECOMMENDATIONS



Meeting Date: December 4, 2023

## Agenda Item:

**Report and Appropriation of Funding for Repairs for the Oceanview Drive Slide Under Limited Emergency 2023 - 2.**

## Background:

On November 1, 2023 a limited emergency declaration was issued to address slide issues on Oceanview Drive. Preliminary efforts to stabilize the sanitary sewer line were unsuccessful with that sewer line breaking, creating additional settlement in the rock that was placed in the slide area. The collapsed piece of pipe was replaced and the sanitary sewer line has been operating normally since that time. In order to proceed with the balance of repairs to Oceanview Drive, a 24-inch storm pipe that is located in the bottom of the canyon will be replaced with approximately 100 linear feet of new 24-inch pipe. The new pipe will be placed approximately 10 feet below the surface versus the 27-foot depth of the existing pipe. In addition, six-inch rock armoring will be placed on the edge of pavement to the bottom of the ravine, over an approximate length of 150 feet to stabilize the balance of the road that was impacted by the slide. The existing storm lines (27 feet deep) will be abandoned, filling those pipes with flowable low strength concrete, as well as filling two existing manholes to create a new bottom where the raised pipes will be located. Roads and curb repair will be completed after the new storm pipe is in place. If all goes well, the road could be reopened prior to the holiday.

Under the limited emergency, the City Manager has authority to spend up to \$250,000 to address the work needing repairs or a replacement. The estimated cost of the work outlined in this report is \$305,000. I am proposing that \$147,000 be re-appropriated from the Big Creek Bridge Abutment project, and \$158,000 be re-appropriated from the Street Repair and Improvement Program to address the emergency repairs. If additional funding is needed it will come from Street contingency funds.

## Recommendation:

I recommend that the City Council consider the following motion:

**I move to re-appropriate \$147,000 from the Big Creek Bridge Abutment project (17009) and \$158,000 from the Street Repair and Improvement Program (25-23010) to address necessary repairs to Oceanview Drive under limited emergency declaration 2023-2 and authorize the use of contingency funds in the Street Fund if additional funding is necessary to complete this work. I authorize the City Manager to proceed with the necessary contracts to complete these repairs.**

**Fiscal Effects:**

There are sufficient funds in these two projects to complete this work. This may delay initiation of those projects until the next fiscal year. In addition, \$115,000 is available in the Street Fund should there be any cost overruns.

**Alternatives:**

None recommended.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "S. Nebel".

Spencer Nebel  
City Manager





**STAFF REPORT  
CITY COUNCIL AGENDA ITEM**

Meeting Date: December 21, 2023  
(Special Meeting)

**Title:** Oceanview Drive Slide Repair Update

**Prepared by:** Chris Beatty - Acting City Engineer  
Justin Scharbrough - Acting Public Works Director

**Recommended Motion:**

I move that the City Manager and City Council amend a current contract with Construction-Building-Road, LLC (CBR) in the amount of \$150,000 with an increase of \$100,000 for the Oceanview Drive Slide Repair. The new not-to-exceed contract amount to be \$250,000.

**Background Information:**

The initial roadway slide on Oceanview Drive occurred in October 2023. The temporary slide repair, consisting of placing rock armoring on the slope in the immediate area of the initial slide along with replacing a damaged 8” sanitary sewer pipe (approx. 40-feet long, refer to Exhibit 1), was completed.

Construction of the permanent slope repair plan (refer to Exhibit 2) had begun when the Newport area experienced extreme rainfall amounts over a period of several days. During this period, a second, larger slide occurred damaging more of the 8” sanitary sewer pipe (approximately 80-feet, refer to Exhibit 1).

Contacts were in-place for repair of the initial roadway slide in the total not-to-exceed amount of \$150,000 for each Road & Driveway (R&D) and CBR for a total of \$300,000. R&D is constructing the rock armoring of the slope and CBR is constructing all pipe work. Since the second slide occurred, additional costs relating to the sewer repair are necessary for the additional sewer pipe replacement. In turn, this will increase construction costs for CBR which exceeds the maximum amount that can be authorized by the City Manager. Therefore, City Council approval is required to increase CBR’s contract. CBR’s costs are as follows:

Original Sewer Repair on Oceanview Drive	\$ 13,300.82 (work completed to-date)
24” Storm Crossing on Oceanview Drive	\$ 75,020.16 (work completed to-date)
Additional Cost for 12” Storm to Walmart	\$ 52,537.07 (work completed to-date)
<b>Subtotal of work completed to-date</b>	<b>\$140,858.05</b>
CDF Filling of Manhole/Pipes	\$ 10,000.00 (remaining)
Additional Sewer Repair on Oceanview Drive **	\$ 87,606.67 (remaining)
Other Known Miscellaneous Costs	\$ 4,900.00 (remaining)
<b>Total Remaining Work</b>	<b>\$102,506.67</b>
 <b>Total CBR Costs</b>	 <b>\$243,364.72</b>

\*\* It was decided by the Acting City Engineer and Acting Public Works Director, that it was in the best interest of the City to replace the entire section of sewer pipe from manhole to manhole with new 8" PVC pipe (approx. 220-feet long, refer to Exhibit 1) to avoid having several splices in a deteriorated truss pipe that is very fragile. The City Manager agreed.

Any remaining or additional work required by R&D will be covered by their current \$150,000 budget.

The remaining tentative schedule is as follows:

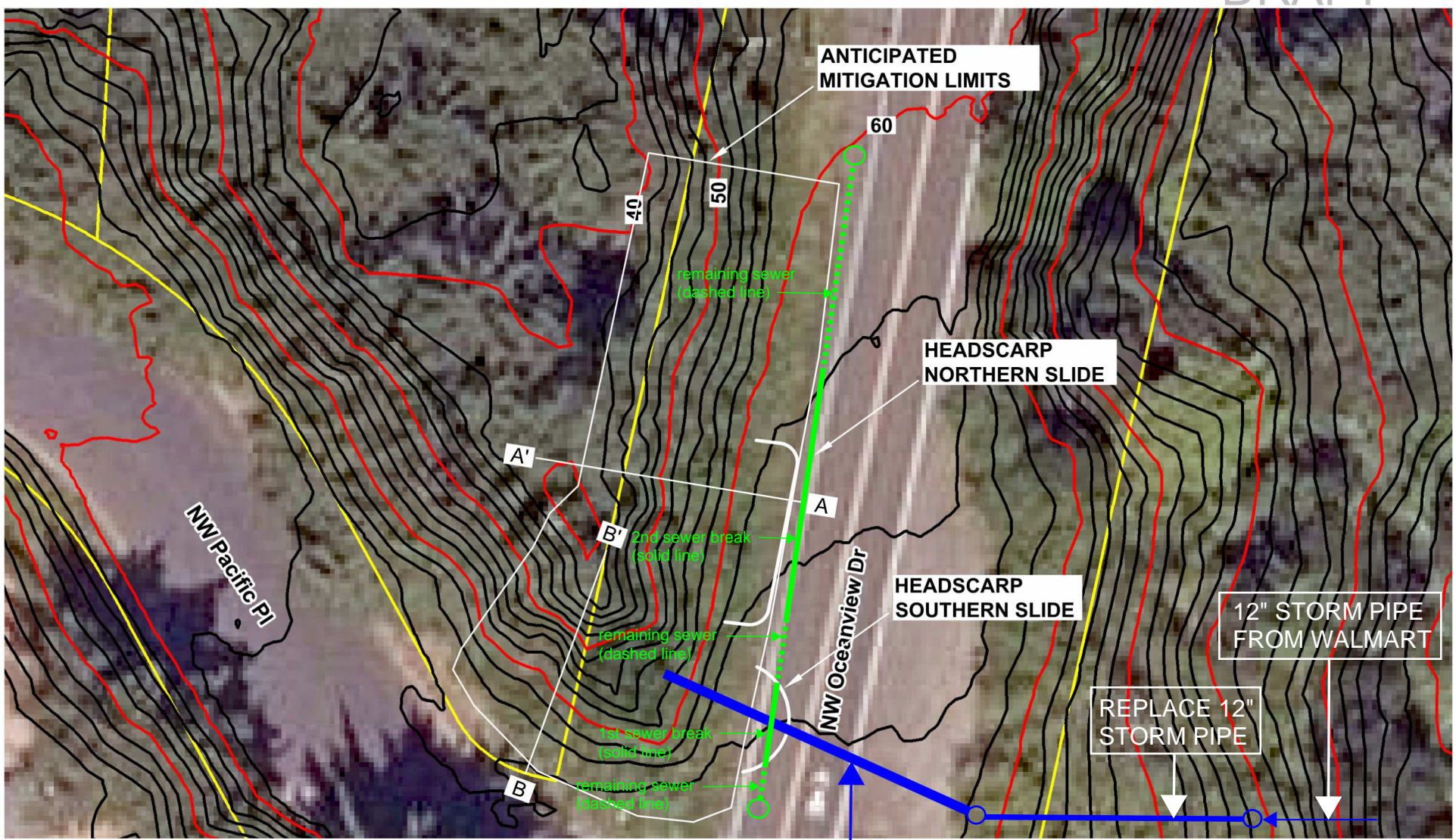
Rock armoring of slope completed	Friday, December 22
Existing manholes and pipes abandonment	Friday, December 22
Sanitary sewer pipe replacement	Tuesday December 26 - Friday December 29
Surface restoration	Following all work above, weather dependent

**Alternatives:**

Replace only the damaged sections of sewer pipe.

**Attachments:**

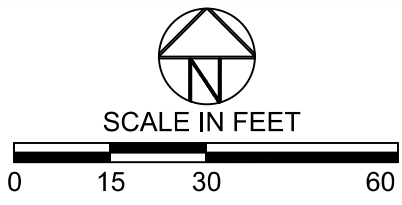
Exhibit 1- Sanitary Sewer Pipe Repair  
Exhibit 2 - Staff Report from 12-4-23 City Council Meeting  
Exhibit 3 - Project Photos



- NOTES;
1. BASE MAP WAS PROVIDED BY THE CITY OF NEWPORT.
  2. SCARP AND CROSS-SECTION LOCATIONS ARE APPROXIMATE.
  3. SEE MEMO FOR A DISCUSSION OF THE SITE CONDITIONS.

**PROPOSED 24" CULVERT. APPROX. 10' DEEP**

**EXHIBIT 1**



**Foundation Engineering, Inc.**  
Professional Geotechnical Services

PROJECT NO.	DATE	DRAWN BY
2231007	11/2/23	DLR

ANTICIPATED MITIGATION LIMITS

NW OCEANVIEW DRIVE SLIDE  
NEWPORT, OREGON

FIGURE NO.

.



**STAFF REPORT  
CITY COUNCIL AGENDA ITEM**

Meeting Date: December 4, 2023

**Title:** Oceanview Drive Slide Repair Update**Prepared by:** Chris Beatty - Acting City Engineer**Recommended Motion:** None**Background Information:**

The roadway slide on Ocean View Drive occurred in October 2023. The temporary slide repair, consisting of placing rock armoring on the slope in the immediate area of the slide along with replacing a damaged sanitary sewer pipe, has been completed.

The permanent repair is underway and consists of the following tasks:

1. Replacing the 24" storm pipe under Oceanview Drive with approximately 100 lineal feet of new 24" pipe. The existing pipe is approximately 27-feet deep, perhaps damaged, and has been identified in the Stormwater Master Plan as needing repair or replacement. During our investigation and development of a plan to remedy the storm pipe issue, raising the pipe to a depth of approximately 10-feet was possible. This could be done by replacing additional approximately 65 lineal feet of pipe upstream to an existing manhole. (Refer to Attachment C).
2. Initially, the plan was to bore a new pipe underneath Oceanview Drive but it was discovered during potholing of existing utilities that there were significant utilities, not field marked, where the bore pit needed to be placed. Open trenching of the pipe became the only plausible option. Construction-Building-Road, LLC (CBR) will be performing the storm pipe work.
3. Placing 6" rock armoring from the edge of pavement to the bottom of ravine over an approximate length of 150-feet. This amount to approximately 1,500 cubic yards of rock. This repair will be in accordance to the recommendations from the City's Geotechnical Engineer of Record, Foundation Engineering, Inc. (FEI). The Geotechnical Engineer will be on-site during construction to provide guidance to the Contractor, Road & Driveway (R&D). An access road parallel to Oceanview Drive will need to be constructed for construction equipment to access the bottom of the ravine. This work also required permitting with Oregon State Parks (OSP) as the ravine is within their property. Coordination with (OSP) is taking place by city staff. (Refer to Attachments A & B for limits and cross section).
4. In order to construct the above-mentioned tasks, tree removal and trimming will be required. Oregon Coast Tree Company will be performing this work.

5. The existing storm lines to be replaced will require abandonment. This will consist of filling the pipe with flowable, low-strength concrete along with filling two (2) existing manholes to create a new bottom where the raised pipes will be located. This work will be performed by either CBR or Ryan Wyles Excavating (RWE).
6. Sidewalk, curb, and asphalt repair will be required where new storm pipe will be placed and where asphalt was removed to complete the temporary repair. This work will be completed by R&D and RWE.

The tentative schedule is as follows:

Tree removal and trimming	Thursday, November 30
Rock armoring of slope	Friday, December 1
Storm pipe replacement	Monday, December 4
Existing pipe abandonment	Following storm pipe replacement
Surface restoration	Following all work above, weather dependent

If all goes as planned the work should be completed prior to Christmas, perhaps sooner. At that point, the road could be re-opened to vehicular traffic.

**Fiscal Notes:**

Based on the Declaration of a Limited Emergency the cost of an emergency repair should not exceed \$250,000. If the cost exceeds this amount, the City Manager will schedule a meeting of the City Council to discuss additional funding. In this case it appears that the total will exceed \$250k as outlined below:

Installing approximately 165 lineal feet of new 24" storm pipe -	\$100k
Placing 6" rock armoring on from top of slope to bottom of ravine -	\$150k
Tree cutting/trimming services -	\$ 5k
Abandoning existing 24" and 12" storm pipes, misc., OSP permits -	\$ 15k
Geotechnical services during construction -	\$ 5k
Previous temporary slide repair already completed -	<u>\$ 30k</u>
<b>Approximate Estimated Total -</b>	<b>\$305k</b>

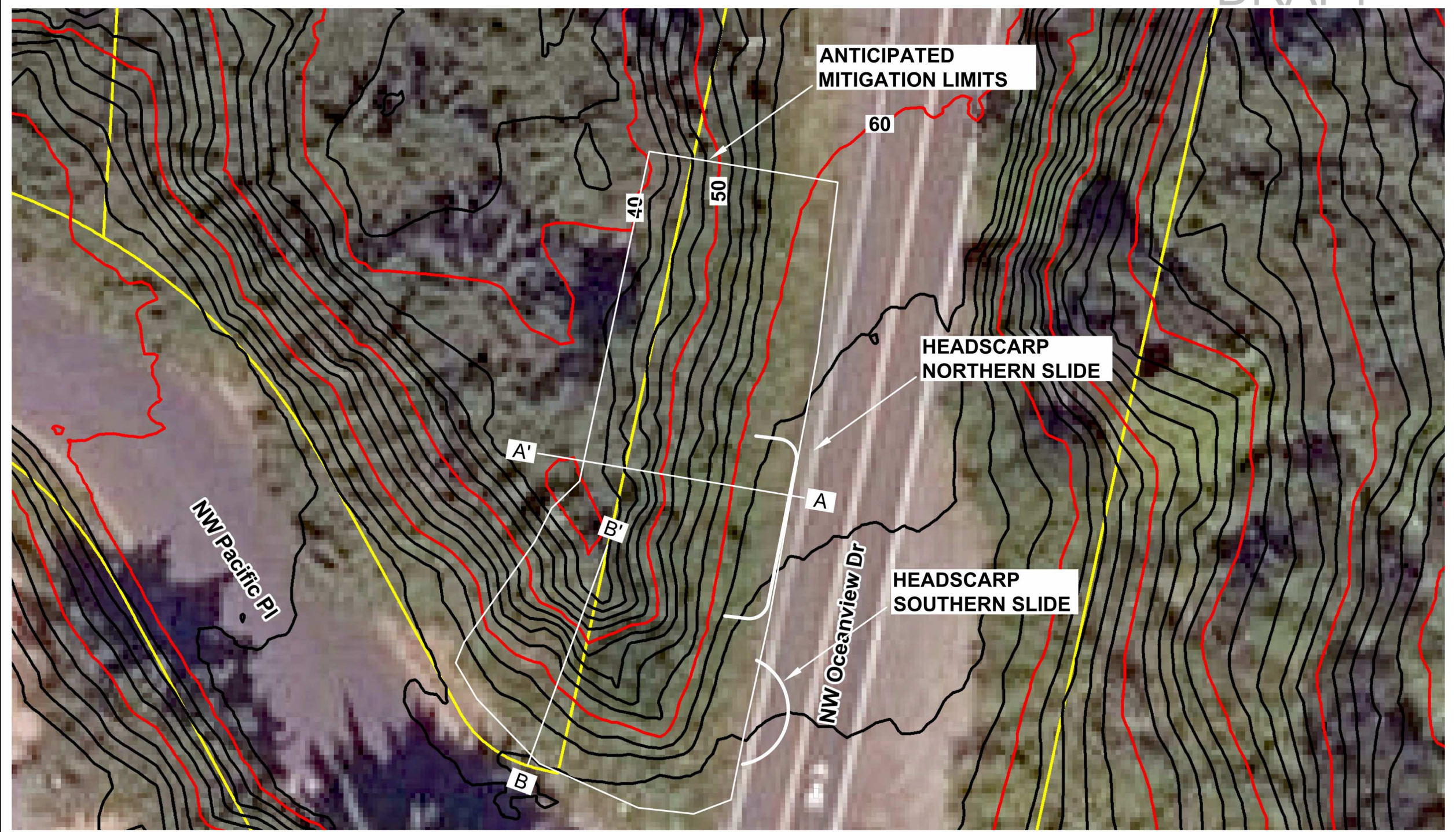
**Alternatives:**

None

**Attachments:**

- A - Rock Armoring Limits
- B - Rock Armoring Cross Section
- C - Storm Pipe Replacement

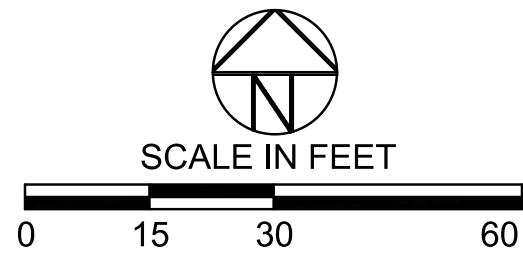





NOTES;

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Attachment A - Rock Armoring Limits

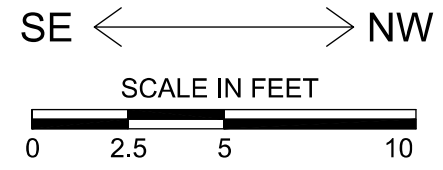
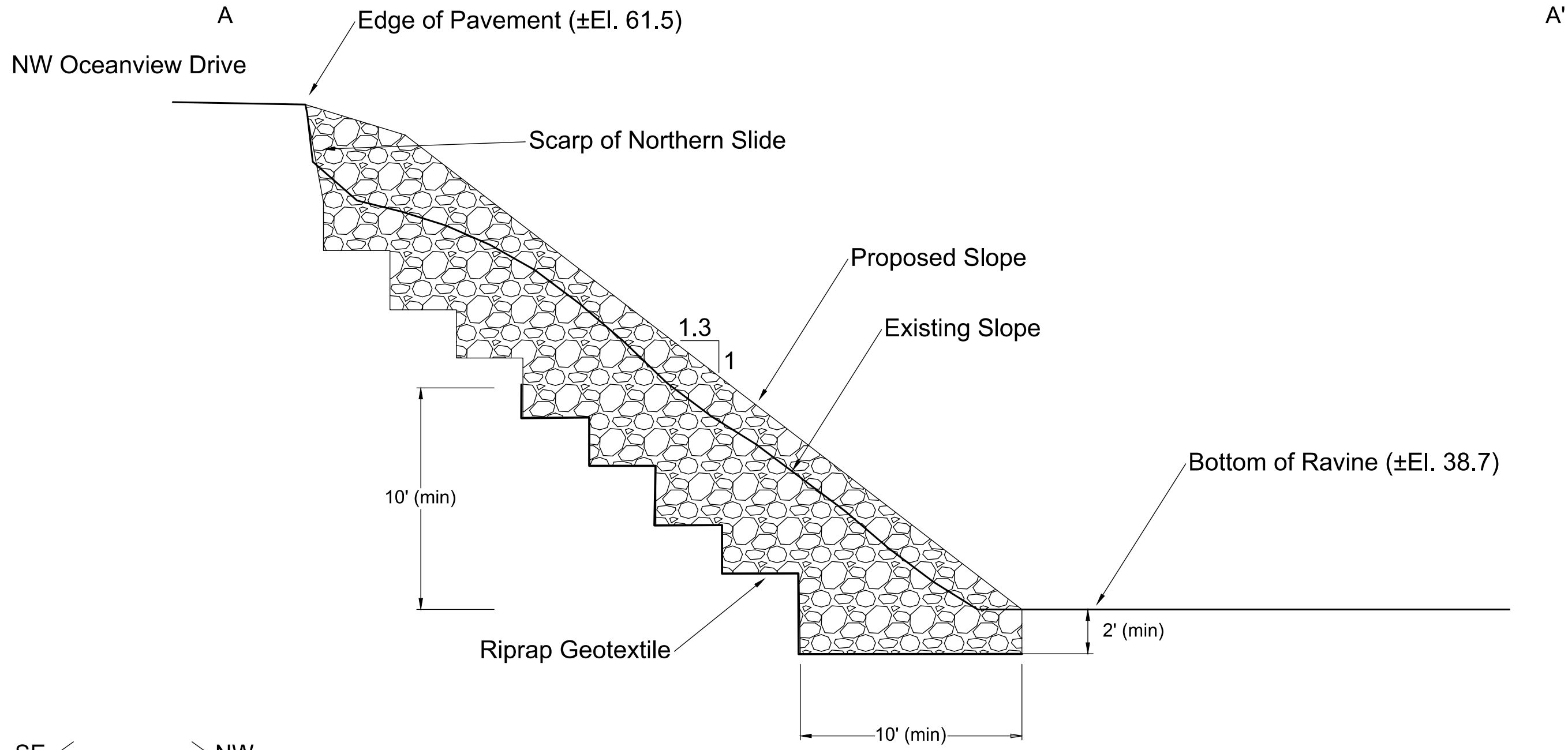


 <b>Foundation Engineering, Inc.</b> Professional Geotechnical Services		
PROJECT NO.	DATE	DRAWN BY
2231007	11/2/23	DLR

ANTICIPATED MITIGATION LIMITS
NW OCEANVIEW DRIVE SLIDE NEWPORT, OREGON

FIGURE NO.
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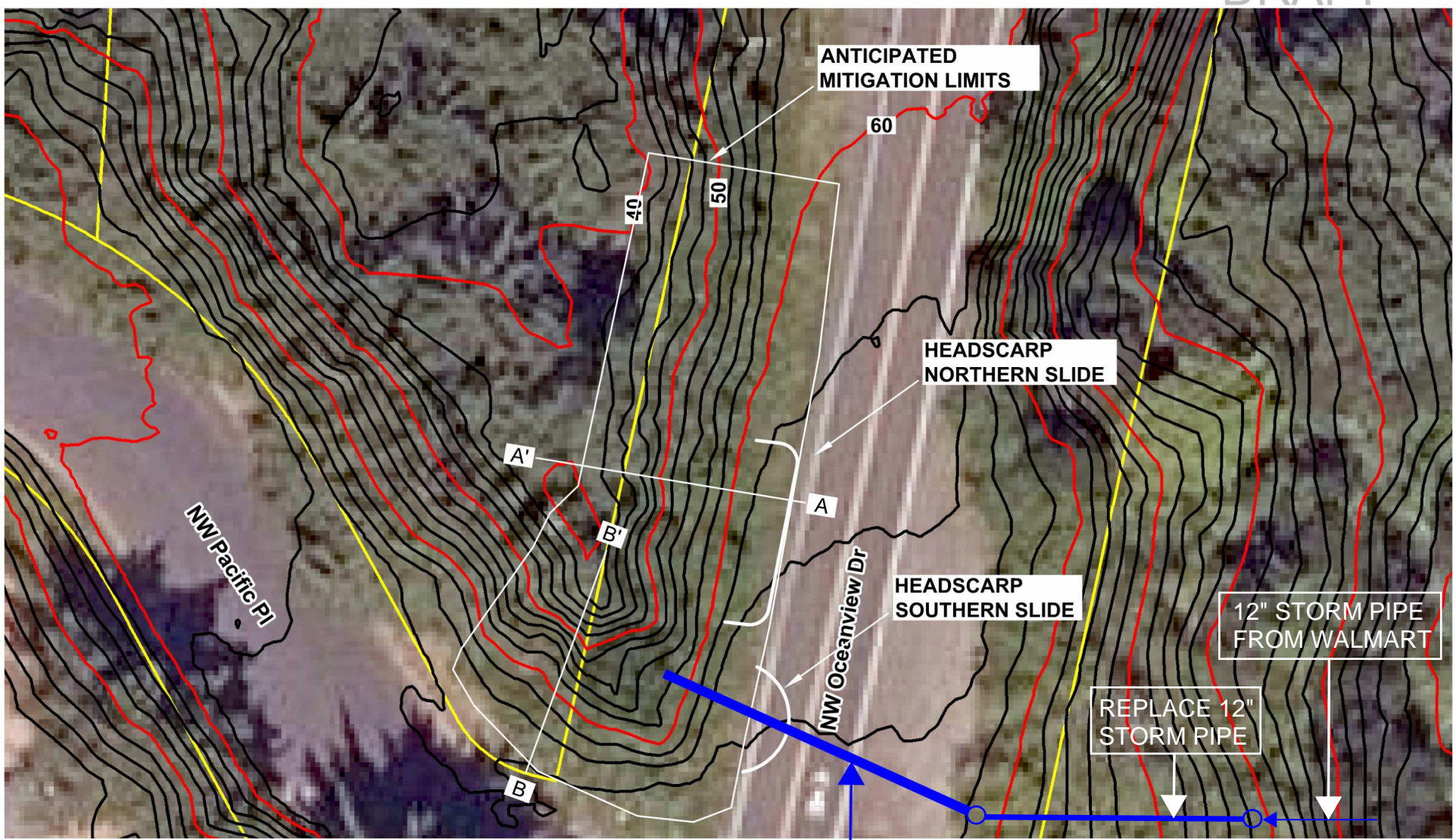




Attachment B - Rock Armoring Cross Section

- NOTES:
1. EXISTING GROUND SURFACE PROFILE IS APPROXIMATE AND IS BASED ON FIELD MEASUREMENTS USING A STEEL TAPE AND A 2-FOOT I-BEAM LEVEL.
  2. APPROXIMATE GROUND ELEVATIONS WERE ESTIMATED USING LIDAR IMAGING.
  3. SEE MEMORANDUM FOR A DISCUSSION OF SITE CONDITIONS AND CONSTRUCTION RECOMMENDATIONS.

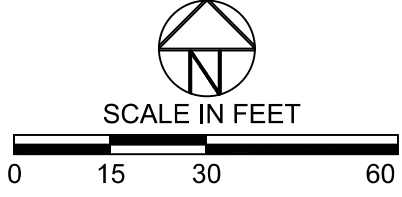
<b>Foundation Engineering, Inc.</b> Professional Geotechnical Services			<b>CROSS-SECTION A-A' - PROPOSED SLOPE</b>	FIGURE NO. <b>5</b>
PROJECT NO. 2231007	DATE: 11/2/23	DRAWN BY: DLR	NW OCEANVIEW DRIVE SLIDE NEWPORT, OREGON	



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PROPOSED 24" CULVERT. APPROX. 10' DEEP

**Attachment C**  
**Storm Pipe Replacement**



<b>Foundation Engineering, Inc.</b> Professional Geotechnical Services		
PROJECT NO.	DATE	DRAWN BY
2231007	11/2/23	DLR

ANTICIPATED MITIGATION LIMITS
NW OCEANVIEW DRIVE SLIDE NEWPORT, OREGON

FIGURE NO.
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**EXHIBIT 3**

**Oceanview Drive Slide Repair Project Photos**



Temporary Slide Repair



24" Storm Pipe Replacement





Initial Slide 8" Sewer Pipe Repair



Broken 8" Sewer Pipe at 2<sup>nd</sup> Slide





Complete 24" Storm Repair Across Oceanview Drive Towards Walmart



Rock Armoring for New slope

24" Storm Pipe to be Extended to Toe of Slope