



**CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD AGENDA
Monday, May 4, 2015 - 6:00 P.M.
Council Chambers**

The meetings of the Newport City Council and the Local Contract Review Board will be held on Monday, May 4, 2015, at 6:00 P.M. The meetings will be held in the Council Chambers of the Newport City Hall, located at 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the agenda follows.

The meetings location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613.

The 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.

**CITY COUNCIL MEETING AGENDA
Monday, May 4, 2015
Council Chambers**

Anyone wishing to speak at a Public Hearing or on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the City Council Chambers. Anyone commenting on a subject not on the agenda will be called upon during the Public Comment section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

- I. Pledge of Allegiance**
- II. Call to Order and Roll Call**
- III. Public Comment**
This is an opportunity for members of the audience to bring to the Council's attention any item not listed on the agenda. Comments will be limited to three (3) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others

IV. Proclamations, Presentations, and Special Recognitions

Any formal proclamations or recognitions by the Mayor and Council can be placed in this section. Brief presentations to the City Council of five minutes or less are also included in this part of the agenda.

- A. Oath of Office - Police Officer - Sam Clark
- B. Proclamation - Brewer's By the Bay - Al Jorgensen
- C. Proclamation - Police Week - Mark Miranda
- D. Proclamation - Older American Month - Peggy O'Callaghan

V. Consent Calendar

The consent calendar consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

- A. Approval of City Council Minutes from City Council Work Session of April 20, 2015 and Regular Meeting of April 20, 2015 (Hawker)

VI. Public Hearing

This is an opportunity for members of the audience to provide testimony/comments on the specific issue being considered by the City Council. Comments will be limited to three (3) minutes per person.

- A. Public Hearing and Possible Adoption of Ordinance No. 2080 - Repealing and Re-enacting Chapter 9.20 of the Newport Municipal Code Relating to Smoking

VII. Communications

Any agenda items requested by Mayor, City Council Members, City Attorney, or any presentations by boards or commissions, other government agencies, and general public will be placed on this part of the agenda.

- A. From Wayfinding Committee - Recommendation to Amend the Municipal Code to Allow for a Ex-Officio Staff Person from Greater Newport Chamber of Commerce to the Committee

VIII. City Manager Report

All matters requiring approval of the City Council originating from the City Manager and departments will be included in this section. This section will also include any status reports for the City Council's information.

- A. Authorization for Land Purchase for Big Creek Wastewater Pump Station
- B. Approval of ODOT Fund Exchange Agreements for the Fiscal Year 2015
- C. Authorization of a Franchise Extension Agreement with Falcon Telecable, locally known as Charter Communications
- D. Scheduling an Executive Session Pursuant to ORS 192.660(2)(d) for Labor Negotiator Consultations -IAFF 4619 Immediately Following this Meeting to Discuss Negotiations

IX. **LOCAL CONTRACT REVIEW BOARD**
Monday, May 4, 2015

- A. Call to Order
 - B. Approval of Task Order No. 17 for Civil West Engineering for the City Hall Municipal Campus Parking Lot
 - C. Adjournment
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X. **Report from Mayor and Council**
This section of the agenda is where the Mayor and Council can report any activities or discuss issues of concern.

XI. **Public Comment**
This is an additional opportunity for members of the audience to provide public comment. Comments will be limited to five (5) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.

XII. **Adjournment**

XIII. **EXECUTIVE SESSION**
Monday, May 4, 2015

- E. Call to Order
 - F. Executive Session Pursuant to ORS 192.660(2)(d) for Labor Negotiator Consultations -IAFF
 - G. Adjournment
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**PROCLAMATION
RECOGNIZING THE ROGUE ALES
BREWER'S MEMORIAL ALE FEST**

WHEREAS, Newport, Oregon is home to the world headquarters of Rogue Ales; and

WHEREAS, For the ninth year, Rogue Ales Brewery will host the Brewer's Memorial Ale Fest in honor of Brewer, the Rogue's Chairman and resident black lab who passed away in May 2006; and

WHEREAS, This festival is a fundraiser that benefits Oregon dog charities, including: Central Oregon Coast Humane Society; Friends of the Lincoln County Animal Shelter; Oregon Coast Therapy Animals; Lincoln County Animal Shelter; Newport Police Department K-9 Unit; and the White Wolf Sanctuary; and

WHEREAS, The festival is held inside the Rogue Brewery where Brewer grew up, and where dogs will have an opportunity to participate in events such as Doggie Musical Chairs, Dog Dancing, a Celebrity Dog Look-a-Like; and a dog/human fashion show; and

WHEREAS, Canine attendees will also enjoy sampling a variety of dog food; checking out dog accessories; and taking a bath at the dog washing station overlooking scenic Yaquina Bay; and

WHEREAS, Canines will be able to address concerns about their human companions with a behavioral trainer; and

WHEREAS, The Brewer's Memorial Ale Fest is the largest dog-beer festival in the world, with something for dogs and their humans, including participation by local artisans, restaurants, and musicians;

Now, Therefore, I, Sandra N. Roumagoux, Mayor of the City of Newport, Oregon, do hereby proclaim May 15 and 16, 2015 to be Brewer's Memorial Ale Fest Days in the City of Newport, and encourage residents and visitors alike to participate in the 9th annual Brewer's Memorial Ale Fest honoring and recognizing the life of Brewer, Rogue's Chairman.

Dated this 4th day of May, 2015.

Sandra N. Roumagoux, Mayor



**PROCLAMATION - POLICE WEEK
MAY 10-16, 2015**

WHEREAS, the President and Congress of the United States have designated May 15 as Peace Officers Memorial Day, and the week in which it falls as Police Week; and

WHEREAS, the members of the Police Department of the City of Newport play an essential role in safeguarding the rights and freedoms of the citizens of Newport; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their police department, and that members of the Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, by protecting the innocent against deception, and the weak against oppression and intimidation; and

WHEREAS, the Newport Police Department has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service;

NOW, THEREFORE, I Sandra N. Roumagoux, Mayor of the City of Newport, call upon the citizens of Newport to observe the week of May 10 through 16 as Police Week, with appropriate ceremonies in which all citizens may join in commemorating police officers, past and present, who by their faithful and loyal devotion to duty have rendered a dedicated service to the city and, in doing so, have established an enviable and enduring reputation for preserving the rights and security of all citizens.

I FURTHER call upon the citizens of Newport to observe Friday, May 15, 2015, as Peace Officers Memorial Day in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

Dated: May 4, 2015

Sandra N. Roumagoux, Mayor



Older Americans Month 2015

Whereas, the City of Newport includes a thriving community of older Americans who deserve recognition for their contributions and sacrifices to ensure a better life for future generations; and

Whereas, the City of Newport is committed to helping all individuals live longer, healthier lives in the communities of their choice for as long as possible; and

Whereas, since 1965, the Older Americans Act has provided services that help older adults remain healthy and independent by complementing existing medical and health care systems, helping prevent hospital readmissions, and supporting some of life's most basic functions, such as bathing or preparing meals; and

Whereas, these programs also support family caregivers, address issues of exploitation, neglect and abuse of older adults, and adapt services to the needs of Native American elders; and

Whereas, we recognize the value of community engagement and service in helping older adults remain healthy and active while giving back to others; and

Whereas, our community can provide opportunities to enrich the lives of individuals of all ages by: promoting and engaging in activity, wellness, and social inclusion; emphasizing home and community-based services that support independent living; and ensuring community members of all ages benefit from the contributions and experience of older adults.

NOW, THEREFORE, I, Sandra N. Roumagoux, Mayor of the City of Newport, do hereby proclaim May 2015, as Older Americans Month in the City of Newport, and I urge every citizen to take time this month to recognize older adults and the people who serve and support them as powerful and vital citizens who greatly contribute to the community.

Sandra N. Roumagoux, Mayor

April 20, 2015
5:30 P.M.
Newport, Oregon

The City Council of the City of Newport met in a work session on the above date in the Council Chambers of the Newport City Hall. On roll call, Allen, Sawyer, Engler, Saelens, Busby, and Roumagoux were present.

Staff present was Acting City Manager (Library Director) Smith and City Recorder Hawker, Municipal Judge Pridgeon, and Court Clerk Breves.

MOTION was made by Saelens, seconded by Allen, to excuse Councilor Swanson and City Manager Nebel from tonight's meetings. The motion carried unanimously in a voice vote.

REPORT FROM MUNICIPAL COURT JUDGE JEFFREY PRIDGEON

Municipal Court Judge, Jeffrey Pridgeon, updated Council on the activities of the Municipal Court over the past year. Allen asked whether nuisance abatement should be the jurisdiction of the circuit court rather than the municipal court. Pridgeon noted that the circuit court would have to have its own set of procedures for handling these issues, and that the city already has procedures in its ordinances. He added that the ordinances need to be updated to allow defendants more notice and ability to participate. Pridgeon also noted that Ordinance No. 1964 authorizes the city to enforce parking in lots owned by the Port of Newport and other jurisdictions. He added that there is no onus on the other governmental entity to provide adequate signage at those lots. He stated that the issue is being handled by the Police Department. Pridgeon also discussed the handling of violations for parking in "wheel chair only" parking spots. Breves reviewed the current and proposed court software.

ADJOURNMENT

Having no further business, the meeting adjourned at 5:47 P.M.

Margaret M. Hawker, City Recorder

Sandra N. Roumagoux, Mayor

April 20, 2015
6:00 P.M.
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Allen, Sawyer, Engler, Saelens, Busby, and Roumagoux were present. Swanson was excused.

Staff present was Acting City Manager (Library Director) Smith, City Recorder Hawker, Community Development Director Tokos, Public Works Director Gross, Fire Chief Murphy, Parks and Recreation Director Protiva, and Police Chief Miranda.

MOTION was made by Allen, seconded by Saelens, to excuse City Attorney Rich from this meeting. The motion carried unanimously in a voice vote.

PLEDGE OF ALLEGIANCE

Council, staff, and the audience participated in the Pledge of Allegiance.

PUBLIC COMMENT

Jenny Stokes addressed Council regarding the possibility of continued ocean monitoring of the Georgia-Pacific effluent.

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

Oath of Office - Firefighter Jonathon Anderson. Hawker administered the oath of office to Firefighter Jonathon Anderson.

Lifesaving Medal Awarded to Police Department Members: Chief Mark Miranda, Officer Kraig Mitchell, and Officer Brad Purdom. Hawker introduced the agenda item. Lieutenant Malloy reviewed the efforts of Police Chief Mark Miranda, and Police Officers Mitchell and Purdom in saving a suicidal person on the bridge. Roumagoux presented the medals.

Proclamation Recognizing Police Officer Steve Kittson on his Retirement. Hawker introduced the agenda item. Roumagoux read a proclamation recognizing Police Officer Steve Kittson on his retirement.

Proclamation - National Library Week. Hawker introduced the agenda item. Roumagoux proclaimed the week of April 12 - 18, 2015 as National Library Week in the City of Newport. Former Library Director, Wyma Rogers, accepted the proclamation.

Recognition of Staff. Roumagoux recognized Library Director Smith for receiving the Oregon Library Association Library Director of the Year Award. Former Library Director, Wyma Rogers, addressed Council regarding the award.

CONSENT CALENDAR

The consent calendar consisted of the following:

- A. Approval of minutes from the work session and regular meeting of April 6, 2015;
- B. Acceptance of the resignation of Eldon Miller from the Senior Advisory Committee whose term expires December 31, 2015;
- C. Authorization for the administrative approval of OLCC license renewals.

MOTION was made by Engler, seconded by Allen, to approve the consent calendar with the changes to the minutes as noted by Allen. The motion carried unanimously in a voice vote.

PUBLIC HEARING

Public Hearing and Possible Adoption of Ordinance No. 2079 Annexing Property Owned by Newport Memory Care, LLC, and Withdrawing Said Property from the Newport Rural Fire Protection District and Lincoln County Library District. Hawker introduced the agenda item. Smith reported that on February 9, 2015, Newport Memory Care, LLC (John Pariani of Pariani Land Surveying, LLC, authorized agent) submitted an application to annex property into the city limits, withdraw property from several districts, and to amend the Newport Zoning Map to adopt a city zone designation for the annexed property of R-4/“High Density Multi-Family” zoning designation with an Iron Mountain Impact Area Zoning Overlay.

Smith reported that the applicant is pursuing the annexation so that they can construct a 48-bed, long-term memory care wing adjacent to the existing Oceanview Senior Living facility. He stated that the property is located at the northeast end of NE 71st Street, and a 50-foot strip of city-owned land along the south border of the property is included so that NE 71st Street can be extended in the future.

Smith reported that criteria for an annexation are listed in Newport Municipal Code Section 14.37.040, which provides that the owners must consent in writing to the annexation, that the affected territory be within the acknowledged urban growth boundary, and that the territory to be annexed is contiguous to the existing city limits. He stated that the criteria for a zoning map amendment are listed in the Newport Municipal Code Section 14.36.010. He added that they require findings that the proposed zoning is consistent with the Comprehensive Plan Map, furthers a public necessity, and promotes the general welfare.

Smith reported that the Planning Commission held a public hearing on the proposal on March 23, 2015 and voted unanimously to recommend approval. He stated that the required notice was provided to the Department of Land Conservation and Development on February 17, 2015. He added that for the Planning Commission public hearing, notification requirements included mailing notice to surrounding property owners, city departments, other public agencies and utilities, and other individuals on February 23, 2015. He noted that a corrected notice was mailed on March 4, 2015, and that the notice of public hearing in the Newport News-Times was published on March 13, 2015.

Smith reported that in accordance with Oregon Revised Statutes 222.120(3), notice of the April 20, 2015 City Council public hearing was published in the Newport News-Times

once each week for two successive weeks prior to the day of the hearing. He stated that notice of the hearing was also posted at the Newport City Hall, Lincoln County Courthouse, Newport Public Library, and Newport Recreation Center for this same period of time. He added that no comments have been received in response to this notice.

Roumagoux opened the public hearing at 6:34 P.M. She called for public comment. John Pariani appeared on behalf of Newport Memory Care. Roumagoux closed the public hearing at 6:36 P.M., for Council deliberation.

MOTION was made by Sawyer, seconded by Saelens, to read Ordinance No. 2079, an ordinance annexing territory to the City of Newport, withdrawing the annexed territory from the Newport Rural Fire Protection District and Lincoln County Library District, and establishing zoning for the annexed territory, by title only and place for final passage. Allen stated that this is an important service that he is glad to see in Newport. The motion carried unanimously in a voice vote. Hawker read the title of Ordinance No. 2079. Voting aye on the adoption of Ordinance No. 2079 were Allen, Busby, Engler, Sawyer, Saelens, and Roumagoux.

COMMUNICATIONS

From Pacific Communities Health District on its Bond Issue. Hawker introduced the agenda item. Smith reported that representatives from the Pacific Communities Health District will attend the City Council meeting to discuss its bond issue that will be on the May 2015 ballot. He stated that the District is seeking voter approval to issue general obligation bonds not exceeding \$57,000,000 for new and updated hospital facilities.

Smith reported that the packet contains the following information was obtained from the Pacific Communities Health District website: "If the bond measure is approved, the District reports that the proceeds would finance capital costs, including: construct a modern hospital building to provide inpatient and outpatient services; construct modern offices to accommodate additional specialty and primary care physicians, more clinical services and additional imaging and treatment capabilities; remodel and update existing buildings to provide additional and improved clinical and support functions and to comply with ADA, seismic, and safety standards; make other site improvements, including demolition of older structures, and pay issuance costs."

Smith reported that the District expects the proposed projects to: provide space for increased services, modern medical technology, increased patient privacy through more private rooms, and improved safety; improve the efficiency of and access to services by co-locating inpatient, outpatient and physician offices in a single structure; and optimize building energy use, which will lower building operational costs.

Smith reported that the District estimates the tax impact to result in a tax of \$0.98 per \$1,000 of assessed value per year, or approximately \$147 per year on property assessed at \$150,000."

Smith reported that additional printed information, provided by the Pacific Communities Health District, and entitled, "Pacific Communities Health District General Obligation Bond Authorization for Hospital - Measure 21 - 163 - Frequently Asked Questions," is included in the packet.

Smith read Rich' memo regarding what Council and staff can do related to bond issues.

David Bigelow, CEO of Pacific Communities Hospital, Ralph Breitenstein, MD, Board Member, and Dr. Scott Grupas, Emergency Department Medical Director, were in attendance representing the Pacific Communities Health District Foundation. Bigelow made a PowerPoint presentation regarding the district's bond issue, and responded to Council questions.

Busby stated that he does not disagree with the need, but is concerned about the cost. He added that while there are no fiscal effects to city, there are fiscal effects to the people. He noted that people will be paying \$1.30 per thousand dollars of assessed property value. He stated that more than 90% of people in Oregon do not pay support for hospitals. He asked what financing alternatives were looked at related to this issue. Bigelow reported that his team had consulted a financial advisor about debt and concluded that debt financing would compete with dollars that could be used for providing services. Busby asked whether district residents receive a benefit, and Bigelow noted that the charge will be the same for every patient. He added that perhaps Samaritan could provide a break on the patient responsibility. Busby asked whether there are alternate plans if the measure fails, and Bigelow noted that if the measure fails, and the election is close, the plan is to bring the measure back in November.

Allen asked why the east county is not included in the district, and whether those communities might be included after the election if the measure passes. Allen asked how many users of the hospital are from outside the district, and Bigelow noted that users are fairly proportional to their place of residence. It was noted that some valley hospitals own buildings, and those in Lincoln City and Newport are district-owned hospitals affiliated with Samaritan. Allen reviewed the process that the city utilized in determining a mechanism to minimize utility rate increases. He noted that the city used revenue bonds and low interest loans.

Roumagoux noted that keeping the hospital in the district, with local control, is critical to maintaining a hospital long-term.

From the Greater Newport Chamber of Commerce - Annual Report to the City Council by Executive Director Lorna Davis. Hawker introduced the agenda item. Smith reported that Lorna Davis, Executive Director of the Greater Newport Chamber of Commerce, is in attendance and will present the Chamber's annual report on tourism promotion services.

Smith reported that the current agreement with the Chamber for tourism promotion services will expire on July 1, 2015. The agreement allows for two one-year extensions of the agreement by mutual agreement of the parties. He added that the Chamber is requesting an extension of the contract at the same level of funding, \$172,500, for the 2015/2016 fiscal year.

Davis distributed a handout entitled, "Newport - Travel Impacts, 1991 - 2013p." She made a PowerPoint presentation regarding statistics. She discussed future trends, overseas markets, conferences, beautification, and the bookings that are already coming for the solar eclipse on August 21, 2017.

From the Parks and Recreation Advisory Committee on the Proposed Bicycle Pump Track. Hawker introduced the agenda item. Smith reported that Protiva is in attendance to update Council on the efforts of the bicycling community to obtain a suitable piece of property for the installation of a bicycle pump track for public use.

Smith reported that many different locations have been explored with various levels of issues or concerns raised by neighbors. He stated that while there is still considerable interest in the Harney and 7th Streets parcel, it appears that the Public Works Department will be utilizing that area for some time.

Smith reported that the search for an accessible location has now focused on the Wilder subdivision. He stated that the principals of Wilder are very open to providing this opportunity under the same type of agreement as the disc golf course. He added that a preliminary location is being explored in the proximity of the dog park and disc golf course. He stated that the challenges have been that the site may cross PUD right-of-way and Lincoln County property. He noted that currently, all parties have been contacted and have agreed to the installation of a bicycle pump track at this location. He added that the Yaquina Wheels Bike Club is contacting the contractor constructing the new coffee shop to see if they can clear some brush and make sure the ground is level. He stated that the Yaquina Wheels Bike Club has agreed to construct and maintain the track in the future. He added that this location is ideal because of the proximity to the start/finish line of the Coast Hills Classic Mountain Bike Race that occurs in early May.

Smith reported that if this project proves feasible, then a follow-up report, including a preliminary agreement, will be developed, and a public hearing, with notice to adjacent property owners, will be requested on this matter.

Protiva addressed Council regarding the proposal and responded to Council questions.

CITY MANAGER'S REPORT

Approval of an Intergovernmental Agreement with ODOT for Shared Lane Markings (Sharrows) on the Yaquina Bay Bridge. Hawker introduced the agenda item. Smith reported that city staff, at the request of the Bicycle and Pedestrian Advisory Committee, has been working with ODOT to install shared lane markings, or sharrows, on the Yaquina Bay Bridge. He stated that there are currently flashing lights on either end of the bridge that, when activated by a button, flash to indicate that cyclists are on the bridge. He noted that often cyclists either do not press the button, or vehicles do not see the signs, causing hazards to cyclists crossing the bridge. He added that since the Yaquina Bay Bridge is the only viable means for cyclists to cross the bay, and the sidewalks across the bridge are too narrow to ride on, cyclists are forced to share the traffic lane. He stated that the purpose of sharrows is to indicate to cyclists where it is appropriate to ride and to indicate to motorists that cyclists are sharing the lane.

Smith reported that the state will be performing the initial installation of the sharrows. He stated that the city will perform maintenance on the lane markings thereafter for the life of the markings, estimated at 20 years. He noted that the markings will be thermoplastic which is highly wear resistant, and should be straddled by the vehicle tires, and maintenance should be fairly minimal.

Smith reported that the IGA has been reviewed by the City Attorney with no comments, and Nebel recommended approval of the intergovernmental agreement.

Busby stated that he is opposed to the installation of sharrows because the detriment to traffic could be noticeable. He added that there is no reason that the majority of bicyclists cannot use the sidewalk. He noted that the sharrows would encourage more bicyclists to use the roadway and less to use the sidewalk. Allen asked

Gross for his perspective regarding safety. Gross agreed with Busby. Gross added that although the state has installed sharrows on bridges in the past, and this issue was a request from the Bicycle/Pedestrian Advisory Committee, it does not make it any safer for bicyclists to install sharrows on the bridge. He added that it might encourage bicyclists to ride on the roadway. Allen asked whether Gross has heard about the use of sharrows on bridges in other areas. Gross reported that there are at least one or two in Portland that stimulated this request. Allen asked how the request originated, and Saelens noted that the Bicycle/Pedestrian Advisory Committee has been interested in this issue for quite a while. He added that not all members of the Committee agree as to whether it is safer to use the sidewalk or the roadway, but it was the consensus of the Committee that the installation of sharrows is the best way moving forward. Miranda noted that riding on the roadway blocks traffic and creates congestion, but added that he could not recall any bicycle crashes on the bridge. Allen asked whether the “walk” sign and the sharrows would present a mixed message. It was noted that walking bicycles on the sidewalk is encouraged due to the narrowness of the sidewalk. Saelens stated that people have to make a personal choice now, and added that ODOT will be mandating sharrows on future projects. Allen stated that he was asking questions to gather enough information to make a decision. Roumagoux noted that the sharrows are confusing in Portland, and Saelens added that is because we are not exposed to them. Allen asked why the city would want to encourage additional riders on deck by having sharrows. Engler noted that she would like to have sharrows on a trial basis, and to apply them with regular paint. She added that if the use of sharrows is successful, thermoplastic sharrows could be applied at a later date.

MOTION was made by Saelens, seconded by Engler, to approve the intergovernmental agreement, number 30509, with the Oregon Department of Transportation to install shared lane markings (sharrows) on the Yaquina Bay Bridge, and authorize the City Manager to execute the agreement on behalf of the City of Newport. Gross stated that he did not presume to speak for ODOT, but that sharrows technically meet the criteria for installation in that location which is why the state did not reject the request. Voting aye in a voice vote were Saelens, Engler, and Sawyer. Voting no in a voice vote were Allen, Busby, and Roumagoux. The motion failed.

Approval of an Intergovernmental Agreement with the State of Oregon for a Local Improvement District Implementation Plan. Hawker introduced the agenda item. Smith reported that on June 14, 2014, the Newport City Council adopted Resolution No. 3678, seeking assistance from the TGM program to help the city review the use of LIDs as a tool for financing some of its infrastructure needs. He stated that the city was successful in getting the project funded, and a consultant has been selected and a statement of work has been prepared. He added that the project will focus on (a) developing effective policy language for how the city can best utilize LIDs as a financing tool for funding planned transportation improvements; (b) preparing “model code” language to ensure the city’s LID financing strategies are properly integrated with the land use and transportation standards it uses to evaluate new development; (c) developing a framework for cost effective administration of an LID program; (d) conducting financial analysis of two “case study” candidate areas to position needed transportation improvements in those areas for future LID financing; and (e) developing informational materials that can be used for public education and outreach regarding the benefits, costs, and mechanics of forming a local

improvement district. He noted that deliverables listed in the IGA are in line with the statement of work that was presented to the City Council for discussion on March 2, 2015. He stated that the project will kick-off once this agreement is in place and must be completed no later than June 30, 2016. He added that a technical advisory committee will be formed to assist the consultants. He recommended approval of the intergovernmental agreement.

MOTION was made by Allen, seconded by Saelens, to approve the intergovernmental agreement with the State of Oregon for a Local Improvement District Implementation Plan, as presented, and authorize the Mayor to sign the agreement. The motion carried unanimously in a voice vote.

Approval of Amendment No. 1 to the Wilder Off-Leash Dog Park License Agreement.

Hawker introduced the agenda item. Smith reported that the city entered into a Park License Agreement with Landwaves, Inc. on August 20, 2010 for an off-leash dog park in the Wilder Planned Development. He stated that the agreement called for Landwaves to construct the park with the city responsible for maintaining the facility. He noted that the park is located on commercially zoned property at the northwest corner of SE Harborton Street and SE College Way. He added that both parties recognized that the location would be temporary, and provisions were drafted into the agreement that Landwaves could move the park, at its expense, once plans were in place to develop the commercial property. He stated that the agreement identified an alternate site, on the opposite side of SE Harborton Street underneath the high-voltage power lines, as the future location of the dog park.

Smith reported that Landwaves is now ready to develop the commercial property and they have determined that they would like to relocate the dog park to a new location that was not identified in the original agreement. He stated that the new location is the southwest corner of the intersection of SE College Way and SE Harborton Street. He noted that this necessitates an amendment to Section 5 of the original agreement, which spells out the terms for relocating the park.

Smith reported that the new location of the dog park is commercially zoned, and it is likely that the dog park will have to be relocated again in the future so that the property can be developed as planned. He stated that the proposed amendment will allow the City Manager to approve future changes to the park's location. He added that Landwaves is covering the cost of moving the park fencing and other appurtenances. He noted that the city will continue to be responsible for maintaining the facility. He recommended approval of Amendment No. 1 to the Park License Agreement with Landwaves.

MOTION was made by Engler, seconded by Busby, to approve Amendment No. 1 to the Park License Agreement, dated August 20, 2010, with Landwaves, Inc., and authorize the City Manager to sign the document as presented. The motion carried unanimously in a voice vote.

Initiation of a Twelve-Month Extension to the Nye Beach Parking District. Hawker introduced the agenda item. Smith reported that at the request of area business owners, the City Council adopted Ordinance No. 1993 establishing the Nye Beach Commercial Parking District to generate funding to pay for parking system improvements. He stated that the parking district is an economic improvement district, funded through a business license surcharge, and was authorized for a five-year period beginning July 1, 2010.

Smith reported that many of the businesses in Nye Beach rely upon public parking assets to meet their parking needs, and there is no dedicated source of funding to maintain or enhance these facilities. He stated that the parking district was created as an alternative to a program that allowed developers to pay a fee in lieu of providing new off-street parking spaces to address the impacts attributed to their projects - a program that proved to be unwieldy. He added that if the parking district expires, the "payment in lieu" option would become available again. He noted that the Planning Commission is taking steps to eliminate that option from the zoning code with such an amendment being subject to City Council approval at a future meeting. He stated that without a parking district of some sort or a payment in lieu option, development in Nye Beach will be restricted to those projects that can provide the parking they need outside of the public rights-of-way.

Smith reported that a citizen advisory committee provides oversight regarding the use of parking district funds and a memo is included in the packet showing the improvements that have been funded since the district was established. He added that also included in the packet is an outline of the scope of work for the parking study.

Smith reported that an economic improvement district that is funded through a business license surcharge may be extended by ordinance provided the affected business owners are given an opportunity to testify in favor or opposition to the proposal (ORS 223.147(2)(b) to (d)). He stated that the notice must be provided at least 30 days prior to the date of the public hearing. He added that if more than 33 percent of the affected businesses object, then the district will not be extended and will expire effective July 1, 2015.

Smith reported that Council is being asked, at this meeting, to consider whether or not to set a date for a public hearing to consider an ordinance that would extend the Nye Beach Commercial Parking District for a period of 12-months. He stated that this would allow the business license surcharge established with Ordinance No. 1993 to be collected for the sixth consecutive year.

Smith reported that the Parking District Advisory Committee supports the extension as it will provide sufficient time for a parking study to be performed to establish whether the parking district should continue in its current form or whether an alternative approach should be pursued to address the areas parking needs. He stated that it will also provide additional funding to pay for a portion of the cost of reconstructing and enhancing the Nye Beach turnaround should that project be funded next year. Smith recommended setting a public hearing date on June 1, 2015 to consider an ordinance that would extend the parking district for twelve months.

MOTION was made by Busby, seconded by Saelens, to set June 1, 2015, at 6:00 P.M. or soon thereafter, as the date and time for a public hearing at which the City Council will consider an ordinance that will extend the Nye Beach Commercial Parking District for a period of 12-months and further direct staff to provide the affected business owners with notice of the hearing as provided in ORS 223.154. The motion carried unanimously in a voice vote.

REPORTS FROM MAYOR AND COUNCIL

Roumagoux reported that she attended the first half of the city's harassment training on April 7.

Roumagoux reported that on April 8, she participated in the selection of the Joann Hamilton scholarships awardees.

Roumagoux reported that, on April 9, she participated in the ribbon cutting for the Rolling Thunder Barrel Works, Rogue Ales and Spirits new barrel making facility.

Roumagoux reported that, on April 10, she delivered a welcome address at the state radiologist's conference.

Roumagoux reported that, on April 10, she participated in an LOC webinar regarding legislation. She noted that the transportation bill had been reshuffled to the end, and that information on vaping was discussed. She added that there are no vaping guidelines at this time.

Roumagoux reported that she participated in the groundbreaking for the OMSI camp on April 12.

Roumagoux reported that she participated in a Budget Committee meeting at OCCC on April 15. She added that this is her fifth year as a member of the Budget Committee.

Roumagoux reported that she attended the April 17 opening of Rick Bartow's Retrospective at the University of Oregon Schnitzer Museum.

Roumagoux reported that she attended the federal court hearing, earlier today, regarding the lawsuit filed against the U.S. Coast Guard in an effort to retain the air facility in Newport. She noted that a ruling is expected in approximately two weeks.

Roumagoux reported that she attended a reception for Keiko Kobayashi, who was visiting from Mombetsu, Newport's Sister City.

Allen reported that he attended an OCZMA meeting on April 10. He noted that the staff is transitioning, and the group discussed how to move forward with limited revenues and a new structure. He added that legislation regarding coastal issues was discussed including wave energy, renewable energy, and wind on water. He noted that there are projects proposed off Coos Bay in federal waters. He added that there is a committee hearing tomorrow on one of the bills, and that he will e-mail that information to the City Council.

Engler reported that she attended a recent meeting of the Solid Waste Advisory Committee where the debris management plan was discussed. She noted that the haulers prefer something simple, and that Gross may be asked to attend the next meeting.

Engler reported that she attended the recent groundbreaking for the OMSI camp. She noted that OMSI had high praise for the city and staff. She added that she had an opportunity to talk with OMSI's landscape architect.

Engler reported that she and Hawker had participated in an LOC workshop entitled, "Connect with your Community: Communication Strategies that Work." She noted that it included information on social media and generational communication.

Engler reported that she attended a recent meeting of the Nye Beach Merchants Association, and the group is working on a new brochure.

Engler reported that the Nye Beach Overlay Design Review meeting had been postponed. Tokos noted that he would schedule a meeting once he has the draft documents.

Engler asked Gross about the status of the parking study for the pool. Gross stated that he will schedule meetings later this week.

Busby reported that the Volunteer Appreciation Dinner is tomorrow night.

Busby reported that he attended a recent meeting of the Airport Committee. He noted that the city had issued a request for expressions of interest for operating the FBO, and that three written and one oral submission was received. He stated that the Committee

agreed to continue with the development of an RFP. Sawyer asked whether there was a discussion regarding what would happen to the existing airport employees, and Busby noted that this is subject to negotiation, but that there could not be a contractual provision to hire the city's employees.

Busby reported that he attended a recent meeting of the Public Arts Committee. He noted that the Committee reviewed 24 Bayfront murals, and that a discussion ensued regarding the value of the murals to the city and condition issues associated with them. He stated that one of the Council goals is beautification, and that he expects the Public Arts Committee to request beautification funding for the restoration of murals.

Allen asked about the status of the Airport Advisory Task Force. Roumagoux reported that it will begin meeting after the budget process, and that Mayor Williams from Lincoln City and Mayor Mattila from Depoe Bay have been added to the group.

Sawyer reported that he attended a recent meeting of the Destination Newport Committee at which the Committee reviewed a number of advertising proposals. He added that most of them were denied due to the budget. He noted that three Committee members, who own or manage lodging establishments, requested additional Symphony tickets for packages. He stated that the Committee is considering a Newport video that would be produced by the News-Times.

PUBLIC COMMENT

Roumagoux read a note of apology from Marlette Noe regarding comments that she had made earlier in the meeting.

ADJOURNMENT

Having no further business, the meeting adjourned at 8:43 P.M.

Margaret M. Hawker, City Recorder

Sandra N. Roumagoux, Mayor



CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda #: VI.A.
Meeting Date: May 4, 2015

Agenda Item:

Public Hearing and Consideration of Ordinance No. 2080 - Repealing and Re-enacting Chapter 9.20 of the Newport Municipal Code Related to Smoking

Background:

The Parks and Recreation Advisory Committee recommended that the City Council consider enacting an ordinance prohibiting smoking in city parks. Their recommendation excluded the parking lots and sidewalks surrounding any park property. On April 20, 2015 the City Council held a public hearing and heard testimony supporting the prohibition of smoking in city parks. Parks and Recreation Director Jim Protiva outlined a few comments from members of the Parks and Recreation Advisory Committee who were not supportive of this prohibition so that information would be part of the record. Following the public hearing, the Council directed staff to draft language amending Ordinance No. 1917 to include the addition of City of Newport park property as non-smoking zones.

In reviewing the city code it appears more appropriate to repeal and re-enact Chapter 9.20 of the Newport Municipal Code relating to smoking and drug use. This section of the city code deals directly with the use of tobacco at various locations within the city. Parks and Recreation Director Jim Protiva, City Recorder Peggy Hawker, City Attorney Steve Rich and myself meet to review this changes. It also seemed appropriate to address e-cigarettes and vaporization products as part of this clean-up. The primary revision to the code provides in section 9.20.010(A)(3) that in addition to the prohibition on smoking provided by the State law, smoking and the use of illegal drugs are prohibited anywhere on the following properties: 1. Newport Public Library, 2. City Hall, 3. Recreation Center, Aquatic Center and within all boundaries of City of Newport parks, excluding parking areas.

In addition, section 9.20.020 enforcement has been cleaned up to indicate that the Police Chief may authorize library employees and parks and recreation employees to act as code enforcement officers to enforce this provisions at the library and within the city's park system.

I believe that these modifications will meet the intent of the City Council action and clean-up existing provisions in this section of the code.

Recommended Action:

I recommend the Mayor conduct a public hearing on Ordinance No. 2080; which repeals and re-enacts Chapter 9.20 of the Newport Municipal Code, related to smoking in and around public buildings and in city parks.

I further recommend after considering any comments made that the City Council consider the following motion:

I move to read ordinance 2080, an ordinance which repeals and re-enacts Chapter 9.20 of the Newport Municipal Code, related to smoking in and around public buildings and in city parks, by title only, and place for final passage.

The Mayor will then ask for a voice vote on whether to read the ordinance by title only and place for final passage.

If approved, the City Recorder will read the title of the ordinance.

A roll call vote on the final passage of the ordinance will then be requested by the Mayor and taken by the City Recorder.

Fiscal Effects:

The city would need to develop signage for the outside areas where smoking is prohibited.

Alternatives:

Modify the proposed language 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



Agenda Item: VI.A.
Meeting Date: May 4, 2015

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Public Hearing and Consideration of Ordinance No. 2080 - Repealing and Re-enacting Chapter 9.20 of the Newport Municipal Code Related to Smoking

Prepared By: Hawker Dept Head Approval: ph City Mgr Approval: _____

Issue Before the Council: The issue before Council is to hear public comment on proposed Ordinance No. 2080 which, if adopted, would repeal and re-enact Chapter 9.20 of the Newport Municipal Code related to smoking in and around public buildings and in city parks.

Staff Recommendation: This is a Council decision.

Proposed Motion: I move to read Ordinance No. 2080, repealing and re-enacting Chapter 9.20 of the Newport Municipal Code, related to smoking in and around public buildings and in city parks, by title only, and place for final passage.

Key Facts and Information Summary: At the April 20, 2015 City Council meeting, Council heard comments from Parks and Recreation Director, Jim Protiva, and members of the audience regarding a possible prohibition on smoking in City of Newport parks. At the conclusion of testimony, Council approved the following motion: "to direct the city staff to draft language amending Ordinance No. 1917 to include the addition of City of Newport park property as no smoking zones with this restriction excluding parking lots, and public street sidewalks surrounding park properties." Ordinance No. 2080, as presented, includes the following changes:

9.20.005A. has been amended to include vaporization, e-cigarettes, and nicotine.

9.20.005B has been amended by moving the word "illegal" from in front of the word "use" to in front of the word "drug" in the first line. This changes that section from "illegal use" to "use of illegal drug."

9.20.010 has been amended to add the word "illegal" before the word "drug," and insert the verbiage "anywhere on the following properties" and deleting the verbiage "in the following locations."

9.20.010 has been amended to add the word "illegal" before the word "drug," and insert the verbiage "anywhere on the following properties" and deleting the verbiage "in the following locations."

9.20.010(A)(1) has been changed to read "Newport Public Library," rather than "City of Newport Library."

9.20.010(A)(3) has been amended to read "The Recreation Center, Aquatic Center, and within the boundaries of all City of Newport parks, excluding parking areas," and deleting (A)(4) and (A)(5) which currently reads: (A)(4) "The property on which any city-owned swimming pool or aquatic center is located;" and (A)(5) "Literacy Park."

9.20.010(B) was deleted in its entirety and pertained to sidewalks adjacent to the Library, Recreation Center, Literacy Park, Senior Center, and the bus shelter in front of City Hall. The proposed amendment is not intended to prohibit smoking in the area surrounding the senior center, and the bus shelter and sidewalk adjacent to Highway 101 in front of City Hall.

9.20.020 has been amended to delete B., and A. has some housekeeping changes which are consistent to previous language related to areas where smoking is prohibited. It also gives the Police Chief the authority to designate library and parks employees to act as code enforcement officers.

Other Alternatives Considered: Do not adopt Ordinance No. 2080.

City Council Goals: None.

Attachment List: Ordinance No. 2080
Marked-up copy of the existing Chapter 9.20 of the NMC showing the changes to the code.

Fiscal Notes: None.

CITY OF NEWPORT

ORDINANCE NO. 2080

AN ORDINANCE REPEALING AND RE-ENACTING
CHAPTER 9.20 OF THE NEWPORT MUNICIPAL CODE
PERTAINING TO SMOKING AND DRUG USE

WHEREAS, the City of Newport Charter provides that the city has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant; and

WHEREAS, the above referenced grant of power has been interpreted as affording the city all legislative power under the home rule provisions of the Oregon Constitution; and

WHEREAS, it is the purpose of this ordinance to prohibit smoking and drug use in city buildings and on city properties, including parks; and

WHEREAS, the purpose of this ordinance is to provide a healthy and safe environment for users of city properties, including parks; and

WHEREAS, the City Council adopted Ordinance No. 1917 pertaining to smoking and drug use, on May 21, 2007, and it became effective on June 20, 2007, and the ordinance needs to be updated to address the health and safety of users of city properties, including parks.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Chapter 9.20 of the Newport Municipal Code is repealed and re-enacted as shown in the attached Exhibit A.

Section 2. This ordinance will become effective thirty days from the date of adoption.

Adopted by the Newport City Council on the _____ day of _____, 2015.

Sandra N. Roumagoux, Mayor

ATTEST:

APPROVED AS TO FORM:

Margaret M. Hawker, City Recorder

Steven Rich, City Attorney

**EXHIBIT A
TO ORDINANCE NO. 2080**

CHAPTER 9.20 SMOKING AND DRUG USE

9.20.005 Definitions

The following definitions apply to this chapter.

- A. **Smoking** means any inhaling, exhaling, burning, vaporization, or carrying of any lighted pipe, cigar, cigarette, e-cigarettes, or similar product containing tobacco, nicotine, cannabis, illegal drug, or any similar substance. "Smoking" also includes discarding of any tobacco, nicotine, cannabis, or illegal drug product or residue, such as cigarette or cigar butts, ashes, spit containing tobacco or drug residue, or other similar discarded product or residue.
- B. **Drug Use** means any use of any illegal drug and any intentional inhaling of any glue, adhesive, aerosol propellant, or similar substance.

9.20.010 Prohibition on Smoking and Drug Use In or Near Certain City Buildings

In addition to the prohibitions on smoking provided by state law, smoking, and illegal drug use is prohibited anywhere on the following properties:

1. The Newport Public Library.
2. City Hall.
3. The Recreation Center, Aquatic Center, and within the boundaries of all City of Newport parks, excluding parking areas.

9.20.015 Exceptions

The prohibition on smoking does not apply to smoking within a vehicle in a driveway or parking lot, but does apply to discarding smoking materials such as cigarette butts onto the listed properties.

9.20.020 Enforcement

Violation of this chapter is a civil infraction. Each separate action is a separate infraction. In addition to any other

authorized code enforcement officers, library employees and parks and recreation employees may be authorized by the Police Chief to act as code enforcement officers to enforce this chapter as to violations on or adjacent to Newport Public Library property and all City of Newport parks, the Recreation Center, and Aquatic Center.

9.20.025 Affirmative Defense

It shall be an affirmative defense that a person accused of a violation of this chapter was unaware of the prohibition on smoking and the location where the person was smoking was not marked with a sign prohibiting smoking. The defense is not available if the person continued smoking after being advised of the prohibition.

(Chapter 9.20 was adopted by Ordinance 1917 on May 21, 2007; effective June 20, 2007.)

(Chapter 9.20, as enacted by Ordinance 1917, was repealed and re-enacted in its entirety by Ordinance No. 2080, adopted on _____, 2015; effective on _____, 2015.)

DRAFT

CHAPTER 9.20 SMOKING AND DRUG USE

9.20.005 Definitions

The following definitions apply to this chapter.

A. **Smoking** means any inhaling, exhaling, burning, vaporization, or carrying of any lighted pipe, cigar, cigarette, e-cigarette, or similar product containing tobacco, nicotine, cannabis or other illegal drug, or any similar substance. "Smoking" also includes discarding of any tobacco, nicotine, or cannabis or other illegal drug product or residue, such as cigarette or cigar butts, ashes, spit containing tobacco or drug residue, or other similar discarded product or residue.

Deleted:

B. **Drug Use** means any use of any illegal drug and any intentional inhaling of any glue, adhesive, aerosol propellant, or similar substance.

Deleted: illegal

9.20.010 Prohibition on Smoking and Drug Use In or Near Certain City Buildings

In addition to the prohibitions on smoking provided by state law, smoking and illegal drug use is prohibited anywhere on the following properties:

Deleted: in the following locations

A. Anywhere on the following properties, including both indoor and outdoor areas:

1. The Newport Public Library.
2. City Hall.
3. The Recreation Center, Aquatic Center, and within the boundaries of all City of Newport parks, excluding parking areas..

Deleted: City of

Deleted: 4. The property on which any city-owned swimming pool or aquatic center is located.¶
¶
5. Literacy Park.

Deleted: B. On sidewalks adjacent to:¶
¶
1. The City of Newport Library.¶
¶
2. The Recreation Center.¶
¶
3. Literacy Park.¶

9.20.015 Exceptions

The prohibition on smoking does not apply to smoking within a vehicle in a driveway or parking lot, but does apply to discarding smoking materials such as cigarette butts onto the listed properties.

For purposes of this section, the area immediately surrounding the senior center and the bus shelter and sidewalk adjacent to Highway 101 in front of city hall shall not be considered part of the city hall property.¶

Deleted: ¶
A.

9.20.020 Enforcement

Violation of this chapter is a civil infraction. Each separate action is a separate infraction. In addition to any other authorized code enforcement officers, library employees and parks and recreation employees may be authorized by the Police Chief to act as code enforcement officers to enforce this chapter as to violations on or adjacent to the Newport Public Library property and all City of Newport parks, the Recreation Center, and Aquatic Center.

Deleted: B. The prohibition on smoking does not apply to smoking of stage cigarettes as part of a scheduled dramatic or similar performance in the Literacy Park performance area. ¶

Deleted: all

Deleted: are

9.20.025 Affirmative Defense

It shall be an affirmative defense that a person accused of a violation of this chapter was unaware of the prohibition on smoking and the location where the person was smoking was not marked with a sign prohibiting smoking. The defense is not available if the person continued smoking after being advised of the prohibition.

Deleted: library property and Literacy Park and all parks and recreation department employees are authorized to act as code enforcement officers as to violations at the recreation center and Literacy Park.

(Chapter 9.20 was adopted by Ordinance 1917 on May 21, 2007; effective June 20, 2007.)



CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda#: VII.A.
Meeting Date: May 4, 2015

Agenda Item:

From Wayfinding Committee - Recommendation to Amend the Municipal Code to Allow for an EX-Officio Staff Person from the Greater Newport Chamber of Commerce to the Committee

Background:

The Wayfinding Committee has approved a motion requesting that the Committee be expanded to eight members which would include an ex-officio, nonvoting staff member from the Greater Newport Chamber of Commerce. This would provide better continuity between the city and the Chamber of Commerce on wayfinding signage issues within the community. If the Council is supportive of this change then a motion directing staff to prepare an amendment to section 2.05.070 of the Newport Municipal Code would be recommended. Please note that the Wayfinding Committee also recommended that an annual wayfinding summit be convened to discuss various issues in the City of Newport to direct future priorities for improvements to wayfinding within the community. I do not believe an action is required of the second motion, the committee would certainly be free to proceed along those lines.

Recommended Action:

I recommend the City Council consider the following motion:

I move that the city administration be directed to prepare an ordinance amending section 2.05.070 the Wayfinding Committee to add an ex-officio/nonvoting staff member from the Greater Newport Chamber of Commerce to the committee membership.

Fiscal Effects:

None.

Alternatives:

Do not amend the code but suggest the committee invite the Chamber to participate regularly or as suggested by the City Council.

Respectfully submitted,

Spencer R. Nebel
City Manager

The City of Newport Public Works

169 S.W. Coast Highway

Newport, OR 97365

Coast Guard City, U.S.A.



phone: 541.574.3366

fax: 541.265.3301

www.newportoregon.gov

Home Port of NOAA Pacific Fleet

Sister City: Mombetsu, Japan

MEMO

Date: March 9, 2015

To: Spencer Nebel, City Manager

From: Robert Fuller, Wayfinding Committee Staff

Subject: Motions made and passed, Wayfinding Committee meeting of March 6, 2015

To more effectively realize the Wayfinding Committee's agreed-upon goal "Continue to look for consistency in wayfinding solutions between different jurisdictions (City, Port of Newport, ODOT, and Chamber of Commerce)":

1. A motion was passed to recommend amending Municipal Code section 2.05.070: The Wayfinding Committee shall consist of eight members, to include an ex-officio, non-voting staff person of the Newport Chamber of Commerce.
2. A motion was passed to recommend the Wayfinding Committee annually convene a "wayfinding summit", to discuss wayfinding conditions in the City of Newport, involving other entities that may have an interest in wayfinding solutions.

Council in matters relating to the use of the bicycle or pedestrian routes as a means of transportation in the City of Newport.

- c. Review, at the request of the City Council, the goals and objectives of the existing state and city Bicycle and Pedestrian Master Plans, and recommend changes.
- d. Advise the City Council of potential funding for bicycle and pedestrian enhancements.
- e. Explore and recommend, to the City Council, methods to efficiently and safely move bicyclists and pedestrians through Newport.
- f. Support the City Council in creating a greater awareness of non-motorized travel as viable transportation options.
- g. Recommend to the City Council locations for safe and convenient bicycle parking at all city-owned facilities.
- h. At the request of Council, review bicycle and pedestrian involved motor vehicle accidents to identify safety priorities and remedial measures.

(Chapter 2.05.055 adopted by Ordinance No. 2051 on June 17, 2013; effective July 17, 2013)

2.05.060 Public Arts Committee

- A. The Public Arts Committee shall consist of seven members serving four-year terms.
- B. The Public Arts Committee shall make recommendations to the Council regarding public art and related issues, as set out in a city public arts policy adopted by resolution.

(Chapter 2.05.060 adopted by Ordinance No. 2036 on May 7, 2012, effective June 6, 2012.)

2.05.070 Wayfinding Committee

- A. The Wayfinding Committee shall consist of seven members and shall serve two year terms. All members

must be residents, or business owners, of the City of Newport. The membership shall consist of one member from each of the following: Agate Beach District; Nye Beach District; Bayfront District; City Center District; and the South Beach District, and two members at-large.

- B. The city manager shall designate a staff member to attend all Wayfinding Committee meetings. The staff member may participate in discussions and shall act as secretary for the committee, but shall have no vote.
- C. The Wayfinding Committee shall have the responsibility to:
 - 1. Collaborate with staff to recommend, create, oversee, and review a directional sign system for residents and visitors to major public areas, destinations, and places in the city or other nearby destinations.
 - 2. Work with staff to promote the use of banners and other decorations to identify districts, places of interest, and arts, sports, and other public events.
 - 3. Coordinate with staff on the implementation of wayfinding plans and goals adopted by the City Council.
 - 4. Recommend policies governing the wayfinding signage.
 - 5. Review and report to the City Council on matters referred to it by the Council.

(Chapter 2.05.070 adopted by Ordinance No. 2048 on March 18, 2013, effective April 17, 2013.)



CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda #: VIII.A.
Meeting Date: May 4, 2015

Agenda Item:

Authorization for Land Purchase for Big Creek Wastewater Pump Station

Background:

As you are aware the city has recently constructed a new force main sewer starting at the Best Western Agate Beach Inn off of Oceanview Drive extending North during this past year. This is in preparation of the construction of the new Big Creek Wastewater Pump Station which is included in the budget to go forward in 2015. In order to build pump station additional property is required as well as permanent and temporary easements. An appraisal was conducted on the land value acquired with the value of the land being acquisition being \$48,200. The Spring Group of Eugene, OR, owners of the Best Western Agate Beach Inn are in agreement with the acquisition.

Recommended Action:

I recommend that the City Council consider the following motion:

I move to authorize the City Manager to procure property from the Best Western Agate Beach Inn owned by the Spring Capital Group of Eugene, OR including acquisition of property, permanent utility easement, and a temporary construction easement for the propose of constructing the Big Creek Wastewater Pump Station and associated gravity and force main sanitary sewers.

Fiscal Effects:

This project is currently appropriate with the source of funds being the Clean Water State Revolving Fund (CWSRF) Loan that has been obtained.

Alternatives:

None recommended.

Respectfully submitted,

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

Spencer R. Nebel
City Manager



Agenda Item # VIII.A
Meeting Date May 4, 2015

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Authorization for Land Purchase for Big Creek Wastewater Pump Station

Prepared By: TEG Dept Head Approval: TEG City Manager Approval:

Issue Before the Council:

Authorization for Land Purchase for Big Creek Wastewater Pump Station

Staff Recommendation:

Approve the purchase

Proposed Motion:

I move to authorize the City Manager to procure property from the Best Western Agate Beach Inn owned by the Spring Capital Group of Eugene, OR including fee taking, permanent, and temporary easements in the amount of \$48,200 for the purpose of construction of the Big Creek Wastewater Pump Station and associated gravity and force main sanitary sewers.

Key Facts and Information Summary:

The Big Creek Pump Station is part of the Agate Beach Wastewater System Improvements and the design of the station is almost complete. In order to construct the new pump station, additional land and both permanent and temporary easements are needed for new sewer lines and to provide access during construction.

The old pump station must stay in operation while the new pump station is constructed. The new station is on the same site as the old station but is much larger, requiring additional land to be purchased to the east. The property to the east of the pump station is the Best Western Agate Beach Inn owned by the Spring Capital Group of Eugene, OR.

The City contracted with William Adams Appraisals to conduct a land value appraisal for the property and two easements. The total appraised value of the acquisition is appraised at \$48,200. City staff presented an offer to the Spring Capital Group in this amount which they have accepted.

Other Alternatives Considered:

Locating the pump station elsewhere. The cost to relocate the station exceeded the cost to acquire this property and also would have necessitated purchasing additional property.

City Council Goals:

None

Attachment List:

- Offer Letter for Best Western
- Exhibit - New Property Acquisition
- Exhibit - Temporary Easement Boundary
- Exhibit - Utility Easement Boundary

Fiscal Notes:

This project is funded through the CWSRF Loan and the funds for this acquisition are appropriated this fiscal year.



Plot Date/Time: 1/27/2015 9:48 AM CAD: whirly, rae

Path: P:\45611 Newport Big Creek Pump Station\CAD\2-Sheets\C-Civil

Brown and Caldwell
 PORTLAND, OREGON

SUBMITTED: _____ DATE: _____
 PROJECT MANAGER

APPROVED: _____ DATE: _____
 BROWN AND CALDWELL

LINE IS 2 INCHES
 AT FULL SIZE
 (IF NOT 2" - SCALE ACCORDINGLY)

DESIGNED: _____
 DRAWN: DRP
 CHECKED: _____
 CHECKED: _____
 APPROVED: _____

EXTERNAL REFERENCE FILES

PRELIMINARY DESIGN

THIS DRAWING IS NOT VALID FOR
 CONSTRUCTION PURPOSES UNLESS IT BEARS
 THE SEAL AND SIGNATURE OF A DULY
 REGISTERED PROFESSIONAL

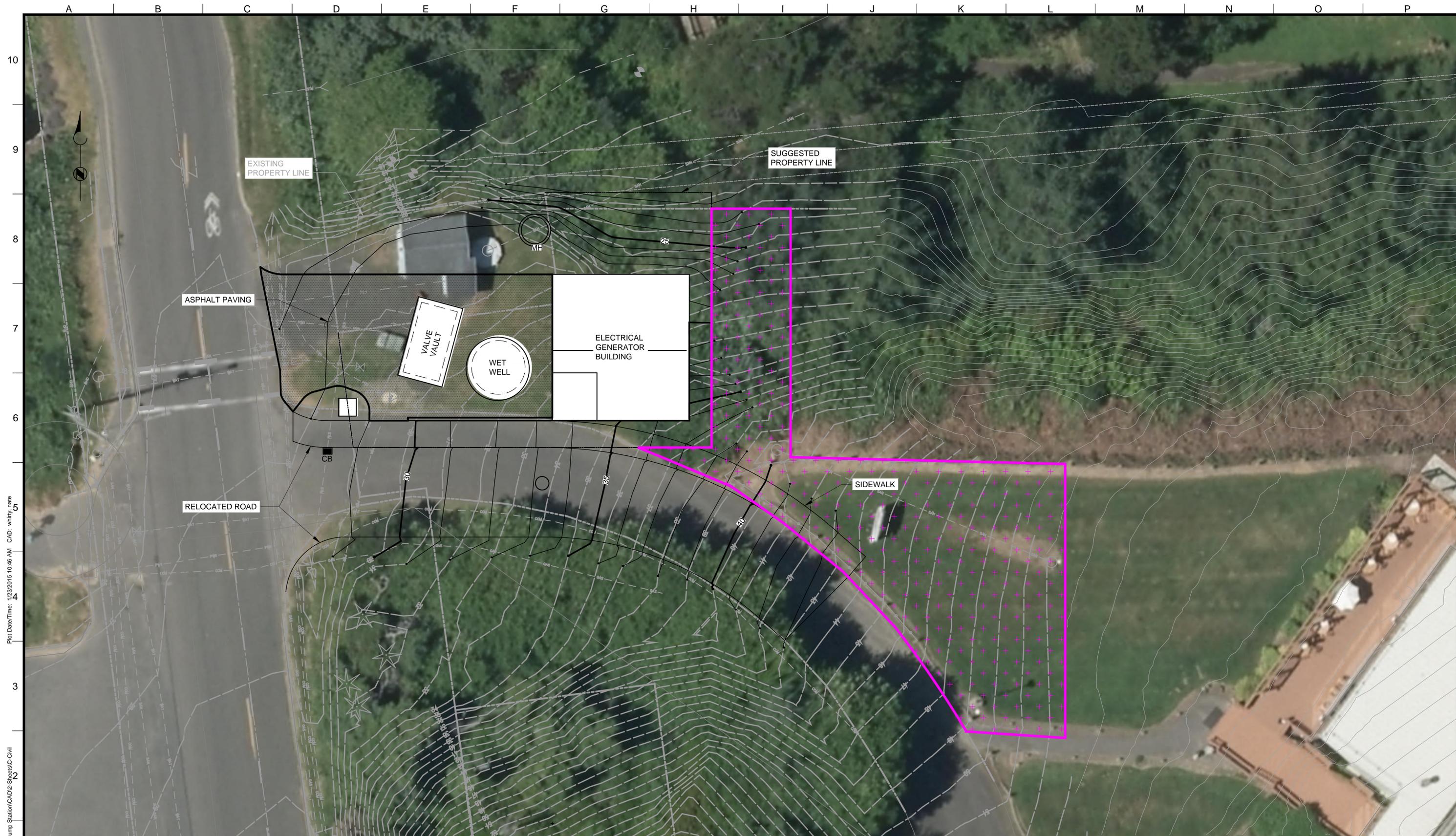
REVISIONS					
ZONE	REV.	DESCRIPTION	BY	DATE	APP.



**NEWPORT BIG CREEK
 PUMP STATION
 CIVIL**

NEW PROPERTY ACQUISITION

FILENAME	145611-C-102-Z.DWG
BC PROJECT NUMBER	144581
SCALE	1" = 10'
DRAWING NUMBER	2
SHEET NUMBER OF XX	



Path: P:\145611 Newport Big Creek Pump Station\CAD2-Sheets\C-Civil
 Plot Date/Time: 1/23/2015 10:46 AM CAD: whirly, rae

Brown and Caldwell

PORTLAND, OREGON

SUBMITTED: _____ DATE: _____
 PROJECT MANAGER
 APPROVED: _____ DATE: _____
 BROWN AND CALDWELL

LINE IS 2 INCHES
 AT FULL SIZE
 (IF NOT 2" - SCALE ACCORDINGLY)

DESIGNED: _____
 DRAWN: DRP
 CHECKED: _____
 CHECKED: _____
 APPROVED: _____

EXTERNAL REFERENCE FILES

PRELIMINARY DESIGN

THIS DRAWING IS NOT VALID FOR
 CONSTRUCTION PURPOSES UNLESS IT BEARS
 THE SEAL AND SIGNATURE OF A DULY
 REGISTERED PROFESSIONAL

REVISIONS

ZONE	REV.	DESCRIPTION	BY	DATE	APP.



**NEWPORT BIG CREEK
 PUMP STATION
 CIVIL**
TEMPORARY EASEMENT BOUNDARY

FILENAME	145611-C-102-Z.DWG
BC PROJECT NUMBER	144581
SCALE	1" = 10'
DRAWING NUMBER	3
SHEET NUMBER OF XX	



April 24, 2015

Spring Capital Group
Attn: Tom Connor, Jr.
1399 Franklin Blvd, 3rd Floor
Eugene, OR 97403

Subject: Property and easement acquisition for Best Western Agate Beach Inn

Dear Mr. Connor,

The City of Newport is planning a project to replace the existing Big Creek Pump Station, located immediately west of Best Western Agate Beach Inn. In order to construct the new pump station, the City is proposing to acquire 3,253 square feet of property, a permanent utility easement, and a temporary construction easement from Best Western Agate Beach Inn. The proposed pump station, property acquisition, and easement areas are shown on enclosed exhibits.

The planned project includes shifting your access road south, constructing a sidewalk (refer to enclosed exhibits), and replacing a portion of your sanitary sewer service. During the project, adjacent areas such as the temporary construction easement area would be disturbed. However, upon project completion, all disturbed areas and improvements would be restored to match existing conditions or better.

The City has provided you an Appraisal Report for the property and easements, dated 4/4/15 and prepared by William E. Adams, MAI. The City is prepared to offer a total of \$48,200 for the property and easements, which matches the appraised value. In addition, the City would pay all associated costs (legal descriptions, application fees, recording fees, etc). We respectfully request that this offer be taken under consideration.

If you have any questions, please contact me at o.sweetman@newportoregon.gov or 541-574-3376.

Sincerely,

A handwritten signature in blue ink, appearing to read "Olaf Sweetman", with a long horizontal line extending to the right.

Olaf Sweetman, P.E.
Assistant City Engineer

CC: Tim Gross, Public Works Director/City Engineer

Enclosed: 3 drawings (Utility Easement Boundary, New Property Acquisition, and Temporary Easement Boundary)



CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda#: VIII.B.
Meeting Date: May 4, 2015

Agenda Item: Approval of the 2015 Fund Exchange Agreement with ODOT

Background:

Under the State of Oregon's Surface Transportation Program (STP) the State is obligated to pass through Federal Funds to local units of government. By mutual agreement, ODOT is willing to distribute State funds to the local units and utilize the Federal Funds for State projects. The benefit to the local units is that the State funds can be spent in accordance with the Oregon Revised Statute instead of meeting all the federal requirements. This makes it much more feasible to use the funds for smaller local street projects. If the City Council approves the agreement to participate in the exchange, the City of Newport will receive \$109,231.76 in exchange for the \$116,204 in Federal Funds that would have been passed through by ODOT to the City of Newport. The intended purpose of utilizing these funds are for various street overlay projects that will be conducted within the city.

Recommended Action:

I recommend the City Council consider the following motion:

I move to authorize the City Manager to execute an agreement for the 2015 fund exchange with the Oregon Department of Transportation exchanging \$116,204 in Federal Funds for \$109,231.76 in State funds with those funds being utilized for the city's street overlay programs.

Fiscal Effects:

These funds are proposed to be used for street overlays in the 2015-16 budget.

Alternatives:

None recommended.

Respectfully submitted,

Spencer R. Nebel
City Manager



Agenda Item # VII.B
Meeting Date May 4, 2015

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Approve 2015 Fund Exchange Agreement with ODOT

Prepared By: TEG Dept Head Approval: TEG City Manager Approval:

Issue Before the Council:

Approval of the 2015 Fund Exchange Agreement with Oregon Department of Transportation (ODOT)

Staff Recommendation:

Approve the agreement

Proposed Motion:

I move to approve the 2015 Fund Exchange Agreement with the Oregon Department of Transportation exchanging \$116,204 in Federal Funds for \$109,231.76 in State Funds and authorize the City Manager to execute the agreement on behalf of the City of Newport.

Key Facts and Information Summary:

This agreement is an annual pass through of Federal Aid funds through the State's Surface Transportation Program (STP) to local units of government. The current exchange rate is \$94 state for \$100 federal. Before the distribution of STP funds to each city, \$168,309 was deducted to finance the LOC Senior Staff position, \$25,000 was deducted to fund the Oregon Technology Transfer (T2) Center, and \$140,000 was deducted to fund LOC's portion of the Local Program Support positions.

Other Alternatives Considered:

None.

City Council Goals:

None.

Attachment List:

- 2015 Fund Exchange Agreement with Oregon Department of Transportation (ODOT)

Fiscal Notes:

The 2015 Fund Exchange Agreement with the ODOT authorizes exchanging \$116,204 in Federal Funds for \$109,231.76 in State Funds. These funds, in conjunction with the Newport Gas Tax, are used to finance the City's annual pavement overlay program and have been allocated in the 2015-16 budget.

2015 FUND EXCHANGE AGREEMENT
Various Street Overlay
City of Newport

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and CITY OF NEWPORT, acting by and through its designated officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) [190.110](#), [366.572](#) and [366.576](#), State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Agency has submitted a completed and signed Part 1 of the Project Prospectus, or a similar document agreed to by State, outlining the schedule and costs associated with all phases of the Various Street Overlay, hereinafter referred to as "Project."
2. State has reviewed Agency's prospectus and considered Agency's request for the Fund Exchange. State has determined that Agency's Project is eligible for the exchange of funds.
3. To assist in funding the Project, Agency has requested State to exchange 2015 federal funds, which have been allocated to Agency, for state funds based on the following ratio:

\$94 state for \$100 federal

4. Based on this ratio, Agency wishes to trade \$116,204.00 federal funds for \$109,231.76 state funds.
5. The term of this Agreement will begin upon execution and will terminate September 30, 2017 unless extended by an executed amendment.

6. The Parties agree that the exchange is subject to the following conditions:
- a. The federal funds transferred to State may be used by State at its discretion.
 - b. State funds transferred to Agency must be used for the Project. This Fund Exchange will provide funding for specific roadway projects and may also be used for the following maintenance purposes:
 - i. Purchase or Production of Aggregate. Agency shall ensure the purchase or production of aggregate will be highway related and used exclusively for highway work.
 - ii. Purchase of Equipment. Agency shall clearly describe how it plans to use said equipment on highways. Agency shall demonstrate that the equipment will only be used for highway purposes.
 - c. State funds may be used for all phases of the Project, including preliminary engineering, right of way, utility relocations and construction. Said use shall be consistent with the Oregon Constitution and statutes (Section 3a of Article IX Oregon Constitution). Agency shall be responsible to account for expenditure of state funds.
 - d. This Fund Exchange shall be on a reimbursement basis, with state funds limited to a maximum amount of \$109,231.76. All costs incurred in excess of the Fund Exchange amount will be the sole responsibility of Agency.
 - e. State certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within State's current appropriation or limitation of the current biennial budget.
 - f. Agency, and any contractors, shall perform the work as an independent contractor and will be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work including, but not limited to, retirement contributions, workers' compensation, unemployment taxes, and state and federal income tax withholdings.
 - g. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS [279C.505](#), [279C.515](#), [279C.520](#), [279C.530](#) and [279B.270](#) incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) [Title VI of Civil Rights Act of 1964](#); (ii) [Title V and Section 504 of the Rehabilitation Act of 1973](#); (iii) the [Americans with Disabilities Act of 1990](#) and ORS [659A.142](#); (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

- h. Agency, or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; purchase all necessary right of way in accordance with current state and federal laws and regulations; obtain all required permits; be responsible for all utility relocations; advertise for bid proposals; award all contracts; perform all construction engineering; and make all contractor payments required to complete the Project.
- i. Agency shall submit invoices to State on a monthly basis, for actual costs incurred by Agency on behalf of the Project directly to State's Project Manager for review and approval. Such invoices will be in a form identifying the Project, the agreement number, the invoice number or account number or both, and will itemize all expenses for which reimbursement is claimed. Under no conditions shall State's obligations exceed \$109,231.76, including all expenses. Travel expenses will not be reimbursed.
- j. Agency shall, at its own expense, maintain and operate the Project upon completion at a minimum level that is consistent with normal depreciation and service demand.
- k. All employers, including Agency, that employ subject workers in the State of Oregon shall comply with ORS [656.017](#) and provide the required Workers' Compensation coverage unless such employers are exempt under ORS [656.126](#). Employers Liability insurance with coverage limits of not less than \$500,000 must be included. Agency shall ensure that each of its subcontractors complies with these requirements.
- l. This Agreement may be terminated by either party upon thirty (30) days' notice, in writing and delivered by certified mail or in person.
 - i. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - A. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - B. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - ii. Either Party may terminate this Agreement effective upon delivery of written notice to the other Party, or at such later date as may be established by the terminating Party, under any of the following conditions:

- A. If either Party fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow either Party, in the exercise of their reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - B. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or either Party is prohibited from paying for such work from the planned funding source.
- iii. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
- m. State and Agency agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
7. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.
8. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
9. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
10. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

The funding for this Fund Exchange program was approved by the Oregon Transportation Commission on March 21, 2012, as a part of the 2012-2015 Statewide Transportation Improvement Program (STIP).

The Program and Funding Services Manager approved the Fund Exchange on February 18, 2015.

Signature Page to Follow

A faint, illegible signature and the date "2-18-15" are visible in the right-center area of the page.

CITY OF NEWPORT, by and through its designated officials

STATE OF OREGON, by and through its Department of Transportation

By _____
Title:

By _____
Region 2 Manager

Date _____

Date _____

By _____
Title:

APPROVAL RECOMMENDED

Date _____

By _____
Region 2 Planning and Development Manager

APPROVED AS TO LEGAL SUFFICIENCY

Date _____

By 
Counsel

By _____
Region 2 Local Agency Liaison

Date 4-29-15

Date _____

Agency Contact:
Olaf Sweetman, Assistant City Engineer
City of Newport
169 SW Coast Highway
Newport, Oregon 97365
(541) 574-3376
O.Sweetman@NewportOregon.gov

APPROVED AS TO LEGAL SUFFICIENCY

By n/a
Assistant Attorney General

Date _____

State Contact:
John Huestis
Local Program Project Delivery Manager
ODOT, Region 2
455 Airport Road SE, Building B
Salem, Oregon 97301
(503) 986-2702
John.huestis@odot.state.or.us



CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda#: VIII.C.
Meeting Date: May 4, 2015

Agenda Item:

Authorization of a Franchise Extension Agreement with Falcon Telecable, Locally Known as Charter Communications

Background:

The cities franchise with Charter Communications initially expired on April 22, 2013. The franchise has been extended twice since that time. The cities strategy in working with Speer Hoyt was to hold on renewing the franchise until a new franchise was arrived on by consortium of Oregon cities with Charter. Those negotiations have not progressed to any conclusion as of this date and we have had only preliminary discussion with Charter. In discussing this matter with City Attorney Steve Rich, he will take the lead on the franchise discussion with Charter. Charter has offered an extension through September 30, 2015 of the current franchise. City Attorney Steve Rich will evaluate our current position with the franchise in preparation for meeting on the franchise renewal with Charter that is scheduled in late May.

Recommended Action:

I recommend the City Council consider the following motion:

I move that the City Manager be authorized to execute a franchise extension agreement between the City of Newport and Falcon Telecable, locally known as Charter Communications, extending the current agreement through September 30, 2015, or until a new franchise agreement is negotiated, whichever comes first.

Fiscal Effects:

None by approving the extension agreement.

Alternatives:

None recommended.

Respectfully submitted,

Spencer R. Nebel
City Manager



Agenda Item # VIII.C. _____
 Meeting Date May 4, 2015_____

CITY COUNCIL AGENDA ITEM SUMMARY
 City Of Newport, Oregon

Issue/Agenda Title: Consideration of Franchise Extension Agreement between the City of Newport and Falcon Telecable I/k/a Charter Communications_____

Prepared By: Hawker Dept Head Approval: ph City Manager Approval: _____

Issue before the Council: The issue before Council is consideration of a franchise extension agreement between the city and Falcon Telecable locally know as Charter Communications.

Staff Recommendation: Staff recommends approval of the franchise extension agreement.

Proposed Motion: I move to approve the franchise extension agreement between the City of Newport and Falcon Telecable, locally known as Charter Communications, until September 30, 2015, and authorize the City Manager to sign the agreement, and further, to direct staff to continue to negotiate a new franchise agreement with Falcon Telecable, I/k/a, Charter Communications. I further move that on conclusion of negotiations, the new franchise agreement be brought to City Council for consideration and approval.

Key Facts and Information Summary: The city entered into a five-year franchise agreement with Falcon Telecable, locally known as Charter Communications, on April 22, 2008. The City Council has approved two extensions to the agreement to allow for additional time to negotiate a new franchise agreement. The most recent extension has expired, and staff needs additional time to continue negotiations. The delay is due, in part, to a change in legal counsel, and, an interest in the conclusion of negotiations by a consortium of seventeen cities (the city is not a participant in this consortium).

Other Alternatives Considered: None.

City Council Goals: None.

Attachment List: Franchise Extension Agreement between the City and Falcon Telecable I/k/a Charter Communications

Fiscal Notes: None.

**FRANCHISE EXTENSION AGREEMENT
NEWPORT, OREGON**

WHEREAS, Falcon Telecable, a California Limited Partnership, locally known as Charter Communications (“Charter”) currently holds a cable franchise with the City of Newport, Oregon (“City”), granted with an effective date of April 22, 2008 (“Franchise”); and

WHEREAS, the City entered into an extension of the Franchise until April 21, 2014, and thereafter until January 21, 2015; and

WHEREAS, the City and Charter have begun informal renewal negotiations in accordance with Section 626(h) of Title VI of the Communications Act of 1934, as amended and the parties continue to reserve all rights under the formal procedures of Section 626 of Title VI of the Communications Act of 1934, as amended, and do not waive any rights related thereto; and

WHEREAS, Charter has requested that the City extend the existing franchise while a new franchise continues to be negotiated; and

WHEREAS, it is in the public interest to further extend the current Franchise for an additional period of time so that cable service to the public will not be interrupted.

NOW, THEREFORE, the Franchise of Charter shall be extended through September 30, 2015, or until a new Franchise Agreement is negotiated, whichever comes first. All other terms and conditions of the existing Franchise shall remain the same. The parties continue to reserve all rights under the formal procedures of Section 626 of Title VI of the Communications Act of 1934, as amended, and do not waive any rights related thereto.

APPROVED this ____ day of _____, 2015

City of Newport, Oregon

By: _____

Print Name: _____

Title: _____

ACCEPTED this ____ day of _____, 2015

Falcon Telecable, a California Limited Partnership

By: _____

Mark E. Brown
Title: Vice President, Government Affairs
Charter Communications



CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda #: VIII.D.
Meeting Date: May 4, 2015

Agenda Item:

Scheduling an Executive Session Pursuant to ORS 192.660(2)(d) for Labor Negotiator Consultations - IAFF 4619

Background:

Due to the relative shortness of tonight's agenda I have added an executive session at the end of the meeting to update the Council and seek consultation on negotiations with the Firefighters unit IAFF 4619 to immediately follow the adjournment of the regular meeting.

Recommended Action:

I recommend that the City Council consider the following motion:

I move that the City Council hold an executive session immediately following the adjournment of the regular City Council meeting for a consultation on negotiations with the IAFF 4619.

Fiscal Effects:

None by holding the executive session.

Alternatives:

None recommended.

Respectfully submitted,

Spencer R. Nebel
City Manager



CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda #: IX.B.
Meeting Date: May 4, 2015

Agenda Item:

Approval of Task Order No. 17 with Civil West Engineering Services for the City Hall Parking Expansion Associated with the New Aquatic Center

Background:

As you are aware there is work that will be occurring outside of the boundaries of the Aquatic Center that include changes to the city campus parking, sanitary sewer modifications to eliminate back-ups in the Recreation Center and other off site adjustments that are not a direct part of the agreement with Robertson Sherwood Architects. This task order will allow Civil West Engineering Services to proceed with work that is outside the scope of the general architect for the project.

Please note that in the attached report from Tim Gross, the latest projected expenditures and revenue sources for the project are outlined. The current architect's estimate is showing a budget shortfall of 6.5% of construction costs as compared to revenues as currently proposed in the budget for the pool project as well as other projects such as the City Hall campus parking lot configuration and other projects. Please note that there is currently a contingency of \$413,481 built into these costs. In addition there are a number of deductive alternatives that are being built into the bid that could address a portion of any budget short falls. Public Works Director Tim Gross is expecting that we will see competitive bids for the construction of this project but wanted to make the Council aware of the numbers as they currently stand. We will have a more complete report on these issues at the time that the design is finalized and we are ready to make a decision to go to bids.

Recommended Action:

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

I move approval of Task Order No. 17 with Civil West Engineering Services in the amount of \$73,964 and authorize the City Manager to execute the task order on behalf of the City of Newport.

Fiscal Effects:

As outlined in the attached.

Alternatives:

None recommended.

Respectfully submitted,

Spencer R. Nebel
City Manager



Agenda Item # VIII.B.
Meeting Date May 4, 2015

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Approval of Task Order 17 with Civil West Engineering Services for the City Hall Parking Expansion associated with the new Aquatic Center

Prepared By: TEG Dept Head Approval: TEG City Manager Approval:

Issue Before the Council:

Approval of Task Order 17 with Civil West Engineering Services for the City Hall Parking Expansion associated with the new Aquatic Center

Staff Recommendation:

Approve the task order

Proposed Motion:

I move to approve Task Order Number 17 with Civil West Engineering Services in the amount of \$73,964 and authorize the City Manager to execute the task order on behalf of the City of Newport.

Key Facts and Information Summary:

These engineering services are for the design of the parking lot modifications on the City Hall Campus and sanitary sewer, storm sewer, and sanitary force main relocations necessary for the Aquatic Center construction.

The design and construction of the Aquatic Center and the associated parking lot revisions were split into two projects. Civil West is the civil engineer for both projects. The purpose of this split was to allow the parking lot changes and pipe relocations to be completed early, so that the normal operations on the City Hall campus can continue with the least amount of disruption. Then the longer Aquatic Center contract can begin without having to dig up the parking lot again. Some of the design services in the City Hall Parking Expansion task order were originally included in the architects design package for the Aquatic Center. However a dividing line was determined for the two projects located at the curb surrounding the new Aquatic Center facility. Everything inside of the curb is being designed and constructed as part of the architect's contract, everything outside of the curb is being designed and constructed under Civil West's contract. There was unavoidably some overlap in the two scopes, however Civil West's scope of services with the architect will not be fully billed because they will be billed instead under this task order.

Because of the urgency to get the project designed, and the difficult and confusing decision of determining what design issues should fall under which contract, this task order was delayed in being brought to Council and the engineer has already completed significant work under this task order.

A copy of the parking lot design is attached to this memo. This plan has been reviews with the focus groups working on the Aquatic Center and with the 60+ Center Advisory Committee and members of the 60+ Center. City staff will be meeting the weeks of April 27 and May 4 to complete a Parking Management Plan that will be forwarded for Council consideration at the May 18 or June 1 meeting.

Other Alternatives Considered:

Completing the design as part of the architect’s contract. It was decided not to do this because of how involved the design would be, and for the purposes of staging construction to create the least amount of disruption.

City Council Goals:

N/A

Attachment List:

- T.O. 17 with Civil West Engineering Services for the City Hall Parking Expansion
- Parking layout plan
- Newport Aquatic Center - Design Development Estimate Analysis

Fiscal Notes:

Total task order value is \$73,964 and is appropriated this current fiscal year in the Aquatic Center and Aquatic Center Parking projects, 2013-019 and 2014-004 respectively.

The current Design Development Estimate Analysis from Robertson Sherwood Architects is attached. A summary of the projected costs to date are as follows:

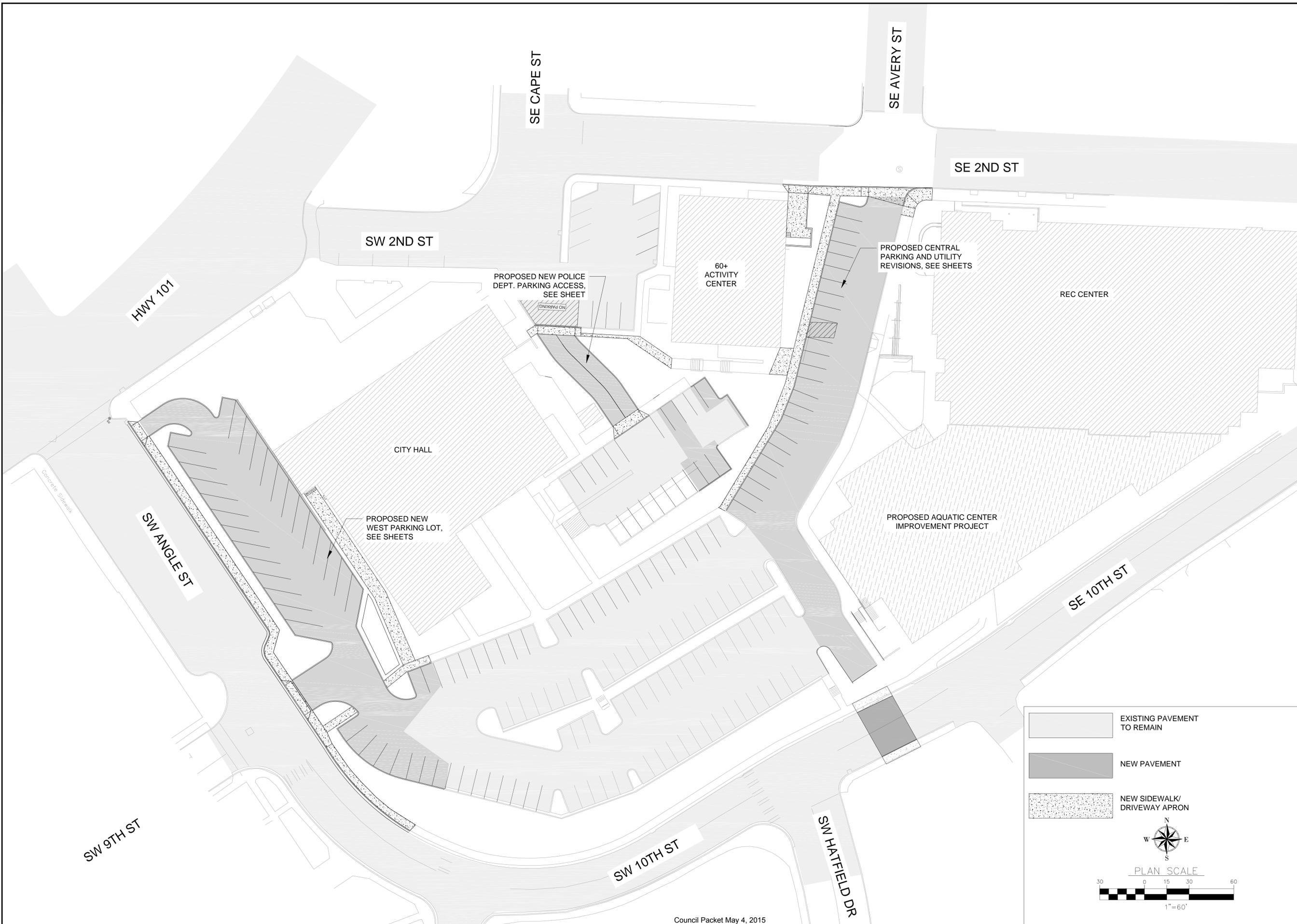
Projected Expenditures

Aquatic Center Facility:	\$8,597,148
Sanitary sewer re-route for recreation center and 60+ Center:	\$138,048
Sanitary sewer force main relocation:	\$69,690
Parking improvements:	\$271,915
Parking & sewer design:	<u>\$73,964</u>
Total:	\$9,151,035

Revenue sources

Aquatic Center Bond:	\$8,200,000
Wastewater fund	\$140,000
SDC Fund - Parks	\$100,000
Room Tax	<u>\$150,000</u>
Total:	\$8,590,000

The current funding to expenditures comparison indicates a budget shortfall of \$561,035. There is currently \$413,481 in contingency built into these projected project costs. If the contingency is not used, the projected shortfall is \$147,554. Since the Aquatic Center project will extend across fiscal years 2015-16 and 2016-17, City Staff was comfortable proceeding with the project and funding any potential shortfall in the 2016-17 fiscal year.



REGISTERED PROFESSIONAL ENGINEER
83524PE

NOV. 10, 2009
MATTHEW D. WADLINGTON

EXPIRATION DATE: 06/30/2016

Civil West
Engineering Services, Inc.

541-264-7040
www.civilwest.com

609 SW Hubert Street
Newport, Oregon 97365

REV.	DATE	DESCRIPTION	BY

Designed By: VAS	Drawn By: VAS	Checked By: JGP
Project No: 2302-034		

CITY OF NEWPORT
LINCOLN COUNTY, OREGON

CITY HALL PARKING EXPANSION PLAN

PROPOSED SITE LAYOUT

EXISTING PAVEMENT TO REMAIN

NEW PAVEMENT

NEW SIDEWALK/ DRIVEWAY APRON

PLAN SCALE

1" = 60'

CITY OF NEWPORT
TASK ORDER NO. 17
TO ENGINEERING SERVICES AGREEMENT
FOR STREETS AND STORM SEWER
ENGINEERING SERVICES

This TASK ORDER NO. 17 to the Engineering Services Agreement dated August 17, 2011, hereinafter called Agreement, between the City of Newport, (CITY), and Civil West Engineering Services, Inc., (ENGINEER).

A. Description of Project

City of Newport – City Hall Parking Expansion per the attached scope of services.

B. SCOPE OF SERVICES

The City agrees to utilize the services of ENGINEER and ENGINEER agrees to perform streets and storm sewer engineering services set forth in Attachment A.

C. CITY'S RESPONSIBILITIES

CITY to provide ENGINEER with the following information:

1. CITY shall provide timely review of submitted products (2-week turnaround), as appropriate.

D. COMPENSATION

1. CITY shall pay ENGINEER according to the fee schedule set forth in Exhibit A to the Engineering Services Agreement dated December 12, 2014.
2. Services provided under this Task Order shall not exceed seventy-three thousand nine-hundred sixty-four dollars (\$73,964).

E. MISCELLANEOUS

All terms and conditions of the Engineering Services Agreement apply to this Task Order as though fully set forth therein. In the event of a conflict between this Task Order and the Engineering Services Agreement, the terms of this Task Order shall apply.

The parties do mutually agree to all mutual covenants and agreements contained within this Task Order No.17.

CITY OF NEWPORT:

By: _____
Title: _____
Date: _____

CIVIL WEST ENGINEERING SERVICES, INC.

By: _____
Title: _____
Date: _____

Newport Aquatic Center - Design Development Estimate Analysis

11 March 2015

A. Construction Costs	2013 Conceptual Budget			Schematic Design Estimate			Schematic Design Estimate (w/ VE)			Design Development Estimate			Comments	SD/VE vs. DD Cost
	Area (SF)	Cost/SF	Cost	Area (SF)	Cost/SF	Cost	Area (SF)	Cost/SF	Cost	Area (SF)	Cost/SF	Cost		
Natorium and Spectator Seating	18,706	\$140	\$2,606,848	18,633	\$155	\$2,889,879	18,633	\$128	\$2,384,548	22,692	\$169	\$3,831,623		\$372,674
Support Spaces														
Mechanical/Electrical Areas	2,765	\$170	\$473,762	3,430	\$149	\$510,165	3,430	\$104	\$358,375				<i>included above</i>	
Office/Storage	815	\$170	\$139,645	1,030	\$170	\$174,604	1,030	\$165	\$169,458				<i>included above</i>	
Change Room Expansion	1,140	\$170	\$195,331	1,686	\$247	\$416,521	1,686	\$246	\$414,956				<i>included above</i>	
Spectator Entry Restrooms			<i>not included</i>	1,153	\$294	\$339,105	1,153	\$114	\$131,611				<i>included above</i>	
Existing Building Renovations	1,500	\$97	\$144,797			<i>included above</i>			<i>included above</i>				<i>included above</i>	
8 Lane Lap/Competition Pool	4,637	\$200	\$926,937	4,976	\$179	\$890,393	4,976	\$171	\$852,970	4,604	\$177	\$813,757		(\$39,213)
Activity Pool	2,612	\$211	\$551,975	2,660	\$199	\$530,371	2,876	\$174	\$500,821	2,572	\$197	\$506,555		\$5,735
Hot Tub			<i>included with Activity Pool</i>	152	\$614	\$93,252	152	\$614	\$93,252	152	\$758	\$115,140		\$21,888
Subtotal, Building and Pools			\$5,039,295			\$5,844,290			\$4,905,991			\$5,267,075		\$361,084
Sitework / Utilities	7,026	\$17	\$120,385	18,300	\$26	\$469,288	18,300	\$22	\$400,549	11,540	\$39	\$454,389		
10th Street storm drain/manhole						<i>not included</i>			\$56,475			\$57,040	<i>Per previous Civil West estimate</i>	
Additional overexcavation			<i>not included</i>			\$127,232			\$127,232			\$83,830		
Rec. Center Underpinnng			<i>not included</i>			\$64,418			\$64,418			\$63,630		
Telephone line relocation			<i>not included</i>			<i>not included</i>			<i>not included</i>			\$11,969	<i>Per JLG estimate</i>	
Subtotal, Site			\$120,385			\$660,937			\$648,673			\$670,857		\$22,184
SUBTOTAL			\$5,159,680			\$6,505,227			\$5,554,664			\$5,937,932		\$383,268
Design/Construction Contingency		(10%)	\$515,968		8%	\$515,968.01		9%	\$515,968		5%	\$296,897		
1.5% for Solar			<i>not included</i>		1.50%	\$105,318		(1.5%)	\$91,059		1.50%	\$93,522		
Inflation			<i>two years, 6%</i>			<i>eight months, 2.25%</i>			<i>eight months, 2.25%</i>			<i>three months, 1%</i>	<i>Included in unit costs above</i>	
Contractor General Conditions		(7%)	\$397,295		11.25%	\$801,733		(11.25%)	\$693,190		11.25%	\$711,940		
Contractor Overhead & Profit		(6%)	\$364,377		4.00%	\$317,130		(4%)	\$274,195		4%	\$281,612		
Performance Bond		(2%)	\$128,746			<i>included in GC's</i>			<i>included in GC's</i>			<i>included in GC's</i>		
Direct Construction Costs Total			\$6,566,066			\$8,245,375			\$7,129,077			\$7,321,903		\$192,825
B. Soft Costs													Comments	
Furnishings, Fixtures, & Equipment (FFE)			\$120,000			\$120,000			\$120,000			\$93,000		<i>Per RSA estimate</i>
1% for Art Program			<i>not included</i>			\$82,454			\$71,291			\$73,219		
Permit and Plan Check Fees			\$60,000			\$60,000			\$20,000			\$20,000	<i>Verify (fee schedule unclear)</i>	
Systems Development Charges			\$50,000			\$50,000			\$89,968			\$89,968	<i>Water meter size to be verified</i>	
Architectural, Engineering Fees / Reimbursables		(13%)	\$795,836		(10%)	\$839,975			\$839,975			\$839,975	<i>Per RSA fee proposal</i>	
Delete economic evaluation									(\$9,500)			(\$9,500)		
Delete acoustic evaluation									(\$5,000)			(\$5,000)		
Delete LEED services									(\$15,000)			(\$15,000)		
Surveying, Geotechnical Report			\$40,000			\$40,000			\$22,000			\$22,000	<i>Actual amount spent</i>	
Special Inspections			\$50,000			\$50,000			\$50,000			\$50,000		
Bond Sale Costs			\$50,000			\$50,000			\$0			\$0	<i>Not covered by project budget</i>	
General Soft Cost Contingency			\$116,584			\$116,584			\$116,584			\$116,584	<i>Maintained Value</i>	
Soft Costs Total		20%	\$1,282,420			\$1,409,012		18%	\$1,300,317		17%	\$1,275,246		
Building Package Costs			\$7,848,486			\$9,654,388			\$8,429,395			\$8,597,148		
C. Additional City Hall Campus Site Improvements													Comments	
Additional Parking (25 spaces at 400 sf ea)			\$125,000						\$125,000			\$125,000	<i>Allowance towards parking</i>	
Campus Site Improvements (parking, loading dock, driveway reconfiguration)						\$577,390								
Building addition related site work, to be performed in early work package:														
Reroute Recreation Center sanitary sewer (gravity line)						\$138,048								
Reroute forced sewer main						\$69,960			\$69,960			\$69,960	<i>Per previous Civil West estimate</i>	
New stormwater infrastructure for addition						\$98,754								
Total Project Costs			\$7,973,486			\$10,538,540			\$8,624,355			\$8,792,108		
Revised Project Budget			\$8,200,000										<i>DD Budget Overage=</i>	\$592,108
Campus site improvements not related to aquatic center													<i>Per Civil West estimate</i>	
Reroute Recreation Center sanitary sewer (gravity line)						\$138,048			\$138,048			\$138,048		
Police Parking Area						\$128,412			\$128,412			\$128,412		
City Hall Parking Area						\$143,503			\$143,503			\$143,503	<i>Per Civil West estimate</i>	
Existing pool decommissioning									TBD			TBD		