

November 6, 2017  
6:00 P.M.  
Newport, Oregon

City Council Meeting

### **CALL TO ORDER AND ROLL CALL**

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

Staff in attendance was Spencer Nebel, City Manager; Peggy Hawker, City Recorder/Special Projects Director; Gloria Tucker, Deputy City Recorder; Steve Rich, City Attorney; Derrick Tokos, Community Development Director; Tim Gross, Public Works Director; and Jason Malloy, Police Chief.

### **PLEDGE OF ALLEGIANCE**

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

### **PUBLIC COMMENT**

Rex Capri requested an update on sidewalks along NW Nye Street, the condition of NW 10th Street between Coast and NW Nye Streets, and the excavation on NW Spring Street.

Tokos reported that on October 30, the property owner began earthwork associated with geotechnical testing on NW Spring Street. Allen asked whether the contractor went beyond the scope of the project with the excavation, and what communication occurred between city staff and the contractor. Goebel asked if the site would be red tagged, and whether there would be work other than test borings.

Christina Torres reported on a recent call with the 911 dispatch center. She said she asked repeatedly for a police officer to be sent to her home when there was a trespasser on her property and instead had to respond to multiple questions. Nebel stated that staff has reviewed the call and determined that the dispatcher should have indicated the police would be dispatched even though they were asking questions. He said the city is following up with dispatch and will work with Torres to bring the issue to conclusion.

Julie Turner spoke in support of permanent housing for the homeless. She implored the city look at permanent housing as she sees a grave need in her work as a school district nurse.

Jean Nez reported problems on NE 10th Street associated with overgrowth, the size of the street, and the street not meeting fire codes.

Richard Dammeier, who also lives on NE 10th Street, reiterated comments made by Nez, and noted that the street is so narrow that motorists use his yard to turn around. He also noted that there are parking and abandoned car issues associated with the street.

Julie Dammeier, who also lives on NE 10th Street, reiterated comments made by Nez and her husband, and added that it is dangerous for motorists turning onto Eads Street.

Nebel reported that he would communicate with the property owners and bring a report to Council at the next meeting. Allen reminded the staff to also bring a report on NW 10th and Nye Streets for Rex Capri.

### CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of Minutes of the City Council Meeting of October 16, 2017;
- B. Approval of Minutes of the Work Session of October 16, 2017;
- C. Approval of Minutes of the Executive Session of October 16, 2017;
- D. Approval of Minutes of the Joint Meeting with the Vision 2040 Advisory Committee of July 31, 2017.

Sawyer noted that the minutes referred to Highway 10 rather than Highway 20. Allen added that he had several small changes and that he would communicate those with staff.

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

### PUBLIC HEARING

Public Hearing on the Final Draft of the Greater Newport Vision 2040. Tucker introduced the agenda item. Nebel reported the 2040 vision for the greater Newport area is an enterprising, livable community that feels like home to residents and visitors alike. He stated that Newport will live in harmony with its coastal environment, including the ocean, beaches, bay, natural areas, rivers, and forests that sustain and renew with their exceptional beauty, bounty, and outdoor recreation. He added that the community collaborates to create economic opportunities and living wage jobs that help keep the area dynamic, diverse, and affordable. He stated that Newport takes pride in its community's education, innovation, and creativity, helping all residents learn, grow, and thrive. He noted that the community is safe and healthy, equitable and inclusive, resilient, and always prepared. He added that Newport volunteers, helps its neighbors, supports those in need, and works together as true partners in a shared future.

Nebel reported to move the community toward this vision, a number of key strategies have been identified. He stated that these strategies include: continued investment in infrastructure to eliminate various environmental issues; increased supply of affordable and workforce housing, including rentals; revitalization of the Highway 101 and Highway 20 corridors to serve as attractive gateways to the community; design neighborhoods around streets that are well integrated with local transit, and that are ADA accessible; accommodate active transportation, such cycling, walking, and wheelchairs; develop target improvements to the local transit system, including better scheduling, signage, and plans for system expansion; develop and promote transit as a robust and reliable alternative to driving. He added that other key strategies include developing an integrated trail system, accommodating multiple uses that connect neighborhoods, visitor destination, and open spaces and natural areas; continue to expand a working waterfront

and insure the continued prosperity of the science economy. He noted that all these efforts will help build a community with jobs in which workers can minimally meet their needs.

Nebel reported that another key strategy is the continued development of excellence in the schools to educate well-rounded students, expand vocational technology and science, mathematics and engineering throughout the K12, OCCC, and OSU educational systems. He stated that the 2040 vision identifies improved access and affordability of health care with sufficient medical professionals and specialists to handle medical care locally where possible. He noted that it is the vision to have expanded mental health care, and an enhanced coordination among social service, nonprofit, and faith-based institutions to provide the support necessary for residents that struggle with poverty, hunger, homelessness, addiction, and other social issues

Nebel reported that to proceed with specific, strategic initiatives to accomplish these strategies, local government leaders and staff would operate in a transparent and accountable manner to move the city in these directions. He stated that the Vision 2040 Advisory Committee would serve as the foundation for ongoing public processes, planning, and decision-making.

Roumagoux opened the public hearing at 6:40 P.M. She called for public comment. There was none, and she closed the public hearing at 6:42 P.M. for Council deliberation.

MOTION was made by Engler, seconded by Swanson, to place the Greater Newport Area Vision 2040 Strategic Plan on the City Council's November 20, 2017 meeting agenda for a public hearing and possible adoption. The motion carried unanimously in a voice vote.

Allen requested that staff review the implementation plan and next steps at the November 20, 2017 meeting.

**Public Hearing and Potential adoption of Ordinance No. 2122, an Ordinance Prohibiting the Unlawful Transfer of Material Goods or Money between Vehicles and Pedestrians in a Public Right-of-Way.** Tucker introduced the agenda item. Nebel reported that at a September 18, 2017 Council work session, Council reviewed a number of strategies, related to addressing certain aspects of panhandling in the city. He stated that on October 16, 2017, Council held a public hearing to obtain comments on an ordinance, which would make it unlawful to transfer money or tangible personal property between vehicles and pedestrians, unless a vehicle is legally parked. He noted that following the public hearing, Council directed staff to proceed with a second public hearing on an ordinance prohibiting the exchange of materials between pedestrians and vehicles in a public right of way.

Nebel reported that similar ordinances have been adopted in other cities with mixed results. He stated that the City of Springfield has not seen much reduction in panhandling. He added that the City of Roseburg has seen a noticeable decline with the adoption of an ordinance prohibiting the transfer of money or personal property between a vehicle and a pedestrian. He noted that Roseburg has placed signs at various intersections and in public areas where complaints have been most prevalent. He stated that Roseburg has also conducted a media campaign, which has effectively reduced this activity. He added that after the work session, Council suggested holding a public hearing to get community input on the issue before moving in a specific direction.

Roumagoux opened the public hearing at 6:49 P.M. She called for public comment.

Jamie Kathrine reported that panhandling is a form of survival for people in detrimental situations who do not have a safe place to live. She stated that in the past, the only way she could get food was to ask for help on a street corner. She added that the community does not need for panhandling to stop as the situation will not improve by stopping it.

Stephen Gibson stated that giving away money or other items is a personal choice. He reported that if the light is green, it is not safe, but if the light is red, there is no point in stopping panhandling. He suggested working together so people do not have to panhandle. He added that the ordinance hurts people and he is opposed to it.

Janet Wood reported that she helps families when they need a box of food, shoes, clothes, or a referral for shelter through the Christmas Cupboard for Lincoln County. She stated that the city should rethink the prohibition of panhandling. She added that the crime rate would climb and the city needs to focus on housing and emergency shelters.

Linda Palmer reported that she has brought many people, leaving jail without money or family, into her home. She stated that she is not opposed to the ordinance, but believes the city has the cart before the horse.

Mari Lichtenberg reported that the lack of shelter is tied to panhandling. She stated that if one is fixed, the other would be fixed.

Marletta Noe reported that there would never be enough housing for people. She stated that she is pro-shelter, and noted that the ordinance does not stop panhandling. She added that it simply stops panhandling in dangerous areas.

Derrick Koon reported that stopping panhandling on street corners, or the accesses to stores, would stop the distribution of items such as food and blankets. He stated that he is opposed to the ordinance because it is hurting the homeless instead of helping them.

Jack Perkins reported that he lives near a hub for homeless people. He stated that he knows they need help, but that some are not very nice people.

Karen Dichari reported that she does not believe the city will stop the homeless problem by asking people to stop helping people. She stated that the city will create a problem by not allowing her to give people things.

Gary Lahman asked Council to delay any decision on the ordinance. He advised against passing an ordinance that prohibits helping people when the city has not done a whole lot for people without housing. He added that he did not see the educational component in the ordinance.

Albert Kirkmartins reported that it is sad that the city is considering adoption of an ordinance that would stop people from begging.

Sarah Knapp asked who decides what is unlawful transfer and material. She reported that she has been homeless, and it is shaming to have to beg. She said that education is needed.

Rob Walsh asked who is at fault if a car slows down and a passenger interacts with a person on the curb.

Dana Allen reported that stopping panhandling may be taking money from a child.

Marsha Silconi reported that these are humans experiencing problems. She stated that if the city is going to war on poor people, it should stop dressing it up as panhandling. Roumagoux closed the public hearing at 7:25 P.M. for Council deliberation.

Saelens reported that the need for this ordinance is due to the increase in the number of panhandlers. He stated that Council's intention is not to disallow panhandling, but to make it safe. He added that tourists can enter parking lots and give money or other things; they do not have to stop in the middle of the road. He noted that Council is only talking

about where panhandling should, or should not, occur. He stated that the Police Department does not intend to issue citations, but to remind people to exercise safety.

Sawyer reported that traffic safety is the concern. He stated that the ordinance provides an extra tool to educate drivers. He added that if someone wants to give, they could drive around the corner and park the car.

Goebel reported that he objects to the statement that Council is at war with poor people. He stated that the city is trying to resolve a problem that is causing traffic issues. Engler asked Malloy if there is a record of accidents from panhandling. Malloy said there is none. Malloy reported that the goal of the Police Department is not to punish anybody, but to minimize problems.

Allen reported that this is an important issue. He acknowledged the safety issues, but added that the ordinance is an opportunity to provide people with information about services.

Engler asked whether the city had a card listing resources that officers could distribute to panhandlers.

Allen stated that he prefers to defer action on the ordinance until next year. He said he would like to see the city put together the cards for police officers to distribute.

MOTION was made by Allen, seconded by Saelens, to defer action on the ordinance until spring and direct the City Manager to report on the status of the issue, and direct staff to create cards with resource information for the Police Department to distribute.

Sawyer stated that waiting until spring is kicking the can down the road. He said the issue is safety and about giving the Police Department a tool.

The motion carried in a voice vote with Sawyer voting no.

## COMMUNICATIONS

### From Councilor Dietmar Goebel: Discussion on Services to the Homeless Population.

Tucker introduced the agenda item. Nebel reported that Goebel requested a discussion on initiatives to meet the needs of the homeless population. He stated that this was partly in response to a series of emails regarding the use of a facility to meet a number of homeless needs. He noted that during the past year, the city has worked with Traci Flowers on two separate issues. He added that the first is the possible conversion of a building on First Street as a permanent homeless facility, and the second issue relates to the need for a temporary warming shelter this winter. He stated that Tokos has been in contact with the County regarding the potential use of the fairgrounds as a warming shelter. He added that the biggest issue with the use of the fairgrounds is that the Farmer's Market utilizes the facility every Saturday, which restricts use as a warming shelter on Fridays and Saturdays.

Roumagoux excused Nebel from the meeting.

Traci Flowers reported that addressing the homeless situation starts with the warming shelter, but a permanent shelter with showers, lockers, addresses for mail, and self-sufficiency programs is also needed. She stated that the fairgrounds would be used for the temporary warming shelter except on Friday nights.

Reverend Judith Jones reported that St. Stephens Episcopal Church operated an outdoor homeless shelter during the summer. She stated that she supports a permanent shelter and a community wide coalition to address the issue.

Gavin Shumate explained the adverse effects of homelessness on children. He stated that it is imperative that the city establish a permanent solution and engage in a multifaceted approach.

Michelle Geltner reported that she has many friends without homes and encouraged the city to make a pathway to success.

Derrick Koon read a letter regarding why the homeless need shelter. He stated that he supports Flowers' efforts, and added that a permanent shelter is important.

Joseph Palmer reported that panhandling is a symptom - not the disease. He stated that what he has seen in the jail ministry is people being released with no place to go, no identification, and a lot of bills.

Frank Perdue stated that the homeless need to be helped, and he emphasized they need food and shelter.

Betty Richard said she supports the creation of a permanent shelter.

Lory Bauer endorsed the concept of a permanent shelter.

Seth McRae expressed support for a more permanent shelter.

Carol McKim encouraged the city to think outside the box. She asked whether a one cent tax could be added. She stated that the city needs more resources to improve the situation.

Marletta Noe stated that there needs to be shelter and suggested a Good Samaritan law to help churches.

Roumagoux reported that she likes the Lebanon model of bringing stakeholders together to work on a solution.

Goebel stated that he hopes that the trend started at this meeting can continue and changes can be made.

Sawyer stated that he hopes the Nazarene Church's plan to offer a place to wash clothes or offer mailboxes would move forward. He also noted that Ashland has a restaurant tax devoted to homelessness programs.

Allen stated that he would like to see Nebel continue working with Flowers, and schedule a work session in the future.

Engler stated that she hopes the city can work with the county on the issue.

**From the Economic Development Alliance: Update on the Regional Accelerator and Innovation Network (RAIN).** Tucker introduced the agenda item. David Youngentob, RAIN Coastal Venture Catalyst, presented the update in the agenda packet.

Allen asked who in Lincoln County provided funding.

Youngentob reported Lincoln City, Newport, Toledo and Lincoln County provided funding that was leveraged for additional state-level funding.

Sawyer emphasized the mentoring side of the program has been very beneficial for business owners.

Allen asked how Youngentob has been involved with the Hatfield Marine Science Center.

Youngentob reported he has talked with that community but they are not optimistic about commercialization of their research.

Allen asked when RAIN would come back and ask for additional funding.

Youngentob reported he would bring back a funding proposal within three months.

**From Destination Newport Committee: Update to Tourism Marketing Grant Fund Application and Program.** Tucker introduced the agenda item. Hawker reported that the Destination Newport Committee recommended changes to the Tourism Marketing Grant Fund Application to better match standard practice and clarify the process. The changes include explicitly stating the purpose as funding advertising outside of Lincoln County; outlining the process for applicants, starting with the deputy city recorder, moving to the Destination Newport Committee and finishing with the City Council; further outlining the process for applicants by requiring a contract and invoice in order for payment to be made; removing the nonprofit requirement; changing the submission time to three months prior to event; explain the importance of a final report in the instructions; allowing events running more than three years to be eligible; defining Use #1 as Advertising; and Including an Advertising Reporting Requirements page to breakout advertising requirements.

Sawyer said the committee felt some loopholes needed to be tightened up, and the application needed to reflect lessons learned over the years.

MOTION was made by Engler, seconded by Sawyer, to approve the changes to the Tourism Marketing Grant Fund application as recommended by the Destination Newport Committee. The motion carried unanimously in a voice vote.

### **CITY MANAGER'S REPORT**

**Authorization of a Letter of Support for Inclusion of the Commercial Fishing Industry for Emergency Supplemental Funding to Declare Ongoing Fisheries Disasters.** Tucker introduced the agenda item. Hawker reported that Pacific Coast U.S. Senators have offered a letter to the Director of Office and Budget to include the emergency supplemental funding for declared and ongoing fisheries disasters. She stated that in discussing this issue with the Mayor, she said Nebel felt it would be appropriate for Council to authorize a letter to the Office of Management and Budget supporting this request.

Sawyer said he supported the letter and thought the letter should include words showing the support of the entire Council.

Allen suggested adding wording that would tie the letter in with OCZMA. He stated that he would work with the Mayor and City Manager to tweak the letter.

MOTION was made by Engler, seconded by Allen, to authorize the Mayor and City Manager to send a letter to the Director of the Office of Management Budget urging funding to assist the fishing community affected by the disasters for fisheries identified in 2017. The motion carried unanimously in a voice vote.

**Schooner Creek Lift Station Report.** Tucker introduced the agenda item. Gross reported the packet contains an update on the status of the Agate Beach Wastewater Improvement project, which includes Schooner Creek Lift Station.

### **LOCAL CONTRACT REVIEW BOARD**

The City Council, acting as the Local Contract Review Board, began its meeting at 9:25 P.M.

**Authorization of Addendum No. 1 Task Order 17 for the Agate Beach Wastewater System Improvements.** Tucker introduced the agenda item. Hawker reported the city has been proceeding with a redesign of the lift stations and wastewater systems in Agate Beach to eliminate the ongoing problems with wastewater overflows. She stated that Brown and Caldwell, Inc. has completed the preliminary design and layout for this system which has been approved by the DEQ. She noted that the addendum before Council authorizes Brown and Caldwell, Inc. to proceed with final design, bid specifications, bidding the project, and serving as engineer of record through construction.

Gross responded to Council questions related to the loans and financing of the project.

MOTION was made by Allen, seconded by Engler, to authorize Addendum No. 1 to Task Order 17 with Brown and Caldwell, Inc. for the Agate Beach Wastewater Improvement project, in the amount of \$883,942.00, and authorize the City Manager to execute the addendum. The motion carried unanimously in a voice vote.

**Authorization of a Notice of Intent to Award the Olsson Creek Sewer Improvements to Kizer Excavating Co.** Tucker introduced the agenda item. Hawker reported that the Olsson Creek Sewer project will reroute storm and sanitary mains in the southeast Grant Street right-of-way, north of southeast Fourth Street. She stated that this project will allow the abandonment of aging and failing storm sewer mains, and eliminate a wastewater pump station. She noted that the low bidder is Kizer Excavating Company with a bid of \$461,564.50.

Gross responded to Council questions related to funding.

MOTION was made by Allen, seconded by Engler, to authorize a Notice of Intent to Award the Olsson Creek Sewer Improvements project to Kizer Excavating Company, in the amount of \$461,564.50, and direct the City Manager to execute the contract after seven days, on behalf of the City of Newport. The motion carried unanimously in a voice vote.

**Authorization of Change Order No. 1 with Baldwin General Contracting, Inc., for the Newport Fire Station Seismic Rehabilitation.** Tucker introduced the agenda item. Hawker reported that the main fire station has been undergoing a seismic retrofit to assure that the facility will remain intact following a major seismic event. She stated that a number of existing issues were also addressed with the building. She noted that the majority of this project was funded with a grant from the Oregon Infrastructure Finance Authority in the amount of \$1,491,223, with the city appropriating \$225,000 to complete this work. She stated that the change order includes work that was not anticipated as part of the design. She stated that the total amount of the change order is \$98,622.67.

MOTION was made by Allen, seconded by Sawyer, to authorize the City Manager to execute Change Order No. 1 in the amount of \$98,622.67 with Baldwin General Contracting, Inc. The motion carried unanimously in a voice vote.

**Authorization for a Change Order for the Bay-Moore Storm Drainage Improvement Project with Emery and Sons Construction Group.** Tucker introduced the agenda item. Gross reported a work change has been negotiated with Emery and Sons on the Bay-Moore project. He stated that the change includes the installation of two manholes and about 200 feet of sanitary sewer pipe. He said the change order should be referred to as Work Change Directive 12.

MOTION was made by Allen, seconded by Saelens, to authorize the City Manager to execute Work Change Directive 12, in the amount of \$202,575, with Emery and Sons Construction Group. The motion carried unanimously in a voice vote.

**RETURN TO CITY COUNCIL MEETING**

Having no further business as the Local Contract Review Board, Council returned to its regular session at 9:55 P.M.

**ADJOURNMENT**

Having no further business, the meeting adjourned at 9:56 P.M.

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Gloria Tucker, Deputy City Recorder

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Sandra N. Roumagoux, Mayor