

May 4, 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, Swanson, Busby, and Roumagoux were present.

MOTION was made by Allen, and seconded by Engler to excuse Saelens from this meeting.

Present was City Manager Nebel, City Recorder Hawker, Public Works Director Gross, Senior Center Coordinator O'Callaghan, Parks and Recreation Director Protiva, Administrative Assistant Nelson, and Police Chief Miranda.

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

Oath of Office - Police Officer, Sam Clark. Chief Miranda introduced newly-hired Police Officer Sam Clark, and Hawker administered the oath of office.

Proclamation - Brewer's By the Bay - Al Jorgenson, President of the Rogue Nation. Roumagoux proclaimed May 15 and 16, 2015 to be Brewer's Memorial Ale Fest Days in the City of Newport. Jim Cline, from the Rogue Brewery, accepted the proclamation.

Proclamation - Police Week - Mark Miranda, Chief of Police. Roumagoux proclaimed May 10 - 16, 2015 as Police Week in the City of Newport. Miranda accepted the proclamation. Sergeant Sarazin distributed blue ribbons in support of Police Week and police officer survivors.

Proclamation - Older Americans Month. Roumagoux proclaimed the month of May 2015 as Older Americans Month in the City of Newport. Vada Robinson and Donna Fogarty accepted the proclamation.

AMEND AGENDA

MOTION was made by Allen, seconded by Engler, to amend the agenda to include the appointment of two citizen members to the Urban Renewal Advisory Committee as E. of the City Manager's report. The motion carried unanimously in a voice vote.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Minutes from the work session and regular meeting of April 20, 2015.

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

PUBLIC HEARING

Public Hearing and Consideration of Ordinance No. 2080 - Repealing and Re-Enacting Chapter 9.20 of the Newport Municipal Code Related to Smoking. Nelson introduced the agenda item. Nebel reported that the Parks and Recreation Advisory Committee recommended that the City Council consider enacting an ordinance prohibiting smoking in city parks. He stated that this recommendation excluded the parking lots and sidewalks surrounding any park property. He added that on April 20, 2015, the City Council held a public hearing and heard testimony supporting the prohibition of smoking in city parks. He noted that Protiva outlined 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. He stated that 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.

Nebel reported that in reviewing the municipal code, it appeared more appropriate to repeal and re-enact Chapter 9.20 of the Newport Municipal Code relating to smoking and drug use. He stated that this section of the code deals directly with the use of tobacco at various locations within the city. He added that he met with Protiva, Hawker, and Rich to review the changes. He added that it seemed appropriate to address e-cigarettes and vaporization products as part of this clean-up. He noted that 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.

Nebel reported that in addition, Section 9.20.020 related to enforcement has been cleaned up to authorize the Police Chief to designate library employees and parks and recreation employees to act as code enforcement officers to enforce these provisions at the library and in the city's park system. Nebel stated that he believes that these modifications will meet the intent of the City Council, and clean up existing provisions in this section of the code.

Roumagoux opened the public hearing at 6:20 P.M. She reported that she had received an e-mail regarding this item, and she read the following message, from Nyla Jebousek, into the record: "I am requesting that this message be included in the public hearing record for this issue. I disagree with the idea that we need to provide smokers with a place to smoke. Suggestions were for the parking areas. Adults and children with asthma who arrive in their vehicles will be subjected to the smoke. Alcohol cannot be consumed in public areas. Smoking should be no different. It is worse. It contaminates the air others are trying to breathe. Accommodating addiction is not a basis for public policy decision making. Additionally, a significant reason for banning smoking on our beaches is the pollution created by the cigarette 'butts' that never degrade. I believe I heard discussion about the mess at the bus shelter in front of City Hall, despite the disposal receptacles located there. A complete ban could help cut down on this kind of pollution. I hope you will reconsider and formulate a complete ban on smoking in public areas."

Roumagoux called for public comment. There was none. She closed the public hearing at 6:25 P.M. for Council deliberation.

Allen suggested changes to the ordinance for consistency.

MOTION was made by Sawyer, seconded by Engler, to approve the motion of Ordinance No. 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 city parks, by title only, and place for final passage with the changes as noted by Allen. The motion carried in a voice vote with Busby and Swanson voting no.

COMMUNICATIONS

From the Wayfinding Committee - Recommendation to Amend the Municipal Code to Allow for an Ex-Officio Member from the Greater Newport Chamber of Commerce. Nelson introduced the agenda item. Nebel reported that the Wayfinding Committee has approved a motion requesting that the Committee be expanded to eight members which would include an ex-officio, non-voting staff member from the Greater Newport Chamber of Commerce. He stated that this would provide better continuity between the city and the Chamber of Commerce on wayfinding signage issues. He added that if 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.

Nebel reported that the Wayfinding Committee also recommended that an annual wayfinding summit be convened to discuss various issues in the city in order to direct future priorities for wayfinding improvements. He added that he does not believe an action is required on the second motion, as the committee would be free to proceed along those lines. Discussion followed.

MOTION was made by Sawyer, seconded by Engler, that city administration be directed to prepare an ordinance amending section 2.05.070, the Wayfinding Committee to add an ex-officio/non-voting staff member from the Greater Newport Chamber of Commerce to the committee membership. The motion carried unanimously in a voice vote.

CITY MANAGER REPORT

Authorization for a Land Purchase for the Big Creek Wastewater Pump Station. Nelson introduced the agenda item. Nebel reported that the city has recently constructed a new force main sewer starting at the Best Western Agate Beach Inn off of Oceanview Drive extending north. He stated that this is in preparation for the construction of the new Big Creek Wastewater Pump Station which is included in the 2015/2016 budget. He added that in order to build the pump station, additional property is required as well as permanent and temporary easements. He noted that an appraisal was performed on the land with an appraisal value of \$48,200. He stated that the Spring Group of Eugene, Oregon, owners of the Best Western Agate Beach Inn, are in agreement with the acquisition.

MOTION was made by Sawyer, seconded by Engler, to authorize the City Manager to procure property from the Best Western Agate Beach Inn, owned by the Spring Capital Group of Eugene, Oregon, including acquisition of property, permanent utility easement, and a temporary construction easement for the purpose of constructing the Big Creek

Wastewater Pump Station and associated gravity and force main sanitary sewers. The motion carried unanimously in a voice vote.

Approval of the ODOT Fund Exchange Agreement for the 2015 Fiscal Year. Nelson introduced the agenda item. Nebel reported that under the state's Surface Transportation Program (STIP), the state is obligated to pass through federal funds to local units of government. He added that by mutual agreement, ODOT is willing to distribute state funds to the local units and use the federal funds for state projects. He noted that the benefit to the local units is that the state funds can be spent in accordance with the ORS instead of meeting all the federal requirements. He stated that this makes it more feasible to use the funds for smaller local street projects. He noted that if the City Council approves the agreement to participate in the exchange, the city will receive \$109,231.76 in exchange for the \$116,204 in federal funds that would be passed through ODOT to the city. He added that the funds will be used for various street overlays in the city.

MOTION was made by Sawyer, seconded by Engler, 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 used for the city's street overlay programs. The motion carried unanimously in a voice vote.

Authorization of a Franchise Extension Agreement with Falcon Telecable, Locally Known as Charter Communications. Nelson introduced the agenda item. Nebel reported that the city's franchise with Charter Communications initially expired on April 22, 2013. He added that the franchise has been extended twice since that time. He stated that the city's strategy, in working with Speer Hoyt, was to wait on renewing the franchise until a new franchise was agreed upon by a consortium of Oregon cities with Charter franchises. He noted that those negotiations have not concluded. He added that Rich will take the lead in the franchise negotiations with Charter. He noted that Charter has offered an extension of the franchise through September 30, 2015. He stated that Rich will evaluate the city's current position with the franchise in preparation for a meeting with Charter that is scheduled in late May.

Roumagoux read a comment from Marlette Noe stating that she receives cable services without paying for it.

MOTION was made by Engler, seconded by Busby, 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 vote.

Scheduling an Executive Session Pursuant to ORS 192.660(2)(d) for Labor Negotiator Consultations with IAFF 4619 - Immediately Following this Meeting. Nebel introduced the agenda item. Nebel reported that due to the relative shortness of tonight's agenda, he has added an executive session at the end of the meeting to update the Council on negotiations with the IAFF bargaining unit.

MOTION was made by Sawyer, seconded by Busby, that Council hold an executive session pursuant to 192.660(2)(d) for consultations with labor negotiators related to negotiations with the IAFF bargaining unit. The motion carried unanimously in a voice vote.

Appointment of Two Citizen Members to the Urban Renewal Advisory Committee.

Roumagoux appointed Bill Posner and Robert McAfee as the two citizen members of the Urban Renewal Advisory Committee. MOTION made by Engler, seconded by Sawyer, to ratify the Mayor's appointments. The motion carried unanimously in a voice vote.

LOCAL CONTRACT REVIEW BOARD

The City Council, acting as the Local Contract Review Board, convened at 6:55 P.M.

Approval of Task Order No. 17 for Civil West Engineering for the City Hall Campus Parking Lot. Nelson introduced the agenda item. Nebel reported that there is work that will be occurring outside of the boundaries of the Aquatic Center that includes changes to the City Hall 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. He stated that this task order will allow Civil West Engineering Services to proceed with work that is outside the scope of the general architect for the pool project.

Nebel reported that the packet contains a report from Gross in which the latest projected expenditures and revenues for the pool project are outlined. He stated that 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. He noted that there is currently a contingency of \$413,481 built into these costs. He added that there are a number of deductive alternatives that are also being built into the bid that could address a portion of any budget shortfalls. He noted that Gross is expecting competitive bids for the construction of this project, but wants to make Council aware of the numbers as they currently stand. He added that staff will have a more complete report on these issues at the time the design is finalized and we are ready to make a decision to go to bid.

Tim Gross responded to questions asked by council about construction costs and value.

MOTION was made by Engler, seconded by Allen, to approve 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. The motion carried unanimously in a voice vote.

RETURN TO CITY COUNCIL MEETING

The City Council returned to its regular meeting at 7:00 P.M.

REPORT FROM MAYOR AND COUNCIL

Roumagoux reported that she attended the volunteer appreciation dinner.

Roumagoux reported that she participated with John Baker on his recent radio show on KCUP.

Roumagoux reported that she attended the recent YBEF meeting.

Roumagoux reported that she and Nebel met Admiral Lopez from NOAA.

Roumagoux reported that she attended the Budget Committee meeting on April 29, 2015, and thanked staff for the work on the budget.

Roumagoux reported that she attended the veteran's luncheon at the senior center where she gave a brief welcome speech.

Roumagoux reported that she was a float judge for the Loyalty Days Parade, and that she rode in the parade with Officer Mitchell from the Newport Police Department.

Swanson reported that she attended the 60+ meeting with John Baker at which the revisualization of the center was discussed.

Swanson reported that she attended the veteran's luncheon last Friday, and the Loyalty Days Parade on Saturday.

Busby reported that he had also attended the Loyalty Days Parade.

Busby reported that he attended a recent Port of Newport meeting. He noted that the Port is working on converting some of its property to a shipping facility.

Engler reported that she had attended the volunteer appreciation dinner and stated that Cindy Breves did a great job on the baskets.

Engler reported that she attended the Budget Committee meeting on April 29.

Engler reported that she attended a Surfrider Foundation workshop on bacteria counts and beach sampling. She noted that Gross was present and had made an excellent presentation on water.

Allen reported that he attended the volunteer appreciation dinner.

Allen reported that he participated in a ride-along with Officer Brad Purdom. He noted that it was very informative. He recommends everyone participating in the ride-along program.

MOTION made by Allen, seconded by Engler, to enter executive session pursuant to ORS 192.660(2)(d) to consult with the city's labor negotiator. It was noted that the executive session would be held in Conference Room B. The motion carried unanimously in a voice vote.

ADJOURNMENT

Having no further business, Council adjourned to executive session at 7:10 P.M.

Melanie Nelson, Administrative Assistant

Sandra N. Roumagoux, Mayor