



**CITY COUNCIL
AND LOCAL CONTRACT REVIEW BOARD AGENDA
Monday, November 2, 2015 - 6:00 P.M.
Council Chambers**

The Newport City Council and the Local Contract Review Board will hold a meeting on Monday, November 2, 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, November 2, 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. 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 Regular Meeting of October 19, 2015 (Hawker)

V. 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.2087, Regarding Street Vacation for Portions of SW 10th Street from SW Bay Street North to SW Case Street; SW Case Street from SW 10th Street East to SW 11th Street: and an Alley between and parallel to SW 10th and 11th Streets from SW Bay Street North to SW Case Street.

VI. 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 Peggy Sabanskas - Location of Farmers Market

VII. City Manager's 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 to Submit US 101 STIP Enhancement Funding Application for Construction of a Sidewalk from NW 25th to NE 36th Street on US 101
- B. Approval of Administrative Directive Relating to the Administration of Recreational Marijuana
- C. Report and Possible Action to Approve Resolution No. 3729 A Resolution Establishing Dates for an Election on Whether to Fluoridate the City's Water System and Suspend the Provision of Resolution No. 1165-A
- D. Report on Resolution No. 3589, A Resolution Adopting a Public Arts Policy to include a Public Arts Committee and a Percentage for Arts Program

VIII.

LOCAL CONTRACT REVIEW BOARD

Monday, November 2, 2015

- A. Call to Order
- B. Approval of Task Order No. 16 for the 2015 CCTV (Sewer Televising)
Contract with Brown and Caldwell
- C. Adjournment

IX. 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.

X. 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.

XI. Adjournment

October 19, 2015
6:00 P.M.
Newport, Oregon

The Newport City Council, and the City Council acting as the Local Contract Review Board, met in a joint meeting with the Public Arts Committee on the above date in the Council Chambers of the Newport City Hall. On roll call, Allen, Engler, Busby, Saelens, Swanson, Sawyer, and Roumagoux were present.

Staff present was City Manager Nebel, City Recorder Hawker, City Attorney Rich, Community Development Director Tokos, Finance Director Murzynsky, and Police Lieutenant Malloy.

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS, PRESENTATIONS, AND SPECIAL RECOGNITIONS

Proclamation - October as Domestic Violence Awareness Month. Hawker introduced the agenda item. Roumagoux proclaimed the month of October as Domestic Violence Awareness Month in the City of Newport. Ceci Pratt accepted the proclamation.

Proclamation - October as Arts and Humanities Month. Hawker introduced the agenda item. Roumagoux proclaimed the month of October as Arts and Humanities Month in the City of Newport. Catherine Rickbone accepted the proclamation.

Oath of Office - Police Officer, Hayden Randall. Hawker introduced the agenda item. Malloy spoke briefly about Randall's education and experience. Hawker administered the oath of office to newly-appointed Police Officer, Hayden Randall. Randall's mother pinned his badge onto his uniform.

CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of City Council minutes from the special meeting, executive session, and regular meeting of October 5, 2015;
- B. Confirmation of the Mayor's appointments of Dean Bauman, Rob Oberbillig, and Joe Bishop to the Airport Master Plan Planning Advisory Committee for a term expiring on completion of the task;
- C. Confirmation of the Mayor's appointments of Carla Perry, Cathey Briggs, Chris Spaulding, Lorna Davis, Wendy Engler (Council representative), Sandra Roumagoux (Alternate Council representative), Wayne Belmont, Beatriz Botello,

Jennifer Stevenson, Wayde Dudley, Gil Sylvia, and Ken Hartwell to the Vision 2040 Steering Committee for a term expiring on completion of the task.

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

CITY MANAGER'S REPORT

Report on Fluoridation of the Municipal Drinking Water. Hawker introduced the agenda item. Nebel reported that at the July 20, 2015 meeting, Council reviewed a report on the history of fluoridation of the city's water supply. He stated that following the report, Council requested public input in determining whether provisions should be made to add fluoride to the city's drinking water. He added that a public hearing was scheduled for September 8, and at this public hearing, approximately three dozen people testified and the Council received several hundred pages of testimony and reports provided from 62 individuals. He noted that some individuals also testified at the public hearing.

Nebel reported that earlier this year, Gary Lahman and Bill Wiist of the Lincoln County Public Health Advisory Board met with him regarding the addition of fluoride to the city's drinking water. He stated that they indicated that fluoride appears to have been discontinued when a Water Treatment Plant Supervisor stopped adding fluoride to water over safety concerns as to how the system was set up in the old water plant. He added that as a result of that action, and a later decision not to add fluoridation equipment to the new water treatment plant, fluoride has not been part of the city's water system for the past decade.

Nebel reported that the history of fluoride in Newport dates back to August 23, 1960, when the city called for a special election to obtain the advice of citizens on whether to add fluoride to the city's drinking water. He stated that this election was approved by the voters with 1,070 voting yes and 1,049 voting no. He noted that Council initiated various steps to go forward with the necessary equipment to add fluoride to the drinking water. He added that a citizen group, at that time, petitioned the Council not to proceed with this change. He stated that ultimately the citizen group obtained enough signatures on a petition to initiate a vote to amend the City Charter to prohibit the fluoridation of the city water system. He noted that citizens turned down this amendment on a vote of 704 yes to 789 no. He added that in anticipation of a favorable outcome, the City Council had bid the equipment necessary to feed fluoride into the water system conditioned upon being able to cancel the order if the Charter provision prohibiting the addition of fluoride to the city's water system was approved by the voters.

Nebel reported that beginning in the 1960's, the city's water was fluoridated, and fluoridation of the city's water system continued uninterrupted until 2005 when it was discontinued. He stated that as part of the budget deliberations, he requested that Gross provide an estimate on the cost of providing the containment room necessary for adding fluoride to the water, fluoride, as well as the fluoridation equipment for the Water Treatment Plant. He noted that the estimate was \$300,000, and that he did not recommend the \$300,000 be included in the budget adopted by the City Council in June. He stated that he indicated to the Budget Committee that he felt this issue would

be better served outside of the budget discussions, since there are strong feelings on both sides of the issue, and this led to the report presented to Council at the July 20 meeting.

Nebel reported that Hawker and others have conducted research to fill in some of the gaps that exist as to how the decision to cease adding fluoride to the water system was made. He stated that Patricia Patrick-Joling recalls a discussion, while she served on Council, regarding fluoridation of the city's water. He added that Hawker has checked past minutes and can find no discussion indicating that Council took any action on discontinuing adding fluoride to the city's water system. He noted that he spoke with former Councilor, Peggy Sabanskas, who also recalled a discussion regarding this issue. He stated that, again, in checking past Council minutes, there was no reference that we have been able to find. He noted that there was a task force on the drinking water quality, but staff was unable to find any notes from those discussions. He added that the conclusion is that the discussion on fluoridation, recalled by former Councilors, may have been at this task force meeting instead of at a Council meeting.

Nebel reported that in the design process for the new plant, former Public Works Director, Lee Ritzman, indicated that there was an intent to include the provisions for adding fluoride during discussions with the design engineers, but when it was clear that the plant was over budget, decisions were made as to what components would be eliminated from the project during the design phase. He stated that one of those components included the equipment to add fluoride to the water. He noted that these modifications appear to have been authorized by the City Manager at the time.

Nebel reported that at the September 8 public hearing, Council reviewed written comments and heard public comments regarding the issue of restoring fluoride to the city's water system. He stated that people providing comments advocated for the restoration of fluoride to the city water system; continue not adding fluoride to the city water system; or letting the voters decide on whether fluoride should be added to water system.

Nebel reported that a number of issues were recurrent in the comments made by the public and ranged from the city's obligation to add fluoride to the water system based on the votes in 1960 and 1962 and Resolution No. 1165-A which authorizes and directs the water department to provide for the fluoride supplementation of the public water supply. He stated that advocates for the addition of fluoride cite the reduction of tooth decay and dental health issues as one of the great achievements, and the fact that topical application of fluoride has not proven to be a successful way to ensure that those needing supplemental fluoride receive it to reduce long-term dental expenses. He noted that those opposed to the addition of fluoride cite the expense of adding fluoride to the water; the concerns of adding various fluoride compounds to the water; potential impacts on health; and the fact that city residents, drinking city water, will receive fluoride whether they want it or not, while there are many options to topically provide fluoride for dental care.

Nebel reported that Dr. Susan Andersen, with Clean Water Newport, asked specifically whether the city would be using hydrofluorosilicic acid; what the source of the fluoride would be; cost estimates to add fluoride on an ongoing basis; and whether there was a provision for testing fluoride for contaminants such as arsenic.

Nebel reported that when the new water plant was designed, the initial intent was to include sodium fluoride. He stated that this is the most common source of fluoride for

water fluoridation. He noted that in the old water plant, the source of fluoride was sodium fluorosilicate which is the sodium salt of fluorosilicic acid. He added that if a decision was made to add fluoride to the water, the option of what form of fluoride to use is something that would need to be reviewed and decided.

Nebel reported that since the September 8 meeting, staff has compiled various emails, letters, and reports that have been submitted to the Council regarding fluoridation of the water system. He stated that these comments include reports submitted by various advocate groups (pro and con) including information regarding the cost of removing fluoride from someone's water should they desire to do so. He noted that on behalf of Clean Water Newport, Rick North has submitted the PowerPoint presentation that was made at the September 30, 2015 meeting in Newport. He added that there are a number of comments regarding the addition of fluoride to the water including a number of requests for the Council to see the presentation from Clean Water Oregon regarding fluoridation of water. He noted that these comments are included in a separate packet for Council review. He stated that the packet contains a link to the comments received at the September 8 meeting.

Nebel reported that on September 23, following the last Council meeting, there was a request for advocacy groups, both pro and con, to submit position papers relating to the restoration of fluoride to the city's water system. He stated that as a result, submittals were received from the following: Clean Water Newport; Public Health Professionals for the Enforcement of Resolution No. 1165-A; Minda Stiles - Newport resident; and Cheryl Connell, RN, Director, Lincoln County Health and Human Services.

Nebel reported that in the public comment section, he provided responses to several questions that were raised and reiterated in the Clean Water Newport position statement. He noted that he would like to respond to one item in the submittal from the Public Health Professionals for the Enforcement of Resolution No. 1165-A. He stated that in this group's discussion on resuming the addition of fluoride, they indicated that the City Council should comply with "city law" by reinstating fluoride into the water supply. He added that the resolution, adopted by the City Council in 1962, is a directive and not a law, and that Council formally exercises administrative or non-legislative authority in the form of resolutions. He stated that these decisions normally implement requirements of city ordinances and state statutes and other types of directives from the Council. He added that resolutions are effective until its purpose is accomplished or amended by another resolution or ordinance. He noted that on the other hand, an ordinance has the effect of being a city law, and is how a City Council exercises its legislative authority. He added that ordinances typically become effective 30 days from the date of adoption, and are typically codified which means they become part of the Municipal Code. He stated that ordinances are subject to petition and referendum to repeal the action taken by Council provided a sufficient number of signatures are submitted within 30 days of adoption of the ordinance. He noted that Resolution No. 1165-A has never been rescinded, modified, or replaced by an ordinance, and as a result, it is still the directive that fluoride be added to the city's water.

Nebel reported that he has included, in the packet, a copy of the timeline for the history of fluoridation in city water, a copy of "Water Fluoridation" from Wikipedia, and the Wikipedia information on hexafluorosilicic acid to provide third party information. He stated that he also included, in the packet, an email from Allen in which he asked Clean Water Newport and the Public Health Professionals for the Enforcement of Resolution

1165-A whether this issue should be taken to a public vote next year as either part of the May primary election or the November general election, and for those that wish to remove fluoride from the water what type of cost would an individual or family incur.

Nebel reported that in reviewing this situation and various comments that have been made regarding whether to resume fluoridation of to the city's water, it is clear that there are strong passions for both for and against this action. He commended all the participants in this discussion for dealing with this question in a courteous and direct way with city staff and the Council. He stated that Council has received a significant amount of information, and there have been a number of one-on-one meetings with Council members by advocates on both sides of the issue. He noted that it is important that Council make a determination as to what direction they would like to move the city in regarding to the fluoridation question. He stated that these options include the following:

1. Instruct staff to proceed with the design and modification of the water treatment plant to resume the addition of fluoride to the city's water in accordance with Resolution No.1165-A which is a current, standing directive that was approved by the City Council on June 25, 1962.
2. Rescind Resolution No. 1165-A with an appropriate resolution which would effectively eliminate the directive to add fluoride to the city's drinking water.
3. Rescind Resolution No. 1165-A with an appropriate resolution and instruct the staff to develop a report and recommendation for placing this matter on the ballot for a public vote.
4. Request additional information prior to taking any action.
5. Any other directions as suggested by the City Council.

Nebel reported that there have been a number of suggestions that would provide variations to the primary options that he outlined, including taking action by ordinance to either restore or rescind Resolution No. 1165-A. He stated that an ordinance has the effect of law and the citizens would have an opportunity to initiate a referendum should they disagree with the Council's action, and collect the required number of signatures equal to 10% of the registered voters in the city. He added that another variation of this option would be for the Council to approve, by motion, its intent to adopt an ordinance at a later date which would provide either side an opportunity to initiate the processes that would be required to collect signatures following a formal adoption of an ordinance for referendum purposes. He noted that under a new state law, referendums are scheduled in conjunction with either the primary or general elections, and that there would be no additional cost to the city to have this question on the ballot if timed with these elections.

Nebel reported that by allowing some time prior to formal adoption of an ordinance, advocates of an alternative approach would have sufficient time to initiate a referendum. He stated that by adopting an ordinance, it would require a specific time period to determine whether the decision of the Council is going to be challenged. He noted that this would be important to help prevent the investment of funds in fluoride equipment if a decision of the Council to reinstate fluoride is going to be challenged.

Nebel reported that, due to the complexities of this issue, it will be important for Council to provide direction, by motion, as to which option it wishes to pursue regarding fluoridation. He stated that once that option is known, staff will draft the appropriate resolutions and/or ordinances in order to implement that direction.

Nebel reported that in making a recommendation on this issue, he is utilizing the

guidance of the existing directive from the City Council which is that the city pursue steps to resume fluoridation of the city's drinking water in accordance with Resolution No. 1165-A. He stated that until the Council has adopted future instructions on this matter, this, based previous actions taken by the city, is his recommendation on the issue of fluoridation of the city's water.

Nebel reported that comments received since September 8 are on the city's website.

Nebel recommended that Council direct the City Attorney and staff to develop an ordinance to resume the addition of fluoride to the city's drinking water in accordance with Resolution No. 1165-A which is a current, standing directive approved by the City Council on June 25, 1962.

Roumagoux reported that she has received the following requests to speak:

Bill Wiist spoke in support of the fluoridation of water and urged Council to support the provisions of Resolution No. 1165-A.

Susan Andersen, representing Clean Water Newport, spoke in opposition to the fluoridation of water noting that residents should have a choice regarding the use of fluoride.

Cheryl Connell, Director of Lincoln County Health and Human Services, submitted a written report, and urged Council to reinstate fluoridation as soon as possible.

Oliver Pijoan spoke in opposition to the fluoridation of water noting that fluoride is a dangerous substance with many ill effects.

Jonna Pijoan spoke in opposition to the fluoridation of water noting that fluoride is toxic, and anyone wanting it could obtain a prescription for fluoride.

Barbara Wilson spoke in opposition to the fluoridation of water noting that fluoride would be dangerous to people with certain medical conditions.

Rebecca Austen, Lincoln County Public Health and Human Services Division Director, spoke in support of the fluoridation of water citing its health benefits at regulated levels.

Allen addressed the options provided on page 26 of the packet. He noted that one option, related to a public vote, is to rescind the resolution. He added that it is his understanding that Council could adopt an ordinance reaffirming Resolution No. 1165-A, and refer the ordinance for a public vote.

Busby noted that the city is obligated to fluoridate the water based on Resolution No. 1165-A. He suggested that the resolution be rescinded, or put on hold, since it is not being enforced.

Saelens stated that he is not opposed to a public vote, but that he thinks it is a step in delaying the inevitable. He added that he knows that the city inadvertently "passed the buck" by not fluoridating the water for the last ten years. He stated that the public expects the City Council to make decisions. He questioned whether a vote on the issue would achieve a clear majority.

Nebel noted that the issue has many angles, and his recommendation is for Council to provide an overall direction this evening and let staff bring back to Council a method for instituting that direction.

Allen reported that in researching editions of the News-Times from the early 1960's, there were numerous letters to the editor on the subject of fluoridation, and the same core issues existed 45 years ago. He added that the primary supporters of fluoridation in the 1960's were Lincoln County health officials. He stated that he takes issue with the 2008 bond election being a validation of fluoridation of the city's water. Roumagoux

noted that she thought there was going to be fluoridation when she was working on bond the issue for the new water treatment plant.

Sawyer stated that he has heard all the arguments, read the comments, and talked to people. He added that his dentist tells him that fluoride is important. He noted that those who work in the public health field are highly educated and dedicated professionals who are not here because they are paid to be here. He recommended the enforcement of Resolution No. 1165-A.

Swanson stated that the problem from the beginning is that the resolution was overturned without much thought and the City Council was not informed. She noted that the lack of enforcement is bothersome, and that she is not convinced that the city should not be sending it out for a vote.

Allen referenced an e-mail that he sent on Friday which was a follow-up to an e-mail from October 3. He stated that appreciates the time and effort that went into the responses. He added that there has been a good public debate. He noted that his position is along the lines of what Swanson and Busby have said. He stated that Resolution No. 1165-A was approved as a result of two votes, and any formal action not to resume fluoridation should occur through a public vote. He added that, in light of this, he generally supports the recommendation of the City Manager on page 27 of the packet although that still leaves two choices. He stated that Council can support the City Manager's recommendation with the likelihood of a referendum. He noted that the other option, and the one he prefers, is to adopt an ordinance acknowledging Resolution No. 1165-A, and let the public make a choice through a referral.

Roumagoux stated that the elections from 1960 and 1962 must be honored, otherwise it is a breach of trust of the voters of the city. She added that if it was a valid election; the voters have spoken.

Saelens stated that he is not opposed to a public vote, but as a trained marine water scientist, he is concerned that the dumping of components will ultimately end up in the water and there will be consequences.

Engler stated that this is a difficult decision. She added that she has spent considerable time and effort trying to make a decision, noting that Council is being asked to make medical choices absent medical training. She stated that fluoride contributes to dental health, but questioned whether water fluoridation is the best solution to address dental health.

Allen noted that if the election was held in May that voter turnout is generally higher during a presidential primary.

Busby stated that a decision needs to be made regarding the election. He added that he supports rescinding Resolution No. 1165-A, or rescinding it with an ordinance that provides that Newport will not have fluoride in its water. He stated that there has been a tremendous amount of data provided which includes good science, bad science, and anecdotal information. He noted that fluoridation would cost approximately \$15,000/year with an approximate \$300,000 for equipment. He added that the idea of people buying filters, etc. is difficult to quantify. He recommended rescinding Resolution No. 1165-A, and stated that he was ready to make a motion.

Roumagoux noted that Nebel had included a recommendation in the packet.

Swanson asked what would happen if Council accepted Nebel's recommendation, and the city did not have the equipment to fluoridate the water. Nebel noted that there

would be no expenditure of money on equipment until the referendum period closed or the election was held.

Allen stated that if a motion is to be considered after Busby's motion, he would make a modification to Nebel's motion. Sawyer stated that he would vote no on any motion that would end in an election, adding that the city needs to enforce its standing resolution.

Busby stated that representatives from each side have requested a resolution tonight without putting the issue out for a vote.

MOTION was made by Busby, seconded by Saelens, to rescind Resolution No. 1165-A, and direct staff to prepare an ordinance stating that the city will not have fluoridation in its water. Voting aye on the motion were Engler, Busby, and Saelens. Voting no on the motion were Allen, Sawyer, Roumagoux, and Swanson. The motion failed.

Allen noted that if an ordinance is developed, it could be brought back to consider for referral at the May election next year. Nebel reported that the ordinance would be developed to reinstate fluoride. It was noted that the operational difference is that it would only be voted on if there was a referendum. Allen suggested the process include a vote of the people through the referral process.

Rich noted that the ordinance would supersede the resolution depending on what happens at an election. He added that there are several election options including referral and referendum.

MOTION was made by Allen, seconded by Swanson, to direct the City Attorney and city staff to develop an ordinance to resume the addition of fluoride to the city's drinking water in accordance with Resolution No. 1165-A which is a current, standing directive approved by the City Council on June 25, 1962, and to bring the ordinance back to City Council for consideration and eventual adoption and referral to the citizens of Newport for a public vote at the May 17 election. Voting aye on the motion were Saelens, Swanson, Roumagoux, and Allen. Voting no on the motion were Busby, Sawyer, and Engler. The motion carried.

Roumagoux asked Nebel and Rich to explain the options. Nebel reported that the City Council approved a motion to direct the City Attorney and staff to develop an ordinance to reinstate fluoride which would not become effective until after the May 17 election.

Allen noted that from a timing standpoint, the ordinance has to be developed so that it is effective on May 17. He added that a ballot title and explanatory statement are still needed. He noted that there are several steps to adopt an ordinance and send it out for the May election. He added that it will require further City Council action. He asked whether there is anything that Council needs to do, since Resolution No. 1165-A is still in effect, between now and the May election. Nebel noted that he would incorporate this information into his report.

Rich noted that the timing will have to be appropriate so as to fall on the May election date rather than requiring a special election.

Consideration and Possible Adoption of Resolution No. 3706 Providing Appropriation Changes for the 2015/2016 Fiscal Year. Hawker introduced the agenda item. Nebel reported that Resolution No. 3706 would adopt a supplemental budget adjustment for the 2015/2016 Fiscal Year to cover three specific issues. He stated

that the first budget issue will transfer funds from the contingency that was established in the 2015/2016 Fiscal Year budget for future cost of living increase adjustments to the appropriate cost centers. He noted that this will provide a two percent cost of living adjustment for all non-represented employees. He added that this adjustment had been delayed in an attempt to make it at the same time that the collective bargaining adjustments would be completed. He stated that since these adjustments were due on July 1, and negotiations are not complete, he recommends proceeding with the cost of living increases for non-represented employees at this time. He noted that the cost of living increases were specifically included in the contingency for future commitments line item in each of the appropriate funds, and that no additional resources are required to cover this expense since they were contained in contingency.

Nebel reported that the second item is the shift of \$28,742 from the Smoke Testing Program budget to the Wastewater System Project 13008 for the Wastewater Master Plan. He stated that this will provide funding to conduct additional work as part of the Master Plan relating to the McLean Point area. He noted that the task order will be executed on appropriation of these funds to do additional modeling of the existing pump stations and gather additional information on what work will need to be done with the McLean point area and downstream to adequately serve this project.

Nebel reported that the final part of this resolution includes adjustments that were previously approved by the Council for the Golf Course Drive water main, Big Creek lift station force main replacement, and Agate Beach. He stated that these amounts are as approved by Council in previous motions awarding the projects.

Engler asked whether the funding for smoke testing would be jeopardized, and Nebel reported that there is still funding for smoke testing.

MOTION was made by Saelens, seconded by Engler, to adopt Resolution No. 3706 with Attachment A, a resolution adopting a supplemental budget and making appropriation increases and changes for the Fiscal Year 2015/2016 budget. The motion carried unanimously in a voice vote.

LOCAL CONTRACT REVIEW BOARD

The City Council, acting as the Local Contract Review Board, met in a joint meeting with the Public Arts Committee at 7:40 P.M.

Consideration of Intent to Award a Contract for Public Art for the Aquatic Center.

Hawker introduced the agenda item. Nebel reported that the Public Arts Committee has been working to develop a process to determine how the Percent for the Arts Program can best be utilized for the new Aquatic Center. He stated that under Resolution No. 3589, one percent of the eligible construction cost of a public building is to be allocated for public art. He noted that for the pool project, the Public Arts Committee based the amount available for public art at \$65,000. He added that the Public Arts Committee, working with Hawker, issued an RFP for public art at the Aquatic Center, and twenty-nine proposals were received. He added that the Public Arts Committee reviewed the proposals and invited seven of the artists/artist teams to make formal presentations to the Committee in late August. He noted that on

October 8, the Public Arts Committee, by motion, recommended the City Council accept the proposal from to CJ Rench, an artist from Hood River, Oregon as the proposal that will best meet and represent the art needs of the Aquatic Center. He stated that a model of the sculpture is available for the Council review.

Nebel stated that he appreciates the effort that the Public Arts Committee and Hawker made in this first-time implementation of the city's Percent for the Arts Program for a public building. He added that he believes this process will lay the framework for future implementation of this program.

Busby reported that he is the liaison to the Committee and noted that he did not participate in the selection meetings. He added that the Committee put a lot of work and effort into selection of this art, and that it will make a difference in the community.

Sawyer noted that he likes the sculpture but has reservations related to vandalism and the safety of people climbing on it. He added that he would have preferred a local artist. He noted that he visited a waterpark in Nevada that had a lot of murals inside, and expressed hope that the city can have murals inside either by donation or other funding.

Saelens stated that he believes that safety is an issue.

Roumagoux noted that, as educators, you start by getting art in the community and teaching others how to act around it.

Bill Posner, Committee member, noted that the photo that Sawyer was looking at was one of a sculpture that was designed for skateboarding.

Allen asked whether multiple projects were considered by the Committee. Cynthia Jacobi, Committee member, noted that the Committee did consider multiple projects. She added that the city may work with the architect for a soft surface. She noted that the sculpture is meant for children to climb on it, and for people to pose in, on, and around it. She added that this artist has had art in many public places and there have not been liability problems. She stated that the sculpture will be lit at night and near the Police Department which should curb vandalism. She mentioned that the sculpture may be powder-coated, and will be safe and long-lasting.

Engler asked whether the city will have the copyright. Catherine Rickbone, Committee Chair, noted that the copyrights are usually retained by the artist, but that the Committee will talk with the artist about this issue.

Roumagoux congratulated the Committee on its work and the selection of Newport's first piece of public art made possible by the Percent for the Arts Program.

MOTION was made by Busby, seconded by Sawyer, to authorize the issuance of a notice of intent to award a contract for public art for the Aquatic Center to CJ Rench, in the amount of \$65,000, and after seven days, contingent upon no protest, authorize the City Manager to execute an agreement on behalf of the City of Newport. The motion carried unanimously in a voice vote.

Nebel reminded Council and the public that the groundbreaking for the Aquatic Center will be held at noon, on Monday, October 26, 2015, at the Recreation Center.

RETURN TO CITY COUNCIL MEETING

The City Council returned to its regular meeting at 7:52 P.M.

REPORT FROM MAYOR AND COUNCIL

Roumagoux reported that the Council is invited to the Confederated Tribes of the Siletz Indians 38th Restoration Celebration to be held at the Chinook Winds Casino, on November 14, 2015, beginning at 10:00 A.M.

Sawyer reported that former Airport Director, Gene Cossey, has been appointed as Airport Director in Urbana, Illinois.

Sawyer reported that the Destination Newport Committee is concerned with its budget and the fact that the transient room taxes are increasing, but not the Committee's budget. He noted that the Committee discussed the possible addition of a lighthouse to the top of the billboard near Newberg.

Swanson reported that she participated in the Great Oregon Shakeout at City Hall. She noted that the Senior Center evacuated staff and clients.

Swanson reported that she viewed a video at the Samaritan Center for Health Education regarding using your inhibitions to live life.

Busby reported that the RFP for the operation of the airport will be going out shortly. Nebel noted that the insurance section was finalized today.

Busby asked when the next Regional Airport Review Task Force meeting is scheduled, and it was noted that the meeting will be held on October 27.

Engler reported that she met with Don Davis on October 6, and that he wanted to talk with about using the history of Newport that he is filming with the Lincoln County Historical Society in conjunction with the visioning process.

Engler reported that she attended a recent meeting of the Nye Beach Merchant's Association which is preparing for its Christmas programs.

Engler reported that the American Legion coordinated with the Oregon new lawyers division and spruced up Don Davis Park.

Engler reported that she attended the OSU Trustees meeting on October 15. She noted that Bob Cowen made a presentation regarding the Marine Science Initiative strategic plan.

Engler reported that the City of Lincoln City is conducting a visioning plan for the next 50 years.

Allen reported that, in looking through old editions of the News-Times, there was a small front page article reporting that, under the new City Charter, the city was looking for its first City Manager.

Allen asked about the November and December Council meeting schedule. Nebel reported that Council meetings will be held on November 2, November 16, and December 7. Allen noted that there are five Mondays in November.

Allen asked whether, at the next meeting, Rich will provide tentative timelines regarding development of an ordinance so that it could appear on the May ballot, along with how to handle the current resolution during this interim period.

Roumagoux requested an excused absence from the November 16, 2015 City Council meeting. MOTION was made by Engler, seconded by Sawyer, to excuse Roumagoux from the November 16, 2015 City Council meeting. The motion carried

unanimously in a voice vote.

Saelens requested an excused absence from the November 2, 2015 City Council meetings. MOTION was made by Allen, seconded by Engler, to excuse Saelens from the November 2, 2015 City Council meetings. The motion carried unanimously in a voice vote.

PUBLIC COMMENT

Carla Perry reported that she was on Public Arts Task Force, and was the person who wrote the Percent for the Arts ordinance. She added that it is mandatory for city buildings, but encourages private developers with public access, i.e., stores, hospitals, restaurants, etc., to participate in the program. She stated that the private developers are not being made aware of the program and possibilities, and recommended that this information be made available.

Hawker reported that a document was developed by the Public Arts Committee for distribution to private developers applying for building permits. Perry suggested additional efforts in making people aware of the program.

Allen noted that Resolution No. 3589 establishes the Percent for the Arts Program as a duty of the Public Arts Committee, which was created by ordinance.

Sawyer asked what the hospital's policy is relative to public art. Busby suggested adding an item to the Public Arts Committee agenda related to a letter to the hospital regarding the Percent for the Arts Program.

ADJOURNMENT

Having no further business, the meeting adjourned at 8:13 P.M.

Margaret M. Hawker, City Recorder

Sandra N. Roumagoux, Mayor



Agenda#V.A.
MeetingDate: 11/02/15

Agenda Item:

Public Hearing and Possible Adoption of Ordinance No. 2087, Regarding Street Vacation for Portions of SW 10th Street from SW Bay Street North to SW Case Street; SW Case Street from SW 10th Street East to SW 11th Street: and an Alley between and parallel to SW 10th and 11th Streets from SW Bay Street North to SW Case Street.

Background:

At the request of Pacific Communities Health District the City Council initiated the process to vacate the above referenced alleys and streets for the purpose of expanding and renovating the hospital following passage of a bond measure in May of this year. At the October 12, 2015 meeting, the Planning Commission recommended the Council vacate these rights-of-way subject to reservation and utility easements. Once the utilities are relocated by the hospital then the easements can also be released via quit claim deed. Criteria for vacation of streets requires a public hearing be held to consider the question of whether or not the public interest will be prejudiced by the street vacation. Please note that the hospital is the only abutting property owner to the streets being vacated. In addition to review by the Planning Commission, the Port Commission has an opportunity to review vacation requests within 5,000 feet of the harbor area or a pure headline of the Port. At their meeting on Tuesday, October 27, 2015, the Port Commission approved the vacation.

Recommended Action:

I recommend the Mayor conduct a public hearing on adoption of Ordinance No. 2087 which vacates portions of SW 10th Street from SW Bay Street North to SW Case Street; SW Case Street from SW 10th Street East to SW 11th Street: and an Alley between and parallel to SW 10th and 11th Streets from SW Bay Street North to SW Case Street subject to utility easements.

I further recommend the City Council consider the following motion:

I move the adoption of Ordinance No. 2087 which vacates portions of SW 10th Street from SW Bay Street North to SW Case Street; SW Case Street from SW 10th Street East to SW 11th Street: and an Alley between and parallel to SW 10th and 11th Streets from SW Bay Street North to SW Case Street subject to reservation of utility easements, be read, by title only, and placed for final passage.

The Mayor will then ask for a voice vote on whether or not to read the ordinance by title only and placed for final passage.

If the motion is 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:

None directly by the vacation. In accordance with the previous motion of the City Council the filing fee of \$864 was paid on behalf of Pacific Communities Health District by Samaritan Pacific Health Services.

Alternatives:

None recommended.

Respectfully submitted,

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

Spencer R. Nebel
City Manager



CITY COUNCIL AGENDA ITEM SUMMARY
City of Newport, Oregon

Issue/Agenda Title Public hearing and possible adoption of an ordinance vacating portions of SW 10th Street from SW Bay Street north to SW Case Street; SW Case Street from SW 10th Street east to SW 11th Street; and an alley between and parallel to SW 10th and 11th Streets from SW Bay Street north to SW Case Street.

Prepared By: Derrick Tokos Dept Head Approval: DT

City Mgr Approval:

ISSUE BEFORE THE COUNCIL: Consideration of whether or not it is in the public interest for the City of Newport to vacate the above referenced alley and streets for the purpose of assisting the Pacific Communities Health District in its effort to expand and renovate the hospital following passage of a bond measure in May of this year. The rights-of-way at issue are located within the Bayley and Case's Addition to the Town of Newport subdivision plat, in Section 8, Township 11 South, Range 11 West of the Willamette Meridian.

At its October 12, 2015 meeting, the Newport Planning Commission recommended the Council vacate these rights-of-way subject to reservation of utility easements.

STAFF RECOMMENDATION: Staff recommends the City Council concur with the Planning Commission and vacate the rights-of-way.

PROPOSED MOTION: I move the adoption of Ordinance No. 2087, vacating portions of SW 10th Street, SW Case Street, and an alley between SW 10th and SW 11th Streets, subject to reservation of utility easements, be read by title only and placed for final passage.

KEY FACTS AND INFORMATION SUMMARY: Samaritan Pacific Health Services, on behalf of the Pacific Communities Health District, asked the Newport City Council to initiate the statutory street vacation process to vacate the above referenced street rights-of-way in preparation of a planned hospital expansion. The affected portions of the SW 10th Street and SW Case Street rights-of-way are developed with public streets and there are city water, sewer, and storm drainage services that will need to be relocated. If the rights-of-way are vacated, easements will need to be reserved until Samaritan Pacific Health Services reconfigures the utilities in a manner acceptable to the City. At that time, the easements can be released via quit claim deed.

On September 8, 2015, the Newport City Council elected to begin the street vacation process. This was done in accordance with policies the Council adopted to govern when it would initiate street vacation proceedings. Those policies require consideration of (a) the extent of public benefit; (b) the extent of present and anticipated future use of the right-of-way; (c) potential environmental and geologic impacts; (d) financial factors; (e) effect on property owners; (f) consistency with applicable plans, ordinances and regulations; and (g) the amount and quality of the information provided by the person requesting the vacation. Findings explaining how each of these policies have been satisfied have been incorporated into Ordinance No. 2087 (attached).

Criteria for the approval of a City initiated street vacation are listed under ORS 271.130. They require that a public hearing be held to consider the question of whether or not the public interest will be prejudiced by the street vacation, and that abutting and affected property owners receive notice of the public hearing as provided by ORS 271.110. Further, ORS 271.130 requires that abutting property owners consent to the street vacation if it will substantially affect the market value of their property unless the city provides for paying damages, and it prohibits a vacation from occurring if the owners of a majority of the area, computed on the basis provided in

ORS 271.080, object in writing to the proposal. Findings contained in Ordinance No. 2087 establish that these criteria have been satisfied. ORS 271.190 requires Port Commission approval to vacate rights-of-way within 5,000 feet of the harbor or pierhead line of the port. The Commission considered the street vacation at its October 27, 2015 and voted to approve the proposal. Lastly, NMC Chapter 14.26 and ORS 271.300 to 271.360 require rights-of-way be retained if they provide estuary or ocean access, unless adequate alternatives exist. The subject portions of SW 10th Street, SW Case Street, and the affected alley are functionally part of the internal circulation system of the hospital campus. Nearby streets, including SW Bay Street, SW Harbor Drive and SW 11th Street provide more direct and convenient public access to the estuary and ocean and serve as adequate alternatives to the rights-of-way that are to be vacated.

OTHER ALTERNATIVES CONSIDERED: Requiring the property owner prepare a petition to vacate the rights-of-way. The process for preparing a petition is outlined in statute. It requires consent from the abutting and potentially affected property owners. This typically takes a fair amount of time, particularly if affected property owners are not local, which could adversely impact Samaritan Pacific's design and construction schedule. That is why this approach was not pursued.

CITY COUNCIL GOALS: None are applicable.

ATTACHMENT LIST:

- Ordinance No. 2087
- Map showing right-of-way to be vacated and the location of existing utilities
- Copy of ORS 271.080 through 271.230
- October 12, 2015 Planning Commission meeting minutes
- Copies of legal publication, mailing, and posting notice for November 2, 2015 hearing

FISCAL NOTES: Samaritan Pacific Health Services, on behalf of Pacific Communities Health District, paid a filing fee of \$864.00 to cover their proportional share of the cost to the city to review the street vacation.

After Recording Return to:

*Margaret Hawker
City Recorder
City of Newport
169 SW Coast Hwy
Newport, OR 97365*

CITY OF NEWPORT

ORDINANCE NO. 2087

**AN ORDINANCE VACATING PORTIONS OF SW CASE STREET, SW 10TH STREET,
AND AN ALLEY BETWEEN SW 10TH AND 11TH STREETS**

Summary of Findings:

1. On September 8, 2015, the Newport City Council initiated the process to vacate portions of SW 10th Street from SW Bay Street north to SW Case Street; SW Case Street from SW 10th Street east to SW 11th Street; and an alley between and parallel to SW 10th and 11th Streets from SW Bay Street north to SW Case Street as provided in Oregon Revised Statutes (ORS) Chapter 271 for the purpose of assisting the Pacific Communities Health District in its effort to expand and renovate the hospital following the passage of a bond measure in May of 2015.

2. Real property abutting the rights-of-way to be vacated are identified by tax lot reference and ownership, as follows:

a. SW 10th Street: Tax Lots 4500, 4600, 4800, 4900, 5000, 5100, 5200, 12900, 13100, 13200, 13500, 13501, 13502, and 13800 of Lincoln County Assessor's Map 11-11-08-CA. The properties are owned by the Pacific Communities Health District.

b. SW Case Street: Tax Lots 12700, 12900, 13000, and 13800 of Lincoln County Assessor's Map 11-11-08-CA. The properties are owned by the Pacific Communities Health District.

c. Alley between SW 10th and 11th Street: Tax Lots 12900, 13000, 13001, 13100, 13200, 13300, 13400, 13500, 13501, 13502, and 13600 of Lincoln County Assessor's Map 11-11-08-CA. The properties are owned by the Pacific Communities Health District.

3. Criteria for the approval of a City initiated street vacation are listed under ORS 271.130. They require that a public hearing be held to consider the question of whether or not the public interest will be prejudiced by the street vacation, and that abutting and affected property owners receive notice of the public hearing as provided by ORS 271.110. Further, ORS 271.130 requires that abutting property owners consent to the street vacation if it will substantially affect the market value of their property unless the city provides for paying damages, and it prohibits a vacation from occurring if the owners of a

majority of the area, computed on the basis provided in ORS 271.080, object in writing to the proposal. Findings contained in this ordinance establish that these criteria have been satisfied.

4. The Planning Commission of the City of Newport held a public hearing on October 12, 2015, for the purpose of reviewing the proposed street vacations and providing a recommendation to the City Council. Notice of the hearing was published in the Newport News-Times on September 25, 2015, October 2, 2015 and October 7, 2015. Notice of the hearing was mailed to abutting and affected property owners on September 22, 2015. The Planning Commission public hearing was held in accordance with the appropriate provisions of the Newport Zoning Ordinance and, after due deliberation and consideration of the proposed vacation, the Planning Commission, by a unanimous vote, recommended that the proposed street vacation be approved, provided public utility easements are reserved over the affected areas.

5. It has been determined that, at the present time, no City liens are existing or unpaid against the property to be vacated and, by virtue of the fact that it is a dedicated right-of-way, no taxes are unpaid thereon.

6. The City Council fixed November 2, 2015, at 6 p.m. at the Newport City Hall, 169 SW Coast Highway, Newport, Oregon, as the time and place for a formal public hearing regarding the vacation.

7. The City Recorder gave notice of the public hearing by publishing a notice in the Newport News-Times newspaper once each week for three consecutive weeks on October 16, 2015, October 23, 2015 and October 28, 2015, which notice described the ground proposed to be vacated, the date the street vacation was initiated, the name of at least one of the petitioners (i.e. the City Council), the date of the public hearing, and the requirement that written objections or remonstrances must be filed with the City of Newport prior to the time of the hearing, in accordance with ORS 271.110(1). Notice of the hearing was mailed to affected property owners on October 13, 2015.

8. Within five (5) days after the first day of publication of said notice in the newspaper and not less than fourteen (14) days before the hearing date, the City Recorder caused a copy of the notice to be posted in at least two (2) conspicuous places at or near each end of the proposed vacation, in accordance with ORS 271.110(2).

9. On November 2, 2015, at 6 p.m. at the Newport City Hall, the City Council held a public hearing in the Council Chambers on the vacation of the area described above and heard any written objections filed thereto, and heard oral testimony from members of the public in favor of and/or in opposition to the vacation.

10. The owners of the majority of the area affected, computed on the basis provided in ORS 271.080, have not objected in writing to the proposed vacation.

11. On October 27, 2015 the Port Commission for the Port of Newport approved the proposed vacation as required by ORS 271.190 for any such proposal that is made within 5,000 feet of the harbor or pierhead line of the port.

12. The market value of abutting properties will not be adversely affected by the street vacation because the rights-of-way are not needed for access purposes and the land accruing to abutting property owners as a result of the vacation increases the size and value of the respective properties. Further, eliminating the right-of-way allows Pacific Communities Health District property to be developed as a single block of land, which increases its value.

13. Abutting property owners have had an opportunity to review the proposed street vacation and have consented in writing to the vacation.

14. The Newport City Council finds that the policies it adopted on October 6, 2008, to guide when it will exercise its authority under state law to initiate a street vacation are sufficient to ensure the public interest will not be prejudiced. The Council considered how the subject proposal satisfied those policies when it elected to initiate the street vacation process on September 8, 2015, and concludes that the rationale set forth at that time continues to be compelling. It is summarized as follows:

a. The extent of public benefit. In May of 2015 the voters in the Pacific Communities Health District approved a bond measure to expand and renovate the hospital in Newport. This vote affirms that improving the health status of patients and their families is essential to community wellbeing. One of the key steps in fulfilling Samaritan Pacific Health Services' mission to the community is the expansion and updating of facilities to meet service area needs and to keep up with medical and technological advances.

The present hospital facilities are dated and have evolved in a manner to meet specific needs at a given point in time, but they are not coordinated into a facility that provides an efficient and secure patient and family experience. The new facilities will remove physical barriers, consolidate check-in points, maximize smooth work flow, and embrace present and future medical and technological advances.

To achieve the benefits above, the hospital expansion and renovation proposes to retain the 1988 hospital building and expand it in-line to the southwest encompassing portions of the existing SW 10th Street and SW Case Street right-of-ways. In a phased approach the single stow structures adjacent to and abutting the existing hospital will be demolished and the services within integrated into the new and rehabilitated hospital structure.

Once demolished the structures will be replaced by parking and green spaces to create a hospital campus environment. An improved and larger on-campus parking field will significantly benefit SW 9th Street by substantially decreasing the need for hospital on-street parking, and thus return the street parking to typical community-wide uses and also reduce the backing and turning maneuvers in SW 9th Street.

b. The extent of present and anticipated future use of the right-of-way. A right-of-way is property dedicated to the public for use as a street, path, trail, or utility corridor. This policy must also be read in concert with Newport Municipal Code (NMC) Chapter 14.26 and ORS 271.300 to 271.360, which require rights-of-way be retained if they provide estuary or ocean access, unless adequate alternatives exist.

At present, the subject sections of SW 10th Street, SW Case Street, and the alley between 10th and 11th Streets primarily serve Pacific Communities Health District properties and are functionally part of the internal circulation system for the Samaritan Pacific Health Service facilities. While they provide secondary access to the estuary and ocean, other more direct street access is available to the public via SW 11th Street to Harbor Drive and SW Bay Street. Therefore, public access to the estuary and ocean will not be compromised by the vacation of these rights-of-way.

Once the right-of-ways are vacated, internal circulation to new hospital facilities will be provided by “private” access drives and parking aisles owned and maintained by the Pacific Communities Hospital District and Samaritan Pacific Health Services. Access to the site in general is currently, and will continue to be provided by the surrounding public streets, which are SW 9th Street, SW Bay Street, SW 11th Street and SW Abbey Street. The vacation of the 10th and Case right-of-ways will not change driving patterns to the hospital campus as points of ingress and egress to the campus will be provided to each of these streets.

c. Potential environmental and geologic impacts. City inventories do not show any natural features or natural hazards on the site, thus a street vacation would not have any potential impacts.

d. Financial factors. Vacation of the street rights-of-way will reduce the amount of impervious surfaces for which the City of Newport is responsible for perpetual maintenance. There are no recorded reimbursement agreements of any type associated with the street improvements on 10th and Case.

Utilities are in place within the rights-of-way, including city water, sewer, and storm drainage facilities. Electricity, natural gas, fiber, and other non-city utilities may also exist within the rights-of-way. Blanket easements over the rights-of-way need to be retained to ensure that the City and other utility providers are not forced, at their expense, to relocate the utilities. The Pacific Communities Health District, through Samaritan Pacific Health Services, has acknowledged that it will need to relocate utilities. Once city utilities have been relocated in a manner acceptable to the Newport Public Works Director and the City receives written confirmation from other affected utility providers that their services have been relocated or placed within suitable easements, then the City can release the blanket easements.

e. Effect on property owners. This request has no impact on adjoining properties owned by others because existing circulation patterns on the public streets surrounding the Pacific Communities Health District properties will remain in their present condition.

f. Consistency with applicable plans, ordinances, and regulations. This request continues a pattern of street and alley right-of-way vacations adjacent to Pacific Communities Health District properties to facilitate the growth of the hospital campus, as documented in City of Newport Ordinances No. 547, 1412, 1485, 1502, and others. The petitioner's request is consistent with these previous ordinances which found in part—

“That the proposed vacation is in the interest of the general welfare as the expansion of Newport's only hospital at this location is less expensive than building at a new site;”

“That the taxpayers have approved the hospital expansion by vote;”

“That the vacation of that portion of S.W. 10th Street mentioned below will allow better utilization of the property and will not adversely affect the general traffic circulation of Newport;”

g. The amount and quality of the information provided by the person requesting vacation. The information submitted herewith is sufficient for the Council to act upon this right-of-way vacation request.

h. Other factors. Pacific Communities Health District, through Samaritan Pacific Health Services, has indicated that they understand that utility easements will be reserved over the rights-of-way to be vacated.

They have further indicated that it is their intent to provide a proposal for the relocation or replacement of the affected public utilities as part of a permit application for new and/or renovated hospital facilities, as contemplated in the bond measure. Reconfiguration of the public utilities will be coordinated with and approved by the City of Newport Public Works Director, with the expectation that once that approval is given the City will take appropriate steps to extinguish the blanket general utility easements reserved over the vacated street rights-of-way.

14. The City Council made a determination after considering the recommendation of the Planning Commission, the Planning Staff Report, and the evidence and argument presented at the public hearings and in the record, that the request is in compliance with the applicable criteria and voted to proceed with the street vacation.

15. To ensure that the public interest is not prejudiced, it is appropriate to make the vacation of these rights-of-way contingent upon the reservation of blanket utility easements for the reasons discussed herein.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Findings. The findings set forth above are hereby adopted in support of vacating the rights-of-way identified in Section 2 of this Ordinance.

Section 2. Street portions to be vacated. The following described portions of SW Case Street, SW 10th Street, and an alley between SW 10th and 11th Streets are hereby vacated subject to the retention of easements as specified in Section 3:

SW Case Street portion vacated:

That portion of SW Case Street shown on the Plat of Bayley and Case's Addition to the Town of Newport recorded in Book 1 at Page 8 of the Lincoln County Plat Records, which lies east of the northerly extension of the west line of Lot 7, Block 18 and west of the northerly extension of east line of Lot 6, Block 18 of the subdivision plat.

SW 10th Street portion vacated:

That portion of SW 10th Street shown on the Plat of Bayley and Case's Addition to the Town of Newport as "Fourth Street" recorded in Book 1 at Page 8 of the Lincoln County Plat Records, which lies south of the westerly extension of the south line of Lot 12, Block 19 and north of the westerly extension of the south line of Lot 12, Block 18 of the subdivision plat, excepting therefrom that portion previously vacated with City of Newport Ordinance No. 1502 recorded in Book 187 at Page 2415 of the Lincoln County Micro-Film Records.

Alley between SW 10th Street and SW 11th Street portion vacated:

An alley ten (10) feet in width located within Block 18 of the Plat of Bayley and Case's Addition to the Town of Newport recorded in Book 1 at Page 8 of the Lincoln County Plat Records.

Section 3. Easements for utilities to be retained. Easements for public and private utilities are retained over the whole of the areas described for vacation in Section 2 above.

Section 4. Recording. The City Recorder is hereby directed to file certified copies of this ordinance for recording with the Lincoln County Clerk's Office, the County Assessor, and the County Surveyor.

Section 5. Effective Date. This ordinance shall take effect 30 days after passage.

Date adopted and read by title only: _____

Signed by the Mayor on _____, 2015.

Sandra Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

Approved as to form:

Steve Rich, City Attorney




City of Newport
 Community Development Department
 169 SW Coast Highway
 Newport, OR 97365
 Phone: 1.541.574.0629
 Fax: 1.541.574.0644

Hospital Properties - Proposed Street Right-of-Way Vacation
 sewer (green), water (blue), storm drainage (orange) and area to be vacated (light red)

This map is for informational use only and has not been prepared for, nor is it suitable for legal, engineering, or surveying purposes. It includes data from multiple sources. The City of Newport assumes no responsibility for its compilation or use and users of this information are cautioned to verify all information with the City of Newport Community Development Department.

Image Taken July 2013
 4-inch, 4-band Digital Orthophotos
 David Smith & Associates, Inc. Portland, OR



VACATION

271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.
[Amended by 1999 c.866 §2]

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by city governing body. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the

amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

271.120 Hearing; determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

271.130 Vacation on city governing body's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

271.150 Vacation records to be filed; costs. A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

271.160 Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original

unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

271.170 Nature and operation of statutes. The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

271.180 Vacations in municipalities included in port districts; petition; power of common council; vacating street along railroad easement. To the end that adequate facilities for terminal trackage, structures and the instrumentalities of commerce and transportation may be provided in cities and towns located within or forming a part of any port district organized as a municipal corporation in this state, the governing body of such cities and towns, upon the petition of any such port, or corporation empowered to own or operate a railroad, steamship or other transportation terminal, or railroad company entering or operating within such city or town, or owner of property abutting any such terminal, may:

(1) Authorize any port commission, dock commission, common carrier, railroad company or terminal company to occupy, by any structure, trackage or machinery facilitating or necessary to travel, transportation or distribution, any street or public property, or parts thereof, within such city or town, upon such reasonable terms and conditions as the city or town may impose.

(2) Vacate the whole or any part of any street, alley, common or public place, with such restrictions and upon such conditions as the city governing body may deem reasonable and for the public good.

(3) If any railroad company owns or has an exclusive easement upon a definite strip within or along any public street, alley, common or public place, and if the city governing body determines such action to be to the advantage of the public, vacate the street area between the strip so occupied by the railroad company and one property line opposite thereto, condition that the railroad company dedicates for street purposes such portion of such exclusive strip occupied by it as the city governing body may determine upon, and moves its tracks and facilities therefrom onto the street area so vacated. The right and title of the railroad company in the vacated area shall be of the same character as previously owned by it in the exclusive strip which it is required by the city governing body to surrender and dedicate to street purposes.

271.190 Consent of owners of adjoining property; other required approval. No vacation of all or part of a street, alley, common or public place shall take place under ORS 271.180 unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.

271.200 Petition; notice. (1) Before any street, alley, common or public place or any part thereof is vacated, or other right granted by any city governing body under ORS 271.180 to 271.210 the applicant must petition the governing body of the city or town involved, setting forth the particular circumstances of the case, giving a definite description of the property sought to be vacated, or of the right, use or occupancy sought to be obtained, and the names of the persons to be particularly affected

thereby. The petition shall be filed with the auditor or clerk of the city or town involved 30 days previous to the taking of any action thereon by the city governing body.

(2) Notice of the pendency of the petition, containing a description of the area sought to be vacated or right, use or occupancy sought to be obtained, shall be published at least once each week for three successive weeks prior to expiration of such 30-day period in a newspaper of general circulation in the county wherein the city or town is located.

271.210 Hearing; grant of petition. Hearing upon the petition shall be had by the city governing body at its next regular meeting following the expiration of 30 days from the filing of the petition. At that time objections to the granting of the whole or any part of the petition shall be duly heard and considered by the governing body, which shall thereupon, or at any later time to which the hearing is postponed or adjourned, pass by a majority vote an ordinance setting forth the property to be vacated, or other rights, occupancy or use to be thereby granted. Upon the expiration of 30 days from the passage of the ordinance and the approval thereof by the mayor of the city or town, the ordinance shall be in full force and effect.

271.220 Filing of objections; waiver. All objections to the petition shall be filed with the clerk or auditor of the city or town within 30 days from the filing of the petition, and if not so filed shall be conclusively presumed to have been waived. The regularity, validity and correctness of the proceedings of the city governing body pursuant to ORS 271.180 to 271.210, shall be conclusive in all things on all parties, and cannot in any manner be contested in any proceeding whatsoever by any person not filing written objections within the time provided in this section.

271.230 Records of vacations; fees. (1) If any town or plat of any city or town is vacated by a county court or municipal authority of any city or town, the vacation order or ordinance shall be recorded in the deed records of the county. Whenever a vacation order or ordinance is so recorded, the county surveyor of such county shall, upon a copy of the plat that is certified by the county clerk, trace or shade with permanent ink in such manner as to denote that portion so vacated, and shall make the notation "Vacated" upon such copy of the plat, giving the book and page of the deed record in which the order or ordinance is recorded. Corrections or changes shall not be allowed on the original plat once it is recorded with the county clerk.

(2) For recording in the county deed records, the county clerk shall collect the same fee as for recording a deed. For the services of the county surveyor for marking the record upon the copy of the plat, the county clerk shall collect a fee as set by ordinance of the county governing body to be paid by the county clerk to the county surveyor. [Amended by 1971 c.621 §31; 1975 c.607 §31; 1977 c.488 §2; 1979 c.833 §30; 1999 c.710 §12; 2001 c.173 §5]



Agenda#VI.A.
MeetingDate: 11/02/15

Agenda Item:
Communication From Peggy Sabanskas - Location of Farmers Market

Background:

Peggy Sabanskas has requested to address the City Council regarding the future location of the Farmers Market and the impact that construction activity on US Highway 101 had on their business.

Please note that the City Council had indicated at the close of the Farmers Market for 2015, a work session would be scheduled with interested parties regarding the operation of the Farmers Market in 2016. It is my intent to schedule this work session before the end of year.

Recommended Action:

None at this time.

Fiscal Effects:

None.

Alternatives:

None recommended.

Respectfully submitted,

Spencer R. Nebel
City Manager

RECEIVED

OCT 26 2015

CITY OF NEWPORT

Madam Mayor and City Council:

My name is Peggy Sabanskas, and my husband Jerry and I own the Antique Mall across the street from City Hall. 2015 has not been a good year for us. The reason is not of our own doing but that of the City. The mall has been here 30 years and I have owned it the last eight. The mall has always been a great asset and has employed 5 to 8 employees. The first three weeks of March being Spring break for Oregon and Washington is one of the biggest times for our business. This year the State and the City did major road work to highway 101 during Spring break and our business dropped to nothing. Cars flew through our parking lot trying to get out of the long waits on the highway. The police, taxis, busses and cars just used our parking lot as a thoroughfare to get off of 101. We asked the police for help and because we are a private lot they could not help. A sympathetic officer parked his car in hopes of deterring people from flying through the lot. It did not work. Two parked cars were hit. (a big 5 and one of our employees.) The good will truck driver had to dodge cars. We lost \$14,000.00 in revenue over this three week period. The City and the State were not sympathetic and both were rude. I had to send an employee home 5 days during this period due to lack of business.

We then moved on to the Farmer's market. The City moved the Farmer's market across the highway abutting our property. Saturday is our biggest day and also the biggest day for Big 5 and Good Will. Our PRIVATE PARKING LOT became a horror story. My four and Big 5's three employees arrive at 9:30 to no parking spaces. The lots are posted mall employees only. Signs mean nothing. Every Saturday the mall has lost \$300.00 to \$500.00. Big 5 had to cone off between our lots the main driving lane to keep cars from parking and blocking the lane. The alley was always parked solid. Meeting with the City Manager accomplished nothing. The Farmer's market had to put a parking attendant at our lot. That lasted three weeks and went away and did not work. One Saturday no one was in our lot at all. A vendor of ours came in and said the attendant girl was not letting people park. I went out at 11:30 and asked her why and she was not letting mall people into the lot. She said she was told not to let ANYONE park in the lot. That's no business for our first hour and a half. A large pickup truck pulls into the lot and just stops, not in a spot and gets out. When asked politely to move, her remark was " F... You bitch, tow me" . My employees are not paid to monitor the parking lot for the farmers market. This is just the beginning of all the problems that occurred. The bottom line is I lost money. Using the lower number of \$300.00 X 22 Saturdays comes to \$6,600.00. Add that to spring break and my loss for this year is \$20,000.00 plus. My overhead is approximately \$15,000.00 a month. The farmers market pays nothing. I cannot afford to take anymore losses.

I realize you are breaking ground for the pool and need the east side of the highway, but I am asking you please to move the Farmer Market to another location. We will be attending your November 2 meeting. The owner of the building is flying in from Utah.

Peggy

CITY MANAGER'S REPORT AND RECOMMENDATIONS



Agenda#VII.B.
MeetingDate: 11/02/15

Agenda Item:

Authorization to Submit US 101 STIP Enhancement Funding Application for Construction of a Sidewalk from NW 25th to NE 36th Street on US 101

Background:

The city's Transportation System Plan has long called for installation of sidewalks as part of the future highway widening of US 101 from NW 25th Street to NE 36th Street. This area receives a significant amount of pedestrian traffic. With highway speeds this creates a hazardous situation particularly during nighttime hours. Community Development Director Derrick Tokos presented this project to the Cascades West Area Commission on Transportation which serves Lincoln, Benton, and Linn counties. Each regional commission has been asked to submit no more than five applications for funding. On October 22nd the Cascades West Area Commission on Transportation voted to include this project as one of five that it would invite fall applications for potential funding. Councilor Dean Sawyer serves as a representative of the city on this Commission. Please note that this would be funding through the Enhance Element of the 2018 - 2021 State Transportation Improvement Plan. Funds will be used to construct a 6-foot wide sidewalk on the east side of US 101 to provide safe pedestrian access for existing and planned multi-family residential areas to retail shopping centers and employment areas south of NW 25th Street.

Recommended Action:

I recommend the City Council consider the following motion:

I move that the Council authorize staff to submit a STIP application for the construction of a sidewalk on the east side of US 101 from NW 25th Street to NE 36th Street.

Fiscal Effects:

None by making application. The total cost for this half mile of sidewalk has been estimated at \$1.1 million. The city match would be \$450,000 of which \$100,000 would come from street development charges and \$350,000 from Infrastructure/Utility fees the city collects at the time this project is constructed. The likely construction date if approved would be fiscal year 2020.

Alternatives:

Do not apply for funding or as suggested by the City Council.

Respectfully submitted,

Spencer R. Nebel
City Manager



Agenda Item # VII.A
Meeting Date November 2, 2015

CITY COUNCIL AGENDA ITEM SUMMARY

City of Newport, Oregon

Issue/Agenda Title Authorization to Submit US 101 – NW 25th to NE 36th Street Sidewalk Project for the 2018-2021 STIP Enhance Program Funding

Prepared By: Derrick Tokos Dept Head Approval: DT City Mgr Approval:

ISSUE BEFORE THE COUNCIL: Consideration of whether or not the Community Development Department should prepare and submit an application to the Oregon Department of Transportation for funding through the “Enhance” element of the 2018-2021 State Transportation Improvement Plan (STIP) update.

Funds would be used to construct a 6-foot wide sidewalk on the east side of US 101 from NW 25th Street to NE 36th Street to provide safe pedestrian access from existing and planned multi-family residential areas along NE 31st and NE 36th Street to retail shopping centers and employment areas south of NW 25th Street.

STAFF RECOMMENDATION: Staff recommends the Council authorize submittal of the grant application.

PROPOSED MOTION: I move that the Council authorize staff to submit a STIP application for the construction of sidewalk on the east side of US 101 from NW 25th Street to NE 36th Street.

KEY FACTS AND INFORMATION SUMMARY: A portion of the federal transportation funds that the State of Oregon receives are set aside for competitive grant application proposals that will enhance the statewide transportation system. Applications are submitted and vetted through the various Area Commissions, with policy-makers from each Area Commission coming together to provide a recommendation to the Oregon Transportation Commission (OTC). The OTC then makes a decision, based upon those recommendations, to fund the projects and add them to the State Transportation System Plan. ODOT administers the application process and oversees implementation of the selected projects.

The current grant application process is for the 2018-2021 STIP. Applications are due no later than noon on November 20, 2015. The amount of federal funds the state receives continues to dwindle, and there is only \$30 million available statewide for this three year funding period. Eligible projects are limited to bike, pedestrian, transit and related “non-highway” improvements that benefit the state’s multi-modal transportation system. Proposals will not be accepted for roadway modernization projects (i.e. pavement, bridge, or new road construction).

Newport is located within ODOT Region 2. There are four Area Commissions in the region, including the Cascades West Area Commission on Transportation (CWACT), which serves Lincoln, Benton, and Linn counties. Under the state’s apportionment formula, Region 2 will receive \$9 million for this STIP cycle. Given the small amount of money, each Area Commission has been asked to submit no more than five (5) applications. City staff put together a concept for the above referenced project, which has been evaluated by CWACT and its technical advisory committee for viability and competitiveness. At its 10/22/15 meeting the CWACT voted to include the project as one of the five that it would invite to apply for funding.

The portion of US 101 between NW 25th Street and NE 36th Street receives a significant amount of pedestrian use from individuals residing at Little Creek Apartments (180 units) and Pacific Homes Beach Club (139 units). These developments provide affordable housing opportunities to Newport residents and are located within a ½ mile to a mile of the city’s largest retail shopping centers, such as Walmart, Safeway and Fred Meyer. This makes it attractive and cost effective for individuals to walk along the highway to meet their shopping needs or to reach areas of employment. Since there are no pedestrian improvements in place, those that chose to walk must either travel along the narrow road shoulder on the pavement side of the guardrail (which is inherently dangerous) or traverse a worn dirt path on the downslope side of the guardrail that is difficult for individuals with mobility issues or small children to navigate.

The City’s Transportation System Plan has long called for the installation of sidewalk as part of a future highway widening project (ref: 1997 TSP). Due to the substantial cost of such a project it has never gotten off the ground. Meanwhile residents of these existing residential developments are left to cope with inadequate pedestrian facilities. Additionally, there is a significant amount of vacant, high-density residential zoned land along NE 31ST and NE 36th Streets that is viable for multi-family development, meaning that the level of demand for sidewalks along US 101 will only increase as new construction goes online.

Recent federally funded transportation projects administered by ODOT, including the US 101 crosswalk and Agate Beach Wayside projects, incurred significant delays and cost overruns that were outside of the City’s control. This put city policymakers in the difficult position of either (a) shelving the projects, in which case the City would be forced to incur significant design costs, or (b) appropriating additional funds so that the projects could proceed. With this in mind, the cost estimate for this project has been significantly increased to minimize this type of risk to the City moving forward.

The cost estimate for this ½ mile of sidewalk is a little over \$1.1 million dollars. The City match would be \$450,000, \$100,000 of which would come from Street System Development Charges and \$350,000 from infrastructure utility fees the city collects. Because this is a state highway, ODOT is evaluating whether or not it can co-sponsor the grant application and, if so, how much it can offer as a match. If ODOT is not a partner then the City would be asking for \$650,000 of grant funds. If this project is selected for funding, it would likely be constructed in FY 2020.

This stretch of US 101 is outside of the new north-side urban renewal district, so it would not be eligible for urban renewal funding. Given the nature of the work and the potential for additional multi-family development in the area, funds from infrastructure utility fees and system development charges are an excellent fit, and can be set aside in a programmatic manner given that the project would not occur for several years.

OTHER ALTERNATIVES CONSIDERED: None. The listed project addresses a high priority need within the community and is an excellent fit for the STIP selection criteria.

CITY COUNCIL GOALS: This project is in keeping with the Council’s objective of enhancing community livability.

ATTACHMENT LIST:

- Brief summary, photos, and preliminary cost estimate for the project
- Ranking of projects CWACT is recommending proceed to the application phase of the STIP review process
- ODOT “Guide for Completing Enhance Proposals,” Region Map, and application template

FISCAL NOTES: There are no fiscal impacts associated with the grant application. If the project is selected for funding an intergovernmental agreement will be prepared for the Council’s review and approval before the \$450,000 in match funds would be obligated.

NEWPORT - US 101: NE 25TH TO NE 36TH STREET SIDEWALK IMPROVEMENTS

INSTALLATION OF CURB, SIDEWALK, RETAINING WALLS, STORM DRAINAGE, AND GUARDRAIL IMPROVEMENTS ALONG THE EAST SIDE OF US 101 FROM NE 25TH ST TO NE 36TH ST.

THE PROJECT WILL PROVIDE SAFE PEDESTRIAN ACCESS FROM EXISTING AND PLANNED MULTI-FAMILY RESIDENTIAL AREAS ALONG NE 36TH AND NE 31ST STREETS TO RETAIL SHOPPING CENTERS BEGINNING AT NE 25TH STREET. THIS SECTION OF US 101 IS HEAVILY USED BY PEDESTRIANS. INDIVIDUALS CURRENTLY WALK IN THE ROAD SHOULDER ALONG THE EAST SIDE OF THE HIGHWAY OR ALONG A DIRT PATH THAT HAS FORMED ON SLOPING GROUND ON THE OPPOSITE SIDE OF THE EXISTING GUARDRAIL.

ESTIMATED COST RANGE: \$1 - \$1.2 MILLION





VIEW SOUTH
US 101 BETWEEN
NE 36TH & NE 31ST ST



VIEW NORTH ON
US 101 AT TERMINAL
POINT OF SIDEWALK
BETWEEN NE 25TH
& NE 31ST ST



VIEW OF DIRT PATH
ALONG GUARDRAIL
SOUTH OF NE 31ST ST

QUESTIONS?

CONTACT INFORMATION

Derrick I. Tokos, AICP

Community Development Director

City of Newport

ph: 541-574-0626

d.Tokos@newportoregon.gov

Preliminary - COST ESTIMATE - 2015 Items
OREGON STATE HIGHWAY DIVISION - ROADWAY ENGINEERING

Hwy 101 Sidewalk Between NW 25th and NW 36th Streets

KIND OF WORK		DATE			
Curb, sidewalk, retaining walls, storm drain and guardrail		9/14/15			
SPEC SECTION	ITEM DESCRIPTION	UNIT	AMOUNT	UNIT COST	TOTAL
MOBILIZATION AND TRAFFIC CONTROL					
0210-0100000A	MOBILIZATION	LS	All	10.00%	\$38,100
0225-0100000A	TEMPORARY PROTECTION AND DIRECTION OF TRAFFIC	LS	1	\$1,500	\$1,500
0225-0102000J	TEMPORARY SIGNS	SQFT	300	\$14	\$4,200
0225-0168000T	FLAGGERS	HOUR	80	\$50	\$4,000
0280-0100000A	EROSION CONTROL	LS	1	\$2,500	\$2,500
0280-0114000E	INLET PROTECTION	EACH	5	\$75	\$375
0280-0115000F	SEDIMENT BARRIER	FOOT	1100	\$4	\$3,850
ROADWORK					
0305-0100000A	CONSTRUCTION SURVEY WORK	LS	All	2.00%	\$5,900
0310-0106000A	REMOVAL OF STRUCTURES AND OBSTRUCTIONS	LS	1	\$5,000	\$5,000
0320-0100000A	CLEARING AND GRUBBING	LS	1	\$5,000	\$5,000
0330-0123000K	EMBANKMENT IN PLACE	CUYD	2,125	\$25	\$53,125
DRAINAGE AND SEWERS					
0445-035012AF	12 INCH STORM SEWER PIPE, 5 FT DEPTH	FOOT	75	\$67	\$5,025
0470-0331000E	CATCH BASINS, TYPE 3	EACH	1.0	\$1,500	\$1,500
0470-0101000E	CONCRETE STORM SEWER MANHOLES	EACH	1.0	\$3,000	\$3,000
BASES					
0640-0100000M	AGGREGATE BASE	TON	0	\$25	\$0
WEARING SURFACES					
0759-0100000F	CONCRETE CURBS	FOOT	2,135	\$18	\$38,430
0759-0134000J	MONOLITHIC CURB AND SIDEWALKS	SQFT	14,770	\$12.00	\$177,240
	PED RAMP	EACH	4	\$450.00	\$1,800
PERMANENT TRAFFIC CONTROL					
0867-0144000J	PAVEMENT BAR, TYPE A	SQFT	175	\$10	\$1,750
ROW DEVELOPMENT AND CONTROL					
		SF	0	\$2.5	\$0
Roadside Development					
	GUARDRAIL	LF	1,658	\$40	\$66,320
	RETAINING WALL	SF	500	\$85	\$42,500
SUBTOTAL, CONSTRUCTION ITEMS					
	CONTINGENCIES			15.0%	\$69,300
TOTAL CONSTRUCTION COST					
					\$532,000
Preliminary Engineering Costs				40.0%	\$212,800
Construction Engineering Costs				20.0%	\$106,400
ODOT Administration				15.0%	\$79,800
Inflationary Adjustment				Total Cost Adjusted 3.5% per year. Assumes construction in FY 2020	\$174,736
TOTAL PROJECT COST					
					\$1,105,736

Oregon Department of Transportation

Guide for Completing Enhance Proposal

2018-2021 Statewide Transportation Improvement Program

August 2015

Introduction

The proposal form and guidance for both proposers and reviewers reflect the direction provided by the Transportation Commission as to the programming of funds for the STIP. Given the condition of the system, the majority of funds are going to preserving the existing system, including Fix-It funds for Transit, ADA ramps and to leverage funds to improve already planned Fix-It projects. The \$30 million Enhance program for years 2019-2021 is now for non-highway projects. A link to the staff memo to the OTC is provided which outlines the steps that the OTC took in order to reach their decisions.

<http://www.oregon.gov/ODOT/TD/STIP/Apply/OTCStaffReport.pdf>

As part of the OTC decision, \$30 million was allocated for Enhance Non-Highway. Those are the funds that will use this proposal and the related guidance documents. These projects may be on or off the state system, proposed projects will need to be consistent with state and local plans, and the proposers will be required to provide the matching funds. The \$30 million will be allocated to the Regions using the Region equity formula. So the changes to this document are to be clear that roadway modernization projects (pavement, bridge, or new road construction) are no longer eligible.

The Enhance category of the 2018-2021 Statewide Transportation Improvement Program (STIP) includes projects, investments and programs that improve or expand the state's multimodal transportation system¹. Due to the funding uncertainty at the state and federal levels, the Oregon Transportation Commission delayed the 2017-2020 STIP cycle, therefore the next STIP will cover the period 2018-2021.

A key objective for Enhance funds for 2018-2021 is that selected proposals are targeted to improvements that demonstrate the greatest benefits in relation to costs. Selected proposals should describe how or if the projects proposed benefit the state's multimodal transportation system or major freight routes and be consistent with statewide plans (e.g. Oregon Transportation Plan (OTP) (and local plans if on the local system). These projects typically make key connections between modes or facilities, improve access to economic opportunities, and/or address identified system bottlenecks.

Given limited funding, the primary focus of the 2018-2021 Enhance program is to ensure these limited funds are allocated to high priority and strategic transportation investments that directly or indirectly benefit the state's multimodal transportation system.

Since funds for 2018 are already programmed to projects in the current 2015-2018 STIP, building a 2018-2021 STIP provides the opportunity to allocate three years of new funding rather than two years under a 2017- 2020 STIP. Providing an adequate amount of funding for allocation in the project selection process is important for

¹ Note: Federal Highway Funds cannot be used for aviation, marine and rail transportation projects

applicants and advisory committees that must sort through project proposals to arrive at recommendations.

As a result of declining revenue projections and growing debt service, ODOT's State Highway Fund resources are essentially fully committed to debt service, maintaining highways, and agency operations. This means federal funding is the almost exclusive funding source for construction projects in the STIP that modernize or enhance the state transportation system. As noted, future federal funding is highly uncertain and at some risk of being cut. Because the federal gas tax has not been raised since 1993, revenue has not kept pace with investment need, and the Federal Highway Trust Fund now faces an annual deficit of about \$15 billion. Congress must find new revenue or significantly cut funding for highway and transit projects.

It is important to remember Enhance funds are mostly federal funds allocated to the State and do not include federal or state formula disbursements to local jurisdictions. Therefore, it is essential to ensure these funds are allocated to high priority and strategic transportation investments.

Guidance to Proposers on the Process:²

Step 1. Read this Guide for Completing Enhance Proposal, the Enhance Proposal Review Process: An Overview, and the Enhance Proposal Form.

<http://www.oregon.gov/odot/td/stip/Pages/default.aspx>

Step 2. Review Item 2 (Transportation Need Statement) and Item 3 (Project Description) on the proposal form and begin developing answers to these items.

Step 3. Contact the appropriate ODOT Region staff as early as possible (contact information provided below). Provide ODOT Region staff with written answers to questions 2 and 3 of the proposal form. Coordinating with ODOT Region staff is strongly recommended prior to submitting any project proposal. The time between January and November 2015 will be available for this coordination prior to proposal submittal by noon, November 20, 2015.

Step 4. After coordinating with ODOT Region staff, finalize and transmit the project proposal by noon, Friday, November 20, 2015.

² Proposals will also be developed by ODOT staff for projects on/investments in the state system and submitted in the same manner described herein.

*Throughout this document "ACT" refers to the Advisory Committees on Transportation, including one being formed in Region 1.

Summary of Enhance Process

At appropriate points during the process, the Transportation Commission will engage with representatives from the Area Commissions on Transportation to provide clarification on the process and their expectations.

1. Proposers develop a Transportation Needs Statement and Project Description for discussion with ODOT Region staff as part of the Pre-Proposal Consultation.
2. In the pre-proposal consultations, ODOT Region staff will provide the prospective proposers with their perspective about how well the proposed project meets the three Modal Attributes and Cross Modal Criteria developed by the Statewide Advisory Committees and by the staff that support those committees. The Region staff and proposers should also discuss how or if the project strategically benefits the state's multimodal transportation system.
3. The pre-proposal consultations will also help inform how the proposer may best describe the Modal Attributes of the project in their proposals and identify which of the Cross Modal Criteria are addressed by the project proposal. It is also an opportunity to refine and develop preliminary agreement about likely project costs. ODOT staff will also be sharing information about proposed Fix-It projects to assess any leveraging opportunities during the pre-proposal period.
4. Proposals received prior to the deadline and determined to be eligible for Enhance funds will make up each Region's initial project list.
5. The recent OTC decision on STIP funding levels has led to the approval of a \$30 million Enhance Non-Highway program, each Region will work with their ACTs to develop the recommended Enhance 150% list. The ACTs developing the 150% recommendations will be asked to review the proposals keeping in mind how well they (1) meet the Modal Attributes, (2) address the Cross Modal criteria, and (3) may be associated with a Fix-It project.
6. If a project proposal is advanced to the 150% list, ODOT staff in consultation and collaboration with the proposer will develop more detailed project costs informed by field scoping of the project, with the expectation that project funds will be federal in nature.
7. The scoped list of projects and their associated costs, in combination with the Modal Attributes and Cross Modal Criteria will be used by ODOT Region staff to develop a straw proposal for each ACT to consider as they develop Enhance 100% list recommendations.
8. The final ODOT Region Enhance 100% list recommendations developed by the ACTs will be forwarded to the OTC to be considered for inclusion in the Draft 2018-2021 STIP.

For a timeline of the 2018-2021 STIP please visit:
<http://www.oregon.gov/odot/td/stip/Pages/default.aspx>

Deadline: Proposals must be received by 12:00 PM (noon) on Friday, November 20, 2015. Completed proposals must be transmitted to the appropriate STIP Enhance Region email by the deadline. Pre-proposal consultation with ODOT is strongly suggested prior to submission. It is expected that all proposals will go through the consultation process with ODOT Region staff prior to providing to Area Commissions on Transportation for their consideration. ODOT will assist in development of the proposal as appropriate with the primary purpose of providing substantive information to reviewers (primarily ACT members) and ensuring that there is agreement about the proposal elements and assumptions.

Submission Requirements: ODOT has five Region offices around the state. Completed proposals should be submitted to the applicable email address for the region that includes the project area. If your project crosses Region boundaries, work with your Region contacts to determine where to submit your proposal. If you do not know which region the project is in, consult ODOT's [TransGIS website](#). Use the menus to choose Display – Layer Catalog – Boundaries – ODOT Regions. (This site will also help you find geographic coordinates, if you need them to describe your project.)

Region email addresses for proposals:
STIPEnhanceRegion1@odot.state.or.us
STIPEnhanceRegion2@odot.state.or.us
STIPEnhanceRegion3@odot.state.or.us
STIPEnhanceRegion4@odot.state.or.us
STIPEnhanceRegion5@odot.state.or.us

If necessary you may also mail completed proposals to the appropriate region mailing address. Make sure that the proposals are **received** by ODOT by the deadline.

Region 1:
Oregon Department of Transportation 123 NW Flanders Street
Portland, Oregon 97209-4012 ATTN: Christina Hopes

Region 2:
Oregon Department of Transportation 455 Airport Road SE Bldg. B
Salem, Oregon 97301-5352 ATTN: Terry Cole

Region 3:
Oregon Department of Transportation 3500 NW Stewart Parkway
Roseburg, OR 97470-1687 ATTN: Lisa Cornutt

Region 4:

Oregon Department of Transportation Region 4 STIP & Finance Office 63055 N
Highway 97 Building M
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ATTN: Katie Parlette

Region 5:

Oregon Department of Transportation 3012 Island Ave
La Grande, OR 97850-9497

ATTN: Jane Goode

Contact Information: If you have any questions about how to fill out or submit the Enhance proposal; please feel free to contact the appropriate Region representative:

Region	Contact	Phone	Email
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Enhance Proposal Guidelines and Instructions

This section outlines the eligibility expectations of Enhance projects and provides more detailed instructions for each of the items in the Enhance proposal form.

Eligibility

ODOT staff, local governments, and others should use this form to propose projects or program investments for inclusion in the Enhance portion of the 2018-2021 STIP. The STIP is divided into two broad funding categories, Fix-It and Enhance. The Fix-It category includes projects designed to repair and maintain the existing system, such as pavement preservation, safety, and bridge projects.

ODOT Regions spearhead the Fix-It process. Opportunities may exist to leverage proposed Enhance projects with Fix-It projects. Proposers must coordinate with ODOT Region staff and are encouraged to coordinate with other local jurisdictions in the development of Enhance proposals. This coordination helps to identify leveraging opportunities across the state's multimodal transportation system.

The Enhance category includes projects and programs that improve or expand (rather than preserve and maintain) the transportation system or qualifying features directly related to it. For the 2018-2021 STIP, Enhance does *not* include rail, aviation, and marine projects. Transit capital projects may be included, and projects that affect a nearby rail line may be included. However, the Rail and Public Transit Divisions of ODOT will maintain their separate project funding programs and procedures for the 2018-2021 STIP.

Projects eligible for Enhance funding, include:

- Bicycle and/or Pedestrian facilities on or off the highway right of way
- Public Transportation (capital projects only, not ongoing operations), Transit Fleet replacements in which title is NOT held by ODOT
- Safe Routes to Schools (infrastructure projects)
- Scenic Byways (construction projects)
- Transportation Alternatives as defined by the [Transportation Alternatives Data Exchange \(TrADE\)](#)
- Transportation Demand Management
- Transportation Options

Enhance projects need to describe how or if they provide a benefit to the state's multimodal transportation system. However, projects do not need to be located on the state system in order to have a benefit to the state's multimodal transportation system. Improvements located off of the state system can demonstrate benefit to the state's multimodal transportation system and statewide importance. Examples of benefits include but are not limited to: the project may benefit a long distance, continuous corridor; it may serve an important destination like a downtown, a strategic industrial, or an employment area; it may connect or it may improve access to a major transit facility or provide pedestrian access to a major transit facility; or it may provide a needed connection along a statewide or regional multipurpose trail.

Projects that have a benefit to the state's multimodal transportation system should describe how or if they:

- *Address statewide transportation needs by improving the state's transportation system, transit, and/or bicycle and pedestrian modes of transportation*
- *Impact multiple users and improve through movement; and*
- *Demonstrate consistency with the statewide plans and applicable regional transportation plans*
- *Work toward system completeness; fills in gaps*
- *Improve efficiency*

In addition the project proposals should describe how or if they:

- *Make key connections between modes or transportation facilities or*
- *Help to reach economic and social goals*

Examples of multimodal improvements on highways of statewide importance include, but are not limited to sidewalks, bike lanes, separate shared use trails, railroad grade separations, transit facilities such as bus pullouts, priority bus lanes and/or signals, park-and-ride lots. Examples of Transportation Alternative program project types outside of the road right of way include viewpoint/interpretive sites and scenic/historic enhancements.

Given limited funding, the primary focus of the Enhance program is to ensure these

limited funds are allocated to high priority and strategic transportation investments that benefit the state's multimodal transportation system.

Proposers cannot submit any proposals for Fix-It projects. Management Systems largely determine selection of Fix-It projects. Management systems are databases with information about system needs that help identify projects of higher priority. When the lists of eligible Fix-It projects are developed, they will be included in discussions with proposers, stakeholders and ACTs. Fix-It projects include: restoration, rehabilitation and repair of:

- Bicycle and pedestrian facilities on state highways
- Bridges (state owned)
- Culverts
- High-risk rural roads
- Illumination, signs and signals
- Landslides and rockfalls
- Operations, including Intelligent Transportation System (ITS)
- Pavement preservation
- Rail-highway crossings
- Safety
- Salmon (fish passage)
- Site mitigation and repair
- Stormwater retrofit
- Workzone safety

Proposal Guidance/ Instructions

This section of the document provides more detailed instruction for each of the items in the Enhance proposal form. First, here are some tips on completing a proposal:

- Use a word processor to type your responses and then cut and paste them into the form. Some word processors will count characters for you, helping you meet the available field lengths. If typing in the form, you will only see one line at a time. Click outside the box to see its full contents.
- Use of short paragraphs and bulleted lists that contain project details can improve the readability of the proposal and convey information to reviewers efficiently.
- Contact your ODOT Region representative, listed above, if you have questions about how to fill out or transmit the proposal.

Transportation Project Proposer

1. *Project Proposer*

Complete the contact information for the organization applying for funds and the primary contact. The project proposer must be a public agency, such as a city, county, Metropolitan Planning Organization (MPO), ODOT or other state or federal agency, tribe, or special district (e.g. port or school district). The project proposer is responsible for matching funds and the overall project funding. The primary contact should be the project manager who can provide additional information regarding the proposed project. A signature from the project proposer with the authority to approve implementation of the proposed project or certify that implementation of the project has been approved is also required. This is especially important if the proposal includes implementation of a project that is not within ODOT's right of way.

ODOT will complete the same form for Enhance project proposals as other proposers.

Transportation Project Description

Pre-proposal consultation begins by providing responses to the Transportation Needs Statement (Item 2) and Project Description (Item 3) to ODOT Region staff. No additional work on the proposal form should be completed until after discussions with the appropriate ODOT Region staff.

2. *Transportation Needs Statement*

Provide a paragraph explaining the transportation need that the project will address. Be brief and do not describe the project scope or project attributes here. There is additional space to describe the scope in more detail in the Modal Attributes (Item 9).

3. *Project Description*

Use this space to clearly describe the work to be funded. Include what will be built, any services that will be provided, what equipment will be purchased, or facility planning or environmental document efforts that will be paid for with requested funds. If applicable and known, include the projected start dates for different stages of the project (e.g. Preliminary Engineering, Right-of-Way, and Construction).

Describe how the project accommodates or serves multiple modes and/or benefits the movement of freight. Indicate all modes that will benefit from the project. For example, if the project's primary mode is transit, but also incorporates bicycles and/or pedestrian components, please note that in your proposal. If the project also benefits freight, describe the specific benefits.

It may not be possible to fund a very large project with available resources. Therefore, be sure to include in the project description whether the project can be broken into segments or phases that will each provide a useful product or service.

This may be true for larger non-highway projects as well. If the proposed project is a phase of a larger project, please describe this as well. You may also include a short description of any phases already completed or other related investments made. Be sure to indicate whether or not the proposed project will, by itself, provide a complete and useful product or service.

Describe the scope of work and focus your response on what will be built or the service to be provided. Do not document the project purpose or benefits in this space. See the lists below for things you might include. The total space available for this item is 4,000 characters, about one page.

For Infrastructure, describe:

- What is to be built?
- If the project involves the purchase or lease of land or right-of-way.
- The expected operational life of the project.
- Codes, standards or design criteria that will be used in design.
- Any unique or innovative design elements or construction practices proposed.
- Materials to be used.
- If the project can be phased and still meet a part of the need.
- Any less expensive solutions that will be implemented as a part of the project.

For Operations/Service Delivery, describe:

- Services to be provided.
- How the service will meet the identified needs.
- Any space or equipment to be leased or rented as a part of the project.
- Duration of the services to be provided.
- If services can be provided with a partial award.
- If the service can continue without further expenditures of state funds.

For Capital Equipment Purchase, describe:

- What will be purchased?
- How the equipment will meet the identified needs.
- Industry, safety, and quality standards to be used to evaluate the equipment prior to purchase.
- The type of procurement process to be used.
- The useful life of the equipment.
- How the equipment will be maintained.
- Any manufacturer warranty that will come with the equipment.
- If the equipment will be insured.

For Project Planning, describe:

- The planning effort.
- Primary deliverable planning products.
- Environmental and NEPA requirements and milestones to be met with requested funds.
- Major stakeholders.
- The role of state agencies.
- Plan consistency requirements.
- Salutatory authority for the planning effort.
- Applicable Statewide Planning Goals.

Project-level planning efforts help specify details of a project. Examples include completing an environmental document or a narrow facility plan. This is different than system or corridor planning, which have a much broader scope and generally only outline possible solutions. Neither system nor corridor planning is eligible for Enhance funding. Other resources address system planning such as the [Transportation and Growth Management Program](#).

Transportation Project Overview

4. *Project Name*

Insert the project name in the space provided. There is a 50 character limit.

5. *Project Estimate/Funding Share*

This table is included primarily for the reviewers and will automatically fill in with numbers from the estimated project costs section of the proposal (item 14). Work with ODOT staff to assist in the establishment of estimated project costs. Given limited availability of Enhance funds, these projects will primarily be funded using federal funds and budgets should be established assuming the use of federal funds.

6. *Is this project a continuation of a previous Statewide Transportation Improvement Program (STIP) project or a project that was funded either through federal, state, or local transportation funds in the last 3 years?*

Indicate yes or no. If yes, briefly describe the status of the previous effort, such as:

- Previous project's funding
- Name of previous project
- Purpose of previous project
- STIP key number assigned, if known/applicable
- Completion date or progress toward project milestones
- Available budget remaining

7. *Does this project extend, support, or enhance an existing or planned STIP project? For example, does it provide a more complete solution for an existing project or is it intended to work with another planned project, including a Fix-It STIP project or MPO programmed project?*

Indicate yes or no. If yes, describe the relationship of the proposed project to the other and the planned timing of both. Sometimes projects are planned for a specific timeframe to coordinate with other planned work or to improve on another project that could not be fully funded. The purpose of this question is to identify whether the proposed project is intended to work with another project. Indicate if the proposal will enhance and leverage the value of a scheduled or proposed Fix-It project.

8. *Transportation Project Location*

Provide the requested location information. Include city, county, MPO, and any appropriate special district, such as a transit district, school district, or port. Also include the ODOT Region number.

In the “Project Location Detail” space provided, include as appropriate:

- Intersections
- Location of any rail crossings
- Bus route and stops
- Bike path or multipurpose trail locations
- Sidewalk locations
- Address of the project site
- GPS coordinates (can be helpful where mileposts are not available)
- Other location detail

9. *Modal Attribute Information*

Describe how the proposed project will help address connectivity and system benefits, safety and public health, and accessibility and mobility.

The members of the Oregon Bicycle and Pedestrian Advisory Committee, Oregon Freight Advisory Committee, and the Oregon Public Transportation Advisory Committee, along with ODOT staff, developed Modal Attributes for bicycle and pedestrian, freight, and transit projects. The proposal submittals must describe how the proposed project addresses the three identified Modal Attributes: (1) connectivity and system benefits, (2) safety and public health and (3) accessibility and mobility, as described further in the following pages of this document.

Recognize that your proposal might not address all three Modal Attributes. Because of the change to Enhance Non-Highway, the freight related information has been removed.

MODAL ATTRIBUTES

TRANSIT

*Attributes and
Project Examples*

BICYCLE / PEDESTRIAN

*Attributes and
Project Examples*

Connectivity & System Benefits

Describe how the project addresses a system deficiency (e.g. links public transportation from one part of the state to another, completes or extends a bicycle or pedestrian path) and how it supports intermodal connections (e.g. provides a connection to key land uses, such as adding bicycle or pedestrian access to transit). For, transit and any travel options program, the project should serve inter-state or interregional trips. For bicycle/pedestrian, consideration is given to connecting or providing a nexus for projects of regional interest.

How does the project address a system deficiency?

Projects that link public transportation from one part of the state to another; projects that make it convenient for people to use those connections (e.g. similar fares or ticketing systems). Transp. Options that support an ODOT statewide program.

Examples: Additional equipment for expanded services; Improvements that close gaps in transit service; Investments in transit centers, park and ride facilities; Seamless access (interface), for example improving biking or walking access to transit. Travel information that links intermodally or regionally.

Projects that infill a missing link in system, complete or extend a walking or biking network, widen a too narrow sidewalk or bikeway, infill bikeways or walkways on busy streets.

Examples: Projects that improve designated bike routes and trails (Oregon Coast, Columbia Gorge, Scenic Bikeways, Regional Trails). Systemic sidewalk or bikeway infill. Projects that provide an alternate route to congested highways/corridors.

How does the project support intermodal connect-ions?

Projects that connect two or more modes of travel; Projects that provide access for all those that could and want to use public transportation, such as older individuals, people with disabilities, commuters, school kids, etc.

Examples: Improved transit center or facility. Stop improvements. Seamless access (interface), for example improving biking or walking access to transit. Travel information that links intermodally or regionally. Access for the location, including appropriate and safe amenities, shelters, lighting. Park and ride facilities with transit or rail.

Projects that improve access to public transportation stops and transit centers for people traveling on foot or by bike. Projects that improve bicycle or pedestrian connections to train stations and airports.

Examples: Systemic sidewalk infill (including crossing improvements) based on access to transit stops. Regional trail/high-quality bikeway connections to transit lines, airports, train stations.

MODAL ATTRIBUTES

TRANSIT

*Attributes and
Project Examples*

BICYCLE / PEDESTRIAN

*Attributes and
Project Examples*

Safety & Public Health

Describe how the project addresses a safety issue (e.g. improves lighting or signage at a transit center, separated bicycle path) or improves physical activity options or reduces environmental factors that harm health (e.g. provides new, improves or completes transit, bicycle, or pedestrian facilities in a community or area currently without). The project should contribute to the Safety Action Plan goals. The project should assist with the state’s greenhouse gas emissions reduction goals.

How does the project address a safety issue?

Projects that improve a transit center or pull outs, lighting, signage, technology and/or route design. Serves interstate or inter-regional trips.

Projects that help people cross the street, slow traffic to the posted speed, provide separation from motor vehicle traffic, improve visibility of bicyclists and pedestrians. Programs that provide education and encouragement, such as safe routes to schools.

Examples: Sidewalks and/or bikeways (including pedestrian crossings where needed) on state highways, major arterials, or other sites of potential fatality/injury crashes. Street trees, furniture, bulb-outs, etc. in downtown core areas.

How does the project improve public health?

Projects that add transit service or expansions in order to provide additional health through exercise. Projects that make improvements to fleets that use reduced or no emission vehicles.

Projects that provide a bikeway or walkway connection between destinations (residential to retail, medical, employment, etc.). Projects that reduce conflicts with other modes and provide appropriate separation of bikeway and walkway from motor vehicle traffic based on speed and volumes of traffic.

Examples: Sidewalks, bike lanes, or multi-use trails that connect residential areas to schools, shopping, and employment areas.

MODAL ATTRIBUTES

TRANSIT

*Attributes
Project Examples*

BICYCLE / PEDESTRIAN

*Attributes
Project Examples*

Accessibility & Mobility

Describe how the project improves access (e.g. improves access for a specific population, such as older adults or persons with disabilities, improves access to primary health care or emergency care for specific populations) or removes a barrier (e.g. creates a last mile connection to transit). May also provide access to a tourist facility of national or state significance.

How does the project improve access?

Projects that provide access to jobs, tourism travel, and retail services. Projects that enhance services based on where people live and want to go, primarily serving interstate or inter-regional trips.

Examples: Added service. Improved access, project reduces headways, adds hours, increases capacity. Increases safety and access within 1/4 mile to stops. Dispatch or ticketing equipment, IT enhancements for travel information. Access for the location, including appropriate and safe amenities, shelters, lighting, pullouts, accessibility improvements at stops.

Projects that improve pedestrian access between key destinations (transit stops, senior centers, residential, shopping, medical, etc.) by building or improving sidewalks and crossings.

Examples: Systemic sidewalk infill (including crossing improvements) based on access to transit stops. Projects that make key pedestrian connections for older adults or persons with disabilities.

How does the project remove a barrier?

Projects that improve last mile connections. Projects that serve underserved or unserved target populations.

Examples: Improved travel information technology. Improved access to job or education. Improvement that reduces dependence on car throughputs at population centers.

Projects that resolve an issue that prevents use of the bikeway or walkway network (i.e. bridges w/o sidewalks/bike facilities, high speed roadways without pedestrian crossings).

Examples: Projects that remove a barrier on a regional bicycle network or as part of a pedestrian/transit network.

10. Describe how the project addresses the Cross Modal Criteria within the project description and in describing the modal attributes.

ACT members and Region staff will also utilize six Cross Modal Criteria in their review of project proposals. This will be of particular importance in the development of the 100 percent list developed cooperatively between Region staff and ACT members as a recommendation to forward to the OTC to be considered for inclusion into the draft STIP. ACTs and Region staff will determine how well the proposal submittals advance the criteria listed below, when feasible, quantifying the extent to which they do. All criteria and examples will not be applicable to every submitted proposal.

As applicable, the proposer should incorporate how the proposed project meets the Cross Modal Criteria listed below. The proposer must also describe when a proposed project undermines the criteria. Whenever possible, the proposer should include quantitative data, and the proposer should describe specifically who benefits (or is harmed). This information can be incorporated into the needs statement, project description, project timetable and estimated project needs as appropriate. Although projects have not been fully developed and it may not be possible to assess potential impacts in the areas of environmental justice, land use, environmental impacts or potential displacement of housing; it is important to keep these factors in mind and provide what information is known as the proposal is developed.

A. *Economic Development:*

- Project improves transportation access for workers
- Project reduces costs of travel for workers
- Project improves the operation, safety, or efficiency of the transportation corridor or system
- Project improves travel time reliability
- Projects helps to sustain or generate long-term and/or living wage jobs
- Project serves an economically distressed community
- Project improves access to jobs
- Project supports business development, redevelopment

B. *Social Benefits:*

- Project supports OTP Policy 4.3 – Creating Communities: It is the policy of the State of Oregon to increase access to goods and services and promote health by encouraging development of compact communities and neighborhoods that integrate residential, commercial and employment land uses to help make shorter trips, transit, walking, and bicycling feasible. Integrate features that support the use of transportation choices
- Project increases physical activity
- Project increases transportation choices
- Project assists transportation disadvantaged communities in meeting their

transportation needs

- Increases awareness of a cultural or natural, historic, scenic feature along a route of travel

C. *Environmental Stewardship:*

- Supports OTP Policy 4.1 – Environmentally Responsible Transportation System: It is the policy of the State of Oregon to provide a transportation system that is environmentally responsible and encourages conservation and protection of natural resources.
- Project aligns with the strategies and/or elements outlined in the Oregon Statewide Transportation Strategy. This means the project should further (or not undermine) the state’s greenhouse gas emissions reduction goals
- Project reduces vehicle miles traveled

D. *Safety:*

- Project reduces conflict between modes that use the facility proposed for improvement
- Project reduces frequency of fatal and serious injury crashes across modes

E. *Project Readiness:*

- Project completed a public approval process
- Project completed some technical approval process (e.g. right-of-way complete, survey complete, environmental review (e.g. environmental impact statement) complete)

F. *Leverage:*

- Projects with a timing or funding nexus that allows projects to mutually benefit one another
- Additional project funding from public or private sources
- In-kind or other contributions (such as providing labor, equipment, materials, right-of-way, etc.)
- Additional public or private investment in infrastructure in the affected area or community that would occur as a result of the transportation investment

11. *How is the proposed project consistent with adopted plans?*

Indicate how the proposed project is consistent with applicable adopted plans. This provides an assessment of what planning has been completed for the project proposal and provides an indication of the need of the project as identified by the community in which the project is located, please include:

- Whether the project or the need to be met by the project is described in any plans and provide the names of these plans and page numbers of the references, if available.
- If the project or need is not explicitly described in a plan, explain why the proposed project is consistent with the adopted policy direction.
- Projects are expected to be consistent with adopted plans.

12. *How is the proposed project consistent with Major Improvement Policies including OTP Strategy 1.1.4 ?*

Describe how the proposed investment is consistent with the Major Improvement Policies in the OTP. These strategies, described below, establish a hierarchy of priorities for investment. If the proposed project corresponds to a later priority in this strategy, describe how higher priority solutions have already been tried or why they are not applicable or not appropriate.

OTP Strategy 1.1.4

In developing transportation plans to respond to transportation needs, use the most cost-effective modes and solutions over the long term, considering changing conditions and based on the following:

- *Managing the existing transportation system effectively.*
- *Improving the efficiency and operational capacity of existing transportation infrastructure and facilities by making minor improvements to the existing system.*
- *Adding capacity to the existing transportation system.*
- *Adding new facilities to the transportation system.*

Timetable and Readiness Information

13. *Indicate anticipated timing for the following activities, as applicable. Provide a month and year, by activity.*

Include dates or estimated timing as available. The first field is for the desired and reasonably achievable STIP Funding Year. The STIP covers four years, in this case, years 2018-2021. For many Enhance funding programs, projects for 2018 have mostly been selected using those programs' prior procedures in the earlier development of the 2015-2018 STIP. So proposed projects are expected to be within the Federal Fiscal Years 2019-2021.

FFY2019: October 2018 - September 2019

FFY2020: October 2019 - September 2020

FFY2021: October 2020 - September 2021

Indicate in the first field your preferred month and year to begin your project. This is important. The STIP must be balanced so that scheduled project expenses equal expected funds available at that time. If selected, the project will be assigned a target year within the STIP. Use this field to indicate which you prefer, although no particular month/year is guaranteed.

ODOT will, when necessary, reassign funds away from projects that cannot be delivered on schedule to prevent loss of funds to the state and to ensure eligibility for any re-dispersed funds.

For projects not solely sponsored by ODOT, careful consideration should be given

to when the proposer(s) will be prepared to provide non-Enhance funds to deliver the project. In the last field of the table, indicate the anticipated date that project implementation is expected to be complete (e.g. construction complete, all equipment is purchased, the transportation facility/equipment is in use). For operational or service delivery projects, list projected end date of activities funded via this proposal.

ODOT staff, in collaboration with non-ODOT proposers, will verify that the estimated dates provided are reasonable and prudent during the project scoping process.

Estimate Information

14. *Estimated Project Costs*

If advanced to the 150% recommendation list, ODOT Region staff will scope projects to meet federal funding standards. In estimating project costs, make sure to consider the additional project costs associated with the use of federal funds. Proposers should coordinate their cost estimating with ODOT Region staff during the pre-proposal consultation period to ensure that the estimates provided with the proposal submittal take into account the factors that will be considered during the 150% recommendation scoping process.

The minimum match required is 10.27%. Federal funds, such as funds from the Federal Highway Administration and the Federal Transit Administration cannot be used as match. In-kind match (also known as donations) may be used. ODOT staff will work with the project proposer to establish what match is needed and who will be responsible. Any in-kind match must be approved by ODOT. If an applicant is considering using in-kind donations for the match they should contact the appropriate ODOT Region contact listed in this document.

15. *Match Contributions*

List expected project participants and their contributions in the table below. Begin with the amount contributed by the Sponsor and include contributions from Project Co-Sponsor and other participants, if applicable. Sponsor and participant contributions must add to at least 10.27% of Total Transportation Project Costs. This is the amount of matching funds typically required for most federal funding programs. The specific amount of matching funds required for the proposed project may be more or less than 10.27%, depending on its funding eligibility. Specific match requirements will be determined during proposal review.

Maps and Plans

16. Maps and Plans (include as attachments to the email)

Include maps or drawings to better explain the project, as available and appropriate. Examples:

- Vicinity map (8.5x11) (may be inset on site map page)
- Site Map/Aerial Photo (showing existing site) (8.5x11)
- Site Plan (showing proposed construction funded by the requested funds clearly marked) (8.5x11)
- Typical Cross-Section Drawings (showing proposed construction to be funded by the requested funds clearly marked) (8.5x11)

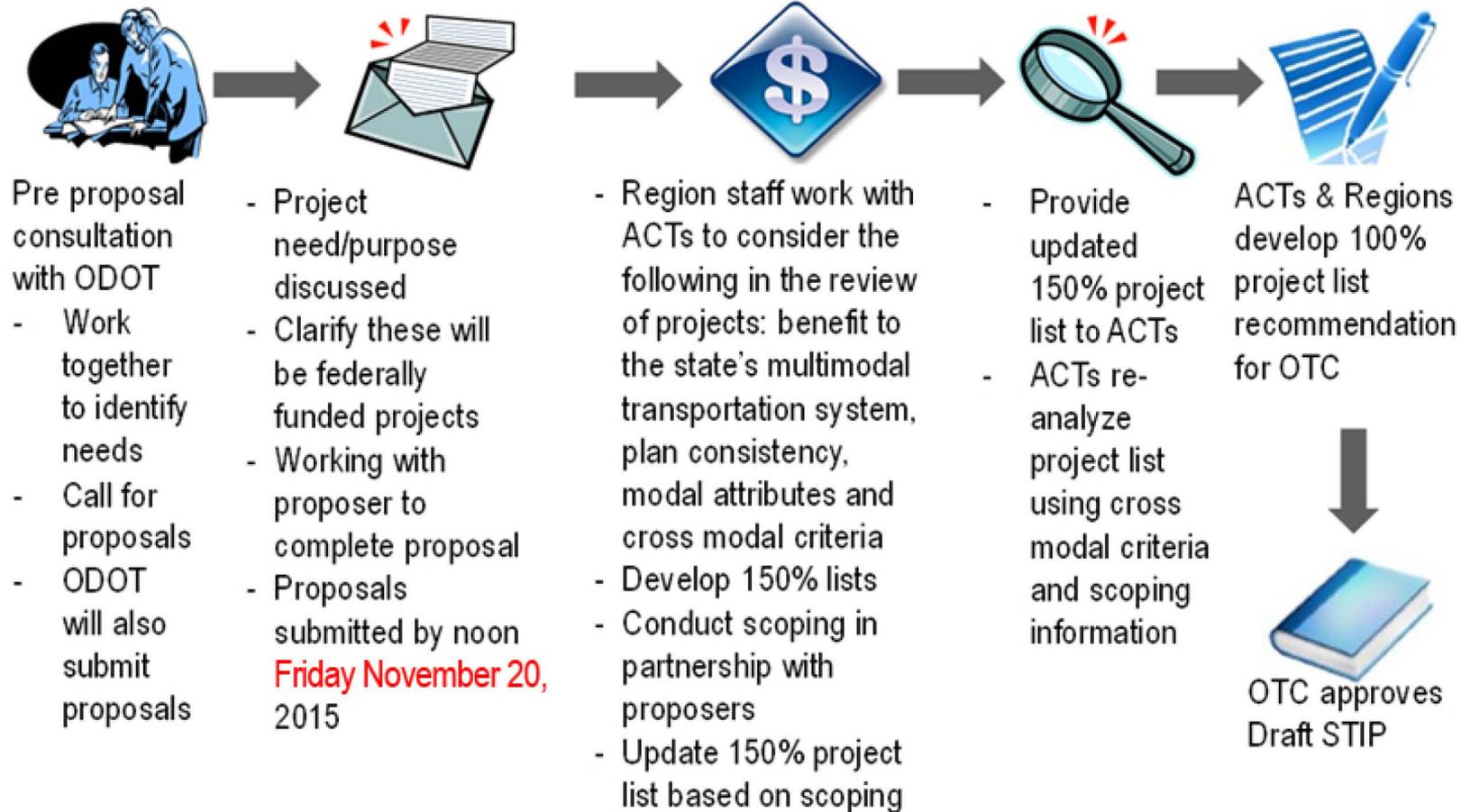
Proposer Endorsement

17. Signature Authority Information

Provide the name and title of the official authorizing this proposal in the spaces provided. The official should have the authority to approve implementation of the project or certify that implementation of the project has been approved, if applicable. It is important that an official of the proposing agency with sufficient authority to make such commitments has approved the proposal. This authority is required if the proposal is for a project not within ODOT Right of Way.

Appendix A - Diagram of Process

Enhance Review Process



Appendix B – JTA STIP Considerations

Jobs and Transportation Act (ORS 184.621)

Selection of projects for Statewide Transportation Improvement Program. The Oregon Transportation Commission shall work with stakeholders to review and update the criteria used to select projects within the Statewide Transportation Improvement Program. When revising the project selection criteria the commission shall consider whether the project:

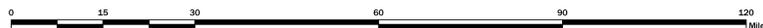
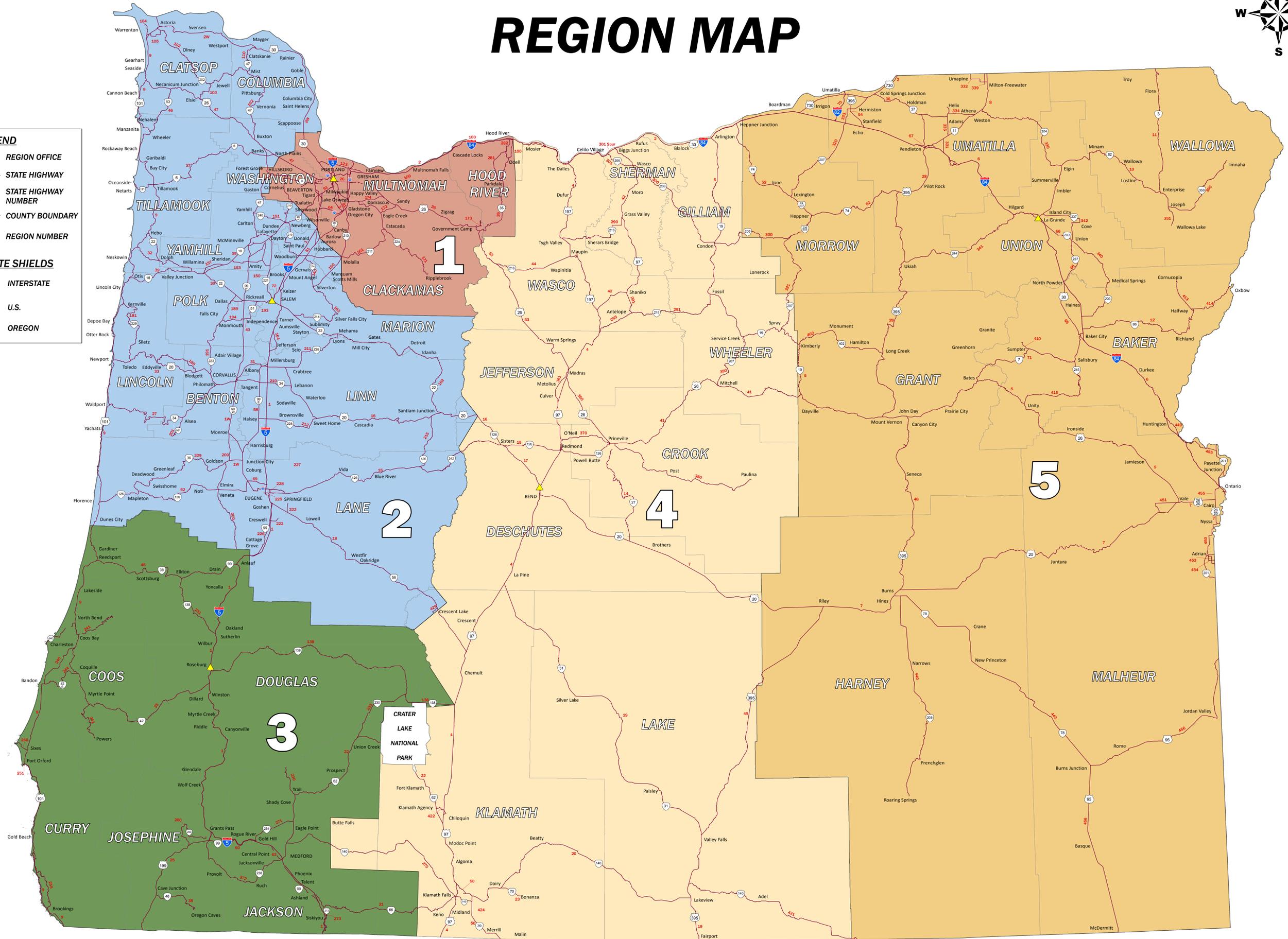
- (1) Improves the state highway system or major access routes to the state highway system on the local road system to relieve congestion by expanding capacity, enhancing operations or otherwise improving travel times within high-congestion corridors.
- (2) Enhances the safety of the traveling public by decreasing traffic crash rates, promoting the efficient movement of people and goods and preserving the public investment in the transportation system.
- (3) Increases the operational effectiveness and reliability of the existing system by using technological innovation, providing linkages to other existing components of the transportation system and relieving congestion.
- (4) Is capable of being implemented to reduce the need for additional highway projects.
- (5) Improves the condition, connectivity and capacity of freight-reliant infrastructure serving the state.
- (6) Supports improvements necessary for this state's economic growth and competitiveness, accessibility to industries and economic development.
- (7) Provides the greatest benefit in relation to project costs.
- (8) Fosters livable communities by demonstrating that the investment does not undermine sustainable urban development.
- (9) Enhances the value of transportation projects through designs and development that reflect environmental stewardship and community sensitivity.
- (10) Is consistent with the state's greenhouse gas emissions reduction goals and reduces this state's dependence on foreign oil.

OREGON DEPARTMENT OF TRANSPORTATION REGION MAP



LEGEND

- REGION OFFICE
- STATE HIGHWAY
- 100** STATE HIGHWAY NUMBER
- COUNTY BOUNDARY
- REGION NUMBER
- ROUTE SHIELDS**
- INTERSTATE
- U.S.
- OREGON



Oregon Department of Transportation

Enhance Proposal Form

2018-2021 Statewide Transportation Improvement Program

August, 2015

Introduction

Updated August, 2015: The proposal form and guidance for both proposers and reviewers reflect the direction provided by the Transportation Commission as to the programming of funds for the STIP. Given the condition of the system, the majority of funds are going to preserving the existing system, including Fix-It funds for Transit, ADA ramps and to leverage funds to improve already planned Fix-It projects. The \$30 million Enhance program for years 2019-2021 is now for non-highway projects. A link to the staff memo to the OTC is provided which outlines the steps that the OTC took in order to reach their decisions.
<http://www.oregon.gov/ODOT/TD/STIP/Apply/OTCStaffReport.pdf>

As part of the OTC decision, \$30 million was allocated for Enhance Non-Highway. Those are the funds that will use this proposal and the related guidance documents. These projects may be on or off the state system, proposed projects will need to be consistent with state and local plans, and the proposers will be required to provide the matching funds. The \$30 million will be allocated to the Regions using the Region equity formula. So the changes to this document are to be clear that roadway modernization projects (pavement, bridge, or new road construction) are no longer eligible.

The agency is seeking input from its partners in the development of the Statewide Transportation Improvement Program (STIP). This input is being sought to help identify what projects are needed to move people and goods through the transportation system. This proposal form should not be completed until after the pre-proposal consultation with ODOT Region staff. Discussions with ODOT and any additional assistance the agency provides will be needed to successfully complete the proposal. Pre proposal consultation begins by providing responses to the Transportation Needs Statement (Item 2) and Project Description (Item 3) to ODOT Region staff. No additional work on the proposal form should be completed until after discussions with the appropriate ODOT Region staff.

The information found in the websites below should be reviewed prior to discussion with ODOT staff.

ODOT will also complete this form for proposed Enhance projects on the state system identified by the agency as priorities. This allows for a complete list and consistent proposal information in the discussions with Area Commissions on Transportation.

For more information on the STIP as well as STIP and Enhance documents, see: <http://www.oregon.gov/odot/td/stip/Pages/default.aspx>

Transportation Project Sponsors

1. Project Proposer

Complete the contact information for the organization applying for funds and the primary contact. The project proposer must be a public agency, such as a city, county, MPO, ODOT or other state or federal agency, tribe or special district (e.g. port or school district).

Organization Name:

Contact Person Name:

Title:

Street Address:

Phone:

City, State, Zip:

E-mail:

2. Transportation Needs Statement (max 800 characters)

Provide a paragraph explaining the problem or transportation need the project will address and how the need was identified.

3. Project Description (max 4000 characters)

Clearly describe the work to be funded and describe what will be built, any services that will be provided, what equipment will be purchased, or project planning or environmental document efforts that will be paid for with the Requested Funds, and how the project addresses the identified transportation need. Include whether Practical Design considerations have been applied to the proposed project. Identify if the project can be completed in phases, and how the project or phase will provide a complete, useful product or service. As part of the description, identify what modes your project will serve and if applicable how it benefits freight movement.

Either in the description or in discussions with ODOT staff, keep in mind the project attribute information and the cross modal criteria. That information is found in pages 9-11 of the Guide for Completing Enhance Proposal.

4. Project Name (max 50 characters)

5. Project Estimate/Funding Share

This table will automatically fill in after entering data in question #14.

	Project Estimates	% of Project Estimates
Total Project Estimate	\$0.00	
Estimate Share of Project Not Eligible for	\$0.0	
Total Eligible Costs	\$0.00	
Estimated Funding Share from Sponsor(s) (10.27% Match Required)	\$0.0	
Enhance Funding Request	\$0.0	

6. Is this project a continuation of a previous Statewide Transportation Improvement Program (STIP) project or a project that was funded either through federal, state, or local transportation funds in the last 3 years?

Yes No

If yes, describe the status of the previous project and include the key number of the existing STIP project, if known. (max 800 characters)

7. Does this project extend, support, or enhance an existing or planned STIP project? For example, does it provide a more complete solution for an existing project or is it intended to work with another planned project, including a “Fix-It” STIP project or MPO programmed project?

Yes No

If yes, describe the relationship of this proposed project to the other, including planned timing of both projects, and include the key number of the existing or planned STIP project, if known. (max 800 characters)

8. Transportation Project Location - REQUIRED

City:

County:

MPO:

Special District:

ODOT Region:

Hwy/Road
Beg. MP (Road):

Hwy/Road
End MP (Road):

Additional Project Location Detail:

Additional Project Location Detail: (include, as appropriate: road and milepost range, rail line and milepost range, GPS coordinates, bus route and stops, bike path or multipurpose trail locations, sidewalk locations, or other location detail).

9. Modal Attribute Information

Describe how the proposed project will help address connectivity and system benefits, safety and public health, and accessibility and mobility. For additional information on how to respond to these questions, please refer to the Guide for Completing Enhance Proposals (page 14-16), recognizing that all attributes may not be applicable.

Connectivity and System Benefits: (max 4000 characters)

Safety and Public Health: (max 4000 characters)

Accessibility and Mobility: (max 4000 characters)

10. Cross Modal Criteria

Describe how the proposed project addresses the Cross Modal Criteria. For additional information on how to respond to these questions, please refer to the Guide for Completing Enhance Proposals (page 17-18), recognizing that all criteria may not be applicable.

Economic Development: (max 4000 characters)

Social Benefits: (max 4000 characters)

Environmental Stewardship: (max 4000 characters)

Safety: (max 4000 characters)

Project Readiness: (max 4000 characters)

Leverage: (max 4000 characters)

11. How is the proposed project consistent with adopted plans?

(Plans may include, for example, transportation plans, mode plans such as bike/ped or transit plans, Statewide Transportation Strategy, economic development plans, comprehensive plans, corridor plans or facilities plans.)

Describe how the proposed project is consistent with adopted plans, why it is the right investment at this time, and how it meets the implementation objectives of the plan. List plans that include the project (with page numbers if possible or describe how the project meets the intent of the plan). (max 800 characters)

12. How is the proposed project consistent with Major Improvement Policies including [Oregon Transportation Plan Strategy 1.1.4](#)?

Describe how the proposed project is consistent with OTP Strategy 1.1.4 and for highway projects, OHP Action 1G.1. If the project corresponds to a later priority in these strategies, describe how higher priority solutions have already been tried or why they are not applicable or appropriate to the location (max 400 characters).

13. Timetable and Readiness Information

Indicate anticipated timing for the following activities, as applicable. Provide a month and year, by activity. Federal Fiscal Year Dates (phases must be within these time frames):

FFY19: October 2018 - September 2019

FFY20: October 2019 - September 2020

FFY21: October 2020 - September 2021

**2018-2021 STATEWIDE
TRANSPORTATION
IMPROVEMENT
PROGRAM**

Anticipated or Actual Dates

Activity

- Desired STIP Funding Month/Year - **REQUIRED**
- Planning
- Preliminary engineering
- Right-of-way
- Utility Relocation
- Construction Contract Award
- Construction Complete
- Capital Equipment Purchase
- Operations/Service Purchase
- Other Major Milestone:
- Project Completion/End of Activities funded through this proposal
- **REQUIRED**

14. Estimated Project Costs

Describe the level of scoping performed to arrive at the estimated costs and was the estimate information provided below reviewed by ODOT. Are contingencies included and, if so, how much? Are there scoping and cost estimate documents available on request?

List estimated costs for the various activities listed below, as applicable to proposed project and should reflect the cost of the project being developed using federal funds. Enter numbers only into the Estimated Cost column - the values will be automatically formatted.

Activity	Estimated	Total
Non-construction (e.g. demand management, equipment		
<i>Subtotal</i>		\$0.0
Planning		
Preliminary		
engineering Right-of-		
way		

**2018-2021 STATEWIDE
TRANSPORTATION
IMPROVEMENT
PROGRAM**

Activity	Estimated Cost	Total
Construction / Implementation		
Contract Administration & Construction Engineering		
<i>Subtotal</i>		\$0.00
Total Eligible Project Costs		\$0.00

Non-Eligible Costs (other project non-transportation expenditures, e.g. non-reimbursable utilities)

Note: By submitting this proposal you are aware the project will be federalized and subject to federal requirements.

15. Match Contributions

List expected project participants and their contributions in the table below. Begin with the amount contributed by the Sponsor and include contributions from Project Co-Sponsor and other participants, if applicable. Sponsor and participant contributions must add to at least 10.27% of Total Transportation Project Costs. This is the amount of matching funds typically required for most federal funding programs. The specific amount of matching funds required for the proposed project may be more or less than 10.27%, depending on its funding eligibility. Specific match requirements will be determined during proposal review.

Note: The total project funds contribution must be at least: \$0.00

Participant Role	Participant Name	Project Funds Contribution
Sponsor - REQUIRED		
Co-Sponsor		
Participant		
Participant		
Total		\$0.00

16. Maps and Plans

Note: Remember to upload any applicable maps and plans as **email attachments** when you submit your proposal. Do not embed maps/plans in this proposal form.

- Attached Vicinity map (may be inset on site map page) (8.5 x 11)
- Not
- Attached Site map/air photo (showing existing site) (8.5 x 11)
- Not
- Attached Site map (showing proposed construction area clearly marked) (8.5 x 11)
- Not
- Attached Typical cross section drawings (showing proposed construction funded
by the requested funds clearly marked) (8.5 x 11)
- Not

17. Signature Authority Information

The Authorizing Authority(s) identified below approves this proposal on behalf of the project proposer. The Authorizing Authority should have the authority to approve the implementation of the project or certify that the implementation of the project has been approved, if applicable. This authority is required if the proposal is for a project not within ODOT Right of Way.

Authorizing Authority (name):

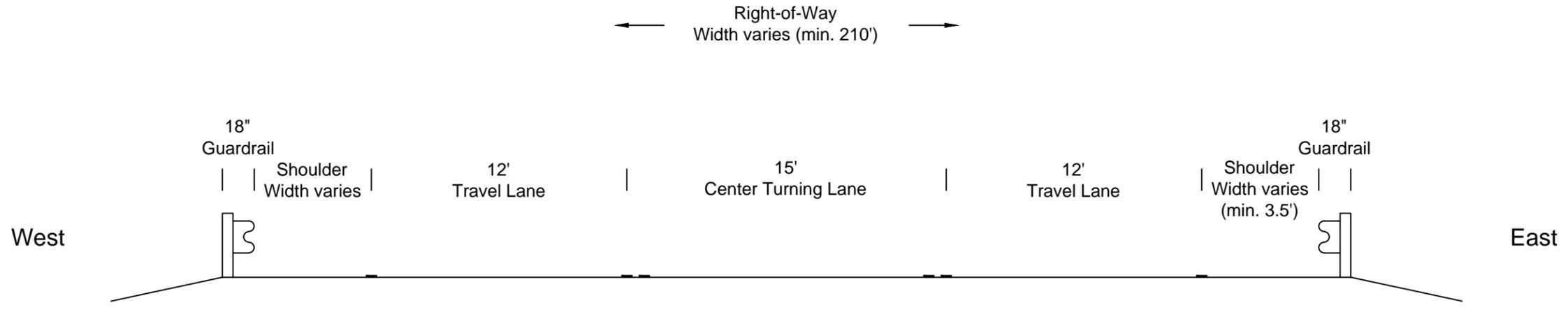
- **REQUIRED**

Authorizing Authority (title):

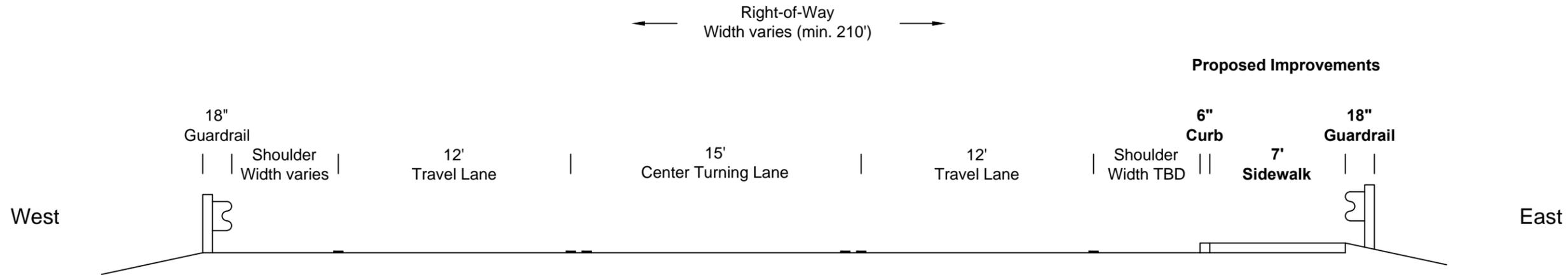
- **REQUIRED**

Electronic transmittal was approved by the identified authorizing individual. No signature needed if checked.

Date:

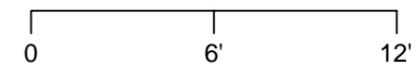


Existing Cross-Section
(Typical)



Proposed Cross-Section
(Typical)

Scale: 1" = 6'



Verify Scale
Bar is 1"
at Original Size

City of Newport
Public Works Department
169 SW Coast Highway
Newport, OR 97365
541-574-3366

Typical Cross-Sections
Drawn By: Olaf Sweetman
10/28/15

US-101: NE 25th St to NE 36th
St Sidewalk Improvements

Sheet
1 of 1
79



Agenda#VII.B.
MeetingDate: 11/02/15

Agenda Item:

Approval of Administrative Directive Relating to the Establishment of Recreational Marijuana Facilities

Background:

The City Council will be discusses the outcome of actions taken by the Planning Commission in regards to the local administration and regulation of commercial marijuana producers, processors, wholesalers, and retailers at a work session prior to the City Council Meeting. The Planning Commission is recommending that the City Council consider handling recreational marijuana in the same manner as medical marijuana has been regulated with in the City of Newport.

One of the issues that would be the same requirement but has to be handled in a different way is maintaining a 1,000 foot set back between recreational marijuana facilities. By state law local communities can impose an up to 1,000 foot distance between recreational marijuana facilities. This eliminates the possibility of multiple facilities being located in one part of town (City Center, Bayfront, Nye Beach, etc.). The difference from the regulation of medical marijuana dispensaries is that for dispensaries the 1,000 foot set back is required by state law. In this particular case it is up to the local unit to implement a 1,000 foot set back between recreational marijuana facilities. If the Council is inclined to have a 1,000 foot set back between recreational marijuana facilities than it is important to lay out some initial rules for how we will deal with that aspect since we may receive multiple requests from potential retail operators with in a 1,000 foot radius. Please note that the Planning Commission is recommending that we deal with the radius requirements separate from medical marijuana. If this is don, there could be a medical marijuana facility and a recreational marijuana facility within that same 1,000 foot radius.

From a staff stand point Community Development Director Derrick Tokos, City Attorney Steve Rich, and I discussed the development of a protocol as to which applications would be first in line for consideration. It is our suggestion that the Council recognize the medical marijuana dispensaries that are selling recreational marijuana as a recreational facility therefore there would not be another recreational marijuana dispensary allowed with in that radius until at least until December 2016 unless that dispensary ceases selling recreational marijuana prior to that time. It is likely that the current facilities will convert to a recreational license through the Oregon Liquor Control Commission when they are available. Otherwise it would be our intent to date and time stamp any land use compatibility statement forms received relating to the licenses of marijuana producers, processor, wholesalers, retailers, or laboratories by the Oregon Liquor Control Commission. The city will not sign off on any such forms until the city has adopted any local regulation for such businesses operating within the city later this year.

This is a rapidly evolving scenario with lots of different questions involved. I wanted to leave a spot on the regular agenda in the event that Council wishes to take some action based on its general desire to implement some sort of setback requirements from other like facilities base on the discussion at the work session earlier in the day. This recommendation can be appropriately modified or no action taken by the Council at the November 2nd meeting on this matter.

Recommended Action:

I recommend the City Council consider the following motion:

I move that staff be instructed to date and time stamp any land use capability statement forms the city receives relating to the licensing of marijuana producers, processer, wholesalers, retailers, or laboratories by the Oregon Liquor Control Commission, but to refrain from signing off on such forms until the city has decided whether or not it wants to adopt local regulations that would impact the placement of these facilities within the city.

Fiscal Effects:

None by approving this motion.

Alternatives:

If it is appropriate, an alternative motion could be developed as part of the works session that the Council will be holding earlier. This is an issue that is plowing new ground and there may be other approaches the Council wishes to pursue in order to try to implement an orderly process for handling various business activities relating to recreational/ commercial marijuana in the State of Oregon.

Respectfully submitted,



Spencer R. Nebel
City Manager

Memorandum

To: Newport City Council

From: Derrick Tokos, Community Development Director 

Date: October 28, 2015

Re: State – Local Coordination of Recreational Marijuana Facility Licensing

On October 22, 2015 the Oregon Liquor Control Commission (OLCC) put in place temporary rules for licensing commercial marijuana producers, processors, wholesalers, retailers, and laboratories (collectively "recreational marijuana facilities"). The agency will begin accepting applications for licenses on January 4, 2016.

A key component of OLCC's application process is a requirement that a Land Use Compatibility Statement (LUCS) form be signed off by a local government confirming that the location where an applicant wants to establish a recreational marijuana facility is a permitted use. A draft form has been developed, and OLCC staff has indicated that it will likely be finalized within the next couple of weeks, at which point it will be made available to the public as part of the application instructions people will need in order to apply for a license.

State agencies commonly incorporate LUCS requirements as part of their application processes to ensure that their decisions align with local government rules. It is something that our staff commonly signs-off on and the City has a fee structure in place to cover a portion of the City's costs in performing the reviews.

Once OLCC makes licensing application materials available to the public, the City can expect to receive requests from applicants that it sign-off LUCS forms. While this would typically not be an issue, in this case the City of Newport, like many local jurisdictions statewide, is in the process of evaluating whether or not it wants to change its regulations for recreational marijuana facilities. The Planning Commission held a work session to consider potential city rule changes on October 26, 2015 and the City Council will have an opportunity to discuss the Commission's recommendation at a November 2, 2015 work session.

In light of the above, it would be prudent for the Council to adopt a motion directing staff to date/time stamp any LUCS forms it receives from persons interested in applying for recreational marijuana facility licenses but refrain from signing off those forms until the City has completed its evaluation of whether or not local regulations are needed and any such regulations are put into effect.

OLCC just issued its temporary rules and those rules are a significant piece of information the City needed in order to have an informed discussion on the potential need for local regulation. Therefore, the City has not been in a position where it could move its evaluation along any quicker than it has to date. Staff at OLCC have indicated that they will accept applications without a signed LUCS form, they just won't issue a license until they receive them. They further indicated that it will be several months into calendar year 2016 before they will be in a position to issue any licenses. With this in mind, the City has time to put in place any local regulations it feels are needed and to evaluate LUCS requests against such regulations, without adversely impacting applicants seeking licenses for recreational marijuana facilities.



Agenda#VII.C.
MeetingDate: 11/02/15

Agenda Item:

Report and Possible Action to Approve Resolution No. 3729 A Resolution Establishing Dates for an Election on Whether to Fluoridate the City's Water System and Suspend the Provision of Resolution No. 1165-A

Background:

At the October 19, 2015, City Council meeting the Council approved the following motion:

Motion was made by Allen, seconded by Swanson, to direct the City Attorney and city staff to develop an ordinance to resume the addition of Fluoride to the city's drinking water in accordance with Resolution No. 1165-A, which is a current, standing directive approved by the City Council on June 25, 1962, and to bring the ordinance back to the City Council for consideration and eventual adoption and referral to the citizens of Newport for public vote at the May 17, 2016 election.

Since this action has been taken, city staff has fielded a number of questions relating to how this action will be implemented by the city. City Recorder Peggy Hawker has researched the election schedule for the May 17, 2016 election. Please note that this will be the Presidential Primary Election which will ensure more voter turnout than an off cycle election would. Furthermore, the city would not be responsible for the cost of the election since this is a scheduled election. The State of Oregon has specific windows of time in which various actions need to be taken in order to be timely for this election date. Actions cannot be taken too early or too late in order to qualify for this ballot.

Council City Attorney Steve Rich, City Recorder Peggy Hawker, and I have developed a proposed schedule for implementing this action as follows:

November 2, 2015 - The Council will be asked to approve Resolution No. 3729 which suspend Resolution No. 1165-A which is the current standing directive to add fluoride to the water until an election is held on May 17, 2016.

January 19, 2016 - The Council will be asked to adopt a fluoridation ordinance that will be referred to the voters. A draft copy of this ordinance is attached for your review.

February 1, 2016 - The Council would adopt a resolution to place a question on the ballot for the May 17, 2016 election. A draft copy of the resolution is attached for your review.

May 17, 2016 - Election day. If voters approve the ordinance than Resolution No. 1165-A will be superseded by the ordinance requiring fluoridation of the city's water. In the event that voters do not approve the ordinance than Resolution No. 1165-A will be rescinded.

Resolution No. 3729 temporarily suspends the provisional Resolution No 1165-A until May 17, 2016. It establishes the dates of January 19, 2016 to adopt an ordinance that will be referred to the voters to reestablish fluoridation of city water and February 1, 2016 to adopt a resolution to place the ordinance on the ballot for the May 17, 2016 election. Finally, the resolution permanently rescinds Resolution No. 1165-A following the results of the vote on fluoride.

Draft copies of the possible ordinance and resolution that would be consider by the Council in 2016 are included in this packet for your review. It certainly be appropriate to discuss these documents so that it is clear to the Council, the public and various interest groups as to how the city would be proceeding with this matter. I believe the process outline within this report and Resolution No. 3729 are is consistent with the action taken by the City Council at the October 19, 2015 City Council meeting.

Recommended Action:

I recommend the City Council consider the following motion:

I move to adopt Resolution No. 3729 which temporary suspends Resolution 1165-A until May 17, 2016, establishes thresholds for future Council action to place the issue of fluoridation of city water on the ballot for the May 17, 2016 election and rescind Resolution 1165-A in accordance with the results of the election on fluoride.

Fiscal Effects:

None by approving this resolution.

Alternatives:

None recommend.

Respectfully submitted,



Spencer R. Nebel
City Manager

CITY OF NEWPORT

RESOLUTION NO. 3729

A RESOLUTION ESTABLISHING DATES FOR AN ELECTION
ON WHETHER TO FLUORIDATE THE CITY'S WATER SYSTEM
AND SUSPEND THE PROVISIONS OF RESOLUTION NO. 1165-A

Findings

WHEREAS, on August 23, 1960, the city called for a special election to obtain an advisory vote from the electorate on whether to add fluoride to the city's water system; and

WHEREAS, on November 8, 1960, the voters, by a vote of 1,070 to 1,049, voted to add fluoride to the city's water system; and

WHEREAS, by citizen's petition thereafter, a vote was held on whether to amend the City Charter to prohibit the fluoridation of the city's water system; and

WHEREAS, the proposed Charter amendment failed by a vote of 789 to 704; and

WHEREAS, Resolution No. 1165-A directed the city to add fluoride to its water system on June 25, 1962; and

WHEREAS, fluoridation of the city's water system, as directed by Resolution No. 1165-A, continued until 2005; and

WHEREAS, it is in the best interests of the city, and its citizens, to allow the voters to determine whether the fluoridation of the city's water system shall be reinstated;

Based upon these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The provisions of Resolution No. 1165-A are hereby suspended until the May 17, 2016, election results have been certified by the Lincoln County Clerk.

Section 2. The City Council will establish the date of January 19, 2016 to adopt an ordinance that will call for an election in and for the City of Newport for the purpose of submitting to the legal voters of the city the question of whether the fluoridation of the city water system shall be reinstated.

Section 3. The City Council will establish the date of February 1, 2016 to adopt a resolution that will place the question of reinstating fluoride to the city's water system on the ballot of the May 17, 2016 election.

Section 4. In the event the voters approve the ordinance at the election of May 17, 2016, Resolution No. 1165-A is considered superseded and is hereby rescinded effective on the date the Lincoln County Clerk certifies the election results from the May 17, 2016 election.

Section 5. In the event the voters disapprove the ordinance, at the election of May 17, 2016, Resolution No. 1165-A is hereby rescinded effective on the date the Lincoln County Clerk certifies the results of May 17, 2016 election.

Section 6. This resolution is effective on adoption.

Adopted by the Newport City Council on November 2, 2015.

Sandra N. Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

Note: It may be that the anticipated ordinance, as an internal directive to city staff, may not need to be included in the Municipal Code; that determination should be discussed as part of the review of the proposed ordinance.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE V OF THE NEWPORT MUNICIPAL CODE
BY THE ADDITION OF SECTION 5.10.015
WHICH DIRECTS AND AUTHORIZES THE CITY OF NEWPORT STAFF,
UNDER THE DIRECTION OF THE CITY MANAGER,
TO FLUORIDATE THE WATER SYSTEM OF THE CITY OF NEWPORT
TO THE OPTIMAL LEVELS BENEFICIAL
TO REDUCE TOOTH DECAY AND PROMOTE GOOD ORAL HEALTH
AS RECOMMENDED BY THE OREGON HEALTH AUTHORITY

A. Findings and Purpose: The Council finds:

1. Oral health is important to overall health, wellness, and quality of life; and
2. The benefits of fluoridation of water systems in the prevention of dental disease have been scientifically substantiated with over 65 years of experience; and
3. Fluoride is a mineral that exists naturally in rocks, soil, and nearly all water supplies at varying levels and reduces the incidence of tooth decay in both adults and children; and
4. Fluoridation benefits older adults by helping to prevent decay on the exposed root surfaces of teeth, which affects many seniors; and
5. Fluoridation is the most cost-effective public health measure to prevent dental disease; and
6. Fluoridation became the official policy of the U.S. Public Health Service in 1951. By 2010, 73.9% of the U.S. population was receiving fluoridated water through the public water supply systems; and
7. The most respected health and medical organizations in the United States, including the U.S. Centers for Disease Control and Prevention; the American Dental Association; the American Academy of Family Physicians; the Institute of Medicine; the American Public Health Association; and the American Academy of Pediatrics, endorse fluoridation of the public water system; and
8. Based upon the foregoing findings, it is the purpose of the City of Newport to reinstate the fluoridation of the city’s drinking water.

The City of Newport ordains as follows:

A. The Newport Municipal Code shall be amended to include the following:

5.10.015 Fluoridation of Drinking Water

- A. City staff is directed and authorized to design and re-implement a program to fluoridate the city's water system to the optimal levels beneficial to reduce tooth decay and promote good oral health as recommended by the Centers for Disease Control and Prevention or the Oregon Health Authority. Any fluoride compound used for this purpose shall meet the standards of the American Water Works Association.
- B. Funds necessary for fluoridation shall be paid as provided in the city's budget as is consistent with local budget law.
- C. City staff shall make a report and recommendation to the City Council prior to the final implementation of fluoridation of the city's water system. The report and recommendation shall include a general outline of a fluoridation program; a preliminary estimate of the financial resources required to design and re-implement the fluoridation; and a recommended date to restart the fluoridation of the city's water system.
- D. City staff shall keep an accurate record of the type and amount of fluoride introduced into the water system, and the quantities of water treated. City staff shall conduct and keep records of tests of the fluoride compound in the treated and untreated waters in accordance with engineering and administrative recommendations for water fluoridation from the Centers for Disease Control or as otherwise required by the Oregon Health Authority.
- B. **Implementation Date.** The City Council shall establish, by resolution, a date to reintroduce fluoride into the city water system.
- C. **Effective Date.** This ordinance shall be effective immediately upon certification of the election results if approved by the electors of the City of Newport at the election of May 17, 2016.

Adopted by the City Council on January 19, 2016.

Sandra N. Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

APPROVED AS TO FORM:

Steven Rich, City Attorney

DRAFT

CITY OF NEWPORT

RESOLUTION NO. _____

**A Resolution Calling for an Election
to Refer to the Voters of the City of Newport, Oregon,
A Measure That Would Re-implement Fluoridation of the City's Water System**

Findings

- A. Fluoride was added into the city's water system beginning in 1962 and was continued until 2005.
- B. From 2005 until the present, fluoride has not been added to the city's water system.
- C. It is in the best interests of the city and its residents that the re-implementation of fluoride into the city's water system be subject to a vote of the electors of the City of Newport.

Based upon these findings:

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. An election is called in and for the City of Newport for the purpose of submitting to the legal voters of the city the ballot title, Attachment A, with the following question:

Shall the City of Newport fluoridate its water system?

Section 2. Tuesday, May 17, 2016, is designated as the date for holding the election on the question stated in Section 1 above.

Section 3. The election will be conducted by the Lincoln County Clerk's Office.

Section 4. The precincts for the election shall include all territory within the corporate limits of the City of Newport and no other territory.

Section 5. If the ballot measure is approved by the voters of the City of Newport, the Newport Municipal Code shall be amended as provided in Attachment B.

Adopted by the Newport City Council on February 1, 2016

CITY OF NEWPORT

Sandra N. Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

DRAFT

**ATTACHMENT A
TO
CITY OF NEWPORT RESOLUTION NO. _____**

BALLOT TITLE

CAPTION

Fluoridation of City of Newport Water System

QUESTION

Shall the City of Newport fluoridate its water system?

SUMMARY

The City of Newport supplies water to city residents and businesses. In the past the City of Newport fluoridated its water system. Currently, fluoridation is not being added to the city water system.

This measure requires the City of Newport to fluoridate its water system. The measure requires fluoridation at levels recommended by the Centers for Disease Control and Prevention, or the Oregon Health Authority, intended to reduce tooth decay and promote oral health. The measure is a referral of Ordinance No. xxxx, adopted by the City Council on January 19, 2016. The actual date of the re-implementation of fluoridation of the City water system will be at a date established by resolution of the City Council. The fluoride must meet standards of the American Water Works Association. The measure requires recordkeeping of the quantities of water treated and the types and amounts of fluoride used. The measure also requires the city to conduct tests for fluoride in treated and untreated water in accordance with the state and federal recommendations.



Agenda#VII.D.
MeetingDate: 11/02/15

Agenda Item:

Report on Resolution No. 3589, a Resolution Adopting a Public Arts Policy to include a Public Arts Committee and a Percentage for Arts Program.

Background:

At the October 19, 2015 City Council meeting, the Council approved the selection of an artist to meet the requirements of Resolution No. 3589, which provides that one percent (1%) of the eligible construction costs of a capital improvements project be paid wholly, or in part, by the City to construct or remodel any public or city building, structure, park or any portion thereof be allocated for public art. These provisions exclude various infrastructure projects, maintenance projects, and real estate purchases.

Resolution No. 3589 also includes a provision that “private developers shall be encouraged by the city to voluntarily participate in the percent for arts program”. This program creates no requirement on private developers. At the meeting on October 19, Carla Perry reminded the Council of this provision. Ms. Perry also discussed this with me prior to the Council meeting. In reviewing this matter, a document was created by the Public Arts Committee to encourage private developers to contribute to the city’s percent for the arts program. While the Community Development Department provided comments on the draft information, they did not have the final copy for distribution. We have since remedied that issue. The fact sheet prepared by the Public Arts Committee will be available on the counter at the Building Department, and will be included in any permit application packets provided for construction projects in the future. I appreciate Ms. Perry bringing this to our attention so that we can address it in the way intended by the Council through Resolution No. 3589.

Finally, Councilor Allen indicated that he would like to talk about the resolution as it would affect future city building projects. His concern relates to the possible construction of future public safety, or other similar buildings, that may find themselves in a budget crunch. He believes that in these cases, there should be some discussion with the Arts Committee about potentially reducing the amount spent as a result of that particular project. He would also like to discuss whether language in the resolution should be revised to provide more direction in those situations

I have included a copy of Resolution No. 3589, a copy of the material prepared by the Public Arts Committee to encourage private developers to voluntarily donate up to one percent (1%) of eligible construction costs into the City of Newport Public Arts Fund, and a copy of the code provisions establishing the Public Arts Committee for your review.

Recommended Action:

None.

Fiscal Effects:

No impact on current obligations.

Alternatives:

None recommended.

Respectfully submitted,

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

Spencer R. Nebel
City Manager

CITY OF NEWPORT

RESOLUTION NO. 3589

A RESOLUTION ADOPTING A PUBLIC ARTS POLICY TO INCLUDE A PUBLIC ARTS COMMITTEE AND A PERCENT FOR ART PROGRAM

WHEREAS, Resolution No. 3528 created a Public Arts Task Force to develop recommendations on issues of public arts programs and policies; and

WHEREAS, the Public Arts Task Force completed its work and reported to the Council its recommendations; and

WHEREAS, the Council wishes to implement recommendations of the Public Arts Task Force by establishing a City public arts policy as set forth in this Resolution.

Now, therefore, the City of Newport resolves as follows:

Section 1. The Council determines that the work of the Public Arts Task Force is complete and as a result there is no longer a need for the Task Force. The Public Arts Task Force is hereby disbanded and Resolution No. 3528 is repealed.

Section 2. The Public Arts Committee created by Newport Municipal Code (NMC) 2.05.060 shall be governed by the policies set out in this Section. The Council adopts the policies set out in this Section, which shall be known as the City of Newport Public Arts Policies.

- A. Purpose of the Public Arts Committee. The Public Arts Committee is responsible for making recommendations to the City Council on public art and art object decisions as set out in these policies. The Public Arts Committee is directed to advance public understanding of visual arts, enhance the aesthetic quality of public places, and help stimulate the vitality and economy of the city. Public art within this policy is art located on public property or property controlled by the city and includes sculptures, architectural accents two-dimensional art, multimedia, temporary art, and other visual art.
- B. Duties of the Public Arts Committee. The Public Arts Committee shall comply with committee operational requirements of NMC 2.05.003. In addition, it shall be the duty of the Public Arts Committee to encourage:
1. Public dialogue to increase public understanding and the enjoyment of visual art through appropriate public education forums and programs;
 2. Human interaction in public places and areas of public ownership and accessibility, via the placement of works of art;
 3. Collaborative efforts between artists, architects, engineers, and landscape artists;

4. Artists to reach creative solutions to the aesthetic problems they have been employed to solve; and
5. Stimulation of the vitality and economy of the city by creating works of art in public places.

The Public Arts Committee will be used by the City Council to recommend artists and artwork; recommend expenditure of funds on public artworks and art projects; recommend requests for proposal requirements when such a process is used to make public art selection decisions; and recommend sites for placement of public art.

C. Public Arts Selection Panel. When the City Council has reason to seek a recommendation on the selection and placement of public art for a particular project, the Public Arts Committee shall form a "Selection Panel" to make the recommendation to the City Council. The Selection Panel shall consist of:

1. Seven voting members:
 - a. Two members of the Public Arts Committee;
 - b. One recognized art professional, such as a museum curator, art historian, conservator, or gallery director;
 - c. One professional visual artist;
 - d. Two ad hoc Newport citizens at large; and
 - e. The Executive Director of the Oregon Coast Council for the Arts.
2. Two non-voting members:
 - a. Director of Parks & Recreation or designee; and
 - b. One City Council liaison.

Voting members of the Selection Panel shall not include anyone with a professional or personal relationship with the considered artist, or a business interest in selling the art.

D. Artist Selection Criteria. Artists may be chosen using some or all of the following criteria:

1. Meeting the requirements of a request for proposals or request for qualifications;
2. Vision and concept of the artwork;
3. Warrant that the artwork is unique and an edition of one or part of a limited edition;
4. Ability for a successful likelihood of completion as proposed by the artist;
5. Qualifications as demonstrated by past work (e.g., public art);
6. A willingness to fully participate in a collaborative process; and
7. Representation of a broad distribution of commissions among artists.

The following artists will not be considered: members of the Public Arts Committee; members of the Selection Panel; employees of the city; and art students.

Section processes and procedures shall not discriminate against any person on the basis of race, color, national origin, disability, or age.

E. Public Artwork Selection Criteria. The Public Arts Committee shall select artwork using the following criteria, as applicable:

1. Esthetics
 - a. Contribute to the city's art collection as a whole;
 - b. Provide diversity in style, scale, media, form or intent;
 - c. May represent the local, regional, national or international communities;
 - d. May enhance the city's identity; and
 - e. Shall meet the context of the site (i.e., architectural, historical, geographical and socio-cultural).
2. Craftsmanship
 - a. High construction quality with structural and surface soundness;
 - b. Resistant to theft, vandalism, weathering and excessive maintenance or repair costs; and
 - c. Of no hazard to public health.
3. Other considerations
 - a. Artwork that is intentionally temporary;
 - b. Compliance with budget and timeline constraints;
 - c. Compliance with zoning, construction and design guidelines; and
 - d. Additional criteria as determined by the Public Arts Committee for the particular project at issue.

F. Site Selection Criteria

1. Public art shall be placed where:
 - a. The relationship and scale of the artwork is appropriate to the proposed site, surroundings, and collection as a whole;
 - b. It is immediately visible to the public;
 - c. Clearance is maintained from above- and below- ground utilities; and
 - d. It allows for easy passage to both drivers and pedestrians.
2. Public art shall not:
 - a. Obstruct the greater view, such as the ocean, windows, doors, or street signs or traffic;
 - b. Interfere with utility access points, benches, crosswalk ramps, sight of the curb, or unduly disrupt curb use activities, loading zones ingresses and egresses for transit buses or opening of car doors;
 - c. Be placed where it could cause distractions for drivers or pedestrians that might cause accidents or tripping (e.g., catching spike heels or causing water to pool); and
 - d. Have moving parts or edges that could cause injury.

G. Accepting Public Art Donations

Recommendations on accepting public art donations will be made by the Public Arts Committee. When deemed necessary, a Selection Panel will be assembled to assist with the decision. Meetings should be held with the donor to discuss the commissioning process. Documentation of existing artwork (or the actual artwork) will be necessary in order to evaluate the concept and placement.

Conceptualized artworks not yet materialized will be presented with schematic renderings and/or three-dimensional models (maquettes) and will undergo the same process of evaluation and discussion. Newly commissioned artworks will be subject to the same process of evaluation and discussions in order to become public art. The artwork concept will be evaluated to make a recommendation to accept or reject further processing. If the concept is acceptable, the potential usability of the artwork will be evaluated utilizing applicable criteria in this public arts policy.

H. Accepting Cash Donations. The city may accept monetary donations for the benefit of public art. The city will honor donor wishes in the expenditure of such donations.

I. Art Education. One of the duties of the Public Arts Committee shall be the education of the public to the public art in the community with the purpose of raising the public's awareness of its environment by expanding the public's knowledge, understanding and appreciation of the arts. A means of public education should include the creation of art education programs covering topics such as the City's art collection and other art-related subjects and events.

Upon selection of a topic or event, a curriculum will be developed or education planed in concert with community requests to include: timelines, resources (people and funding), key requirements (goals and objectives) for successful implementation and outcome, and alignment with the mission and values of the Public Arts Committee.

The Public Arts Committee may participate directly by recommending partnerships between the city and community partners to accomplish the educational goals. These partnerships may result in but not be limited to:

1. Walking tours of public art;
2. Driving tours of historical or artistic significance;
3. Brochures regarding public art and historical sites;
4. Events with the Parks and Recreation Department and the library's youth programs;
5. Artist's talks; and
6. Art dedications, openings or ceremonies.

The Public Arts Committee may also recommend outsourcing an education program through community providers, and working with the community to generate funds, if funding is required. After completion of each educational program, the Public Arts Committee will ensure the utilization of a proper evaluation process to measure the success of the program in relationship to the goals and objectives.

J. De-accession Criteria for Public Art. The term "de-accession" denotes the formal process used to permanently remove an object from the collection. Public Arts Committee recommendations on de-accessioning will be based on the following criteria:

1. Has the work physically or organically deteriorated;
2. Is the work damaged or stolen beyond hope of recovery;
3. The work cannot be properly exhibited or stored by the city;
4. The work endangers public safety;
5. The work's relationship to its site is no longer appropriate due to significant changes in the use, character or actual design of the site; and
6. The work will be replaced by a more significant work created by the same artist.

De-accession should only be considered after a careful and impartial evaluation to avoid the influence of fluctuations of taste, premature removal, or when exceptions may be made. When the particular artwork is deemed ready for removal, the city will comply with the Visual Artists Rights Act of 1990, 17 U.S.C. § 106A. The city shall also attempt to find a way for the work to be reused, and if not reusable, dispose of it appropriately or prepare it for resale.

If a work is considered for resale, the city shall consider the following:

1. Artwork should normally be sold through a bidding process;
2. Artwork should normally be appraised, and if the artwork is estimated to be worth more than \$10,000, more than one appraisal may be sought; and
3. The city will honor contract conditions with the artist, to the extent applicable.

Section 3. A Percent for Arts Program is created as set out in this Section.

A. Purpose and Creation of Percent for Arts Program. The City of Newport intends to promote the creation and inclusion of works of art in its public buildings and public spaces through the creation of a Percent for Arts Program. The Program is intended to provide cultural leadership to guide the evolution of a distinct and vibrant artistic character for civic public places and ensure a visual legacy. The Program will be a vital ingredient in the cultural fabric and streetscape of a creative city. The Program will become an integral component of the City's cultural plan.

There is hereby established a Percent for Arts Program. In addition, there is hereby created a special Public Arts Fund to be used to account for the monies dedicated to the Percent for Arts Program. The Public Arts Committee will make recommendations to the City Council on matters related to the Percent for Arts Program.

The Percent for Arts Program is intended to:

1. Increase the livability and artistic richness of the city by making art a permanent part of our environment and a legacy for future generations;
2. Provide opportunities for the public to increase their awareness, appreciation, knowledge and education of public art;
3. Develop a sense of place, community pride and identity through the creation of new works;
4. Integrate art and artists into a variety of public settings;
5. Create art that inspires people and is an expression of the time;
6. Enhance the attractiveness of the city, and promote cultural tourism; and
7. Provide opportunities for artists.

Private developers shall be encouraged by the city to voluntarily participate in the Percent for Arts Program. This Program creates no requirement on private developers.

B. Covered Projects. The Percent for Arts Program requires one percent (1%) of eligible construction costs of capital improvement projects paid wholly or in part by the city to construct or remodel any public or city building, structure, park or any portion thereof to be allocated for public art.

C. Excluded Projects. The following categories of projects are exempt from the Percent for Arts Program:

1. Street construction and repair, inclusive of right-of-way improvements, such as curbs, sidewalks, alleys, bicycle paths, walking paths, and related traffic control facilities and landscaping.
2. Maintenance projects.
3. Real estate purchases.

The exemptions do not preclude the city from proposing and including funding for art in a project. City departments are encouraged to include art in exempt projects.

D. Calculation of Contribution. Eligible construction costs from which the percent for art is calculated shall be the city's contribution toward the price for the completion of the improvement project. The construction costs shall not include costs associated with design and engineering, administration, fees and permits, relocation of tenants, testing services, environmental remediation, contingencies, and indirect costs such as advertising and legal fees.

E. Use of Funds. Unless special circumstances dictate otherwise, no less than eighty percent (80%) of the one percent (1%) should be used for on-site artwork, with the remaining portion deposited in the Public Art Fund to fund additional art projects and provide maintenance for existing works. In cases where the eligible construction costs of a project is less than \$100,000, and with input from the Public Arts Committee, a particular piece of on-site art is not required and one hundred percent (100%) of the one percent (1%) may be deposited in the Public Art Fund.

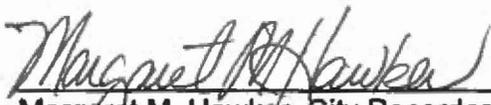
Section 4. This Resolution shall take effect immediately on passage.

Adopted by the City Council on May 7, 2012.



Mark McConnell, Mayor

ATTEST:



Margaret M. Hawker, City Recorder

PERCENT FOR ART PROGRAM

The City of Newport has created a Public Arts Fund and encourages private developers to voluntarily donate up to 1% of eligible construction costs for this purpose.

The City of Newport created a Percent for Arts Program for the purpose of promoting the creation and inclusion of works of art in its public buildings and public spaces. The program is intended to provide cultural leadership to guide the evolution of a distinct and vibrant artistic character for civic public places and ensure a visual legacy. The Program will be a vital ingredient in the cultural fabric and streetscape of a creative city. The Program will become an integral component of the City's cultural plan.

With the Percent for Arts Program, a special Public Arts Fund was created to be used to account for the monies dedicated to the program. The Percent for Arts Program is intended to

- 1. increase the livability and artistic richness of the city by making art a permanent part of our environment and a legacy for future generations;**
- 2. Provide opportunities for the public to increase their awareness, appreciation, knowledge and education of public art;**
- 3. Develop a sense of place, community pride and identity through the creation of new works;**
- 4. Integrate art and artists into a variety of public settings;**
- 5. Create art that inspires people and is an expression of the time;**
- 6. Enhance the attractiveness of the city, and promote cultural tours ; and**
- 7. Provide opportunities for artists.**

If you are interested in making such a contribution, please let the Community Development Department Staff know so that we may assist you in that effort.



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.)

CITY MANAGER'S REPORT AND RECOMMENDATIONS



Agenda#VIII.B.
MeetingDate: 11/02/15

Agenda Item:

Approval of Task Order No. 16 for Sewer Televising with Brown and Caldwell

Background:

The city has an appropriated funding to continue inspecting and televising approximately 50,000 linear foot of the city's sanitary sewer collection system. This contract includes the actual televising work that will be conducted by a sub-contractor to Brown and Caldwell. It is anticipated that approximately 20% of the city's sanitary sewer system will be televised as part of this project. The televising helps identify the conditions of the pipe, identifies where ground water or other water is entering the sanitary sewer system, and identifies the location of the lateral lines coming into sanitary sewer. This information is used to determine recommendations and budgetary costs for the rehabilitation of the sewers with the most significant need. Furthermore, the video is utilized by public works on a regular basis when sewer problems are encountered in the field.

Recommended Action:

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

I move approval of Task Order No. 16 with Brown and Caldwell Engineering in the amount of \$126,434 for the 2015 Sanitary Sewer Televising Program and authorize the City Manager to execute the task order on behalf of the City of Newport.

Fiscal Effects:

\$132,044 has been appropriated in the fiscal year 2015-16 budget for the purpose.

Alternatives:

None recommended.

Respectfully submitted,

Spencer R. Nebel
City Manager



Agenda Item # VIII.B
Meeting Date November 2, 2015

CITY COUNCIL AGENDA ITEM SUMMARY
City Of Newport, Oregon

Issue/Agenda Title: Approval of Task Order No 16 for the 2015 CCTV (Sewer Televising) Contract with Brown and Caldwell

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

Issue Before the Council:

Approval of Task Order No 16 for the 2015 CCTV (Sewer Televising) Contract with Brown and Caldwell

Staff Recommendation:

Approve the task order

Proposed Motion:

I move to approve Task Order no. 16 with Brown and Caldwell Engineering in the amount of \$126,434 for the 2015 CCTV (Sanitary Sewer Televising) program and authorize the City Manager to execute the task order on behalf of the City of Newport.

Key Facts and Information Summary:

This contract is to continue the sanitary sewer televising that was begun in FY14-15. Brown and Caldwell is the City's sanitary sewer engineer of record. Brown and Caldwell will contract with a televising company and oversee the televising contract, review deliverables to ensure quality, and deliver a report summarizing the televising results. These information helps City staff identify sewer system deficiencies and to program sanitary sewer pipes for replacement within the CIP.

Other Alternatives Considered:

None

City Council Goals:

None

Attachment List:

- Task Order No. 16 and Attachment A: City of Newport 2015 Sewer Inspection Scope of Services

Fiscal Notes:

\$132,044 was appropriated for this project in the FY15-16 Budget.

CITY OF NEWPORT
TASK ORDER NO. 16
TO ENGINEERING SERVICES AGREEMENT
(CONSULTANT OF RECORD)
FOR THE 2015 CCTV PROJECT

This TASK ORDER NO. 16 to the Engineering Services Agreement dated April 12, 2010, hereinafter called Agreement, between the City of Newport, (CITY), and Brown and Caldwell, Inc., (ENGINEER).

A. SCOPE OF SERVICES

CITY agrees to utilize the services of ENGINEER and ENGINEER agrees to perform the services set forth in Attachment A.

B. CITY'S RESPONSIBILITIES

CITY to provide ENGINEER with the following information:

- Assist the City of Newport in conducting closed-circuit television (CCTV) inspections for approximately 50,000 linear feet (LF) of the City's sanitary collection system.

CITY shall provide timely review of submitted products (2-week turnaround or as otherwise agreed upon).

C. COMPENSATION

1. CITY shall pay ENGINEER according to the fee schedule set forth in Amendment No. 3 to the Master Engineering Services Agreement.
2. CITY shall pay ENGINEER as complete compensation for the services as described in Attachment B, a fee not to exceed One hundred, twenty-six thousand, four hundred thirty-four Dollars **\$126,434**.

D. SCHEDULE

Upon receipt of Notice to Proceed, ENGINEER shall develop a detailed project schedule for submittal to CITY.

E. MISCELLANEOUS

All terms and conditions of the Agreement apply to this Task Order as though fully set forth therein. In the event of a conflict between this Task Order and the 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. 16.

CITY OF NEWPORT:

By: _____

Title: _____

Date: _____

BROWN AND CALDWELL, INC.:

By: _____

Title: _____

Date: _____

Attachment A

City of Newport 2015 Sewer Inspection Scope of Services

This Scope of Services defines Brown and Caldwell's (BC) role in assisting the City of Newport (City) in conducting closed-circuit television (CCTV) inspections for approximately 50,000 linear feet (LF) of the City's sanitary collection system.

Phase 1. Project Management

Objective To manage and lead a cohesive project team to meet budget, schedule, and project objectives.

Activities This phase includes the following activities:

- Prepare a Project Management Plan that includes Design Team roles and responsibilities, schedule, budget, a quality assurance/quality control plan, and a staffing plan required for execution of the project.
- Conduct monthly conference calls with the City's Project Manager to discuss the schedule and tasks completed and weekly calls during the course of the inspections.
- Document meeting decisions and action items, assign activities to team members, and follow up to ensure timely resolution.
- Monitor project progress, including work completed, work remaining, budget expended, schedule, estimated cost of work remaining, and estimated cost at completion.
- Monitor project activities for potential changes, anticipate changes whenever possible, and with City approval, modify project tasks and subtask scope and budget as required.
- Manage the quality control review of all work activities and project deliverables.
- Prepare and submit monthly invoices with invoice summary reports.
- If requested, coordinate and prepare a presentation with City staff to provide information and solicit feedback for input on the inspection program.

Deliverables Monthly invoices and summary reports.

Assumptions The following assumptions apply to Phase 1:

- The project duration will be approximately 5 months.
- A kickoff meeting will be held via conference call with City staff.

Phase 2. Conduct Initial CCTV Inspections

Objective To gather initial visual inspection (CCTV) data on the priority sewers in the City's sanitary collection system.

Activities This task includes the following activities:

- Develop technical specifications for the requirements of the CCTV inspections.
- Contract with a low-cost, qualified firm and coordinate the inspection work of approximately 50,000 LF of sewer.
- Provide quality control oversight of the inspection contractor as needed.

Deliverables Two hard drives with CCTV inspection data that includes video, PDF copies of the inspection reports, and database.

Assumptions The following assumptions apply to Phase 2:

- Approximately 20 percent of the City's collection system (50,000 LF) will be inspected in 2015.
- Based on last year's work, a portion of the inspections on Hwy 101 will be conducted at night. The City will obtain all permits (Oregon Department of Transportation, etc.) needed to perform the work.
- Inspections will be conducted in accordance with North American Society of Sanitary Sewer Companies Pipeline Assessment Certification Program standards.
- City staff will be available to assist the CCTV firm in locating manholes, providing access to the manholes, and controlling pump station flows, wherever applicable.
- The City will allow the inspection firm to decant wastewater removed during cleaning operations back into the collection system (solids will be removed and disposed of at the City's wastewater treatment plant).
- BC will make one full-day visit during the initial field work for quality control purposes.
- The City will handle any public notification that is required.

Phase 3. Condition Assessment

Objective To document the results of the CCTV inspections and provide recommendations and budgetary costs for the rehabilitation of sewers with the worst (NASSCO Grade 4 and Grade 5) defects.

Activities This task includes the following activities:

- Provide engineering review of the CCTV inspections.
- Prepare a Condition Assessment Technical Memorandum (TM) that documents the following:
 - The structural and operational condition of each sewer segment.
 - A detailed list of all sewers requiring immediate structural rehabilitation, high-priority O&M issues, and deficient lateral connections requiring repair.
 - Preliminary planning-level recommendations regarding rehabilitation/replacement, maintenance, and future re-inspection intervals.

Deliverables Condition Assessment TM, GIS files, screen captures of deficient laterals, hard drive with CCTV videos and screen captures.

Assumptions The following assumptions apply to Phase 2:

- Three hard copies and one electronic copy of the report (draft and final) will be provided.
- BC will make one visit to the City to present the findings of the draft report.

Attachment B

Proposal Budget

City of Newport – Newport 2015 CCTV Project TO No. 16																
Phase	Phase Description	Lee, Robert K	Hogan, Lisa J	Archuleta, Rylee D	Vasquez, Jesus E	Duren, Scott B	Johnson, Vanessa H	Total Labor Hours	Total Labor Effort	APC	Lodging and Food	Other Travel	ProPipe	Total Expense Cost	Total Expense Effort	Total Effort
		PM	PA													
001	Project Management	\$190 24	\$87 12	\$87 0	\$87 6	\$190 3	\$138 0	45	\$6,696	\$360	\$0	\$0	\$0	\$0	\$360	\$7,056
	<i>Leave Blank and Protected</i>															
002	Field Investigations	12	0	40	0	0	0	52	\$5,760	\$416	\$50	\$400	\$80,962	\$81,412	\$85,876	\$91,636
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003	Condition Assessment	32	0	196	0	0	16	244	\$25,340	\$1,952	\$50	\$400	\$0	\$450	\$2,402	\$27,742
	<i>Leave Blank and Protected</i>															
	GRAND TOTAL	68	12	236	6	3	16	341	\$37,796	\$2,728	\$100	\$800	\$80,962	\$81,862	\$88,638	\$126,434