

July 15, 2013  
6:17 P.M.  
Newport, Oregon

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

Staff present was Interim City Manager Smith, City Recorder Hawker, Community Development Director Tokos, Assistant Fire Chief Murphy, Police Chief Miranda, Parks and Recreation Director Protiva, and Assistant Finance Director Brown.

### PLEDGE OF ALLEGIANCE

Council and the audience participated in the Pledge of Allegiance.

### ADDITIONS/DELETIONS AND APPROVAL OF THE AGENDA

Smith requested that the presentation on the Big Creek Dams be removed from the agenda.

Roumagoux asked that an item regarding public records and City Attorney-related services be placed on the agenda as a discussion item.

### CONSENT CALENDAR

The consent calendar consisted of the following items:

- A. Approval of City Council minutes from the executive session, work session, and regular meeting of July 1, 2013, and the special meeting and executive session of July 10, 2013;
- B. Acknowledgement of accounts paid for June 2013.

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

### OFFICER'S REPORTS

**Mayor's Report.** Roumagoux thanked all the city departments and volunteers who assisted in presenting the July 4<sup>th</sup> fireworks display.

Roumagoux reported that she, and three Port Commissioners, had toured the dredge, Yaquina.

Roumagoux reported that she attended a presentation on the Highway 101 crosswalk improvements project.

Roumagoux reported that she was the speaker at the July 8 Kiwanis Club meeting.

Roumagoux reported that she had attended a retirement coffee for Greg Schaecher. She thanked Schaecher for his 34 years of dedicated service to the city.

**City Manager's Report.** Smith reported that the monthly departmental reports; public works project update; and the suggestion/concern/complaint update are included in the packet.

Smith reported that he is continuing to meet with various community groups.

Smith reported that the packet includes a letter from the Aquarium noting that the pinniped exhibit renovation was completed on time and on budget.

Smith responded to Allen's question from the prior meeting regarding an expenditure of \$22,000 for brochures. Allen noted that on June 18, 2013, the Destination Newport Committee recommended the purchase of these brochures at a cost of \$22,000. Allen asked about the authority of the DNC to approve expenditures, and whether this expenditure should have been approved by Council prior to payment. Smith noted that Council approval of the last contract occurred around this time last year, and the money was presumably budgeted last year, and a new printing was needed as the supply of brochures was low. Smith noted that he would check documentation after this meeting.

Allen noted that an agreement was presented to the City Council from the News-Times and was tabled until further clarification. Allen reported that he had written a letter to the editor of the News-Times, addressing the contract issue, and had spoken with the publisher afterward. He added that some things were clarified including what appeared to be an overlap in payment and the new agreement. He noted that this was a misunderstanding in what was proposed by the former City Manager and what the publisher understood. He stated that the lack of providing monthly reports was due to a lack of clarification between the publisher and the former City Manager. Allen stated that he thought the agreement was not as detailed as it should have been, but that document was what was provided at the request of the DNC. Allen suggested improved direction and clarification on the scope of services, when payment is due, and overall better communication between parties to the agreement.

## DISCUSSION ITEMS AND PRESENTATIONS

**Public Records Requests and Legal Services.** Allen noted that a lengthy discussion regarding public records requests, and particularly the release of the Speer Hoyt invoices, had occurred at the work session. He stated that the former Finance Director had provided copies of the entire Speer Hoyt invoice to the City Council and department heads. He noted that he had requested the June invoice from Speer Hoyt and was advised that the City Attorney had an issue with releasing those invoices both internally and externally. He stated that he strongly disagreed with the City Attorney's belief that the City Council is not entitled to these documents. He noted that the June invoice had been released by the City Recorder earlier, and that, in the future, if certain items needed to be redacted; they would be redacted in accordance with ORS 192.505. Council expressed support of the City Recorder's decision in releasing this document.

Allen added that he had had recent issues with the City Attorney's advice that seem to show that differences that have arisen. He noted Council should periodically review legal services, and that he would like to talk about legal services at a work session in

August and include department head involvement, particularly Tokos, Gross, and Miranda. It was agreed to hold this internal discussion on August 19.

## ACTION ITEMS

**Consideration of Ordinance No. 2053 Approving a Franchise Agreement with CoastCom, Inc.** Tokos reported that the issue before Council is consideration of Ordinance No. 2053 granting a telecommunication franchise and approving a franchise agreement with CoastCom, Inc. He added that the agreement has expired and a new agreement is needed for construction in rights-of-way. Tokos reviewed the agreement. MOTION was made by Beemer, seconded by Allen, to read Ordinance No. 2053, granting a telecommunication franchise and approving a franchise agreement with CoastCom, Inc., by title only, and place for final passage. The motion carried unanimously in a voice vote. Hawker read the title of Ordinance No. 2053. Voting aye on the adoption of Ordinance No. 2053 were Beemer, Allen, Roumagoux, Saelens, and Busby.

**Consideration and Possible Approval of a Land Exchange Agreement between the City of Newport and Newport Assisted Living, LLC, and Newport Cottages, LLC.** Tokos reported that the issue before Council is consideration of an agreement between the city and Newport Assisted Living, LLC and Newport Cottages, LLC to exchange property in the vicinity of NE 71<sup>st</sup> Street. He added that this exchange, along with separate right-of-way acquisitions that the city is pursuing, will extend the public street to a point immediately east of the Salmon Run Apartments and Oceanview Senior Living, improving access to city-owned property where a municipal water storage tank is to be constructed. MOTION was made by Beemer, seconded by Saelens, to approve the land exchange agreement, subject to review by the City Attorney as to form, and authorize the City Manager to sign the document and any related materials needed to complete the transaction. The motion carried unanimously in a voice vote.

**Consideration of Notices of Intent to Award Bids for an ARFF Truck and Truck Procurement.** Murphy and Roman appeared before Council on this issue. Roman reported that the issue before Council is consideration of notices of intent to award the bids for an ARFF truck and ARFF truck equipment. MOTION was made by Allen, seconded by Beemer, to authorize the Public Works Department to issue a Notice of Intent to Award the Newport Municipal Airport (ONP) 2013 AARF Truck Procurement contract to Rosenbauer Minnesota in the amount of \$236,042.00, and contingent upon no protest, and award of FAA AIP discretionary grant funds for procurement of said ARFF truck, authorize award and direct the City Manager to execute the contract on behalf of the City of Newport. The motion carried unanimously in a voice vote.

MOTION was made by Allen, seconded by Beemer, to authorize the Public Works Department to issue a Notice of Intent to Award the Newport Municipal Airport (ONP) 2013 ARFF Truck Equipment Procurement contract to L.N. Curtis and Sons, in the amount of \$25,223.50, and contingent upon no protect and award of FAA AIP discretionary grant funds for procurement of said ARFF truck equipment, authorize award and direct the City Manager to execute the contract on behalf of the City of Newport. The motion carried unanimously in a voice vote.

**Consideration of Resolution No. 3633 Calling for an Election on the Issuance of General Obligation Bonds to Provide for a New Municipal Swimming Pool and Adopting a Ballot Title and Explanatory Statement.** Protiva reported that the issue before Council is consideration of Resolution No. 3633 calling for an election on the issuance of General Obligation bonds to finance a new municipal swimming pool. Protiva addressed the draft plans for the facility, noting that the plans attempt to meet the needs of the community and provide for the future. A discussion ensued regarding whether certain components of the pool should be included. Protiva noted that the water slide and green roof deck were eliminated from the plan, although there is sufficient money to add these components if the project comes in on budget. He stated that \$125,000 was added for parking after the discussion at the last City Council meeting.

Protiva noted that the resolution was reviewed by the City Attorney's office and determined to be fundamentally acceptable. He reviewed suggestions made by the legal staff and noted that the resolution will undergo a final legal review before signature.

Protiva reported that at \$ .45 per thousand dollars of assessed value, the impact to a \$200,000 property would be approximately \$90 - \$94 annually.

Allen asked about the roof deck, and Protiva reported that the Parks and Recreation Advisory Committee was concerned about park space being consumed, and that a green, or living roof, would provide approximately the same amount of green space that would be eliminated due to construction of the pool. Allen asked whether other roof deck structures exist in Lincoln County, and Protiva noted that he is not familiar with others. Protiva reiterated that the slide and roof deck are enhancements that will only be included if the project comes in sufficiently under budget. Allen suggested that if the project comes in under budget, the money could be saved rather than automatically being spent on project enhancements. He noted that this would allow Council to make a decision on the enhancements at a later date. Protiva noted that this could be done, but suggested that certain project enhancements, including the slide, would be desirable features and a selling point.

A discussion ensued regarding how to prioritize the enhancements. Allen noted that he was referring to actually funding the enhancements, and added that if Council is doing its job, it needs to determine whether it wants to save money. He suggested waiting and making policy decisions on the enhancements in the future. Protiva stated that the Parks and Recreation Advisory Committee had made list of enhancements that it believed to be important, and at this point, those are not prioritized due to fiscal reasons. Allen noted that he did not mind listing the project enhancements, but the decision to fund the enhancements should be made in the future. Saelens asked when the decision was made that eight million dollars is the amount that could be spent on the facility, and Protiva noted that the decision was made in conjunction with the City Manager. Saelens noted that he is concerned with showing the slide as a project enhancement as 60 percent of the people supported having a slide at the pool. It was noted that the community appreciates that the city is moving forward with some minor elements of an aquatic park in a new municipal pool. Saelens noted that it seems as if parking has a higher priority than the water slide which is a feature that the community would like to see in a pool. He added that this may cause a lack of support if the city eliminates the slide. Saelens asked at what point, during construction, the staff would know whether the contingency money is available, and whether the cost of the slide

would be greater at that time than if included in the project at the outset. Protiva reported that the slide will be surface mounted and that preparation can be included at the time of construction with the slide installation occurring later. Protiva noted that this appears to be the most reasonable compromise. Saelens stated that the addition of future parking is smart, and that the next best step would be to clearly prioritize for a water slide if there is contingency money available. Saelens noted that some underlying work must be done for a green roof. Allen noted that he would agree to prioritize the water slide over the roof deck. MOTION was made by Beemer, seconded by Saelens, to adopt Resolution No. 3633 calling for an election on the issuance of General Obligation bonds for a new municipal swimming pool and adopting a ballot title and explanatory statement with the amendment to Attachment C to reflect that the bonds are for a "New Indoor Municipal Swimming Pool." The motion carried unanimously in a voice vote.

### **COUNCIL REPORTS AND COMMENTS**

Beemer reported on a recent meeting of the Port of Newport. He noted that the international terminal project is winding down, and that the Teevin Brothers agreement with the Port is under negotiation.

Busby reported on a recent meeting of the Airport Committee. He noted that the Committee received a detailed report on the Runway 16/34 Rehabilitation Project. He noted that the issue of minimum standards arose, and that minimum standards are not legal requirements, but the FAA likes them because it makes their job easier. He added that the issue of minimum standards could be contentious. A discussion ensued regarding the need for minimum standards. Smith will ask the FAA for clarification on this issue.

Saelens reported on a recent meeting of the Bicycle/Pedestrian Advisory Committee. He noted that the members are adjusting to operating under the new structure. He added that the Committee is working on a small citizen-led project in South Beach. Smith noted that staff has ordered bicycle icons and will install them on Bay Boulevard and Harney Street. He noted that the Committee will be outlining the need for sharrows on the bridge for Gross to present to ODOT. Tokos noted that there is a bicycle/pedestrian component of the Transportation Safety Plan that includes recommendations for sharrows, and if the Committee is looking for something different than what is contained in the plan, with an eye toward state funding; the plan should be revisited.

### **ADJOURNMENT**

Having no further business, the meeting adjourned at 7:27 P.M.

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Margaret M. Hawker, City Recorder

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Sandra N. Roumagoux, Mayor