

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 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