

Depoe Bay City Council
Regular Meeting
Tuesday, May 20, 2003 - 7:00 PM
Depoe Bay City Hall

PRESENT: Mayor B. Silver, S. Scorpio, P. Taunton, A. Brown, G. Romans, J. Brown,
M. Lavery

STAFF: City Field Superintendent T. Owings, City Recorder P. Murray, Recording
Secretary S. Fox

I. PLEDGE OF ALLEGIANCE

Mayor Silver called for all to stand for the Pledge of Allegiance.

II. CALL TO ORDER

Mayor Silver called the meeting to order and established a quorum at 7:00 PM.

III. APPROVE MINUTES: May 6, 2003 Executive Meeting; May 6, 2003 Regular Meeting

Motion 1: Alice Brown moved to approve the minutes of the May 6, 2003 Executive and Regular Meetings as written. Lavery seconded the motion.

Mayor Silver said it was moved and seconded and called for discussion. There was none.

Vote: Motion 1 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

IV. ACCOUNTS PAYABLE

Motion 2: Romans moved to approve Accounts Payable as presented. Jack Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. A question was asked about a bill for TV'ing sewer lines. Owings said part of the bill was for the line near Oceanus Restaurant and part was for the mainline near the harbor sea wall.

Vote: Motion 2 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown

Abstain: Lavery

V. PUBLIC INPUT

There was no public input.

VI. NEW BUSINESS

A. Awards - Traffic Safety Poster Contest

Mayor Silver presented awards to: Sadie Sampier (Grades K-5), Nikki Pedersen (Grades 6-8), and Cassie Tompkins (Grades 9-12).

B. Contract Renewal: City Planner Services

Murray explained that there were a few modifications to the renewal contract (copy attached to original of these minutes) with effective dates of July 1, 2003 - June 30, 2004: 1) A 4% pay increase. 2) Hourly rate changed from \$35 to \$40. 3) Basic weekly hour requirement changed from 20 to 16.

Motion 2: Lavery moved to accept the City Planner Services contract. Taunton seconded the motion.

Mayor Silver said it was moved and seconded and called for discussion. There was none.

Vote: Motion 2 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

C. Contract Renewal: Legal Services

Murray explained that the only change in the renewal contract (copy attached to original of these minutes) is the effective dates, which will be July 1, 2003 - June 30, 2004. A Councilor questioned what the hourly compensation rate was, and Murray said it was \$125.

Motion 3: Romans moved to accept the Legal Services contract, based on an hourly compensation rate of \$125. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 3 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

D. Depoe Bay Chamber of Commerce - Contract Proposal

Peggy Leoni reviewed the contract proposal packet (copy attached to original of these minutes) submitted this afternoon. The Council was presented with three proposals to choose from: 1) Reimburse the Chamber for printing, postage, and advertising expenses incurred since July 1, 2002 up to the budgeted maximum of \$5,000. 2) Pay for advertising, postage, and printing as new expenses are incurred up to the budgeted maximum of \$5,000. 3) Provide quarterly funds to the Chamber, which they will allocate to advertising, printing, and postage, according to market conditions. The Chamber would in turn report on how the funds were spent. The Council deliberated on these options. Murray said the City had been advised in the past that gifting money to the Chamber was not allowed, but that a contract with them could be entered into.

Motion 4: Lavery moved to direct Staff to develop a service contract from information provided by the Chamber, to be reviewed at the next regular Council meeting. Alice Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 4 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

E. Lincoln County Community & Economic Development Grant Agreement

This agreement (copy attached to original of these minutes) is to accept a \$20,000 grant award from Lincoln County for flotation and electrical improvements at the harbor.

Motion 5: Lavery moved to enter into and authorize the mayor to sign the Economic Development Grant Agreement. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 5 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

F. Pay Request #3 - Wastewater Improvement Project - Gritworks

This is the final pay request (copy attached to original of these minutes) from Mountain State Construction; no retainage is being held.

Motion 6: Lavery moved to approve payment to Mountain State Construction for Pay Request #3 Wastewater Improvement Project gritworks, in the amount of \$16,049.85. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 6 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

G. Proposed Res. #323 - Worker's Compensation Coverage for Volunteers 2003-04

This insurance policy is renewed annually by resolution. The insurance is offered to volunteers for City-sanctioned projects and special events, e.g. rowing club and clean-up days. To date, this has not included coverage for Councilors or Commissioners for attending meetings. Discussion followed about various volunteer activities, including meeting attendance, travel, and placing the radar trailer. It was the consensus of the Council that research should be done to see what kind of coverage is needed.

A one-minute recess was called at 8:44 PM. The meeting reconvened at 8:45 PM.

Motion 7: Romans moved to table this item to the next regular Council meeting, and directed Staff to research current coverage and possible additional coverage. Alice Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 7 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

H. Proposed Ord. #262 - An Ordinance Amending Ord. #22 as Amended, Increasing the Transient Room/Occupancy Tax from 7% to 8% for the Purpose of Financing Public Safety/Law Enforcement Efforts

A suggestion was made to replace the word “hotel” with “tourist accommodation” in the first line of the last paragraph on Page 1. Concern was expressed that only one motel owner was present. There was lengthy discussion about the timing of the ordinance, whether or not it would be possible to raise the room tax in the future, ways motels could implement a room tax increase, the difference in the cost of full serial bond funding and serial bond funding supplemented by a room tax increase, and whether or not the Council should move forward without a clearly-defined proposal. Betty Langdon 1635 Tintinnabulary, suggested passing the ordinance conditional to voter approval of the proposed serial bond measure.

Motion 8: Romans moved to go forward with the adoption procedure for proposed Ord. #262, with the suggested replacement of “hotel” with “tourist accommodation” as noted above. Alice Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion passed.

Ayes: Scorpio, Taunton, Alice Brown, Romans, Jack Brown

Noes: Silver, Lavery

Motion 9: Alice Brown moved that the first reading of proposed Ord. #262 be in its entirety. Jack Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Mayor Silver read proposed Ord. #262 in its entirety, and called for any questions or comments from the audience. Council discussion followed. It was noted that “hotel” should be replaced with “tourist accommodation” on the second line on Page 2. It was suggested that this ordinance be passed to legal review. The Council was informed that HB2267 would include provision for small towns to modify room tax rates in the future. Concern was expressed about the legality of passing an ordinance conditionally.

Motion 10: Romans moved to adopt proposed Ord. #262 at first reading, with the two changes striking “hotel” in two places and replacing it with “tourist accommodation”. Scorpio seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 10 passed.

Ayes: Scorpio, Taunton, Alice Brown, Romans, Jack Brown

Noes: Silver, Lavery

Due to a non-unanimous vote, the second reading will take place at the next regular Council meeting.

VII. UNFINISHED BUSINESS

A. Proposed Res. #322 - Council Rules

The City Attorney's legal review of the proposed Council Rules (copy attached to original of these minutes) was discussed. Because some of the observations were not direct quotes to be inserted into the text, changing policy to incorporate these observations was discussed. Protocol for expense reimbursement was questioned.

Motion 11: Lavery moved to table this item to the June 17 meeting, giving Alice Brown time to draft proposed language for Council Rules, using the City Attorney's observations. Scorpio seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 11 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

VIII. CORRESPONDENCE

There were two items of correspondence (copies attached to original of these minutes): 1) A letter was received on May 14 from "The people who love and care for Depoe Bay" regarding the negative visual impact of the south end of Depoe Bay. 2) A letter of resignation was received on May 19 from Councilor Scorpio. She is moving out of town and tonight is her last meeting.

Motion 12: Alice Brown moved to accept the resignation of Serena Scorpio, with thanks, and declare a vacancy of that position, and direct Staff to advertise as appropriate for the open position. Lavery seconded the motion

Mayor Silver said it was moved and seconded, and called for discussion. There was much discussion about a Council Rules requirement to make and set application review standards after taking applications and current City Charter guidelines. A suggestion was made to set an agenda item to consider criteria for filling an open position on City Council.

Amendment: Alice Brown amended Motion 12 to exclude the advertising process at this time. Romans seconded the amendment.

Mayor Silver said it was moved and seconded, and called for discussion. After brief discussion, Alice Brown withdrew her amendment and Romans withdrew his second.

Vote: Motion 12 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Hearing no objections, Mayor Silver set a July 1, 2003 closing date for accepting applications for the open position on the City Council.

IX. LIAISON OFFICERS' REPORTS

Lavery reported the Traffic Safety Commission met May 16: 1) Placement of the radar trailer during the month of May was discussed. 2) Data from the sheriff's radar trailer indicated that 50% of cars entering Depoe Bay over the Wooden Boat Show weekend were exceeding the posted speed limit. 3) The Commission voted to request that the City Council remove Donna Soelberg from the Commission and declare a vacancy, due to her continued absence (see copy of letter attached to original of these minutes).

Motion 13: Lavery moved to remove Donna Soelberg from the Traffic Safety Commission, declare a vacancy, and direct Staff to advertise for that open position with a closing date of June 11, 2003. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Hearing no objection, Staff was directed to send Soelberg a letter expressing thanks for her time on the Traffic Safety Committee, and explaining that the City needs to move on and find somebody to participate.

Lavery continued his liaison report:

4) Depoe Bay is eligible to apply for ODOT's 2004 mini-grants for building safer communities and DUII prevention. They are for a maximum of \$5,000 and to be used within the community to enhance traffic safety or impact DUII. 5) ODOT has acknowledged (see copy of letter attached to original of these minutes) the City's request for a speed zone investigation on the south end of Depoe Bay. 6) At the COG meeting they discussed programs that are being cancelled or cut back which will affect people with disabilities and the elderly. Budget was discussed, as well as personnel cutbacks. He expressed concern about these severe cutbacks.

Jack Brown said Owings would cover his report under Staff Report.

Scorpio said someone would need to attend tomorrow's Planning Commission meeting as liaison. Alice Brown offered to do so. Mayor Silver said he will be acting as interim liaison to Planning Commission until the Council vacancy is filled.

Alice Brown said the Parks Commission meets tomorrow at 5:30 PM.

Taunton had no report.

X. STAFF REPORT

Owings reviewed his written staff report (copy attached to original of these minutes), reporting on the Gleneden Beach Sanitary District/Depoe Bay joint meeting, Pirate's Cove Sidewalk Project, the harbor sea wall, Winchell Street Improvement Project, and Water Storage/Improvement Project.

Motion 14: Lavery moved to allow Owings to have the sewer line near the south end of the harbor sea wall videotaped at an approximate cost of \$1,500. Jack Brown seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 14 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Murray reported that authorization was needed to execute the contract for the City Hall ADA project for the architectural services approved at the last meeting. The architect has met all requirements.

Motion 15: Lavery moved to authorize the mayor to sign the contract with Lindburg Architecture for \$7,500. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. There was none.

Vote: Motion 15 passed.

Ayes: Scorpio, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

Murray continued her Staff Report:

The Parking Study and Parking Management Plan was received today. The Stakeholders Committee asked to continue working on the recommendations that came out of the study, and bring recommendations to the Council. They would also like the Council to review the study before they continue working on it. A workshop was scheduled for June 9 at 7 PM. The Chairman of the Stakeholders Committee, Planning Commissioners, and Traffic Safety Commissioners will be invited to the workshop.

Speaking on an item of Correspondence, Peggy Leoni said she was uncomfortable with the method "The people who love and care for Depoe Bay" used to convey their concern about the area south of the bridge. Without knowing who these people are, it's impossible to get together to resolve their concerns.

XI. COUNCIL COMMENTS

All Councilors thanked Scorpio and bade her farewell, and she thanked everyone for the opportunity of working together.

Taunton, speaking to the correspondence from "The people who love and care for Depoe Bay", offered caution before telling people how to care for their property. He thanked all the

volunteers and City Staff helping with the Fleet of Flowers. He also requested the City send a letter to Scorpio, thanking her for serving on the Council.

Alice Brown referred to an article from the Executive Director of the League of Oregon Cities regarding city and state budgets working together. Also, the magazine English Garden has an article about Sir Francis Drake's herb garden in Plymouth, England. She noted that Plymouth no longer has a sister city connection with Marion County, so they are open for such a connection with Depoe Bay/Lincoln County.

Romans questioned the need for a Sign Committee, when larger cities don't have one. He suggested the Planning Commission or City Planner could take care of this task, and would like to see the Council give thought to dismantling the Sign Committee.

XII. ADJOURN

There being no further business, the meeting was adjourned at 9:53 PM.

Mayor Bruce R. Silver

Silver Fox, Recording Secretary