

Depoe Bay City Council
Regular Meeting
Tuesday, December 2, 2003 - 7:00 PM
Depoe Bay City Hall

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

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

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: November 18, 2003 Executive Session and Regular Meeting, November 24 Special Executive Session

Motion 1: Alice Brown moved to approve the minutes of the November 18, 2003 Executive Session and Regular Meetings and the November 24, 2003 Special Executive Session 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: White, Taunton, Alice Brown, Silver, Romans, Jack Brown, Lavery

IV. ACCOUNTS PAYABLE

Motion 2: Romans moved to pay the accounts payable. Alice Brown seconded the motion.

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

Vote: Motion 2 passed.

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

V. PUBLIC INPUT

Peggy Leoni, Chamber of Commerce, 1) Said thank you for participating and attending the Christmas tree lighting, and the mayor did a wonderful job. 2) The community Christmas potluck dinner will be December 15 at 6 PM. There will be at least a dozen stockings to raffle off, and raffle tickets are still available. 3) Reminded everyone to shop in Depoe Bay first. 4) The chamber is still collecting toys. 5) Santa and Mrs. Claus will be handing out candy downtown on Saturdays.

Fred Robison, of Depoe Bay, addressed the rumor that the Fire Department is moving their headquarters to Gleneden Beach because Depoe Bay lacks appropriate ADA access, and asked if the Council was interested in taking a stand on this issue. He stated he had been in contact with the Attorney General's office, who told him that the ADA issue was minor. He felt that the Depoe Bay Fire Department should have its headquarters in Depoe Bay. Lavery added that the next Fire Board meeting is scheduled for December 9, 2003 at 6:30 PM in Gleneden Beach, and that the public is welcome and encouraged to attend and provide input.

VI. NEW BUSINESS

- A. Proposed Ord. #265, Amending Ord. #215, Relating to the Membership of the Depoe Bay Traffic Safety Commission, Repealing Ord. #223 in its Entirety, and Declaring an Emergency.

Murray said the draft ordinance was prepared based on the Council's discussion at the last meeting, revising the membership requirements of the Depoe Bay Traffic Safety Commission (TSC) to allow for one member of the Commission to be the City Council liaison. A Councilor had thought the member would serve in an alternate position, and the way the draft ordinance is written there will only be four members that can potentially vote, leading to the possibility of a lot of tie votes. Lavery clarified that what he proposed at the last meeting was the only time the City Council liaison would be an active, non-voting member would be when the TSC did not have a quorum, so they could conduct business. City Attorney Gordon suggested modifying the proposed ordinance to include the following language: "1.010 CREATION/ MEMBERSHIP: The Depoe Bay Traffic Safety Commission is hereby created. The Commission shall consist of five (5) members to be appointed by the City Council. ~~One~~ *An alternate* member of the Commission shall be a City Council member, who shall serve as a non-voting member *except when a quorum otherwise does not exist. In such circumstance, the City Council member shall be entitled to vote.* The City Council member shall also be liaison to the Commission."

Murray read the proposed ordinance, as revised by Gordon, in its entirety. There were no questions on the proposed ordinance from Councilors or the audience.

Motion 3: Lavery moved to adopt proposed Ord. #265, Amending Ord. #215, Relating to the Membership of the Depoe Bay Traffic Safety Commission, Repealing Ord. #223 in its Entirety, and Declaring an Emergency. Taunton seconded the motion.

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

Vote: Motion 3 passed.

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

Mayor Silver said that since the vote to adopt at first reading was unanimous, the Council could proceed with the second reading, and suggested the second reading could be by title only since there were no comments at the first reading.

Motion 4: Alice Brown moved to read proposed Ord. #265 by title only. Lavery seconded the motion.

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

Vote: Motion 4 passed.

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

Murray read proposed Ord. #265 by title only. There were no comments or questions from Councilors or the audience.

Motion 5: Lavery moved to adopt proposed Ord. #265. Alice Brown seconded the motion.

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

Vote: Motion 5 passed.

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

Mayor Silver noted that the new ordinance goes into effect immediately, and he will sign it tomorrow.

VII. UNFINISHED BUSINESS

A. Request Permission to Use Public Land for Purpose of Constructing a Retaining Wall
Gordon addressed the question posed at the last meeting: who owns and has authority to make decisions over use of the public land. He has consulted the County regarding this issue, and while a final determination has yet to be arrived at, Gordon indicated that the City could approve consideration of the proposed improvement on public park land, subject to land use review and approval, determination of appropriate authority, and execution of a legal instrument to authorize the use of the public land. He suggested minor modifications to Mayor Silver's proposed action, as reflected in the motion below. A Councilor expressed concern whether the retaining wall would be of mutual benefit to the property owner and the public, and wanted Mr. Allyn to prove that it would.

Motion 6: Jack Brown moved that the Council approve consideration of the possible location of the proposed improvement on land designated as park land, subject to: 1) Review and approval, with conditions if necessary, by the Planning Commission. 2) Determination of the appropriate jurisdiction and/or individuals who must approve of and agree to such improvement. 3) If the City is asked to consider, and approves the improvement after Steps 1 and 2 above are concluded, the approval of appropriate and acceptable legal instruments to achieve protection of the City's interests. Lavery seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion.

Amendment: Jack Brown amended the motion to substitute "structural stabilization" in place of "improvement". Lavery seconded the amendment.

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

Vote: Motion 6, as amended, passed.

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

Mayor Silver told Mr. Allyn the City will provide him with a written statement to submit to the Planning Commission.

B. Grant Application – State Marine Board: Harbor Fuel System

Jack Brown distributed handout (copy attached to original of these minutes) of a progress report, draft grant application, and cover letter. He said there will be a requirement of \$5,000 in hard cash, as well as \$10,000 in soft funds. The proposal was reviewed and a minor change in wording in the second paragraph of the cover letter was agreed upon: "...the City Council has determined that dockside fueling for boats in the harbor is ~~paramount~~ *critical* to the continued business-like operation of the harbor." He requested permission to submit the grant application if it is ready before the December 16, 2003 Council meeting.

Motion 7: Lavery moved to approve the draft grant cover letter and application for the mayor's signature, with the above change and other possible minor changes, as long as the \$5,000 hard cash requirement does not change. Taunton seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. A Councilor asked if it was feasible to dedicate these funds at this time. Murray responded that the funds will need to be moved from Contingency to a Line Item by Council resolution.

Vote: Motion 7 passed.

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

C. Economic Business Development Committee (EBDC) Report: Input on Update to County's Long Range Plan for Economic Development

Alice Brown reported that Chris diTorrice provided significant input on Goal 8 at the last EBDC meeting, and she is currently in the process of putting together a summary of the information resulting from this discussion. Alice Brown will provide an update at the next Council meeting. She clarified for Mayor Silver that what the EBDC recommends he report to the County Economic Development Alliance meeting on December 9 that Depoe Bay is focusing on Goals 5-8, with secondary consideration on Goal 1 (transportation) and Goal 12 (healthcare), and brainstorming was done on Goal 8 (tourism). She also reported that the EBDC will not hold a meeting in December, and they discussed the PUD franchise tax increase from 3.5% to 5% and the possibility of putting power lines underground. Romans added that the EBDC is focusing on the subjects of tourism, economy, and small business.

VIII. CORRESPONDENCE

There was no correspondence.

IX. LIAISON OFFICERS' REPORTS

Lavery reported that the final estimate for the total cost for the Pirate's Cove Sidewalk Project (Worldmark to Harney St.) is \$76,000. The City already has \$45,000 from ODOT in Quick Fix money. The City is looking for additional (pedestrian) funding from ODOT, but will also need to come up with cash, and Murray has indicated there is \$10,000 in the budget for this project.

Lavery requested the Council's approval for expenditure of \$10,000 for the project. Advertising costs of approximately \$500 would be extra.

Motion 8: Lavery moved to authorize the City to expend \$10,000 to go toward sidewalk improvements on the west side of Hwy 101 between Worldmark and Harney St. Jack Brown seconded the motion.

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

Vote: Motion 8 passed.

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

Jack Brown reported that 1) The Harbor Commission discussed the grant application at their November 20 meeting. 2) The Harbormaster reviewed the dock 1 flotation enhancement, and has done a wonderful job working with the contractor on this project.

Romans had no further report.

Alice Brown reported that the Parks Commission met on November 19. New members Travis Thompson and Florence Shepard were welcomed. There was discussion on: 1) A proposed nature trail with a walking bridge over Depoe Bay Creek at the east end of City Park. 2) A permanent living Christmas tree. 3) The rock work at Whale Park is very nice, but one Parks Commissioner expressed concern that the rock work around the whale makes it look "plastic" compared to the new rock work, and suggested painting it to more closely match the new rock work. 4) There will not be a December meeting; the next meeting is scheduled for January 21, 2004.

Taunton had no report.

White had no report, due to illness on the date of the last Planning Commission meeting.

Mayor Silver reported on the last Planning Commission meeting: 1) Two building permit applications were approved, with conditions. 2) There was discussion about storage of crabpots in residential zoning. An ad hoc committee consisting of Planning Commissioners and Harbor Commissioners is being formed. They will develop a proposal for the Council's consideration. 3) There was a special Planning Commission meeting last night to discuss the "matrix".

X. CITY STAFF REPORT

Owings reviewed his written report (copy attached to original of these minutes), providing updates on: 1) the landslide stabilization project, 2) ADA restrooms at City Hall, 3) the Water Improvement Project, 4) the Winchell St. Project, 5) new street signs, 6) parking problems on Graham Street, with a request for authorization to make Graham Street a no parking zone, 7) harbor diving for installation of the new flotation dock, with a request for a change order in the amount of \$1,055.66 (copy attached to original of these minutes).

Motion 9: Romans moved to designate Graham Street a no parking area, by resolution, with the specific area to be determined by the City Engineer, and to give Staff the authority to put up a no parking sign in that area. Lavery seconded the motion.

Mayor Silver said it was moved and seconded, and called for discussion. A Councilor asked if property owners should be contacted for input, and Owings responded that he had already made contact with all property owners who would be affected by this change, and that none of the property owners objected.

Vote: Motion 9 passed.

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

Motion 10: Lavery moved to approve Active Diving & Marine Services Change Order in the amount of \$1,055.66. Taunton seconded the motion.

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

Vote: Motion 10 passed.

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

Murray 1) Clarified that the Council wanted the draft resolution prohibiting parking on Graham Street to be presented at the next Council meeting. 2) The Downtown Refinement Plan code assistance contract was signed last week, and work is starting. Alice Brown and Lavery have agreed to work on the advisory committee. ODOT has not yet gone out with requests for proposals. 3) The second open house for Natural Resources Wetlands Inventory will be at City Hall on December 4 at 6:30 PM. The first draft of the inventory and assessment of natural resources will be presented. The public is invited to provide input in the form of corrections, revisions, additions, or deletions.

Jack Brown requested authorization to draft letters of thanks for the mayor's signature to Darlene Hooley, Senator Smith, Peter Friedman, and the Corps of Engineers regarding how well the first phase of work has gone on the landslide stabilization. Hearing no objection, Mayor Silver granted the authorization.

XI. COUNCIL COMMENTS

Alice Brown said the current *Local Focus* has an article about creating friendly public meetings that she hoped everyone had a chance to look at.

Taunton said thank you to Jack Brown and Fred Robison for their work on getting fuel at the harbor.

XII. ADJOURN

There being no further business, the meeting was adjourned at 8:29 PM.

Mayor Bruce R. Silver

Silver Fox, Recording Secretary