

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, August 5, 2008 - 7:00 PM  
4 Depoe Bay City Hall  
5

6 PRESENT: Mayor J. White, P. Cameron, P. Taunton, D. Davilla, J. Brown, D. Zimmerman  
7

8 STAFF: City Recorder P. Murray, City Field Superintendent T. Owings, City Planner L. Lewis,  
9 Recording Secretary F. Dreamingtime  
10

#### 11 I. PLEDGE OF ALLEGIANCE

12 Mayor White called for all to stand for the Pledge of Allegiance.  
13

#### 14 II. CALL TO ORDER

15 Mayor White called the meeting to order and established a quorum at 7:00 PM.  
16

#### 17 III. APPROVE MINUTES: July 15, 2008 Regular Meeting and July 29, 2008 Workshop 18

19 Motion 1: Davilla moved to accept the minutes of the July 15, 2008 Regular Meeting and the July 29,  
20 2008 Workshop Meeting as written. Zimmerman seconded the motion.  
21

22 Mayor White said it was moved and seconded, and called for discussion. There was none.  
23

24 Vote: Motion 1 passed.

25 Ayes: Cameron, Taunton (7/15/08 Regular Meeting), Davilla, White, Brown, Zimmerman

26 Abstain: Taunton (7/29/08 Workshop Meeting)  
27

#### 28 IV. ACCOUNTS PAYABLE

29 Motion 2: Zimmerman moved to approve accounts payable as submitted. Cameron seconded the motion.  
30

31 Mayor White said it was moved and seconded, and called for discussion. There was none.  
32

33 Vote: Motion 2 passed.

34 Ayes: Cameron, Taunton, Davilla, White, Brown, Zimmerman  
35

#### 36 V. SPECIAL ORDERS

##### 37 A. Public Hearing: Proposal to Create a New Urban Renewal Area in Depoe Bay

38 Mayor White called for comments on the proposed urban renewal area. John Woodmark of Depoe Bay  
39 expressed his concern that parking needs were not adequately addressed in the plan, and that downtown  
40 businesses are currently suffering economically due to construction of the new downtown crosswalk.

41 Charles Kupper, who had been present for the Urban Renewal Agency meeting that immediately  
42 preceded the council meeting, responded to Mr. Woodmark's concerns, explaining that each section of  
43 the plan has many projects, and while projects have not been finalized at this point, parking *is* listed in  
44 the plan. Lewis read a portion of the proposed plan that addresses parking into the record. Dick Johnson,  
45 former Urban Renewal Steering Committee member, noted that there had been much discussion in the

1 steering committee meetings about how much of \$3.5M in designated Downtown Refinement Plan  
2 funding should be spent specifically on downtown parking. Mayor White closed the public hearing.

3  
4 B. Interview Applicant for City Council Position #4

5 City Council applicant Barbara Leff (copy of application attached to original of these minutes) was  
6 present and came forward to tell about herself and why she was interested in participating, and answered  
7 questions from Councilors regarding her qualifications and application.

8  
9 C. Jackie Hickerson: Animal Control Issues

10 Jerry Powell of 50 SE Ainslee, spoke on behalf of Mrs. Hickerson regarding the number of cats residing  
11 at 70 SE Ainslee. He said he witnesses cats being dropped off at the house at least once a week and some  
12 of the cats are feral, some have mange, some are producing kittens, and his yard is being used as a litter  
13 box. He said the situation has raised health issues. He requested the city enact an ordinance limiting the  
14 number of cats per residence. Owings said Lincoln County Animal Control, who does not have a  
15 contract with the city, has visited the location multiple times and is familiar with the situation. Mayor  
16 White said he would call the sheriff and ask that an animal control officer visit the residence again. A  
17 councilor requested this item appear on the next agenda.

18  
19 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

20 In the absence of a Harbor Commissioner's presence, Murray reported that at the July 30 Harbor  
21 Commission meeting, the commission moved to initiate legal action on the *Burgandy Rose* and the *Sea*  
22 *Slug*. (Copy of Harbor Commission memo dated 7/31/08 attached to original of these minutes.)

23  
24 Motion 3: Cameron moved to initiate legal action on the two boats.

25  
26 Virgil Goe, of Colton, addressed the council regarding his financial situation as it relates to his loss of  
27 annual moorage and delinquent transient moorage, and said he was prepared today to pay a portion of  
28 the amount owing. Concern was expressed over the condition of the boat; further discussion ensued.  
29 Mayor White told Mr. Goe that he must remove the boat by Saturday, August 9 in order to avoid legal  
30 action on the boat.

31  
32 Zimmerman seconded Motion 3.

33  
34 Mayor White said it was moved and seconded, and called for discussion. There was none.

35  
36 Vote: Motion 3 passed.

37 Ayes: Cameron, Taunton, Davilla, White, Zimmerman

38 Noes: Brown  
39

40 Mr. Goe asked how much he would have to pay before removing his boat on Saturday. Murray provided  
41 an estimate based on the number of days the boat has been in transient moorage.

42  
43 VII. PUBLIC COMMENTS

44 Barbara Leff, fire board member, said the fire district will be holding a workshop on Tuesday, August  
45 12, at 6:30 PM at the Gleneden Beach Fire Station. The State of Oregon's head geologist, as well as

1 Lincoln County’s Jim Hawley, will be in attendance. The workshop will focus on geologic formations  
2 within the fire district and how the formations might affect essential services in the event of a tsunami.

3  
4 VIII. UNFINISHED BUSINESS

5 A. League of Oregon Cities (LOC) – Proposed Legislative Actions/2009 Legislature

6 Murray said the LOC is asking each city to review proposed legislative actions, identify four from the  
7 list that are important to the city, and provide feedback to the LOC by August 15 (copy of LOC letter  
8 dated 7/1/08 attached to original of these minutes). There was discussion about the list. The consensus of  
9 the council was that the following items would be identified to LOC as the four proposed actions that are  
10 most important to the City of Depoe Bay:

- 11 1) Under Finance & Taxation, Item G: Support statutory changes to allow increased flexibility  
12 of the use of transient lodging taxes to offset expenditures for tourism related services.
- 13 2) Under General Government, Item I: Work towards an ethics policy that protects the interest  
14 of the public but is clearly understood by all and does not intrude into the private lives of  
15 Oregon’s city leaders.
- 16 3) Under Telecommunications, Item Q: Move to an alternative revenue system for  
17 telecommunications providers and oppose preemption of city franchising, rights-of-way and  
18 taxing authority.
- 19 4) Under Water, Item W: Establish a Statewide Drug Takeback Program – Support the Drug  
20 Takeback Task Force Recommendations

21  
22 IX. NEW BUSINESS

23 A. Proposed Ord. #282, An Ordinance Approving the Depoe Bay Urban Renewal Plan and  
24 Directing that Notice of Approval be Published

25 Motion 4: Cameron moved to perform the first and second readings of proposed Ord. #282 by title only.  
26 Taunton seconded the motion.

27  
28 Mayor White said it was moved and seconded, and called for discussion. There was none.

29  
30 Vote: Motion 4 passed.

31 Ayes: Cameron, Taunton, Davilla, White, Brown, Zimmerman

32  
33 Murray read the proposed ordinance (copy attached to original of these minutes) by title only, and called  
34 for questions or comments. An audience member clarified that the motion is for approval of the plan.  
35 Mr. Kupper stated that expenditures must be designated and assigned through annual budget meetings.

36  
37 Motion 5: Cameron moved to adopt proposed Ord. #282 at the first reading. Davilla seconded the  
38 motion.

39  
40 Mayor White said it was moved and seconded, and called for discussion. There was none.

41  
42 Vote: Motion 5 passed.

43 Ayes: Cameron, Taunton, Davilla, White, Brown, Zimmerman

1 Murray said that because the vote was unanimous, the second reading could be performed immediately;  
2 she proceeded with the second reading of proposed Ord. #282 by title only, and called for questions or  
3 comments. There were none.

4  
5 Motion 6: Cameron moved to adopt proposed Ord. #282 at the second reading. Davilla seconded the  
6 motion.

7  
8 Mayor White said it was moved and seconded, and called for discussion. There was none.

9  
10 Vote: Motion 6 passed.

11 Ayes: Cameron, Taunton, Davilla, White, Brown, Zimmerman

12  
13 Murray said there was no emergency clause on this ordinance, so it will not go into effect for 30 days.  
14 She thanked the people who worked on this: Mr. Kupper, City Planner Lewis, and the Urban Renewal  
15 Steering Committee members.

16  
17 B. Appointment to Fill Vacancy – City Council Position #4

18 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to  
19 original of these minutes) and announced the results. The vote to appoint Mrs. Leff to the City Council  
20 was unanimous.

21  
22 Motion 7: Davilla moved to accept the tally of votes and appoint Barbara Leff to City Council Position  
23 #4. Taunton seconded the motion.

24  
25 Mayor White said it was moved and seconded, and called for discussion. There was none.

26  
27 Vote: Motion 7 passed.

28 Ayes: Cameron, Taunton, Davilla, White, Brown, Zimmerman

29  
30 C. Proposed Res. #386 – A Resolution Calling for an Election to Submit to the Voters the Question  
31 of a Local Tax Levy at a Rate of Thirty Two Cents per Thousand Dollars Assessed Value to  
32 Finance, In Part, Public Safety and Law Enforcement Services and to Pay Related Costs

33 Murray reviewed the proposed resolution and notice (copy attached to original of these minutes). There  
34 was discussion about the language of the notice, and minor changes were made: revising the caption to  
35 add “For Law Enforcement” and moving wording (without wording changes) in the summary.

36  
37 Motion 8: Davilla moved to adopt proposed Res. #386 with changes. Taunton seconded the motion.

38  
39 Mayor White said it was moved and seconded, and called for discussion. There was none.

40  
41 Vote: Motion 8 passed.

42 Ayes: Cameron, Taunton, Davilla, White, Brown, Zimmerman

43  
44 Murray noted that if there were any legal problems with the new wording she would bring the notice  
45 back before the council.

1  
2 D. Proposed Res. #387 – A Resolution Calling an Election to Submit to the Voters the Question of  
3 Amending Section 9 – Mayor, of the City Charter of the City of Depoe Bay  
4 Murray read the caption, title, and summary of the notice attached to the proposed resolution (copy  
5 attached to original of these minutes), and called for questions or changes. There were none.  
6

7 Motion 9: Davilla moved to adopt proposed Res. #387. Taunton seconded the motion.  
8

9 Mayor White said it was moved and seconded, and called for discussion. There was none.  
10

11 Vote: Motion 9 passed.

12 Ayes: Taunton, Davilla, White, Brown, Zimmerman

13 Noes: Cameron  
14

#### 15 X. CORRESPONDENCE

16 There were two items of correspondence (copies attached to original of these minutes): 1) A letter dated  
17 7/18/08 from Oregon Parks and Recreation Department informing that Depoe Bay's grant proposal for  
18 acquisition of tax lot 700 was not selected for funding. There was brief discussion regarding re-  
19 submitting the application next year, if the property is still available. 2) A letter dated 7/29/08 from John  
20 O'Brien, officially notifying the city of the dissolution of the Emergency Preparedness Committee.  
21

22 Motion 10: Cameron moved to send thank you letters to members of the Emergency Preparedness  
23 Committee. Taunton seconded the motion.  
24

25 Mayor White said it was moved and seconded, and called for discussion. There was none.  
26

27 Vote: Motion 10 passed.

28 Ayes: Cameron, Taunton, White, Brown, Zimmerman

29 Abstain: Davilla  
30

#### 31 XI. CITY STAFF REPORT

32 Owings reviewed recommendations for community hall renovations made by the Parks Commission  
33 (copy of plans attached to original of these minutes), and said that the current budget has funding set  
34 aside for community hall renovations.  
35

36 Motion 10: Brown moved to go forth. Davilla seconded the motion.  
37

38 Mayor White said it was moved and seconded, and called for discussion. There was none.  
39

40 Vote: Motion 10 passed.

41 Ayes: Cameron, Taunton, Davilla, White, Brown, Zimmerman  
42

43 Murray requested the ADA ramp be made bigger, if possible; Owings acknowledged her request.  
44 Owings continued with his report, reviewing the crosswalk project (copy of project schedule attached to  
45 original of these minutes), noting that the project has been pending for a long time, with the plans

1 available for public viewing. He said the project was started earlier than planned, due to asphalt prices  
2 rising sharply in recent months.

3  
4 Murray said 1) There will be a Depoe Bay grade school reunion (copy of flyer attached to original of  
5 these minutes) in September, and requested the council's permission to hold an open house in council  
6 chambers on Saturday, September 27, 10 AM - 6 PM; the request was granted. 2) She will be bringing  
7 draft explanatory statements for the ballot measures to the next regular meeting for review and approval.  
8 3) The deadline to file for candidacy is 5 PM on Tuesday, August 26.

9  
10 XII. COUNCIL COMMENTS

11 Davilla 1) Asked staff to create a flyer to put up at the post office to clear up confusion on what is  
12 happening on Hwy 101 (the new crosswalk construction). She asked that it be pretty and colorful,  
13 informative and concise. 2) Welcomed Mrs. Leff to the council.

14  
15 Zimmerman thanked audience members for coming to the meeting to express their concerns over  
16 reduced business related to the Hwy 101 crosswalk construction, but said he felt it was not related to the  
17 crosswalk construction because businesses that are not located on the highway, including his own, are  
18 also experiencing lower sales.

19  
20 Brown 1) Agreed with Zimmerman's statement. 2) Welcomed Mrs. Leff to the council. 3) Invited  
21 everyone to the groundbreaking for the new Kids Zone building on Friday, September 5 at 4 PM.

22  
23 Cameron 1) Welcomed Mrs. Leff. 2) Is glad discussion of an animal ordinance will be on the next  
24 agenda.

25  
26 Taunton 1) Agreed with Zimmerman and Cameron's statements. 2) Welcomed Mrs. Leff.

27  
28 Mayor White 1) Reported on his trip to the Oregon Mayors Association (OMA) in Pendleton. Three  
29 resolutions were addressed: Supporting municipal water systems by stopping use of bottled water at city  
30 meetings (defeated), changing the double majority rule in elections (adopted), and safe building  
31 construction, opposing ballot measure 21 (defeated). 2) If he is elected for a third term, he has applied to  
32 be considered by the OMA board to be appointed as president-elect. 3) Thanked councilors, staff, and  
33 audience.

34  
35 XIII. ADJOURN

36 There being no further business, the meeting was adjourned at 8:53 PM.

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39  
40 \_\_\_\_\_  
41 James White, Mayor

42 \_\_\_\_\_  
43 Fox Dreamingtime, Recording Secretary