

CITY OF LINCOLN CITY
CITY COUNCIL AGENDA

MONDAY MARCH 27, 2023, 6:00 PM

6:00 PM - The Lincoln City Council will hold a Regular Meeting in the Council Chambers, 801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367.

Public comments can be submitted to publiccomment@lincolncity.org, by attending the City Council meeting, or by telephone.

Public comments submitted by email to publiccomment@lincolncity.org will be entered into the official record, distributed to the governing body, and summarized; however, due to personal privacy issues they are not generally published in the online Agenda packet. ****PUBLIC COMMENT VIA EMAIL WILL ONLY BE RECOGNIZED UPON RECEIPT OF AN EMAIL SENT TO publiccomment@lincolncity.org****

Citizens requesting to give public comment via telephone must email publiccomment@lincolncity.org no later than noon on the meeting day. The request must include the person's name, the subject the person wishes to address, and the phone number the person intends to use for the meeting. Instructions will be sent to the person requesting prior to the meeting. Persons who will give public comment via telephone will need to leave the microphone muted until the public comment portion of the meeting.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at [541-996-1013](tel:541-996-1013) or kmattias@lincolncity.org. Visit the [ADA Accessibility | City of Lincoln City, OR](#) webpage to view how the City continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.

The Lincoln City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

All information for this meeting is available at www.lincolncity.org under "Government" then select "Public Meeting, Agendas, Packets & Video". This meeting will be televised live on Channel 4. For additional rebroadcast times, please consult the Channel 4 guide on the hour. If you wish to speak on an agenda or non-agenda item, please sign up on the sheet near the entrance door to the Council Chambers. You will be called to speak during the "Public Comment" section. Comments or testimony on agenda items listed under "public hearing/public comment" will be taken at that time.

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. PLEDGE OF ALLEGIANCE**
- D. CONSENT AGENDA**
 - 1. Oregon Liquor Control Commission New Outlet On-Premises Commercial and Caterer Liquor License for Enrique's Taqueria LLC
 - 2. Oregon Liquor Control Commission Change of Ownership for On-Premises Liquor License for New Foon Hing Yuen
 - 3. Regular Meeting – Minutes of Regular Meeting – March 13, 2023, 5:00 PM
 - 4. Regular Meeting – Minutes of Regular Meeting – March 13, 2023, 6:00 PM
- E. COUNCIL DELIBERATIONS**
- F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS**
- G. PRESENTATIONS**
- H. PUBLIC HEARING / ORDINANCE**
- I. PUBLIC HEARINGS / PUBLIC COMMENTS**
 - 1. Continuation of Delake Heights LID Public Hearing
- J. ORDINANCES**
- K. RESOLUTIONS**
 - 2. RESOLUTION NO. 2023-05 A RESOLUTION OF THE CITY OF LINCOLN CITY ESTABLISHING TRAFFIC CONTROL MEASURES FOR A PORTION OF SW 3RD STREET AT SW EBB AVENUE
- L. SPECIAL ORDER OF BUSINESS**
 - 3. Ward 1 -Council Vacancy Discussion / Direction
 - 4. Replace Former Councilor Starmer on the Third-Party Non-Profit Grant Subcommittee, Solid Waste Advisory Committee, and Interview Committee
 - 5. AutoCAD and Structural Engineering Consultant Services Approval
- M. CITY MANAGER/CITY ATTORNEY REPORTS**
- N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION**
- O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS**
- P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL**
- Q. ADJOURNMENT**

Council Communication

OLCC - New Outlet for On-Premises Commercial and Caterer - Enrique's Taqueria LLC

Meeting Date:	March 27, 2023	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 mins

Questions:

Should the City Council provide a recommendation to the Oregon Liquor Control Commission (OLCC) for a New Outlet Limited On-Premises Commercial and Caterer Liquor License for Enrique's Taqueria LLC?

Staff Recommendations:

A review was conducted by Chief Broderick, and staff recommends that City Council provide a favorable recommendation to grant the license to the applicant.

Legal Background and Framework:

LCMC 5.20 (Liquor License Review) sets forth the City's procedures for OLCC license recommendation under Oregon Revised Statute (ORS) 471.166.

Council Options:

Approve a favorable recommendation to the Oregon Liquor Control Commission (OLCC) for a New Outlet Limited On-Premises Commercial and Caterer Liquor License for Enrique's Taqueria LLC.

Potential Motions:

Motion to approve the Oregon Liquor Control Commission New Outlet Limited On-Premises Commercial and Caterer Liquor License for Enrique's Taqueria LLC.

Attachments

Oregon Liquor Control Commission (OLCC) application for a New Outlet Limited On-Premises Commercial and Caterer Liquor License for Enrique's Taqueria LLC.

Attachments:

Enrique's_Redacted (PDF)

LIQUOR LICENSE APPLICATION

D.1.a

Page 1 of 4

Check the appropriate license request option:

[New Outlet](#) | [Change of Ownership](#) | [Greater Privilege](#) | [Lesser Privilege](#) | [Additional Privilege](#)

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

Winery

- Primary location
- Additional locations: 2nd 3rd 4th 5th

Brewery

- Primary location
- Additional locations: 2nd 3rd

Brewery-Public House

- Primary location
- Additional locations: 2nd 3rd

Grower Sales Privilege

- Primary location
- Additional locations: 2nd 3rd

Distillery

- Primary location
- Additional tasting locations: 2nd 3rd 4th 5th 6th

Limited On-Premises

Off Premises

Warehouse

Wholesale Malt Beverage and Wine

INTERNAL USE ONLY

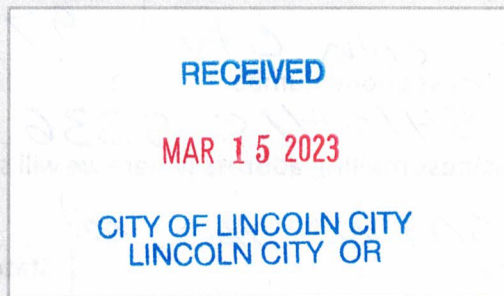
Local Governing Body: After providing your recommendation, return this application to the applicant.

LOCAL GOVERNING BODY USE ONLY

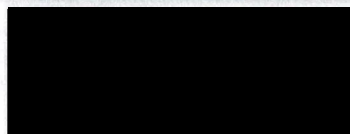
City/County name:

Date application received:

Optional: Date Stamp



- Recommend this license be granted
- Recommend this license be denied



3/16/2023
Date

LIQUOR LICENSE APPLICATION

D.1.a

Page 2 of 4

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1:

Enrique Andrade

Name of entity or individual applicant #2:

Name of entity or individual applicant #3:

Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

Enrique's Taqueria LLC

Premises street address (The physical location of the business and where the liquor license will be posted):

1509 N.W Hwy 101

City:

Lincoln City

Zip Code:

97367

County:

Lincoln County

Business phone number:

541-418-5336

Business email:

Business mailing address (where we will send any items by mail as described in [OAR 845-004-0065\[1\]](#)):

1509 N.W Hwy 101

City:

Lincoln City

State:

Oregon

Zip Code:

97367

Does the business address currently have an OLCC liquor license? Yes No

Does the business address currently have an OLCC marijuana license? Yes No

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.

I give permission for the below named representative to:

- Make changes regarding this license/application on my behalf.
- Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

Representative Name:

Phone number:

Email:

Mailing address:

City:

State:

Zip Code:

Packet Pg. 6

LIQUOR LICENSE APPLICATION

D.1.a

Page 3 of 4

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name:

Enrique Andrade

Phone number:

Email:

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands [OAR 845-005-0311](#) and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

Packet Pg. 7

LIQUOR LICENSE APPLICATION

D.1.a

Page 4 of 4

• Each applicant listed in the "Application Information" section of this form has read and understands [OAR 845-006-0362](#) and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

<u>Enrique Andrade</u>		<u>3-14-23</u>	<u>N/A</u>
Print name	Signature	Date	Atty. Bar Info (if applicable)
_____	_____	_____	_____
Print name	Signature	Date	Atty. Bar Info (if applicable)
_____	_____	_____	_____
Print name	Signature	Date	Atty. Bar Info (if applicable)
_____	_____	_____	_____
Print name	Signature	Date	Atty. Bar Info (if applicable)
_____	_____	_____	_____



OREGON LIQUOR & CANNABIS COMMISSION
INDIVIDUAL HISTORY FORM

FINANCE DEPARTMENT

MAR 15 2023

CITY OF LINCOLN CITY

PRINT FORM

D.1.a

RESET FORM

1. Name (Print):	ANDRADE ALVARADO Last	ENRIQUE First	ALVARADO Middle
2. Other names used (maiden, other):			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: [REDACTED]			
<p>SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.</p> <p>Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC§ 552(a)).</p>			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>			
5. Date of Birth (DOB):	[REDACTED] (mm)	[REDACTED] (dd)	[REDACTED] (yyyy)
6. Driver License or State ID #:	[REDACTED]		7. State OR
8. Contact Phone:	[REDACTED]		
9. E-mail Address:	[REDACTED]		
10. Mailing Address:	1509 NW HWY 101 (Number and Street)	LINCOLN (City)	OR 97367 (State) (Zip Code)
11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.			



OREGON LIQUOR & CANNABIS COMMISSION
INDIVIDUAL HISTORY FORM

FINANCE DEPARTMENT
MAR 15 2023
CITY OF LINCOLN CITY

D.1.a

12. Do you, or any entity that you are a part of, **currently hold** or **have you previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No Yes Please list applications below Unsure Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	ADRADE Last	ALVARADO First	ENRIQUE Middle
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Signature:		Date:	3/15/2023
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This box for OLCC use ONLY
..... Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?

Council Communication

OLCC - Change of Ownership for On-Premises Liquor License - New Foon Hing Yuen

Meeting Date:	March 27, 2023	Primary Staff Contact:	Jamie Young
Department:	City Council	E-Mail:	JYoung@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 mins

Questions:

Should the City Council provide a recommendation to the Oregon Liquor Control Commission (OLCC) for a Change of Ownership for On-Premises Liquor License for New Foon Hing Yuen?

Staff Recommendations:

A review was conducted by Chief Broderick, and staff recommends that City Council provide a favorable recommendation to grant the license to the applicant.

Legal Background and Framework:

LCMC 5.20 (Liquor License Review) sets forth the City's procedures for OLCC license recommendation under Oregon Revised Statute (ORS) 471.166.

Council Options:

Approve a favorable recommendation to the Oregon Liquor Control Commission (OLCC) for a Change of Ownership for On-Premises Liquor License for New Foon Hing Yuen

Potential Motions:

Motion to approve the Oregon Liquor Control Commission Change of Ownership for On-Premises Liquor License for New Foon Hing Yuen.

Attachments

Oregon Liquor Control Commission (OLCC) application for a Change of Ownership for On-Premises Liquor License for New Foon Hing Yuen.

Attachments:

New Foon Hing Yuen_Redacted (PDF)

LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

- [New Outlet](#) | [Change of Ownership](#) | [Greater Privilege](#) | [Lesser Privilege](#) | [Additional Privilege](#)

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- Commercial
- Caterer
- Public Passenger Carrier
- Other Public Location
- For Profit Private Club
- Nonprofit Private Club

Winery

- Primary location
- Additional locations: 2nd 3rd 4th 5th

Brewery

- Primary location
- Additional locations: 2nd 3rd

Brewery-Public House

- Primary location
- Additional locations: 2nd 3rd

Grower Sales Privilege

- Primary location
- Additional locations: 2nd 3rd

Distillery

- Primary location
- Additional tasting locations: 2nd 3rd 4th 5th 6th

Limited On-Premises

Off Premises

Warehouse

Wholesale Malt Beverage and Wine

INTERNAL USE ONLY

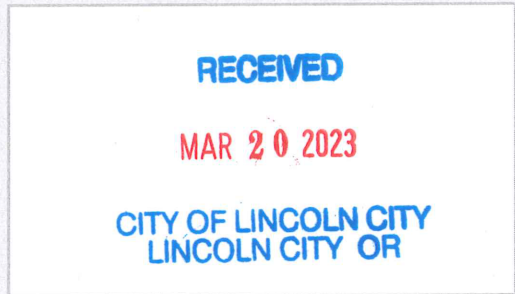
Local Governing Body: After providing your recommendation, return this application to the applicant.

LOCAL GOVERNING BODY USE ONLY

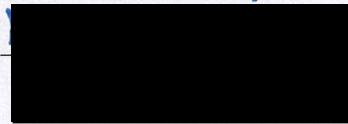
City/County name:

Date application received:

Optional: Date Stamp



- Recommend this license be granted
- Recommend this license be denied



3/21/23
Date

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION

Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.

Name of entity or individual applicant #1: SHANG YU CHINESE RESTAURANT INC	Name of entity or individual applicant #2:
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION

Trade Name of the Business (name customers will see):

New Foon Hing Yuen

Premises street address (The physical location of the business and where the liquor license will be posted):

3138 SE HIGHWAY 101

City: LINCOLN CITY	Zip Code: 97367	County: LINCOLN
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Business phone number:
541-996-3831

Business email:

Business mailing address (where we will send any items by mail as described in [OAR 845-004-0065\[11\]](#)):

3138 SE HIGHWAY 101

City: LINCOLN CITY	State: OR	Zip Code: 97367
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Does the business address currently have an OLCC liquor license? Yes No

Does the business address currently have an OLCC marijuana license? Yes No

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.

I give permission for the below named representative to:

- Make changes regarding this license/application on my behalf.
- Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.

Representative Name:

United CPAs & Co., LLC/Shanshan Wu

Phone number:
503-432-8839

Email:
unitedcpaspx@gmail.com

Mailing address:
8839 SE DIVISION ST, STE 207

City: PORTLAND	State: OR	Zip Code: 97266
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LIQUOR LICENSE APPLICATION

Page 3 of 4

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name:

Shanshan Wu

Phone number:

503-432-8839

Email:

unitedcpaspx@gmail.com

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands [OAR 845-005-0311](#) and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

Page 4 of 4

• Each applicant listed in the "Application Information" section of this form has read and understands [OAR 845-006-0362](#) and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

WENBIN SU

[Redacted Signature]

03-17-2023

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)

Print name

Signature

Date

Atty. Bar Info (if applicable)



OREGON LIQUOR & CANNABIS COMMISSION

INDIVIDUAL HISTORY FORM

WHO MUST COMPLETE THIS FORM?

You must complete this form if:

- Your name is listed as an applicant in the “Entity or Individuals applying for the license” section of the Liquor License Application form.
- A corporation is listed as an applicant in the “Entity or Individuals applying for the license” section of the Liquor License Application form and you are:
 - President, a Vice President with responsibility over the operation of the business, Secretary, or Treasurer.
 - A Director.
 - An individual who owns 20% or more of issued stock.
- A limited liability company (LLC) is listed as an applicant in the “Entity or Individuals applying for the license” section of the Liquor License Application form and you are:
 - A Managing Member of the LLC (this is an individual designated to manage the LLC; it may or may not be the same individual designated to manage the business).
 - A Member who owns 20% or more of the membership.
 - An Officer (such as a President or Secretary) with responsibilities over the operation of the business.

You must work with the OLCC to determine who must complete this form if you are:

- Part of an entity *other than* a corporation or LLC that is listed as an applicant in the “Entity or Individuals applying for the license” section of the Liquor License Application form, or
- Part of an entity that owns 10% or more of an entity listed as an applicant in the “Entity or Individuals applying for the license” section of the Liquor License Application form.

IN ADDITION, THE OLCC MAY REQUIRE OTHER PEOPLE TO COMPLETE THIS FORM WHEN THERE IS REASON TO BELIEVE IT MAY HELP THE OLCC IN ITS INVESTIGATION.



OREGON LIQUOR & CANNABIS COMMISSION INDIVIDUAL HISTORY FORM

PRINT FORM **D.2.a**

RESET FORM

1. Name (Print):	Wen Bin Last	SU First		Middle
2. Other names used (maiden, other):				
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: [REDACTED]				
SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below. Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).				
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>				
5. Date of Birth (DOB):	[REDACTED] (mm)	01 01 (dd)	[REDACTED]	[REDACTED] (yyyy)
6. Driver License or State ID #:	[REDACTED]	7. State		
8. Contact Phone:	[REDACTED]			
9. E-mail Address:	[REDACTED]			
10. Mailing Address:	[REDACTED] (Number and Street)	Salem (City)	OR (State)	97301 (Zip Code)
11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.				



OREGON LIQUOR & CANNABIS COMMISSION
INDIVIDUAL HISTORY FORM

12. Do you, or any entity that you are a part of, **currently hold** or **have you previously held** a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No Yes Please list licenses (and year(s) licensed) below Unsure Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No Yes Please list applications below Unsure Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

Affirmation

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	WEN BIN Last	SU First	Middle
---------------	--------------	----------	--------

Signature:	[Redacted Signature]	Date: 03-20-2023
------------	----------------------	------------------

This box for OLCC use ONLY

Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?

**LINCOLN CITY URBAN RENEWAL AGENCY
LINCOLN CITY COUNCIL**



**JOINT REGULAR MEETING MINUTES
MONDAY, MARCH 13, 2023, 5:00 PM**

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at www.lcprogramguide.org.)

APPROVED BY URBAN RENEWAL AGENCY

DATE _____

APPROVED BY CITY COUNCIL

DATE: _____

A. CALL TO ORDER

Chair Mark called the meeting to order at 5:00 PM.

Attendee Name	Title	Status	Arrived
Riley Hoagland	Member / Councilor	Late	5:31 PM
Susan Wahlke	Member / Councilor	Present	5:00 PM
Bill Wyman	IT Support Administrator	Present	5:00 PM
Judy Casper	Member / Councilor	Present	5:00 PM
Rick Mark	Chair	Present	5:00 PM
Mitch Parsons	Member / Councilor	Excused	5:00 PM
Elaine Starmer	Agency Member/Councilor Ward 1	Present	5:00 PM
Sydney Kasner	Agency Member/Councilor Ward 2	Present	5:00 PM

Staff Present: Daphnee Legarza, City Manager; Richard Appicello, City Attorney; Chief Broderick, Lincoln City Police Department; Alison Robertson, Economic Development and Urban Renewal Director; Debbie Bridges, Finance Director; Seth Lenaerts, Urban Renewal Project Manager; Jamie Young, City Recorder.

B. PUBLIC COMMENT

NONE

C. MINUTES OF THE MEETING

A. Minutes of Feb 13 2023 5:00 PM

RESULT:	PASSED [UNANIMOUS]
MOVER:	Susan Wahlke, Member / Councilor
SECONDER:	Judy Casper, Member / Councilor
AYES:	Wahlke, Wyman, Casper, Mark, Starmer, Kasner
ABSENT:	Hoagland
EXCUSED:	Parsons

D. PRESENTATIONS

A. FY2022-23 Submission of Audited Statements

Debbie Bridges, Finance Director along with Tim Gillette and Colleen Belford of TKW (Talbot, Korvola & Warwick. LLP), appeared via Zoom to review the 2022-23 submission of audited statements for City Council and the Urban Renewal Agency. Ms. Bridges said the statements are posted on the City's website.

E. PUBLIC HEARINGS / PUBLIC COMMENT

A. Public Hearing: Transfer of Property – URA to City

Agency Chair Mark opened the public hearing at 5:18 PM. Alison Robertson, Urban Renewal Director, explained the transfer of property. Mr. Appicello explained the template in the packet and the step to close the transaction.

B. Motion to Close the Public Hearing at 5:23 PM

MOTION:	Motion to Close the Public Hearing at 5:23 PM
MOVER:	Susan Wahlke, Mayor
SECONDER:	Sydney Kasner, Councilor Ward 2
AYES:	Wahlke, Wyman, Casper, Mark, Starmer, Kasner
ABSENT:	Riley Hoagland
EXCUSED:	Mitch Parsons
RESULT:	Passed by Voice Vote

C. Motion to Approve Transfer of One Urban Renewal Agency Property (3 tax lots) to City Ownership and Direct Staff to Process the Transactions

MOTION:	Motion to Approve Transfer of One Urban Renewal Agency Property (3 tax lots) to City Ownership and Direct Staff to Process the Transactions
MOVER:	Susan Wahlke, Mayor
SECONDER:	Judy Casper, Councilor Ward 3
AYES:	Wahlke, Wyman, Casper, Mark, Starmer, Kasner
ABSENT:	Riley Hoagland
EXCUSED:	Mitch Parsons
RESULT:	Passed by Roll Call Vote

F. SPECIAL ORDER OF BUSINESS

- A. Real Property Transfer: One (3 tax lots) URA-owned property to City-ownership
- B. Update: Proposed Nelscott Urban Renewal Plan

Alison Robertson, Urban Renewal Director, updated Council on the proposed Nelscott Urban Renewal Plan.

G. ACTIONS, IF ANY, BASED ON EXECUTIVE SESSION/WORK SESSION

NONE

H. AGENCY MEMBER/ CITY COUNCILOR COMMENTS

NONE

I. ADJOURNMENT

Chair Mark adjourned the meeting at 5:33 PM.

RICK MARK, AGENCY CHAIR

ATTEST:

**JAMIE YOUNG
CITY RECORDER**

CITY OF LINCOLN CITY

CITY COUNCIL MINUTES OF THE MEETING

March 13, 2023, 6:00 PM

The final minutes for this meeting are supplemented by an electronic recording of the meeting, which may be viewed online at www.lincolncity.org under the tab "Agendas, Packets, and Videos". The staff reports, resolutions, ordinances, and other documents related to this meeting are also available at the same location. This meeting is rebroadcast on Cable Channel 4. (See Channel 4 guide on the hour at <http://www2.lincolncity.org/program-guide/>).

APPROVED BY CITY COUNCIL

DATE:

A. CALL TO ORDER

Mayor Wahlke called the meeting to order at 6:00 PM

B. ROLL CALL

Attendee Name	Title	Status	Arrived
Susan Wahlke	Mayor	Present	6:00 PM
Elaine Starmer	Councilor Ward 1	Present	6:00 PM
Sydney Kasner	Councilor Ward 2	Present	6:00 PM
Judy Casper	Councilor Ward 3	Present	6:00 PM
Riley Hoagland	Councilor Ward 2	Present	6:00 PM
Rick Mark	Councilor Ward 3	Present	6:00 PM
Mitch Parsons	Councilor Ward 1	Excused	6:00 PM

Staff Present: Daphnee Legarza, City Manager; Richard Appicello, City Attorney; Chief Broderick, Lincoln City Police Department; Alison Robertson, Economic Development and Urban Renewal Director; Ed Dreistadt, Explore Lincoln City Director; Jeanne Sprague, Parks and Recreation Director; Stephanie Reid, Public Works Director; Jamie Young, City Recorder.

C. PLEDGE OF ALLEGIANCE

Mayor Wahlke led The Pledge of Allegiance.

D. CONSENT AGENDA

MOTION:	Consent Agenda
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Elaine Starmer, Councilor Ward I
AYES:	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark
EXCUSED:	Parsons
RESULT:	Passed

1. Regular Meeting – Minutes of Work Session – February 22, 2023, 3:30 PM
2. Regular Meeting – Minutes of Regular Meeting – February 27, 2023, 6:00 PM
3. Regular Meeting – Minutes of Special Meeting – March 1, 2023, 8:00 AM

E. COUNCIL DELIBERATIONS

NONE

F. COMMENTS FROM CITIZENS PRESENT ON AGENDA/NON-AGENDA ITEMS

Ms. Legarza summarized three comments from Raylene Erickson.

Dennis Regan of Lincoln City spoke opposing the road closure at SE 3rd and Ebb.

Paul Sundermier of Lincoln City spoke opposing the road closure at SE 3rd and Ebb.

Victoria Regan of Lincoln City spoke opposing the road closure at SE 3rd and Ebb.

G. PRESENTATIONS

4. Strategic Marketing Plan Presentation

Ed Dreistadt, Explore Lincoln City Director, presented the strategic marketing plan. Council and Staff had a discussion regarding the presentation.

H. PUBLIC HEARING / ORDINANCE

NONE

I. PUBLIC HEARINGS / PUBLIC COMMENTS

NONE

J. ORDINANCES

NONE

K. RESOLUTIONS

1. RESOLUTION NO. 2023-04 A RESOLUTION OF THE CITY OF LINCOLN CITY ESTABLISHING TRAFFIC CONTROL MEASURES FOR A PORTION OF SW 3RD STREET

Mr. Appicello explained the resolution. Mr. Appicello proposed dividing the resolution and having an executive session regarding vehicular access.

MOTION: Motion to Approve Resolution 2023-04 with Modification to Remove the Traffic Control Measures and Direct staff report to Council in an Executive Session on the Comments Submitted by Objectors and Bring Back Positions/Options for the Next Council Meeting

MOVER: Judy Casper, Councilor Ward 3

SECONDER: Sydney Kasner, Councilor Ward 2

AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark

EXCUSED: Parsons

RESULT: Passed by Roll Call Vote

L. SPECIAL ORDER OF BUSINESS

2. City Entrance Signs Construction Contract Award

Ms. Reid spoke regarding the proposed contract. Councilor Hoagland asked about solar power for the new signs.

MOTION: Motion to Approve Contract be Awarded to Bateson Enterprises LLC. in the Amount of \$140,900.00 with a Construction Contingency of \$14,090.00 (10 percent of the bid amount) for a Total Award of \$154,990.00 for the City Entrance Signs

MOVER: Sydney Kasner, Councilor Ward 2

SECONDER: Elaine Starmer, Councilor Ward 1

AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark

EXCUSED: Parsons

RESULT: Passed by Roll Call Vote

3. SW Anchor Storm Improvements

Ms. Reid spoke regarding the proposed contract.

MOTION: Motion to Approve the Award of SW Anchor Storm Improvement Project to Huddleston Construction in the Amount of \$74,167.00 with a Contingency of 7,418.00 (10% of the bid amount) for a Total of \$81,585.00

MOVER: Judy Casper, Councilor Ward 3

SECONDER: Sydney Kasner, Councilor Ward 2

AYES: Wahlke, Starmer, Kasner, Casper, Hoagland, Mark

EXCUSED: Parsons

RESULT: Passed by Roll Call Vote

4. Construction Award for the Police Utility Building

Ms. Reid spoke regarding the proposed contract. Mayor Wahlke asked if the low bidder has been vetted to work near the Police Station. Ms. Reid said there was not a special vetting but they will be aware of the boundaries before beginning. Mayor Wahlke asked about approving the project before the budget transfer. Ms. Reid said that she spoke to Ms. Bridges and she will transfer next meeting. Mayor Wahlke said that she is not against the project but would like the money moved first.

MOTION:	Motion to Approve the Construction Contract for the Police Utility Building be Awarded to Stotts Construction Company in the Amount of \$416,600.00 with a Construction Contingency of \$41,660.00 (10 percent of the bid amount) for a Total of \$458,260.00
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Starmer, Kasner, Casper, Hoagland, Mark
NAYS:	Wahlke
EXCUSED:	Parsons
RESULT:	Passed by Roll Call Vote

5. Construction Contract Award for NE 6th Street Sidewalk Project

Ms. Reid spoke regarding the proposed contract. Mayor Wahlke recused herself due to a conflict of interest. Council President Casper asked about the total budgeted amount of \$650,000. Ms. Reid said that is the total for both phases.

MOTION:	Motion to Approve the Construction Contract for the NE 6th Street Sidewalk Improvement Project to Cascade Civil Corp. in the Amount of \$202,196.00 with a Construction Contingency of \$20,220.00 (10 percent of the bid amount) for a Total of \$222,416.00
MOVER:	Rick Mark, Councilor Ward 3
SECONDER:	Riley Hoagland, Councilor Ward 2
AYES:	Starmer, Kasner, Casper, Hoagland, Mark
EXCUSED:	Parsons
RECUSED:	Wahlke
RESULT:	Passed by Roll Call Vote

M. CITY MANAGER/CITY ATTORNEY REPORTS

Ms. Legarza spoke about the Highway 101 pedestrian project grant and was denied but spoke regarding another source of funding. Ms. Legarza spoke about the pool project being on track to open as scheduled. Ms. Legarza spoke about the Lucky Leprechaun race on Saturday. Ms. Legarza also spoke about HB4123 and the advisory board. Ms. Legarza spoke regarding the upcoming budget season. Ms. Legarza thanked the Council and Staff for attending the strategic visioning session.

Mr. Appicello said there was a request to revisit the homeless camping law and he is planning that for the 2nd meeting in April.

N. ACTIONS, IF ANY, BASED ON WORK SESSION OR EXECUTIVE SESSION

6.

MOTION:	Motion to Direct Staff to Schedule an Executive Session to Continue the Employee Evaluation as Soon as Possible
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Wahlke, Kasner, Casper, Hoagland, Mark
NAYS:	Starmer
EXCUSED:	Parsons
RESULT:	Passed by Voice Vote

O. ADDITIONAL COMMENTS FROM CITIZENS PRESENT ON NON-AGENDA ITEMS

Connie Wilson of Lincoln City spoke regarding the building at 3220 NE Union Ave. Ms. Wilson said the home is in the setback and there was a request for administrative adjustment. Council and Staff referred her to the Planning Department.

P. ANNOUNCEMENTS OR COMMENTS BY CITY COUNCIL

Councilor Hoagland reminded of the Teen Center at the Community Center; the Spring Fling Dance will be happening on March 31st as well as the Spring Adventure Camp the week of Spring Break. Councilor Hoagland attended a float expo in the City of Ocean Shores and gave detail of the events. Councilor Hoagland said there was a City with a similar octopus leg logo in black and grey.

Councilor Mark spoke about the CWACT (Cascades West Area Commission on Transportation) meeting he attended and they are discussing the road between Newport and Depoe Bay. Councilor Mark said everyone was invited to the Audubon Society Meeting on the 15th of March at the Cultural Center.

Councilor Casper gave an update regarding the HB4123 pilot project.

Councilor Starmer spoke regarding accessory use licenses for vacation rentals. Councilor Starmer asked that no more licenses be issued until they are under the cap and asked for another work session. Councilor Starmer also said she was stunned by the events of the previous executive session and will be resigning as of the end of the meeting.

Mayor Wahlke spoke on behalf of Councilor Parsons to not schedule meetings before 5 PM. Council gave consensus. Councilor Mark said that weekends used to be a possibility as well. Councilor Kasner suggested the occasional weekend morning to offset the evening meetings or a doodle poll to figure out a time. Mayor Wahlke spoke about a letter received congratulating the City on earning recognition for 2022 Tree City USA. Mayor Wahlke said Jeanne Sprague shared April 28th will be the Arbor Day celebration at the Community Center. Council and Staff discussed quarterly meetings with the City Manager and City Attorney. Mayor Wahlke also gave a reminder of Council rules 4.2.

7.

MOTION:	Motion to Direct Staff to Have a Work Session Regarding the VRD Issue as Described by Councilor Starmer
MOVER:	Judy Casper, Councilor Ward 3
SECONDER:	Rick Mark, Councilor Ward 3
AYES:	Wahlke, Starmer, Kasner, Casper, Hoagland, Mark
EXCUSED:	Parsons
RESULT:	Passed by Voice Vote

Q. ADJOURNMENT

Mayor Wahlke adjourned the meeting at 7:57 PM.

SUSAN WAHLKE, MAYOR

ATTEST:

JAMIE YOUNG, CITY RECORDER

Council Communication

Continuation of Delake Heights LID Public Hearing

Meeting Date:	March 27, 2023	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 minutes

Background:

The first step in the Local Improvement District (LID) process is the Intention Resolution. Council approved the Intention Resolution on December 12, 2022. [Resolution 2022-46]

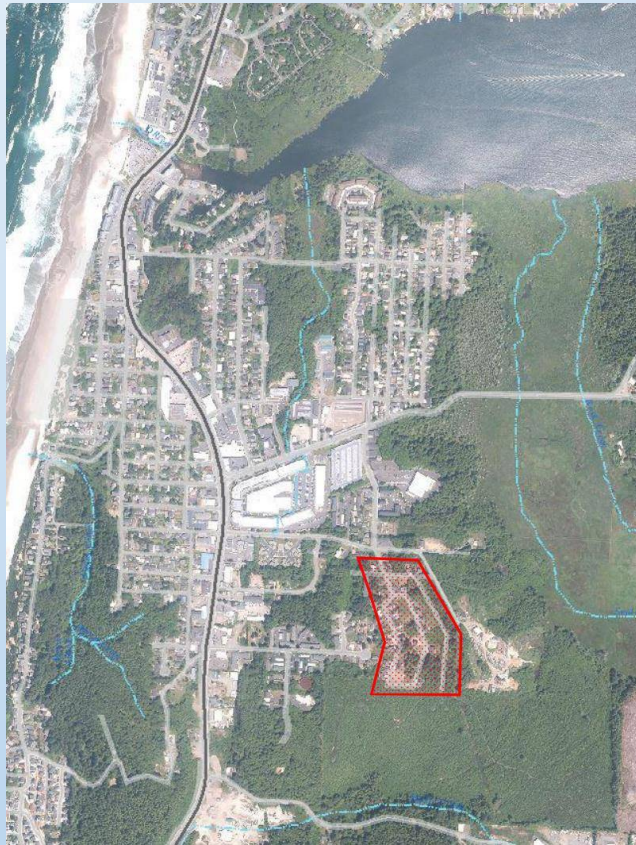
Staff provided notice and scheduled the formation hearing for January 23, 2023. At the public hearing held on January 23, 2023, council heard testimony from the public and considered the formation of an LID including sewer and street improvements. The hearing was continued to March 27, 2023 with direction to staff to examine alternatives.

Staff developed an alternative LID cost estimated including the installation of sewer only and no street improvements. The attached presentation walks through the updated cost and alternative methods to assess the benefited properties.

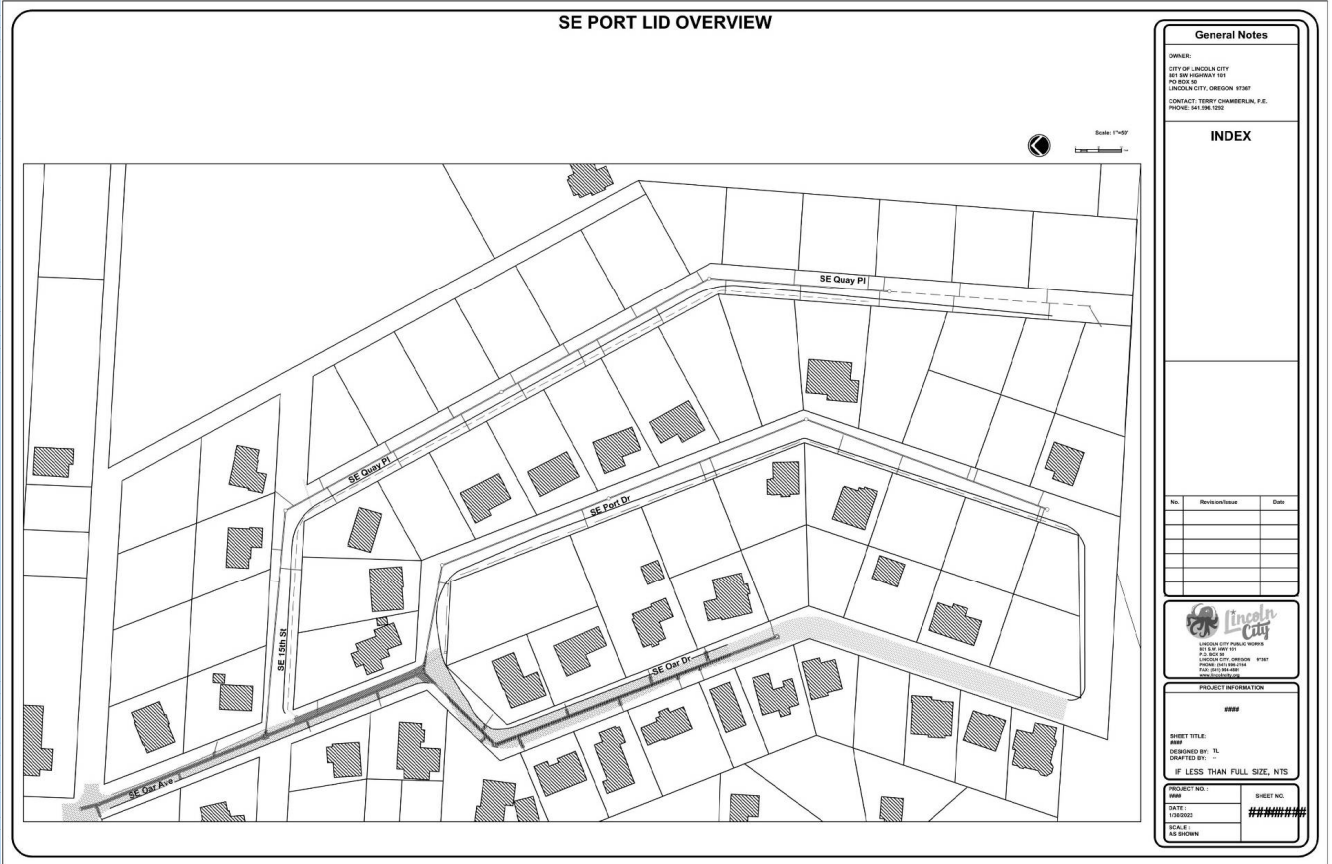
Attachments:

Delake Heights Sewer LID - Sewer only (03-17-23) (PPTX)

Delake Heights Proposed LID



Updated, Proposed Delake Sanitary Sewer LID Scope



- Scope of the Local Improvement District (LID) was reduced to only include:
 - Sanitary Sewer Utilities to serve all lots
 - Minimal Ditch line /Drainage work
 - Road work associated with sewer install
- To address previously expressed concerns:
 - Bid item costs were checked against most recent projects.
 - Interest rate was updated to most recent LGIP rate (Jan 27, 2023)

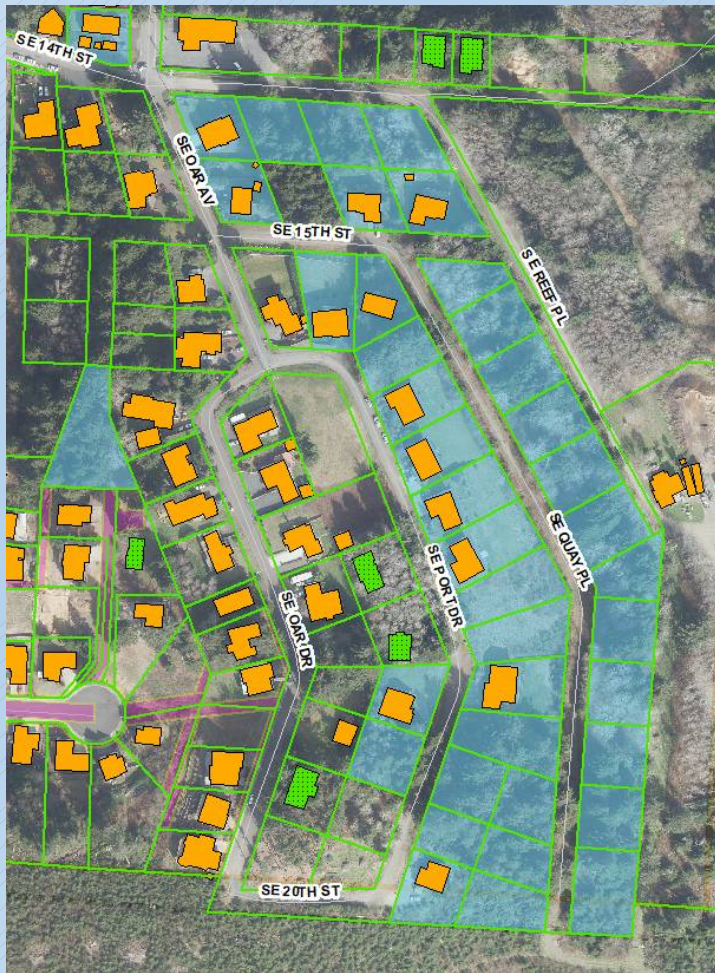
Estimated Total Cost (Sewer Only)	Anticipated Per Unit Assessment	Est. Monthly Payment (5.75%*)
\$950,000	\$16,405	\$115.18

* - The estimated 5.75% is based off the current Local Government Investment Pool (LGIP) per LCMC 13.04.140

What is the minimum that needs to be done?

4 different areas within LID boundary

(1) SE Oar Dr (2) SE Oar Ave (3) SE Port Dr (4) SE Quay Pl



- Trying to install partial sewer (i.e. SE Quay only) results in unfair cost distribution and/or formation of multiple, complex reimbursement districts.
- Code changes are pending that would reintroduce the previous allowance for septic systems for single family and duplex residential dwellings.
- Deferred Improvement Agreements exist on multiple roads that would require sanitary sewer.

Conclusion: Sewer Improvements need to encompass the whole district or not be done at all.

*Blue properties on the map represent lots with signed DIAs. These are recorded agreements between the city & property owner, agreeing participate in a local improvement district, including Sanitary Sewer & Roadway Improvements. (curb, gutter, etc.) More than half of the lots within the Proposed LID area have Deferred Improvement Agreements

Assessment Method #1

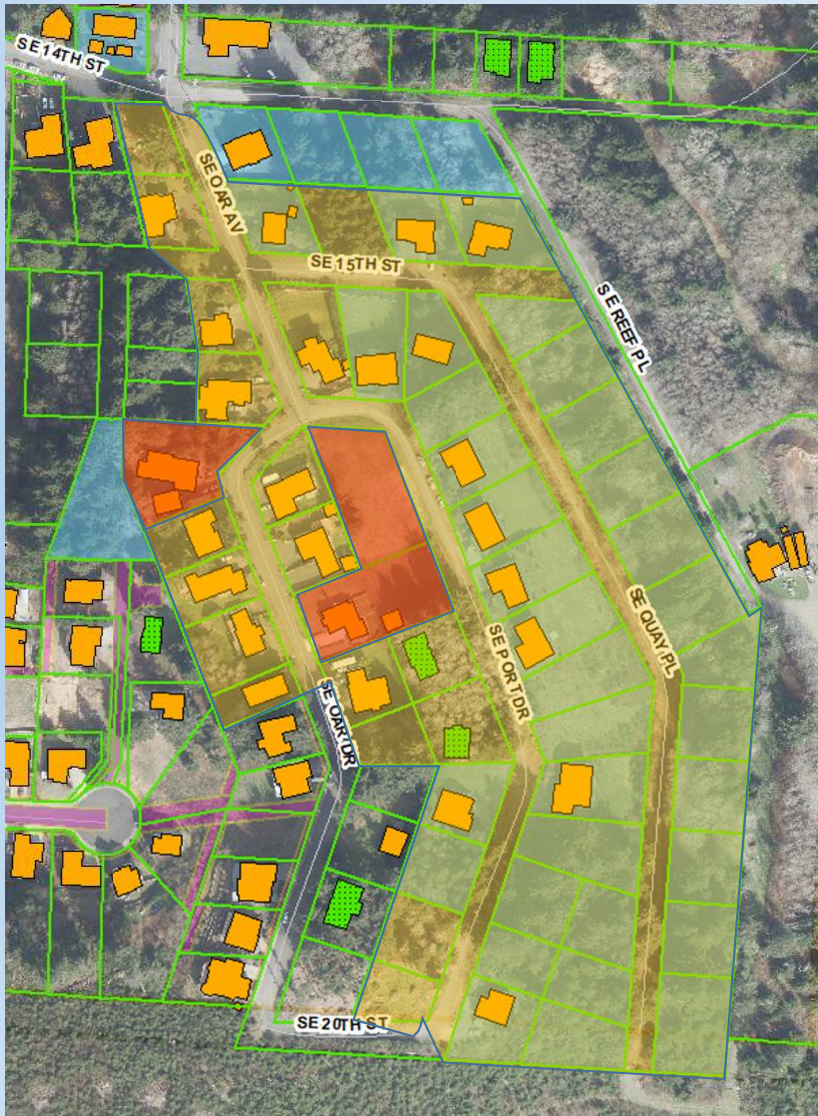
Division of cost by available/potential dwelling units

- Lots with 1 potential home according to R-1-7.5 standards to pay 1 unit
- Lots with additional potential units to pay additional unit
- Shown in slide #2 with estimated cost of ~\$16,400 per unit

Moderate cost impact

Generally well distributed cost

* Does not address potential for all lots to be developed/converted to a duplex use

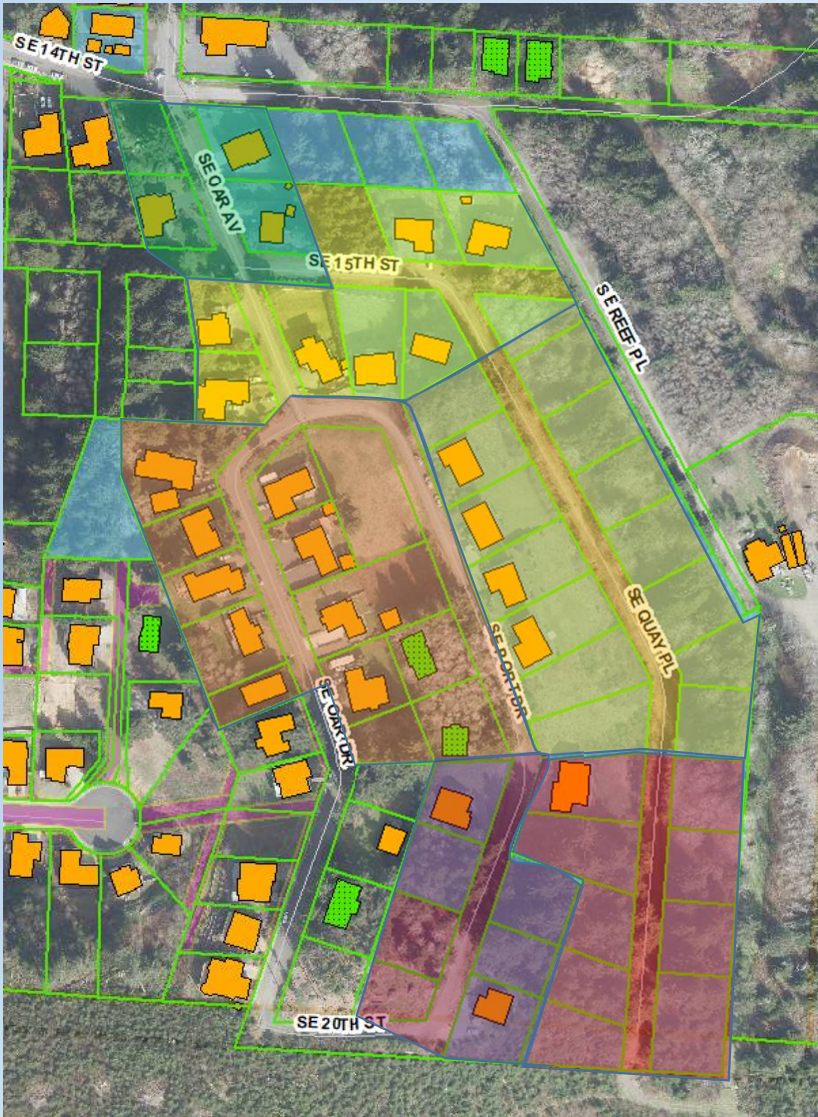


Assessment Method #2

Division of cost by distance from existing sewer

- Each Lots pay for a share of the lines for which they would be served from
- Additional complexity of assessment method, more breakdown required for equitable assessments
 - Greater potential for variability in final assessments.
- Properties further from existing sewer utilities and/or requiring more road repair pay higher assessment.

NOTE: Map color coding is purely conceptual and should be used only for presentation purposes. Colors do not represent any calculated cost or potential assessment



Delake Heights Sanitary Sewer LID



Should sewer be installed in the Delake Heights neighborhood?

Yes

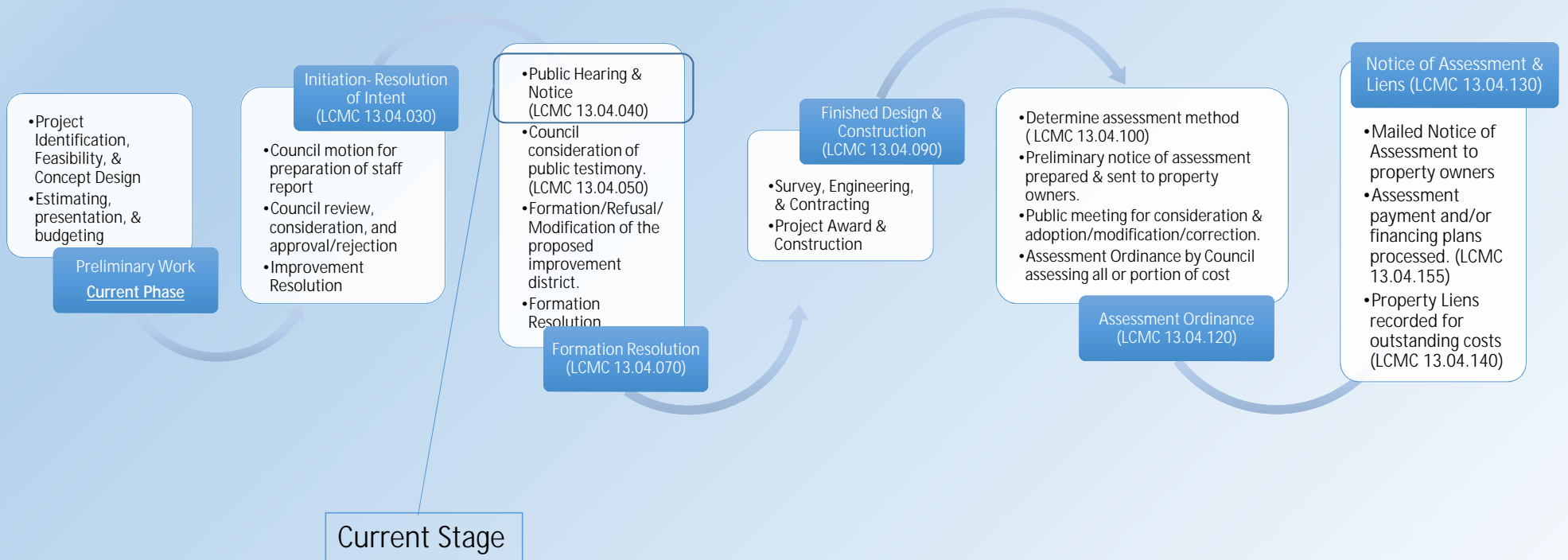
No

Which assessment method should be used to distribute cost amongst benefiting properties?

Method #1
(by Unit)

Method #2
(By Distance)

Next Steps - Lincoln City Municipal Code Summary:



Council Communication

Resolution 2023-05 SW 3rd Street and Ebb Traffic Regulation

Meeting Date:	March 27, 2023	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	5 minutes

Question:

Should the City Council approve Resolution 2023-05 concerning the exercise of parking and traffic control authority (prohibiting turns onto SW 3rd from SW Ebb Avenue) on a portion of SW 3rd and SW Ebb Avenue?

Staff Recommendation:

Staff recommends approval of Resolution 2023-05.

Authority:

10.08.010 Powers of the city council.

A. Subject to state laws, the city council shall exercise all municipal traffic authority for the city except those powers specifically and expressly delegated by this title or another ordinance.

B. The powers of the council, which may be exercised by resolution, include, but are not limited to:

1. Designation of through streets;
2. Designation of one-way streets;
3. Designation of truck routes;
4. Designation of parking meter zones;
5. Designation of certain streets as bridle paths and prohibition of horses and animals on other streets, parks or property;
6. Authorization of greater maximum weights or lengths for vehicles using city streets than specified by state law;
7. Initiation of proceedings to change speed zones;
8. Establishment and revision of speed limits and traffic regulations in parks;
9. Temporary blocking or closing of streets;
10. Establishment of bicycle lanes and paths and traffic controls for such facilities;
11. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage;
12. Authorization of issuance of oversize or overweight vehicle permits;

13. Establishment, maintenance, removal or alteration of the following classes of traffic controls:

- a. Crosswalks, safety zones and traffic lanes,
- b. Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when such prohibitions apply,
- c. Parking, including but not limited to truck parking areas, parking for disabled persons, parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal), prohibited parking areas (one or both sides of the street), parking permits and metered parking,
- d. Loading zones and stops for vehicles,
- e. Traffic-control signals.

Background

Pursuant to LCMC 10.08.010, the City Council may exercise Traffic Control authority by Resolution of the Council or the City Manager may exercise such authority by written order. The establishment of traffic controls, including controls over permitted turns, is expressly listed as within the authority of the City Council.

In July 2022, the City Council reviewed and approved a public improvement contract for the construction of the SW 3rd and Highway 101 Beacon Project. The Agenda item summarized this \$480,000.00 project as follows:

The project will improve the sidewalk ramps at [SW] 3rd and Hwy 101 to meet ADA requirements. A pedestrian flashing beacon crossing will be added on Hwy 101. SW 3rd Ave will be closed from Hwy 101 to SW Ebb Ave and a concrete plaza will be added from Hwy 101 to the ocean bluff with a raised concrete pedestrian crossing of SW Ebb Ave.

On March 13, 2023, Council approved Resolution 2023-04 temporary closing SW 3rd Street during the construction period for the project. Council's Resolution also requested staff review the objections raised by neighboring business owners and their legal counsel and report to Council in executive session. In the meantime, staff met with the objectors to discuss solutions that staff will be proposing to the City Council.

Subject to Council approval of a change order to the construction contract, staff is recommending a shared street design to accommodate business access as well as pedestrian usage (pedestrian safe route from the 3rd Street public parking lot to the D River wayside). The street will be low usage (not a thru street) intended for local vehicular access only, and will be blocked with bollards at SW 3rd Street and SW Ebb. Parking will be prohibited in the right of way.

Accordingly, the City Engineer recommends an exercise in parking and traffic control authority by the Council to restrict access to SW 3rd Street from SW Ebb Avenue (no right or left turns) and to make SW 3rd local traffic only (NO THRU STREET). Bollards will prohibit access from Ebb and pedestrian areas will be clearly marked; the area will function as a shared street. Vehicle parking is also prohibited on the street.

Recommendation

Staff recommends approval of Resolution 2023-05.

Council Options:

Approve the Resolution.

Do Not approve the Resolution.

Approve the Resolution (with amendments).

Financial Impact

No financial impacts to City.

Potential Motions:

Move to approve Resolution 2023-05.

Move to approve Resolution 2023-05, with the following amendments.

Move to reject the proposed Resolution.

Attachments:

Resolution 2023-05 (DOC)

Exhibit A for Resolution 2023-05.FINAL (PDF)

RESOLUTION NO. 2023-05

A RESOLUTION OF THE CITY OF LINCOLN CITY ESTABLISHING TRAFFIC CONTROL MEASURES FOR A PORTION OF SW 3rd STREET AT SW EBB AVENUE

RECITALS

Pursuant to LCMC 10.08.010, the City Council may exercise Traffic Control authority by Resolution of the Council or the City Manager may exercise such authority by written order.

The establishment of traffic controls, including but not limited to limitations on right and left turns is expressly listed as within the authority of the City Council.

In July 2022, the City Council reviewed and approved a public improvement contract for the construction of the SW 3rd and Highway 101 Beacon Project. The Agenda item summarized this +/- \$480,000.00 project as follows:

The project will improve the sidewalk ramps at [SW] 3rd and Hwy 101 to meet ADA requirements. A pedestrian flashing beacon crossing will be added on Hwy 101. SW 3rd Ave will be closed from Hwy 101 to SW Ebb Ave and a concrete plaza will be added from Hwy 101 to the ocean bluff with a raised concrete pedestrian crossing of SW Ebb Ave.

Council closed SW 3rd Street during the construction period for the above contract; and

Staff is proposing a change order to the project to substitute a share street plan for the pedestrian plaza, such that access to and from SW Ebb Avenue will be prohibited; the street will instead accommodate only local traffic from Highway 101. Accordingly, the City Engineer recommends an exercise in parking and traffic control authority by the Council to restrict access to SW 3rd Street from SW Ebb Avenue, to establish Bollards at SW Ebb and 3rd to restrict access, to place signage indicated "NOT A THRU STREET" and to clearly mark pedestrian and bicycle walkways and lanes. Motorized vehicle parking is also prohibited in the 3rd Street right-of-way.

Based on the engineering review, the City Council finds and determines that there exists an engineering and public safety basis for an exercise of municipal traffic control and parking authority, specifically to prohibit access to SW 3rd Street from SW Ebb Avenue, to prohibit parking on SW 3rd Street and restrict access by means of bollards and signage to local vehicular traffic ("NOT A THRU STREET").

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, AS FOLLOWS:

SECTION 1. RECITALS.

1 The above recitals are true and correct and are incorporated herein by this reference.

2

3 **SECTION 2. IMPOSING TRAFFIC CONTROL.**

4

5 After completion of the construction, the SW 3rd Street public street right-of-way as
6 depicted on Exhibit A, will re-open with the following traffic and parking control restrictions:

7

8 The street shall be a shared street providing local business access as well as
9 pedestrian and bicycle access as part of a safe route from the 3rd Street City Parking
10 Lot to the D River wayside.

11

12 Parking is prohibited on the 3rd street right-of-way between Highway 101 and SW Ebb
13 Avenue.

14

15 No right turn and no left turn onto SW 3rd is permitted from SW Ebb Avenue.

16

17 **SECTION 4. POSTING OF SIGNAGE & NOTICE TO ENFORCEMENT OFFICERS.**

18

19 The Public Works Department is directed to erect appropriate signs and traffic control
20 bollards in the appropriate locations to both prohibit access from SW Ebb Avenue and to
21 delineate the area as a shared street with "NO THRU STREET" or "NO THRU ACCESS." No
22 Parking signs shall also be placed in appropriate locations. City police and code enforcement
23 officers are to be advised of the new traffic control and parking restrictions by City
24 Administration.

25

26 **SECTION 4. EFFECTIVE DATE.** This Resolution is effective as of the date of its adoption.

27

28 **PASSED AND APPROVED** by the City Council of the City of Lincoln City, Oregon, this 27th
29 day of March, 2023.

30

31

32 _____

33 SUSAN WAHLKE, MAYOR

34

35 ATTEST:

36

37 _____

38 JAMIE YOUNG, CITY RECORDER

39

40

41 APPROVED AS TO FORM:

42

43 _____

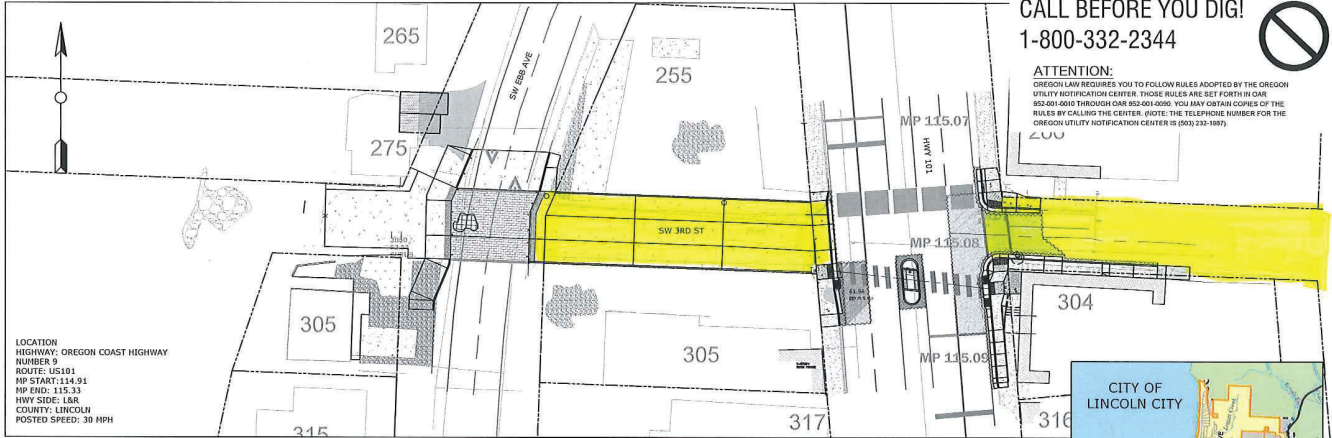
44 RICHARD APPICELLO, CITY ATTORNEY

16011 SW 3RD & HWY 101 BEACON

CALL BEFORE YOU DIG!
1-800-332-2344



ATTENTION:
OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THESE RULES ARE SET FORTH IN OAR 822.001-005 THROUGH OAR 822.001-009. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 232-1987.)



LOCATION
HIGHWAY: OREGON COAST HIGHWAY
NUMBER: 9
ROUTE: US101
MP START: 114.91
MP END: 115.33
HWY SIDE: L&R
COUNTY: LINCOLN
POSTED SPEED: 30 MPH

GENERAL NOTES:

- CONTRACTOR SHALL PROVIDE ALL APPLICABLE PUBLIC AND PRIVATE CONSTRUCTION NOTIFICATION.
- CONTRACTOR IS RESPONSIBLE FOR MAINTAINING A CURRENT SET OF PLANS, SPECIFICATIONS AND SPECIAL PROVISIONS ON SITE AT ALL TIMES. CONTRACTOR IS REQUIRED TO RECORD ANY CONSTRUCTION DEVIATIONS TO THESE DRAWINGS AND NOTE THE LOCATION AND ELEVATION OF ALL EXISTING UTILITIES ENCOUNTERED.
- LOCATIONS AND DESCRIPTIONS OF ALL EXISTING UTILITIES OR OTHER OBSTRUCTIONS SHOWN IN THE PROJECT PLANS ARE COMPILED FROM AVAILABLE RECORDS ANIOR FIELD SURVEYS. ACCURACY AND COMPLETENESS ARE NOT GUARANTEED; CONTRACTOR SHALL FIELD-VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE THAT OCCURS TO ASPHALT PAVEMENT, CONCRETE PAVEMENT, CONCRETE STRUCTURES, BUILDINGS, VALVE AND/OR METER BOXES, SIGNS, ETC. DUE TO CONSTRUCTION ACTIVITIES.
- NO OPEN EXCAVATION TO BE LEFT DURING CONSTRUCTION OFF HOURS. ALL OPEN CUTS OF EXISTING STREETS AND DRIVEWAYS TO BE BACKFILLED TO GRADE, PATCHED WITH A HOT OR COLD AC MIX, OR COVERED WITH A STEEL PLATE.
- PRIOR TO BEGINNING WORK, THE EROSION CONTROL PLAN MUST BE APPROVED BY THE CITY. EFFECTIVE EROSION CONTROL IS REQUIRED. EROSION CONTROL DEVICES MUST BE INSTALLED AND MAINTAINED MEETING CITY AND D.E.Q. REQUIREMENTS.
- CONSTRUCTION WILL RUN ADJACENT TO PRIVATE RESIDENCES, COMMERCIAL BUSINESS, AND PUBLIC FACILITIES. RESIDENTS AND BUSINESSES SHALL BE AFFORDED REASONABLE ACCESS TO THEIR PROPERTIES AT ALL TIMES DURING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PROTECTING ALL EXISTING SURVEY MONUMENTATION. MONUMENTS DISTURBED OR DESTROYED BY CONSTRUCTION ACTIVITIES SHALL BE RESET AT NO COST TO THE CITY BY A PROFESSIONAL LAND SURVEYOR CURRENTLY REGISTERED IN THE STATE OF OREGON.
- PROJECT CONTROL POINTS ESTABLISHED WITH NAVD 88.
- CONTRACTOR SHALL IMPLEMENT TEMPORARY SEDIMENT AND EROSION CONTROL. SEE ODOT STD.DWG.RD1000, RD1010, & RD1015 FOR DETAILS.

TRAFFIC MANAGEMENT NOTES:

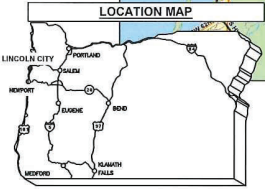
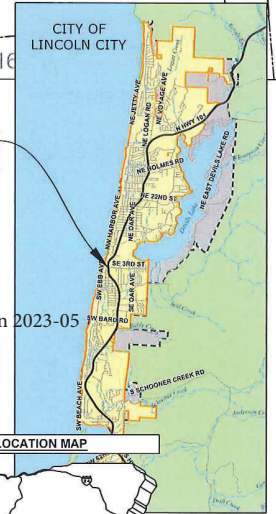
- WHEN ACCESS TO SE 3RD STREET IS BLOCKED, CONTRACTOR IS TO PROVIDE SIGNAGE THAT DIRECTS TRAFFIC TO AN ALTERNATE ROUTE VIA SE 9TH STREET AND VICE VERSA. SIGNAGE TO BE PLACED A REASONABLE DISTANCE FOR SOUTHBOUND AND NORTHBOUND TRAFFIC. TEMPORARY LOCAL TRAFFIC ONLY TO BE ALLOWED WESTBOUND TRAVEL ON SE

- 3RD ST. NOTICE SHALL BE GIVEN FOR EFFECTED RESIDENTS VIA MAILINGS AND DOOR HANGERS 96 HOURS IN ADVANCE OF THE CLOSURE. CITY WILL PROVIDE MAILING LIST. CONSULT WITH CITY FOR SCHEDULING CLOSURES AND MAILINGS.
- WHEN CONSTRUCTION ACTIVITIES BLOCK OR INTERFERE WITH NORMAL PEDESTRIAN ROUTING, PROVIDE SAFE PASSAGE FOR PEDESTRIANS EITHER THROUGH THE CONSTRUCTION, OR ROUTED AROUND THE CONSTRUCTION, UTILIZING TPAF PLAN (SHEET 17) ODOT STANDARD DRAWING TM844 AND THE REQUIREMENTS OF THE 2021 OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION (BROWN BOOK), PAGE 141, SUBSECTION 60220.02, 8TH BULLETED ITEM WITH REFERENCE TO THE SUBSEQUENT BULLETED ITEMS.
- WHEN CONSTRUCTION ACTIVITIES BLOCK OR INTERFERE WITH NORMAL OPEN STATE HIGHWAY SHOULDER CONDITIONS, AND THESE IMPACTS LAST LONGER THAN 72 HOURS, FOLLOW THE TEMPORARY SIGNING AND DELINEATION REQUIREMENTS OF ODOT STANDARD DRAWINGS TM800, TM843 (RIGHT LANE CLOSURE - OMIT TAPER 'L' FOR SHOULDER CLOSURE) AND TM851 (SHOULDER CLOSURE) CONFIGURATION.
- ANY ABRUPT EDGE GREATER THAN 2 INCHES IN DEPTH, CLOSER THAN 4 FEET FROM AN ACTIVE TRAFFIC LANE, AND HAVING A DURATION LONGER THAN 72 HOURS, SHALL BE REQUIRED TO FOLLOW THE TYPICAL ABRUPT EDGES SIGNING DETAIL, ON ODOT STANDARD DRAWING TM800.
- WHEN CONSTRUCTION ACTIVITIES BLOCK OR INTERFERE WITH SHOULDERS OR BIKE LANES, INSTALL A 48 INCH " BICYCLES ON ROADWAY " SIGN IN ADVANCE OF EACH SHOULDER OR BIKE LANE CLOSURE AT SIGN SPACING "A" FROM THE "CD SPACING TABLE" SHOWN ON ODOT STANDARD DRAWING TM800.

ODOT REQUIREMENTS:

- Any utility permits necessary for the development of this project, within the ODOT right of way, will require an Application and Permit to Occupy or Perform Operations upon a State Highway. Contact District 4 Permit Staff with questions at 541-757-4211.
- No advertising in the ODOT right of way.
- Any work affecting a lane of travel will need to be done between the hours of 7:00pm and 6:00am. Daytime closures may be considered in multi-lane sections from October 1st to March 1st.
- Any area of cut or damaged asphalt within the ODOT right of way shall be restored by the applicant. Pavement restoration requirements will be included in the permit.
- The applicant needs to abide by all state, local and federal laws with regard to environmental resources. This includes work performed on ODOT right of way associated with the proposed access, plus any additional work that is required to perform as mitigation for the development. The applicant is responsible for obtaining all necessary permits, other than for state highway access, from the proper regulatory agency.

Restricted per Resolution 2023-05



General Notes

OWNER: LINCOLN CITY
CITY OF LINCOLN CITY
851 SW HIGHWAY 101
PO BOX 58
LINCOLN CITY, OREGON 97187

CONTACT: TERRY CHAMBERLIN, P.E.
PHONE: 541.936.1232

No.	Revision/Issue	Date

Lincoln City
LINCOLN CITY PUBLIC WORKS
851 SW HWY 101
PO BOX 58
LINCOLN CITY, OREGON 97187
PHONE: (541) 936-1234
WWW.CITYOFLINCOLN.ORG

Prepared and Drawn by: **SW 3RD & HWY 101 BEACON COVER**

DESIGNED BY: TC
PREPARED BY: DP

PROJECT:	16011	SHEETS:	
DATE:	3/31/2022	SCALE:	1" = 20'
DRAWN BY: A. BONHAM		1 of 35	

L:\2019-019.06\4-Design\DWG 3/31/2022 A. BONHAM

Council Communication

Ward 1 Council Vacancy Discussion / Direction

Meeting Date:	March 27, 2023	Primary Staff Contact:	Richard Appicello
Department:	City Attorney	E-Mail:	RAppicello@lincolncity.org
Secondary Dept:	City Attorney	Secondary Contacts:	Richard Appicello
Approval:	Daphnee Legarza	Estimated Time:	15 minutes

Question:

Should the City Council appoint a qualified elector to the vacant Ward 1 Council position or pass a motion to hold a special election to fill the vacancy created by the resignation of Councilor Starmer?

Staff Recommendation:

Per the Charter, this matter is in the sole discretion of Council. The default position in the Charter is appointment. Action is required to call for an election.

Authority:

Lincoln City Charter:

3.8 Qualifications of Officers.

- (1) To be eligible for an elective city office, a person must **be a qualified elector within the meaning of the state Constitution and have resided in the city during the six months immediately preceding the last day available for filing for election.** For purposes of this subsection, city means all area included in the corporate limits as of the date of the election.
- (2) To serve as a councilor elected **from a ward, the candidate must have resided within the ward he or she seeks to represent for six months immediately preceding the last day available for filing for election or appointment** and must continue to reside in the ward throughout his or her term of office.
- (3) Removal of an officer's principal residency from the city or from the area he or she represents shall create a vacancy in the office for which elected, to be filled in the manner other vacancies in that office are filled.
- (4) No city employee or appointive officer may serve on the council.
- (5) Except as otherwise provided in this Charter, the council is the final judge of the qualifications and election of its own members (**emphasis added**)

8.2 Filling Vacancies

A vacancy in the council **shall be filled by appointment by majority of the council**, provided, **however**, that the **council may in its discretion call a special election for the purpose of filling such vacancy**. The appointee's term shall begin immediately upon his or her appointment and qualification and shall continue through the unexpired term of the appointee's predecessor. During the temporary disability of a council member, or during a member's absence from the city, the office may be filled pro-tem in the manner provided for filling vacancies in office. (**emphasis added**)

LCMC 1.12.040 Petition – Time for filing. (emphasis added)

All nomination papers comprising a petition shall be assembled and filed with the city recorder as one instrument not later than **five working days** before the last day available for filing for the election with the county. The city recorder will post notice of the date for filing nomination petitions with the **city at least 20 days** prior to the filing date. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name, residence and mailing address of the person by whom it is filed.

Chapter 2.06 (City Appointive Bodies) Section LCMC 2.06.005, in pertinent part, provides: "These rules do not apply to filling a vacancy under Chapter VIII, Section 8.2 of the Lincoln City Charter."

Chapter 2.04 (City Council), including the Section 2.04.180 (Appendix- council rules) does not contain any limitations or procedures for exercising the authority in the Charter to appoint a member of the City Council.

See Also Chris Thomas memorandum dated January 2003, pages 2-3 (included in your training materials) regarding the Council-Manager form of government in Lincoln City. In sum: the power of the City is vested in the City Council as a whole, not in the Mayor or any individual Council member.

Background:

Councilor Starmer has resigned. Under the City Charter a resignation creates a vacancy. Charter 8.1.(1)(f). A vacancy **shall** be filled by appointment by a majority of the Council – however the Council may, in its sole discretion, refer the vacancy to a special election.

Whether by appointment or election, the position, once filled will serve for the remainder of the term.

Council Options:

See alternative motions below.

In sum, the Council has two basic options (with variations) - appoint a new Councilor for Ward 1 or hold a special election. If the Council chooses to appoint a new Councilor, they may do so at any time either through direct appointment or through an application and interview process. The Council may appoint by Resolution or motion. If the Council decides to move forward with an election, the council would need to approve a resolution referring the matter to the voters. The City then will advertise a filing period for interested candidates and then take filings from candidates. The City must then certify the candidates that qualify to be on the ballot to the County Clerk.

If an election is scheduled, the next available election date is November 2023. According to the County, a Special Election could be held in August at a cost around \$10,000.00. The deadline to file with the City Recorder is five working days prior to the County deadline for this election. The City Recorder must post notice of the city filing deadline 20 days prior.

Financial Impact

For a September election, the election cost would be in the \$1,200 to \$1,600 range for the city.

Potential Motions:

Option 1 - simple call for election

Motion to direct staff to prepare a Resolution for a future meeting to Declare a Vacancy in the City Council position Ward 1 and call for a special election in _____ 2023 to fill the position of Councilor Ward 1 for the remainder of the vacated term; or

[A Resolution will be prepared for a future meeting]

Option 2 - simple appointment of a qualified elector

Motion to Declare a Vacancy in the City Council position of Councilor Ward 1 and announcing the vacated position will be filled by appointment as provided in

Lincoln City Charter Chapter VIII, Section 8.2, appointing _____ *insert name here* _____, a qualified elector of the City of Lincoln City, Ward 1, to the position of Councilor Ward 1 for the remainder of the vacated term; or

Note: must reside in the ward per city charter.

[This appointment and other appointment options can also be done by Resolution, if desired]

Option 3 - announcing that the position of City Councilor Ward 1 shall be filled by appointment as provided by Chapter VIII, Section 8.2 of the Lincoln City Charter, following a process of solicitation of interested parties and interviews of qualified finalists, in sole discretion of the City Council.

Motion to Declare a Vacancy in the City Council position of Councilor Ward 1 and announcing the vacated City Council position will be filled by appointment as provided in Lincoln City Charter Chapter VIII, Section 8.2, following a process of solicitation of interested parties and interviews.

Council Communication

Replace Former Councilor Starmer on Boards/Committees

Meeting Date:	March 27, 2023	Primary Staff Contact:	Michael Phillips
Department:	Administration	E-Mail:	MPhillips@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	15 minutes

Council Communication

AutoCAD and Structural Engineering Consultant Services Approval

Meeting Date:	March 27, 2023	Primary Staff Contact:	Stephanie Reid
Department:	Public Works	E-Mail:	SReid@lincolncity.org
Secondary Dept:		Secondary Contacts:	
Approval:	Daphnee Legarza	Estimated Time:	

Question:

Should the City Council approve the engineering consultant selections as listed?

Staff Recommendation:

Staff recommends the Council approve the engineering consultant selections as listed.

Background:

Under the Authority provisions, the Public Works staff solicited qualifications from AutoCAD and structural engineering firms to provide services to Lincoln City for Capital Improvement Projects.

In summary, there are three methods to select a consultant:

- Direct-Appointment (for contracts less than \$25,000)
- Informal Selection procedure (for contracts from \$25,000 to \$100,000)
- Formal Selection Procedure (for contracts above \$100,000)

The Public Works staff designs streets and sidewalk improvements, and some water and sewer projects in-house. Staff needs AutoCAD assistance while designing these projects. On some projects staff needs the assistance of a structural engineer for the design of certain elements like a retaining wall. City also has need for a structural engineer for other City projects.

The City can select these consultants project by project, based on proposals and estimated fees, or we can select from a list of consultants, using the Formal Selection Procedure. For efficiency, we chose a Formal Selection Procedure.

Authority:

Consultant selection for engineering services are governed by the Model Rules, OAR Chapter 137, Division 4B and the Public Contracting Rules, ORS Chapter 279C; further adopted and modified by LCMC Chapter 2.05 Public Contracts.

Request For Proposals:

The City received Statement of Qualification from eight firms. As projects are funded, staff will request a proposal from a qualified consultant in the category needed and negotiate a contract to perform the work needed.

Category	Consultant
AutoCAD	HBH Consulting Engineers
	PBS Engineering & Environmental, Inc.
	Froelich Engineers
	PACE
Structural Engineering	PACE
	PBS Engineering & Environmental, Inc.
	Peterson Structural Engineers
	Livermore Architecture & Engineers, Inc.
	HHPR
	MSC Engineers
	Froelich Engineers

Council Options:

The Council may approve the engineering consultant selections as listed.

The Council may not approve the engineering consultant selections as listed.

Not approve the procedure used and select consultants on a project by project basis.

Potential Motions:

Motion to approve the engineering consultant selections as listed.

Motion to amend the engineering consultant selections as listed.

Motion to not approve the engineering consultant selections as listed.