

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, April 16, 2013 - 7:00 PM
4 Depoe Bay City Hall
5

6 PRESENT: Mayor AJ Mattila, B. Leff, S. Hoitink, Z. Olsen, D. Goddard, R. Gambino, B. Berry
7
8 STAFF: City Recorder P. Murray, City Superintendent T. Owings, Field Supervisor B. Weidner,
9 Recording Secretary E. LuMaye
10

11 I. PLEDGE OF ALLEGIANCE

12 Mayor Mattila called for all to stand for the Pledge of Allegiance, and then called for a moment of
13 reflection for the Boston bombing incident.
14

15 II. CALL TO ORDER

16 Mayor Mattila called the meeting to order and established a quorum at 7:10 PM. He apologized for
17 the Executive Session running overtime.
18

19 III. APPROVE MINUTES: April 2, 2013 Regular Meeting
20

21 Motion 1: Leff moved to approve the minutes from the April 2, 2013 Regular Meeting as written.
22 Gambino seconded the motion.
23

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

26 Vote: Motion 1 passed.
27 Ayes: Leff, Hoitink, Mattila, Gambino, Berry
28 Abstain: Olsen, Goddard
29

30 IV. ACCOUNTS PAYABLE

31 Motion 2: Hoitink moved to accept the Accounts Payable as presented. Olsen seconded the motion.
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33 Mayor Mattila said it was moved and seconded, and called for discussion; there was none.
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35 Vote: Motion 2 passed.
36 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry
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38 V. SPECIAL ORDERS

39 There were no special orders.
40

41 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

42 A. DOGAMI Tsunami Project Presentation – Josh Williams, Fire Chief, Depoe Bay Rural Fire
43 Protection District

44 Kay Wyatt, 1760 SW Walking Wood, addressed the Council in place of Chief Williams, who was
45 unable to attend due to illness. Mrs. Wyatt provided an update on the tsunami outreach program.
46 The inundation maps were released in February, and are technical maps intended for city planners,
47 engineers, and [policy makers], and cover tsunami sizes Small (8.7 magnitude) through XXLarge,
48 and their associated wave sizes. The evacuation maps are much simpler; they will be released to
49 the public on May 1, but are available online now at www.oregontsunami.org. The outreach
50 campaign will begin on May 1; there will be three readiness rallies on May 7, 9, and 11, where
51 DOGAMI scientists will make presentations. She asked the City's help in gathering people to help
52 stuff several thousand readiness bags for distribution to all residents living in the inundation zone,
53 and requested use of the Community Hall at no charge for this purpose, on a date to be
54 determined. After the readiness bags are delivered there will be drills where communities can
55 practice escape routes and getting to assembly areas on foot. Chief Williams would like to hold a

1 Depoe Bay drill in conjunction with the Great American Shakeout Day in October. Mrs. Wyatt said
2 that having Depoe Bay declared a tsunami-ready community is a key outcome measurement for
3 the five-year effort. (Copy of Mrs. Wyatt's handout attached to original of these minutes.)
4

5 B. Automated Water Meter Reading System Presentation – Ferguson Enterprises, Inc.
6 Todd Mitchell, representative for Ferguson Metering & Automation Group and Sensus USA,
7 addressed the Council regarding current-technology water meter reading systems offered by
8 Ferguson. There are four components to their system: the meter, a radio, a primary frequency,
9 and reading equipment. Mr. Mitchell said that using a touch-read system cuts reading time in half
10 over manual reading, and a radio-read system cuts reading in half over touch-reading. Existing
11 meters can be retrofitted with touchpads, which are upgradeable to radio, and the system can work
12 with some manual, some touch, and some radio meters. The radio system can read meters from
13 500 feet up to ½ mile away. The touch and radio systems can provide hourly reads and identify
14 leaks, and can provide programmable information. Ferguson radio meters are about 200 times
15 stronger than their closest competitor because Sensus uses a band licensed by the FCC, which
16 allows them to have a stronger signal. The radios and their batteries are encapsulated in a sturdy
17 plastic that can live its entire life underwater. All equipment, including batteries, have a 20 year
18 warranty. He said upgrade funding is available because projects are considered "green". Costs
19 have been emailed to City Staff.
20

21 C. MUD Exploratory Committee Report – Council President Olsen
22 Tabled to the next meeting due to time constraints.
23

24 VII. PUBLIC COMMENTS

25 Cindy Miller 127 South 40, addressed the Council regarding the unattractiveness of cigarette butts
26 in planters outside shops on Hwy 101.
27

28 VIII. UNFINISHED BUSINESS

29 A. Request for Franchise Agreement – CoastCom, Inc.

30
31 Motion 3: Olsen moved to direct the City Attorney, with edits discussed in Executive Session, to
32 negotiate a franchise agreement with CoastCom. Leff seconded the motion.
33

34 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.
35

36 Vote: Motion 3 passed.

37 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino, Berry
38

39 B. U.S. Coast Guard Auxiliary Safety Booth – Funding

40 Olsen reported the Oregon State Marine Board (OSMB) will not be providing funding for
41 construction of the safety booth at the harbor. He and other Auxiliary personnel solicited for and
42 acquired \$2,200 from local non-profits, businesses, and individuals, but the project is expected to
43 cost between \$4,200 and \$4,500. He asked if this project was of benefit to the community and did
44 the Council want to contribute the remaining cost. Murray said there is appropriated money in the
45 General Fund budget that could be used.
46

47 Motion 4: Olsen moved to fund up to \$2,200 for the Coast Guard Auxiliary safety booth at the
48 harbor. Gambino seconded the motion.
49

50 Mayor Mattila said it was moved and seconded, and called for discussion. A Councilor asked about
51 OSMB permission for the booth; Murray replied there are no issues as long as it doesn't impose/
52 impede parking spaces or traffic. There was brief discussion about placement of the booth. A
53 Councilor asked about electrical; Murray said an electrical and building permit would be required,
54 but not engineer drawings.
55

1 Vote: Motion 4 passed.

2 Ayes: Leff, Hoitink, Olsen, Mattila, Goddard, Gambino, Berry

3
4 Murray said the Auxiliary will need a lease agreement with the City before construction takes place.
5 Olsen said there would be a christening party he would be invited to. A Councilor asked about
6 placement of an appreciation plaque; Olsen replied the Auxiliary is open to anything the City wants
7 to see happen, they're more than happy to do because they're happy to get out of the weather and
8 have a place to store safety gear. A Councilor inquired about liability insurance.

9
10 C. Proposal to Amend Harbor Ord. #292

11
12 Motion 5: Olsen moved to accept the Mayor's original proposal to amend Ord. #292.

13
14 There was discussion about what the proposal had said; Murray said it was to add two new
15 subsections to existing Section 11.070 – Non-Transferability of Permits: The first proposed
16 subsection was: "(g) If a vessel owner/moorage use permit holder removes the permitted vessel
17 from the assigned moorage space to conduct repairs, the vessel owner/moorage use permit holder
18 may use the assigned moorage space for a same class size, or smaller class size, vessel owned by
19 the vessel owner/moorage use permit holder until the permitted vessel is repaired. The vessel
20 owner shall obtain and maintain a valid moorage use permit for the alternate vessel pursuant to
21 Section 11.090 of this Ordinance. The second proposed subsection was: "(h) A vessel
22 owner/moorage use permit holder may use one parking space in connection with his moorage use
23 permit." Mayor Mattila said the second proposed subsection was tabled to get the City Attorney's
24 opinion. A Councilor said the Mayor's proposal went to the Harbor Commission, which came back
25 with this recommendation: to change "...vessel owned, **or controlled** by the vessel
26 owner/moorage use permit holder...". Mayor Mattila called for a second. Leff seconded the motion.

27
28 Mayor Mattila said it was moved and seconded, and called for discussion. It was noted that the
29 Harbor Commission's recommendation would allow a vessel owner to lease a vessel. Murray read
30 the Harbor Commission's motion into the record: "Recommend to City Council to adopt paragraph
31 (g) as submitted, with the change "...vessel owned, **or controlled** by the vessel owner/moorage
32 use permit holder...", reference the time frame for repairs existing in the Ordinance, with an appeal
33 process through the Harbor Commission and City Council on a case-by-case basis if the moorage
34 holder needs additional time beyond the 90 days."

35
36 Mayor Mattila said the Harbor Commission recommendation [regarding time frame] was in direct
37 contradiction to the spirit of the amendment he penned, and he wanted the vote to be on the
38 amendment he originally penned. He said the Harbor Commission is an advisory body but the
39 Council doesn't have to take their advice. Leff said that without a time frame in the amendment, a
40 vessel owner could take their vessel out of the harbor and put a different vessel in for 90 days or
41 10 years; Mayor Mattila said theoretically, but hopefully it wouldn't be that long. Murray said there
42 is a 90-day limit in the existing ordinance but it's just for repairs, not for substitution of a vessel.
43 She said in the event a vessel owner loses their vessel through no fault of their own, there is a
44 one-year grace period for them to replace it with a vessel of like size. She said the ordinance
45 requires boats to be seaworthy and that's where the 90 days comes in; this came about when
46 there was a problem with boats being abandoned and becoming derelict. Mayor Mattila said he
47 wanted Ord. #292 to be equitable for everyone. He adamantly expressed that he had no conflict of
48 interest, either actual or potential. Murray restated the motion. A Councilor noted the original
49 amendment was dated March 15. Mayor Mattila stated the reason he has no conflict of interest is
50 because he has no slip, but he did have a slip for 19 years. Olsen asked what would happen if
51 someone abused the time frame. A Councilor explained that there are a specific number of slips for
52 boats of varying sizes, and there is a waiting list; so when a large boat is replaced by a smaller
53 boat, someone on the waiting list may not get a slip.

1 Amendment: Goddard moved to add "...vessel owned **or controlled** by the vessel owner/moorage
2 use permit holder...". Olsen and Leff accepted the amendment.

3
4 Mayor Mattila said it was moved and seconded, and called for further discussion. Murray re-stated
5 the motion, as amended, and also noted that subsection (h), related to parking, was included in
6 the original [March 15] proposed amendment. It was clarified that the motion includes subsection
7 (g) only.

8
9 Vote: Motion 5, as amended, passed.

10 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino, Berry

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12 IX. NEW BUSINESS

13 A. Draft EOP Updates

14 Murray reported the draft document distributed to the Council was an in-process document.
15 Comments from Lincoln County Emergency Services and the Fire District reviews were included.
16 The document is large for a small town such as Depoe Bay, but it is NIMS (National Incident
17 Management System) compliant. She asked the Council to review the draft document before the
18 end of April and get comments to her so she can get back to the consultant. She noted the EOP is
19 a "living document" which will continue to change, and there will be additional Depoe Bay-specific
20 information included at a later date, but that was beyond the scope of the grant, which ends June
21 30, and it would hopefully be adopted by that date.

22
23 B. Proposed DEQ NPDES Permit Modification Request

24 Owings reported that Staff reviewed Level III classification standards and discovered that DEQ
25 should not have reclassified the Wastewater Treatment Plant as a Level III facility. The information
26 was forwarded to Carollo Engineers, Inc., who contacted DEQ about the situation. DEQ agreed to
27 reclassify the plant back to Level II. DEQ's usual reclassification fee is \$886, but it is hoped the fee
28 will be waived since the reclassification requirement was DEQ's error. He requested payment of
29 Carollo's fee of \$750.

30
31 Motion 6: Leff moved to authorize payment of \$750 to Carollo Engineers and to authorize
32 submitting a letter to DEQ. Goddard seconded the motion.

33
34 Mayor Mattila said it was moved and seconded, and called for discussion. A Councilor asked how
35 long the reclassification would take; Owings replied it should take about a month. It was noted that
36 Staff education expenses were incurred, and now the City has over-qualified Staff. A Councilor
37 questioned why the City would want the lower classification; Owings said Level III is more suited to
38 larger communities, it's much more technical, and there are not many Level III operators. (Copy of
39 draft letter to DEQ attached to original of these minutes.)

40
41 Vote: Motion 6 passed.

42 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino, Berry

43
44 C. Franchise Agreement Extension – WaveDivision Holdings, LLC

45 Murray said the original franchise agreement expired in November, 2011, and the current
46 extension would expire on May 6. She asked if the Council would consider sending Wave a letter
47 requesting a one-year extension.

48
49 Motion 7: Goddard moved to extend the franchise agreement with Wave for one year. Olsen
50 seconded the motion.

51
52 Mayor Mattila said it was moved and seconded, and called for discussion. There was brief
53 discussion about public access.

54
55 Vote: Motion 7 passed.

1 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino, Berry

2
3 D. Contract Award – Harbor Dock Electrical Upgrade Project

4 Owings said one proposal was received. It was from Western States Electric, in the amount of
5 \$25,708.

6
7 Motion 8: Goddard moved to assign the contract for dock power pedestals to Western States
8 Electric, not to exceed \$26,000. Leff seconded the motion.

9
10 Mayor Mattila said it was moved and seconded, and called for discussion. Mayor Mattila noted that
11 boat owners will need to upgrade their connections for compatibility with the 30 amp hookups.

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13 Vote: Motion 8 passed.

14 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino, Berry

15
16 E. Authorize Purchase of New Copier/Printer – City Hall

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18 Motion 9: Goddard moved to authorize funds for purchase of a new copier/printer for City Hall, not
19 to exceed \$18,000. Olsen seconded the motion.

20
21 Mayor Mattila said it was moved and seconded, and called for discussion. Olsen wanted to ensure
22 bids were obtained; Murray assured him public contracting law would be complied with, and Staff
23 would try to obtain three quotes. Olsen suggested investigating a lease, so the City could always
24 have current technology. Murray said public entity leases are different than private, and purchasing
25 equipment is the better option. A Councilor supported this, saying the Fire District just purchased a
26 new copier, and had looked at and rejected leasing as an option. Murray was asked how a new
27 copier would be chosen; she replied that Staff has been very happy with the copier we now have,
28 which has exceeded its life expectancy, at well over a million copies made; and that a replacement
29 model has already been selected. Olsen requested getting proposals to include supplying both
30 paper and toner; Murray said there will be a maintenance contract with the purchase.

31
32 Amendment: Goddard amended her motion to authorize Staff to proceed with the RFP (Request For
33 Proposals) process. Olsen accepted the amendment.

34
35 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.

36
37 Vote: Motion 9, as amended, passed.

38 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino, Berry

39
40 F. Executive Session Business

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42 Motion 10: Leff moved to appoint a committee of two-three Councilors to work with Owings and
43 Weidner on succession planning. Goddard seconded the motion.

44
45 Mayor Mattila said it was moved and seconded, and called for discussion. There was none.

46
47 Vote: Motion 10 passed.

48 Ayes: Leff, Hoytink, Olsen, Mattila, Goddard, Gambino, Berry

49
50 Goddard and Olsen volunteered for the committee. Leff and Berry volunteered to be substitutes.

51
52 X. CORRESPONDENCE

53 There were three items of correspondence (copies attached to original of these minutes). 1) A
54 letter from Patricia Neal regarding the CoastCom franchise. 2) An email from Mike & Lynda Johnson
55 regarding CoastCom's conditional use permit. 3) A memo from the City of Toledo regarding

1 reorganization of the Solid Waste District Advisory Committee, the same subject as presented to,
2 and supported by, the Council last November by Mark Saelens.

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XI. CITY STAFF REPORT

Owings reported 1) Most of the advertised surplus equipment sold, and about \$5,000 was received.
2) Billeter Marine will be putting cement in pilings, put hats on, and do punch list by next Monday.
3) The City Park gazebo drainage system is going in next week. 4) The new finger piers are
supposed to be here this week; he will call tomorrow to get a delivery date. A Councilor asked if
Dock 1 could be used for the Wooden Boat Show; Owings said yes, the contractor and engineer
were both contacted and gave their approval.

Murray said the Whale Watch Center has hired a contractor and is now closed for repairs. They will
be tearing out the windows first, and it will take at least a month to fabricate the original window
style.

XII. COUNCIL COMMENTS

Berry reported he attended a Solid Waste Advisory Committee meeting, where they postponed a
decision to the next meeting, before billing.

Olsen requested an item for the next agenda, to discuss a three-to-five year look-forward budget
with caveats to make sure things are copasetic.

Hoitink recommended the Council get serious about getting the harbor areas cleaned up before
somebody gets hurt. A Councilor said cleanup will be very difficult because of requirements to
cover everything near the water. Owings noted about half of the mess is on private property.

Goddard requested that port leases be added to an upcoming Council agenda.

Mayor Mattila said the Governor's office called and said that fireworks are definitely not possible;
and Senator Wyden's office told the Governor's office congratulations on the dredging, but they
didn't know what that meant.

XIII. ADJOURN

There being no further business, the meeting was adjourned at 9:27 PM.

A.J. Mattila, Mayor

Emma LuMaye, Recording Secretary