

1 Depoe Bay City Council
2 Regular Meeting
3 Tuesday, June 16, 2015 - 7:00 PM
4 Depoe Bay City Hall

5
6

7 PRESENT: Mayor A.J. Mattila, J. Fisher-Brown, R. Gambino, J. Grant, S. Olsen, S. Sparks, K. Wyatt

8

9 STAFF: City Recorder P. Murray, City Superintendent B. Weidner, Recording Secretary
10 E. LuMaye, City Attorney D. Gordon

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13 I. PLEDGE OF ALLEGIANCE

14 Mayor Mattila called for all to stand for the Pledge of Allegiance.

15

16 II. CALL TO ORDER

17 Mayor Mattila opened the meeting at 7:08 PM and established a quorum.

18

19 III. APPROVE MINUTES: June 2, 2015 Executive Session and Regular Meeting

20 Motion 1: Olsen moved to approve the minutes of the June 2 meeting and also the Executive Session
21 meeting. Fisher-Brown seconded the motion.

22

23 Mayor Mattila said it was seconded, and called for the question.

24

25 Vote: Motion 1 passed.

26 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks

27 Abstain: Wyatt

28

29 IV. ACCOUNTS PAYABLE

30 Motion 2: Gambino said there were two items to mention: 1) a check for Newport Electronics was
31 voided and a replacement check to Newport Signs was prepared in the same amount, and 2) a late
32 payment request from EMP Industries for final payment balance due of \$7,999.50; Gambino moved that
33 with those payments the Accounts Payable be approved as presented. Wyatt seconded the motion.

34

35 Mayor Mattila said it was made and seconded, and called for comments. There was brief discussion.

36

37 Vote: Motion 2 passed.

38 Ayes: Fisher-Brown, Gambino, Grant, Olsen, Sparks, Wyatt

39 Abstain: Mattila

40

41 V. SPECIAL ORDERS

42 A. Report on Concept Engineering and Construction Cost Estimate for Docks 2, 3, and 4

43 Replacement – Coast and Harbor Engineering, a division of Hatch Mott Macdonald

44 Diana Walker, Project Manager, and Shane Phillips, Project Director, presented an overview of the work
45 done to date, with options for the Council to choose between. It was noted that the designs did not take
46 tsunami situations into account. There are currently a total of 60 slips on Docks 2, 3, & 4. The first plan
47 presented had no ADA access and would increase the number of slips to 62. The second plan presented
48 had limited ADA access to Dock 2 and would decrease the number of slips to 59. The third plan
49 presented had full ADA compliance and reduced the number of slips to 55, but would gain transient

1 spaces on the ADA access. Mayor Mattila was interested in providing ADA access on the fuel dock, but
2 at 55 feet, the gangway falls short of the 80 foot ADA requirement. Four types of dock structures were
3 discussed: 1) Aluminum, which is usually used in fresh water and for docks with smaller vessels. 2)
4 Timber, which is strong because it reinforced with steel. With an estimated life span of 30 years, timber
5 from Alaskan Yellow Cedar is used a lot in commercial boat harbors with bigger vessels. Pressure
6 treated timber is OK if it is processed correctly. 3) Steel, which is heavier than what Depoe Bay needs.
7 4) Concrete, which has similar components to timber, but is expensive to maintain if you want them to
8 last for a long time. Walker and Phillips recommended timber. It has open areas between float tubs,
9 making it lighter and flexible for currents and surges, it meets the required strength, has easier
10 maintenance, and is economical. They also recommended replacing the existing piles with steel pipe
11 piles, and said that piling existing sleeving is not a long-term solution, as it relies on severely corroded H
12 piles. The estimated project costs were: \$2.2M for no ADA access; \$2.2M plus \$350K for limited ADA
13 access. Estimated costs included a 20% contingency and did not include the cost of data collection,
14 engineering, or permits. There was brief discussion about putting the project up to a vote of the citizens;
15 it was noted that there may need to be a double majority of the vote, depending on election date. A
16 question was also raised whether this project could be included in Urban Renewal; the answer was
17 yes. Mayor Mattila briefly brought up the idea of a Port District, which Gordon said would have to be
18 established by a vote of the people.

19

20 VI. REPORTS OF OFFICERS

21 A. Harbor Master Plan Advisory Committee Recommendation – Proceed with Request for
22 Proposals (RFP) for Marine Engineering Consultant Services

23 Matt De Witt was called to the podium to discuss this Agenda Item. Weidner was tasked with writing an
24 RFP, which he said would take no more than a couple of days. There was brief discussion. Murray
25 clarified that the Harbor Master Plan Advisory Committee is recommending the Council get an RFP to
26 get a Marine Consultant; if the Council is ready to move accept that recommendation, a motion to direct
27 Staff to start working up a draft RFP would be in order.

28

29 Motion 3: Olsen moved to proceed with the RFP production for the Master Plan for the Harbor with
30 input from the Harbor Advisory Committee and all pertinent players. Gambino seconded the motion.

31

32 Mayor Mattila called for discussion. There was none.

33

34 Vote: Motion 3 passed.

35 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

36

37 VII. PUBLIC COMMENTS

38 The meeting was recessed at 8:22 PM while an attempt to locate an audience member who was expected
39 to speak. The meeting was reconvened at 8:30 PM.

40

41 There were no public comments.

42

43 VIII. UNFINISHED BUSINESS

44 A. Offer of Gift of Property to City – Kurt Granat, Depoe Bay Parking, LLC

45 Mayor Mattila said this item was tabled. Olsen asked if a motion needed to be made on what was
46 discussed. Murray said she believed the Council was intending to head in the direction from the
47 Executive Session discussion, and it could be acted on now or later.

48

1 Motion 4: Olsen moved that Mr. Hageman and his committee start working on a text amendment for the
2 Ordinance. He forgot which Ordinance it would be; Murray said it would be the Zoning Code, Ord. 24.
3 Gambino seconded the motion.

4
5 Mayor Mattila called for discussion. Grant was in agreement that discussion needs to be started, but
6 there's a lot of education that needs to be done and ferreting out, and it's going to be a community
7 process. It's triggered a bigger discussion on what we think going forward. He wanted the proposal Mr.
8 Hageman submitted at this evening's Executive Session to reach a wider audience – the public. Olsen
9 said he was thinking that we work on multiple plans: Hageman and his committee working on that
10 particular issue, and digesting the three or four Master Plan studies, and maybe put on the Agenda for
11 next time to revisit it. He expects this would take six months to get to fruition, which allows us to work
12 on the parking plan involving the public in the process. There was brief discussion. Olsen was asked to
13 re-state his motion: That we request Mr. Hageman and the Planning Commission start work on his plan
14 that he identified tonight; to start the process. Mayor Mattila called for the question.

15
16 Vote: Motion 4, as re-stated, passed.

17 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt
18

19 Motion 5: Grant moved to make the draft proposal that Mr. Hageman, Chair of the Planning
20 Commission, set forth to the Council public, that he submitted to us in Executive Session. Sparks added
21 to see how it fits with all the other studies we've done, because if we just read that one by itself we may
22 be doing something that's been already duplicated. Grant clarified he thinks it can start more of a
23 community discussion to release this information that was submitted in Executive Session that right now
24 remains private. Olsen asked Grant to consider revising his motion by saying that we'll post it on the
25 City's website. Grant accepted the amendment. Murray recommended asking Mr. Hageman, because
26 what was presented is a rough draft. Grant thought it was fair that we go ahead and post it in the spirit of
27 transparency of what took place that started this discussion moving forward. It's a rough draft proposal
28 of what it would take to change things, from the Planning Commission. He felt it could start a broader
29 discussion and give us more input on how the community feels. Olsen seconded the motion as amended.
30
31 Discussion included that a copy of the document will be available to anyone who requests it, and that it
32 be clearly marked "draft". Mayor Mattila called for the question.

33
34 Vote: Motion 5, as amended, passed.

35 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt
36

37 B. Depoe Bay Chamber of Commerce Annual Report and Request for Reimbursement FY 2014-15
38 Peggy Leoni, Chamber of Commerce, said the rough draft of a letter was emailed to the Council, and
39 she has the final copy, which she read into the record (copies of rough draft and final letter attached to
40 original of these minutes). She also paraphrased portions of Paragraphs 2 and 3 from the current
41 Agreement, saying the required documentation was provided to the Council at an earlier meeting. She
42 said the Chamber has done their part, and they expect the City to pay them. There was contentious
43 discussion between Sparks and Leoni. Olsen said because an inaccuracy was identified, the contract
44 should be renegotiated before next year; Leoni said that was reasonable and acceptable. Grant said the
45 City will hold up its obligation, but thought it was fair in the future to ask for further information. He
46 thanked her for the time she's donated to the community and the Chamber. Olsen suggested Leoni talk
47 to the Chamber's Board of Directors and get together in October to hash out what needs to be
48 done. Leoni said there are openings on the Board. Olsen asked for this item to be put on the Agenda for
49 the second meeting in October.

1
2 C. Complaint – Pettinger Street – Colin Teem

3 Weidner reported that the complaint has been resolved; the trailer is not blocking any access.
4

5 D. Municipal Software contract

6 Murray presented three agreements for the Council’s approval (copies attached to original of these
7 minutes): 1) Vision Software & Professional Services, Software License Agreement totaling \$48,950,
8 Vision PC Server Purchase Agreement totaling \$1,973.60, and Microsoft SQL Server 2014 Purchase
9 Agreement totaling \$1,350.
10

11 Motion 6: Grant moved to approve the three agreements as presented. Sparks seconded the motion.
12

13 Mayor Mattila called for discussion. There was brief discussion about the software assurance portion of
14 the agreement. Sparks wanted to go on record as saying he appreciates the thorough work done by Staff
15 and the willingness of Staff to invite Councilors in to review it; he was even invited to listen in on a
16 conference call with the supplier and see that we’re entering into a relationship with some folks that can
17 really benefit us in terms of our technology future. He wanted to thank Murray and her Staff, and
18 especially LuMaye. He said we need a strong technology platform for the future, and he thinks we’re
19 going to get one with this proposal. Olsen said the Harbor Master Advisory Committee advises that we
20 commit to video surveillance for part of the parking control, security, and good will to advertise the
21 town. He wondered if this could be linked to this server being purchased, or if we would need another
22 server. LuMaye explained the server is dedicated to the software only, for security reasons. Sparks said
23 this is a perfectly migrate-able technology platform, so there’s lots of things we can do with it in the
24 future. It just costs money. Grant said he thought we could get by with something relatively
25 inexpensive. Mayor Mattila called for the question.
26

27 Vote: Motion 6 passed.

28 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt
29

30 IX. NEW BUSINESS

31 A. Thistleworks Proposal – Graphic Arts for Harbor Renewal Project 2015

32 Olsen opened discussion on this item. He said the proposal (copy attached to original of these minutes)
33 covers multiple options, and is primarily to provide a portfolio with pictures, information, and a
34 professional look, for when they go begging for monies. Sparks said he was thinking of a brochure-type
35 product that can be quickly referenced as a visual aid or communications tool to tell our story and where
36 we’re going with our strategic plans. Wyatt said that no approval has yet been given for anyone to go to
37 Washington, and before we approve spending money on something that hasn’t been approved yet, we
38 should approve the project it relates to. Olsen said the City puts out many RFPs for various things, and
39 that this particular product is not only to take to Salem or Washington if we decide to go, but the outside
40 covers can be used long term by the City when they put out proposals – not only do we put out an RFP
41 or grant proposal, we could send it out in a nice, glossy presentation, which would make us look a little
42 more professional. He said we haven’t agreed to go to Washington D.C. or Salem, and that’s coming,
43 but our advisors / lobbyists have advised that to meet that schedule, we’d have to start this work pretty
44 quickly. Wyatt said Thistleworks is a graphic arts designer and is not an advertising specialist; so if
45 we’re going to spend that kind of money, we might want an advertising professional design it, and have
46 Thistleworks do the printing. Olsen thought Ms. McKim (Thistleworks owner) has unique
47 insight. Sparks hopes for a work-in-progress relationship that builds based on our needs, and was not
48 comfortable asking Ms. McKim to come up with something and have it ready in 30 days. He advised
49 against handing it off to her, saying it has to be an engaging process with Staff. Olsen thought the

1 number of portfolios needs to be more than 100 but less than 500. Grant suggested giving Ms. McKim a
2 list of things we want in the portfolio, and suggested Wyatt help; Wyatt agreed to do so. Sparks
3 suggested preparing something relatively easy to put together in a short period of time for taking to
4 Salem. Olsen said they'd probably go to Salem without a brochure. He suggested he, Wyatt, and the
5 City Planner attend the next Harbor Master Plan Advisory Committee meeting; Wyatt said she could not
6 attend the meeting. Olsen would like to have a meeting at City Hall with Sparks and Ms. McKim, and
7 have the City provide sandwiches. He will set up a date and let Murray know. Gordon said if a group of
8 more than one person is delegated to bring back a recommendation to the Council, the group is a public
9 body that is subject to public meeting laws.

10
11 B. Proposed Res. #443 – A Resolution Extending Workers' Compensation Coverage to Volunteers
12 of the City of Depoe Bay for Coverage Year 2015-16; Revising and Replacing Res. #438.
13 Murray explained this is an annual Resolution (copy attached to original of these minutes) the City
14 adopts to provide workers' comp coverage for the City's volunteers, and there were no changes to last
15 year's Resolution except for the dates of coverage.

16
17 Motion 7: Olsen proposed that we adopt Res. #443, A Resolution Extending Workers' Compensation
18 Coverage to Volunteers of the City of Depoe Bay for Coverage Year 2015-16; Revising and Replacing
19 Res. #438. Wyatt seconded the motion.

20
21 Mayor Mattila called for discussion. There was brief discussion.

22
23 Vote: Motion 7 passed.

24 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

25
26 C. Parking Master Plan

27 Motion 8: Olsen proposed we push this to our next Agenda to start the discussion, allowing all other
28 Councilors to digest it because it is a considerable pile of paper. Grant seconded the motion.

29
30 Mayor Mattila called for the question.

31
32 Vote: Motion 8 passed.

33 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

34
35 D. Canvass of Votes – May 19, 2015 Special Election

36 Motion 9: Gambino moved we approve the canvass of votes in the latest election and we have the Mayor
37 sign said document. Fisher-Brown seconded the motion.

38
39 Olsen said he and Murray discussed this, and it's a referendum that was once before put to a vote before
40 the citizens of the town and was crushed, and this one won by 76% of the vote. He thanked everyone for
41 voting for it. There was brief discussion about under-votes and over-votes. (Copy of canvass attached to
42 original of these minutes.)

43
44 Vote: Motion 8 passed.

45 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

46
47 E. State Marine Board (SMB) 2015-16 Maintenance Assistance Program (MAP) Allocation
48 Certification Agreement)

1 Murray said this is an annual agreement (copy attached to original of these minutes), and the City has
2 participated in and benefitted from the grant program for many years. The program is different from
3 other programs because funds maintenance costs instead of capital improvements. It pays for things like
4 the boat launch, the vessel waste pump-out station, the fish cleaning station and restroom, etc. She said
5 we've been receiving \$5,900 in recent years, but this year we will be getting around \$6,300. She asked
6 for the Council's approval and authorization for the upcoming fiscal year. Grant asked if this constrains
7 our boat launch fee. Murray said if our boat launch fee is at \$2 or less we get the full grant; if it is \$3 the
8 grant is reduced by 25%; if it is \$4 the grant is reduced by 50%; and at \$5 it zeroes out the grant. Mayor
9 Mattila said we would have to charge \$10 just to break even; Olsen disagreed with this and wanted to
10 talk about it. Murray said the Agreement needs to be signed and returned to the SMB by the end of this
11 month. Gordon recommended calling the SMB to tell them we're thinking of raising our fees and see
12 what they say. Murray said the historical revenue generated from launch fees has consistently been
13 around \$2,000 until this last or current year, when it jumped to around \$3,000. There was additional
14 discussion regarding the potential revenue from increased launch fees.

15
16 Motion 9: Olsen moved to go ahead and approve the MAP Assistance Program Agreement for this year.
17 Gambino seconded the motion. Olsen added let's schedule to start talking about this at the next Council
18 meeting, and then get it right to the Harbor Commission and work with them. He said time is short if
19 we're going to grab the dough for this season.

20
21 Motion 9, restated: Olsen moved that we accept the MAP Agreement with the State Marine Board for
22 this year, 2015-2016, and said Gambino seconded. Murray clarified that scheduling for the next meeting
23 was not part of the motion.

24
25 Mayor Mattila called for the question. Grant told an anecdote to demonstrate that we don't want to let go
26 of the money we have.

27
28 Vote: Motion 9 passed.

29 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Olsen, Sparks, Wyatt

30
31 X. CORRESPONDENCE

32 Murray said there was no correspondence, but Pat Dunlop asked that the Council be notified that this
33 Thursday at 1:00 PM the Pacific Sea Lions are meeting to talk about doing things at the Community
34 Hall.

35
36 XI. CITY STAFF REPORT

37 Murray had no report.

38
39 Weidner 1) Reviewed his memo dated 6/15/15 (copy attached to original of these minutes) regarding the
40 outdoor warning system. The construction is complete, and the system is in good working order and is
41 silent tested every day at 12:00 AM. He suggested at a later time the Council move forward and work
42 with the Fire Department to set up a protocol for procedure activation of the system. There was further
43 discussion. Murray said we may end up with an Inter-Governmental Agreement between the Fire
44 Department and the City on who's going to hit the button. Weidner said he would contact Ms. Demaris
45 to see if she will come up and help. 2) Crew has been putting grass over fish carcasses in addition to the
46 disinfectant, and it's really keeping the smell and the flies down to a minimum. 3) Crew has cleared
47 weeds from the portion of the Whale Inn property that's in the ODOT right-of-way.

48

1 Gordon said he called the Oregon Ethics Commission. Their small staff investigates complaints about
2 public officials and public employees on ethics issues. They have trainers that will come out for free and
3 train municipal governments or municipal employees. He distributed copies of the *Use of Position or*
4 *Office* segment (copy attached to original of these minutes) of the *Guide for Public Officials*, which is
5 available online. He said he was told that what Depoe Bay needs to know most is about the use of a
6 public position and conflict of interest, and he thought it a great idea for the Council to take advantage of
7 the free training. Mayor Mattila would like to schedule this training for the Council.

8
9 XII. COUNCIL COMMENTS

10 Grant asked if a motion was needed for the training; the answer was no.

11
12 Sparks told audience members Bea Ray and Peggy Leoni that he respects both of them very much and
13 he cares for them. He said we value our volunteers, and there are so many in this town – it’s wonderful.
14 Sometimes he gets passionate about his ideas and doesn’t mean to talk down to anyone. He said maybe
15 he’s a crabby old guy sometimes, and said sorry.

16
17 Mayor Mattila had a word of congratulations. He said it was an extremely productive meeting. He
18 particularly enjoyed the civility and well-thought-out comments.

19
20 XIII. ADJOURN

21 There being no further business, the meeting was adjourned at 10:03 PM.

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23
24
25
26 _____
A.J. Mattila, Mayor

27
28
29
30 _____
31 Emma LuMaye, Recording Secretary