

1 Depoe Bay City Council  
2 Regular Meeting  
3 Tuesday, May 3, 2016 - 7:00 PM  
4 Depoe Bay City Hall

5  
6 PRESENT: Mayor A.J. Mattila, J. Fisher-Brown, R. Gambino, J. Grant, J. Wiseman

7  
8 VACANCY: 2 vacant seats

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

12  
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 called the meeting to order at 7:00 PM and established a quorum.

18  
19 III. APPROVE MINUTES: April 19, 2016 Regular Meeting

20 Motion 1: Wiseman moved to approve the minutes of the April 19, 2016 Regular Meeting of the City  
21 Council. Grant seconded the motion.

22  
23 Mayor Mattila called for the question.

24  
25 Vote: Motion 1 passed.

26 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Wiseman

27  
28 Murray asked if Wiseman's motion included the Executive Session. It did not. She asked if the Council  
29 wanted to approve the Executive Session minutes.

30  
31 Motion 2: Wiseman moved to go ahead and approve the Executive Session as well. Fisher-Brown  
32 seconded the motion.

33  
34 Mayor Mattila called for the question.

35  
36 Vote: Motion 2 passed.

37 Ayes: Fisher-Brown, Gambino, Mattila, Wiseman

38 Abstain: Grant

39  
40 IV. ACCOUNTS PAYABLE

41 Motion 2: Gambino moved to approve the Accounts Payable as presented. Grant seconded the motion.

42  
43 Mayor Mattila said it was made and seconded, and called for the question.

44  
45 Vote: Motion 2 passed.

46 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Wiseman

47

1 IV-A. SPECIAL AGENDA ITEM

2 Mayor Mattila asked the Council's consideration of hiring a diver to search the seawall, to add closure to  
3 Katy's family, and to the City. He asked Grant to recommend a diver to do a survey of the trough next to  
4 the seawall, and said no matter the cost, she's a daughter of Depoe Bay. Grant said there is a unique  
5 topography out there, with lots of cracks and canyons, and if something got caught in there, it wouldn't  
6 get out of the bay right away. Tim Foley is a diver who is qualified to search out there because he is an  
7 expert at finding things underwater. Mayor Mattila said we have a reserve fund in the budget from last  
8 year, so money isn't the object. He asked for a motion to approve the diver.

9

10 Motion 3: Fisher-Brown moved to approve appropriating funds from the fund the Mayor referred to in  
11 last year's budget in order to contract with the gentleman that Mr. Grant has recommended so we can at  
12 the very least eliminate that as a possibility, and that way we'll know. Wiseman seconded the motion.

13

14 Mayor Mattila called for the question.

15

16 Vote: Motion 3 passed.

17 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Wiseman

18

19 V. SPECIAL ORDERS

20 A. Contest Awards – If I Were Mayor, I Would...

21 Mayor Mattila identified Kelsey Getty as the winner and asked her to come up to the podium and share  
22 her thoughts on the contest. Weidner displayed and read the poster for the audience. Mayor Mattila told  
23 Kelsey her poster will be at the Oregon Mayors Conference here in Depoe Bay, and that Kelsey will be a  
24 guest of honor. He presented her with the winning prize of \$100, and said she'll be having lunch with  
25 the Mayor on a day of her choice, at the Sea Hag. Grant said her parents are invited to the lunch, too.  
26 Gambino invited Kelsey to sit with a Councilor of her choice at the next Council meeting. (Copy of  
27 contest guidelines attached to original of these minutes.)

28

29 B. Proclamation – National Safe Boating Week

30 An unidentified Coast Guard Auxiliary member said the week of May 22-28 is National Safe Boating  
31 Week, and asked the Council to sign a proclamation (copy attached to original of these minutes). Mayor  
32 Mattila said he would be more than happy to sign it.

33

34 C. Interview/Appoint Applicants for City Commissions and Committees

35 Leonard Austin Williams, applicant for the Harbor and Salmon Enhancement Commissions, was present  
36 and came forward to tell about himself and why he was interested in participating, and answered  
37 questions from Councilors regarding his qualifications and application (copy attached to original of  
38 these minutes).

39

40 Ballots were filled out, signed, and handed in. Murray tallied the votes (copy of ballot attached to  
41 original of these minutes) and announced the results. The vote to appoint Mr. Williams to Harbor  
42 Commission Pos. #1 and Salmon Enhancement Pos. #7 was unanimous.

43

44 Motion 4: Gambino moved to approve the tally of votes for both Austin's position on the Salmon  
45 Enhancement Commission and the Harbor Commission. Grant seconded the motion.

46

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

48

1 Vote: Motion 4 passed.

2 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Wiseman

3  
4 Mr. Williams said he would be glad to get in the water with the divers and help in the search.

5  
6 VI. REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES

7 There were no reports.

8  
9 VII. PUBLIC COMMENTS

10 There were no public comments.

11  
12 VIII. UNFINISHED BUSINESS

13 A. Parking Lot Acquisition Project

14 Murray said there was discussion about putting out an RFP (Request For Proposals) at the April 19  
15 meeting, and said Staff needs a motion to direct.

16  
17 Motion 5: Grant moved to send out RFP for the services of a purchasing agent. Gambino seconded the  
18 motion.

19  
20 Mayor Mattila called for the question.

21  
22 Vote: Motion 5 passed.

23 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Wiseman

24  
25 B. Harbor Fuel Rate Review

26 Murray said in April 2015 the Council moved to increase fuel rates from 20¢ per gallon to 35¢ per  
27 gallon, and review the rate in six months. The last review was in November; no changes were made.  
28 Based on the historical record, the City still needs between 38¢ and 40¢ per gallon just to cover costs.  
29 Before the rates were increased, the average loss was \$12,000 per year. The loss in the last fiscal year  
30 was less than \$5,000. There was discussion about fuel prices and raising the rates enough to do better  
31 than breaking even.

32  
33 Motion 6: Wiseman moved that we raise our fuel prices on gasoline to 40¢ a gallon with the additional  
34 that we review it in six months. Gambino seconded the motion.

35  
36 Mayor Mattila called for the question.

37  
38 Vote: Motion 6 passed.

39 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Wiseman

40  
41 Murray asked for clarification that the motion was to change the rate just on gasoline, not for diesel; this  
42 was correct – the charge for diesel will remain at 35¢ over purchase price per gallon. There was brief  
43 discussion about gasoline stabilizers.

44  
45 C. Schedule Open House Meeting – Draft Harbor Master Plan

46 Murray said the Draft Harbor Master Plan has been up on the City's website for a while, and asked the  
47 Council to schedule an open house where people can come and meet with the engineer and provide  
48 comments. She noted people are welcome to provide comments without coming to the open house. The

1 open house was scheduled for Thursday, June 2, 2016 at 6:00 PM at the Community Hall. (Copy of  
2 engineer's email dated 5/3/16 attached to original of these minutes.)

3  
4 IX. NEW BUSINESS

5 A. OLCC Liquor License Application – The Horn Public House and Brewery

6 Clary Grant was present to answer questions from the Council regarding the application (copy attached  
7 to original of these minutes.)

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9 Motion 7: Gambino moved that we recommend to OLCC approval of the liquor license application for  
10 The Horn Public House and Brewery. Fisher-Brown seconded the motion.

11  
12 Murray asked Grant if he was recusing himself from the vote; he did. Mayor Mattila called for the  
13 question.

14  
15 Vote: Motion 7 passed.

16 Ayes: Fisher-Brown, Gambino, Mattila, Wiseman

17  
18 B. OLCC Renewals

19 Murray reviewed the OLCC Renewal Notification Process (copy attached to original of these minutes),  
20 and the Council's options for response. She noted in the last year the City hasn't received any  
21 complaints on any of the licenses.

22  
23 Motion 8: Grant moved that we recommend renewal of the licenses. Gambino seconded the motion.

24  
25 Mayor Mattila called for the question.

26  
27 Vote: Motion 8 passed.

28 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Wiseman

29  
30 C. Proposed City-Wide Video Surveillance System – Discuss Cost, Placement

31 Gambino said he was proposing the City look into a city-wide video surveillance system for security  
32 (copy of his email dated 5/3/16 attached to original of these minutes). He said most cities have it, even  
33 cities our size, and thought Waldport or Yachats might have a system. He was looking for the Council's  
34 approval for him to continue looking into this. He suggested one camera pointing either direction at Bay  
35 Street, one or two cameras facing north and south preferably at the north end and possibly at the whale  
36 fountain where it could be used as a public camera on the City's website, one camera in City Park, and  
37 one camera on Shell Avenue. He suggested a minimum of six cameras depending on what's  
38 recommended by the experts, and a maximum of 10 cameras. He has seen cameras costing between  
39 \$1,000-\$8,000 per camera. There was discussion regarding whether this question should be taken to the  
40 citizens for a mandate, and a concern over issues involved with video surveillance, including civil  
41 liberties, was expressed. It was noted that some people are uncomfortable with the idea that no matter  
42 where they are or what they're doing, they're on camera and somebody's watching. It was also noted  
43 that any needs assessment be done from a dispassionate point of view rather than from a company that  
44 sells surveillance cameras. A suggestion was made to bring in a consultant and invite the public to a  
45 Council meeting for discussion. It was noted that public areas have no presumption of privacy. It was  
46 also noted that surveillance cameras reduce the crime rate because of their visibility, and that they could  
47 help tourism like the sirens do, because of the public's impression of safety. Mayor Mattila said privacy  
48 is the biggest issue that we're dealing with, and invasion of privacy is totally against the U.S.  
49 Constitution. He said he would be more in favor if we could put together something privately with

1 business owners. He noted there is no guarantee that a person will go before the judicial system just  
2 because they get caught on camera, and cited the recent burglary at the 76 station as an example of  
3 getting a full face shot on their security camera but not catching the burglar. He wanted to ensure we're  
4 not encroaching on citizens' Constitutional rights, although he thought cameras would be especially  
5 useful at the boat launch. A Councilor said he didn't understand people who don't want to be on camera,  
6 and wonders what they're afraid of and why they're so worried about their right to privacy – your right  
7 to privacy is in your home, not when you're driving down the highway. A Councilor responded that  
8 there's a presumption of innocence until proven guilty, and if a police officer stops you, they are  
9 required to inform you if you're being recorded, and to inform you of your rights. Most people are  
10 comfortable with the idea that they're not being surveilled on a regular basis; and the idea that if you  
11 have nothing to hide you shouldn't mind being on camera is abhorrent.

12  
13 Motion 9: Mayor Mattila moved that we approve Councilor Gambino's quest for some kind of a system,  
14 if he comes up with something we can all be interested in and live with, we can vote on it at that time.  
15 Wiseman seconded the motion.

16  
17 Mayor Mattila called for the question.

18  
19 Vote: Motion 9 passed.

20 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Wiseman

21  
22 X. CORRESPONDENCE

23 There was one item of correspondence (copy attached to original of these minutes), a letter signed by  
24 Craig Taunton and Betty Taunton, giving a 60-day notice to terminate the parking lot lease along Bay  
25 Street. There was brief discussion.

26  
27 Weidner said the Coast Avenue water main plans need to be approved by the Oregon Health Authority,  
28 and the cost of the review and the plan review fee is \$3,300. He requested authorization to proceed,  
29 noting this cost was not included in the scope of services for Century West.

30  
31 Motion 10: Grant moved to approve the change to reflect an \$3,000 in cost to cover this Oregon Health  
32 Authority plan review.

33  
34 Amendment: Grant amended his motion to \$3,300. Gambino seconded the motion.

35  
36 Mayor Mattila called for the question.

37  
38 Vote: Motion 10, as amended, passed.

39 Ayes: Fisher-Brown, Gambino, Grant, Mattila, Wiseman

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41 XI. CITY STAFF REPORT

42 Murray said there is a Budget Committee meeting on Thursday at 6:00 PM.

43  
44 Weidner reported 1) Earth Day went great. The City purchased 300 plants, and the kids planted a good  
45 portion; the Crew will plant the rest. 2) The Winchell Street retaining walls have been installed by the  
46 contractor. He will have Dan Price Construction grade out below the surface, and after talking with  
47 Dockside and Dorinda Goddard, he said it should probably be paved and put in guard bumpers. 3) The  
48 retaining wall in the park should have a cap placed and be grouted. 4) He has been advertising for  
49 temporary maintenance and harbor help. Three applications were received, but none of the applicants

1 worked out. He's re-advertising the position at \$11 per hour. At a suggestion from a Councilor, he said  
2 he would look into craigslist. 5) Crew has been trying out the new touch read meters.

3

4 XII. COUNCIL COMMENTS

5 Fisher-Brown encouraged everyone to vote.

6

7 Wiseman concurred, and added to go enjoy the sunshine.

8

9 Gambino said thank you to the folks who came out to speak at the vigil; it was nice to have them there.

10

11 Grant said the vigil was an important event, and thanked Gambino for his efforts in organizing it. He  
12 also encouraged people to get out and vote. He briefly questioned Weidner about a fence at an ocean  
13 view area.

14

15 Mayor Mattila thanked everyone for this evening, which he said has been thoughtful and considerate,  
16 and said it was a pleasure to be here as Mayor.

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18 XIII. ADJOURN

19 There being no further business, the meeting was adjourned at 8:34 PM.

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A. J. Mattila, Mayor

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30 Emma LuMaye, Recording Secretary