

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:00 pm.

Councilors Present: Brownson, Rocka, Herman, West, and Mayor Jones.

Councilors Excused: None

Staff Present: City Manager Estes, Parks and Recreation Director Williams, Finance Director Brooks, Interim Fire Chief Curtis, Police Chief Spalding, Public Works Director Harrington, Library Director Pearson, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS

Item 3(a): **Councilor Herman** reported that she and Councilor Rocka toured the Police and Fire Departments. She thanked Chiefs Spalding and Curtis for showing them around and introducing them to some of the employees.

Item 3(b): **Councilor Brownson** had no reports.

Item 3(c): **Councilor Rocka** reported that he learned a lot from the informative tours of the Police and Fire Departments, the land use training hosted by the Department of Land Conservation and Development (DLCD), the presentation given by the Chamber of Commerce, and having coffee with Port Director Jim Knight. He also learned that people only approach him to discuss one thing, the planned hotel at the foot of 2nd Street. People do not understand why the Council approved the hotel. When he talks to people about zoning, outright permitted uses, and the Council's limited authority in such cases, people ask when the City will fix the Code. No developer or single property owner must consider the City's sewer capacity, traffic loads, housing for workers, parking for staff, views, or what the people who live here want the city to be; however, Council does consider those things. As the Council moves forward with work sessions and goal setting, they will consider what they can do and he hoped that amending the Code would be a priority.

Item 3(d): **Councilor West** reported she was excited be on the Council. She thanked those who reached out to her to offer help or to have coffee. It has been incredible to have received such a warm welcome from people in and out of her ward. She thanked Jenn Benoit for being so helpful.

Item 3(e): **Mayor Jones** reported that on Saturday, he provided a welcome address to the Indivisible North Coast Oregon Group (INCO), sat on a How to Run for Office panel and participated in the Women's March. There was a full house in the Lovell Showroom for the INCO event. The level of community support and donations to assist the many people whose paychecks were terminated due to the federal government shutdown has been heartwarming. That afternoon, he was at the Moose Lodge when they presented a check for \$10,435 to the Chief Petty Officers Association, which would go toward furloughed federal workers. That money was raised at a fundraiser dinner the previous week. The Lodge also collected over 1,000 pounds of donated food that they took to the food pantry. The Coast Guard Chiefs asked him to express their appreciation to the community for their generous spirit. He reported that the newspaper published a story about the Ku Klux Klan (KKK) fliers posted around the community. The individual(s) who posted the fliers are vastly outnumbered by the rest of the good citizens who do good work in the community on a daily basis and who have nothing but contempt for the racism and hatred represented in the fliers. Astorians will not put up with such garbage. He appreciated the Police Department's efforts to find the source, which would be difficult. That afternoon, he met with Congresswoman Bonamici's field representative to discuss various local issues. She also met with Councilor Herman and Coast Guard spouses to talk about what they are enduring without paychecks. The Congresswoman will take some of those stories to the capital when legislation is discussed later this week. On January 12th, he was honored to be a guest speaker at a memorial service at the Maritime Museum for several dozen Coast Guard men and women whose lives were lost during life saving rescues on the Oregon coast. About 175 people attended, many of whom were older retirees living on a pension that they will not receive this month unless the government shutdown is resolved by January 31st. In the last two weeks, crews

rescued crabbers and fishermen who also did not get paid while risking their lives. On January 10th, the City Council, Planning Commission, Design Review Committee (DRC), and Historic Landmarks Commission (HLC) met jointly to do some training on land use laws and policies. He hoped the City could do joint training a couple of times a year. On February 25th, City Council will conduct an all-day goal setting session, which is open to the public. A press release on this event will be published soon. He attended the Astoria Co-op Grocery groundbreaking with Councilors Herman and West on Friday. It was great to see a local business expanding and thriving. His first Meet the Mayor event will be on Wednesday, January 30th from 12:00 pm to 1:00 pm at the library in the Flag Room. He will offer a variety of dates and times in the future so that people with different schedules have an opportunity to attend.

City Manager Estes introduced and welcomed Tim Williams, the new Parks and Recreation Director.

CHANGES TO AGENDA There were no changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 12/12/2018
- 5(b) City Council Minutes of 12/17/2018
- 5(c) City Council Minutes of 12/20/2018
- 5(d) Community Development Department Status Update**

Mayor Jones requested Item 5(d) be removed for further discussion.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman, to approve Items 5(a) through (c) on the Consent Calendar. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 5(d): Community Development Department Status Update

Mayor Jones said the Community Development Department had been doing great work without a Director. He asked for an update on short-term rental code violations.

City Manager Estes said the City Council passed a new short-term rental permit that recently went into effect. Community Development Department Staff have been working on implementing the new permit process. Applications for the permits will start being submitted to the City soon. The next phase of the new permitting process is to amend the Development Code to align with the City's Municipal Code. The Planning Commission will be working on the Development Code amendments in March. The City has hired a new Contract Planner to assist with Code enforcement issues and short-term rental permit issues. Her top priority will be to deal with whole house short-term rentals, which are not permitted. The Building Official serves as the Code Enforcement Officer as well, and while this winter the Building Official has been busier than usual with building permits, he is now able to start working on more nuisance violations.

Mayor Jones asked for an update on hiring a Community Development Director. City Manager Estes stated that Staff continues to recruit for the position. Staff is considering hiring a consultant who specializes in public agencies. He will meet with Staff tomorrow to discuss options for recruiting a new director.

Mayor Jones noted that the Uniontown Reborn Project will host a public meeting on Wednesday, February 6th. A press release will be published with more details later in the week. He added that at the time the Council approved the Fairfield Hotel, he had commented that if the community did not want a four-story hotel in the Bridge Vista Overlay Zone, the City would need to look at the Code. He asked City Manager Estes to describe the Code amendment process.

City Manager Estes explained that the first step is for the Planning Commission to decide on the proposed Code language, which can take quite some time. Then, the City must notify DLCD before the Planning Commission can hold a public hearing. The Planning Commission hearing could last for several meetings before they forward their recommendation to City Council. The City must publish a public notice and then City Council would also conduct a public hearing. Typically, easy straightforward Code amendments take about five to six months. More

complex Code amendments take more time. The City is currently working on several Code amendments simultaneously, including the short-term rental Codes, administrative amendments like typographical errors, and warming center Codes. The amendments have been aggregated because of the Ballot Measure 56 Notice, which requires the City to notify property owners for any Code amendment that has the potential to impact property values. For the Code amendments currently being drafted, the City must publish public meeting notices to all Astoria residents, which is an expensive and extensive endeavor.

City Manager Estes noted this agenda item was provided for information purposes only, so no action by City Council was required.

REGULAR AGENDA ITEMS

Item 6(a): Public Hearing – Vacation of a Portion of the Right of Way on 26th Street Northwest of Harrison Abutting Adjacent Undeveloped Lots

John Wood, on behalf of Adella Wood, has requested to vacate 60 X 150-foot portion of the 26th Street unimproved right-of-way abutting two parcels of Ms. Woods property (Tax Lots 80909CC02301 and 80909CC04101) located on Harrison Avenue.

It was determined that there are no public utilities on or adjacent to the proposed vacation area and that the City would have no future need for this portion of the right-of-way.

Based on County Assessor's records, staff has calculated the real market land value of properties adjacent to the property as \$0.97 per square foot. Staff is proposing that an assessment of \$869.82 (10 percent) of the real land value (\$8,698.24) be considered for the vacation.

On January 7, 2019 the City Council adopted a resolution to schedule a public hearing regarding the vacation request. The public hearing notice was publicized and property owners within a 200-foot radius of the right-of-way were notified.

It is recommended that the Astoria City Council conduct the public hearing and hold a first reading of the ordinance to vacate a portion of the 26th Street right-of way adjacent to Tax Lots 80909CC02301 and 80909CC04101.

Mayor Jones opened the public hearing at 7:21 pm and called for public testimony. [21:56]

Sam Devereaux 2627 Grand Avenue, Astoria, said he was an adjacent property owner with some concerns. The property is close to a slide zone. And, when the two pieces of property are joined, the owner will have a large piece of property. The scale of the job could justify a very large building at some point. He was against the vacation.

Betty Hogan, 24th Street Astoria, said her property adjoins the Applicant's, who offered to buy her out. However, she did not want to live anywhere else as her property is worth more than \$10 million to her, so she planned to stay. She and her husband brought in 225 dump trucks of rock and paid for excavation to create a beautiful place. This was necessary because their home was sliding away. They filled in a large gully. The Harrison Slide Out Street is on her property. In the 1950s there were seven homes on Irving that slid down, so Harrison ends at the back of her house. She and her husband installed 180 feet of culvert to go under all of the rock that was brought in. Up on Irving, the rain washes down and goes into a drain. But the drain was so old that it washed out. Now, there is a natural creek that goes down, so the culvert goes under the creek. She has met with the Applicants a couple of times and she had no problems with them. But she was concerned that the area was a slide area. The house in front of hers has a retaining wall that had to be raised ten years ago.

Mary McConnell 700 24th Street, Astoria, said her property runs alongside the development being done. She had spoken to City Engineers a couple of times. The two lots closest to 24th Street are not on the slide map. The Applicant owns two lots up a ridge and over, and the corner of one of those lots is on the slide map. When she moved into the house 30 feet away, there was a house on the left side that had come down the hill. So, she believed it was an unusual piece of land and what happens there needs to be considered carefully. There is also a huge runoff where water pours off Harrison. She lives down a trail that turns into a creek. There is a flight of

stairs that becomes a waterfall that turns into a creek around her house before flowing down the hill. It is a special place, but it is also a fragile place. She had a lot of concerns.

Chris Farrar, 3023 Harrison Avenue, Astoria, said the property in question is down the street from his. His issue was that Astoria was not flush on cash. The City can barely keep parks in shape and is trying to get rid of some parks. Astoria wants a library, but that will have to be done with grant money and donations from individuals. The City does not maintain any kind of facility for homeless people. He was curious to know how the price was set at less than \$1,000 for a 9,000 square foot property. His property is 5,000 square feet and its real market value on the last tax bill was \$84,612. He wanted to know why the price was set so low when the City does not have money and has a lot of issues that require money. People are paying large surcharges on the water bills to fix the sewer system. The City needs money and if City assets are going to be sold, the almost 10,000 people in this town deserve to get a fair price for any asset sold. He believed this property should be sold for at least ten times more than the current asking price. A 9,000 square foot lot has the potential for building a multi-family dwelling, which offers a great business opportunity. The slide stability issue is also extremely important and adjacent properties could be adversely affected. He hoped the Council would deny the vacation. If the vacation is approved, he hoped the Council would at least raise the price by a factor of 10 if not 40.

Director Harrington explained this was not a development proposal. If a development proposal was submitted to the City, property engineering would be required. On these two lots, building would be restricted to a very small area and would require steeply cut slopes, high retaining walls, and more complicated construction. A proposal to build one home could be done with proper engineering. All the City can do to determine value is to consider the County Assessor's valuation. Since the properties are currently undeveloped, they have a relatively low value. The City cannot arbitrarily increase the price.

Councilor Brownson understood these lots were not owned by the City and that the City only had a utility right-of-way that prevented the property owners from building on the lots. The City would be vacating its rights.

City Manager Estes confirmed the request was for a right-of-way vacation, which is different from selling property. If the City were to sell a property it owned, the price would be negotiated and the property would be appraised. This application is for the City to vacate its right-of-way on a property owned by the Applicants. The price was determined using the methods the City has used over the years and is simply a fee charged to process the vacation.

Ms. Hogan said she could not understand the map she received in the mail and was not sure where the Applicants would come in on 26th Street. She asked which portions of the lots would be vacated. Her property is on 24th Street and adjoins the properties to be vacated.

Director Harrington explained that the Applicants had not yet submitted any proposal to construct access, but access would have to be on either Harrison or 26th Street. He used the map displayed on the screen to show the exact location of the area to be vacated, noting the area to the north had already been vacated.

Councilor Brownson added that roads do not exist on the property, so one would have to climb through the woods to get to the area to be vacated.

Ms. Hogan confirmed she had climbed through the woods to get to that area. She asked where the utilities would come in.

City Manager Estes explained that this request is for the City to vacate its right-of-way, noting the area was marked in red on the map. The City has not received any development proposal from the Applicants. If a house was built on the property, the owners would need to figure out how to connect water and sewer lines and gain access. That would all be part of a development proposal.

Mr. Deveroe said the Applicants owned two lots and including a third creates an extremely large piece that gives the Applicants the potential for an extremely large project like a three or four-story building. Without the third lot, the Applicants are constricted by the square footage of the two lots.

Mayor Jones closed the public hearing at 7:36 pm and called for Council discussion and deliberation.

Councilor Rocka understood that the Applicant already owned the property. City Manager Estes explained that a right-of-way is a public right given over an area. The determination as to whether to release that public right is being considered by Council now. The property is owned by a private individual, but the City is the caretaker of the portion of the lot that is considered a right-of-way. If the City Council votes to release the rights, care of the land reverts back to the owners.

Councilor Rocka wanted to know if the Applicant had actually bought and paid for the property at some point and currently owns it. City Manager Estes further explained that the right-of-way area was shown on County Tax Assessor maps as available for public use. The Applicants have requested that the City release the public need on their property.

Councilor Rocka asked if it was common to vacate a right-of-way without a development proposal. City Manager Estes confirmed that most of the time, requests will be similar to this one. Property owners typically request a right-of-way vacation when they want to use the property.

Councilor Herman asked if Staff knew anything about the geologic stability of the land or the history of slides on the property. She asked if the City had a geology report for the lots. Director Harrington said that until a development proposal is submitted, there is no reason to hire a geologist or geotechnical engineer to evaluate the lots. Any development proposal on these lots will be very expensive because of the terrain and the slide issues. It would be expensive for the Applicants to spend all that money and then have the vacation request denied.

Councilor Herman confirmed with Staff that the land was currently wooded and that the slope was steep. She also confirmed that all three lots owned by the Applicant were vacant.

Mayor Jones reminded that speculation about what the owner intends to do with the property would be dealt with when the owner chooses to move forward with a plan. Issues of geologic stability would be dealt with by the City's planning process. The Council cannot deny a vacation based on speculation about what a property owner might do in the future.

Councilor West asked if the property owner knew the costs associated with building. She understood the concern was that a large structure could compromise the stability of the area and she wanted to know if Staff could have a conversation with the Applicants, not to deter them from using the property the way they want, but to ensure they realistically understand how difficult it might be to build something on the lot.

Councilor Brownson noted the property owners were responsible for doing their own due diligence. When applications come forward, he trusted that Staff vetted them very well and added all the necessary requirements to create a stable footprint. It will be up to the property owner to figure out if any costs associated with that will be worth the project. He believed the Applicants wanted more land so they would have a better opportunity to place a house, so it made sense to request the vacation first.

City Manager Estes confirmed for Councilor Brownson that the vacation would release the public interest, the property would still be owned by the Applicants, and the owners would be able to build on it. The street right-of-way was platted when the development was platted. When the right-of-way is vacated, the lot configuration will show that the entire lot is in private ownership. He reiterated the right-of-way to the north has already been vacated.

City Attorney Henningsgaard explained that when a person buys property adjacent to the street, they actually own the title to the middle of the street. The City's right-of-way is like an easement over the property and the owner cannot do anything on the property that would interfere with the easement. In this situation, there is no issue because utilities will never be installed in that easement and a street will never be built there. The Council must determine whether the City has any need to continue the easement over the property owned by the Applicants.

Mayor Jones added that the property is not the City's to sell at market value. Director Harrington said the 10 percent fee has been the City's policy for many years. The property is not being sold. This request is to vacate a right-of-way.

Councilor Herman asked how the City would make sure the land was stable if a development proposal was submitted. Staff said the Building and Engineering Departments would require a geotechnical engineering report. Known slide areas are mapped. If the lot is within a mapped slide area or within 100 feet of a known slide area, a geotechnical review would be required. The Building Official would ensure adequate footings and foundations.

Councilor Rocka asked if the property had mature trees and if the property owners could log the property. City Manager Estes said the City did not have a tree cutting ordinance.

Councilor Rocka asked what logging would do to the stability of the area. Staff confirmed that would be reviewed if any grading or erosion control work was done. However, logging may not trigger an erosion control permit.

Councilor Herman said she had reservations about vacating the right-of-way. If the request is approved, the trees could be cut. Staff clarified that the trees could be cut already.

City Council Action: Motion made by Councilor Brownson, seconded by Mayor Jones, to hold a first reading of the ordinance to vacate a portion of the 26th Street right-of way adjacent to Tax Lots 80909CC02301 and 80909CC04101. Motion carried 4 to 1. Ayes: Councilors Brownson, Herman, West, and Mayor Jones; Nays: Councilor Rocka.

Director Brooks conducted the first reading of the ordinance.

Item 6(b): Second Reading – Ordinance Readopting Certain State Statutes to Reflect Changes Made by the 2018 Oregon Legislature

The first reading of this ordinance was held at the January 7, 2019 City Council meeting. The 2018 legislation passed by the Oregon Legislature, for the most part, became effective on January 1, 2019. Many of our City ordinances refer to or incorporate state statutes. Every year, the City routinely re-adopts all referenced ORS sections to pick up any changes made by the legislature. This is done by a "global re-adoption" technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt Oregon legislative changes, i.e., we cannot adopt a state statute "as it now exists and is from time to time amended." The proposed ordinance has been reviewed and approved by the City Attorney. It is recommended that Council hold a second reading and adopt the proposed ordinance.

Director Brooks conducted the second reading of the ordinance.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Rocka, to adopt the proposed amendments. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 6(c): Scandinavian Heritage Park Lease with Newport Pacific Corporation

At the December 17, 2017 City Council meeting, the Council approved a Memorandum of Agreement (MOA) with the Astoria Scandinavian Heritage Association (ASHA) for construction of park improvements on City-owned property located at 1590 Marine Drive. This site is known as the People Places Park and is one of the current parks maintained by Parks and Recreation Department. The MOA specifies that ASHA will be responsible for construction of the park facilities and for continued maintenance of the park after completion.

Park design plans were approved by the City Council on December 17, 2018. The main entrance to the Park will be from the north with access from the River Trail. This access would cross the parking area owned by Newport Pacific Corporation (Mo's Seafood and Chowder). ASHA and City Planning Consultant/ Project Manager Rosemary Johnson have been working with Bob Scull, Mo's Regional Manager, on a proposed lease of two parking spaces to allow a handicap accessible (ADA) access walkway from the River Trail to the Park entrance. Mr. Scull has agreed to lease the spaces to ASHA and the City in return for maintenance of a view corridor from Marine Drive through the Park toward the Mo's building. The Park design provides a natural view corridor as proposed. No additional trees would be removed to provide this view corridor. The City Attorney and ASHA's attorney have reviewed the attached Lease and have approved it as to form. Since the land is owned by the City and the Park improvements will be constructed, maintained, and financed by ASHA, the

Lease will be between the City, ASHA, and Newport Pacific Corporation, as per City Attorney Henningsgaard's direction.

It is recommended that Council authorize the Mayor to sign the attached Lease with ASHA and Newport Pacific Corporation for the use of two parking spaces on the Newport Pacific Corporation Property to benefit the Scandinavian Heritage Park at 1590 Marine Drive.

Councilor Herman asked what it meant for the City to maintain a view corridor.

Contract Planner Rosemary Johnson, 672 15th Street, Astoria, said the area where the park will be established contains natural areas where the trees are open. Mo's has requested that a view through the park be maintained so that people could see the business behind the trees from Marine Drive. The current park design naturally allows this view. However, the lease ensures that the trees will be maintained and trimmed to preserve the view for a minimum of five years.

City Council Action: Motion made by Councilor Herman, seconded by Councilor Brownson to authorize the Mayor to sign the attached Lease with ASHA and Newport Pacific Corporation for the use of two parking spaces on the Newport Pacific Corporation Property to benefit the Scandinavian Heritage Park at 1590 Marine Drive. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 6(d): Larson Request to Cut Trees on City Property

Mary Ann Larson, residing at 2907 Irving Ave, has submitted an application for permission to cut trees on City property. The City owned property is to the northwest of the Larson's property and includes Tax Lot 04800; Map 80909CC. Ms. Larson has obtained the signature of Richard Seppa, an adjoining property owner. Mr. Klockau, also an adjoining property owner, declined to sign.

The work being done on this lot is in a known slide zone. A geological evaluation was conducted in May 2011. The general conclusion of the evaluation is that the landslide risk is controlled by reduced soil strength caused by rainfall saturation and not lost tree root strength. The trees being cut are mostly maple with a diameter at breast height (DBH) of 8 inches. The area has been cut before and most of these trees are suckers from the previous cut. It is recommended that the request to cut trees on City property be considered.

Councilor Rocka understood these trees had been cut many times in the past and were not mature trees.

Councilor West said this sounded more like a thinning rather than cutting down the area. She asked how many trees would be cut. Director Harrington said most of the maples would be cut, noting the memorandum provided an estimate on the number of trees.

Councilor West said she walked by the property a couple of times. She asked if the proposal would involve the same work that was done in the past. There are a lot of maples along Irving and she wanted to make sure a bunch of trees would not be cut out of one section. Director Harrington confirmed the request was to cut 12 multi-stemmed maple trees. The other counts in the memorandum [inaudible].

Mayor Jones invited public comments.

The Applicant, 2904 Irving Avenue, Astoria, said he purchased property from the county at auction in September 2017. He pointed to the location of both of his properties on the map. He had a geological assessment done on the property he purchased from the county because it had slid before he purchased it. The geologist confirmed at the time of the sale that there was no evidence of slides due to tree cutting activities. In the 1980s, the State had done a similar assessment. He bought the property with the understanding that no damage be done by tree trimming. An identical property was approved for trimming in 1994. In 2011 and 2017, other properties in an area beyond the bridge were approved for trimming and cutting. These trees have been cut at least five times in the past to open up a bit of a view of the Columbia River Bridge for Mrs. Larson. There is no geological issue. There are trees throughout the entire area and the proposed trimming would not open up a view that would be disadvantageous to the people who have concerns about seeing the Safeway parking lot in the winter. The people who came from California do not like tree trimming, which is understandable, but there are no view issues or geologic issues.

Mayor Jones said he was sympathetic to homeowners who have a view and offering to cut saplings and suckers at their own expense to preserve that view.

Councilor Brownson stated if these 12 trees are cut, the Applicants will be back in front of another Council to make the same request again.

Councilor Herman confirmed with the Applicant that the root systems would not be removed and that the trees to be cut were located down the hill on City property.

The Applicant added that the previous owner approved cutting. The City determined that the people who live north of Harrison, below the property did not have to sign off on this request because they live on the other side of Harrison. He confirmed for Councilor Herman that the same trees were growing back. The first permit approved in 1994 was much more extensive than this one and there has not been any slide activity in the area since 1957 when the slide occurred to the west of the property to be cut.

Councilor Herman asked what erosion control measures the City required. Director Harrington said a City inspector would monitor the work and check in periodically. Usually, erosion control is associated with the activity, so how the property is accessed. In this case, people will be walking in, cutting trees with chainsaws and dropping the trees in place.

Councilor Herman said she was sympathetic to the Applicant. The cutting is being done to the northwest, but Safeway is to the east.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor West to approve the request by Mary Ann Larson to cut trees on City property located on Tax Lot 04800; Map 80909CC. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 6(e): Agreement with Astoria Scuba for Astoria Aquatic Center

Astoria Scuba and Adventure Sports, LLC has a long-standing relationship utilizing the Aquatic Center to provide dive certification and training. An incident involving glass breakage on the deck of the pool in the Spring of 2018 created a situation where staff was instructed to strictly enforce the no glass policy within the facility. The strict enforcement includes glass goggles and masks which may break and impact safety within the facility.

Astoria Scuba and Adventure Sports, LLC utilizes professional all tempered glass dive masks which are designed for diving and pool usage. CE EN250 Tempered Glass in Dive Masks are regulated by DOT and Divers Equipment Manufacturers Association (DEMA) and after review of the specifications for these masks and their manufacture was completed by staff, a request to enter into a memorandum of understanding between City of Astoria and Astoria Scuba and Adventure Sports, LLC to allow CE EN 250 Tempered glass dive masks for their pool usage is recommended. The agreement provides the scope for use and also identifies insurance requirements which have been in place for several years listing City as additional insured for liability associated with accidents, property damage or liability.

A Memorandum of Agreement, reviewed and approved to form by Attorney Henningsgaard, is attached for Council review and consideration.

It is recommended that City Council approve the Memorandum of Agreement with Astoria Scuba and Adventure Sports, LLC for the use of CE EN250 Tempered Glass Dive Masks within the Aquatic Center while conducting dive certification and training.

Mayor Jones thanked Director Williams for negotiating the agreement with Astoria Scuba as his first task with the City. Every potential risk to the City has been considered and the City will be indemnified and reimbursed by Astoria Scuba for any expenses incurred by an accident.

Councilor Brownson said the tempered glass is difficult to break and when it does break it is not dangerous. If a diver breaks a mask in the pool, they are capable of cleaning it up. Astoria Scuba has cleaned up glass broken in the pool by others as a service and he appreciated that the City could support a local business.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Brownson, to approve the Memorandum of Agreement with Astoria Scuba and Adventure Sports, LLC for the use of CE EN250 Tempered Glass Dive Masks within the Aquatic Center while conducting dive certification and training. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 6(f): Temporary Federal Employee Penalty and Fee Waiver Program

The City of Astoria recognizes the partial governmental shutdown which began in December 2018 may create challenges for furloughed and working Federal employees who are not receiving paychecks. To provide some relief and peace of mind during this period, staff has compiled a temporary penalty and fees waiver program for City water and sewer billings for Federal employees affected by the partial government shutdown.

The proposal for Council consideration is to waive the late penalty and interest charges and to forgo sending out shut off notices holding the service billing until such time as the shutdown is resolved and government employees are able to receive their pay.

The program eligibility and application information is attached for Council review and consideration. It is recommended that City Council approve the temporary Federal employee penalty and fee waiver program.

City Manager Estes noted that the Parks Department has already arranged for the Parks Foundation to cover Aquatic Center costs and Lil Sprouts will host a food drive for government employees. A community group has offered to cover the cost of child care at Port of Play over the weekend for Coast Guard employees.

Councilor West said she has been so impressed by the Parks Department and other entities in town who have supported the federal employees.

Councilor Herman said she realized this would create more work for the Finance Department, but she appreciated the opportunity to ease stress for families not receiving paychecks.

Councilor Rocka commented this is one of the things that makes him proud of the community.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor West, to approve the temporary Federal employee penalty and fee waiver program. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

Chris Farrar, 3023 Harrison Avenue, Astoria, said he appreciated the volunteers who helped the City with so many tasks by serving on commissions and committees. The City Council can count on all of those volunteers for advice and ideas. Each person approaches things from their own point of view and sometimes those views differ. The differing views are worth listening to more and the citizens appreciate hearing someone stand up to share a view that was not supported by the Council. He hoped everyone appreciated the volunteer efforts. The volunteers are helping City Council reach better decisions and that should never be discouraged, no matter how strongly or passionately someone disagrees with a Councilor. When he has cast the only no vote as a County Planning Commissioner, he was not called on to the carpet by anyone on the Commission because his vote was accepted.

The City Council recessed into Executive Session at 8:25 pm.

EXECUTIVE SESSION

Item 8(a): ORS192.660(2)(h) – Legal Correspondence

Item 8(b): ORS192.660(2)(d) – Labor Negotiator Consultations

The City Council will meet in Executive Session to discuss legal correspondence and labor negotiations.

The regular session reconvened at 10:33 pm.

ADJOURNMENT


There being no further business, the meeting was adjourned at 10:33 pm.

ATTEST:



Finance Director

APPROVED:



City Manager