

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, Hilton, and Mayor Jones.

Councilors Excused: None

Staff Present: City Manager Estes, Parks and Recreation Director Dart-McLean, Community Development Director Leatherman, Finance Director Brooks, Fire Chief Crutchfield, Police Chief Spalding, Public Works Director Harrington, City Engineer Crater, Library Director Pearson, and City Attorney Henningsgaard. The meeting was live streamed and recorded, and will be transcribed by ABC Transcription Services, LLC.

PRESENTATIONS

Item 3(a): Update from Hyak Maritime Tongue Point

Bob Dorn provided an update on Hyak's efforts to purchase the largest travel lift in North America. Hyak had already applied for grants and started the design and permitting processes. He described an increased need for the lift and noted the economic benefits of having the lift at Tongue Point.

Councilor Brownson said this expansion would be a great opportunity. Hyak and the Port of Astoria were working together to fill niches in the industry. He appreciated that a local construction company would be used, keeping money in the local economy. He asked if Hyak still planned to build tugs and barges.

Mr. Dorn responded that Hyak was always looking for opportunities to build vessels. He expected that more vessels would be built, as well as the repair of existing vessels. The idea was always to have a travel lift because the facility has the perfect space and the perfect businesses in the area.

Councilor Herman thanked Mr. Dorn for all the work he did at Tongue Point.

Councilor Hilton thanked Mr. Dorn for his dedication to the community.

Councilor Rocka congratulated Hyak on their new project.

Mayor Jones requested an update on infrastructure improvements and construction associated with the Coast Guard moving to Tongue Point.

Mr. Dorn said he had seen buildings being demolished by Big River Construction. He believed five or six national contractors would try to win the work but none of them had any marine or waterside experience. He hoped Bergersen Construction would be chosen as the contractor to take out and replace Pier 6. There was not a lot of activity yet because Covid-19 slowed down the Coast Guard's plans.

REPORTS OF COUNCILORS

Item 4(a): Councilor Herman reported that she attended the Homeless Solutions Taskforce (HOST) and the badge pinning ceremony for Deputy Fire Chief McCarthy. She also spoke with Senate candidate Melissa Bush about challenges in the district. She congratulated Jessamyn West on being hired as director for the Astoria Downtown Historic District Association (ADHDA).

Item 4(b): Councilor Hilton reported that he also attended the HOST meeting and a City Council work session on a bypass and the industrial wastewater program. He visited with neighbors about the future of the community. He thanked the Astoria Christmas Club for decorating downtown. He hoped the commercial crabbers and fishers returned home safely. He thanked the processors and the Coast Guard for supporting local industries.

Item 4(c): Councilor Rocka reported that he and Director Harrington met with residents on Lincoln Avenue to discuss lighting and refurbishment of a historic staircase. He attended the Housing Solutions Group meeting and spoke with Viviana Matthews [17:47] about the role of Clatsop Community Action. He also reported that it had been difficult for him to find a high dose influenza vaccine and that the vaccine was not covered under the Medicare Advantage plan unless the vaccine was given by his doctor. His doctor did not offer the vaccine so he paid for it. He encouraged everyone to get the vaccine even if it takes persistence. He also encouraged everyone to get a vaccine and booster for Covid-19.

Item 4(d): Councilor Brownson reported that he had a nice Thanksgiving with family and friends. He attended Chief McCarthy's badge pinning. He was happy that Chief McCarthy would serve as fire marshal and be responsible for emergency preparedness. He reported that the reality of a bypass did not look promising yet, but the City could push for Highway 30 improvements. He believed Staff should look for opportunities to make the traffic flow through town a little bit better. There is development at Tongue Point, the Port is expanding, and tourism is increasing, all of which will create additional challenges. In order to get workers into town, they need someplace to live, and that is a high priority for the City Council. He reported the Fire Department was doing a food drive, currently on the east side. Tuesday night, the Fire Department would collect food in the central part of town and the north slope, and on Wednesday night on the south slope.

Item 4(e): Mayor Jones reported that he led the countdown for the holiday lighting ceremony. A couple hundred people came out in the driving rain to hear Christmas carols. He also recorded a couple of shop local radio jingles, which was fun. He encouraged everyone to shop local instead of ordering online or going to Portland.

CHANGES TO AGENDA

No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of November 1, 2021
- 6(b) Commission Minutes for Review
- 6(c) 17th Street Dock Division of State Lands (DSL) Lease Renewal (Public Works)
- 6(d) Consideration of Liquor License Application from Galactix LLC doing business as Galactix located at 936 Commercial St. Suite B for a Limited On-Premises Sales License

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

REGULAR AGENDA ITEMS

Item 7(a): Public Hearing Regarding Proposed Ward Redistricting

The City of Astoria Charter, Chapter III, Section 3.3 states, in part, the following: "In order to provide more equal representation, the City Council may, by ordinance, from time to time, change the ward boundaries."

At a minimum redistricting is normally completed after each census. With the completion of the 2020 census it is necessary to review the voter population by Ward and determine appropriate distribution to comply with the City Charter and to follow general Guideline of the State of Oregon. General guidelines in the State of Oregon consider voting districts to be in equal representation when the voter count is within +/- 10 percent of the average. For the purposes of the City of Astoria this average would be 2,504 voters per Ward with an upper count of 2,754 and a lower count of 2,254. Based on this information, a review of the voter population by Ward was conducted with Portland State University Population Research Center to determine a redistricting plan which would have the least impact on the Ward boundaries while achieving equal representation. It is anticipated an ordinance implementing the boundary amendments will be brought to Council on December 20, 2021, for a public hearing and to conduct the first reading and a second reading and adoption would be

brought to Council on January 3, 2022. It is recommended that City Council conduct a public hearing regarding the proposed changes to the Ward boundaries and if acceptable direct staff to prepare an ordinance implementing the boundary amendment.

Director Brooks said Staff regularly checks to ensure the wards stay within a reasonable variance. Shortly before the census data was published, Staff noticed that Ward 2 was acquiring more people and would need to be rebalanced. About 600 voters need to be moved from Ward 2 into Wards 1 and 3. No adjustments are needed to Ward 4 at this time. She displayed a color-coded map showing the current ward boundaries and described the proposed changes, which were based on conversations with the affected Councilors.

Mayor Jones opened the public hearing at 7:29 pm] and called for public testimony.

Councilor Brownson stated he would be losing 600 constituents. He tried sorting this out with Director Brooks, but he could not gerrymander the situation the way he wanted. Therefore, he would be left with a nonpartisan district.

Councilor Rocka said he and Councilor Herman would do their best to meet the high standards that Councilor Brownson set for the areas being moved.

Councilor Herman added she was impressed that Portland State University's (PSU) population research center was able to equal out the wards so closely.

Mayor Jones closed the public hearing at 7:31 pm.

City Council Action: Motion made by Councilor Herman, seconded by Councilor Rocka, to direct staff to prepare an ordinance implementing the boundary amendment. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 7(b): Request for Encroachment in the 11th Street Right-of-Way and 11th Street Steps Park – 1092 Jerome Avenue

The property owners of 1092 Jerome Avenue, Dave and Billie O'Neel, constructed a fence and other appurtenances in the 11th Street right-of-way between Jerome Avenue and Irving Avenue. This is also a public park space known as the 11th Street Steps. During construction of the fence, City staff made contact with the property owner and contractor and directed them to stop construction due to the observed encroachment. They were advised that the encroachments may need to be removed. The fence construction was completed following City staff making contact of the encroachment.

City staff then coordinated with the property owners for submittal and review of a Property Use/Acquisition Application. This is the application used to review proposed and existing encroachments into City right-of-way and on City property. The property owners requested approval for encroachment of a linear fence, screen, decking and arbor. The reason for the encroachment was to "deal with an unreplaceable crumbling retaining wall."

City staff conducted review of this request and has recommended that the request be denied. The property owner has requested that the recommendation be reviewed by City Council. It is important to note that there are other code issues associated with these improvements that will need to be addressed in addition to consideration of the right-of-way/public park encroachment.

It is recommended that City Council consider the request for a right-of-way and public park encroachment.

Mayor Jones said Ms. O'Neel contacted he and Staff earlier in the day to request 45 minutes to speak instead of the standard 10 minutes. He offered Ms. O'Neel 15 minutes to speak.

Billie O'Neel, 1092 Jerome, Astoria, said after a 30-year search and six years of renting, she and her husband purchased their current home. Five years ago, she began planning to obtain their first permit. The permit was denied. The Planner at that time, Nancy Ferber, was misinformed and had lied to her. She had documentation to prove that Ms. Ferber lied to her repeatedly in front of Staff. Over the past five years, she had also dealt with a

variety of borrowed inspectors, experienced delays, and lost money due to misfiling, which she had had documentation for. The broken retaining wall sits solely and completely on City property. The City has told her off and on that the wall belonged to her or that care of the wall belonged to her. The Code says that wall must abut her property; however, it is sandwiched by City property and does not abut hers. City property is on both sides of the wall. Because she was told the wall was her responsibility, she contacted three foundation companies several years ago. All of the contractors advised her not to touch the wall because it would be an engineering nightmare, but to cover it up instead. The contractors also said it would take a Cascadia event to take the wall down and that it was only broken due to trees growing at the top edge of the wall. The trees have been removed and the wall is stable, but it is dangerous to her as a homeowner. At the top of the wall next to her front yard, a retaining wall was added on top of the original wall, which created a seven-foot vertical drop from the side of her front yard. The previous homeowners and the City have nothing about this. The wall cannot be fixed. Replacing the wall would be too expensive and likely would not be approved by the City. She would have to replace her sewer line which goes under the wall. An engineering fee would cost \$8,600 and moving the wall into the green space would destroy her side of the park, permanently disrupt the balance of the landscape and damage the historic hedges. By covering up the wall, she solved three problems. One, the dangerous seven-foot drop has been eliminated. Her husband is handicapped and she needed to create as many level surfaces as possible for him. Two, her side of the park has been beautified. And three, deer are now prevented from entering her property. The City does nothing to control the deer population. The deer trample, eat, fight, defecate, urinate, and destroy landscaping. She has not had one deer in her yard since the last panel of fencing was put up. She showed a photograph on the screen of five deer sleeping in her backyard the day before the last panel was put up. She had a letter from Public Works that does not recommend to Council that the structures be kept in place. She asked if Director Harrington had an inspection report on her structures.

City Manager Estes stated Ms. O'Neel had already raised this question with the Public Works Director's office and Administrative Assistant Hammond had responded, saying that there are no written inspection reports available.

Ms. O'Neel said Public Works had deemed the structures unsafe, but they have not been inspected. Therefore, judgements and recommendations were made without complete information. She questioned how this was proper procedure, due process or fair. The letter from Public Works cited concerns about being able to clearly inspect the wall for future maintenance and compromised access to utilities. She displayed a photograph on the screen of the wall from the top and said the City clearly did not maintain the wall. Otherwise, the wall would not be in its current condition. She assumed Public Works did not have any maintenance records. She had observed and intervened in the care of the park over the last 11 years. First, she dealt with an abandoned power pole half way down the hill on her side, which was split on the top and stood in the middle of every picture. A year later, she painted her house, which had many wires that cut across the view from the top of the staircase. There was also a beige switch box installed in front of the colonnade that resembled an abandoned freezer left on a curb. She had the wires moved when she painted the house. The wires were moved across the street so they would be out of her view. Brush has encroached into the park at least three times and she had it removed. She removes weeds at the top when she is in the residence. She also did her best to camouflage the cable box by covering it up and painting it. The City was misguided years ago when it chose the location for the box. The City should not have allowed the cable company to put the box in front of a historic structure. The cost to move it is over \$100,000 and she had forwarded that information to Director Dart-McLean. She did all of this work for the park without asking permission or sending the City a bill because it was the right thing to do. She contacted the director of the Lower Columbia Preservation Society (LCPS) about the park and was surprised to learn that there were several community groups in the city that take care of monuments and parks because the City cannot or will not. The unobstructed view is one of the finest in the City and it exists because of her. Her frustration was common among homeowners in Astoria. She had asked Director Dart-McLean about restoring the park and he thought her ideas were good. However, there are more pressing priorities, lack of funds, and lack of people. Therefore, she proposed fixing the park herself. She was granted a permit to fix the colonnade at the top of the staircase. She hired a brick mason, who would start on the colonnade when he is done working on her home. She was an award-winning preservationist and a nationally published decorator. She had also been on international television. This five-year renovation has been a lot. She had persevered through two hip replacements, a shattered shoulder, four eye surgeries, a pandemic, a cross-country move, and cross-country road trip to make all of this happen. She would be making a very difficult decision soon, whether or not to bequeath the colonnade repair to the City to be torn down. [audio quits 49:43 – 54:30] The City would be hard pressed to find another citizen that is dedicated to the maintenance and beautification of this park. She asked the Council to support her by keeping the structures in place and creating compliance. Her real estate broker

told her that about every other house she had sold in Astoria had a license to occupy City property. Director Leatherman told her this was due to a flawed overlay from 1814 that was drawn by a person in Washington D.C. who had never been to Astoria. Because of this, people like her had been fighting City Hall for over 200 years. She asked that her request be expedited, that she be allowed to keep the structures, that she be allowed to restore the colonnade and create a fundraiser through Parks and Recreation. She had already discussed this with Director Dart-McLean. She and her husband worked all their lives and spent every last cent they made on their dream home. They have restored the home and pay their taxes. The City has frustrated many would-be homeowners to the point that they have abandoned their houses. This is a disservice to the City, created by the City. Too many properties languish because owners are no longer willing to try. She tried to improve a City park and her property because she loved Astoria and the house. She has proven to the Council that she wanted to restore the structure and make it beautiful. The structure is on the walking tour and people come from all over the world. She had taken many photographs for tourists. The park deserves better, and she and her husband deserve better. She asked the Council to see the benefit of what she had done and planned to do. She wanted to work together with the City to preserve the pedestrian staircase and the structures she built.

Mayor Jones Opens Public hearing and called for public comments.

Stuart Emmons, 107 Kensington, Astoria, said he was an architect. He recently purchased a site in Astoria for a house. His due diligence included a survey, a geotechnical evaluation, and a license to occupy. He was also working for several clients in town, doing due diligence on property because buyers want to know what they are getting into. He had been reading on Facebook and Nextdoor some very negative things about City Staff by people he had been working with. He was offended by the comments. City Staff works very hard and had been great to him and other community members. He believed it was very unfortunate that Staff was being treated this way so publicly. He was happy to be part of the community in Astoria because people treat each other very well, everyone from Staff, residents, renters, and everyone in the community. He would not build a fence on his neighbor's property and ask for forgiveness later because that is not the right thing to do. He supported Staff's recommendation to deny the request to encroach on City property.

Kris Hafeker, 687 12th Street, Astoria, said Ms. O'Neel's presentation was pretty harsh. He could sympathize with homeowners being frustrated with the Planning Department and he could sympathize with City Planners being frustrated with the Development Code. As a homeowner and general contractor, he knew first hand that getting projects done were a difficult task sometimes. The problem he had with the fence is that it is located on public property and there had been no opportunity to review the project. He appreciated the stairs and would have appreciated an opportunity to give input on how the work would be designed. He thanked Ms. O'Neel for improving the view, but that does not take away from the fact that it is public property and everyone has a say.

Mayor Jones confirmed that Councilors had no questions of Staff or of Ms. O'Neel at this time.

Ms. O'Neel responded that the fence could not have been built in any other location. As a homeowner, she had a right to a fence. The fence is on City property, but when it was built, she was under the impression that the wall was the property line. The property line is actually inside the wall, so the wall and fence are on City property. The City has not maintained the wall. Anyone who believed a fence could be built on a failing retaining wall would be misguided. The anchoring was right next to the cement and did not encroach any further than four inches or impede the use of utilities or maintenance. The fence is made of panels and the sections can be removed. She did not go through a review process, but it was in the middle of the pandemic and when the materials were available, she had to pounce. She had workers in good weather during the summer and she proceeded with the work in two sections. The first section at the top was done in May and the lower portion was done four months later. The City and everyone else had ample opportunity to question her about the work, but no one did until the last six feet were left.

Mayor Jones closed the public hearing at 8:05 pm and called for Council deliberation.

Councilor Herman stated the property was very close to her home and she had been by it a number of times. She met with Mr. and Ms. O'Neel a couple of weeks ago and she was sorry this issue had come to an impasse. This would not have happened if the O'Neels had sought the proper permits in the beginning. She did not accept the pandemic as an excuse. All property owners are still required to follow the rules, which are not unreasonable and exist for good reason. She was concerned that the O'Neels did not seek permits and she wondered if their contractors were concerned about doing the work. Experienced contractors will say when a permit is needed.

She was also concerned that the screening covered the retaining wall, which would hide future deterioration of the wall. The screening is not what everyone would consider attractive. The retaining wall is simple and the steps are a beautiful corridor. The green screening does not fit and it would be difficult to keep them painted. In the 22 years she had been a resident and business owner in Astoria, she had been impressed with City Staff, who are hard-working and dedicated. Staff takes a lot of abuse. Because Staff works for a public entity, they are not at liberty to respond to verbal abuse. Staff does not deserve the abuse, which is not professional, civil, or community minded. If the O'Neels had simply gone to City Hall to begin with, they would not be in this position.

Councilor Brownson said he concurred with Councilor Herman. It is difficult to deal with the authorities, ask for forgiveness, and fix things after the fact. He was a contractor for 10 years and he did not always like what the City had to say, but he also understood there was a process and a Development Code. Getting through to the person you need to talk to and get something done can take some time, which is frustrating. However, the rules still need to be followed. He had a lot of respect for Staff. Astoria is a small town and funding is challenging, so the City has to work with what it has. Staff works really hard and they have a lot going on. He did not like hearing someone berate the Staff and the O'Neels did not get approval to do what they did.

Councilor Rocka stated that when Staff told the O'Neels the fence was being built on City property and would not be allowed to stay, no diligence was done even at that point. Doing due diligence on one's property is expected and necessary. City Council will not look the other way when someone is usurping public property.

Councilor Hilton said Astoria has Codes and a process for requests like this. The public park belongs to the citizens of Astoria and it is the Council's job to listen to the citizens through the process and the Code. The comments made about Staff were difficult to hear. Staff works hard every day. If the O'Neels had followed the process and obeyed the Code, they would not be in the situation they are currently in.

Mayor Jones said an early email from Ms. O'Neel to the Councilors talked about how she just happened to find some labor and materials in the midst of good weather in summer, so she fenced the yard. When building a privacy fence around his backyard, the first thing he did was find the survey markers. Then, he showed the markers to his neighbor and asked if the neighbor agreed with the location of the property line. He made sure to get concurrence from his neighbor so that he would not end up in a dispute later on. If that had happened in this case, a lot of trouble would have been saved. He agreed with Staff's recommendation to deny the request.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Hilton, to deny the Property Use/Acquisition request for right-of-way and public park encroachment by Dave and Billie O'Neel. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 7(c): Consider Authorization to Bid Rivington Avenue Waterline Replacement Project

During work to establish a new water service on Rivington Avenue, City staff discovered that the existing water lines serving the area are extremely deteriorated and in need of an immediate replacement. In addition, the area has been subject to lower than typical water pressures due to the size and condition of the existing water lines. Staff proposes replacing the two water lines with a single eight-inch water line that incorporates a new fire hydrant near the terminus of the street to provide better water pressure and enhanced fire protection for this neighborhood. The engineer's opinion of probable construction cost is \$210,000. Funding for this project is currently available in the Public Works Improvement Fund. It is recommended that City Council authorize staff to solicit bids for the Rivington Avenue Waterline Replacement Project.

Councilor Brownson said that currently there was a two-inch line and a six-inch line going up Rivington, so it made sense to replace those with an eight-inch line. However, there would still be a six-inch line feeding the eight-inch line. He asked if there would be enough pressure to operate a fire hydrant.

City Engineer Crater explained that eight inches is the minimum size the City will consider. Eight-inch lines are the minimum size allowed to be connected to a hydrant in order to keep the velocities at appropriate levels in the pipe. There are a couple of six-inch lines that will be feeding the new eight-inch line. Also, in two or three years, Staff plans to loop the end of the line from the end of Rivington up to Alameda.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Herman to authorize staff to solicit bids for the Rivington Avenue Waterline Replacement Project. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 7(d): 23rd Street and Marine Drive Rectangular Rapid Flashing Beacon – Oregon Department of Transportation Intergovernmental Agreement

The existing crosswalk at the intersection of Highway 30 (Marine Drive) and 23rd Street has been the subject of pedestrian safety concerns from adjacent businesses and residents, including Columbia Memorial Hospital. The construction of new businesses and area redevelopment has increased the use of the existing crosswalk and resulted in this location being added to the City's list of crossing enhancement priorities. A Rectangular Rapid Flashing Beacon (RRFB) was determined to be a cost-effective approach at providing pedestrian safety enhancements.

City staff worked with Otak, Inc. to develop a preliminary scope and project cost to establish the requested funding amount from ODOT. The estimated project cost is approximately \$200,000. ODOT provided the attached intergovernmental agreement (IGA) in this amount. The City Attorney has reviewed the IGA and approved it as to form.

City staff is requesting that City Council approve the IGA with ODOT to fund the design and construction of the 23rd Street and Marine Drive enhanced pedestrian crossing.

Councilor Herman confirmed with Staff that the lights would be similar to but more modern than the lights that were installed to the east on Leif Erikson Drive.

City Manager Estes noted that other crosswalks needed attention. Upgrades were made when Columbia Memorial Hospital vacated a right-of-way and built the parking lot to the east of the pavilion building. The City helped the hospital secure ODOT grant funds to do those pedestrian upgrades, which made future improvements for affordable. The funds available for this project would not have covered pedestrian improvement project elsewhere in the city.

Councilor Brownson said he hoped the City could deal with 6th Street when ODOT could make the improvements listed in the Transportation System Plan.

City Manager Estes responded that ODOT would be discussing the area between 8th and Uniontown with the Council in a couple of months.

City Council Action: Motion made by Councilor Hilton, seconded by Councilor Rocka to approve the IGA with ODOT to fund the design and construction of the 23rd Street and Marine Drive enhanced pedestrian crossing. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 7(e): Consideration to Award Professional Services Contract for Design Engineering of the OR202 Waterline Replacement Project to Murraysmith

On December 15th, Council supported Staff's recommendation to use a portion of the City's American Rescue Plan Act (ARPA) discretionary funds to replace approximately 2,200 feet of 1918 cast iron waterline along highway OR202 (W. Marine Dr.) between Alameda Avenue. and 5th Street. The existing 100-year-old waterline will be replaced with larger, more resilient waterline.

Total estimated cost of the OR202 Waterline Project is \$1 million including design engineering, bidding support, construction, and construction management. The highly qualified consulting firm, Murraysmith, has prepared a scope and fee for the engineering design and bidding support for this waterline replacement project. Staff has reviewed the scope and fee and recommend Council authorize the contract for \$99,561. Funding is available through the City's ARPA discretionary funds.

Murraysmith can begin design engineering work as soon as the contract is executed and they expect to bid the project in June 2022. Construction is anticipated in the summer 2022 with substantial completion occurring

prior to ODOT bidding of the OR202 Sidewalk Project in October 2022. It is recommended that City Council award the Professional Services Contract for engineering design of the OR202 Waterline Project to Murraysmith for \$99,561.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Rocka, to award the Professional Services Contract for engineering design of the OR202 Waterline Project to Murraysmith for \$99,561. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

Item 7(f): Consideration of Pacific Power Easement for 1152 Marine Drive – Astoria Food Hub

To accommodate development of the Astoria Food Hub at 1152 Marine, a new, more robust electrical service is required. The preferred alignment for the new service requires encroachment into the rail banked property, just west of 12th Street. City staff reviewed the request for the encroachment and recommend an easement with Pacific Power. City Staff is recommending that City Council approve the easement and authorize the Mayor to sign.

Action: Motion made by Councilor Brownson, seconded by Councilor Herman, to approve the Pacific Power easement and authorize the Mayor to sign. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None

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

There was none.

Mayor Jones called for a recess at 8:35 pm. Immediately following the recess, the executive session convened at 8:40 pm.

[1:35:20 Audio Ends]

EXECUTIVE SESSION

Item 9(a): ORS192.660(2)(h) – Legal Counsel

The City Council will meet in executive session to consider the Hollander land use extension request currently under review in the Oregon Court of Appeals. The executive session is being held pursuant to ORS 192.660(2)(h).

Item 9(b): ORS192.660(2)(i) – Performance Evaluations of Public Officers and Employees

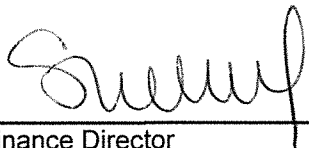
The City Council will meet in executive session to discuss a performance evaluation.

The regular session reconvened.

ADJOURNMENT

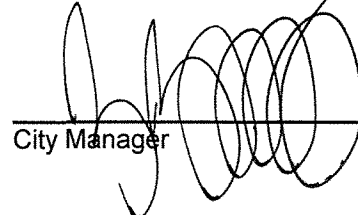
There being no further business, the meeting was adjourned.

ATTEST:



Finance Director

APPROVED:



City Manager