

MINUTES SEASIDE CITY COUNCIL OCTOBER 14, 2019 7:00 PM

- CALL TO ORDER** The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Council President Frank.
- ROLL CALL** Present: Council President Randy Frank; Councilors Tita Montero, Steve Wright, Dana Phillips, Seth Morrissey, and Tom Horning.
- Absent: Mayor Jay Barber.
- Also Present: Mark Winstanley, City Manager; Dan Van Thiel, City Attorney; Jon Rahl, Assistant City Manager; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Dale McDowell, Public Works Director; Dave Ham, Seaside Police Chief; Genesee Dennis, Seaside Fire Fighter; Tristyn McFadden, Student Council Representative; and RJ Marx, Daily Astorian/Seaside Signal.
- AGENDA** Council President Frank stated he would entertain a motion to approve the agenda.
- Councilor Phillips so moved with a second from Councilor Montero; carried unanimously. (Phillips/Montero)
- PROCLAMATION –** Council President Frank stated we have several proclamations to read.
- Councilor Morrissey read the Proclamation for Unity Day 2019.
- Genesee Dennis, Seaside Fire Fighter, read the Proclamation for Fire Prevention Month.
- Tiffany Brown, Clatsop County Emergency Coordinator, read the Proclamation for The Great Oregon Shake Out Day.
- Councilor Montero read the Proclamation for Domestic Violence Awareness Month.
- COMMENTS STUDENT REPRESENTATIVE** Council President Frank stated next Tristyn is going to share with us updates from Seaside High School and then she has to leave right afterwards. She's a busy person.
- Tristyn McFadden, Student Representative for Seaside High School, stated to start off this week on October 15th there is a volleyball match against Valley Catholic. JV and varsity play at Seaside High School that day. There's also varsity girls' soccer against Astoria and boys' varsity soccer against Astoria as well. Girls and boys play at the Broadway Field. October 16th, we have PSA test and it's from 8:30 AM to 11:30 AM at Camp Rilea. It's for sophomores or any juniors that want to retake it to get more practice. And then also soccer girl's JV versus Taft at Taft High School. October 17th is Parent Teacher Conferences on Thursday from 4:40 PM to 8:00 PM in the cafeteria and library at Seaside High School. Also, a soccer girls' varsity match and boys' varsity matches versus Valley Catholic at Broadway field. We also have another Parent Teacher Conference October 18th which is Friday and we have no school that day, another Friday off. And that is from 8:00 AM to 12:00 PM in cafeteria and library at the Seaside High School. There is a varsity football game that Friday at 7:00 PM at Banks High School. And we are also participating in Unity Day at our school Wednesday October 23rd will be wearing orange to be aware and support the cause. We're spreading that around. We have posters up and everything for students to be able to be aware of the Unity Day and to support the cause. And then we also contacted OSU because we asked for like orange tee shirts from them to be donated so were hoping that they respond back to us for that. And then we also are for the Great Oregon Shake Out Day we are doing earthquake drills and we're also doing a Tsunami Drill that day.
- COMMENTS – PUBLIC** Council President Frank stated at this time we'll open up the floor for comments from the public. These are items that are not on the agenda. We just ask you to keep your speaking time to four minutes or less. Would anyone like to speak?
- Cathy Ryan, 465 8th Avenue, Seaside, stated I'm here tonight to encourage you all to take seriously the proposal that I sent to all of you in regards to the vacation rental dwellings. I made a proposal for you to consider in looking at a way to not only raise the revenue that we need for the code enforcement officer but also for a way to support those vacation dwelling owners that are currently doing the best that they can do by being with a management company. And I've also looked at two other types of vacation rental owners that could be with my proposal moved from not being as compliant as we would like them to be, to be more compliant and rewarding them for that move. I would hope that you would seriously consider the plan that I sent you. My fingers are crossed.
- Council President Frank stated I know all of the Councilors got that. Thank you very much.
- John Dunzer, 2964 Keepsake Drive, Seaside, stated oh I'm not even going to talk about anything on the agenda. I'm sorry to be speaking incorrectly.

I wanted to talk about the newspapers. I read the newspaper took me a long time because of mine. But anyway, you had an article in there about census listers. Did anybody else read this article in here? I was a census lister for South County. I'm the one that completed this work October 1st and I want you know oh a couple of thousand listings and so forth. I just wanted to give you an idea of what I found when I did this about what's in the census. Since you have a housing report. It's based primarily on the census. It's interesting to have knowledge what the problems are, with that was lists that are in there. We were instructed this year to find, identify as many as we could possibly find places where people could live rather than just where they are living. And also, they were looking for people that not just the normal census listing part of the thing. I looked at some of the areas that I was assigned. We did 35% of the area and went around and talked to people, looked and peeked in the blinds. But anyway, we found, you know I've found over 200 places that were, would probably be classified as workforce housing that are not in the census in Seaside. You say well how could that be? Well you know there's a lot of things that happen when you get RVs out there, there's motor homes out there, there's rooms over garages, out there. There's all kinds of things that are out there. A lot of these are being lived in and they're not on the census now. Hopefully they will be on the census now. But these are things that are hard and you have to have a dedicated person someone that listens to all of the proclamations and to do this kind of work. And that expresses unity as well as mental handicaps and domestic violence. But anyway, let me just tell you bring food everybody. But anyway, that's what you're getting in the census. It's not exactly really good. There's a lot of stuff that we have here that is available and you know I'm a beggar. You know I'm still a big proponent of the fact that we wouldn't have a workforce housing problem if the merchants of this particular area who have seasonal businesses would use the older folks and would make an active effort to find older folks who are already living here who need to supplement their income. There's a lot of us out there and we're good workers. We work well. But you know and I can speak from personal experiences you know my personal injuries. These merchants, these business owners, hey don't they try. They don't even try to enlist older people and they don't know them. And for whatever reason it is. They'd rather sit up here and have the rest of the city subsidized housing for their employees. They'd go out and do the work of finding employees that would work for their business that are already here that could do a great job and we can make them better communities. But you know these people that are always talking it's like oh I can't find anybody to work with. I guess they're not trying. There's plenty of us out here. At Walmart that's 65% older people that are working you know. I just wanted to tell Mr. Mark and somebody reading and I thank you very much for giving me four minutes. I appreciate every second of it.

Council President Frank asked if anyone else who would like to speak about anything that is not on the agenda. Okay.

CONFLICT

Council President Frank asked if we have anyone who would like to declare a potential conflict of interest.

No one declared a conflict of interest.

CONSENT AGENDA

Council President Frank stated the consent agenda looking for a motion and second.

Consent Agenda: Payment of the Bills - \$992,481.29; and Approval of Minutes September 23, 2019.

Councilor Morrisey so moved with a second from Councilor Phillips; carried unanimously. (Morrisey/Phillips)

REPORTS AND PRESENTATIONS:

**COOPER STREET
POCKET PARK**

Council President Frank stated now under reports and presentations Mr. McDowell you're the guy.

Dale McDowell, Public Works Director, stated as you might remember a couple of months ago Seaside Park Advisory Committee came before Council and discussed a new park up at the top of Cooper. This was a piece of property the city owns. It's just a right-of-way. It's fairly small but they express concerns that it is kind of overgrown with grass and they'd like something done with it if possible. We went from the park advisory and brought it here just to talk to you about it. Then we took it to the Planning Commission and got their approval for it as well. I have the report here and we're now moving forward with it. You will see this sign it's going to be going up. This particular park will close at 9:00 PM. Again, you have basketball players that are going to be playing up there and you want to give people that quiet time. These are the new signs that are in all of our parks as of Friday. You'll see these are all out through town. Chief Ham you may not have seen these yet. That's what these will show is one the address of the park. If someone wants to know where they're at and the hours of operation and then the general rules in the ordinances that are followed.

One of the things with this particular park is no drone flying. Unfortunately, the school district does not want anybody flying over the school. We wanted to make sure we put in that we accepted authorized people. And the same with our timber partners up there too just because sometimes there could be a fire. We tried to get with everybody there is that was involved with this park and get them on board and get their communication. We'll have a couple community get-togethers because we want to know exactly what they want in the park. We know there'll be a basketball court or we know there's some benches or picnic tables. We may do the little community gardens down near the bottom that may help balls from rolling out into the street. We'll come up with an easy plan and make the city proud of this park.

Council President Frank asked what the approximate size of that park is.

Mr. McDowell stated it's 20 by 100 or a 20 by 125. It's a narrow strip. It's also an access to reach higher ground. We do have to leave a 15-foot-wide driveway in there. That's why you will have basketball court but it will be off to one side. The fire truck has to get up there, a brush truck will be able to get up there. It will be asphalt paved.

Council President Frank stated I appreciate all of our signs being done in the same format and matching; they are good looking. How do you find a sign that is that great Dale?

Mr. McDowell stated well you know once you find the blank.

Council President Frank stated the city actually makes these.

Mr. McDowell stated I actually purchased these. There was a deal and I'm kind of a shopper as you might imagine. I was able to get all of the park signs. These ended up, and we couldn't quite do them as cheap as they could and they were \$48 apiece. And the logo on the top which is everyone's big pet peeve is in all of the parks and this logo can be changed. We can actually make the logo and put somebody new on later, for now it'll work. Thank you very much.

UNFINISHED BUSINESS: None

NEW BUSINESS:

PUBLIC HEARING

This was the duly advertised time and place to hold a public hearing regarding an Ordinance of the City of Seaside, Oregon, Amending the Code of Seaside Chapter 110 Making Specific Changes to the Schedule of License Fees of Business Regulations

ORDINANCE #2019-06

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE CODE OF SEASIDE CHAPTER 110 MAKING SPECIFIC CHANGES TO THE SCHEUDLE OF LICENSE FEES OF BUSINESS REGULATIONS

Council President Frank stated moving along now under new business we have a public hearing on Ordinance #2019-06. Mark would you like to explain what's going on with that?

Mark Winstanley, City Manager, stated thank you Council President Frank. This is an ordinance that would increase the business license fees for vacation rental dwellings. Council has had a couple of workshops that the public has been invited to and there's been quite a bit of discussion about the idea of having a compliance officer that would take care of concerns expressed as far as vacation rental dwellings are concerned. And one of the things that the Council needed to look out was how they would fund a compliance officer position. And it was suggested that the business license fees for vacation rental dwellings might very well be the best alternative. We went ahead and took a look at what kind of costs would be associated with a compliance officer both from the standpoint of salary benefits and the necessary equipment that they would need. And we're making a recommendation to the Council. There actually are three different categories of vacation rental dwelling licenses small, medium, and large if you will. And we're suggesting that you raise each one of those by \$400 that will allow for a generation of enough money in order to pay for the costs associated with the compliance officer. And that's the ordinance you have in front of you and you have a public hearing scheduled.

Council President Frank stated then at this time I'd like to open up the public hearing if anyone would like to come up and speak to that regard and please state your name address and keep your speaking time to four minutes or less.

Mr. Dunzer stated why do we have to go to four minutes or less?

Council President Frank stated well just if there's a lot of people speaking then it just keeps the amount of time down.

Joyce Hunt, 510 13th Avenue, Seaside, stated I highly encourage you to pass the ordinance increase. Because we really need that to get the ordinance for enforcement going. You worked really hard at it and I think this is the first step and I really hope we can keep it going.

I was a little discouraged in the article in the paper was talking about how hard it is to find an ordinance person and just a crazy idea but maybe an intern in the summer that at least can help us getting started if we can't find that permanent person. And although it's probably a lot more complicated than I can even begin, but I'm really glad you guys are making a good start.

Mr. Dunzer stated he has lived in Seaside for 15 years. First of all, I don't like the way that the tiering has been done on this ordinance adding \$400 to. The tiering was originally developed on this ordinance. It was for small, medium, and large were some sort of formula. The smaller ones are half the price or half the price of the larger ones. And then some of the middle ones are in the middle. Okay, what this now has is that my little Bed and Breakfast with one room with two occupants has had a 633% increase. Now if you tiered it the same way that you tiered these before my price would go down from \$475 to \$275. I mean I'm not changing anything except I mean, I'm sorry about the math of everybody. Can't take \$400 but that wasn't the idea originally that you had a difference between the small the medium and the large. Now essentially you wiped that out. Sent the small guy you know, hell with you. You must've had a rationale for doing it that way. You did it initially and I don't see it here now. Anyway, I'd be happy to pass this on, we're not taking up any of my four minutes. But anyway, I'll pass this on but I have a suggestion. I'm all in favor of code compliance. I seem to remember 14 years ago I walked into the police department and there was a code compliance officer there a lady and she was very good. Do you remember her?

Dave Ham, Seaside Police Chief, stated I do.

Mr. Dunzer stated and when she left you couldn't replace her as I understand it.

Chief Ham stated we're in the process.

Mr. Dunzer stated you're in the process of coming up with a code compliance officer.

Chief Ham stated a Community Service Officer is what we call it but they're not necessarily directly related to going in and dealing with what you guys are discussing here.

Mr. Dunzer asked why that is.

Chief Ham stated this probably isn't the time for me to be talking right now but it's not been.

Mr. Dunzer stated I don't understand. We've already funded the code. I used to go around with this lady we used to worry about code kinds of things. Okay. I'm sorry it's not the right time to talk about it. And I thought this was it. It could be that the ship has sailed, right. That's what I usually get from this Tita. And first of all I don't remember any public hearings that you, I mean anything where I was ever invited to these work sessions it would seem to me that somebody should let somebody know especially the people that are going to be affected about this that there are work sessions where we're there. I don't remember. I didn't get anything. We're got a call. How about fax. How about anything. I got nothing. Okay now I got in the newspaper again and I found out that I am taking away the soul of the community by having my two occupants every weekend at my bed and breakfast. That's what the people that are upset about this are. Now I have no idea what the violations are where they're occurring. I have none of that data. Where is that data? Because until you have that data until you know who's responsible who's not supposed to be doing it how can you come up with a solution? Is the data available? If you don't know what the problem how are you taking care of it, what's the deal? What is the data for? Where are the problems? Am I taking away somebody's soul? I don't think so. Let me think. Let me tell you what I think the soul of this community is. This is the document that called a Comprehensive Plan.

Council President Frank stated out of time.

Mr. Dunzer stated no, I request an extension of 30 seconds.

Council President Frank stated okay 30 seconds.

Mr. Dunzer stated thank you very much. In the Comprehensive Plan it says it was developed upon the premise that Seaside would remain a resort town depending upon its tourist-oriented economy. That's the soul of this town. That's all I got. Okay. I don't know anything about any other. We had a guest this weekend. This is what he wrote when he left, I just got this today. "Absolutely lovely host, delightful room, house, beautiful view, super location. Walked to the point and walked to the beach or just read, watch TV, drink wine and relax inside. Everything looked the same as pictures. We Airbnb a lot and all over the world and stay here". What soul am I destroying? I don't think I'm destroying anything. I'm providing exactly what it is you guys set out to make this community do and I'm a little upset at being accused of being, I don't know what the problem is and I don't like the solution because you changed the whole idea about tiering you know? I'm sorry.

Council President Frank stated thank you for your input. But John I'm pretty sure that those meetings were published in the paper. We did have people turn out for them and in the workshops, there was a lot of discussion.

Councilor Montero stated we had two workshops.

Mr. Dunzer stated well wait why didn't you notify me?

Council President Frank stated I'm sorry you missed them.

Mr. Dunzer stated you know I read the paper. Why didn't you send them to the people that are going to be affected by this? That seems to be the reasonable way to do it. Doesn't that sound reasonable? Swear to God that it is the most unreasonable thing. Don't let the people know that it's going to affect.

Councilor Frank stated anyone else that would like to speak to this ordinance. Weigh in on thoughts on it. Okay, then we'll close the public hearing and at this time open up for Council comments that you have. Anything that you'd like to say on this topic?

Councilor Morrissey stated yeah, I have one if you want me to start. I think it does make sense to Mr. Dunzer's point to have a tiered system that I mean the impact of somebody who has one to two people is obviously a lot different than 11 plus. I think that he does have a valid point. Mr. Winstanley, as far as amending the fees right now is that something that we can do and still move forward on this or is that something that would have to be rewritten and brought back to us?

Mr. Winstanley stated we would have to take a look and redo this. Now this is going to have, there are vastly more licenses in the lower levels than there are in the upper levels. And if we are going to refigure this it's going to, the math is going to be different than just simply some kind of tier. Now the reason why we made them all the same is because basically the work is all the same. You get a call on the complaints you get a call or a concern on the condition of a vacation rental. You have a compliance officer going out to take a look at a property. It doesn't necessarily translate that if you're called out there because of the condition of, let's say the kitchen for a vacation rental dwelling. Because it's a big house and has a lot of bedrooms that the work that they do in the time that they spend is going to be any different than it would be if you're called out for the kitchen in a two bedroom or a place that only handles two people. Compliance is a little different than how you might tier, based on the number of people that stay in a place. But we certainly can look at it but it's going to take some work to do that.

Councilor Morrissey stated is that something that we could amend on the third reading or that has to be done in first or second reading.

Dan Van Thiel, City Attorney, stated we should start doing it correctly from the very beginning Seth.

Councilor Morrissey stated as far as not to put you on the spot but as far as a percentage of vacation rentals that are between one to five occupants do you have any kind of rough figure on what that would be?

Mr. Winstanley stated I don't off the top of my head, I'm sorry. I can tell you that there is a limited number of the larger ones. When I can tell you that the vast majority of vacation rentals are in the smaller and medium size groups.

Councilor Morrissey stated well I appreciate the explanation. That does make a lot of sense.

Councilor Montero stated we did have a suggestion that we all received and I think goes along with the rewards for people who are doing the right thing and also a possible and probable reduction in workforce compliance officer if somebody is using a management company because the management companies tend to make sure that their houses, the guests, etc. are in compliance. And I'd like to see how other people feel about that suggestion that there'd be a reduction for those that are with a management company.

Councilor Wright stated I thought of the same thing. I don't know how to accomplish that problem. I think we've got a pretty good indication from most people particularly in front of the Planning Commission that this is the way they want to go. And we agreed at the workshop. This is under regulation ordinance. I'm wondering if there's some way you know we can develop something that in the future you know either there's a rebate or reduced cost somewhere else. Part of the deal here was to have an annual inspection as well. And maybe you know if there's not been you know under some categories there's no problems at that place then they're not charged the inspection or something like that would end up reducing the cost by I forget what he said \$87 a year or something like that.

Councilor Montero stated or possibly inspecting those less frequently because the management company is doing well in inspections.

Councilor Wright stated the management company can show us in writing that it has been done.

Councilor Phillips stated I guess I'm having; we've had two work sessions and the feedback from the Planning Commission and all of the work that they've put into this. And we were at both of the workshops the rental firms in this town were sitting in the audience and we didn't really have any feedback from them. Negative feedback they were asking for and agreeing with the complaints. I don't know even though I appreciate what John has done or has said I don't know how we can start back peddling issue that we've been discussing for several years now and our Planning Commission has put all this time and effort into it. We've had two work sessions on it and if we start dragging our feet it's not going to go into effect again for months.

So, I guess I'm really having a problem with, wait a minute guys, isn't this why we had the two workshops sessions? Isn't this why the Planning Commission has done all the work that they've done. And we've had all this documentation that I know that we've all read through and we've all listened to all sorts of workshops at the League of Oregon Cities just a couple of weeks ago. I don't know why we are dragging our feet. I think we need to move forward. That's my opinion.

Councilor Horning stated I think I agree with you. We've given it a lot of new consideration and I think the concerns about exorbitant costs are spread out over, if you spread it out over a year and if you're renting frequently results in a small increase in fee for a rental which I think can be passed onto the client. So, I think the goal of having fees set in order to meet a budget for an employee that is going to be hired to oversee this is an important part of the process. If you start cutting discounts for certain parts, you start under funding the position. And if you do that that maybe you don't have the position that you thought you would and results in an outcome that isn't very successful. I'd recommend moving forward with the process as it's outlined.

Council President Frank stated and I tend to agree with both of you on that and that you know it ends up being a little over a dollar a day increase and that's fine, I'm in. And like Mark said if somebody goes out it doesn't matter the size of property; they have to take the time and investigate. And I think it's for a worthy cause it might even help out a lot of the management companies to have that person also there to verify things because seemed like they get in this argument between the renter and the residents that are nearby saying something happened this happened and the police department gets put in this position where it's up to them to decide what it was and who it was. I think that compliance officer's going to help tremendously with all those issues. It's up to the Council what do you want to do? But if you'd like to see this move forward, I would entertain a motion and second to read by title only.

Councilor Wright stated can I make one comment. What I was saying and maybe I didn't make it clear was I think we need to do a fee for the regulation change. We just should investigate in the future if there are ways, we can make it a little easier on some people if they're always performing well and doing a good job. Also want to make a comment about John's comment about the soul of the city. That comment I think came from some specific people that have really had a problem with vacation rentals. I don't think any of us feel like vacation rentals are the bane of Seaside. There's lots of problems in Seaside and there's sometimes vacation rental problems but they're not killing the city.

Councilor Morrissey stated yeah, I would tend to agree with Steve and what he said. I don't think anyone here is against the vacation rentals. We're just trying to figure out a way to find how to regulate it.

Councilor Wright stated I'll make a motion to read by title only Ordinance 2019-06 with a second from Councilor Montero; carried unanimously. (Wright/Montero)

Council President Frank stated and then we would entertain a motion now for second reading by title only.

Councilor Phillips so moved with a second from Councilor Wright; carried unanimously. (Phillips/Wright)

Council President Frank stated this will be on our next Council agenda scheduled for a third reading at our meeting on October 28th.

RESOLUTION #3949

A RESOLUTION DECLARING THE COST ASSOCIATED WITH THE ABATEMENT OF PROPERTY LOCATED AT 412 NORTH HOLLADAY BY THE CITY OF SEASIDE, OREGON, DECLARING SUCH ABATEMENT FEES AND DIRECTING THE ENTRY AS A CITY LIEN

Council President Frank stated now we've got Resolution #3949. Mark would you like to speak on that.

Mr. Winstanley stated actually I would love to; this was kind of an interesting one. So, the Council several meetings ago instructed staff to abate a piece of property where there had been a fire and the house had virtually been destroyed and the property had not been cleaned up. The Council heard from neighbors, and after hearing from the neighbors Council instructed staff to go out and get that property cleaned up and in the process of getting it cleaned up to then lien the property for the cost associated with that. Resolution #3949 that you have before you is a resolution that actually places or would declare the costs of the abatement, which it ended up costing the city \$14,640 or actually \$12,200 for the abatement and then an additional \$2,400 in administrative fees in order to abate the property. Mr. Winstanley stated now the good news that I have for the Council and I can tell the audience is I have in my hand a copy of the receipt that paid the city \$14,640 for abating the property. what we need from the Council is for you to go ahead and pass the resolution establishing what the costs are, but the good news is we've already been paid for it and we will not need to file a lien on the property but we do need to have you take the official action of declaring the cost.

Council President Frank stated okay well then at this time I would like to open up our mic to public comments if anyone would like to speak on this item. Nobody's jumping up. Okay. Council comments? Okay. Then we'll entertain a motion to read by title only.

Councilor Morrisey moved that we read Resolution #3949 by title only with a second from Councilor Phillips; carried unanimously. (Morrisey/Phillips)

Council President Frank stated and now we will entertain a motion to adopt.

Councilor Morrisey moved to adopt with a second from Councilor Phillips; carried unanimously. (Morrisey/Phillips)

Council President Frank stated I'd like to just comment on that. This is one of those things where a neighbor came in and made it known to us what was going on with the property. It had been a couple of years and of course when something is burned the smell never really goes away. There were rodents and a lot of just mess. It was one of these things where we tried and tried to get hold of the property owner and they seemed to not care what was going on. It's unusual we take this action, but we did and then it was really a success and now things have moved along and it is cleaned up. I think the owner has also sold the property. And it's just helping the neighborhood a lot and that all started with someone coming to a Council meeting and making it known what's going on in the neighborhood. I'm very happy to see the whole thing come together especially with this so quickly, very nice.

**SEASIDE CIVIC AND
CONVENTION CENTER
EXPANSION/RENOVATION
CHANGE ORDER**

Council President Frank stated now we've got an update from Russ Vandenberg. What's going on over there? Steel is the word.

Russ Vandenberg, Convention Center & Visitors Bureau General Manager, stated steel is the word. I would like to start by handing out the dashboard update of the project schedule and budget. First, I'd like to address the change orders and ask Council to accept a list of change orders that I am here for this evening. The list of change orders would be at a total of \$65,982.88. I would like to point out with the exception of the sidewalk on Edgewood every single change order is a request by the city by the convention center to improve the existing facilities. And this if it's approved would modify the contract that we have with O'Brian from \$12,383,610.38 to \$12,449,593.26. With that increase in the contract we are still projecting the contingency balance of \$131,234. I would like to ask the Council to approve these change orders and I'm also here to entertain any questions.

Council President Frank stated any questions. How does the Council feel about the change order.

Councilor Phillips stated it is necessary.

Councilor Wright stated I really like having sidewalks on the east side.

Mr. Vandenberg stated yes, I do too.

Councilor Phillips stated I'd like to make a motion to approve Russ's expansion/renovation change orders with a second from Councilor Montero; carried unanimously. (Phillips/Montero)

Mr. Vandenberg stated I would like to give you a quick update on where we are on the project itself. We are at roughly a hundred percent complete on the interior with the exception of a few punch list items and a few operable wall things. But for the most part those are minor and those that are repairable it's just getting the contractors back out to make some adjustments. We are utilizing the interior of the facility now at its full capacity. The only delay that we're seeing right now is the First Avenue steel. There is an area that's missing about maybe 30 feet out of the facility that still needs to be installed. The material comes from a manufacturing plant in Utah and the material was delivered, it was cut, unfortunately it had a blemish and we rejected and sent it back to the manufacturer. They tried to re-bake it because the paint is baked on to the metal and it did not correct the blemish to the steel. It gets pushed back into production of which we are at the, you know we've tried to persuade them to move this project to the front of the line. And there's a lot of other projects that are doing the same that are a lot bigger than ours and we're now told this could take up to the end of November before the steel is installed on our facility. Believe me when I say that we are pushing as hard as we can as much pressure as we can do. And the manufacturer says that these things happen during production and they have no control. Obviously, they're going to build they're going to manufacture another piece of this metal that it's just going to take time. The loading dock on Edgewood is moving along as we had projected and should be completed by the end of October and that concludes the exterior, obviously that's the unfortunate news. But the good news is our clients are utilizing the space they love the interior and we're getting a lot of great comments about the flexibility of the new facility especially with technology and the lighting and the ability to separate some of the spaces that we were not able to separate before.

Councilor Montero stated I drove by the convention center about three or four nights ago and it was after dark and to see it lit up and to be able to see through, because of so much glass and how bright it was. It was just beautiful. Gorgeous.

Mr. Vandenberg stated we also have now installed the bollard lighting on the East side of the facility where the sidewalk curves around the river. All the bollard lighting now is in place and it looks just really nice. It's also a beautiful thing, but it also provides safety for those that are walking along that side of the building.

Council President Frank stated very nice.

Mr. Winstanley stated I have a question to ask the Council and certainly staff would like a little bit of feedback. With a project this size the city holds retainage on the project and at this point we are continuing to hold all of the retainage that the contractor is owed. I'd be interested to know whether the Council would be interested in partial release of any of that retainage if the contractor was down to just simply waiting on that steel. As Mr. Vandenberg has already relayed to you this is really not in the contractor's control and we certainly want to hang on to enough retainage in order to ensure that this project is completed. But if the Council would be interested in releasing a portion that's something that staff could take a look at and prepare for you at a later meeting.

Councilor Phillips stated this was discussed at length at the Convention Center Commission meeting and I guess the thing that really, so much has been done in the amount of time and the contractor's done an incredible job but some of the money still owed are some of the people that are here in this community they've been waiting for over a year. I am a single voice and as the commission's voice we would like a portion of that to be released. And there is comments that was brought up the other night about the, what's it called a boat.

Mr. Vandenberg stated roofing fence or something to hide the HVAC systems on the roof. With the limited budget that's left we're not sure we can do the roofing and the HVAC fence material up there. We have not received any cost estimates at this time. We have requested from O'Brien to obtain those costs and we would certainly like to see that as a final piece to this phase of the project. But without knowing what that cost is we're reluctant to move forward. We are getting a little pressure from the contractor as Mr. Winstanley mentioned to release some of their retainage and maintain a percentage of that retainage to complete the project. But at this point we are more inclined to complete the project and then pursue future capital improvements to install roofing HVAC fence or whatever material that's called. I would encourage the Council to take a look at the partial reduction, partial retention release. There's some other things with the project we were not able to complete as well. And one of those things is a new doorway on the East side of the main entrance. At some point in time we'd like to see that replaced to match the West side entry doorways to just complete the continuity of the center. And again, we you know that could be a capital project down the road.

Mr. Winstanley stated I want to make sure that I'm clear with everyone. I'm not asking for your approval. I'm just asking if you would be interested in entertaining a proposal at your next meeting for release. I'm not prepared and I don't think Mr. Vandenberg is prepared to provide you with any number at this point. I'd just be interested in whether that's something that the Council would be interested in entertaining.

Councilor Montero stated how much do we have in retainage.

Mr. Winstanley stated we're holding between \$500,000 to \$600,000 in retainage. We have a large amount of retainage especially when you're looking at what is left to be completed. I don't have a number tonight to be able to tell you how much is left that deals with that portion of steel that still needs to be taken care of. But I've got to guess that it's considerably less than \$500,000 to \$600,000.

Mr. Vandenberg stated the retainage was 5% of their \$12 million project costs which is what Mr. Winstanley indicated to be about \$600,000.

Councilor Montero stated well in my view I see the issue of retainage completely separate from what you're talking about possible future improvements. I don't see one affecting the other. I personally would want us to consider.

Councilor Phillips stated well and I'm voicing my opinion because I'm not going to be at the next meeting. I just want you to know my feelings towards, yes because of the fact that Russ and the contractors, they're doing daily going through and saying no this needs to be fixed and the needs. They're on top of it but it's not 100% ready to give them the money, but yes partial.

Councilor Morrissey stated my opinion would be to release the retainage but retain enough for the steel.

Councilor Wright stated or retain more than enough for the steel. I assumed Mark would be very conservative. Figure out what that amount is and go ahead.

Mr. Winstanley stated as far as that Councilor I believe that I will be conservative.

Council President Frank stated if you're looking for more input, I'm all for it.

**VACANCY –
PLANNING
COMMISSION**

Council President Frank stated then we've got a vacancy or a term expiration on the Planning Commission. Two terms and both want to reapply.

Councilor Wright moved to reappoint Robin Montero and Louis Neubecker to a four-year term with a second from Councilor Morrissey; carried unanimously. (Wright/Morrissey)

The term expiration for Robin Montero and Louis Neubecker is November 1, 2023.

**COMMENTS –
CITY STAFF
AND OTHERS**

Council President Frank stated okay, comments from city staff. Chief do you have anything for us?

Chief Ham stated nothing earth shattering comes to mind.

Council President Frank stated things are good, that's a good report and Dale anything you would like to add.

Mr. McDowell stated well as Russ said they were working diligently over there trying to get everything done. I can assure you where they are, because every time they get finished with a section we are right behind them putting in bike racks, ADA stalls, lamp post, and the time capsule so they don't get a chance really to let anything dry or get too far ahead of it. That's going very well.

Council President Frank stated great, Jon anything you'd like to add.

Jon Rahl, Assistant to the City Manager, stated no thank you.

Council President Frank stated are you all done Russ?

Mr. Vandenberg stated I would like to invite you all to come out tomorrow night for the Seaside Kids Pancake feed tomorrow and then after that we welcome back the West Coast Women's Conference, about 300 attendees.

Council President Frank stated that's great usually I'm reminded by several people trying to sell me tickets and I don't think I have purchased mine. Joey's not here. Lianne anything you would like to say?

Lianne Thompson, District Five County Commissioner, stated I went to the Association of Oregon Counties today. I heard a lot about vaping. Every policy committee was interested in vaping and who's going to do the enforcement? Who's going to do the education, and who's going to do the regulations? All of that is still in process. And I just wanted to stop by tonight and listen to what you had going on and to say that, more vaping information I'm sure will be forthcoming. I don't know if your staff has anything more to add to that but I'm certainly going to be tuning into that.

Council President Frank stated I don't know if Council has approached the subject at all.

Councilor Montero stated well yeah and with Governor Brown's ban on vaping for six months if you're going to ban something you have to enforce it somehow. And I'm curious as to what resources of the County and of the cities they're expecting to work on enforcing this ban. And have we heard anything, doesn't sound like it.

Ms. Thompson stated we are agents of the state? We'll hope to be a well-informed effective agents of the state. All of us, more details to come I'm sure.

Council President Frank stated Kim did you have anything to say.

Kim Jordan, City Recorder, stated no thank you.

**COMMENTS –
COUNCIL**

Council President Frank stated comments from the Council Mr. Wright.

Councilor Wright stated a couple of things. I approached the Mayor to see if we could do some kind of appreciation for our volunteers particularly our commissions and committees so look for that. The idea I had was they'd just come and we appreciate them and whoever is the liaison for that committee gets up and introduces everybody and you know maybe we have cake or maybe pie. It's something that is long overdue and I talk about it all the time. Actually, having them come here and we formally recognize them, a great thing. There are a lot of people on those committees and commissions.

When Representative Bonomici was here we had the opportunity to include our Seaside High School student co-chairs in the elected officials meeting and they greatly appreciated that and thought it was great and they wanted to be invited to any others that somebody comes and talks. It was really good to let them have a chance to talk to somebody at the federal level. A follow up from the emergency preparedness forum there are at least three Seaside residents going to take the CERT Training in Cannon Beach starting tomorrow night. No pancakes for me. And thank you to Cannon Beach for providing that actually, it was to any Clatsop County residents.

Council President Frank stated that's open to the public.

Councilor Wright stated it was but it's closed now. There were plenty of people.

Council President Frank stated Seth.

Councilor Morrissey stated I don't have anything tonight except for I'm just excited to see us move forward on funding for a compliance officer for vacation rentals. I think it's a good first step for the housing thing but also just vacation rental compliance. And I think it's a good first step.

Council President Frank stated Tita.

Councilor Montero stated well Sunday that's yesterday. I went to the open house that CODA had, down at the facility sort of by Big Foot where they're going to be having their medication assisted treatment clinic for people on meth and on drugs. They are planning to open it January, 2020, very soon. And they're looking for staff. I would say that they're probably half done with their build out and that kind of thing. It was really good to be able to see what the flow of patients should be. And as usual I asked a lot of questions. One of the suggestions I had for them and asked them to consider was to please have some open community forums to explain to our citizens here and our residents. What is going on? What does this treatment look like, what is going to happen? Because there's still a lot of negativity. Negativity comes from fear and fear comes from the unknown. What they told me was well we've been to chamber we've been to rotary we've been to SDDA we've been to Council. That's still not as I said to them, the everyday Joe. And I think that there's a lot of still explaining and education that can go on in our community. I'm hoping that they will take that suggestion seriously.

Councilor Wright stated I went to the same thing probably just before you. One thing I did notice they have 17 new jobs coming in. And that building is really nice now so I'm assuming it will add something to the tax rolls along the way. And there will be a community meeting room there available to the public which can be really helpful.

Council President Frank stated nice, Tom.

Councilor Horning stated happy Indigenous American's Day. Maybe it will be adopted fully by everybody but until then there's room for everyone, I think. I just want to say that I've always been a big fan of the Clatsop Nehalem Tribe and their people and I look forward to the day when they're more integrated in the community and have a larger profile. Good folks.

Councilor Montero stated are we going to say anything about the meeting that was held last week with the elected County and City Officials?

Council President Frank stated would you like to.

Councilor Montero stated no. I thought it was a good meeting. I thought the fact that we still have lots to talk about even though you know we met six months ago and I hope that this kind of thing continues in terms of us all working together and understanding and going forward together.

ADJOURNMENT

The regular meeting adjourned at 8:11 PM.

Kim Jordan, City Recorder

RANDY FRANK, COUNCIL PRESIDENT