

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

Councilors Present: Nemlowill, Warr, Price, Mayor LaMear, and Ward 2 vacant.

Councilors Excused: None

Staff Present: City Manager Estes, Community Development Director Cronin, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, Deputy Police Chief Halverson, Public Works Director Cook, Assistant City Engineer Crater, Library Director Pearson, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

The new Library Director, Jimmy Pearson, briefly introduced himself.

REPORTS OF COUNCILORS

Item 3(a): Councilor Warr had no report.

Item 3(b): Councilor Price reported that she attended the Economic Development Strategy meeting. She reminded that October 18th was the last day to register to vote. She was happy to see so many people prepare for the recent storm. Her salonical the previous week was a bit bigger than her last salonical. Many real estate professionals attended to learn about the Community Development Director's projects. Attendees also requested the City do a better job of getting information to the public. She believed Staff was trying very hard and she was glad the Community Development Department now had a Facebook page. She did not know what more the City could do to provide notices to people. She suggested Staff collect email addresses or put a blog on the City's website. She planned to ask Staff to provide updates about projects that residents might not be aware of, like the library, which has not been discussed by Council since July. She wanted the City to update people more regularly, especially on projects the public has been involved in. Her salonical also included an hour-long discussion about the proposed amendments to the Development Code. There will be a work session on Wednesday, October 19th at 6:30 pm in Council Chambers to discuss the amendments on accessory dwelling units and tiny homes. People at the salonical had the same concerns that Councilors have and wanted to know what needs these amendments would address. Some people believed the amendments would place the burden to resolve the housing issue in Astoria on old established neighborhoods. She hoped everyone interested would attend the Planning Commission's work session to share thoughts, ideas, and concerns. This is an important and detailed issue.

Item 3(c): Councilor Nemlowill reported she was glad Director Pearson has come to Astoria. She said she felt good about the upcoming local election and the candidates for City Council and she looked forward to working with the newly elected officials.

Item 3(d): Mayor LaMear reported that she attended a luncheon on the Coast Guard Cutter Alert. The Alert will be dry docked in Seattle for two months, during which time half of the crew will be in Astoria providing volunteer services to the City. The crew will provide 200 man-hours per week and she has tasked Director Cosby with making sure the City utilizes the crews' services. The Coast Guard has done so many wonderful things in the community. She believed the *Daily Astorian* needed to publish an article about all of the volunteerism that the Coast Guard has provided. She also attended Vintage Hardware's grand opening. The hardware store recently moved from Englund Marine to the former Bargains Galore site on Marine Drive next to Sears. Vintage Hardware sells windows, doors, and all kinds of hardware. She encouraged everyone to see what they have done at the new location.

CHANGES TO AGENDA – No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 9/19/16
- 5(b) Boards and Commission Minutes
 - (1) Historic Landmarks Commission Meeting of 8/16/16
 - (2) Planning Commission Meeting of 7/26/16
 - (3) Planning Commission Meeting of 8/2/16
- 5(c) 17th Street Dock Division of State Lands (DSL) Lease Renewal (Public Works)
- 5(d) Accept Grant from Oregon State Parks and Recreation Department to Support Site-Specific Park Plan at Shively and McClure Parks (Parks)

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Nemlowill, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

- Item 6(a): Cancellation of Public Hearing for Plan Amendment: Article 3 Accessory Dwelling Units (Community Development)**
- Item 6(b): Cancellation of Public Hearing for Plan Amendment: Article 9 Administrative Procedures (Community Development)**

A public hearing notice for the October 17, 2016 City Council meeting regarding two separate Astoria Development Code amendment applications was mailed anticipating the Planning Commission's review would be complete in time for this October 17th meeting; however, the hearing remains open at the Planning Commission. These City Council hearings will be rescheduled after the Astoria Planning Commission has made a recommendation. Any required mailed notices and newspaper notice will be provided once the hearing date has been set. The Astoria Planning Commission will hold a work session for further discussion on A16-02 - Article 3: Accessory Dwelling Units on Wednesday, October 19, 2016 at 6:30 p.m. in the Council Chambers and will continue the discussion at their regular meeting on October 25, 2016 at 6:30 p.m. in the Council Chambers. No action is required by the City Council; however, the items had to be listed on the Council agenda since the public notice was provided.

- Item 6(c): 50th Street Trestle Repair Project – Authorization to Award Construction Contract (Public Works)**

OBEC Consulting Engineers recently completed an inspection of the trestles and track associated with the City owned railroad right-of-way to determine condition and repair priorities. As part of this effort, timber trestles east of 39th Street were inspected to ensure appropriate repairs could be made to facilitate continued use of the River Trail. The inspection found that a number of structural members supporting the River Trail walkway over the 50th Street Trestle need immediate replacement. The City coordinated with OBEC to develop a scope of work for the needed repairs. Staff used the informal Request for Quotes (RFQ) process since the work was estimated to cost less than \$100,000. The following competitive quotes for the project have been received:

<u>Contractor</u>	<u>Total Quote</u>
Columbia Dockworks	\$14,588
Mark Baldwin Construction	\$27,800
Bergerson Construction	\$31,446

Funding for this project is available in the Riverwalk – Trestles improvement budget of the Promote Astoria Fund. Additional trestle repairs will be required prior to trolley operation in 2017. The contract has been approved as-to-form by the City Attorney. It is recommended that Council authorize the award of a construction contract to Columbia Dockworks, Inc., in the amount of \$14,588 for the 50th Street Trestle Repair Project.

Councilor Price asked if the City always had to accept the lowest bid. City Manager Estes explained that the purchasing code language provides a way to implement scoring criteria in their Request for Proposals (RFP). This approach was used when the Parks Department completed its tree inventory, for example. However, RFQs do require the City to hire the lowest bidder, but the quote must include everything the City has asked for. The City can also request sole sourcing of a contractor.

Councilor Price asked if City Council had ever considered giving extra weight to local contractors. City Manager Estes said this has been discussed several times over the years. Many times, the City would be unable to get the products and services it needed and prices could be a factor. Councilor Price noted that Council and Staff were trying to promote economic development by supporting local businesses.

Mayor LaMear stated she was concerned because Columbia Dockworks bid was about half of the other bids. Assistant City Engineer Crater said he had the same concern and contacted Columbia Dockworks to make sure their RFQ was not missing something. He reviewed the project with the company and confirmed that they understood the scope of work. He discussed the company's methods and learned they have done this work before. He did not have any concerns. All three of the firms that submitted RFQs for this project are local companies. Staff can distribute RFQs to contractors that the City has relationships with and Staff does consider local contractors. He confirmed that Columbia Dockworks has worked for the City before under the name of Tidewater.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Price to authorize the award of a construction contract to Columbia Dockworks, Inc., in the amount of \$14,588 for the 50th Street Trestle Repair Project. Motion carried unanimously. Ayes: Councilors Price, Warr, Nemlowill, and Mayor LaMear; Nays: None.

Item 6(d): 2017 Trolley Trestle Repair Project – Contract for Design Services (Public Works)

The City of Astoria has approximately 4.7 miles of railroad track and eight timber trestles formerly owned and operated by Burlington Northern Railroad from the Port of Astoria to Tongue Point. The Astoria Riverfront Trolley currently operates on approximately three miles of this track and over four of the trestles. The Trolley provides passenger service from Portway Street to 39th Street. Due to the age of the railroad infrastructure, the effort required to maintain the track and structures has been increasing rapidly. This year OBEC Consulting Engineers inspected the trestles and track to identify condition and determine repair priorities. At the July 18, 2016 Council Meeting, City staff presented three options for managing the maintenance needs of the Trolley and River Trail infrastructure. Council approved a hybrid approach, which focuses available funding resources on maintaining the structures and track west of 39th Street (active rail) and provides minimal repairs and more frequent inspection to ensure safe operation of the River Trail east of 39th Street. Immediate maintenance needs for the trestles and track will need to be addressed prior to Trolley operation in 2017. OBEC provided a design services proposal to assist the City with completion of this maintenance work. Their scope of work includes design, permit review, bid support and construction assistance. This work is proposed to be completed for the not-to-exceed amount of \$23,122. The immediate maintenance needs, including trestles and track repair, are estimated at around \$320,000 for the 2016-2017 Fiscal Year. Staff recommends funding the immediate repairs using the Promote Astoria Fund. The City Attorney has reviewed the contract and approved it as to form. It is recommended that Council authorize award of a Personal Services Contract to OBEC Consulting Engineers in the amount of \$23,122 for design services for the 2017 Trolley Trestle Repair Project.

City Manager Estes stated ongoing repairs would be needed over the next ten years, so the City has begun to discuss sharing the costs of these repairs with the Riverfront Trolley Association. While funding is currently available for the design services, a budget amendment would need to be approved prior to authorizing a construction contract.

Mayor LaMear asked if Staff had any idea how much the construction would cost. Staff responded costs would be approximately \$320,000. A supplemental budget would need to be approved through a public hearing so the funds could be re-appropriated to the correct line item within the Promote Astoria Fund. Staff confirmed this would not reduce funding for other projects, but would reduce the Ending Fund Balance carried forward into the next fiscal year.

Councilor Price asked if the landowners along the Riverwalk in that area could be inspired to assist. City Manager Estes said many of the waterfront businesses are already maintaining their own docks. The areas north of the trolley trestle are private properties.

Mayor LaMear asked if the trolley would need to be shut down during construction. City Manager Estes explained that this work must be completed in order for the trolley to operate in 2017. Construction work will be scheduled during the trolley's off-season.

Councilor Nemlowill said over the summer, ODOT had threatened to close the trestles if emergency repairs were not completed. Staff did some patchwork, but she wanted to know where the City stood with ODOT. She also wanted to know if ODOT would be satisfied if City Council approves this contract and continues to move forward with the necessary repairs. City Manager Estes clarified that ODOT was concerned about the street-ends, not the trolley trestle. Work on the street-ends is currently ongoing. ODOT refrained from shutting down the trolley at those street-ends because the City moved quickly and continued to conduct frequent inspections of the street-ends. The contract being considered now is for work on areas in between the street-ends.

Councilor Nemlowill understood this was a tough pill to swallow, but the Riverwalk is of the utmost priority. City Council has no other choice but to award the contract. City Manager Estes added that the street-end repairs were paid for out of the Capital Improvement Fund.

Councilor Nemlowill believed Promote Astoria Funds were a very appropriate use to keep the trolley going.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Warr to authorize award of a Personal Services Contract to OBEC Consulting Engineers in the amount of \$23,122 for design services for the 2017 Trolley Trestle Repair Project. Motion carried unanimously. Ayes: Councilors Price, Warr, Nemlowill, and Mayor LaMear; Nays: None.

Item 6(e): Agreement for City Attorney Legal Services (City Council)

On September 6, 2016, an item regarding City Attorney Legal Services was deferred to a subsequent meeting, as Attorney Henningsgaard was unable to attend. The provisions contained in the agreement for legal services between Blair Henningsgaard and the City of Astoria remains unchanged from what was included in the September 6th packet. The agreement replaces the Legal Services agreement dated December 20, 2010. The compensation section includes an annual increase of \$3,000, from \$84,000 to \$87,000, for routine services, and non-routine matters will increase \$10 per hour from \$180 per hour to \$190 per hour. No other changes are contained in this agreement. The effective date is August 1, 2016. The Fiscal Year 2016-2017 budget includes a budget of \$87,000 for legal services in the City Attorney department of the General Fund. It is recommended that Council consider approval of the revised agreement.

Councilor Price stated she did not see that the nondiscrimination clause had been included and asked if it belonged in a legal services agreement. City Attorney Henningsgaard said ethical rules require him to refrain from discriminating, but the clause could still be added to the agreement.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill, to approve the revised agreement for legal services. Motion carried unanimously. Ayes: Councilors Price, Warr, Nemlowill, and Mayor LaMear; Nays: None.

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

There was none.

Mayor LaMear recessed the regular City Council meeting to convene the Executive Session at 7:29 pm. Subsequent to that action, the Mayor reopened the Regular Session for additional discussion at 7:30 pm.

Mayor LaMear asked City Council to consider scheduling a special meeting in October or November to discuss the Quarterly Funding Report.

Councilor Price reminded that at their September 6th meeting, City Council had discussed scheduling a work session after the Quarterly Funding Report was published. The next fiscal year's budget is generally discussed beginning in February. However, she wanted the discussion to begin earlier so that staffing challenges, trestle repairs, labor negotiations, and other stresses on the budget could be addressed. She wanted City Council to think of creative ways to invest in Staff next year. When she asked about this in September, all of the Councilors nodded yes to a work session. Therefore, she wanted to set a date.

Councilor Nemlowill asked what kind of timeline Staff usually needed to create a budget. City Manager Estes explained that he has been working with the Finance and Parks Departments to review the current budget for the

Parks Department because maintaining the current level of service will trigger an end-of-year fund balance transfer, even though additional funds were allocated when the budget was approved. The Parks Master Plan identifies priorities and funding options that would allow services to continue or expand. However, Director Cosby is also in the process of determining what needs to be cut from the budget so the Department can operate within its means. This will be ready to discuss in November and Staff would like to get the information to City Council as soon as possible. He believed the current year's budget needed to be resolved before discussing the next fiscal year. Staff usually begins developing a budget for the next fiscal year in December by estimating future tax revenues.

Councilor Warr said City Council only has three employees, the City Attorney, the Municipal Court Judge, and the City Manager. Staffing is a function of the City Manager and it would be a disservice to him if Council starts encroaching into his realm. City Manager Estes' Staff does not work for City Council.

Councilor Price agreed, but said she also believed that as policy makers, City Council has a responsibility to be diligent when allocating the taxpayer's dollars. City Council should brainstorm to help make sure the City has enough Staff to provide quality services or let their constituents know that the fiscal reality is that the City will be unable to do some of the things it has done before. Staff is already thinking about this issue, so she believed it would be useful to bring City Council into the discussion early.

Councilor Warr stated he wanted City Council to be very conscience about the difference between policy and micromanagement. Councilor Price agreed.

Councilor Nemlowill said she supported a goal setting session in January. She believed the goal setting worked well when each department head presented their department's goals and upcoming projects. The presentations inform City Council and it is important for Council to discuss priorities. Money is scarce and she preferred to discuss the issues in January.

Mayor LaMear said she believed City Council should wait until after the election so the new Councilors can state what they believe is important.

Councilor Price reminded that City Council does not make decisions in work sessions and goal setting is very dependent on money. She just wanted to start discussions early so that Council could get a head start because the next fiscal year will be difficult. However, she would accept the will of the Council.

Mayor LaMear agreed it was very important for Council to hear from each department head. Goal setting allows Council to learn about each department's priorities and what they could do without if the budget had to be cut. She confirmed that the consensus of Council was to wait until January.

Mayor LaMear recessed the regular City Council meeting to convene the Executive Session at 7:43 pm.

EXECUTIVE SESSION


Item 8(a): ORS192.660(2)(i) – Performance Evaluations of Public Officers and Employees

The City Council will meet in Executive Session to discuss a performance evaluation.


ADJOURNMENT

There being no further business, the meeting was adjourned at 7:43 pm.

ATTEST:


Finance Director

APPROVED


City Manager