

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

Councilors Present: LaMear, Herzig, Warr, Mellin, Mayor Van Dusen

Staff Present: City Manager Benoit, Community Development Director Estes, Financial Director Carlson Police Chief Curzon, Deputy Police Chief Johnston, Parks and Recreation Director Cosby, and Public Works Director Ken Cook, Fire Chief Ames. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

**REPORTS OF COUNCILORS:**

**Item 3(a): Councilor Mellin** reported that the 100-Year celebration of the founding of the Ghadar Party made history. People came from all over the region, as well as Canada and the weather was perfect. She showed photos of descendants of the founding members of the Ghadar Party who attended the event and would return for future celebrations. Now Astoria has a new family.

Councilor Herzig said he was proud that the City hosted the celebration. The Indian community that visited Astoria from up and down the coast was profoundly grateful that this part of their history was recognized in a unique way in Oregon. It was moving to see how much it meant to them.

Ms. Mellin said they created a plaque that was presented to the City of Astoria that will be made available for viewing.

Councilor LaMear stated she attended the prayer ceremony and learned that people who are not of the Sikh faith are not usually allowed to attend prayer services. The service was very moving. She commended Councilor Mellin for the work she did on the celebration. Many others worked to make the event successful. It was amazing to see how grateful the Indian community was.

Councilor Warr said he was unable to attend the Ghadar celebration and was sorry to have missed it.

Mayor Van Dusen stated the event had great media coverage and he asked Tom Freel to comment.

Tom Freel, KAST 1370, said he enjoyed the presentation at the Liberty Theatre and wished it lasted longer; there was so much information. The dedication ceremony was moving, particularly when a gentleman talked about his own father being a member of the Ghadar Party.

Chelsea Gorrow, Daily Astorian, said she found the panel discussion at the Liberty Theatre very interesting. The historical information that was presented gave a modern day perspective about how the Ghadar Party is still in place.

Mayor Van Dusen described the celebration event held at the Maritime Memorial. He also commented how the Indian community was grateful to the City of Astoria for acknowledging them. The Ghadar Party Celebration was a very moving experience for everyone.

City Council proceeded to Item 6(a): Swearing in of New Police Officers, and then returned to Reports of Councilors.

Councilor Mellin also reported that she and Parks Director Cosby had the opportunity to welcome a new cruise ship to Astoria. They were given a tour of the ship and were served lunch.

**Item 3(b): Councilor Warr** reported he was recently notified that Astoria has been awarded funds from Oregon Department of Transportation (ODOT) for the sidewalks from the high school to 4<sup>th</sup> Street. The Northwest Act is just starting with the Connect Oregon V, the grant fund that has given the Port a couple million

dollars over the years to repair the docks. The City will submit an application for funding during this cycle as well.

**Item 3(c): Councilor Herzig** reported that several of the Councilors attended the League of Oregon Cities Conference in Portland. The Main Street Conference was held in Astoria, which revealed that Astoria is not the only city dealing with traffic, parking, and tourism issues. The Lower Columbia Diversity Project will host a presentation on Saturday, October 12, 2013 at 2:00 p.m. at the Judge Boynton Building. Senator Elizabeth Steiner Hayward will speak about the stigma of mental illness. Flyers were made available.

**Item 3(d): Councilor LaMear** reported that she attended the League of Oregon Cities Conference where she gathered ideas that Astoria might use. The Main Street Conference involved people in Oregon who want to maintain the main streets and downtown feel of their cities and she learned a lot.

**Item 3(e): Mayor Van Dusen** reported that on Saturday, October 5, 2013 at 10:00 am, he attended a rally on the Riverwalk organized by Judge Brownhill to spread awareness of domestic violence. Andrew Fick coordinated the rally. He noted that the City's project with Columbia Memorial Hospital and the school district is moving along well. This project that would close the landfill, build a new sports complex and double the size of the hospital's campus. Al Jakes has been hired by Columbia Memorial Hospital to be the project manager. Mr. Jakes has worked on other city projects such as City Hall and the public safety building. Mayor Van Dusen reported that Dan Hansen, a contractor for Van Dusen Beverages, had a heart attack while in Mayor Van Dusen's office. He was impressed with the response of the police and fire teams who arrived at the scene. Mr. Hansen is recovering at home.

Mayor Van Dusen reported that Mary Kello and Tammy Fasteband, mammographers at Columbia Memorial Hospital, suggested the Column be lighted pink in honor of October's Breast Cancer Awareness Month, and so the Column will be lit on October 18, 2013. Director Cosby added that the Parks Department is assisting the hospital with the event, which will start at the base of the Column at 6:00 pm on Friday, October 18, 2013. Breast cancer survivors and local doctors will make presentations. The gift shop will be selling paper planes that can be thrown off the top of the Column during the event in honor or in memory of someone affected by breast cancer. After the festivities, the pink lights of the Column will be turned on. The Column will remain pink for the remainder of October.

City Council proceeded to Item 5: Proclamation of Medical Assistants Week.

**CHANGES TO AGENDA:** [Not addressed]

**PROCLAMATIONS:**

**Item 5(a): Medical Assistants Week**

This item was addressed immediately following Item 3 Reports of Councilors.

Mayor Van Dusen read the proclamation declaring the week of October 21 – 25, 2013 as Medical Assistants Week.

Dulcye Taylor, President, Astoria Downtown Historic District Association (ADHDA), reported that the Main Street Conference began on Wednesday, October 2<sup>nd</sup> at the Liberty Theatre and 275 people from all over Oregon attended. She explained the levels of performance that can be achieved within the Main Street Program and announced that Astoria was awarded the title of Top Performing Main Street City in Oregon. She presented the Council with the sign awarded to the City. Astoria also won an award for the Building Blocks Program, which the City helped create. Ms. Taylor introduced ADHDA Executive Director Alana Garner and ADHDA Board member Pete Gimre.

Mayor Van Dusen stated the sign would be displayed and noted that having that many people attend the conference was important to Astoria.

Mayor Van Dusen asked former Mayor Edith Henningsgaard to stand as he announced that she turned 90 years old today. He called for everyone to sing "*Happy Birthday*" and ice cream cake was served.

The City Council took a brief recess at 7:42 p.m. The meeting was reconvened at 7:55 p.m. and Council proceeded to Item 6(c): Senior Center Renovation Plans.

## **PRESENTATIONS:**

The Police Presentation items were presented immediately prior to completing Item 3 Reports of Councilors.

### **Item 6(a): Swearing in of New Police Officers**

Mayor Van Dusen introduced Cory Gerig and reviewed his background, noting that he previously worked for Oakridge Police Department for six years and is a United States Army Veteran. Mayor Van Dusen conducted the swearing in of Officer Gerig.

Mayor Van Dusen introduced Daniel Koehnke, describing his background and noting he is a United States Army Veteran who previously worked for a defense contractor in the State of Washington and served as a reserve officer for the Hood River Police Department. Mr. Koehnke will attend the police academy in Salem in October 2013. Mayor Van Dusen conducted the swearing in of Officer Koehnke.

### **Item 6(b): Police Department Awards**

Deputy Police Chief Johnston stated that on February 12, 2012, Officer Chris McNeary was involved in a shooting at the Lamplighter Hotel. He immediately returned to work as a training officer for Officer Ryan Sisley. On February 29, 2012, Officers Sisley and McNeary were involved in an incident with an armed man who had a destructive device. The man was uncooperative; however, Officer Sisley's calm demeanor and actions prevented the situation from escalating. The subject was taken into custody without incident, where he revealed that he had intended to force the police to shoot him. Officer Sisley's performance in this incident exemplified the level of competence of a senior and experienced police professional.

Deputy Police Chief Johnston presented a Meritorious Service Commendation, in recognition of outstanding effort in difficult circumstances, to Officer Ryan Sisley.

During this same incident, Officer McNeary allowed Officer Sisley to remain as the primary officer on the call, despite the unusual nature of the call. Officer McNeary coordinated the response of additional police units and kept in close contact with the man, despite a lack of cover. In addition to closely monitoring Officer Sisley, Officer McNeary had to contend with another police officer attempting to give conflicting advice to the new officer. Throughout the event, Officer McNeary maintained excellent officer safety while allowing his trainee to succeed in a critical situation. His professional actions allowed a resolution to this incident where no bystanders or officers were placed in harm's way. Officer McNeary's performance in this incident exemplified the highest traditions of law enforcement professionals.

Deputy Police Chief Johnston presented a Meritorious Service Commendation, in recognition of outstanding effort in difficult circumstances, to Officer Chris McNeary.

City Council returned to Item 3: Reports of Councilors.

### **Item 6(c): Senior Center Renovation Plans**

This item was addressed immediately following Item 5 Proclamation of Medical Assistants Week and Council's short recess.

Sid Scott from SEA Architects and Larry Miller from the Astoria Senior Center presented floor plans for the Senior Center remodel project. The floor plans incorporated comments received from a public meeting held in July 2013 and from feedback provided by the Senior Center Board. A second public meeting on the Senior Center remodel will be held on October 24, 2013 and the project team wanted to review the plans with City Council beforehand.

City Manager Benoit added the Community Development Block Grant (CDBG) Program awarded \$1.5 million to the Senior Center for renovations.

Larry Miller, 1111 Exchange Street, Astoria, invited everyone to the Senior Center Open House being on October 24, 2013 at 1:30 pm where Sid Scott will make a presentation about the remodeled building. Many meetings have been conducted to find out what amenities people would like in the new building. The Senior Center will meet in a temporary location during construction.

Sid Scott, Scott Edwards Architecture, 2525 E. Burnside, Portland, OR presented an overview of the renovation plans, noting that more details would be given at the open house. He displayed a site and floor plan map and indicated where key features like the stairs and green spaces would be located. The main entry will remain in its current location. The building will include a lobby, welcome center, office space, an elevator, a lounge and craft area, a technology center, a dining and dancing space, and kitchen. New windows will be installed and the old windows will be used as interior windows to allow visibility from room to room. The lower level will include another lobby and lounge space, classrooms, a boardroom, game room, craft room and storage space. Old garage doors on the upper level will be replaced with glass. Windows will be added to the basement.

Mr. Miller added that Loaves and Fishes would be relocated into the Senior Center building following the renovation to prepare meals for Meals on Wheels. A commercial kitchen and dining area will also be installed.

Mr. Scott said the project would cost \$1.5 million. Mr. Miller noted the CDBG grant could not be used to purchase fixtures or furniture in the building. Mr. Scott clarified that the grant can only be spent on items that are permanently affixed to the building. Construction is expected to take five months to complete.

Mr. Miller said the Senior Center is currently working with John England, as they may be able to temporarily relocate to his building on Marine Drive between 14<sup>th</sup> and 16<sup>th</sup> Streets. The Senior Center has also considered using the Elks Club or Yacht Club buildings, however, no temporary location has been chosen. Construction is scheduled to begin in 2014.

#### **CONSENT CALENDAR:**

The following items were presented on the Consent Calendar:

7 (a) City Council Minutes 9/24/13

7 (b) Boards and Commission Minutes

(1) Library Board Meeting of 8/27/13

**7 (c) Parks and Recreation Department Project Status Report**

**7 (d) Community Development Department Project Status Report**

**7 (e) Public Works Department Project Status Report**

Councilor LaMear requested Items 7(c), (d), and (e) be removed for further discussion. Councilor Warr also requested Item 7(c) be removed.

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor Herzig, to approve Items 7(a) and (b) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Councilor Warr said he was pleased that pool usage has increased while complaints have decreased. He asked if the 27 percent increase at the Little Tykes Academy was due to school being out over the summer. Director Cosby replied that the increase was through the end of August 2013. She expects a 10 to 15 percent increase over last year. The Parks Department is working with the school district to arrange for more space, as lack of adequate space has been an issue.

Councilor Warr was concerned about the mechanization of the cemetery gate and asked if a vendor had been found. Director Cosby said interviews with vendors are being scheduled, but have not yet begun. She would like to complete this project before the end of 2013.

Councilor LaMear stated she removed Items 7(c), (d), and (e) from the Consent Calendar because she would like people to know how much effort goes into each report, which are extremely helpful to City Council. She read

one paragraph of the Parks and Recreation Department Project Status Report to demonstrate what each department in the City does, adding Astoria is fortunate to have such fantastic staff members.

Mayor Van Dusen confirmed Items 7(c), (d), and (e) were information only and required no Council action.

## REGULAR AGENDA ITEMS

### **Item 8(a): Resolution regarding Wastewater Treatment Plant IFA Funding Agreement Amendment No. 2 (Public Works)**

In November 2012, the City Council authorized award of the construction contract to R&G Excavating for \$1,049,000. Due to the nature of the improvements, the construction needed to occur during the drier summer months where it flows to the treatment plant are at their lowest point; therefore, the contractor began construction in June 2013, and the project is estimated to be 70% complete. Current total funding available for this project is \$1,245,000. Of this amount, \$500,000 was awarded as a grant with the balance comprised of a loan with a 1.94% interest rate. A condition of IFA funding stipulates that the grant funds cannot be used until the loan is expended. Therefore, the City strategically requested funding with minimal contingency to ensure that we would benefit from the full grant amount. We anticipated that there would likely be multiple funding contract amendments necessary to avoid overestimating project costs and potentially losing a portion of the grant funds. The project budget is outlined in the agenda memo regarding this item.

To ensure that financial resources are available through project completion, it is necessary to increase the City's loan authority by \$155,000. IFA has approved a Financing Contract Amendment, which will bring the total loan amount to \$810,000. This is anticipated to be the final Financing Contract Amendment. It is recommended that the City Council adopt the resolution that authorizes IFA Financing Contract Amendment No. 2 in the amount of \$155,000 for the construction of the WWTP Effluent Treatment Upgrades project.

**City Council Action:** Motion made by Councilor LaMear, seconded by Councilor Mellin to adopt the resolution that authorizes IFA Financing Contract Amendment No. 2 in the amount of \$155,000 for the construction of the WWTP Effluent Treatment Upgrades project. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

### **Item 8(b): Wastewater Treatment Plant Effluent Treatment Upgrades – Gibbs & Olson Contract Amendment (Public Works)**

In February 2012, the City Council awarded a design contract for the Wastewater Treatment Plant (WWTP) Effluent Treatment Upgrades project to Gibbs & Olson. The original scope of work included an estimated fee for construction support services in the amount of \$18,000 but with only a preliminary scope for the project. The fee was kept low during initial project development to avoid overestimating and jeopardizing the utilization of grant funding. The construction support services are now fully defined and require an additional \$47,000 in funds to complete submittal reviews, perform necessary design inspections, perform specialty inspections, and additional survey work. With this proposed amendment, the total cost for construction support services will total approximately 10% of construction costs. Funding is available through the Business Oregon Infrastructure Finance Authority. It is recommended that Council authorize a Contract Amendment to perform the additional construction support services in the amount of \$47,000 with Gibbs & Olson for the WWTP Effluent Treatment Upgrades project.

Councilor Herzig asked if money for this project would be borrowed from the Business Oregon Infrastructure Finance Authority. City Manager Benoit explained that this money would come out of the IFA Financing Contract Amendment that City Council just approved in Item 8(a).

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin to authorize a Contract Amendment to perform the additional construction support services in the amount of \$47,000 with Gibbs & Olson for the WWTP Effluent Treatment Upgrades project. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 8(c): Liquor License Application from Eric Bechard dba Albatross, Located at 225 14<sup>th</sup> Street, for a New Outlet – Full On-Premises Sales Commercial Establishment License (Finance)**

A Liquor License Application has been filed by Eric Bechard, doing business as Albatross, located at 225 14th Street, for a New Outlet - Full On-Premises Sales Commercial Establishment License. The appropriate departments have reviewed the application and it is recommended that Council approve the application.

Councilor Herzig asked if the Applicant was present, adding he was concerned about the Applicant's business plan as the location has been proven difficult for businesses to succeed.

Peter Gimre, Gimre Shoes, said Eric Bechard has had other successful restaurants in Portland and there is a lot of talk in the community about the business and the services being provided. Mr. Gimre understood the establishment would be catering to an older crowd.

Councilor Herzig added the restaurant would be open Tuesdays through Saturdays from 11:00 am to 11:00 pm, so it would not be like a bar that is open until 2:00 a.m. With seating for only 30 people, the restaurant seems like a high-end establishment.

Mr. Gimre stated that his business is right next door and he has no objection to the application.

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor Warr to approve a Liquor License Application by Eric Bechard dba Albatross, located at 225 14<sup>th</sup> Street. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 8(d): Liquor License Application from Jason Manotham & Bungorn Manotham, dba Blue Ocean Thai Cuisine, Located at 1040 Commercial Street, for a Change of Ownership with a Limited On-Premises Sales License (Finance)**

A Liquor License Application has been filed by Jason Manotham & Bungorn Manotham, doing business as Blue Ocean Thai Cuisine, located at 1040 Commercial Street, for a Change of Ownership with a Limited On-Premises Sales License. The appropriate departments have reviewed the application and it is recommended that Council approve the application.

**City Council Action:** Motion made by Councilor LaMear, seconded by Councilor Mellin to approve a Liquor License Application by Jason Manotham & Bungorn Manotham, dba Blue Ocean Thai Cuisine, located at 1040 Commercial Street. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 8(e): Liquor License Application from Brandon J. Maes, dba Casa de Tamales, LLC, Located at 1426 Commercial Street for a New Outlet for a Full On-Premises Sales Commercial Establishment License (Finance)**

A Liquor License Application has been filed by Brandon J. Maes, doing business as Casa de Tamales, LLC, located at 1426 Commercial Street for a New Outlet for a Full On-Premises Sales Commercial Establishment License. The appropriate departments have reviewed the application and it is recommended that Council approve the application.

Mayor Van Dusen declared that his company sells soft drinks to Casa de Tamales and he believed he could vote objectively on the application.

Councilor Herzig believed this establishment has been popular at the Sunday Market and that having a year-round establishment would be nice. The establishment is in a tough location and he hoped to see it succeed.

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor Warr to approve Liquor License Application from Brandon J. Maes, dba Casa De Tamales, LLC, located at 1426 Commercial Street. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 8(f): Proposal to Improve 9<sup>th</sup> & Astor Park (Parks)**

The Parks Department held a meeting with 23 stakeholders regarding a proposal to improve the 9th and Astor Park. The meeting resulted in the development of an achievable work scope for improvement and also a proposal for citizen adoption of the Park. As a result of the meeting, four area businesses have expressed interest in adopting the Park after it is landscaped with irrigated turf. With this adoption, the businesses would be assuming the care and maintenance of the park, much like the current agreement with the Holiday Inn Express for the care and maintenance of the Maritime Memorial Park. The stakeholder meeting results were presented to the Parks Advisory Board who strongly supported the park adoption concept and encouraged staff to move forward. The cost estimate for this project is \$8,500 and funds are available in the Parks Department budget. The work will be completed by in-house staff as well as volunteers from the Tongue Point Job Corps Center. Based on the data collected from the stakeholder meeting and direction received from the Parks Advisory Board, it is recommended that improvements be made to the 9th and Astor Park.

Mayor Van Dusen called for public comment regarding the proposal.

George (Mick) Hague, 1 3<sup>rd</sup> Street, Unit 201, Astoria, has been speaking about 9<sup>th</sup> Street for more than a year. Director Cosby has done an excellent job of pulling people together and developing ideas. He hoped the City would follow through on her suggestions. He suggested some of sculptures being donated to the City be placed at the park to demonstrate the City's commitment to funding park cleanup and to attract visitors that could change some of the activities currently occurring.

Councilor Mellin attended the public meeting, which included a good cross section of the community. She noted that Mr. Hague began discussions about the park over a year ago and got this effort started. Director Cosby used monopoly money as a creative way of asking the public to decide which items should be installed in the park. She also acknowledged Jay Flint, noting the park should be connected to the transit center. She recommended approval of the proposed improvements.

Councilor Herzig stated he was happy to see the proposal, but was concerned that no public presentation has been given. He requested that Council's vote be delayed until the Parks Department can give a public presentation. The meeting was advertised on Facebook as a stakeholder meeting, not a public event, and only 23 people attended. He supported the proposal but believed the City has left out the step of complete public involvement.

Councilor LaMear added the meeting was also advertised in the newspaper and the public was invited to attend. Members of the public, who were not stakeholders, attended the meeting. She believed the meeting provided a good way of looking at the entire block. Monopoly money was used to demonstrate that the City had limited funds. Meeting attendees were asked to set priorities using the money available. She believed that the people who were most interested in this project showed up at the meeting.

Mayor Van Dusen confirmed that Councilor Herzig approved of the proposal, but disagreed with the public meeting process, and requested voting be delayed until after a public presentation. He agreed with Councilor Herzig, noting the City had previously put a park in this location that turned out to be unpopular. The public process was inadequate and the public only became aware of the park after it had been installed. He did not want to repeat this mistake. While he also supported the proposal, if voting took place at the current meeting, he would vote no. He encouraged City Council to postpone voting until after a public presentation.

Councilor Warr disagreed, he believed the meeting was public and was well attended. He preferred to vote on the proposal at tonight's meeting.

Mayor Van Dusen asked staff how delaying the vote could negatively impact this project. City Manager Benoit did not believe there would be any negative impact. This proposal could be added to the agenda for the next City Council meeting. The work being proposed is simple cleanup and maintenance work. Director Cosby said any negative impact would depend on the weather, as the Parks Department plans to install sod. If the weather is bad during the delay, staff would have to wait until spring to install the sod, as the end of the growing season is approaching.

Councilor Mellin supported voting on the proposal at the current meeting because people want to use the park. The plans to plant sod and cut down hedges along the building are not intrusive. People are sleeping under the hedges, which smell bad. If the area is cleaned up, people will treat it with more respect.

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor LaMear to approve the improvements to the 9<sup>th</sup> and Astor Park. Motion carried 3-2. Ayes: Councilors LaMear, Warr, and Mellin; Nays: Mayor Van Dusen and Councilor Herzig.

**Item 8(g): Arts and Cultural Fund to Promote Tourism (Finance)**

During the 2013-2014 Fiscal Year budget process, the Budget Committee put forth and the Council later adopted a proposal to allocate \$30,000 out of the Promote Astoria Fund for tourism promotion. The Budget Committee convened on July 1, 2013 to discuss guidelines for the program. Out of that meeting, a sub-committee, appointed by Mayor Willis L. Van Dusen, worked to refine the program details and to bring back a proposal to Council. The sub-committee completed that task and developed draft program guidelines along with an application packet. It is recommended by the sub-committee that Council consider adopting the attached program guidelines.

Councilor Herzig appreciated all the work by the Finance Director that has gone into the guidelines. Accountants assisted with the writing of these guidelines, so they are very technical. He hoped the City would also be able to provide assistance to people who want to apply for the funds. He was happy to see the City take an interest in the arts and culture in Astoria with this budgeting.

Cindy Price, 1219 Jerome, Astoria, believed that the City has supported arts and culture at a big level for a long time. Examples of this support include the park across the street from City Hall and the Liberty Theatre; however, the City had not made funds available in a more public way to allow people to compete for the funds. Therefore, she appreciated the new fund.

Councilor LaMear thanked Director Carlson because this work was complicated. She believes the policies would be simple for people to follow.

**City Council Action:** Motion made by Councilor Herzig, seconded by Councilor Mellin to adopt the program guidelines for the Arts and Cultural Fund to Promote Tourism. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 8(h): Bear Creek Watershed Forest Inventory – Contract Award (Public Works)**

A current inventory of the forest resources is essential for the planning and implementation of harvest activities in the watershed. The previous inventory was conducted over 20 years ago. During the 2013 Forest Stewardship Council audit, it was noted that an updated inventory would be required prior to the 2014 audit. A Request for Qualifications (RFQ) was sent to 11 forest consulting firms. The request required respondents to address their ability to complete a timber and carbon inventory by the end of 2013. The firm of Mason, Bruce and Girard was the only respondent with a qualified proposal of \$30,000. Funds for this project are available in the Capital Improvement Fund. To meet the time requirement for completion by year's end, the contractor would need to begin the project in the month of October 2013. It is recommended that Council award the contract for the Bear Creek Watershed Inventory to Mason, Bruce & Girard in the amount of \$30,000.

Public Works Cook confirmed that the carbon inventory is related to the carbon offsets in the State of California where states/municipalities may be paid to not cut trees.

Councilor Warr asked for an update on the carbon offset market. Mike Barnes, 3365 NE [Inaudible] Creek Rd., Astoria, said he serves as the City's forester and stated that the California Air Resources Board's program for cap and trade is still active and growing, in fact, funds being allocated to the program are increasing. The California Air Resources Board is currently making changes to make it easier for public entities to participate in the program. Other opportunities for carbon trade are available, but the City wants to be well prepared when the cap and trade program becomes available.



Councilor Warr confirmed that the watershed includes 3,700 acres of timber, most of which is 50 years old or older. Healthy forest management includes some harvesting, which can be completed without endangering the watershed. He asked how much of the timber could be harvested without endangering the watershed. Mr. Barnes explained that the inventory is being conducted in order to establish a sustainable harvest level. Current harvest levels are based on a very old inventory. The new inventory will allow harvest levels to be adjusted to an appropriate level. A field analysis will also be conducted as part of the inventory.

Councilor Warr asked Mr. Barnes if, in his professional opinion, some of the trees should be harvested. Mr. Barnes said this is a decision that City Council needed to make. Councilor Warr clarified that he was referring to the health of the forest. Mr. Barnes stated that engaging in forest activities to create diversity in age classes and species requires some harvesting. He added that they are trying to reintroduce some species that no longer exist in the watershed.

Councilor Herzig said that he took a tour of the watershed earlier in the year. The level of forestry engagement in the area was impressive. He believed Astoria has the best forestry practices. Without the inventory, Astoria would not be able to document what is in the watershed, and therefore, would not be able to do any carbon trading.

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor Warr to award the contract for the Bear Creek Watershed Inventory to Mason, Bruce & Girard in the amount of \$30,000. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 8(i): Northwest Oregon Regional Housing Rehabilitation Program (City Manager)**

The Northwest Oregon Regional Housing Revolving Loan Fund was established by the Community Action Team (CAT) through partnerships with Tillamook, Clatsop and Columbia Counties, along with the cities of Astoria, St. Helens and Vernonia. These partners have supported the bi-annual funding applications for the region. CAT is expecting to be completed with obligating the 2011 Housing Rehab Program funds in December of this year, and will be applying for new funding in the second quarter of 2014. The rehabilitation program as a whole has made nearly \$9.25 million in loans for housing rehabilitation since 1979. A goal of the program is to set aside approximately 50% of the funds to serve low-income homeowners residing in the sponsoring jurisdictions, and the remaining 50% to serve homeowners in the region. In addition, all homeowner loan recipients that qualify will have their homes brought up to current thermal standards with grants through Community Action Team's weatherization program.

In continuing the Program, the State is requesting that all of the historical partners of the Northwest Oregon Regional Housing Rehabilitation Program area sign the "Agreement in Support of the Northwest Oregon Regional Housing Rehabilitation Program". Under State rules, communities not signing the Agreement cannot be served by the Program. Signing the Agreement will not obligate the City to any financial or physical participation. The Agreement exclusively indicates support for the program and allows the residents of their respective communities to participate in receiving this service. It is recommended that the City Council authorize the Mayor to sign the Agreement supporting ongoing participation of the Northwest Oregon Regional Housing Rehabilitation Program.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin to authorize the Mayor to sign the Agreement supporting ongoing participation of the Northwest Oregon Regional Housing Rehabilitation Program. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS**

Cindy Price, 1219 Jerome, Astoria, stated she was speaking on behalf of two of her neighbors who live on the corner of 12<sup>th</sup> and Jerome. Both neighbors are elderly women who do not have access to email. She thanked Engineer Moore for her professionalism in responding to issues she and her neighbors have had with the CSO project during June, July and August 2013. Some of the residents in the area have sat on their lawns to watch the work. The crews on the job site have been wonderful. She understood there are two more phases of the project and she suggested improving communication and that the City tweak its contracts a bit.

- The residents in her neighborhood have large grassy rights-of-way, which had been beautifully maintained until they were dug out with construction equipment. These areas have been filled in with sand, large gravel, chunks of asphalt and chunks of sidewalk. Mowing and edging are impossible. Cracks in the sidewalks have widened as a result of the construction. Residents are responsible for maintaining the rights-of-way and sidewalks. She noted that she and her neighbors may be asking the City to forgive them for failing to maintain the areas immediately.
- The dust and grime left behind on the siding and windows was horrendous. She had planned to have her house painted, but the painter advised putting off the project. Her elderly neighbors do not have a lot of money, so they will be burdened to pay for these maintenance issues. She wanted the City to be aware of this as the CSO project continues over the next several years.
- She also asked that staff communicate with residents who do not have access to email. Ms. Price understood that the next phase of construction would begin in 2015 and suggested communication with residents begin in 2014. This would allow residents to make home maintenance decisions with the CSO project in mind.

Amy Bugbee, 620 Alameda, Astoria, wanted to know why the apartment buildings at 630, 634, and 638 Alameda were sold to Astoria Pointe Drug Rehabilitation and all of the tenants evicted. Many of the tenants had lived in those apartments for years and were given very little notice of eviction. The community at large was given no notice about the eviction. Astoria Pointe said the apartments would remain family housing; however, these apartments will not be made available to the general public. The apartments will be used for after-treatment housing. Because the community had no notification and no say in this decision, she did not know what after-treatment housing consisted of. If after-treatment housing is part of the treatment facility, then the apartments are not residential family housing, but a commercial business moving into a residential neighborhood. She asked why the community was not involved and wanted to know what information the City had about the apartments. Astoria Pointe has already begun furnishing the apartments for their customers or patients. She was concerned about security and the turnover rate of patients. She was not against drug treatment, but was against a commercial entity setting up a business in a residential community without public involvement.

City Manager Benoit noted that the owner of the properties, Shawn Fitzpatrick was in the audience. Community Development staff has been working with Astoria Pointe and Mr. Fitzpatrick for some time on these apartments. He understood that the residential use of the apartments was fully compliant with City codes and no treatment is being supplied at the apartments. The residents are individuals living in a home much like a group of college students that share a home. Under City Code and Oregon law, Astoria is prohibited from making decisions about who can and cannot rent or live in properties. Commercial use with active treatment and rehabilitation falls under a different classification. The residents are people who have recently left Astoria Pointe who will be renting the apartments, just as any other citizen of Astoria might rent an apartment. He was unaware of the previous tenants being evicted.

Shawn Fitzpatrick, Ilahee Apartments, Astoria, stated he and his wife own and manage several properties in Astoria. The previous tenants were not evicted, but were given a 60-day notice to vacate. He understood that this might seem like a technicality and went on to explain that an eviction goes on a tenant's record and prohibits that tenant from renting in the future. A notice to vacate is allowed under the law. He noted that he was required by law to give the tenants a 30-day notice, but insisted a 60-day notice be given instead. The tenant who had lived in the apartments the longest had lived there for four years. One of the apartments was occupied by a single mother who had lived there for two years. All other tenants had been in their apartment for a year or less. He had taken over management of these properties in June 2012 and notices were given in July 2013. Three of the units had already been vacated at the time notices were given, one of which previously had a tenant who was suspected of growing marijuana in the apartment and had shot a .45 caliber pistol through the wall, into the next apartment, narrowly missing the tenant who lived next door. The tenant was arrested, along with others in the building, when the incident occurred. The tenant was immediately given a notice to vacate. The property was vacant when Mr. Fitzpatrick entered into negotiations with Astoria Pointe, who paid for the apartment to remain vacant during investigations. Another tenant had already given notice and vacated the property, which Astoria Pointe paid to remain vacant. Tenants in a third unit were required to vacate as drug use was being conducted in the apartment. A Facebook post about a fourth tenant said that the tenant intended to remain in the apartment. However, in February, when Mr. Fitzpatrick rented the apartment to this tenant, she stated that she did not intend to stay longer than the end of August. The tenant made her intentions clear during several conversations with Mr. Fitzpatrick over the tenure of her residency in the apartment. Her lease began in the middle of February and expired in the end of August, at her request. Other tenants indicated to Mr. Fitzpatrick

that they were planning to move out upon the expiration of their leases in July and August. More than half of the units were either vacant or planned to be vacant. The remaining tenants living in the property when the 60-day notice was given had opportunities to move to other properties managed by Mr. Fitzpatrick. During negotiations with Astoria Pointe, he made sure he had vacancies at other properties available to accommodate the tenants who received the notice to vacate. Some tenants did move into other properties managed by Mr. Fitzpatrick. One couple bought a home and others moved into other properties. He did not believe many people were displaced, but understood that asking people to move out of a property can be emotional. The process was legal and Mr. Fitzpatrick gave tenants twice as much notice as required by law.

- He confirmed with staff that the property is zoned as a multi-family residential. A multi-family zone is a level of commercial use because any time there is more than one unit on a property; at least one of those units is a rental. The 12-unit apartment complex on Alameda has been a multi-family dwelling for 40 years. A tenant who writes a check to a landlord each month is living in a business. As a property manager, he must walk a thin line because this is business, but recognized that his business is a home to his tenants. He is prohibited by law from publicly discussing issues about his tenants. He cannot make any decisions about the type of people he rents to and must follow federal guidelines on how he allows tenants to move into his properties. In the 33 year that Mr. Fitzpatrick has been in the business, he has strictly followed the laws. There is no change of use in this property. He added that Mr. Darcy has had trouble finding tenants based on the type of tenant living in the property. Originally, Mr. Darcy wanted to rent some units that were mixed in with other tenants already living in the building, which is legal. However, the parent company of Astoria Pointe determined that it would be best for his company to lease or purchase the entire property on Alameda after looking at several of Mr. Fitzpatrick's properties. The City was notified of his plans because he wanted to make sure that the City agreed that no change of use was taking place. He understood Ms. Bugbee's concerns and offered to answer any of her questions in his office at 11<sup>th</sup> and Grand. He added that he is in his office from 8:00 am to 6:00 pm and he always returns missed calls.

Ms. Bugbee believed that tenants being moved from a business facility into the apartments are considered a change in use, as the general public is not able to rent the units; only people from Astoria Pointe are allowed to rent the units.

Mr. Fitzpatrick replied that the tenants of these units have graduated from a rehabilitation program and are able to rent anywhere in the city.

Sam Darcy, Astoria Pointe, 102 W. Grand Avenue, Astoria, explained that Astoria Pointe did not purchase the property on Alameda, but is leasing it. The property will have tenants that go through the rehabilitation program. These tenants are members of the community. Astoria Pointe completed months of due diligence to find an appropriate property for patients who are protected under the Americans with Disabilities Act (ADA). He wanted to provide a safe environment for patients to continue at a lower level of care and live independently under Astoria Pointe's lease. As he looked for a place where his patients would not disrupt the neighborhood, but enhance the neighborhood, Alameda Apartments seemed like the ideal location.

Councilor Herzig asked if Astoria Pointe would rent any of the units to people who have not completed the Astoria Pointe treatment program. Mr. Darcy said this has yet to be determined and noted that he has done a tremendous amount to professionalize his business. The longer a patient remains in treatment, the more successful they are at remaining abstinate, getting jobs and being productive in the community. His tenants will be involved in services provided by Astoria Pointe, but will be living independently. Astoria Pointe staff will be working at the apartments 24 hours a day and seven days a week to ensure that his patients have access to help.

Councilor Herzig recalled that City Council was told no treatment would take place at the apartments. Mr. Darcy clarified that his staff would be in the apartment to monitor patients, not give treatment. His state license prohibits him from having professional staff provide treatment services in the apartments. Non-professional staff will be in the building. Councilor Herzig stated this information is important so the community can understand what will and will not occur on the property. He did not believe anyone was opposed to the issue, but just wanted more information. Mr. Darcy stated he did not intend to make a big deal out of this issue because he must follow federal guidelines that protect the confidentiality of behavioral health services. The federal guidelines are more strict than local statutes and ordinances.

Mr. Fitzpatrick said that he is not required by law to have an on-site manager at that property. The tenants and the property did not receive the attention it deserved under the property management company he had hired to manage the property. He hired two on-site managers to live on the property to resolve the problems. If illegal activity takes place in the building, a process must be followed and Mr. Fitzpatrick is unable to take immediate action. Astoria Pointe staff that will monitor the building and will be conducting random drug testing. Any tenant using drugs may be removed from the building immediately. He prefers renting to tenants who are monitored.

Ms. Bugbee said this did not seem like residential housing, but a business with staff. She has heard people say that the units are run down and understood that Mr. Fitzpatrick was having trouble keeping good tenants in the apartments. She did not understand why the community was not notified about the change of use. This is a change of use to the community, despite the technical terms used in the law.

Councilor Herzig stated that he has never rented an apartment that conducted random drug testing in the building. He understood Astoria Pointe has done everything they can to make this work for the residents and the community; however, there is a difference of opinion about the use of the apartments. Mr. Darcy said the tenants live in these units voluntarily and are, therefore, voluntarily subjecting themselves to the random drug testing. He compared these units to a gated community, noting that residents voluntarily move into the community even though it has guidelines.

Mayor Van Dusen clarified that, when rules or laws are violated, it is easier to require tenants of Astoria Pointe to vacate the property than it is for tenants of Mr. Fitzpatrick. Mr. Darcy added that each apartment in the building will be renovated and repaired. This shows his intent to improve and maintain the property.

Mayor Van Dusen confirmed that Ms. Bugbee was only commenting on the apartment complex, not the treatment program at Astoria Pointe. He said Astoria is lucky to have Astoria Pointe as they offer a quality treatment program that has saved lives. He was glad the issues were discussed.

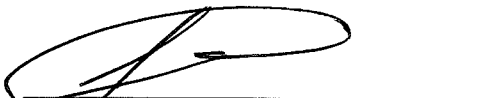
Mick Hague, 1 3<sup>rd</sup> Street, Unit 201, Astoria, stated that at the first City Council meeting in July 2013, he asked City staff to work on some things and followed up with an email. He was pleased that two of the Councilors responded to his email. Most of the tagging along the Riverwalk has been removed and he hoped Director Cosby would make sure the rest of the graffiti is cleaned up. Directional signs along the Riverwalk have not yet been installed; however, he understood that a committee has been formed to work on this project.

- **Inaudible** are costing the City about \$4,000 each year to replace. Local businesses along the Riverwalk are being asked to voluntarily install and maintain a dispenser so people will not walk into prohibited areas.
- The crosswalk flags are not adequate and there is a need for new ideas about how to cross the streets safely. He has been told that heavy truck traffic makes it difficult for rapid flashing beacons to last.
- He was still concerned about curb ramps, which are still needed in many locations throughout the city. Existing ramps are poorly designed.
- He recalled the controversy several years ago surrounding the 9<sup>th</sup> Street Park. Cement slabs had been installed to serve as sitting areas and to represent the historic canneries. The slabs cost \$43,000 of the \$100,000 cost for the park. Now, those slabs would be destroyed. He understood the City must move forward to make up this money. He supported putting the Chinese Heritage Park in this location and suggested the City consider placing some of the donated sculptures from City Hall in the park.


#### ADJOURNMENT

There being no further business, the meeting was adjourned at 9:17 pm to convene the Astoria Development Commission Meeting.

#### ATTEST:

  
Finance Director

#### APPROVED:

  
City Manager