

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

Councilors Excused: None

Staff Present: City Manager Estes, Police Chief/Assistant City Manager Johnston, Parks and Recreation Director Cosby, Financial Analyst Snyder, Deputy Fire Chief Gascoigne, Planner Johnson, Library Director Tucker, Public Works Director Cook, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

Mayor Van Dusen reported that an editorial, titled "Why the Silence from the County?" had been published in today's edition of *The Daily Astorian*. The editorial stated investigation of ballot mistakes made during the election was not mentioned at the Clatsop County Commission meeting. He agreed with a statement in the editorial that said sometimes the most important thing for an elected leader to do is to state the obvious. The truth and transparency matter in government. He was proud of the City Council for always working hard to be transparent and speaking about the obvious. Therefore, he decided to discuss the District Attorney Josh Marquis versus City of Astoria lawsuit. The lawsuit was recently heard by the Oregon Court of Appeals and Mayor Van Dusen believed the ruling should be discussed in an open meeting on public record.

- He gave a brief history of the case, which has been ongoing for several years. The City was asked by District Attorney Marquis to turn its Driving Under the Influence of Intoxicants (DUII) cases over to the Circuit Court. Mayor Van Dusen, then City Councilor Blair Henningsgaard, Sheriff Tom Bergen, and District Attorney Marquis met to discuss the request, which was made in an attempt to save enough money to put a Police Officer on the drug task force. Staff researched the potential savings and found the City would not have near enough funds to hire an additional officer. Councilor Warr said he recalled there would have been no savings at all. Mayor Van Dusen continued, saying that then District Attorney Marquis asked the City to hand over its DUII cases because some cases had been poorly handled and that doing so would serve the public better. When the City requested a report of the poorly handled cases, the City was presented with a report that had many mistakes, included cases from Seaside and non-DUII cases, and did not include any credible evidence that any DUII cases in Astoria had been mishandled.
- When the Oregon Legislature introduced a bill, the City testified that Astoria had control over its municipal court and could handle DUII cases. This bill died. Then, District Attorney Marquis demanded Astoria turn its DUII cases over to the Circuit Court, but Astoria decided to retain control of its municipal court and keep the DUII cases in Astoria. At this point, District Attorney Marquis filed a lawsuit against the City of Astoria. Judge Norblad made a ruling that was difficult to understand, saying that District Attorney Marquis could prosecute the DUII cases in municipal court. The decision was appealed to the Oregon Court of Appeals, who ruled last week. City Council received a summary of the ruling from City Attorney Henningsgaard, which stated the City of Astoria won the lawsuit. Mayor Van Dusen has been congratulated by State Representatives and Senators, city attorneys, and others. He did not understand why the rest of the state was so interested in the lawsuit because wording in the ruling states the decision only applies to the City of Astoria and the Clatsop County District Attorney's office. He has also been congratulated that the District Attorney's office must pay Astoria's court costs, which was an unusual decision by the Court of Appeals.

Councilor Mellin asked how much the lawsuit cost the City, County, and District Attorney's office, and said she wanted to see a financial statement. Councilor Warr asked how the City would collect reimbursement for court costs.

City Attorney Henningsgaard explained that court costs are defined very specifically by the Court of Appeals. The City can recover its filing fee, costs of copying briefs, and a prevailing party fee of \$100. However, the City does not have to pay other court costs because it is a public entity. The total court costs that Astoria will collect will be about \$150. This is not a significant amount, but the ruling is significant because the Court of Appeals generally awards costs only when emphasizing who won the lawsuit. Most of the time, the Court of Appeals simply waves costs.

- He explained that there are two separate court systems in Astoria, the municipal court system and the State court system. The Legislature has said there is concurrent jurisdiction between the two courts, so offenses

against City ordinances can be filed and prosecuted in either court. Legislative history suggests that the Legislature intended for a police officer to have the authority to decide which court a case should be tried in. In this case, the Astoria Police Department has a policy that dictates where a case will be filed. Therefore, the officer in the field does not have discretion, but is obligated to follow policy. According to the policy, most DUI cases are filed in municipal court. Serious DUI cases that involve injuries or minor children and felonies are filed in circuit court. This case between Astoria and the District Attorney's office questioned what should happen when the District Attorney wants to prosecute a case that the Astoria Police Department filed in municipal court. The Attorney General's Office, on behalf of the District Attorney, made the argument that when such a conflict occurred, the authority of the City Attorney must yield to the authority of the District Attorney. The Court of Appeals responded by saying there was no legal support for that argument. After reviewing statutes and constitutional provisions cited by the District Attorney, the Court of Appeals concluded that the authority of the City Attorney and District Attorney is concurrent, like the jurisdiction of the State and municipal courts. Neither prosecutor is subservient to the other. The City Attorney cannot pull a case out of circuit court, the District Attorney cannot pull a case out of municipal court, and cases are to be prosecuted where they are filed.

Mayor Van Dusen confirmed that the City of Astoria's municipal court has the jurisdiction to handle the DUI cases and that City Council could decide to turn a case over to the circuit court. He asked why City Attorney Henningsgaard thought the League of Oregon Cities and other entities in the state were so interested in this case.

City Attorney Henningsgaard said this case affects other entities because the Court of Appeals made certain interpretations of the State's statutes and constitution. Those interpretations will be applicable to any other similar conflict that could arise in the state. He believed groups like the League of Oregon Cities were interested because there is a tension between state authority and local home rule authority throughout the state. Cities, in particular, like to assert their independence from state control. The District Attorney is a state officer, so this ruling is a victory for local control as opposed to state control. In response to Councilor Mellin, he said he had no idea what Clatsop County paid to prosecute the case or defend the appeal. Astoria paid City Attorney Henningsgaard around \$40,000.

Mayor Van Dusen directed Financial Analyst Snyder to research the costs immediately. Financial Analyst Snyder excused himself from the meeting to obtain the information. Mayor Van Dusen noted that the costs were important and the citizens should know how much was spent. Financial Analyst Snyder returned to the meeting and stated the City spent \$38,667.02 on the lawsuit with the District Attorney.

Councilor Warr said this issue first came up at a City Council meeting the summer of 2010, where District Attorney Marquis asked the City to turn the cases over to the Circuit Court. He recalled District Attorney Marquis saying that he knew he did not have the authority to demand the cases be turned over. Yet, a couple of years later, the City was being sued. He admitted that he could be wrong about District Attorney Marquis's comment and asked if anyone else remembered what was said at that meeting.

Mayor Van Dusen said this issue had begun prior to 2010 and he did not remember the specific statement; however, he remembered, and City Attorney Henningsgaard confirmed, that a Department of Justice staff member was of the erroneous opinion that the District Attorney's position was correct. This added to the confusion. He congratulated City Attorney Henningsgaard for doing an excellent job, noting that his one-person law firm took on the county's largest law firm and the State of Oregon.

## REPORTS OF COUNCILORS:

**Item 3(a): Councilor Warr** reported that prior to the City Council meeting he had talked with Roger Warren, one of his constituents and member of a neighborhood committee, who was concerned with traffic that has already begun to increase in anticipation of the Goonies 30<sup>th</sup> Anniversary in 2015. The neighborhood committee met earlier that day, but he was unable to attend. He was told someone at the meeting said the Goonies House was a semi-commercial enterprise because the homeowners collect donations, which they state are used to pay taxes. Many people at the meeting agreed that because the house is a semi-commercial enterprise, the City should do some planning. He noted he was only forwarding information and had no opinions about the issue. Neighbors have counted the number of people visiting the Goonies House, which is about 800 people per day on weekends. The house has brought a huge amount of traffic to a street that does not go

through. He has lived four houses away from the Goonies house for 16 years and agreed there were some concerns. He enjoyed the Goonies fans, but this was not how all of his neighbors felt.

**Item 3(b): Councilor Herzig** reported that he and other members of the community, including Karin Temple and Larry Allen, decided to open a warming center in Astoria. Over \$800 has already been raised and people are donating supplies. Grace Episcopal Church has volunteered to be the fiscal sponsor. Support from the community has been overwhelming and humbling. He planned to add further discussion of the warming shelter to the agenda.

**Item 3(c): Councilor Mellin** No report.

**Item 3(d): Councilor LaMear** reported that she was excited to have been elected Mayor. That morning, she attended a meeting for the Start Making a Reader Today (SMART) Program, which is a statewide program that receives little support on the north coast. She believed SMART had plenty of volunteers, but needed monetary support and sponsors. The program is a one-on-one reading program with primarily kindergartners. Early childhood literacy is extremely important and getting kindergartners ready to read can change a lot of lives. The program in Clatsop County is currently being offered to kindergartners at Astor School. SMART wants to get businesses and sponsors involved because the program costs about \$300 per student. Volunteers read with students one-on-one and give the children books. Most of the students never see books unless they receive one through the program. She hoped SMART's need for support would receive publicity. The program has been going for a while, but has lost steam. People that have been reading to children tend to drop out after two or three years and it is difficult to get new people to join the program. She planned to work towards rejuvenating the program in the area.

**Item 3(e): Mayor Van Dusen** No report.

#### **CHANGES TO AGENDA:**

Councilor Herzig requested Regular Agenda Item 7(a)(1): Request for Conditional Approval of the Astoria Warming Shelter be added to the agenda. City Council approved the agenda with changes.

#### **PRESENTATIONS:**

##### **Item 4(a): Parks CHIP-in Program**

Parks and Recreation Director Angela Cosby and Volunteer Coordinator Janice O'Malley Galizio made a presentation reviewing the implementation and first year of the Citizens Helping Improve Parks (CHIP-in) Volunteer Program and briefly overviewed of next year's scheduled activities. The presentation included a video that highlighted the volunteers that participated in the program and a complete list of donors and sponsors. In its first year, CHIP-in volunteers cleaned and improved the following parks:

Children's Park at 6 <sup>th</sup> and Commercial	Tapiola Park
Alderbrook Playground	Fred Lindstrom Memorial Park
Shively Park	The Riverwalk, as part of the Love Your Columbia Event
Violet LaPlante Park	McClure Park
The playground across from Star of the Sea	Oceanview Cemetery

Ms. O'Malley Galizio added that Clatsop Behavioral Health sponsored Children's Park. She gave details about the work done at each park, noting the number of volunteers and naming the various groups the volunteers represented. She told the story of two boys who were reluctant to volunteer, but ended up working all day, picking up trash and shoveling wood chips. Over 250 people have volunteered, picking up over 2,500 pounds of trash, 26,800 pounds of yard debris, 270 yards of cedar chips, and raising almost \$7,000 since the program began.

- She gave details about work that needs to be done in other parks, noting which parks were being considered for the following year. She would like the CHIP-in program to host an anti-litter campaign to kick off the next season. The program will focus on finding more groups and businesses to sponsor parks and clean-up parties. Recruiting volunteers and seeking donors will continue in the next year as well.

Councilor LaMear said it seemed like a lot of work still needed to be done at Oceanview Cemetery and asked if there were plans to work at the cemetery again. Director Cosby said the Parks Department was planning to do work in the late spring right before Memorial Day.

Councilor Mellin said she has served on the Parks Board for the last four years and has had a ball. She had also taken a lot of photos during the clean-up events and planned to give her photos to the Parks Department. The CHIP-In program has been very successful and brought out people who may have never thought they would be cleaning up a park.

Councilor Herzig said the CHIP-in volunteers did great work. He asked what was done with the yard waste. He understood that separating invasive species may be too much, but suggested the Parks Department create a city compost. Director Cosby said staff would love to compost, but the Parks Department does not have the resources. Staff has discussed the possibility of turning cut trees into wood chips that can be used in the parks. However, much of the waste removed is invasive. She said staff would continue to work towards composting. Most of the yard waste is taken somewhere to be composted and the garbage goes to Recology.

Councilor LaMear said while she worked on the Riverwalk clean up, she met a lot of people from Mill Pond. Meeting new people from various parts of the city is another advantage of volunteering for the CHIP-in program. She thanked staff for making the program great.

City Manager Estes reported that on Friday, November 7, 2014, an announcement had been made that he promoted former Deputy Chief Brad Johnston to Police Chief. Mr. Johnston has also been appointed Assistant City Manager. He looked forward to working with Mr. Johnston in the City Manager's Office.

Police Chief/ Assistant City Manager Johnston said the support he has received has been humbling.

Deputy Fire Chief Gascoigne said Fire Chief Ames was scheduled to have surgery the following morning. Mayor Van Dusen added that Chief Ames would be having hip replacement surgery.

#### **CONSENT CALENDAR:**

The following items were presented on the Consent Calendar:

6(a) City Council Minutes of 10/20/14

6(b) City Council Special Meeting Minutes of 10/27/14

**6(c) Resolution Appropriating Funds for Street End Grant Match (Finance)**

6(d) Authorization for a Nike, Inc. Grant Application to Provide Fitness Tracking for Astoria Parks and Recreation Wellness Challenge Participants (Parks)

Councilor LaMear requested Item 6(c): Resolution Appropriating Funds for Street End Grant Match be removed for further discussion.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin, to approve Items 6 (a), (b), and (d) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

#### **Item 6(c): Resolution Appropriating Funds for Street End Grant Match (Finance)**

Councilor LaMear explained that this allocation of funds was necessary because the Promote Astoria Fund did not have enough money to cover the City's match, which concerned her. She asked where the funds were being allocated. City Manager Estes said this item was brought to City Council in September 2014. City Council had decided to allocate about \$206,000 towards the match. Half of these funds will be reimbursed from future Surface Transportation Funds. The decision to allocate these funds was made after the budget had been adopted, making this resolution necessary.

Councilor Herzig asked how much money was currently in the Promote Astoria Fund. Financial Analyst Snyder said the balance was about \$700,000. He explained there was a difference between having resources and allocating those resources. When the 2014-15 Budget was developed, \$346,000 was allocated to the ending fund balance as a contingency. Some of this contingency, about \$200,000, is being moved to a line item that will allow for the approval to spend the funds. Councilor Herzig added that City Council believed the funds should

come from the Promote Astoria Fund because the money is being used to repair street end structures along the Riverwalk, which is an important tourist attraction.

Director Cook confirmed for Mayor Van Dusen that the grant would be \$8.2 million.

Mayor Van Dusen said Councilor Herzig was correct and explained that the street end structures are actually bridges. Funding must be used to rebuild bridges, so the City must acknowledge that the structures over the river at the end of each street are bridges. If the structures had not been defined as bridges, the City would not have qualified for the funds.

**City Council Action:** Motion made by Councilor LaMear, seconded by Councilor Herzig, to approve Item 6(c) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

## **REGULAR AGENDA ITEMS**

### **Item 7(a)(1): Request for Conditional Approval of the Astoria Warming Shelter**

The addition of this item was approved during Item 4: Changes to the Agenda.

Councilor Herzig said credit for this discussion should go to Terry Wilson, who chastised City Council last winter for failing to take a warming center seriously. Mr. Wilson kept encouraging City Council to take action and supporting community efforts to open an emergency and warming was adopted by the City as a goal for the year. He received information from the State about fire codes for emergency shelters, which do not require sprinklers. No one should die of exposure in Astoria. The Astoria Senior Center will sit empty until March, when the remodel will begin. The Senior Center Board confirmed that their insurance would cover use of the building as a shelter. Tiffany Brown, Clatsop County Emergency Manager, created a 17-page standard operating procedure manual for the shelter. Grace Episcopal Church will be the fiscal sponsor and donations are tax deductible. Many people, agencies, and local groups have come together to support the shelter. The City owns the property that the Senior Center is built on; therefore, the City would need to approve the shelter. The Fire, Police, and Planning Departments made a list of requirements necessary to make the shelter possible, so smoke and carbon monoxide detectors are being purchased and an evacuation plan has been created. He asked for conditional approval to open the Astoria Warming Center in the Astoria Senior Center once all of staff's requirements have been completed. He explained that the warming center would be open when the temperature drops below a certain degree, but he believed the shelter would be ready to open around Thanksgiving. Originally, he planned to submit a complete agenda item to Council in January; however, he wanted to move this forward now since temperatures have already been in the 20s and 30s.

City Manager Estes said staff has been working with a group of volunteers and Ms. Brown. The City does not have an official proposal stating how the shelter would be staffed, but a lot of progress has been made and issues are being addressed. The Police Department still has some questions and the City has questions about insurance. If the City Council decides to support this shelter, staff will take that support as direction to continue moving forward in a good faith effort to make the shelter possible. The Police and Fire Departments would review the standard operating procedures and a Building Official would need to do a final walkthrough, signing off on the occupancy, before the shelter could be open. City Council should discuss whether this would be an appropriate use of a City building. Staff could present final materials at the next City Council meeting.

Mayor Van Dusen asked Councilor Herzig to be more specific about his request for conditional approval. Councilor Herzig said that he wanted to be able to open the shelter as soon as all of the fire, police, and building requirements have been met. He was told that the Senior Center's insurance covered the building, but it is possible the City's insurance would cover the building as well. He would not open the shelter until the Fire Chief, Police Chief, and Building Inspector have given him approval. Mayor Van Dusen suggested the City Manager be assigned to approve the shelter for opening. Councilor Herzig said this would be fine, but he did not want to preempt the Fire, Police, and Planning Departments. He explained that Chief Ames gave some very detailed instructions, including where to place each smoke detector, carbon monoxide detector, and fire extinguisher. He did not believe the City Manager would feel qualified to give that kind of direction. Mayor Van Dusen explained that the Fire Chief works for the City Manager, so the final decision would be left to the City Manager.

Councilor Warr said he believed a warming shelter would be an appropriate use of a City building. He wanted to know how the shelter would be staffed and supplied, and how costs would be funded.

Councilor Herzig said \$800 has been donated and volunteers have signed up. Supplies are also being donated, including mattress pads, blankets, coffee, and paper cups. The response has been amazing and he believed the shelter would receive more donations than it could use in one season. He confirmed for Mayor Van Dusen that other than the costs associated with meeting the City's requirements for the building, the only other additional cost would be the heating bill. He has told the Senior Center that he would personally pay the utility bill if the warming center did not have enough funds.

Councilor Mellin was concerned about having qualified staff at the shelter. The shelter could be staffed with volunteers, but people using the shelter may have medical or other complex issues. She wanted to know how the shelter would deal with emergencies. She explained that years ago, when she worked for Pioneer Shelter, the homeless shelter in Astoria, she found out how complicated it was to run a shelter. She loved the idea of having a warming shelter and believed it was a humanitarian thing to do, but anticipated problems that would need to be recognized beforehand, rather than once a situation occurred.

Councilor Herzig said Police Chief Johnston gave him similar guidance. Standard operating procedures will say to call 911. He was told by Fire Chief Ames to evacuate immediately if a smoke alarm goes off. He realized that some of the people using the warming shelter may have issues and volunteers are getting training on how to deal with those issues and how to call in people who should be dealing with issues the volunteers cannot handle. On Friday, volunteers will receive training on how to use a fire extinguisher. Ms. Brown is working on getting training from the Red Cross. Volunteers are trying to get all of the training they possibly can.

Councilor LaMear believed the community really needs a warming shelter and she applauded Councilor Herzig's efforts to get one going. She believed the Senior Center was good location for the shelter. The Senior Center is available until March, so there is time to find an alternate location if necessary. She had received a message earlier that day saying there would need to be nine volunteers each time the shelter was open and asked if this was correct.

Councilor Herzig said he wanted the shelter to be open from 8:00 p.m. until 8:00 am. The Tillamook Warming Center would stay open until their Library opened so that people did not have to go out into the cold. Astoria does not have this option, but he believed opening for those 12 hours would be functional by having volunteers work in three shifts of four hours each. He anticipated three volunteers per shift. One volunteer must be the designated fire watch, whose sole duty would be to patrol in 15-minute intervals making sure there were no fires. Two more volunteers would be needed so that no volunteer would be left alone. Volunteers have already signed up. He, Karin Temple and Larry Allen have committed to work every shift if necessary to keep the shelter open. Some of the volunteers believe this a moral imperative and are happy that so much progress has been made in such a short amount of time.

Mayor Van Dusen said it is usually good to have staff gather the facts, then present them to the City Council; however, the next City Council meeting will be in December. Astoria has a very qualified City Manager and if all of his questions are answered, Mayor Van Dusen believed the shelter could be opened before the next City Council meeting. He reiterated that opening the shelter would be contingent upon the City Manager's approval.

**City Council Action:** Motion made by Councilor Herzig, seconded by Councilor LaMear to allow the Astoria Warming Center to be located in the Astoria Senior Center and approve opening the Astoria Warming Center prior to the next City Council meeting on December 1, 2014, contingent upon the City Manager's approval of the operation. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 7(a): Resolution Scheduling Public Hearing regarding Vacation of the 1700 Block of Duane Street (Public Works)**

On December 2, 2013, the City vacated a portion of the 1700 Block of Duane Street adjacent to the Columbia River Maritime Museum (CRMM) storage area at 1777 Marine Drive. At that time, there was discussion concerning possible vacation of the remaining west portion of Duane Street that is adjacent to the Maritime Texaco Station property at 1701 Marine Drive and the Moose Lodge at 420 17th Street. Subsequently, staff met with representatives of both the Maritime Texaco Station and the Moose Lodge concerning the possible vacation

of the portion of Duane Street adjacent to their properties. Both parties expressed interest and have submitted applications to the City.

The proposed vacation would provide the Maritime Texaco Station with a 10' x 100' portion of the street, as previous owners acquired the 20' x 100' section of the street in 1944. The Moose Lodge would acquire a 30' x 100' portion of the right-of-way. Staff has reviewed the request and has determined that the area to be vacated does not appear to have any future potential as an access route; however, staff believes it would be in the best interest of the City to reserve easement rights on the vacated area for any existing and/or potential future utilities. It is recommended that the City Council adopt the attached resolution of intent to hold a public hearing concerning the potential vacation of a portion of the Duane Street right-of-way.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin to adopt the attached resolution of intent to hold a public hearing concerning the potential vacation of a portion of the Duane Street right-of-way. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 7(b): Authorization to Solicit Proposals – CSO Monitors (Public Works)**

The City of Astoria's Combined Sewer Overflow (CSO) Control Program will continue to control overflows to Youngs Bay and the Columbia River through a series of projects over the next eight years, as required by the Oregon Department of Environmental Quality (DEQ). CSO work to date has controlled overflows at 24 of the City's 38 combined sewer outfalls. Phase 4 of the 5-phase CSO Program is currently underway. Phase 4 is scheduled to control 11 outfalls that discharge to the Columbia River. The City is required by the DEQ to monitor outfalls that have been controlled as a result of CSO projects in order to demonstrate compliance with mandated control requirements.

Currently, the City performs CSO compliance monitoring using pressure sensor type monitors. Pressure sensors report the presence and depth of liquid based on the pressure detected by a submerged sensor. This information is recorded on a data logger and transmitted remotely via cell phone transmission to a hosted website. Although the current system of monitoring has been adequate, there are increasing deficiencies, which include inconsistent reliability, escalating staff time for maintenance, and circuit board problems. It is apparent that many of the existing monitors are at the end of their useful life and replacement parts are unavailable because the equipment is obsolete. It is important to replace the monitors to meet regulatory requirements, and equally important to invest in monitors for outfalls that have yet to be controlled for scoping of future projects. Monitor data will be used to calibrate the hydraulic/hydrologic model and give technical experts the best information for developing the most cost effective project scope. The investment in monitors and reliable data now will reduce the cost of projects later because they can be appropriately scoped. The estimated cost of the upgraded flow monitors and accompanying equipment is \$200,000. There are funds budgeted in the Public Works Improvement Fund for this project. It is recommended that Council authorize the solicitation of proposals for CSO monitors including purchase and installation.

**City Council Action:** Motion made by Councilor LaMear, seconded by Councilor Herzig to authorize the solicitation of proposals for CSO monitors including purchase and installation. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 7(c): Resolution Transferring Public Works Funds and Combined Sewer Overflow (CSO) Monitor Allocation (Finance)**

The CSO monitoring system has been installed location by location over the past 10 years. The monitoring requires devices that transmit data remotely to a hosted website using cell phone technology. AT&T has provided the cell phone service from the beginning of this function. City staff has been informed that AT&T is abandoning its 2G service. A second aspect of the situation is that the current technology is obsolete and replacement parts are not available when devices need repair. These two factors have led to a need to replace the current system with updated technology. Staff is proposing to allocate \$200,000 of resources in the Public Works Improvement Fund (PWIF) to replace the devices of the current system. The FY 2014-15 budget anticipated a transfer from the Public Works Fund (PWF). The specific amount that could be transferred could not be determined until the end of FY 2013-14. \$400,000 is proposed to be transferred to support the requirements of the PWIF. The PWIF supports the day-to-day operations and maintenance of the City's Public Works infrastructure. The PWIF is reserved for major capital repair and replacement of that infrastructure,

including debt service on long term improvements. Transfers to the PWIF from the PWF have been made over the years in support of capital needs. The attached resolution transfers \$400,000 of resources from the PWF to the PWIF and allocates \$200,000 of PWIF resources for the purchase of sewer monitoring devices. It is recommended that Council consider adopting the attached resolution that would transfer \$400,000 from the Public Works Fund to the Public Works Improvement Fund and allocates \$200,000 for the purchase the CSO monitor devices.

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor Warr to adopt the attached resolution that would transfer \$400,000 from the Public Works Fund to the Public Works Improvement Fund and allocate \$200,000 for the purchase the CSO monitor devices. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 7(d): Transfer of John Warren Field to Columbia Memorial Hospital (Community Development)**

On December 16, 2013, the City entered into a Four Party Agreement with Columbia Memorial Hospital (CMH), Astoria School District, and Recology Western Oregon enabling the construction of the new sports complex at the City's landfill area for the School District, closure of the City's landfill, and transfer of John Warren Field to CMH to facilitate expansion of CMH in that area. Construction of the sports complex was recently completed. The Agreement stipulates that upon satisfactory completion of the sports complex, the City and School District will transfer ownership of John Warren Field to CMH. The Field is currently owned by the School District but includes a "reversionary clause" that states the property reverts to City ownership if the School District no longer uses the property. Therefore, the deed will include signatures of both the City and School District for the transfer. The draft deed has been reviewed by the School District's attorney. The transfer of John Warren Field property is for consideration other than cash as identified in the Agreement and, therefore, there will be no cash payment to the City for the property. The attached Warranty Deed has been prepared by City Attorney Blair Henningsgaard for transfer of the property to CMH. It is recommended that the City Council authorize the Mayor to sign the deed transferring ownership of the property located at 1905 Exchange Street to Columbia Memorial Hospital.

**City Council Action:** Motion made by Councilor LaMear, seconded by Councilor Mellin to authorize the Mayor to sign the deed transferring ownership of the property located at 1905 Exchange Street to Columbia Memorial Hospital. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 7(e): 2014 Street End Bridge Repair Project Construction Contract Award (Public Works)**

The City of Astoria has six timber street end structures at the north ends of 6th, 7th, 8th, 9th, 10th and 11th Streets that are inspected annually by the Oregon Department of Transportation (ODOT) Bridge Department. ODOT inspects the structures and makes recommendations for repair that will permit the structures to remain open. Without the recommended repairs, the structures may be recommended for closure to vehicular traffic by ODOT inspectors. Compliance with the ODOT recommendations has assisted the City in obtaining Federal Bridge replacement funds through the State Transportation Improvement (STIP) program.

The most recent inspections identified repair work needed at 6th, 7th, 8<sup>th</sup>, and 9th Streets. Staff solicited quotes for this work and received the following two responses:

Contractor	Total Quote
Bergerson Construction	\$24,862.00
Columbia Dock Works	\$27,535.00

Staff is recommending a project contingency of \$5,000 for additional work that may be required once repairs are under way. Project cost is estimated to be \$30,000. It is proposed that funds be allocated from the following sources:

- Promote Astoria Fund \$15,000
- Streets Division, Public Works Fund \$15,000



It is recommended that Council authorize award of a contract to Bergerson Construction in the amount of \$24,862 for the 2014 Street End Bridge Repair Project.

Councilor LaMear confirmed that construction of the bridge ends would begin in 2016. Director Cook explained that this work was necessary so the bridges and street ends can be used safely until construction begins.

Councilor Herzig said the contract he read did not include the City's non-discrimination policy. City Manager Estes confirmed that the signed copy of the contract would include the policy.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin to authorize award of a contract to Bergerson Construction in the amount of \$24,862 for the 2014 Street End Bridge Repair Project. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

## **NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS**

### **Item 8(a): Change Second Meeting Dates in January and February, 2015 (City Council)**

Astoria City Hall will be closed on Monday, January 19, 2015 for Martin Luther King, Jr., Day, and Monday, February 16, 2015 for Presidents' Day; therefore, the second meeting dates in January and February needed to be changed.

City Manager Estes said if the meetings were moved to the following day in both cases there would be a potential conflict with the Historic Landmarks Commission (HLC) meetings; however, the HLC meetings begin at 5:15 p.m. and he could make sure the room is cleared out before 7:00 p.m.

**City Council Action:** Motion made by Councilor LaMear, seconded by Councilor Mellin to reschedule the second meeting dates in January and February 2015 to Tuesday, January 20, 2015 and Tuesday, February 17, 2015. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Chris Farrar, 3023 Harrison Avenue, Astoria, said the City Council seemed happy about the money spent on the DUII case; however, he helped pay for that cost and he was not happy about it. He believed the City should have been able to work something out with the County. He was sure City Attorney Henningsgaard was not advising the City to avoid arguments in court because he cleared \$38,000 on this deal. Taxpayers would like the City to avoid wasting their money in the courts. He believed the DUII issue was not yet completely resolved, even though City Council believes it is. The case went through an appellate court, so it could go to the State Supreme Court or higher. The taxpayers do not want a part of this. There will be a small change in City Council, though not as much as he would like. He hoped that new members of the Council would be more intelligent and thoughtful. Astoria seems to be short on a lot of money for things like warming centers and parks, so the City should conserve funds. The City should be working with and listening to the County to try to work things out, not wasting taxpayers' money. He was impressed with all of the volunteer work done on the parks. He admitted he should be out there himself, doing more work. Volunteering is a good thing for a city. However, he was concerned that the City seems to be counting on volunteers to get work done. He did not understand what the problem was, but believed there was a serious budget problem. He hoped the budget process would change so the City would not have to depend on volunteers for the warming center and parks. He had just come from a meeting where people talked specifically about the lack of maintenance at McClure Park. He has not been to the park, but the people at the meeting say it is a wreck. There must be things done in this town that rely on more than just volunteerism. Volunteerism is important and binds everyone together as a community, but staff needs to be embellished. People that work for the City should keep track of these things on a day-to-day basis. He said he looked forward to January and thanked the Councilors.

Alana Garner, 486 12<sup>th</sup> Street, Suite H, Astoria, said the Astoria Downtown Historic District Association (ADHDA) will be decorating the downtown area for the holidays over the weekend. The annual lighting ceremony will be on Saturday, November 29, 2014 at 5:00 p.m. at the corner of 12<sup>th</sup> and Commercial Street. Community Day at the Astoria Armory will include photos with Santa and arts and crafts. There will not be a movie this year, but other fun activities have been planned, like caroling from the Armory to downtown for the lighting ceremony. Downtown businesses are open until 7:00 p.m. on Fridays through December 19th. A list of the participating businesses can be found on the ADHDA website. In order to compete with big box stores on Black Friday, some of the downtown businesses will be participating in Plaid Friday. On the Friday after Thanksgiving, shoppers are

encouraged to wear plaid and shop downtown, where the businesses are unique just like the threads of the plaid.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:10 p.m. to convene the Astoria Development Commission meeting.

**EXECUTIVE SESSION**

The Executive Session was called to order at 8:15 p.m.

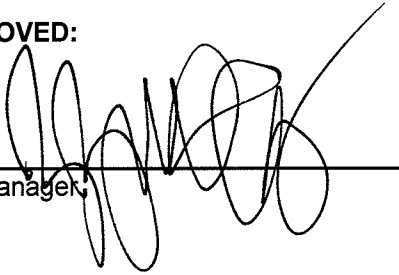
**Item 9(a): ORS 192.660(2)(h) – Legal Counsel**

The City Council will recess to executive session to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

There being no further business, the Executive Session was adjourned at 8:35 p.m.

**APPROVED:**

\_\_\_\_\_  
City Manager

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, is written over a solid horizontal line. The signature is positioned to the right of the printed text 'City Manager'.