

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

Councilors Present: Nemlowill, Herzig, Warr, Price, Mayor LaMear

Councilors Excused: None

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

REPORTS OF COUNCILORS:

Item 3(a): Councilor Warr reported that on January 9, he met with his neighbors about issues related to visitors at the Goonies house. The number of visitors has been steadily increasing over the last few years and despite two inches of rain on Saturday, there was a constant stream of visitors to the Goonies house all day long. He asked the concerned neighbors to write a letter he could share with City Council so Council could discuss the issue and try to develop a plan to give the neighbors some relief. He had previously given each Councilor a copy of the letter and has asked City Manager Estes if the issue could be discussed during the Work Session.

Item 3(b): Councilor Price reported that she would continue to attend orientations with staff and leadership training until the middle of February.

Item 3(c): Councilor Herzig reported that on January 19, he attended a candlelight walk and soup dinner in observance of Martin Luther King Jr. Day. He was glad some of Astoria's civic leaders also participated because the event was important. Martin Luther King Jr. gave his life to bring the dream of democracy closer to reality, pointing out the evils of racism, poverty, and militarism, which are destroying the country more today than when he gave his life for the cause. He was an advocate of free speech for the most disenfranchised and the least respected members of our citizenry, as much as the rich and powerful. Councilor Herzig believed this was a cause still worth fighting for.

Item 3(d): Councilor Nemlowill reported that like Councilor Price, she has been learning the ropes of City Council, touring City Departments, and attending League of Oregon Cities training, which included training on how the City fits in with the State constitution, ethics, and public meetings laws. She will host an open meeting with the public on Thursday, January 22, from 8:00 am to 9:00 am at the Blue Scorcher. She invited the public to stop by to discuss anything pertaining to the City or ask questions. All of her contact information is now available on the City's website.

Item 3(e): Mayor LaMear reported that she attended the Riverfront Vision Plan meeting at the Holiday Inn. She hosted her first Meet the Mayor event and appreciated those who attended and asked questions. She also attended the League of Oregon Cities training in Manzanita, which was a full day of training. So much information was given and she was glad to have such good, first time Councilors who were able to absorb all of the information. She read the following statement regarding Boards and Commissions:

"As Mayor of the City of Astoria, I have the responsibility of appointing citizens to our Boards and Commissions. In appointing these citizens, I have tried to add new members, but also retain those with experience and expertise. I am making 14 new appointments and reappointing 11. There were many strong candidates, and I want to thank the 35 citizens who submitted applications. Should we have resignations on these Boards and Commissions, we now have a very strong pool to select from in the future. In making these appointments, I relied not only on the applications, but also on conversations with staff, Board and Commission Chairs, and City Council members. As per our current Astoria Charter, the Mayor makes appointments on City Boards and Commissions. I have heard the suggestion that appointments should be made by the Mayor with the advice and consent of the City Council. The Council can discuss this in our goal

- He gave a brief history of the park, which was originally the site of McClure School, and noted its significance to Astoria and the McClure neighborhood.
- Upon surveying the neighborhood in 2012, park maintenance was cited as the biggest concern. Area residents also wanted playground equipment and a picnic table returned to the park, as they had been removed and never replaced. The Friends were also concerned about the historic rock wall, which needed to be rebuilt and maintained.
- Mission: The Friends mission is to support maintenance of and improvements to the park, oversee daily and periodic care for plants and vegetation, and the noncapitalized attributes of the park through a natural park concept plan that incorporates green space designs. It is important to The Friends that the park is kept green.
 - He showed photographs of clean up and maintenance events done in conjunction with other volunteer groups and the Parks Department.
- Maintenance Support: The Friends will continue to assist the Parks Department by cutting the grass when necessary, maintaining fencing around the ball field and the rock wall, and doing any maintenance necessary to prevent the park from regressing to the unsafe and unusable condition it has been in over the last few years.
- Capital Improvements: The Friends plan to enhance and restore the park to a natural setting, which would incorporate the following features: balance logs, tree post walks, tree cookie sets, a tree deck, a tee-pee, and a hillside slide. The slide would be a key feature of the park built into the southwest corner of the green space. All of these features would be low maintenance and provide longevity for the life of the slide.
 - Research related to installation of the hillside slide included the geological conditions of the park, consideration of the geotechnical engineering report for the 11th Street CSO project, and feedback from the Engineering Department and Horning Geosciences of Seaside. All research indicates the slide could be installed without any concerns for ground movement on the hillside.
 - The initial costs to build the slide and prevent erosion along both sides of the slide would be included in the planning and installation. Ongoing maintenance would be minimal; the fall zone at the end of the slide would need mulch added on an annual basis. As long as the slide is properly installed and there is no vandalism, it would last 25+ years before replacement would need to be considered. The Friends contacted Sara Collins Elementary School in Greenville, South Carolina, which owns a slide like the one being proposed. The school confirmed that if installed correctly, maintenance would be minimal.
- The Parks Department has approved The Friends' proposal and recommends approval by City Council. If Council does approve the proposal, The Friends would aggressively move forward to obtain public contributions for operational and capital improvements to support their relationship with the Parks Department.
- He concluded by thanking the Council for their time and offered to answer questions.

Director Cosby said the Parks Department had been working with Mr. McElroy for six to eight months on The Friends' proposal. The Friends have been very responsive to staff's operational concerns. She recommended the City develop an agreement with The Friends, similar to the agreement Astoria has with The Friends of the Astoria Column, which outlines the responsibilities of each entity.

Councilor Herzig said the intersection of 8th and Grand was one of the most dangerous intersections in Astoria. He suggested the plan include fencing that would prevent someone from running out into traffic. The area along 8th Street is very steep and it would be easy to fall and roll under a vehicle. Director Cosby said she would include this in the planning.

Councilor Nemlowill liked the concept of a natural playground because Astoria does not have anything like this right now. She and her children attended The Friends open house at McClure Park, which was a fantastic community event. Astoria is lucky that The Friends have developed this concept, which she supported. She was also glad to hear that the Parks Department supports the concept as well.

Councilor Price liked the plan and wanted to see the park developed, as it is an unused resource. She looked forward to working out an agreement to move forward with the plan and thanked Mr. McElroy for his presentation.

Councilor Warr said he thought the plan was wonderful. He was surprised that a small group has taken on this project to make something valuable for their neighborhood. He supported the proposal.

Mayor LaMear thanked The Friends for their proposal.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Herzig, to approve the Park Concept Plan presented by The Friends of McClure Park and direct staff to develop an agreement with The Friends. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 12/1/14
- 6(b) City Council Minutes of 12/15/14
- 6(c) Boards and Commission Minutes
 - (1) Design Review Committee Meeting of 12/4/14
 - (2) Historic Landmarks Commission Meeting of 12/16/14
 - (3) Planning Commission Meeting of 11/25/14
- 6(d) Parks and Recreation Department Status Update**
- 6(e) Public Works Department Status Update**
- 6(f) Library Status Update**
- 6(g) Community Development Department Status Update**
- 6(h) Police Department Annual Report**
- 6(i) City Council Goal Update for Fiscal Year 2014-2015**
- 6(j) Salary Resolution Implementing Cost of Living Adjustment for Astoria Public Safety Association (APSA) (City Manager)

Councilor Herzig requested Items 6(d) through (i) be removed for further discussion.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price, to approve Items 6(a), (b), (c), and (j) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Items 6(d) through (h): Department Status Reports

Councilor Herzig noted the status reports were filled with a lot of information, including how money is being spent. He suggested the status reports be made public because the reports are loaded with good information about what the City is doing on multiple fronts. He believed the public should have this information.

City Manager Estes said the reports could be made available at the Library each time one is published. Each Department also posts their status reports on their pages of the City website.

Item 6(i): City Council Goal Update for Fiscal Year 2014-2015

Councilor Herzig believed this update should be given to the public as it serves as a report card about how much progress City Council has made towards achieving its adopted goals. At the goal setting session on Friday, January 23, he wanted to discuss regular progress reports to the public. Until he read the update, he believed the goal to conduct an affordable housing survey had been lost and he was glad to learn staff was still moving forward with the survey. City Council goal updates should be discussed at least on a quarterly basis.

REGULAR AGENDA ITEMS

Item 7(a): Public Hearing and Resolution regarding Supplemental Budget Appropriating Loan Proceeds (Finance)

ORS 294.473 provides a procedure for a municipality to pass a supplemental budget, if there is "an occurrence or condition that is not ascertained when preparing the original budget." The process is to advertise the supplemental budgets, hold a public hearing for the proposed supplemental budget and, then, consider a resolution that would adopt the proposed supplemental budgets. Now that that sports complex is completed, the City has received invoices from CMH. The total amount of the invoices is \$794,471. This amount is commensurate with the amount outlined at the August 18, 2014 Council meeting when Council approved the

Oregon Infrastructure Financing Authority (IFA) loan for the project. It should be noted that Council authorized a \$900,000 loan for this project; however, that total amount was not required. CMH is billing the City as they managed the construction contract, which also included landfill closure components. The IFA loan was not appropriated in the budget for FY 2014-15 because the loan was not finalized until after the beginning of this fiscal year. The attached resolution appropriates the loan amount to the Improvements Other than Buildings line item of the Public Works Improvement Fund. It is recommended that Council hold the public hearing and approve the supplemental budget that adds the Council approved IFA loan proceeds to the FY 2014-15 budget so that invoices can be paid.

City Manager Estes explained that Oregon budget law requires a public hearing. Notice of this hearing was published in the newspaper, as required by the State.

Councilor Price said she had spoken with Financial Analyst Snyder and Director Cook earlier in the day about the loan and asked staff to provide those answers for the public. Director Cook confirmed that the loan would be repaid with funds from the PWI Fund at 46 percent and that revenue associated with Recology Western Oregon Waste would be 54 percent. City Manager Estes confirmed that the loan money would be deposited into the Public Works Improvement Fund and Recology funds were in the General Fund.

Staff that the invoices submitted by Columbia Memorial Hospital (CMH) are for the portion of the project that pertain to closing the landfill, which included the liner over the top, grading for proper drainage, public utility improvements, like the sewer line laid clear to Williamsport, and monitoring wells. The actual costs are in line with the expenses estimated in 2014. The City secured a \$900,000 loan, but will not need to the entire amount. These expenses are in addition to the \$7 million that CMH pledged to the entire project.

Councilor Herzig said when this was presented in August 2014, City Council was told the capping would be completed for almost free. The capping would cost almost \$1 million, but one of the win-win aspects of the agreement would be that the capping, which was federally mandated, would be completed as part of the package. Now, Council is learning the City is paying almost \$800,000, which he confirmed was true with City Manager Estes.

Councilor Price asked if Recology revenue taken from the General Fund would reduce funding for another project. City Manager Estes explained that Recology revenue has already been used to fund portions of this project. City Council previously acknowledged it would be appropriate to use that revenue for the capping of the landfill. The budget for the next fiscal year would require funds other than Recology revenue to be spent on this project.

Mayor LaMear opened the public hearing at 7:41 p.m. and called for anyone wanting to address the City Council on the resolution to come forward with any comments or concerns.

Sue Skinner, 511 Jerome, Astoria, asked if there was a public hearing for this project when it began. She recalled that it had been approved without any public input. It is now the taxpayer's responsibility to pay for the project after being told it would not cost this much. City Manager Estes replied public meetings were held with the school district and the project was discussed at City Council meetings. The specific costs were discussed at the City Council meeting in August 2014, before applying for the IFA loan. The discussion was not a public hearing, but the community had the opportunity to comment on the issue during the Public Comment portion of that meeting. He could not recall whether the Mayor invited public comments during Council's discussion of the Agenda Item.

Ms. Skinner could not recall either, but remembered being surprised because the project is so big. At a City Council meeting later in the year, City Attorney Henningsgaard had said the City would be responsible for maintenance of the facility. She had not been aware that this would be part of the agreement. She wanted to know how much the project would cost and who would be taking care of it; it sounded like it would be taxpayers. City Manager Estes explained the City was required by the Department of Environmental Quality (DEQ) to cap the facility and monitor the former landfill site. The turf field and parking lot would be maintained by the school district because they own those facilities.

Ms. Skinner noted that the school district was also supported by taxpayers.

Mayor LaMear closed the public hearing at 7:46 p.m.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Warr, to approve the supplemental budget that adds the Council approved IFA loan proceeds to the FY 2014-15 budget so that invoices from Columbia Memorial Hospital can be paid. Motion passed 4 to 1. Ayes: Councilors Price, Warr, Nemlowill, and Mayor LaMear; Nays: Councilor Herzig.

Item 7(b): Public Hearing regarding Appeal (AP14-01) by Steele Architects for Columbia Bank of New Construction Permit (NC14-05) at Duane Street (Community Development)

On September 8, 2014, Steele Associates Architects on behalf of Columbia Bank applied for a New Construction permit (NC14-05) to the Historic Landmarks Commission (HLC) to construct a new commercial building at 1122 Duane Street. On October 21, 2014, the HLC held a public hearing and noted that the proposed standing seam metal roof on the pyramid portion of the roof was not compatible with the adjacent historic buildings within the Downtown National Register Historic District. The HLC continued the hearing to allow the applicant an opportunity to consider alternative roof materials. At the November 18, 2014 meeting, the HLC held a public hearing and approved the request with several conditions. One of those conditions was that the pyramid roof of the building could not be a standing seam metal roof and would need to be of another acceptable material.

On December 3, 2014, Steele Associates filed a Notice of Appeal on the decision of the HLC on New Construction Permit NC14-05. The Notice of Appeal only appealed the condition that the pyramid roof be constructed of a material other than standing seam metal. As this is the only item appealed, the balance of the permit and conditions have been approved and are not part of the hearing before the City Council. A complete record of the request has been compiled and is attached for your information. A public hearing on the Appeal has been advertised and is scheduled for the January 20, 2015 City Council meeting.

It is recommended that the City Council hold the public hearing on the appeal and consider whether to uphold or reverse the Historic Landmarks Commission decision to approve the Request with the condition that the roof be of a material other than standing seam metal and adopt corresponding Findings of Fact.

Mayor LaMear asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. There were no objections. She asked if any Councilors had a conflict of interest or ex parte contact to declare.

Councilor Price declared that she had an account at Columbia Bank, she spoke impartially about this application at the HLC meeting of October 21, 2014, and had done internet research on the bank's other buildings in Oregon and Washington. She believed she could make a fair and impartial decision on this matter.

Councilor Nemlowill declared that she also had an account at Columbia Bank, but that would not influence her decision.

Mayor LaMear opened the public hearing at 7:48 p.m. and read the procedures governing the conduct of public hearings to the audience. She explained that the substantive review criteria were listed in the staff report, which was available at the staff table.

City Manager Estes presented the staff report, noting that the Notice of Appeal only appeals the condition that the pyramid roof be constructed of a material other than standing seam metal. Therefore, the remainder of the permit and conditions of approval have been approved and remain in effect.

Mayor LaMear called for a presentation by the Applicant.

Steve Hockman, of Steele Associates Architects representing Columbia Bank, handed out colored photographs at the dais. He said in the letter of appeal, the Applicant questioned whether the standing seam metal was a roofing material that was compatible with the historic area. After conducting some research, the Applicant believed standing seam metal was compatible with the historic area, based on the following five points:

- Standing seam metal has been used as a roofing material for over 100 years.
- The Applicants are building a new building in a historic district, not remodeling an existing historic building.
- The handout showed four examples of existing buildings with standing seam metal roofs or roof elements, one of which is located across the street from the proposed bank at 375 11th Street.

- The pyramid roof was designed as an accent piece on the building. From a pedestrian point of view, the metal roof would only be a small piece.
- When discussing the project with staff, the Applicant decided to recess the pyramid roof to emphasize the horizontal banding at the parapet. He hoped the standing seam metal roof would be considered compatible with the surrounding area. He explained that a standing seam metal roof is made of metal sheets tied together at seams that form ribs at regular intervals.

Councilor Herzig said the roofs on the trolley stops were made of standing seam metal and briefly described their construction.

Mr. Hockman showed a sample of the blue metal roofing that the Applicant would like to use. The color is called Regal Blue. He confirmed for Councilor Herzig that the new building would be built over the existing parking lot, with a new parking lot and drive through located behind the building. This would allow the bank to remain open during construction and would give the new building a more urban feel. He gave samples of roofing material to the Councilors.

Councilor Nemlowill asked why Council should consider the Applicant's examples of comparable buildings after Mr. Hockman confirmed that none of them were historic. Mr. Hockman noted that one example, the multi-tenant commercial building at 375 11th Street, was located directly across the street. While it is not a historic building, it does have some modest standing seam metal roofing. The bank will be new construction and standing seam metal has been used as a roofing material for over 100 years. Therefore, the Applicant does not believe the material would be a nuisance and would be complementary. The bank did not want the entire roof covered in standing seam metal because it wanted the focus to be on the surrounding area.

Councilor Nemlowill asked if the Applicant's research on the historic nature of standing seam metal roofs was based in Astoria. Mr. Hockman said no, but the material has been around for a long time. He explained that the pyramid roof was chosen because it looks good on the corner. The metal seam would also serve as a branding element for the bank, as well as the stucco and other materials being used on the building.

Councilor Herzig asked if the pyramid roof was being used to conceal rooftop air conditioning equipment. Mr. Hockman said no, the air conditioning units would be placed outside of the pyramid roof, not underneath it. He confirmed that the roof would be purely decorative.

Mayor LaMear noted that staff's supplemental Findings of November 18, 2014 state that standing seam metal roofing was a historic material. Planner Johnson clarified that the style of the material has been around for more than 100 years; however, staff did not research whether the material was ever used in Astoria. The metal roofing was typically used on homesteads, barns, and commercial buildings. Shallon Winery is the only historic commercial building she was aware of in Downtown Astoria that had standing seam metal on part of the roof.

Mayor LaMear called for testimony in favor of, impartial, or opposed to the appeal.

Anne Carpenter, 1046 Grand Avenue, Astoria, opposed the appeal. She understood the need for branding. Columbia Bank's bright white building and bright blue roof makes the bank's branches stand out from a distance in other towns. She believed there is a need to stand out in a sea of commercial buildings in metropolitan areas. It is important to have a large building with bright colors in a larger community. She understood that color was not part of this discussion, but was very grateful that the building design had been modified so that the colors are more in keeping with Astoria's downtown. Astoria does not need anything that serves as a beacon on the building. She believed the Columbia Bank logo, represented by the color that is important to the bank, is enough. She explained how other brands have altered their colors to accommodate certain neighborhoods, like Target and In-N-Out Burger, whose signs are brown in Westlake Village, California, rather than their usual red and white. The color change was not confusing and was a nice change from the bright colors those companies normally use. She believed businesses in Astoria succeed or fail, in large part, due to relationships and good customer service. Columbia Bank's Branch Manager, Mrs. Butenshon, spends many hours volunteering in Astoria and developing relationships. She is a wonderful ambassador for Columbia Bank and one of the reasons she banks with Columbia Bank. The employees provide excellent customer service. She wanted to see the bank work with the City and citizens of Astoria to make their building fit in. Astorians negatively associate a blue roof or blue element with the storm of 2007, which might be something to consider. She believed working to fit in to the community goes further than working to fit into corporate branding.

Ted Osborne, 345 Alameda, Astoria, opposed the appeal. He objected because pyramid roofs are typically seen on strip malls and shopping centers, where the length of the building needs to be broken up by such a feature. All of the cornices along Marine, Commercial, and Duane Streets are level. He believed the pyramid roof was the problem, not the standing seam or the color. It is natural for architects to cover these roof features with standing seam and then choose the corporate color. He believed Astoria would be better off if the roof did not have either the standing seam or the pyramid roof feature.

Shel Cantor, 1189 Jerome, Astoria, opposed the appeal. He asked if the Appellant had cause to file the appeal because the condition of approval inflicted harm upon the Appellant. Planner Johnson explained anyone has the right to appeal any issue, but they had to appeal on the criteria, which the Applicant has done; they are not required to show harm. Mr. Cantor asked if the branding just consisted of the material or a combination of the material and the pyramid roof. He also asked why Columbia Bank determined that it would be better to appeal something insignificant to the Bank's needs rather than go along with what the community wanted. City Manager Estes noted the Appellant would answer these questions during rebuttal.

Kent Easom, 413 Franklin Avenue, Astoria, said he was against the standing seam metal roof because it does not fit in with Astoria's downtown. It would be good public relations for the bank to go along with what the community is requesting. There are no other historic buildings in Downtown that have a standing seam metal roof. The buildings the Applicant referred to would probably not be able to get a standing seam metal roof approved.

David Isaacs, 810 Alameda, Astoria, asked if the issue was the roofing material or the pyramid roof element. City Manager Estes confirmed that the standing seam metal roofing material to be applied to the pyramid was the only thing being appealed. Mr. Isaacs said copper has been used for 300 years and questioned why there would be a problem with copper.

Sean Fitzpatrick, 1046 Grand Avenue, Astoria, said he was excited about having a new building in Astoria. He was not a fan of the existing building and understood it needed to be replaced. He also understood the concern about branding. He and his wife have been customers of the bank for more than 10 years because of the great service they receive from the employees and because the employees serve the community. He did not believe blue standing seam metal roof is a unique branding element for the bank because other companies use blue standing seam metal roofs, like Valero Gas Station, Dutch Brother's Coffee, and Kwik Lube and Oil. At an HLC meeting, the Appellant said that people on the street would not see much of the roof. Why would the bank need a branding item that people would not be able to see? That statement indicated the Appellant was not familiar with Astoria because half of the city looks down on the Downtown and the roof would be seen. He hoped Columbia Bank understood that he could find their new building, with or without a blue standing seam metal roof.

Mayor LaMear called for the Appellant's rebuttal.

Mr. Hockman said the bank tried to work with staff to minimize, yet balance the sight lines of the pyramid roof with the bank's needs. The bank focused on one corner of the building that represents a small percentage of the entire roof. Whether the roof is seen from a pedestrian perspective or the second floor of another building, the pyramid feature is still a small element. Astoria's Development Code states "the design of the proposed structure is compatible with the design of adjacent historic structures concerning the scale, style, height, architectural detail, and the materials." The bank believes the proposed bank, with a modestly applied standing seam metal roof, would be compatible with existing structures within the historic district. He hoped City Council would consider this. The bank wants to work with the community, regardless of City Council's decision.

- In response to Mr. Cantor's questions, he explained that the branding element consisted of a sloped roof, covered in blue standing seam metal. The material, not the color, was the only element being appealed. Columbia Bank has many standing seam metal roofs, but the material usually covers the entire building. He was directed by Columbia Bank to move forward with the appeal because the other roofing materials recommended by the HLC were not compatible with the bank's branding. He was unsure about other reasons the bank chose to file the appeal.

Mayor LaMear closed the public hearing at 8:19 p.m. and called for Council discussion and deliberation.

Councilor Price said she attended the HLC meeting in October and read the minutes of the following HLC meetings. She could see that Mr. Hockman has been a very effective advocate for Columbia Bank. She appreciated that Columbia Bank planned to make an investment in Astoria and believed Mr. Hockman had

worked well with the Planning Department to come up with a nice design. Placing the building on the corner, instead of the parking lot, fits in with good urban design; however, the review criterion is whether the proposed structure is compatible with the design of adjacent historic structures. Prior to the meeting, she stood in the Garden of Surging Waves to look at the adjacent historic structures and none have standing seam metal roofs. The bank has a wonderful opportunity to set a standard for new buildings in Downtown Astoria. She does not want to live in a place that looks like Disneyland and does not want all of Astoria's buildings to look alike. Some consistency in design elements is useful and fits well in Downtown. Other bank branches have flat roofs, brown-shingled roofs, brown standing seam metal, and other materials, most of which are stand-alone buildings in suburban areas that are less pedestrian friendly and might need to stand out. She liked the pyramid feature and noted that there were others in Astoria. She believed most people were put off by the color, but color could not be considered because it was not listed in the Development Code. She thanked Mr. Hockman and said she looked forward to the new building.

Councilor Herzig believed it was important for everyone to remember that the design had already been approved and the color is not an issue. Only the standing seam metal roof should have been discussed. It is sad that Columbia Bank apparently feels so wedded to the material when the community is so opposed to it. He appreciated Mr. Hockman's efforts to work with the City to modify the design as much as possible to minimize the offense.

Councilor Nemlowill liked the design and was happy Columbia Bank has worked with the Community Development Department to make some compromises. She did not like the pyramid feature, but it did not seem as if anything could be done about it. The issue being discussed is a land use decision. She was not convinced by the Appellant and believed the HLC's decision should be upheld.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill that Astoria City Council adopt the Findings and Conclusions contained in the staff report and deny Appeal (AP14-01) by Steele Architects for Columbia Bank of New Construction Permit (NC14-05). Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Mayor LaMear read the rules of appeal into the record.

Item 7(c): Liquor License Application from Northwest Wild Products, Ron Neva and Amanda Cordero, Located at 354 Industry Street, for an Additional License for an Off-Premises Sales License (Finance)

A liquor license application has been filed by Amanda Cordero doing business as Northwest Wild Products located at 345 Industry Street. The application is for an additional licensee, Ron Neva. Northwest Wild Products has an existing Limited On-Premises and Off-Premises Sales Licenses. The appropriate departments have reviewed the application and it is recommended that Council consider approval.

Councilor Nemlowill declared that her husband is co-owner of Fort George Brewery, also known as Cervesia Gratis. Since this Application is just for the addition of a name on the license, she did not believe she had a conflict of interest.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price to approve the liquor license application by Amanda Cordero for an additional license for an Off-Premises Sales License at Northwest Wild Products, located at 354 Industry Street. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(d): Approve Bear Creek Dam Hydroelectric Power Purchase Agreement with PacifiCorp (Public Works)

As part of the installation of a small hydroelectric generator at Bear Creek Dam, the City is required to enter into a Power Purchase Agreement with PacifiCorp. This agreement allows the utility to purchase the excess power generated by the turbine, and feed power back into the system. The turbine is estimated to generate an average of 154,645-kilowatt hours (kWh) annually. The City's water treatment system utilizes approximately 90,000 to 100,000 kWh annually, at a cost of about \$9,000. This charge would be eliminated by the power generated by the turbine and excess power would be sold to PacifiCorp at regulated rates. These "buy back" rates are

significantly lower than the amount the City is paying, so it is advantageous to "reverse the meter" to use power generated by our hydroelectric facility before selling the power back into the system. The draft agreement has been reviewed and approved as to form by City Attorney Henningsgaard.

Please note that City Council approved the original agreement on June 2, 2014; however, when the agreement was sent back to PacifiCorp, it was determined that some minor modifications were needed. Modifications to the agreement consist of the following:

- 1) Date changes under RECITALS Section B and C.
- 2) The estimated annual energy sold back under RECITALS Section D was increased to be more accurate.
- 3) Section 2.4 was changed from 15 years to an actual date of December 18, 2029.
- 4) Sections 4.2 and 4.3 were modified to include a revised power production value due to modified power generation calculations.
- 5) Exhibit D-1, SELLER'S MOTIVE FORCE PLAN, was updated to include more accurate average energy generation numbers.

It is recommended that the City Council approve the revised Power Purchase Agreement and authorize the Mayor to sign the document.

Councilor Herzig confirmed that Astoria would receive a better rate if the City used the energy it generated, rather than selling it to PacificCorp, and the revision states this.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Warr to approve and authorize the Mayor to sign the revised Power Purchase Agreement with PacifiCorp. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(e): Ordinance Readopting Certain State Statutes to Reflect Changes Made by the 2014 Oregon Legislature (2nd Reading and Adoption) (City Attorney/City Manager)

The first reading of this ordinance was held at the January 5, 2015 City Council meeting. This ordinance implements "global" re-adoption of various Oregon Revised Statutes that appear throughout the Astoria City Code. It is recommended that Council conduct the second reading and adopt this ordinance.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price to conduct the second reading of the ordinance re-adopting certain State Statutes to reflect changes made by the 2014 Oregon Legislature. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Director Cook conducted the second reading.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Nemlowill to adopt the ordinance re-adopting certain State Statutes to reflect changes made by the 2014 Oregon Legislature. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(f): Approval of Vehicle Setup 2015 Chevy Tahoe (Police)

The Police Department is requesting permission for an expenditure of \$11,800 for the purchase and installation of emergency equipment for the previously approved 2015 Chevy Tahoe. This purchase does include the transfer of some equipment that will be repurposed from the current police vehicle, which is being decommissioned. Funding for this project was anticipated and is included in the Capital Improvement Fund budget in the vehicle lease payments line item. It is recommended that Council approve the purchase of equipment and installation through Cascade Mobile in the amount of \$11,800.

Councilor Herzig noted that the Police Department is considering body cameras, which are not included in this expenditure. This equipment will include a car camera.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price to approve the purchase of equipment and installation of equipment on the 2015 Chevy Tahoe through Cascade Mobile in the amount of

\$11,800. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(g): Discussion of DUII Issue (City Council)

Mayor LaMear requested a discussion about issues related to Astoria's DUII cases. She read the following statement:

"I have agonized over the issue of DUII prosecutions for the six years I was on City Council and now as Mayor. I have heard passionate arguments on both sides. There are many reasons why I supported keeping DUII prosecutions in municipal court:

1. Oregon is a home rule state. We believe that cities have the right to determine the best way to govern our citizens and administer our laws. Astoria has chosen to have a municipal court whose duties include prosecution of some DUIIs.
2. It has not been demonstrated to me that there is a higher standard of justice in the circuit court than in the municipal court.
3. I believe that the judge of the municipal court, Kristopher Kaino, has been fair and just in his judgments.
4. The Oregon Court of Appeals recently ruled that the City of Astoria had the authority to prosecute its DUIIs in municipal court.

However, I do not believe that prolonging this controversy is in the best interest of the City. Therefore, in spite of my support for keeping the prosecution of first time DUIIs in the municipal court, I believe it is time to move forward and put this issue behind us. If someone on the Council would like to make a motion to move all DUIIs from municipal court to the circuit court, I will support it.

My duty as Mayor is to unify and lead the community. We have many important issues in the coming months and years, waterfront development, the completion of the CSO project and Heritage Square, renovation of the Library, and so forth. Instead of dwelling on the DUII issue, let us concentrate our efforts on these projects, which will make Astoria an even better community in which to live."

Councilor Price thanked Mayor LaMear for showing leadership on this issue. This has been a topic of discussion in the community for about six years and was the most prominent issue brought to her attention during her campaign for City Council. She would be delighted to resolve the issue.

Councilor Nemlowill was concerned about the impact to the Police Department, as overtime hours could increase, but she supports the motion.

Councilor Warr said the Legislature established rules years ago for circuit and municipal courts. Over the last six years, Astoria has been tried and convicted in court of false statements and innuendos. The District Attorney has tried twice, unsuccessfully, to get the authority to take the DUII cases from municipal court. He was also unsuccessful in suing Astoria and appealing the case. The Legislature and court apparently agrees with Astoria's position. To move these cases to circuit court now means the money spent defending Astoria has been wasted. He apologized to his constituents for wasting the money and said this was a very sad day for him.

Councilor Herzig said he ran his campaign on this issue and it is a great relief for the City to move forward with Mayor LaMear's suggestion. He thanked the Mayor for her leadership on the issue. There will always be two sides, but it is time to move on. There is no point throwing good money after bad money. He was grateful this discussion had been brought to this point.

City Council Action: Motion by Councilor Herzig, seconded by Mayor LaMear, that the Astoria City Council recommend all citations by the Astoria Police Department for driving under the influence of alcohol arising in the City of Astoria be filed in the State Circuit Court, rather than in Astoria Municipal Court, and that Astoria City Council direct the City Manager to work with the Chief of Police to promptly amend Police Department policies to comply with this recommendation. The motion passed 4 to 1. Ayes: Councilors Price, Herzig, Nemlowill, and Mayor LaMear; Nays: Councilor Warr.

Item 7(h): Consideration of Settlement Agreement with Century Link

This item was added to the agenda during Item 4: Changes to the Agenda.

City Attorney Henningsgaard explained that this settlement agreement was a result of a dispute that occurred between Century Link and Astoria over the 11th Street CSO Project. The tentative agreement is pending approval by City Council.

City Council Action: Motion by Councilor Price, seconded by Councilor Herzig, to approve the Settlement Agreement with Century Link discussed in Executive Session and authorize the Mayor to sign the agreement. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

David Isaacs, 810 Alameda, Astoria, said he was concerned about parking for disabled people. He has become aware of issues through disabled family members, his work at the Portland Institute on Aging and Long Term Care, and foster care agencies that needed additional parking in neighborhoods. He was happy to see the implementation of new disabled parking begin in Astoria. The Transportation System Plan (TSP) will need to safeguard both pedestrians and the City's interests by proactively positioning parking spaces to prevent substandard conditions. He presented photographs at the dais showing the unsafe conditions of disabled parking areas in Astoria. Astoria does not have a group of people tasked with creating a proactive process for resolving these issues. New disabled parking spaces are being constructed, but they are being constructed in a haphazard manner and without supervision. He hoped a knowledgeable group would be formed to investigate the issues. He noted that Commercial Street does not have any disabled parking spaces.

Councilor Herzig said that on Sunday, January 25th, the Lower Columbia Diversity Project (LCDP) would be hosting a presentation on understanding disabilities. The presenter, from Oregon Humanities, has a hereditary neuropathy. The presentation will be at 2:00 p.m. at the Judge Boyington Building.

Councilor Price asked if the Public Works Department installed parking spaces. She also wanted to know if this could be part of a revived Transportation Committee discussion. City Manager Estes said parking is a function of the Public Works Department. Staff can investigate the issue and provide an update to City Council.

Mr. Isaacs said other areas have procedures and information from doctors, councilors, and social workers. This additional information could provide a wider view of this situation than the traffic committee. City Manager Estes suggested Mr. Isaacs speak with Director Cook after the meeting.

Sue Skinner, 511 Jerome, Astoria, asked if the Police Department had been given or planned to purchase military equipment. Chief Johnston said that in the late 1990s, through the DRMO (Defense Reutilization and Management Office) process, the Police Department requested and received four rifles, two Chevy utility vehicles, some training uniforms, and wet gear. The utility vehicle was used for about 10 years. The Police Department has not received any equipment since then.

Ms. Skinner asked if the Police Department planned to obtain large armored carriers, big guns, or other equipment like other cities seem to be getting. Chief Johnston replied the Police Department has not made any requests, nor do they have any plans to make any requests.

George McCartin, 490 Franklin Avenue, Astoria, believed City Council should allow a five-minute public comment period for each Regular Agenda Item, as the item is being discussed, rather than making people wait to speak during the Public Comment portion of the meeting. This would allow Council to consider public comments prior to voting on an item.

Mr. Isaacs said his presentation was to City Council and he hoped Council would look into the disabled parking issues; however, he was put off to the Public Works Director. He was advocating that the City create a tasked group of people that are informed about disabled issues. City Council has put staff on the spot and has asked him to do twice the work.

ADJOURNMENT TO WORK SESSION

There being no further business, the meeting was adjourned to convene the Work Session at 8:50 p.m.

WORK SESSION

The Work Session convened at 9:01 p.m.

City Manager Estes started the work session with a discussion about the issues with visitors to the Goonies house. He reminded that during Reports of Councilors, Councilor Warr had presented a letter written by neighbors of the Goonies house. The Public Works Department has been working with the neighborhood to resolve the issues and staff would like to discuss how to move forward with City Council.

Director Cook said staff met with engineers the previous week to map out a design for driveway improvements in the neighborhood and an estimate was sent to the Councilors. When a car, headed uphill, must stop to let another pass, it is almost impossible to get going again on the gravel road to the Goonies house, so, staff plans to pave the gravel. Staff has also been working with residents on signage. The letter from the neighborhood group includes several more good recommendations and staff would like feedback from Council about how heavily to get involved with this issue. He noted that the Chamber of Commerce is promoting the Goonies house.

Councilors and staff discussed how the popularity of the Goonies house is affecting the neighbors, noting how residents are inconvenienced and the dangerous situations created by the large number of visitors who drive and walk up the narrow gravel road, despite residents' efforts to mitigate the issues. Councilor Warr, who lives on the street, discussed past efforts to make conditions safer and help the neighbors while encouraging visitors. He also discussed why those efforts have not made much impact. Traffic enforcement would likely be necessary and there is only so much the engineers could do. Neighbors also believe the City is supportive of illegal business activities, as the Goonies house has a donation box with a corresponding sign that is non-standard.

Councilor Warr asked the Councilors to read through the letter from the neighborhood group and offer suggestions for resolving the issues. He would like to go back to the group with an update on the situation.

Councilors and staff discussed possible solutions, including a viewing platform with a telescope in the parking lot of the East End Mooring Basin, signage, the possibility of using Promote Astoria Funds to help alleviate some of the issues, and paving the gravel road. Visitors are already ignoring the signs prohibiting non-resident vehicles.

The Chamber of Commerce installed signs in the neighborhood indicating where drivers should park, but this only expanded the area of the neighborhood being affected by visitor traffic. The Chamber does not directly profit from the Goonies house, but promoting it brings tourist money into the community; however, the residents being adversely affected are not the benefactors of this money. Councilor agreed that the Goonies house should be promoted, but residents should be protected from unnecessary intrusions, as stated in the Comprehensive Plan.

Staff briefly discussed issues regarding Code violations. Past Code violations have been addressed; however, some new issues have developed and the Community Development Department will need to get involved.

During Goonies Week, June 4 -7, 2015, shuttle busses will be available, the street will be blocked off, and street attendants will only allow residents to drive up the street. Neighbors are not very worried about the event because the Chamber provides planned management. The Chamber expects 10,000 people at the concert at John Warren Field on June 7. The week before and after Goonies Week will likely have heavier than usual traffic.

Councilors and staff discussed the exponential increase in traffic over the last three years. Councilor Warr suggested painting the curb yellow on the Exchange Street alley and installing a "no parking" sign across from the outlet. He also noted that neighbors do not like the handmade sign at the bottom of the hill.

Staff explained the street is a public right-of-way, making restricting traffic difficult. Also, the sign is only advisory. The City could control parking if a safety hazard exists, and while safety hazards do exist, there is only so much the City can do on a public right-of-way.

The Chamber is working with the Port to install a viewing platform and provide parking around the East End Mooring Basin. The Chamber and Port have asked the Parks Department about putting a kiosk at Columbia Fields to encourage visitors to park there and walk to the Goonies house from the ball fields; however, the Parks

Department is concerned about adequate parking space because peak tourist season coincides with baseball season.

Staff asked if Council supported using Promote Astoria Funds to help pay for some of the amenities, like the viewing platform. Councilor Warr believed this would be an appropriate use of the funds. Councilor Nemlowill wanted more information before making a decision.

Councilors and staff discussed parking in the school playground, which could only accommodate about 10 or 15 cars. Mayor LaMear suggested a sign that reads "Goonies Parking on Weekends". Parking only needs to be short-term because visitors are only in the area for about 15 minutes; however, the flow is constant.

Councilor Nemlowill believed the City paid a lion's share of its Promote Astoria Fund to the Chamber of Commerce. She wanted to see a proposal from the Chamber that could help balance the needs of the neighborhood with tourism. Councilors Warr and Price agreed.

Councilor Price was concerned that staff's proposed neighborhood improvements did not directly address the owner of the Goonies house, who should be held responsible for promoting traffic to the house. Staff explained that most visitors stay within the public right-of-way, not on private property. Staff planned to ask the Chamber to present a proposal to City Council and provide Councilor Warr with updates to present to the neighborhood.

Councilors and staff discussed issues enforcing the "no parking" signs in the area, which are often ignored. Enforcement would never improve conditions in the area because the violators are visitors who will leave town, not residents who would spread the word about the high level of enforcement in the area.

Councilor Herzig asked staff to provide five recommendations about what the City could do legally and cost-effectively to minimize the impact to the neighborhood, ask the Chamber to provide five recommendations, then present the recommendations to the community and ask for public feedback. Staff said they met with residents in the neighborhood and made some changes to the neighborhood based on the feedback they received. Councilor Herzig believed more public involvement was still necessary.

Item 9(a): City Council Rules

Mayor LaMear believed Council rules were necessary. According to the League of Oregon Cities, about half of the cities in Oregon have Council rules. She wanted to discuss the possibility of establishing rules for Councilors behaviors to each other or towards the audience, audience behaviors towards Council members, time limits for speakers, an established time to adjourn, or the need for a Sergeant at Arms. She made copies of Council rules in other cities available to the Councilors. She asked how Council wanted to proceed with the discussion. She noted Council rules could be adopted without changing the Charter as long as none of the rules are contrary to the Charter. Amending the Charter would be an expensive process.

Councilor Warr believed that having a strong Mayor, like Astoria has, allows the City to be very functional for a very long time. When the power of the Mayor is diminished and everyone becomes equal, which could happen if more rules are created, people without a leader begin to go in separate directions. This situation occurred with the Port of Astoria, the County Commission, and the City of Warrenton. Taking power away from the Mayor increases the chances that Astoria will not have a cohesive City Council. There may be some good rules that can be implemented, but he believed Council should be very careful about establishing rules that upset the balance of power. Astoria needs a balance of power.

Councilor Herzig learned in training that the Mayor and Councilors are equal unless the City Charter specifically gives the Mayor certain powers. Astoria's Charter lists the Mayor's functions at City Council meetings, powers and duties, which are the only powers unique to the Mayor spelled out in the City Charter. Otherwise, the Mayor cannot unilaterally initiate any direction to staff without Council approval. Astoria has not operated in accordance with this in the past. If Council considers Council rules, one of the rules must be that the Mayor cannot give direction to staff without Council consent.

Councilor Warr believed the Mayor and Council could only give direction to the City Manager, who had the authority to give direction to staff.

Councilor Herzig clarified the Charter does not give the Mayor authority to give direction to the City Manager without Council consent.

Councilor Price believed some decorum rules should be established, as well as rules for following the agenda. Many cities hear non-agenda public comments at the beginning of the meeting and reports of Councilors at the end of the meeting. The rules do not need to be too strict because Astoria is a small community of kind people who are just looking for answers when they attend meetings.

Mayor LaMear presented an example of Clatsop County's public comment sign-in card, which has the rules for decorum at the bottom of the card. The card spells out the rules for public comments and allows staff to easily contact the speakers with updates about particular issues. She believed a sign-in card would be easy to implement.

Councilor Nemlowill suggested Council try using the sign-in cards for six months. Councilor Price questioned how spontaneous comments would be handled. She suggested the Mayor remind the audience of the rules at the beginning of each meeting for a few months so that people become acquainted with them.

Councilor Nemlowill liked the idea of adjourning meetings no later than 9:30 p.m. and wanted no more than one page of rules.

Mayor LaMear suggested the rules for public comment be added to the bottom of the agenda.

Councilor Herzig believed one advantage of the cards is that Council knows before the meeting begins how many comments will be made about each agenda item. City Council needs to allow the public to comment on agenda items as they are being discussed, not after Council has voted. Council should be very generous and give the public time to get used to the new rules through flexibility; allow people to speak even if they failed to turn in a card. He preferred giving people a five-minute time limit, rather than a three-minute time limit.

Councilor Nemlowill preferred three minutes, but suggested a compromise of four minutes. She also suggested Council review time limits that have been established in other cities.

Councilor Price wanted to allow public comments after a motion was made and seconded, but before voting. This would help people understand exactly what is being discussed. City Manager Estes explained that State law requires Astoria to follow public hearing rules. Councilor Price suggested general agenda items could possibly allow public comments after the motion.

Mayor LaMear and Councilors Nemlowill and Warr agreed with allowing non-agenda public comments at the beginning of the meeting. Some people feel stifled by having to sit for several hours through a meeting before getting to speak; however, the process that Astoria has been using allows Council to move through agenda items in a timely manner. Allowing public comment during agenda items could lengthen meetings, hence the need for a three minute time limit.

City Manager Estes asked Councilors to make note of the rules they like and rules they feel are inappropriate, then discuss them at a future work session. Staff wants specific direction so rules can be put in writing. Councilor Price asked staff to draft one or two pages of rules for decorum, time limits, and reorganization of the agenda. Mayor LaMear suggested Councilors review the examples of Council rules in other cities and discuss ideas at the next meeting. Councilor Warr agreed and suggested a work session at next regular Council meeting, then finalize the rules at a subsequent meeting.

Mayor LaMear directed staff to send Councilors a list of questions to consider.

Councilor Herzig wanted to make sure non-agenda and agenda-related public comments were discussed as two separate issues. He wanted Council to consider whether agenda comments should be allowed during discussion of the agenda item, and if non-agenda comments should be taken at the beginning or end of the meeting.

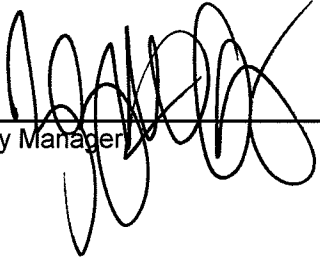
Councilors discussed the pros and cons of allowing public comment during agenda items, which could result in longer meetings; however, not all agenda items would include comments. Questions could be answered after the meeting, and then every staff member would not need to be present for every meeting. The public has access to the agenda and has the opportunity to talk to Councilors about agenda items prior to meetings.

City Manager Estes confirmed he would create a list of questions to stimulate conversation at the next work session.

ADJOURNMENT

There being no further business, the Work Session was adjourned at 10:07 p.m.

APPROVED:



City Manager