

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

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, 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 5(a): Councilor Nemlowill reported that she had received several inquiries about the proposed Go Astoria Project, but had been unable to find any new developments about the program. After reading Senator Johnson's comments in the newspaper that there should be ample time for public input prior to any major changes on the piers, she decided to gather more information and attend the Port of Astoria's meeting on Tuesday, March 17, 2015. She offered to take comments about the Port after the meeting.

Item 5(b): Councilor Herzig reported there would be a couple of Lower Columbia Diversity Project (LCDP) presentations in April. On Thursday, April 2nd, at 7:00 pm at the Judge Boyington Building, the Latino Network and Lower Columbia Hispanic Council will present a panel discussion about the obstacles and opportunities of Latinos in Oregon. On Sunday, April 12th, at 2:00 pm at the Judge Boyington Building, the LCDP will host a panel discussion on wage inequality with Labor Commissioner Brad Avakian. The Astoria Warming Center opened for its last night of the season on Saturday, March 14th. The center was open for 24 nights, served 56 men and 10 women, and had 321 overnight stays this season. An average of 14 people stayed at the center each night and the center utilized over 1,000 volunteer hours. The center needs to find a location for the next season and needs more volunteers. The people who carried the warming center through its first year should be proud of their accomplishments.

Item 5(c): Councilor Warr reported that City Council held a special meeting at Ocean View Cemetery on March 6th to discuss improving the condition of the cemetery. During the last week, he attended meetings with the Columbia Pacific Economic District (Col-Pac) and the Northwest Area Commission on Transportation (NWACT).

Item 5(d): Councilor Price asked Rex and Keiko Ziak to speak about an upcoming event hosted by a new organization called OBON 2015.

Rex Ziek, PO Box 282, Astoria, said that an organization was started in Astoria that returns artifacts of war to veterans in Japan. He explained that American soldiers brought battlefield souvenirs home from World War II. Today, these veterans are sending the items to the organization so they may be returned to the original owners. The organization works with its network in Japan to conduct research and connect with other agencies to find the owner of each item. He showed a Yosegaki Hinomaru, an item given to Japanese soldiers by their parents before going to war. On Monday, March 23, at 2:00 pm at the Columbia River Maritime Museum's Barbey Center, the organization will host the first official returning ceremony. The 41st Infantry Division, a division from the Pacific Northwest, have gathered items from across the nation and brought them to Astoria for the ceremony. Three veterans of the 41st Infantry will participate in the ceremony. The Coast Guard and dignitaries will be present and the event is open to the public.

Councilor Price added the event would be a mainstay in Astoria because the Maritime Museum is interested in the OBON 2015 project. The museum has given the project 80 feet of space to exhibit the items for a year, beginning in July or August. This will bring national and international attention to Astoria.

Item 5(e): Mayor LaMear reported she and City Council attended the League of Oregon Cities ethics training. She hosted her third Meet the Mayor meeting, where transportation safety was discussed. She will have a follow-up meeting with the City Engineer to discuss improvements to traffic and pedestrian safety. She attended the meeting at Ocean View Cemetery, the meeting about the dog park, and the Col-Pac meeting.

CHANGES TO AGENDA: No changes.

PROCLAMATION:

Item 7(a): Sexual Assault Awareness Month

Mayor LaMear read the proclamation declaring April 2015 Sexual Assault Awareness Month and presented members of the Domestic Violence Council with the proclamation.

Councilor Price introduced Senior Deputy District Attorney Dawn Buzzard, who fights child and sexual abuse as a trial prosecutor, and Ben Bradshaw, Victims Services Coordinator at the Clatsop County District Attorney's Office.

Andrew Fick, Clatsop County Domestic Violence Council Chair and counselor at Astoria High School, said he has seen sexual assault from many perspectives and appreciates the Council's support.

Julie Soderberg, Executive Director of The Harbor, which works with victims of domestic violence and sexual assault, thanked City Council for recognizing Sexual Assault Awareness Month. She noted that sexual assault in the community was a big deal. Since April 2014, 62 females, 6 males, 29 teenagers, and 10 children under the age of 12 have been seen by The Harbor for the first time as survivors of sexual assault. These victims range from age 2 to 97. The Harbor received 719 documented phone calls about sexual violence in the last year, but there may have been more calls that were not documented. The Harbor has less than 1½ staff available to meet the needs of the survivors. Staff spends between 70 and 120 hours with each of the survivors that come to The Harbor because they need an incredible amount of care and support. In a county of 37,000 people, one in four or one in five as victims is too many and everyone is responsible for doing something about this.

Councilor Price added that Mayor LaMear has been a Court Appointed Special Advocate (CASA) for many years. CASA is very involved in the care of children who are victims of domestic violence.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

8(a) City Council Minutes of 2/17/15

8(b) City Council Work Session Minutes of 2/17/15

8(c) Acceptance of Donation for Library (Library)

8(d) Authorization to Light the Astoria Column a Teal Hue for the Month of April in Recognition of Sexual Assault Awareness Month (Parks)

Councilor Nemlowill requested Item 8(b), Councilor Warr requested Item 8(c), and Councilor Herzig requested Item 8(d) be removed for further discussion.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Nemlowill, to approve Item 8(a) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 8(b): City Council Work Session Minutes of 2/17/15

Councilor Nemlowill noted Page 2 should read, "Councilor Nemlowill said a lot of the planning work for Heritage Square has already been completed in 2004. At that time, *In 2004*, the library was the most probable use of the Heritage Square site."

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price, to approve Item 8(b) of the Consent Calendar, as amended. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 8(c): Acceptance of Donation for Library (Library)

Councilor Warr noted the City received a bequest of \$10,000 from the Estate of Suzanna von Reibold. This gift should not be accepted without City Council expressing its appreciation for the donation. Councilor Price agreed.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price, to approve Item 8(c) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 8(d): Authorization to Light the Astoria Column a Teal Hue for the Month of April in Recognition of Sexual Assault Awareness Month (Parks)

Councilor Herzig announced the Astoria Column would be lit teal on Friday, April 3rd at 5:00 pm in recognition of Sexual Assault Awareness Month. The public is invited to the lighting ceremony.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price, to approve Item 8(d) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

Item 9(a): Consideration of Adoption of Resolution for Creation of Enterprise Zone within City Limits of Astoria (Community Development)

At the March 2, 2015 City Council meeting, the topic of the creation of an Enterprise Zone within the Astoria city limits was discussed. City Council was not able to consider a resolution establishing an Enterprise Zone since seven days had not passed since a required meeting of all taxing entities. City Council discussed the Enterprise Zone concept at their last meeting and consideration of a resolution has been scheduled for the March 16, 2015 Council meeting. The Oregon Enterprise Zone Act, ORS 285C.045-250, authorizes the designation of Enterprise Zones and provides that property tax abatements and job creation are desirable to stimulate economic development in economically depressed areas. The Enterprise Zone ("E-Zone") program allows for industrial and other qualifying firms making substantial capital investments an exemption of 100 percent of real property taxes attributable to the new investment(s) for up to a five-year period.

Recently, the City of Astoria, Clatsop County, the City of Warrenton, and the Port of Astoria have been discussing a mutual application for designation of an Enterprise Zone within their respective jurisdictions in order to encourage new business investment, job creation, higher incomes for local residents, and greater diversity of economic activity. Clatsop County, the City of Warrenton, and the Port of Astoria have all passed resolutions supporting the creation of an Enterprise Zone.

The proposed Enterprise Zone has a total area of approximately 4,672.92 acres or 7.30 square miles (encompassing all proposed jurisdictional areas), and meets other statutory limitations on size and configuration. The area within the City of Astoria proposed for inclusion is 1,388.34 acres or 2.17 square miles and is shown in the attached map. A draft resolution supporting the application is attached to this memorandum. It should be noted that the area proposed for the Enterprise Zone has increased from the figures provided in the prior Council memo. The County Surveyor suggested inclusion of full lots rather than portions of lots, which had both, dry land and submerged lands. A map illustrating the map changes in Astoria is also attached to this memo.

The City of Astoria will be considering a resolution, which would only support the creation of an Enterprise Zone within its City limits. Should the Astoria City Council not adopt the draft Resolution, creation of the Enterprise Zone within the jurisdictions of unincorporated Clatsop County and City of Warrenton would continue. It should be noted there are portions of the proposed Enterprise Zone located within the City of Astoria that encumber Port of Astoria lands (in addition to properties not in the Port). In order for Port properties located in the City of Astoria to be included within the proposed Enterprise Zone, the City of Astoria would need to adopt a supporting resolution.

As noted earlier, an Enterprise Zone allows for industrial and other qualifying firms making substantial investments an exemption on property taxes attributable to those investments. One of the other qualifying types of developments could be hotels, motels, and destination resorts. Within the draft resolution, these types of developments are proposed to be included.

The draft resolution also includes a provision that Clatsop Economic Development Resources (CEDR) be appointed as the Enterprise Zone manager. CEDR represents all of Clatsop County and the City of Astoria is a member. If approved by the Council, an application will be submitted to Business Oregon as outlined in the resolution. Should the Astoria City Council wish to establish an Enterprise Zone within the Astoria city limits, it is recommended that Council adopt the attached resolution.

City Manager Estes displayed a map on the screen that had been amended since the last City Council meeting. He clarified that additional areas were included in the Enterprise Zone after a discussion with the County surveyor, who indicated that legal descriptions of the full boundaries of the tax lots associated with the on-land portions of the proposed zone area would be easiest to develop.

Councilor Nemlowill declared a direct conflict of interest and recused herself from voting on the resolution because she and her husband own a business within the proposed Enterprise Zone.

Councilor Herzig was concerned about the addition of hotels, motels, and destination resorts. He was unsure where this came from and said he would be more comfortable if these types of businesses were removed from the resolution. He did not believe Astoria wanted hotels or motels built out in the river area that the community has worked so hard to restrict. The orange area on the map extends through downtown and out to Alderbrook. He did not want the City to create a zone that allows hotels, motels and destination resorts within the orange area.

Councilor Warr said Astoria's success as a community has been based on tourism. Unfortunately, hotels and motels are a big part of tourism. If Astoria's economic base is going to expand, the City must accommodate hotels and motels. Therefore, he disagreed with Councilor Herzig.

Councilor Price said she spoke with several businesses in Astoria and tenants at the Port of Astoria, none of which have plans to expand in a way that would make or break an Enterprise Zone. The owner of the Pelican Pub, who was presented as an example of a successful Enterprise Zone user, confirmed that the zone was one piece of the puzzle that greenlighted their decision to move from Pacific City to Tillamook. The zone was the cherry on top of a large package the business was able to receive, which included a \$150,000 loan from the Governor's Strategic Fund, a partially forgivable \$300,000 loan from Tillamook's Urban Renewal District, a gracious landowner that offered favorable terms, and an aggressive City Manager who put the package together. At City Council, the discussion has only touched on the infrastructure that would be necessary as businesses expand and how this infrastructure would be funded while the City is not receiving taxes on the expansion. Other incentives that might make up for the lack of an Enterprise Zone have not been discussed. She believed the policy of Astoria should be to refrain from entering into contracts with people or organizations that act contrary to the best interest of the community at large. At the last City Council meeting, Councilors were told the real value of an Enterprise Zone is communication and collaboration. Unfortunately, since that meeting, Council has learned how one of the Enterprise Zone partners communicates and collaborates with the Global Ocean Investment Firm for projects that would transform the mouth of the Columbia River and shut down the boat yard without anyone to eliminate access to the west end parking lot for access to the Riverwalk. This partner received matching funds from the Astor West Urban Renewal District. The boundaries of the zone can be extended after the zone is established. She believed City Council should wait until all of the details regarding fees and CEDR funding are in place. She also believed City Council should wait until the Bridge Vista Area of the Riverfront Vision Plan has been amended so the City can see how the Port reacts to the potential revisions. City Council

can use the Enterprise Zone as a tool to stand up for its constituents and insist on transparency, consultation, and consideration from those who seek the City's support. She urged Council to decline entering into an Enterprise Zone at this time and vote against the resolution.

Mayor LaMear supported the Enterprise Zone. Astoria has so many empty storefronts right now. If businesses were competing to come to Astoria, the Enterprise Zone would not be necessary. She believed the zone would be one tool the City can use to bring businesses in to the community. If Warrenton participates in the Enterprise Zone and Astoria does not, Astoria will be in an unfavorable position. She has been assured that nothing developed by the Enterprise Zone would trump the City's zoning or ordinances. The Enterprise Zone may not be the only tool or the best tool, but it is an important tool to help Astoria bring its economy up. Kevin Leahy at CEDR has worked very hard to bring businesses in. However, Astoria has some challenges, like the roads, the lack of a railroad, and the lack of airfreight. Therefore, Astoria needs to provide strong support for this economic tool.

Councilor Warr believed the ability to form an Enterprise Zone would end soon. He understood that if Astoria chose to delay its decision, the City might not have the same opportunity in the future to participate in an Enterprise Zone. He noted there were only two zones available in the State and asked how quickly Staff believed the remaining zone would be filled. City Manager Estes explained that this joint application is to fill one of the two openings for Enterprise Zones. It is not known when the State would allow more opportunities and if Astoria applied for its own Enterprise Zone, the zone would be separate from the joint concept being considered now. He did not know the status of other applications to fill the two openings.

Councilor Price said she just received an email from Business Oregon stating five applications had been submitted to fill four openings. After 10 years, if an existing Enterprise Zone chooses not to reapply, the State takes applications to fill the opening. There will be another application period in the fall.

City Manager Estes said no specific information about future application periods was given at the public meeting.

Mayor LaMear said there were more than 60 Enterprise Zones throughout the State in 30 of Oregon's 36 counties. Therefore, these zones are a common way to build economic development.

Councilor Herzig thanked Councilor Price for articulating serious concerns that he believed many people shared. The Port of Astoria has talked about closing the boat yard and Senator Johnson has said the Port should slow down and take community input. He did not understand why Port Commissioners were unable to understand how they are perceived by the public. However, people question whether the Port is an agency that should be empowered with an Enterprise Zone. Additionally, Clatsop County does not have workforce housing. If jobs are brought into the community, where will people live? County Commissioners and the City of Astoria should be looking for affordable workforce housing because people will not work here if they cannot live here. He did not object to hotels, motels, and destination resorts in the right places. However, the Riverwalk area is not the place to put a hotel.

City Council Action: Motion made by Councilor Warr, seconded by Mayor LaMear to adopt the resolution, as presented, to create an Enterprise Zone within Astoria city limits. Motion failed with a tied vote of 2 to 2. Ayes: Councilor Warr and Mayor LaMear; Nays: Councilor Herzig and Price. Abstentions: Councilor Nemlowill.

City Manager Estes noted that Council could still discuss changes to the resolution if allowing hotels, motels, and destination resorts was the only issue. Councilor Herzig added there was enough time before the deadline in April for Council to consider changes to the resolution. He also understood that the map could be amended as well. He suggested consideration of an Enterprise Zone that would still include parts of Astoria and the Port, but not the downtown area.

Councilor Warr said he would consider a revised resolution.

Mayor LaMear did not understand why Councilor Herzig wanted to exclude downtown. Councilor Herzig explained that the downtown area was his main concern. Astoria has fought so hard to keep downtown undeveloped and the Enterprise Zone would put pressure on the City to develop the area. Downtown has retail, but the Enterprise Zone would bring in manufacturing and hotels. Most people do not want to see a factory in the

downtown area, particularly on the Riverfront. Removing downtown from the Enterprise Zone would allow him to reconsider his decision.

City Attorney Henningsgaard explained that allowable uses are controlled by existing zoning laws. The adoption of the Enterprise Zone would not affect the City's current zoning in any way. Councilor Herzig said he has witnessed individuals and entities threaten the Planning Commission to get a variance. He feared the current Planning Commission was vulnerable to this type of pressure and did not want to put the City in a position to be pressured. He believed applicants would cite the Enterprise Zone as a reason for the City to grant a variance.

Councilor Price said in order for the Enterprise Zone to go forward, each entity participating in the zone must pass the same resolution. Two or three of the other partners have already passed resolutions to include hotels, motels, and destination resorts in their portions of the Enterprise Zone. Therefore, Astoria could not participate in the zone without allowing the hotels as well. She was not opposed to allowing hotels, but voted against the resolution because she had many other concerns about the Enterprise Zone. Therefore, even if hotels and motels were excluded, she would still be opposed to the resolution.

Item 9(b): Riverfront Vision Plan Update (Community Development)

Matt Hastie from Angelo Planning Group will present draft Code amendments for the Bridge Vista Area of the Riverfront Vision Plan, as developed by the Astoria Planning Commission. A public hearing before the Planning Commission is scheduled for April 7, 2015.

Matt Hastie, Angelo Planning Group, presented draft Code amendments for the Bridge Vista Area of the Riverfront Vision Plan, as developed by the Astoria Planning Commission. He noted that four work sessions and a town hall meeting led to the development of these amendments. He displayed a map showing the boundaries of the Bridge Vista Area and explained that these Code amendments would implement the Bridge Vista Area of the Riverfront Vision Plan (Plan). However, some of the recommendations in the Plan would still need to be implemented through other means. He noted his presentation would spend more time on the topics that received the most discussion in the community. His presentation was as follows:

- Vision Plan Assumptions and Objectives: A balance between allowing a certain amount of overwater development while protecting views in the area, continuing to support water-dependent uses, promoting uses consistent with a working waterfront, ensuring or encouraging design of new or rehabilitated buildings, respecting Astoria's character, encouraging development in the area, celebrating the Rivertrail, improving physical connections to adjacent neighborhoods, using setback and step backs to ensure an open feel, providing continued access to the river, changing a portion of the area to a new type of commercial zone, and expanding the Uniontown design overlay to accentuate the historic area within the Bridge Vista Area.
- The recommended amendments were compared with Comprehensive Plan policies to ensure consistency with the Riverfront Vision Plan. Recommended changes to the Comprehensive Plan policies are primarily to note the importance of vistas of the river, emphasize uses that compliment the downtown area, incorporate references to the Riverfront Vision Plan, and ensure consistency with shore land development policies and other land use policies.
- Recommendations for Overwater Development: Restrict the height of structures built near the bridge and the area adjacent to 2nd Street to no higher than bank height. Structures outside of this key vista area could be built higher, but would still have to comply with height and width restrictions and corridor requirements.
 - He showed the boundaries of the key vista area on a map, noting his map contained an error. He explained in detail where structures would be limited to bank height; the area marked in red on the map.
 - Buildings within the blue area on the map could be as tall as 35 feet at their peak and up to 150 feet wide. Structures on contiguously owned parcels must be no more than 60 percent as wide as all of the parcels combined. Corridors, 40 feet wide, would be required between buildings.
 - He showed visualization models of hypothetical scenarios to illustrate what the area could look like if the recommended codes for overwater development were implemented.
 - Similar to the Civic Greenway Area, he recommended structures over the water be required to provide access to and beyond the edge of buildings with a dock or pier.
- Recommendations for On-Land Development: Restrict heights, require view corridors and setbacks from the Rivertrail, and require setbacks from the front edge of the building.
- Zoning recommendations for the tourist commercial zones: Rezone the Tourist Commercial zone in the western portion of the Bridge Vista Area to C-3; rezone the Tourist Commercial zone near the Astoria Megler

Bridge to a combination of General Commercial and S-2 Shoreland with part of the General Commercial zone containing a pedestrian oriented district.

- Recommended changes to allowable uses in the Aquatic and Shoreland Zones on the water and north of the Rivertrail: Eliminate fossil fuel and petroleum products terminals, residential uses, auto sales and gas stations, wood processing, retail uses over the water, eating and drinking establishments over the water, indoor entertainment, new hotels and motels, conference centers north of the Rivertrail, and professional or medical offices.
- Recommended changes to allowable uses in the Commercial Zones: Eliminate auto sales, service and gas stations, single-family homes and duplexes, and manufacturing without a retail component. Within the pedestrian district of the Commercial Zone, eliminate animal hospitals, kennels, drive through facilities, conference centers, warehouses, transportation services, and other similar uses.
- Design Guidelines and Standards Recommendations: These recommendations were developed after considering design standards and guidelines that the City discussed implementing in Uniontown and the Urban Renewal area, as well as the standards and guidelines adopted for the Civic Greenway Area and the Gateway Overlay Zone. These guidelines and standards would only be applicable to new construction and major renovations.
 - Recommended building and roof forms, exterior materials, and siding are meant to encourage designs consistent with other parts of Astoria, particularly the waterfront.
 - Within the pedestrian oriented district, recommendations for windows and doors are meant to increase window coverage on retail or commercial uses. Different standards would apply to industrial uses.
 - Awnings that do not match the scale or character of a building would be discouraged. Awnings that project into the view corridor would be prohibited.
 - Lighting should be oriented downwards, not into the night sky.
 - Modest changes to sign standards for pole and monument signs are recommended.
 - Landscaping recommendations include limiting trees north of the Rivertrail, encouraging pedestrian amenities particularly along the trail, using native plant species, encouraging plazas and courtyards, and limiting trees to columnar varieties.
 - Reduce off-street parking requirements for small uses and those that already cover the maximum allowable portion of a site. Exempt expansions of 10 percent or less.
- Next Steps: Public Hearing with the Planning Commission on April 7, 2015, Public Hearing with the City Council tentatively scheduled for May 18th.

Mayor LaMear asked for clarification about changing the Tourist Commercial Zone to a General Commercial Zone. Mr. Hastie explained that most of the Tourist Commercial Zone within the area would be changed to General Commercial. However, in one area, the Shoreland Zone would be changed to General Commercial as well. The zone changes would include limitations on the types of uses currently allowed.

City Manager Estes explained the Tourist Commercial Zone was a district put in place during one of the initial waterfront master plans developed by the City. At that time, the zone was meant to attract businesses that would focus on visitors in an attempt to grow the tourism industry in Astoria. This zone is now too restrictive and Astoria wants a waterfront that caters to both locals and visitors. Therefore, the Planning Commission and Staff have recommended moving away from the tourist-oriented zone.

Councilor Herzig confirmed the public would have the opportunity to comment at the Planning Commission's public hearing on April 7th.

Councilor Nemlowill thanked Mr. Hastie and the Planning Commission; she understood how much work had been put into making these recommendations.

Councilor Price said this was a lot of information to digest and asked if City Council had access to Mr. Hastie's presentation. City Manager Estes confirmed the presentation would be posted on the City's website and a copy could be sent to Councilors.

Mayor LaMear called for a recess at 8:00 pm. The City Council meeting reconvened at 8:05 pm. Mayor LaMear confirmed there were no comments or questions about the recommended Code amendments necessary to implement the Bridge Vista Area of the Riverfront Vision Plan.

City Manager Estes noted this was just an update and no action by Council was necessary at this time.

Item 9(c): Approve Request to Trim Trees on City Property Adjacent to 255 W. Grand Avenue - Palmberg (Public Works)

Jason Palmberg, owner of the property at 255 W Grand Avenue, has submitted an application to trim trees on City property. The City-owned property is to the north of the Palmberg property and includes Tax Lot 10700; Map 80907CD. Mr. Palmberg has obtained all signatures of adjoining property owners. The trees to be trimmed are spruce and hemlock and appear to have been trimmed in the past. The applicant will be hiring a certified arborist to do the trimming.

Should the City Council agree to approve this request, staff recommends the following conditions:

- 1) Applicant shall employ any erosion control measures required to stabilize all disturbed areas and assure that new growth is fully established.
- 2) Tree height reduction shall be no more than 25 percent.

It is recommended that the request to trim trees on City property be approved.

Councilor Herzig asked how the City would know if the Applicant complied with the conditions of approval. City Manager Estes replied the Applicant would have to obtain a grading and erosion control permit that would be reviewed by the Engineering Division of the Public Works Department.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Warr to approve the application by Jason Palmberg to trim trees on City property. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 9(d): 16th Street CSO Separation - Authorization to Bid (Public Works)

The upcoming 16th Street Combined Sewer Overflow (CSO) Separation Project primarily consists of the installation of new storm water pipe within the existing roadway infrastructure in established City rights-of-way. It will include replacing existing water and sewer pipe where construction of the new storm pipe compromises the integrity of the existing infrastructure. Most of the intersections will be rebuilt and many of the intersection ramps will be reconstructed within the project area.

Gibbs & Olson have completed the bid documents for this project. The Engineer's construction estimate (including a 10 percent contingency) is \$5,769,568. City staff is working with Business Oregon Infrastructure Finance Authority (IFA) on a loan amendment to increase to the original loan amount \$5,683,000 to approximately \$6,942,668. The loan amendment amount will be finalized and processed after bids are received and will be presented to Council for approval in conjunction with the construction contract award in May.

Construction is expected to begin in mid-May. A public open house will be held on Thursday, March 19, 2015 from 5:00 pm to 7:00 pm at Clatsop Community College, Columbia Hall, Room 219. In addition, there is a project webpage on the City website where people can sign up to receive project updates by email. It is recommended that Council authorize staff to solicit bids for the 16th Street CSO Separation project.

City Manager Estes said the scope of the project included construction as shown on the map displayed on the monitor. The 100 percent estimated construction cost is higher than the planning level estimate used to obtain funding. This increase in estimated construction costs is due to the following: 1) The project will rebuild significant road sections beyond the intersections due to pipe alignment and limited remaining road infrastructure to support the trench section. 2) A deep sewer line on 18th Street will be slip lined, which will require a substantial dewatering method, based on soil investigations and geotechnical borings. The IFA financing package requires the original loan funds be spent first, and then the \$525,000 in grant funds must be spent before loan amendment funds can be used. This funding structure led to the intentional underestimation of the initial cost estimate so that an amendment would be required to take advantage of the full grant amount. The funding amendment would be finalized and processed after bids are received and would be presented to City Council for approval in conjunction with the construction contract in May.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Nemlowill to authorize staff to solicit bids for the 16th Street CSO Separation Project. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 9(e): 16th Street CSO Separation Project - Authorize Contract Amendment with Gibbs & Olson for Archaeological Services (Public Works)

As part of the design of the upcoming 16th Street Combined Sewer Overflow (CSO) Separation Project engineering contract, Gibbs & Olson hired Historical Research Associates (HRA) as a sub-consultant to manage the historic and archaeological aspect of the project. HRA conducted background research and coordinated with the State Historic Preservation Office (SHPO) to understand the high probability locations for archaeological resources. This information was used to establish construction protocols that are being finalized based on SHPO review and will be a part of the construction contract documents to reduce delays associated with encountering unknown artifacts. Archaeological monitoring was performed by HRA at which time several historic materials were discovered and documented following the protocols and direction of the State Historic Preservation Office (SHPO).

Based on the research, SHPO is recommending that HRA (on behalf of the City) prepare and submit a permit application that is comprehensive for the entire project on what may be encountered or uncovered during construction. This permit is anticipated to cover the majority of what could be discovered. SHPO does not typically allow this strategy and will typically require a permit each time something significant is uncovered. Fortunately, a blanket permit will allow the Contractor to keep working with significant reduction in delays if an artifact is uncovered.

The effort and cost for preparing this permit application was not anticipated prior to construction because this approach is atypical. Gibbs & Olson is requesting a contract amendment in the amount of \$8,860.00 for the work to prepare and submit the permit to SHPO. The permit application must be submitted to SHPO in March so that the final permit can be issued prior to start of construction in May. It is recommended that Council execute a contract amendment with Gibbs & Olson for a total not to exceed amount of \$8,860.00 for archaeological services for the 16th Street CSO Separation Project.

City Manager Estes noted a portion of the project is located within Fort Astoria. This permit could potentially save tens of thousands of dollars of contractor stand-by time incurred each time artifacts are found. While this contract amendment is within the City Manager's spending authority, it is being brought to Council for approval because an amendment was approved in October 2014, which puts the total contract amendments over the City Manager's spending authority.

Councilor Price said Council has discussed streamlining the permitting process during goal setting sessions. She asked if this blanket permit was the City Manager's idea. The permit is a great idea and she wanted to know why SHPO has allowed Astoria to apply for an atypical permit.

City Manager Estes confirmed SHPO suggested the blanket permit and Astoria is lucky to work with great people at SHPO. Support Engineer Moore said according to the consultants, SHPO believes a lot of artifacts will be found because of the findings in the research and because artifacts were found in all three initial borings. SHPO has encouraged Astoria to approach the project in a comprehensive manner.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to execute a contract amendment with Gibbs & Olson for a total not to exceed amount of \$8,860.00 for archaeological services for the 16th Street CSO Separation Project. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 9(f): Authorization to Award CSO Monitors Project (Public Works)

In November 2014, Council authorized staff to solicit proposals for the purchase and installation of monitors in the CSO diversion structures. Four proposals were submitted for this project from ADS Environmental Services (ADS); HACH Company (HACH); Terra Hydr, Inc., representing Telog; and Terra Hydr, Inc., representing Isco.

The solicitation for proposals on this project established the following selection criteria, which were considered with the designated weight:

- Suitability, reliability and user-friendliness of proposed monitoring equipment (includes duration of battery life) (50 percent)
- Estimated cost (30 percent)
- Project personnel and reference results (15 percent)
- Installation timeline (5 percent)

On the basis of the submitted information, it was determined that ADS and HACH were the most responsive proposals. City staff invited these two firms to participate in a 30-day demonstration period where each firm installed their monitoring equipment in two diversion structures. ADS scored highest on the demonstration evaluation, so a scope and fee has been negotiated for a total not to exceed cost of \$329,408. A phased installation approach is being recommended since only \$200,000 was budgeted for the work in this fiscal year. Funds are available in the Public Works Improvement Fund for the first phase of this project. It is recommended that Council execute a contract with ADS Environmental Services for a total not to exceed \$199,414 for procurement and installation of CSO monitoring equipment.

Councilor Herzig noted that during the work session, Council learned the monitoring is critical for meeting federal requirements and to ensure the City is getting the most out of its investment. Monitoring is an essential part of the CSO project, as the City can spend its money more wisely with better data.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Warr to execute a contract with ADS Environmental Services for a total not to exceed \$199,414 for procurement and installation of CSO monitoring equipment. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 9(g): 11th Street CSO Separation Project Closeout - Pay Adjustment #9 Final Reconciliation (Public Works)

On March 13, 2013, Council awarded a construction contract to Tapani, Inc., for the construction of the 11th Street CSO Separation Project. Tapani has completed the final punch list items. All work associated with the project is now complete and project closeout documents are being processed. A final pay adjustment is required to reconcile the bid item quantities from estimated quantities to actual quantities.

The final reconciliation pay adjustment is \$31,390.48. To date, inclusive of the final adjustment requested, change orders amount to 12% of the total construction project cost. This is below the Council approved 15% contingency on this project. Total project cost including permits, engineering, construction and construction inspection, and management is \$7,345,532; \$628,158 less than the budgeted amount. It is recommended that Council approve the pay adjustment for the 11th Street CSO Separation Project to reconcile bid item quantities in the amount of \$31,390.48.

City Manager Estes stated this was expected to be the final pay adjustment, noting that a pay adjustment was authorized by Council in July 2014; however, the bid item reconciliation was not considered at that time because work was still being performed. Over 100 bid items were reconciled and resulted in an increased project amount of \$31,390.48.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Herzig to approve the pay adjustment for the 11th Street CSO Separation Project to reconcile bid item quantities in the amount of \$31,390.48. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 9(h): City Council Rules (Council)

The Council will discuss City Council rules following the last work session on this matter. Mayor LaMear has also requested further discussion regarding time limits. Additional materials regarding this agenda item will be distributed in advance of the Council meeting.

City Manager Estes explained that during a work session on City Council rules, Council decided to use Forrest Grove's rules as a template. Staff was directed to edit the template to customize the rules for the City of Astoria. Councilors had copies of the draft rules, prepared by Staff according to Council's direction.

Mayor LaMear suggested time limits be adopted into the rules. Most other City Councils and County Commissions use time limits. Time limits are respectful to everyone involved in the meetings and prevent the audience from having to listen to someone ramble on at length. She suggested a three-minute time limit for public comments, but was willing to consider other suggestions.

Councilor Herzig believed that if time limits were adopted, Council should also adopt Clatsop County's structure where non-agenda public comments are taken at the beginning of the meeting and comments on agenda items are taken during discussion of each agenda item. People who attend meetings to give non-agenda comments should not have to sit through the entire meeting only to have three minutes at the end to speak. Council should invite public comments on agenda items as the item is being discussed.

City Manager Estes noted the draft rules recommend non-agenda public comments be taken after proclamations at the beginning of the City Council agenda. He confirmed the draft did not contain any language regarding signing up to speak to agenda items and waiting to be called upon to speak.

Councilor Warr asked if members of the public should be required to sign up and indicate what they wish to speak about prior to the meeting. He wanted Council to adopt a time limit and require public comments to remain on topic.

Councilor Price supported a three-minute time limit as long as Council continued to be flexible and refrain from cutting people off right at three minutes. She recalled discussing moving Reports of Councilors to the end of the agenda so the reports could be omitted if the meeting ran long. She agreed with taking comments on agenda items prior to voting. She agreed with Councilor Warr and did not want too much formalization with comment cards and sign-in sheets. Astoria is not quite that formal yet.

Councilor Herzig said he was ambivalent about the time limits. Citizen input is critical to the operation of democracy. People are already nervous as they get up to speak and time will be wasted as they think about time running out while trying to formulate concise thoughts. He was reluctant to impose a time limit on public comments. However, if a time limit is adopted, he believed Council was trying to do so responsibly and with respect to the public's interest.

Councilor Nemlowill believed a three or four-minute time limit was reasonable. Councilor Price suggested the rules state "approximately" three minutes. Mayor LaMear noted the draft rules allow her to extend time limits in certain circumstances.

Mayor LaMear said a sign-up sheet might not be a good idea because there is no secretary at the meetings to bring the sheet to the dais or say who should speak first. She and Councilor Price agreed the sign-up sheet was unnecessary. Councilor Herzig said if a sign-up sheet is not used, Council must take responsibility for remembering to ask for public comments on each agenda item no matter how trivial the item may seem to Councilors.

City Manager Estes confirmed he had clear direction from Council about how to revise the language in the draft rules about time limits and the order of the agenda. He would edit the language to move Reports of Councilors to the end of the agenda and remove Paragraph 7.3 under Public Comments, which requires a sign-in sheet.

Councilor Price was not in favor of asking people with similar comments to form a group instead of giving each individual three minutes to speak. Therefore, she wanted Paragraph 7.2 under Public Comments removed as well. Mayor LaMear and Councilor Herzig agreed the paragraph should be removed. Councilor Price added that Council could ask the public to keep to two or three minutes when many people want to comment on an item.

Mayor LaMear wanted to discuss adopting Robert's Rules of Order. City Attorney Henningsgaard said procedures are up to City Council. Adopting an arbitrary set of rules like Robert's Rules of Order could bog Council down with the details. He suggested adopting Robert's Rules as a tiebreaker, using them in the event of controversy over procedures. Some of Robert's Rules are very formal, which is not how Astoria City Council has

proceeded in the past. Mayor LaMear had read that the League of Oregon Cities suggests Robert's Rules are too formal and should not be adopted.

City Manager Estes said several sections of the draft rules address protocol for land use matters. He would meet with City Attorney Henningsgaard to make sure the language is compliant with current laws.

Councilor Warr noted that Astoria has done fine without a formal set of rules for 203 years. He questioned whether Astoria needed rules so formal to keep the City from crashing in the future.

Councilor Nemlowill added that making the rules as concise as possible was best. She asked if the draft rules contained language about ending meetings by a specific time. City Manager Estes said some cities have adopted an end time and allow Council to vote on an exception so the meeting can continue past the end time. Councilor Price said she would consider adopting an end time.

City Manager Estes confirmed he would work to make the rules more concise. Councilor Warr said he wanted the entire document to be no more than three pages long. Councilor Herzig reminded that some sections of the rules state they are pursuant to the City Charter, which cannot be amended without a ballot vote. City Manager Estes said these sections could be shortened by removing the summary taken from the charter.

Councilor Nemlowill referred to Section 17 on City Council Training. Astoria's Council does a lot of training and she did not believe the specific trainings listed in the draft rules would be useful to Council each year. For example, the ethics trainings are great for new Councilors and should be required. However, once a Councilor has attended the ethics trainings, each Councilor should be able to choose what types of enrichment they would like. City Manager Estes suggested the rules simply state that Councilors are encouraged to participate in training opportunities each year.

Councilor Herzig suggested in the interest of time, Councilors should discuss the rules another time. He encouraged the public to contact Councilors with input about the rules.

Mayor LaMear asked how minutes are kept during the Executive Session. City Manager Estes explained that the State requires notes be taken. Currently, Forrest Grove records the minutes of the Executive Session. City Attorney Henningsgaard said Astoria has recorded their Executive Sessions in the past, but he did not know what the current procedure was. City Manager Estes said Staff would make sure the Executive Sessions were being recorded in compliance with State statutes.

Mayor LaMear said she was surprised to find out that the Finance Director was also the City Recorder. City Manager Estes confirmed the tasks of City Recorder are delegated to Executive Secretary Julie Yuill. He explained that the City Charter does not specify a City Recorder, but does refer to the Finance Director as the record keeper.

Councilor Price asked for clarification on Section 2.2, which states Councilors can be compelled to attend a meeting if less than a majority are present. City Attorney Henningsgaard believed this meant if only two Councilors show up for a meeting, they could send the Sheriff to pick up the other Councilors and bring them to the meeting.

Mayor LaMear asked Councilors to forward any other feedback to City Manager Estes. City Manager Estes said he would try to present a revised set of rules at the next City Council meeting.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

Councilor Price requested Council consider forwarding a motion to intervene to the Federal Energy Regulatory Commission (FERC) at its April 20, 2015 meeting. The motion states the City of Astoria has an interest in the proposed Oregon liquefied natural gas (LNG) terminal and the associated Oregon pipeline and grants the City the opportunity to make comments even though the comment period has expired. About 80 percent of Astoria voters voted against the pipeline in the countywide referendum held a few years ago. Most importantly, in June 2006, City Council submitted a similar motion to intervene in the proposed Bradwood facility. The motion was drafted by Dan Serres of Columbia Riverkeepers. She has submitted the motion and the June 2006 motion for Council consideration.

Councilor Nemlowill asked how the motion would allow the City to comment after the comment period had expired and how Councilor Price found about making a motion to intervene. Councilor Price said comments can still be submitted because no decisions have been made yet. She knew the City had submitted a motion to intervene on the Bradwood facility proposal. Therefore, when she found out the City had not acted on the Oregon LNG facility, she knew something could still be done.

Councilor Herzig asked for an update on hiring a Community Development Director and Financial Director. City Manager Estes said an announcement would be made that week about the new Finance Director. The application review process is currently being conducted for the Community Development Director position.

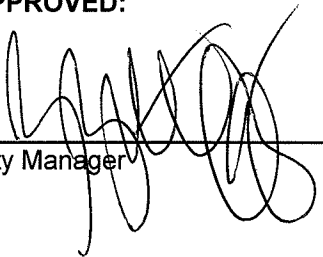
ADJOURNMENT

The regular meeting of the Astoria City Council was adjourned at 8:47 pm to convene the Executive Session.

EXECUTIVE SESSION

Item11(a): ORS 192.660(2)(h) – Legal Counsel

APPROVED:



City Manager