

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

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

Councilors Excused: None

Staff Present: City Manager Pro Tem Estes, Police Chief Curzon, Parks and Recreation Director Cosby, Finance Director Carlson, Fire Chief Ames, Planner Johnson, Library Director Tucker, Public Works Director Cook, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### REPORTS OF COUNCILORS:

**Item 3(a): Councilor Herzig** reported that he was working on preparations for Sexual Assault Awareness Month in April. The Parks Department did a good job turning the Column teal. Residents on Hamburg Street contacted him that construction signs on Portway are limiting the line of sight to the south through the roundabout. He asked if the City could move some of the signs to make the area less hazardous. The residents on Hamburg will be attending a City Council meeting to speak about their concerns.

**Item 3(b): Councilor Mellin** reported that she attended the Parks Board meeting last week and Director Cosby recognized the Employee of the Month, Mark Montgomery. The first Citizens Helping in Parks (CHIPS) program will be on March 9, 2014 from 1:00 pm to 4:00 pm at the Children's Park at 6<sup>th</sup> and Commercial Street. She has been attending the Performing Arts Center (PAC) meetings. The Friends of the PAC are working hard to save the building for music programs. An [inaudible] ensemble will be performing at the PAC on Saturday, March 8, 2014 at 2:00 pm. On March 3<sup>rd</sup> she and Norma Hernandez took turns reading *One Fish, Two Fish, Red Fish, Blue Fish* by Dr. Seuss during the Young Sprouts Program at Gray School. The evening was wonderful. She said she was proud of Astoria's Parks Department, noting the Gray School almost equals what she saw in Walldorf, Germany. She spent the afternoon with Suenn Ho at the Garden of Surging Waves and Ms. Ho explained all of the symbolism at the Garden. Ms. Ho will be making some kind of a guide so people will know what they are looking at.

**Item 3(c): Councilor LaMear** reported that on March 3, 2014, she attended an event hosted by the Department of the Navy at the high school, where they discussed their Environmental Impact Statement regarding the use of sonar off the coast of Oregon and in Puget Sound. All of the work the Navy is doing in Oregon is outside the 200-mile range. There are a lot of scientists and environmentalists working with the sonar project. The presentation was very interesting.

**Item 3(d): Councilor Warr** reported that on February 27<sup>th</sup>, he attended the Astoria Planning Commission meeting for the first time. He has been on the City Council for 10 years and has never attended a Planning Commission meeting because he did not feel Councilors should attend, as their presence may intimidate the Commission. The consultants for the Transportation System Plan (TSP) presented their final plan, which will be presented to City Council for approval in March or April 2014. He felt he should attend the meeting because he was a member of the committee that worked on the TSP for 2 or 2½ years. He believed City Council would be pleased with the Plan.

**Item 3(e): Mayor Van Dusen** introduced LJ Gunderson, who is on the Design Review Committee and Historic Landmarks Commission, and Sean Fitzpatrick, who is on the Planning Commission. He asked City Manager Pro Tem Estes to give a report on the second flat screen that would be installed in the Council Chambers.

City Manager Pro Tem Estes explained that a second flat screen will be installed to make viewing easier for the audience. The new flat screen will be located in the back corner behind the dais, but it could be moved down to where City Attorney Henningsgaard was sitting on his left. The new flat screen should be installed within the next month.

Mayor Van Dusen commended the Public Works Department on the way they handle the weather. He recalled his recent trip to Arizona, noting that it rained while he was there. Arizona does not have to deal with the same weather as Astoria, but the rain created difficulties for Arizona.

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

City Manager Pro Tem Estes requested Item 6(c): Amendment to Benoit Contract be removed from the Consent Agenda and discussed as Regular Agenda Item 7(e).

Mayor Van Dusen stated the Executive Session would be conducted immediately following Item 7(c): Liquor License Application from Michael and Jennifer Cameron-Lattek.

#### **PRESENTATIONS:**

##### **Item 5(a): Clatsop Community Action Report on Recent Activities**

George Sable, Director, Clatsop Community Action (CCA), 364 9th Street, Astoria, said CCA has been around for 30 years, but is celebrating its 25th year as a certified non-profit organization in Oregon.

He distributed and reviewed a handout regarding the increasing number of homeless people in Clatsop County and described the Project Homeless Connect Program, a one-day event when CCA provides services to all the homeless and near homeless people in the county. The number of homeless people in the county has doubled since 2012. He noted the City graciously gives to non-profit organizations and CCA received \$15,000 for the year. He distributed and reviewed another handout highlighting CCA's budget and statistics for CCA's many activities and programs that have benefitted people in the community over the last six months. He noted that the Utility Assistance Program has had just three applicants and each received a credit of just over \$78. He recommended the changing the eligibility requirements for the program and raise income limit. He thanked City Council for allowing him time to report about the City's return was on their investment in CCA.

Mayor Van Dusen asked how crab meat was distributed. Mr. Sable explained the crab is boiled and frozen before being sent to the food pantry. The agency creates food boxes that are meant to supplement food stamps and the federal Supplemental Nutrition Assistance Program (SNAP). A family of three would receive two crabs. The agencies that distribute the most food receive a higher percentage of what the CCA brings in. The CCA had a lot of fresh salmon in 2013, as well as a donation of 20,000 lbs. of halibut. The halibut was originally donated to Oregon Food Bank in 50-pound packages. The CCA had to repack the fish into two-pound packages. He explained that CCA receives about one percent of the total allotment of food for the state from the Oregon Food Bank. Because the CCA repackaged all of the halibut, they were able to keep 3,000 pounds instead of the usual one percent. CCA is the only food bank in the state that does their own processing.

Councilor LaMear said she was excited about all of the planting done behind the food bank, noting that each basket of food includes a huge bunch of carrots. Mr. Sable added that CCA harvested more than 5,000 pounds of carrots. He believed intentional production was the way of future, noting that instead of depending on handouts, CCA tries to make and obtain the food it needs. The CCA grew carrots because they last a long time and many people love carrots. He noted some of the carrots were 2½ pounds.

Councilor Warr said he was amazed at all the CCA is doing and thanked Mr. Sable and CCA for providing so many services for the community.

Councilor Mellin confirmed that Mr. Sable worked at CCA about 50 hours a week. She said she has known Mr. Sable since the 1990s and they worked together at the Job Corps. She noted he is a modest man who always seems to enjoy his life and has made CCA extremely successful. She stated that CCA's projects were amazing. Mr. Sable said the CCA was trying to build its capacity; currently the agency has 10 employees and the CCA continues to work on bigger and better things.

Mayor Van Dusen introduced Cindy Johnston, who is on the CCA Board and works as an executive at the Bank of the Pacific. He agreed Mr. Sable and his CCA team is doing an excellent job.

## CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 2/3/14
- 6(b) Boards and Commission Minutes
  - (1) Historic Landmarks Commission Meeting of 12/17/13
  - (2) Library Board Meeting of 1/28/14
  - (3) Parks Board Meeting of 1/22/14
- 6(c) Amendment to Benoit Contract (City Attorney)

Item 6(c) was removed from the Consent Calendar and moved to Regular Agenda Item 7(e) during Changes to the Agenda.

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

## REGULAR AGENDA ITEMS

### **Item 7(a): Public Hearing for Sale of City Property Located at 4900 Block of Birch Street, Lot 1, Block 18, Alderbrook (Public Works)**

The City has received an offer from Mike and Judith Cahill to purchase Lot 1, Block 18 located in the 4900 Block of Birch in Alderbrook. The property is adjacent to and immediately north of the Cahill property located at 4908 Cedar Street and is one of four lots the City has listed for possible sale. The Cahill's offer is \$12,000. At their February 18, 2014 meeting, the City Council acted to schedule a public hearing on the proposed sale at the next Council meeting on March 4, 2014. It is recommended that Council conduct the public hearing, after which, the City Council approve or deny the sale of said property.

Mayor Van Dusen asked if any member of the Council had questions for Staff. Hearing none, he opened the public hearing at 7:32 p.m. and called for anyone wanting to address the City Council on the proposed sale of the property located at the 4900 block of Birch Street to come forward with any comments or concerns.

David Green, 4924 Cedar Street, Astoria, said he believed this was an appropriate sale for the City.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he visited the property and noted that the property immediately west of the lot for sale is a wetland. He was concerned about the City considering the full impact of selling a particular property. The wetland is very valuable to many people as it provides urban wildlife. He believed many people in the audience and the City enjoy the wildlife. If Astoria does not make a real effort to preserve special places that are essential to the existence of plants and animals, the wildlife will be lost. He understood the wetland was not for sale, but the property next to it and suggested that City Council put land use restrictions on the properties being sold. The subject property could serve as a buffer for the wetland. If the property is developed, the buffer will be lost. Putting restrictions in the sale contracts that do not allow development on open spaces is a reasonable constraint to put on these sales. The City has given the adjacent property owners an advantage by offering them the opportunity to purchase the property. He noted if the City placed the property for sale on the open market, he would bid on them and maintain the open spaces. If the City is going to give special treatment to the adjacent property owners, it should put restrictions on the properties because the adjacent property owner will someday sell the land and the next owner may not be so careful. He was concerned about the long term and asked City Council to think about the ecology of the city overall.

Mike Cahill, 4908 Cedar Street, Astoria, said he and his wife [inaudible]. He thanked City Council for conducting this second public hearing. They have been good neighbors and good citizens [inaudible] interfere with adjacent properties. He would like to do what he can to keep the interference to a minimum.

Mayor Van Dusen closed the public hearing at 7:37 p.m. and called for Council discussion.

Councilor Mellin did not believe a property owner could do whatever they wanted with a property because the City has a Planning Commission, Design Review Committee, [inaudible]. The City website includes the restrictions. She appreciated that Mr. Cahill has spent at least a couple of thousand dollars cleaning up the lot and making it beautiful. She saw no reason to vote against this sale.

Councilor Herzig [inaudible]. There are three more properties that will be sold. [Inaudible] The City's asking price is \$14,000 and the Cahill's offer is \$12,000.

Councilor LaMear supported the sale. Mr. Cahill has definitely improved the neighborhood and has done everything he was expected to do. She apologized [inaudible].

Councilor Warr said that he supported this sale the first time, and still does. He believed many of the properties for sale were better placed with the adjacent homeowners. He believed the City was doing the right thing. He realized that there has been a lot of pressure over these sales, but [inaudible].

Mayor Van Dusen voted against this sale at the first public hearing because the Cahill's did not make a presentation, so he did not know their intentions. In addition, the asking price was \$14,000 and the offer was \$12,000. Since the first public hearing, he has learned that the value of the property would not have been as high as \$14,000 if the Cahills had not cleaned it up. There has been at least \$2,000 put into the property. He believed Mr. Cahill represented himself and his neighborhood very well. He plans to vote in favor of the sale this time.

**City Council Action:** Motion made by Councilor LaMear, seconded by Councilor Mellin to approve the sale of Lot 1, Block 18 located in the 4900 Block of Birch in Alderbrook to Mike and Judy Cahill for \$12,000. Motion carried 4 to 1. Ayes: Councilors LaMear, Warr, Mellin and Mayor Van Dusen; Nays: Councilor Herzig.

**Item 7(b): Schedule Public Hearing for Property Sale – 2900 Block of Grand Avenue (Public Works)**

An offer to purchase a portion of excess City property has been received from Herb Mindt and Bill Jablonski. The lot is located in the 2800 block of Grand. Mr. Mindt and Mr. Jablonski are adjacent property owners whose property is located at 741 29<sup>th</sup> Street. The original asking price for the property was \$20,000 and the agreed upon offer is \$17,500. It is recommended that the City Council hold a public hearing on March 17, 2014 to receive comment on the proposed sale in accordance with Section 1.500 to 1.1510 of the municipal code, after which the Council may accept, reject, or modify the proposal.

Councilor Herzig believed when Mr. Mindt [inaudible]. He wanted to know how much this was and suggested modifying the offer because [inaudible].

Mayor Van Dusen reminded that at this time, City Council only needed to decide if a public hearing should be scheduled. He noted the memo indicated the public hearing would be scheduled for March 17, 2014; however Council would be discussing the date for the next City Council meeting, so the wording of the motion should be changed accordingly. [inaudible].

**City Council Action:** Motion made by Councilor Herzig, seconded by Councilor Mellin to schedule a public hearing for the next City Council meeting to consider the proposed sale of City property located at the 2900 block of Grand Avenue. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 7(c): Liquor License Application from Michael and Jennifer Cameron-Lattek, dba Street 14 Coffee at 1410 Commercial Street, for a New Outlet for a Full On-Premises Sales Commercial Establishment License (Finance)**

A liquor license application has been filed by Michael and Jennifer Cameron-Lattek, doing business as Street 14 Coffee, located at 1410 Commercial Street. The application is a New Outlet for a Full On-Premises Sales Commercial Establishment License. The appropriate departments have reviewed the application. It is recommended that City Council approve the application.

Councilor Mellin said [inaudible] and she believed it would be there for a long time. She intended to approve the application.

Mayor Van Dusen declared that he and his brother own a soft drink company that may possibly do business with the applicants in the future should their business expand. He intended to vote in favor of the application.

Councilor Herzig noted the application listed the business hours from 6:30 a.m. to 6:00 p.m. [inaudible—not violating hours in the neighborhood].

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Herzig to approve the liquor license application filed by Michael and Jennifer Cameron-Lattek, doing business as Street 14 Coffee, located at 1410 Commercial Street for a New Outlet for a Full On-Premises Sales Commercial Establishment License. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Mayor Van Dusen recessed the regular City Council meeting to go into Executive Session to discuss labor negotiations at 7:47 pm.

The City Council meeting reconvened.

**Item 7(d): Approval of Collective Bargaining Agreement between City of Astoria and Astoria Public Safety Association (APSA) (Police)**

The Astoria Public Safety Association (APSA) has ratified their Collective Bargaining Agreement. It is recommended that Council approve the three year contract, which is in effect retroactive to July 1, 2013 through June 30, 2016.

This item was discussed immediately following the Executive Session.

Mayor Van Dusen believed this was a very fair contract. The City has excellent employees. The contract was unanimously approved by the police officers and City Council unanimously supported the agreement during the Executive Session.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Mellin to approve the Astoria Public Safety Association Collective Bargaining Agreement. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

**Item 7(e): Amendment to Benoit Contract (City Attorney)**

This item was removed from the Consent Calendar.

City Manager Pro Tem Estes explained that when Mr. Benoit was hired as City Manager, his contract with the City included a provision by which the City is required to provide health insurance benefits upon retirement, which Mr. Benoit no longer needs. He reviewed the proposed amendment to the contract provision which was provided in his memorandum. He corrected a typographical error in the memo, "The amendment benefits the City by reducing the cumulative required monthly payments by approximately ~~\$42,000~~ **\$20,000.**" Staff recommended that City Council authorize the Mayor to sign the amendment to Mr. Benoit's employment contract with the City.

Mayor Van Dusen clarified that Mr. Benoit no longer needs the health insurance benefit from the City, but without the amendment, the City would continue providing Mr. Benoit with insurance. Providing insurance would allow the City to receive a deduction from [inaudible]. Therefore, Mr. Benoit does need insurance, but there is a way for him to benefit from the City. He explained the City would be saving the amount paid monthly for Mr. Benoit's insurance.

Councilor Herzig said that the City is under contract to provide this either now or in the future. The amount of \$60,000 seems very generous.

Councilor LaMear believed a cost-savings of \$20,000 [inaudible]

**City Council Action:** Motion made by Councilor Mellin, seconded by Councilor Warr to authorize the Mayor to sign the amendment to Mr. Benoit's employment contract with the City, as described. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

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

Mayor Van Dusen noted the next City Council meeting is scheduled for March 17, 2014 and confirmed that neither he or Councilor Warr would be able to attend. The meeting could be held as scheduled, as a quorum would be present, or the meeting could be rescheduled.

City Council discussed rescheduling the meeting. Councilor Herzig believed the public would be better served with a full Council.

**City Council Action:** Motion made by Councilor LaMear, seconded by Councilor Herzig to reschedule the second City Council meeting in March to Monday, March 24, 2014. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Shel Cantor, 1189 Jerome, Astoria, recalled that at the last City Council meeting, Ms. Skinner asked if the property negotiations could be posted on the City website. Director Cook had responded that he would publish the negotiations on the website, which he did promptly. He emailed a list of questions about the negotiations to the Councilors and Director Cook. He thanked City Manager Pro Tem Estes for responding promptly via email and for fully addressing his questions. He hoped this will continue in the future because in the past, he said a member of the community has asked that public information be made available and spent \$300 to gain access to information that was public. He was very pleased and impressed by what has happened over the past few weeks. He asked for clarification about [inaudible]. He recalled that City Manager Pro Tem Estes indicated in the email that further updates would be made and confirmed that these updates would be posted on the website. City Manager Pro Tem Estes added that Staff could continue to update the spreadsheet that was posted at the last City Council meeting, which provides the status of the 10 remaining properties that are in negotiation.

Mr. Cantor believed there were actually four properties currently being negotiated. He recalled a conversation a few meetings ago with Mr. Benoit about the value of trees on the larger properties. He has done research that indicated the value of trees on larger properties could be between zero and tens of thousands of dollars per acre. A 1.9 acre property currently on the list of properties being negotiated has an asking price of \$25,000. The offer is for \$9,000. He recalled that Mr. Benoit assured that Staff could obtain a fair appraisal of the value of the lumber on this property and that this value would be considered as part of the agreement. He hoped this would be done on the property located at 2900 block of Irving and Harrison. He understood that there were zoning laws and land use restrictions regulating these properties, but understood that Councilor Mellin had acknowledged that the laws and restrictions could be overridden, particularly when a Councilor votes to do so. He asked if this was true.

Councilor Mellin said she was not aware of that [inaudible].

City Manager Pro Tem Estes explained there is always a process put in place anytime Planner Johnson reviews any development. The applications must be reviewed by the applicable commission. An application would only be reviewed by City Council if a variance had been requested and the variance would have to comply with approval criteria.

Councilor Herzig was concerned about citizens paying hundreds of dollars to receive public information from the City. He understood that copying and mailing took time and cost money, but he asked if it were possible to post information on the City website as an alternative.

Mayor Van Dusen agreed with Councilor Herzig and noted that putting information on the internet would be less expensive. He explained that an attorney made a public records request [inaudible] He was unsure if \$300 was unreasonable, but obtaining these records can be extremely expensive. He did not believe the current policy should be changed.

LJ Gunderson,, Astoria, said she represented the Astoria Downtown Historic District Association (ADHDA) and several ADHDA members were in the audience. She noted that the ADHDA is excited about what the City is doing and really appreciates the relationship they have with the City. She complimented the City on the Garden of Surging Waves. She encouraged everyone to visit, as it is a very nice experience. She thanked City Manager Pro Tem Estes and John Guttenberger who recently conducted a tour of downtown buildings. The tour was very well attended and allowed entrance into buildings that people do not normally get to see. The stories behind these buildings are wonderful.

Councilor LaMear acknowledged the work that Area Properties has done on the land sales. The work has not been easy for them or for the City. [Inaudible] professionally, and have done everything that the City asked of them.

## **ADJOURNMENT**

There being no further business, the meeting was adjourned.

## **EXECUTIVE SESSION**

The City Council Executive Session was convened at 7:48 p.m., immediately following Regular Agenda Item 7(c): Liquor License Application from Michael and Jennifer Cameron-Lattek.

### **Item 9(a): ORS 192.660(2)(d) – Labor Negotiation Consultations**

The City Council Executive Session was adjourned. to reconvene the City Council meeting and proceed with Regular Agenda Item 7(d): Approval of Collective Bargaining Agreement between City of Astoria and Astoria Public Safety Association.

**APPROVED:**

  
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City Manager Pro Tem