

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, Finance Director Brooks, 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.

PUBLIC COMMENTS (NON-AGENDA)

Ted Osborne, 345 Alameda, Astoria, said he attended both work sessions on the library. The first work session included discussions about the existing site and the desire to consider other sites, including Heritage Square. The meeting concluded with the expectation that staff would come to the next work session with parameters Council could use to determine the pros and cons of various sites. A lot was already known about the library that would allow it to be compared against other sites with regard to costs, space, implications of Code, parking, and other criteria. Therefore, people who attended the second work session expected 15 or 20 criteria, based on the existing library, to be used to make a decision about moving to another site. At the second work session, Council seemed to question staff about why the criteria were not being presented. No value was put before Council. Staff presented a one-page placeholder that Council accepted. He was disappointed that not much work was done at that work session. Someone at the work session said he or she would love to build a library at Heritage Square. Shortly after the comment was made, the meeting ended. The next day, the *Daily Astorian* reported that the new library would be at Heritage Square, as if a decision had been made. Three days later, an editorial stated the decision was a great idea. He was disappointed. The library is not a presidential library for a standing two-term president. This is a public library for all of Astoria, which should provide an affordable balance of building, collection, staff, and technology. No work was done at the second work session. Each Councilor has bright people in their districts who expect something good to come out of the library project. Everyone knows Astoria needs a good library, wants and deserves a good library, and will pay for a good library within reason. However, Council needs to start reasonably, diligently, and quickly planning with real parameters to find a solution that makes sense. He hoped a third work session would involve work done to this end.

CHANGES TO AGENDA

No changes.

PRESENTATIONS

Item 5(a): Fire Lieutenant Terry Corbit 25-Year Pin

Fire Chief Ames introduced Fire Lieutenant Terry Corbit and presented him with a 25-year pin.

Mayor LaMear presented City Support Engineer Cindy Moore with the Engineering Excellence Honor Award from the American Council of Engineering Companies of Oregon. Engineer Moore is the City's engineer for the CSO Separation project. The award was given to the City of Astoria, Gibbs & Olson, and Shannon Wilson Incorporated for the 11th Street CSO Separation project. Engineer Moore accepted the award as the City's representative.

PROCLAMATIONS

Item 6(a): Emergency Medical Services Week

Mayor LaMear read the proclamation declaring May 17-23, 2015 as Emergency Medical Services Week. She asked those who work in emergency medical service (EMS) to stand for a round of applause.

Steven Zamora, Medix Ambulance Supervisor, thanked City Council. Medix Ambulance has served the area for 40 years. Their EMS partners include the Fire Department, police agencies, and emergency room personnel. Their goal is to meet the emergency needs of the community in a compassionate, timely, and professional manner. He was honored that Astoria trusted Medics Ambulance to serve the community and looked forward to continuing the relationship. The theme of EMS week is EMS Strong. The proclamation recognizes how important the teams of EMS workers are to the area. He thanked the City, on behalf of all EMS workers, for the proclamation and support of EMS workers.

Councilor Price said at the April 17th salonical, someone asked why the Fire Department goes along with every Medix call. Chief Ames responded to this question on Councilor Price's Facebook page, saying the Fire Department only goes on about 35 percent of the calls. His response included an interesting analysis that explained why the Fire Department's assistance is needed in some cases.

Item 6(b): Tenor Guitar Weekend

Mayor LaMear read the proclamation declaring May 28-31, 2015 as Official Tenor Guitar Weekend in Astoria.

Lu Anne Farrar accepted the proclamation and thanked the City. Mark Josephs has done a lot of work to bring the event to Astoria. Many people from far away will attend, bringing a good time and economic benefits to Astoria. Tickets and the agenda are available on their website titled *Tenor Guitar Gathering 2015*.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 7 (a) City Council Minutes of 4/6/15
- 7 (b) Boards and Commission Minutes
 - (1) Parks Board Meeting of 3/25/15
- 7 (c) Intergovernmental Agreement (IGA) with Oregon Department of Forestry for Lidar (Topographic Data) Acquisition (Public Works)
- 7 (d) Business Oregon Development Department Grant Application for the Reimbursement of Costs Related to the Removal of the Underground Heating Oil Tank and Mitigation of Associated Contaminated Soils at the Astoria Senior Center Project Site (Public Works)

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

REGULAR AGENDA ITEMS

Item 8(a): Liquor License Application from Rebecca Kraft dba Wine Kraft LLC, Located at 80 10th Street, Astoria, for a New Outlet for a Limited On-Premises Sales License (Finance)

A liquor license application has been filed by Rebecca Kraft, doing business as Wine Kraft LLC, located at 80 10th Street, Astoria. The application is for a New Outlet for a Limited On-Premises Sales License. The appropriate departments have reviewed the application and it is recommended that Council consider approval.

Councilor Nemlowill declared that she owns Cervecia Gratis dba Fort George Brewery, which sells alcohol.

Councilor Price said a January 2014 edition of the *Daily Astorian* stated Ms. Kraft was working with Alana Garner to help develop a census of the Astoria Downtown Historic District Association (ADHDA). In the article, Ms. Kraft

was quoted as saying, 'I really want to own a business in downtown Astoria. I want to open a wine bar.' She believed it was lovely that she would be able to open her business.

Councilor Herzig asked if additional parking would be required or if any parking variances would be allowed. City Manager Estes explained that the downtown corridor had no parking requirements.

Mayor LaMear called for public comments. There were none.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr, to approve the application by Rebecca Kraft for a New Outlet for a Limited On-Premises Sales License. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 8(b): Authorize IFA Finance Contract Amendment – 16th Street CSO Separation Project (Public Works)

At the March 16, 2015 meeting, Council was informed that the 16th Street CSO Separation project would likely exceed the available funding based on the engineer's estimate at final design and that an amendment to the Infrastructure Finance Authority (IFA) Financing Contract would be requested after bids were received to determine the appropriate amount for the funding increase. Bids were received on April 16th and award of the construction contract is included in the Council packet. The budget has been updated with the bid amount. The IFA current funding package, which includes a \$525,000 grant and a \$5,158,000 low-interest loan, will be amended to increase the loan by \$1,530,000 to \$6,688,000 for a total funding amount of \$7,213,000. A portion of the CSO Surcharge fee will be utilized to repay the loan. It is recommended that Council approve the amendment resolution and authorize execution of the IFA Financing Contract Amendment No.1 for the 16th Street CSO Separation Project to increase the total amount of the loan to \$6,688,000.

Councilor Herzig said it was unfortunate that this amendment would condemn Astoria's water and sewer users to higher rates for the next decade. The only way to fund the CSO Separation Project is to pay for it by increasing utility bills and he wished there was an alternative.

City Council Action: Motion made by Councilor Price, seconded by Councilor Herzig to approve the amendment resolution and authorize execution of the IFA Financing Contract Amendment No.1 for the 16th Street CSO Separation Project to increase the total amount of the loan to \$6,688,000. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 8(c): Authorization to Award Construction Contract – 16th Street CSO Separation Project (Public Works)

In March, Council authorized bid advertisement of this project. The following three bids were received on April 16th:

<u>Contractor</u>	<u>Total Bid</u>
Engineer's Estimate	\$5,752,700
James W. Fowler	\$4,621,500
Emery & Sons	\$5,483,180
Tapani, Inc.	\$5,529,380

The bid in the amount of \$4,621,500 submitted by James W. Fowler Company was a nonresponsive bid due to the failure of submitting a First Tier Subcontractor List; therefore, Emery & Sons bid of \$5,483,180 was determined to be the lowest responsive bidder. The construction budget includes a 10 percent contingency:

Construction bid	\$5,483,180
Construction contingency (10%)	\$549,000
CONSTRUCTION BUDGET	\$6,032,180

A Business Oregon Infrastructure Finance Authority (IFA) Financing Contract Amendment is included in this meeting's Council packet. Upon authorization of the Financing Contract Amendment, funding will be available for the award of the contract. It is recommended that Council award the construction contract for the 16th Street CSO Separation Project to Emery & Sons for \$5,483,180.

Councilor Herzig said Tapani, Inc. was unsatisfactory in 2014 and he was glad that City would not have another contract with them. He wanted to know if the City had a track record with Emery & Sons. Director Cook said Emery & Sons was the contractor on Phase 2 of the CSO Separation Project at 6th Street and they were a responsible contractor.

Mayor LaMear called for public comments. There were none.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Price to award the construction contract for the 16th Street CSO Separation Project to Emery & Sons for \$5,483,180. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 8(d): Authorize Contract Amendment for Construction Phase Services – 16th Street CSO Separation Project (Public Works)

In June 2014, Council awarded the 16th Street CSO Separation Project engineering services contract to Gibbs & Olson (G&O). G&O developed a final bid package for this project. There are a number of additional professional services that will be required during the construction phase. G&O prepared a scope and fee for these services as follows which are included in the project budget:

- Full-time Construction Inspection
- Construction Support Services/Archaeological Monitoring
- Geotechnical Support
- Monumentation

The estimated fee for construction phase services is \$432,290. A Business Oregon Infrastructure Finance Authority (IFA) Financing Contract Amendment is included in this meeting's Council packet. Upon authorization of the Financing Contract Amendment, funding would be available for the authorization of this contract amendment. It is recommended that Council execute a contract amendment with Gibbs & Olson for a total not to exceed amount of \$432,290 for construction services for the 16th Street CSO Separation Project.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill to execute a contract amendment with Gibbs & Olson for a total not to exceed amount of \$432,290 for construction services for the 16th Street CSO Separation Project. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 8(e): Authorize Contract Materials Testing Services – 16th Street CSO Separation Project (Public Works)

To ensure quality control during the construction of the 16th Street CSO Separation Project, the City will need to provide materials testing services. These services will need to be provided by a specialty consulting firm. Staff requested a proposal from Carlson Testing, Inc., who provided materials testing and special inspection services on the 11th Street CSO Separation Project and the Denver CSO Storage Project. Carlson Testing provided a fee schedule for services that will be performed on a time and materials basis for an estimated not to exceed amount of \$19,155; however, additional materials testing services may be required on this project. The City may direct appoint a personal services contract up to \$20,000. Since the scope and fee with Carlson Testing is within this limit and they are highly qualified to perform the services, it is recommended that the City use the direct appointment option. The City Attorney has reviewed, and approved as to form, the contract documents. It is recommended that Council authorize a contract with Carlson Testing, Inc. for a total not to exceed amount of \$19,155 for materials testing services on the 16th Street CSO Separation Project.

Councilor Herzig asked how the direct appointment process would be affected if the costs increased over \$20,000 after the contract was authorized. City Attorney Henningsgaard said Council would need to approve an

amendment to the contract, which can be done through several processes. Direct appointments allow for increases of no more than 20 percent, which is calculated using a formula.

Councilor Price asked how much the materials testing services cost on the last project. Engineer Moore said the cost was about \$30,000 because 8th Street had to be rebuilt. This project will require much less effort because the street will not be rebuilt. For the 8th Street project, Carlson Testing estimated their costs would be about \$50,000, but they were only about \$30,000. Therefore, Staff feels comfortable that Carlson is using a conservative number.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Warr to authorize a contract with Carlson Testing, Inc. for a total not to exceed amount of \$19,155 for materials testing services on the 16th Street CSO Separation Project. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 8(f): Teresa Estrada – Lease of City Property (Public Works)

Teresa Estrada is requesting a lease for a 600 square foot portion of City property located at the south side of the United States Coast Guard (USCG) parking lot. Ms. Estrada wishes to utilize this area for sale of clam chowder from a 2-foot long historic gillnet boat. She has proposed improving the area with fill and a concrete pad constructed behind the new sidewalk. The City currently leases City owned property to various businesses and community partners. The City has primarily leased property to local businesses pursuing opportunities to expand and to communication companies. Other examples include the lease with the USCG for the 17th Street Dock, the parking lot for Dr. Klomp's office, and the lease with Western Oregon Recology for the Transfer Station.

The only City lease for a food cart is currently with the Bowpicker, directly adjacent to the area being requested by Ms. Estrada. This lease was completed to formalize an existing agreement between the Bowpicker and the former property owner. Upon purchasing the property in 2013, the City agreed to allow the Bowpicker to remain. The rest of this property is encumbered by the USCG for parking. Work to improve the parking lot utilized by the USCG is currently planned for FY2015-2016 and it may be necessary to use the proposed lease area for the improvements. Additionally, increased parking may be needed for the USCG if their proposal to moor two additional cutters at the 17th Street Dock comes to fruition. Improvements to this property would require compliance with the City Code, Development Code, Maritime Heritage Zone, and the Design Review Commission associated with the Gateway Overlay Zone. Based on consideration of the factors above, City staff, as well as the City Attorney, has concerns associated with approval of another lease agreement on this property. It is recommended that City Council consider the lease request for a portion of the City property located between Marine Drive and Duane Street, west of 17th Street. If Council is willing to consider leasing a portion of this property, staff will prepare a lease agreement for Council approval.

Mayor LaMear asked the Applicant to introduce herself.

Teresa Estrada, 147 Washington Street, Astoria, said earlier that day, she submitted additional information that rebutted the Public Works issues with the area she proposed to lease. She was not notified of the issues when she submitted the application in January and only just found out about them. She hoped City Council had received and reviewed the information prior to the meeting.

City Manager Estes confirmed staff emailed the information to the Councilors earlier in the day and gave them hard copies for the meeting.

Ms. Estrada said she wanted to operate a food cart to provide additional income for her family. She believed it would be a good idea to build a cart that looked similar to the Astoria Riverfront Trolley or a boat because it would be consistent with the Maritime Heritage District. When she came across a gillnet boat, she decided to convert it to a food cart. She believed it would be a good idea to locate the food cart adjacent to the Bowpicker to create some visual interest for the city and to take advantage of the tourist industry in the area. She did not want to impact the Bowpicker business at that location.

Councilor Price confirmed she received the information Ms. Estrada had submitted earlier that day. She also visited the site, which was already leased to the Coast Guard for parking. The Coast Guard will need more parking because they intend to bring in two more cutters. The addendum to the application takes issue with the

exact outlines of the property. However, she understood after speaking with staff and looking at the lease agreement that the clear intent of leasing the property was that it be leased to the Coast Guard for parking. If City Council is asked to approve a request from the Coast Guard for more parking, she hoped Council would advocate for parking to be located away from the sidewalk chair wall along Marine Drive, but located closer to Duane Street in the area Ms. Estrada would like to lease. This area is right at the entrance to Downtown Astoria. There are parking lots on both sides and the area needs some beautification. Only the one side of Marine Drive could accommodate trees without impacting the parking. Therefore, she did not support the request.

Mayor LaMear called for public comments. There were none.

Councilor Herzig declared that on April 13th, he received an email from Ms. Estrada asking if she could meet with him to give him information about the application. He replied that he was always happy to meet with the public, but meeting with her to discuss her application could be considered an ex parte contact. Ms. Estrada agreed it would be better not to meet. He believed that if the entire property was leased to the Coast Guard the Bowpicker would have to vacate. He did not understand how the City could permit one business but not another to be located on the property. Extending parking all the way up to Duane Street will require considerable excavation and will result in a large drop off from Duane Street down to the parking if the parking will be at ground level, which seems unreasonable. The Bowpicker takes up twice as much space as Ms. Estrada's food cart would. If the City is so concerned about parking, the Bowpicker should not be allowed on the property. He did not understand why the application was not being accepted. Permitting one business and not the other seemed obstinate. All of the reasons for denying this application could also pertain to the Bowpicker. He would support a rational policy that is applied across the board, but Astoria seemed to have no such policy.

Councilor Warr said when the City purchased the property, the intent was to grandfather-in the Bowpicker because it had been allowed on the site when the Maritime Museum owned the property.

City Manager Estes agreed, adding that the City was honoring existing agreement and the rest of the property was leased to the Coast Guard for parking.

Councilor Warr did not believe the property could be leased to another person because it was already leased.

Councilor Nemlowill asked if the Bowpicker received permission from the Coast Guard to lease space on the property prior to the City purchasing the property.

City Manager Estes understood there was no agreement process for the Coast Guard because the Maritime Museum owned the property.

Councilor Nemlowill asked staff to define the word encumbered and be more specific about the City's plans for parking expansion.

City Manager Estes explained that encumbered is a surveying term. There is no metes and bounds description for this property, but the lease references the lot is to be used for Coast Guard parking. The word encumbered indicates the lot was designated for a specific purpose. Parking improvement concepts have been developed by Engineering staff. The conceptual drawings do not include full dimensions, soil conditions, geotechnical conditions or other elements. The concept was to create a horseshoe shaped parking area with designated parking stalls and landscaping. Staff wants to improve the aesthetics of the lot because it is a gateway to the downtown area. However, the City does not have any definite plans to improve existing parking, nor does it have any proposals from the Coast Guard to expand parking at this time. The Coast Guard is currently investigating where new cutters would be located and staff wants maximum flexibility to provide additional parking if needed. He did not know if a second tier of parking on a deck would be possible, but staff would like to facilitate this if necessary.

Councilor Nemlowill asked if the potential of the Coast Guard to expand in Astoria could be jeopardized if staff did not have the flexibility it wanted.

City Manager Estes said this was definitely a concern. However, the City's first commitment with the Coast Guard is to provide parking on this lot.

Ms. Estrada said the City claims the entire property is encumbered by the Coast Guard. The Coast Guard leases when into effect in 2010 and 2013, and then the Bowpicker was provided a lease on this property. She did not understand why she would not be allowed to have a lease on the same property for half the size of the space leased by the Bowpicker.

Mayor LaMear understood the lease was with the Maritime Museum. When the museum sold the property to the City, the lease remained in effect. The City's intent was to provide the entire area to the Coast Guard for parking and the Coast Guard needs the parking area very much.

Ms. Estrada understood, but said the City leased the property to the Coast Guard in 2010 and 2013, then subsequently provided a lease to the Bowpicker in 2014. The Public Works Department has stated a lease cannot be provided to her because the property is already encumbered by the Coast Guard. This encumbrance already existed prior to issuing a lease to the Bowpicker. She did not understand why the City would provide a lease to the Bowpicker but not to her.

City Attorney Henningsgaard explained the history of the property was more complicated than what had been described. Initially, the Coast Guard was allowed to park on the property with unwritten permission from the Maritime Museum. This agreement was in conjunction with the Coast Guard's use of the 17th Street Dock. When the Coast Guard and the City reached agreements concerning the improvements to the dock, the Coast Guard required a more formal agreement on the parking, which is crucial in that area. The agreement with the City is that the City will provide 250 parking spaces to the Coast Guard. The City entered into this agreement before purchasing the property, which made acquiring the property important to the City. The Bowpicker had an agreement to remain on the property before the Coast Guard had any formal agreement for parking. When the new agreement with the Coast Guard was negotiated, the Coast Guard allowed the Bowpicker to remain as long the City could still provide 250 parking spaces. This was formalized by a hand shake agreement between the former Mayor and a member of the Coast Guard. The Bowpicker had been making donations to the Maritime Museum in lieu of rent and never had a written agreement with the museum. He became involved because he believed the Bowpicker needed a formal lease agreement. This is why the lease is dated August 14, 2014. He did not believe the City was providing all 250 parking spaces, so the parking lot needs to be expanded.

Councilor Nemlowill asked how long the lease with the Bowpicker would be in effect.

City Attorney Henningsgaard said the original term of the lease commenced on July 1, 2014 and continues through July 31, 2024. He believed the lease also offered the option to renew for an additional 10 years.

Mayor LaMear called for public comments.

Linda Ford, 138 West Lexington, Astoria, co-owner of the Bowpicker, said when she first approached the museum, the lot was just a grass field. The museum allowed the Bowpicker to use the space because they believed the business worked well in conjunction with their mission. Therefore, the Bowpicker did its best to promote the museum and the City, tried very hard to be good neighbors, and be good business people. The Bowpicker is not trying to step on any toes and they try to be mindful of the Coast Guard by respecting their needs.

Chris Farrar, 3023 Harrison Avenue, Astoria, said no one had stated how many parking spaces would be provided if the Bowpicker were not on the property or within a 15 by 40-foot space.

Director Cook said the lot is currently unimproved gravel, so the parking spaces are not marked. Therefore, it is difficult to estimate how many vehicles can park on the property.

Councilor Herzig said he could see seven vehicles parked on the property at that time and he did not believe 250 vehicles would fit on the property.

City Attorney Henningsgaard noted that the Coast Guard also had rights to park on the lot across the street, which contributed to the 250 parking spaces.

Gretchen Mather, 41109 Homestead Lane, Astoria, asked why the City would forgo any additional revenue on that property if the property cannot accommodate 250 parking spaces. She did not believe anyone would park on the lot because of its slope.

Mayor LaMear said the problem is that the entire lot has already been leased to the Coast Guard. The City has already decided who would be leasing this property and cannot re-lease a portion it.

Ms. Mather asked if the Coast Guard was physically able to park on the property. After looking at the property, she understood the Coast Guard could not park on it. She did not believe anyone from the Coast Guard parked on that lot. The spot Ms. Estrada wants to lease does not have any Coast Guard parking. She did not understand why the City would not lease the space if 250 parking spaces could not be provided because the property slopes.

Ms. Mather asked if the property was truly leased if the Coast Guard was not using it. She had not read the lease, but did not understand how the City could lease to one business and not another.

City Manager Estes said there were no final designs to expand parking to the south into the hillside, nor was it known that parking expansion in that area of the property would be necessary.

Councilor Herzig asked if the lease to the Coast Guard included the area used by the Bowpicker. City Attorney Henningsgaard said yes, the map attached to the lease agreement depicts the entire square. Councilor Herzig said the City has already re-leased part of the property to Bowpicker. The City should be clear about this so as not to falsify its position. The entire property is leased to the Coast Guard with part of the property being subleased to the Bowpicker. City Attorney Henningsgaard confirmed this was correct.

Ms. Estrada said that was her argument. The City is saying the entire area is leased to the Coast Guard and a lease on this encumbered property has already been issued to the Bowpicker. However, the City is also saying it cannot issue her a lease because the property is already leased.

City Manager Estes explained the specific issue was the City's ability to expand or use the space for improvements in order to meet the parking requirements of the lease with the Coast Guard.

Ms. Estrada said the Coast Guard lease indicates the property is half an acre. The area leased by the Bowpicker and the area she would like to lease are in excess of the half acre being leased by the Coast Guard; therefore, it is not encumbered. She asked if the area she wanted to lease was actually encumbered.

City Manager Estes explained that the Coast Guard lease states the property is approximately half an acre and does not include a metes and bounds description. The entire property is encumbered and the City wants to provide the utmost flexibility in its ability to design and implement parking for the Coast Guard in the future.

Ms. Estrada understood, adding that she would vacate the property when the Public Works Department needed to provide parking for the Coast Guard. Therefore, she did not see any reason for the City to deny a lease.

Councilor Price said the *Daily Astorian* posted about the business on Facebook. Most of the people who commented indicated they believed the boat was a great idea and looked good, but not necessarily in that location. If the Bowpicker came to Council to request a lease in this location, she would say no to them as well. She was in favor of giving the Coast Guard as much room as possible so it can do what it needs to do in the next few years. Land use decisions do not set a precedent, yet the City is sometimes threatened with a lawsuit if it does not go along with a previous decision. She believed favoring the Coast Guard over Ms. Estrada was a good decision for Ward 3 and for Astoria.

Councilor Nemlowill declared she owns an eating and drinking establishment, Fort George Brewery and Public House. She did not believe this was a direct conflict of interest and admired the Applicant's efforts as an entrepreneur. She did not vote on the lease with the Bowpicker. However, she was concerned that leasing the property could lessen the City's prospects for a great economic development project and expansion of the Coast Guard in Astoria.

Councilor Herzig did not believe the Coast Guard could expand much until they had housing. Unless the City gets serious about creating more workforce housing, Astoria would not be able to accommodate an expanded Coast Guard. He has spoken with the Coast Guard's housing supervisor, Don Lee, who said the Coast Guard is at its limit in Astoria. He asked if the lease with the Bowpicker could be broken if the City decided to expand the parking lot.

City Attorney Henningsgaard said the lease prohibits the Bowpicker or its customers from parking in the parking lot. The lease can also be terminated by either party with six months notice.

Councilor Herzig said this was the same arrangement proposed by Ms. Estrada.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Price to deny the lease request by Teresa Estrada for a portion of the City property located between Marine Drive and Duane Street, west of 17th Street and direct staff to prepare a lease agreement for Council approval. Motion carried 4 to 1. Ayes: Councilors Price, Warr, Nemlowill and Mayor LaMear; Nays: Councilor Herzig .

Item 8(g): Spur 11 Combo Harvest 2015 Contract Award (Public Works)

The Council approved the solicitation of bids for the Spur 11 Combo Harvest at the April 6, 2015 Council meeting. This project includes the thinning of approximately 40 acres and the cleanup of a blow down area adjacent to neighboring ownership. The project also includes the improvement of a major watershed road system. The completion of the Spur 11 harvest during the summer of 2015 is estimated to net approximately \$240,000 after road improvements and reforestation costs. The City received one bid proposal above the minimum bid price from Hampton Tree Farms. It is recommended that Council approve the sale of the Spur 11 Combo Harvest to Hampton Tree Farms.

City Manager Estes confirmed this would serve as the City's one timber cut at the watershed for the year.

Councilor Herzig asked why only one bid over the minimum bid price was received.

City Forester Mike Barnes, 33655 NE Crow Creek Road, Newberg, said there were several reasons. The market is not currently at its peak, but it is still very good. Port strikes, lower housing starts, and exchange rates with foreign countries have led to a less than optimum market. However, comparing Astoria's sale with the timber sale prospectus from the State Forestry Department shows that Astoria is doing much better. This is a good and fair price above the minimum and in excess of what the State Forestry Department is receiving for comparable timber.

Councilor Herzig said he had great confidence in Mr. Barnes and agreed this was a good deal. The project includes cleanup of some of the blow down area and will benefit the forest and Astoria's coffers.

Mayor LaMear called for public comments.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he assumed the purpose of identifying this tract of land and planning its harvest was related to overall improvements of the forest and watershed. The agenda packet contains quite a brief statement and indicates the estimated net might be about \$240,000 after reforestation and completing some road improvements. He would like to know the projected costs of reforestation and road improvements so he could estimate the gross sale. He also wanted to know how much timber could be cut off of an acre. However, this number depends on how the forest has been treated. The price depends on the type of timber being cut. He estimated the gross sale price to be about \$300 per 1,000 board feet. He also estimated about 1,000 units would be harvested, for a total of 1 million board feet with a gross sale price of \$300,000. This is 25,000 board feet per acre, which sounds like a lot. He did not believe forests had such capacity. He asked how many trees would be left on the property and what the ratio of cut would be. He estimated about half of the trees would be cut. He supported cutting some of the forest to improve it. However, this sounded like a fantastic amount.

City Forester Barnes explained that this project involves thinning and cleanup of an area that has been blown down. Astoria's forests average about 30,000 board feet per acre. He displayed a map and explained which portion of the land would be thinned and which portion contained the blow down. The blow down area is about 15

acres and 40 acres would be clear cut. About 10,000 board feet would be removed for thinning, which is about one-third of the total. The total amount, about 27,000 board feet per acre, would be removed from the blow down area. A considerable amount of the timber is Douglas fir, which brings \$380 per 1,000 board feet. He estimated the average sale price would be about \$350 per 1,000 board feet. The road improvements on Spur 11B will cost about \$30,000 and will minimize the impact on the water quality in the future.

Councilor Price said at a couple of presentations in 2014, she heard Mr. Barnes state the City holds itself to 850,000 board feet per year. Mr. Barnes confirmed that was the City's average harvest, but this harvest would be slightly less.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price to approve the sale of the Spur 11 Combo Harvest to Hampton Tree Farms. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 8(h): Letter of Support regarding Bruce Buckmaster's Appointment to the Oregon Department of Fish and Wildlife Commission (City Council)

Oregon Governor Kate Brown has announced the appointment of Astoria resident Bruce Buckmaster to a long-vacant seat on the Oregon Fish and Wildlife Commission. Councilor Price has requested that a letter of support regarding his appointment be considered by the City Council. Included in the agenda packet is a draft letter of support for Mr. Buckmaster. It is proposed that this letter be forwarded to Oregon State Senate President Peter Courtney and Senator Diane Rosenbaum, Chair of the Rules Committee, for the May 14, 2015 hearing on Governor Brown's executive appointees, should Council authorize the Mayor to sign.

Mayor LaMear said she was delighted that Councilor Price suggested the letter of support. Clatsop County has not had a representative on the Oregon Department of Fish and Wildlife Commission and there has been a concerted effort to keep a Clatsop County representative off of the commission. Therefore, this is a very important appointment. City Council hopes the Governor and others will support the appointment.

Councilor Price added that Bruce Buckmaster is a very thoughtful moderate, an avid sports fisher, and is well versed in the local gill netting issues. She believed he would try to find a way to make gill netters and sports fishers happier. Currently, only the sports fishers are happy and Mr. Buckmaster is under a lot of attack by large sports fishing contingents. She believed personal letters of support would also be welcomed.

Councilor Herzig said he would respectfully abstain from voting because he did not know Mr. Buckmaster.

Mayor LaMear called for public comments. There were none.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to authorize Mayor LaMear to sign the letter of support regarding Bruce Buckmaster's appointment to the Oregon Department of Fish and Wildlife Commission and forward the letter to Oregon State Senate President Peter Courtney and Senator Diane Rosenbaum. Motion carried 3 to 0 to 2. Ayes: Councilors Price, Warr, and Mayor LaMear; Nays: None. Abstentions: Councilors Herzig and Nemlowill.

Councilor Nemlowill explained her abstention was not because she did not support the letter. However, she did not have all of the facts.

Item 8(i): City Council Goals for FY2015-2016

The City Council held a work session on January 23, 2015 to set goals for Fiscal Year 2015-2016. From that work session, a list of Council goals was drafted. The draft goals were discussed at the Council meeting of February 17, 2015 and were posted on the City website. In addition, an article reviewing the goals was published in the January 26, 2015 edition of *The Daily Astorian*. A revised draft of the goals (following up from the April 20, 2015 Council Work Session on the Library) was posted on the City's website in advance of the May 4, 2015 Council meeting. This revised language is being presented for Council's consideration.

Councilor Herzig suggested adding the word commercial to the first goal, as follows: "Investigate location the Astoria Public Library as part of a mixed use residential/**commercial** development within Heritage Square to

facilitate redevelopment of this space." He wanted this change because Council discussed commercial occupants of the structure.

Councilor Nemlowill did not agree and Councilor Price said she did not recall that discussion. Councilor Herzig believed Council discussed retail on the ground floor. Since he was mistaken, he withdrew his suggestion.

Councilor Price said she was sorry Mr. Osborne left before hearing her comment. When Council created these goals in January, she had been to one City Council meeting as a new Councilor. Even though she had been attending City Council meetings for a year or two prior to that, she has learned some things since becoming a Councilor. Therefore, she has a different perspective about the goals now. She felt bad that she had not asked questions at the last work session about the library. She has received an earful from constituents throughout Astoria about their decision to abandon consideration of other options and consider Heritage Square without asking questions about things like the potential costs of considering Heritage Square and where the money would come from. She questioned whether the citizens would support a \$2 million or \$3 million bond issue if the project came in at \$4.6 or \$5 million. Many people are very unhappy that she did not ask more questions and that Council is considering Heritage Square. Council is listening to the public's concerns and may just have to let Heritage Square play out with the hope that it works out well for everyone.

Mayor LaMear said this is exactly what Council has done by directing staff to consider the possibility of locating the public library at Heritage Square as part of a mixed use residential development. Council was not saying this would happen. Staff needed direction from Council and this goal gives that direction. There have been many roadblocks against using the Merwyn and redeveloping the existing library building. If there is opposition to building a new library at Heritage Square, she has heard just as much opposition to redeveloping the existing library building and using the Merwyn. This goal is an attempt to find out what is possible at Heritage Square.

Councilor Nemlowill said it had been awhile since the goals were discussed. She asked if Council had discussed a master plan or improvements to the western entrance to Astoria.

City Manager Estes said staff understood that Council wanted to improve the appearance of the western gateway to the city, the roundabout heading towards the bridge where Highway 101 heads north to Washington. The Parks Department has said this site is expensive to maintain. Improving the pedestrian experience and consolidating utility lines to improve their appearance would need to be part of a planning study. He had noted during the budget process that the Astor West Urban Renewal District includes a good portion of this area. If staff had an approved plan, the City could apply for grant funds that might be matched with Urban Renewal dollars. Oregon Department of Transportation (ODOT) requires plans to be in place and adopted by City Council before funding this type of project.

Councilor Nemlowill asked how this would coincide with the Transportation System Plan (TSP). She also wanted to know if the Façade Improvement Program of Urban Renewal funds would be included.

City Manager Estes explained that staff would look at the TSP to see if it specified improvements for this area. If so, those improvements would be incorporated into the plan. The Façade Improvement Program will be presented to Council this summer. Staff understood that over the years, City Council has wanted to improve the appearance of the area. Several years ago, a City Council Goal directed staff to start on the Façade Improvement Program. However, establishing the program is taking longer than expected because staff needs design guidelines, which would be created once Council approves the Bridge Vista Area of the Riverfront Vision Plan. The document that implements the Bridge Vista Area is 90 percent complete and will be presented to Council in the summer.

Councilor Nemlowill said the idea of a master plan was interesting. Mayor LaMear had been interested in Michelle Reeves' suggestion that Astoria already had a by-pass and once travelers get off of the Megler Bridge, the intersection at Highway 101 is not a very attractive site. She believed this led to the goal.

City Manager Estes added that portions of the Downtown Masterplan could be factored in to this effort.

Councilor Nemlowill said it was interesting that the Riverfront Vision Plan was already impacting other aspects of the City. She suggested a master plan for the portion of Uniontown north of Marine Drive.

City Manager Estes explained the Riverfront Vision Plan was a multifaceted plan, which included trail improvements that have been implemented since the plan was adopted. The plan has been used to receive grant funds to expand the river trail. Staff has been working on Code amendments for the last year, but other aspects of the plan, like the feel of a district, can be implemented through a master plan. The master plan for the western entrance will consider design concepts, simulations of what the area could look like, the amount of right-of-way in the area, and how much room would be available for improvements. The master plan will not include construction documents, but will set the tone and vision of the project.

Councilor Nemlowill asked what boundaries would define the western entrance in the master plan.

City Manager Estes recommended the western entrance include the roundabout and extend to the Doughboy at the Holiday Inn Express. However, City Council could amend this.

Councilor Herzig noted the last goal was to hold an emergency preparedness presentation. On May 5th, the County is hosting a presentation on the tsunami overlay, which conflicts with Astoria's meet and greet with the Community Development Director applicants. However, he believed it was important to stay connected with the County and their emergency preparedness efforts. On May 6th, from 5:00 pm to 6:30 pm at the library, a speaker will give a tsunami preparedness presentation. The citizens of Astoria should start educating themselves because the City is playing catch-up on emergency preparedness. He read the fourth goal to improve the safety and efficiency of the transportation system. He believed the City should be willing to recognize issues brought forward by pedestrians and acknowledge that pedestrians have legitimate problems. The intersection of 8th and Irving keeps getting mentioned by pedestrians and drivers, but staff says this intersection is not a problem. If the City is going to start fixing pedestrian problems, staff and Council must start listening to the public. He hoped this would be incorporated into the subtext of this goal.

City Manager Estes said the Public Works Department has been working with Chris Majeski of DKS Associates, who helped develop the TSP. Mr. Majeski and staff met at the intersection of 8th and Irving last week to discuss the issues at that intersection. Mr. Majeski will conduct an analysis, which staff will present to City Council over the next month or so.

Councilor Herzig thanked City Manager Estes for the update. He hoped the people who spoke to staff about the intersection would be directly informed because they felt blown off by the reception they received at City Hall.

City Council directed staff to present the City Council Goals for adoption at the next City Council meeting.

Item 8(j): City Council Rules

The Council will discuss City Council Rules following up from the last meeting. Included in the packet is a revised draft that incorporates the changes mentioned by City Attorney Henningsgaard at your last meeting.

City Councilor Herzig has proposed the following amendments:

- Delete 'with leave of the chair' from: 7.2 Public Comment Concerning Agenda Items - *With leave of the chair*, members of the general public wishing to address the Council on an agenda item will be allowed to do so, after any presentation by staff and prior to a decision by the Council.
- To 7.3, add 'Presentations to the Council shall be limited to a period of no more than fifteen (15) minutes, unless additional time is granted by the Presiding Officer.'

Additionally, Councilor Price has prepared a revised version of Council Rules for consideration. That document follows City Attorney Henningsgaard's version .

Following discussion at the May 4th Council meeting, staff will receive direction as to whether further changes are requested and whether the Council wishes to approve the rules.

Mayor LaMear explained that Forest Grove's rules were used as a template. The document has been reduced from 22 pages to 8 pages. After City Attorney Henningsgaard reviewed the rules to make sure they did not contradict Astoria's charter, Councilor Price developed another version of the rules. Council needs to review both sets of rules. She believed the notes in the margins of Councilor Price's version were very helpful. The only

portion of Councilor Price's version that she had issues with was Section 6. She asked if any of the other Councilors had problems with Sections 1 through 4 of Councilor Price's version of the rules.

Councilor Herzig said he was surprised to see the agenda for this meeting reshaped according to some of Council's discussions, but without any Council vote. This seemed to short circuit Council's discussions and disrespect the process that Council would agree on changes to the agenda. He believed changing the agenda would be agreed upon by Council before being implemented. He wanted to know what other changes the Mayor intended to implement.

Mayor LaMear stated she did not intend to implement any changes, this would be up to the Council. She changed the agenda because it seemed to be the consensus of Council at the last meeting to try a different order of items on the agenda. She was not trying to usurp anyone's authority.

Councilor Herzig thanked Mayor LaMear and said he believed Reports of Councilors should remain at the beginning of the meeting. The public should get to hear what Councilors are doing and more of the public is present at the start of the meeting. He did not believe the reports took much time and they are a valuable communication to the public. The reports should be prioritized so that people do not have to wait until the end of the meeting. He was not in consensus with moving Reports of Councilors to the end of the meeting and would like them to remain at the beginning of the agenda.

Mayor LaMear said if people from out of town come to speak on agenda items, allowing non-agenda comments at the beginning would require them to sit through the entire meeting before speaking, causing them to get home late in the evening.

Councilor Nemlowill did not like the process of reviewing two different documents, which is tedious and confusing. She believed reviewing these documents at a work session would be more appropriate. If they must be reviewed at a City Council meeting, she would prefer to review one document. However, the rules are to support the Mayor, who runs the meetings, and she would be happy to do as the Mayor wishes.

Councilor Price said she used the document created by City Attorney Henningsgaard and just added to it.

Councilor Warr believed the intent of Councilor Price's version was completely different from City Attorney Henningsgaard's version.

Councilor Herzig agreed with Councilor Nemlowill that it is difficult to review the documents without having them side by side. He did not print them because he wanted to save paper. He clarified that he was not proposing the non-agenda public comments be moved away from the start of the meeting. He agreed non-agenda public comments should be at the start along with the Councilor reports. Looking at two different versions of Council Rules with many redactions and lines is problematic in this form.

City Manager Estes suggested Council review Councilor Price's document since she used the version created by City Attorney Henningsgaard. Where sections were deleted, Council could refer back to what City Attorney Henningsgaard proposed. He added that Councilor Herzig proposed two changes, which are both addressed in Councilor Price's version.

Councilor Warr said City Council got along well for 204 years without formal rules. The City has spent a great deal of time on these rules and Council is not close to making a decision. He believed Astoria could continue on for another 200 years without rules and do just fine. However, he believed the two versions were so divergent that they should be discussed at a work session.

Mayor LaMear agreed that this issue was too big to discuss at this meeting. There are quite a few major differences between the two sets of rules and she agreed the rules be discussed at a work session.

Councilor Price said she had been asked several times by constituents how to get an item on the agenda. The charter does not make any reference to how an item can be added to the agenda and leaves it up to the Mayor's discretion. She agreed with Councilor Warr that Astoria did very well for so many years without rules. If City Council is going to adopt rules, Council should be very careful with them and add how an item is added to the

agenda. Astoria may not always have such a benevolent presiding officer as it does now. She believed Council should either forgo the rules altogether or spend a lot of time on them.

Mayor LaMear believed Astoria needed City Council Rules. Most cities in Oregon have City Council rules and the League of Oregon Cities refers to these rules. For example, appointments to City boards and commissions are either made by the Mayor or by the Mayor and Council according to City Council rules. There are certain things Council should be conforming to. It is nice that Astoria has gotten along with rules for 200 years, but that does not mean Council should get along without them in the future. She also believed another work session was necessary because Council needs to discuss these issues.

NEW BUSINESS & MISCELLANEOUS

REPORTS OF COUNCILORS

Item 11(a): Councilor Nemlowill had no reports.

Item 11(b): Councilor Herzig reported that the last event in support of Sexual Assault Awareness Month in April was a rally and walk through Downtown Astoria. He thanked Director Cosby and the Parks and Recreation staff for lighting the Column teal for the month of April. Next year, the lighting will be LED lighting.

Item 11(c): Councilor Warr reported earlier that day he attended the Maritime Memorial Committee meeting. It has been since 17 years since the rates were adjusted at the memorial and the Committee is very interested in raising the rates. Director Cosby is working on the specific proposals made by the Committee. The Committee would like a decision on rate increases soon because in June they begin to receive applications for the next year's engraving.

Director Cosby said she hoped to present the Committee's proposal to Council at the next City Council meeting.

Item 11(d): Councilor Price had no reports.

Item 11(e): Mayor LaMear reported she attended a dinner as part of the Maori Celebration. Six Maori artists are in Astoria for the event. The opening reception will be on Thursday, May 14th at Clatsop Community College Performing Arts Center. She encouraged everyone to attend. The event took a lot of organization and she believed it would be a very successful week. Budget meetings were held April 27th through 29th for two hours each night. Another budget meeting is scheduled for Thursday, May 7th. The City is taking a meticulous look at the budget and hope to have it completed this week.

City Council recessed to convene the Astoria Development Commission meeting at 8:50 pm.

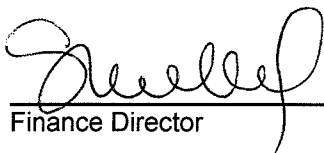
EXECUTIVE SESSION

Item 12(a): ORS192.660(2)(e) – Real Property Transactions

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:03 pm.

ATTEST:



Finance Director

APPROVED:



City Manager