

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:16 pm.

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

Councilors Excused: None

Staff Present: City Manager Estes, Community Development Director Cronin, Planner Ferber, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, Police Chief Johnston, Public Works Director Cook, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

PUBLIC COMMENTS ON AFFORDABLE HOUSING

This item was added to the agenda during the Work Session.

Mayor LaMear announced that because the Affordable Housing Work Session went so long, there was no time for citizen input, so City Council agreed to take citizen input on affordable housing at this time. She called anyone interested to come forward.

Jennifer Cameron-Lattek said she and her husband own Street 14 Café on 14th and Commercial. She thanked Council for addressing housing issues, and encouraged Council to continue the conversation. The tourism industry in Astoria is growing right now and that means lower wage jobs. Her staff has problems finding affordable housing. She did not have the answer, but was excited to hear ideas and see the community figure out a solution. She pays her employees as much as she can and appreciates the tips her employees receive. However, paying as much as possible sometimes means she must charge higher prices for products. When prices go up, the community is then paying for good wages. She wanted everyone to recognize that part of the reality, too.

Mayor LaMear confirmed there were no further comments and convened the Astoria City Council meeting.

Mayor LaMear called for a moment of silence for all of the recent killings across the country.

REPORTS OF COUNCILORS

Item 3(a): Councilor Warr had no reports.

Item 3(b): Councilor Price reported that over the last several weeks she struggled with the events in Baton Rouge, Dallas, Nice, and Saint Paul. She was grateful to find grace in conversations with family, friends, and colleagues. She thanked those who step up, take part in the community, and find commonality among diverse views. She also thanked Chief Johnston for having a social media presence that speaks to the community.

Item 3(c): Councilor Herzig had no reports.

Item 3(d): Councilor Nemlowill reported that on her way to the Council meeting, she saw many people assembled at the Garden of Surging Waves. She wondered if they were participating in a protest or rally, but learned they were playing Pokémon Go.

Item 3(e): Mayor LaMear announced her appointment of Michelle Tompkins to the Parks and Recreation Board. Ms. Tompkins has extensive experience in library, recreation, and parks management and administration.

Mayor LaMear read the following statement:

“These days, I think all of us dread picking up a newspaper or turning on a news broadcast to find out that there has been another mass killing and an ever increasing number of victims of gun violence. The horror, sadness, fears, and feeling of helplessness is a human reaction to what seems incomprehensible. It doesn't matter if you are for gun rights or for stricter gun control. As human beings, we share these feelings of horror, sadness, fear, and helplessness. Would a gun resolution make any difference? Do letters to the editor and posts on social media help address the problem? I don't know. But, I do know that I must do something. We must do something to put a stop to this madness. I've written a letter to our congressional delegation, which I am planning to post as a large ad in the *Daily Astorian*. I'm paying for this as a private citizen. If you would like to sign the letter, I have sheets for you to sign, giving permission to add your name to the letter to be published in the *Daily Astorian*.

Here is the letter:

Honorable Governor Kate Brown, Senators Ron Wyden and Jeff Merkley, Congressional Representatives Suzanne Bonamici, Greg Walden, Earl Blumenauer, Peter DeFazio, and Kurt Schrader,

The City of Astoria joins with other communities in mourning the losses from mass killings around our country, but thoughts and prayers are no longer enough. We must act to put an end to this madness that is eroding our sense of safety, our sense of community, and our sense of pride in being an American.

The Astorians and those from neighboring communities who have signed this letter support the rights of individuals to own firearms for hunting and for their own protection, but urge you to work diligently to ban high capacity magazines and assault weapons. Make it illegal for someone on a no-fly list to obtain a weapon. Approve universal background checks and make funding for mental health services a national priority.

Thank you for all your efforts to make our communities and our State a safe place to live and raise our children and grandchildren.

Sincerely,
Arlene LaMear, Mayor
City of Astoria

Councilor Herzig thanked Mayor LaMear for making such a brave statement.

CHANGES TO AGENDA

The agenda was approved with the addition of Public Comments on Affordable Housing, Item 7(f): McClure Park Grant Resolution, and Item 7(g): Authorization to Submit Request for Qualifications for Building Code and Code Enforcement Services.

PROCLAMATIONS

Item 5(a): 90th Anniversary and Rededication of the Doughboy Monument

Mayor LaMear read the proclamation declaring July 21, 2016 as the 90th Anniversary of the Doughboy Monument. She noted that the Astoria Column was also celebrating its 90th birthday this year.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 6/20/16
- 6(b) Boards and Commission Minutes
 - (1) Library Board Meeting of 5/24/16
- 6(c) 2016-2017 Ready to Read Grant Application (Library)
- 6(d) Promote Astoria Funds – Agreement for Professional Services with Astoria/Warrenton Chamber of Commerce (Finance)**
- 6(e) Promote Astoria Funds – Agreement for Professional Services with Astoria Downtown Historic District Association (ADHDA)**

- 6(f) Authorization to Light the Astoria Column a Pink Hue for the Month of October in Recognition of Breast Cancer Awareness Month (Parks)

Councilor Herzig requested Items 6(d) and (e) be removed for further discussion.

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

Councilor Herzig stated that in both Items 6(d) and (e), the City's Professional Services Agreement was utilized which included the City's mandatory non-discrimination. He corrected a typo in the phrase "gender ~~identity~~ **identity**/expression" and asked that the phrase should be changed to the more common usage, "gender identity **and** expression." This would make the phrase compliant with normal usage and easier to transcribe.

City Manager Estes clarified a vote of the City Council would be required to take that action as a Regular Agenda Item. When the policy was created, there was a lot of discussion about the language that should be used. Staff can add the topic to a future City Council agenda.

Councilor Herzig requested that Item 7(h): Edits to the City's Agreement for Professional Services Non-discrimination Clause be added to tonight's Regular Agenda Items, since it would not take much time.

Mayor LaMear confirmed there was no reason not to address the language tonight and agreed to add the item to the agenda.

Item 6(d): Promote Astoria Funds – Agreement for Professional Services with Astoria/Warrenton Chamber of Commerce (Finance)

Councilor Herzig said Promote Astoria Funds going to the Chamber of Commerce was one of the most controversial topics. Many Budget Committee members did not believe the Chamber fully complied with its contract with the City. Therefore, he wanted the Council to have to take a public vote on the agreement.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Nemlowill, to accept Item 6(d) on the Consent Calendar. Motion carried 4 to 1. Ayes: Councilors Price, Warr, Nemlowill, and Mayor LaMear; Nays: Councilor Herzig.

Item 6(e): Promote Astoria Funds – Agreement for Professional Services with Astoria Downtown Historic District Association (ADHDA)

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price, to approve Item 6(e) on the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

Item 7(a): Ordinance Adopting Astoria Comprehensive Plan Amendment A16-03 to include the Parks and Recreation Comprehensive Master Plan (2nd Reading and Adoption) (Parks)

This proposed ordinance received its first reading at the July 5, 2016 Council meeting. The ordinance amends Comprehensive Plan Section CP.028.J pertaining to Background Plans and Studies and Comprehensive Plan Section CP.275.25 pertaining to Parks, Recreation, and Open Space Element. It is recommended that Council conduct a second reading and adopt the ordinance.

City Manager Estes noted the proposed ordinance was recommended by the Parks and Recreation Citizen Advisory Committee and Advisory Board, as well as the Astoria Planning Commission.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price, to conduct the second reading of the ordinance amending the Astoria Comprehensive Plan to include the Parks and Recreation

Comprehensive Master Plan. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Director Brooks conducted the second reading of the ordinance.

Councilor Herzig said Astoria really needs this Master Plan. However, many citizens are concerned about the potential sale of City park properties. The citizens must be vigilant about ensuring complete transparency if park sales move forward because a lot of work went into the Master Plan and adopting the Plan cannot be postponed just for that one concern.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill, to adopt the Ordinance with the Findings and Conclusions contained in the Staff report. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Mayor LaMear read the rules of appeal.

Item 7(b): Trestle and Track Inspection Maintenance – Contract Amendment #2 (Public Works)

The City of Astoria has approximately 4.7 miles of railroad track and eight timber trestles formerly owned and operated by Burlington Northern Railroad from the Port of Astoria to Tongue Point. The Astoria Riverfront Trolley currently operates on approximately 3 miles of this track, and over four of the trestles. Due to the age of the railroad infrastructure, required maintenance has increasing rapidly.

Trestles are inspected yearly to ensure safety. Last fiscal year Council authorized a comprehensive inspection contract with OBEC to provide information necessary to maintain proper Trolley operation and plan future funding allocation. OBEC has recently provided a report with the following recommendations:

Table 1 – Trolley Infrastructure Maintenance Summary**		
Location	Immediate Maintenance Needs	Annual Maintenance Needs
Trestles West of 39th Street (Active Trolley & River Trail)	\$276,000	\$233,000
Trestles East of 39th Street (River Trail & occasional service equipment)	\$293,000	\$243,000
Track Maintenance West of 39th Street	\$0	\$43,500
Totals =	\$569,000	\$519,500

**Costs shown in this table are based on information presented in Table 1 of the Special Inspection Report "Maintenance Needs and Associated Costs" and include contingency and design/construction engineering.

There are three options to consider when looking at balancing usability of the River Trail and Trolley with cost effective repairs.

1. No repairs are made. City continues funding minor repairs and inspection. This option is not recommended due to the negative effects on trolley operation and impacts to the infrastructure.
2. All immediate repairs be completed with plans to complete annual repairs. This option is not recommended due to cost.
3. A hybrid approach focusing available funding on maintaining structures and track west of 39th Street (active rail) and providing minimal repairs and frequent inspection to ensure safe operations. This is the recommended approach.

The hybrid approach would be completed prior to Trolley operations in 2017 at an estimated cost of \$319,500. Funding for immediate repairs is available in the Capital Improvement Fund; however, a more sustainable method of funding the on-going maintenance should be explored.

If Council wishes to pursue a hybrid repair approach, approval for a contingency task in OBEC's contact is needed for Trestle CAD Drawings. The estimated cost for this work is \$17,778 and is available in the Promote Astoria Fund.

Table 2 – Contract and Contingency Task Summary	
Task	Cost
Original Special Inspection Contract	\$37,067
Contingency Task 1 – 6th & 14th Street Park Inspection	\$9,963
Contingency Task 2 – Trestle CAD Drawings	\$17,778
Total =	\$64,808

It is recommended that City Council consider proceeding with a hybrid repair approach for the Trolley/River Trail trestles. It is also recommended that City Council authorize Contract Amendment #2 in the amount of \$17,778.

Assistant City Engineer Crater explained that OBEC recommended immediate repairs critical to keeping the trolley operational in 2017 and annual maintenance repairs needed over the next 10 years. The recommendations included planning level cost estimates, which were summarized in Table 1 of the memorandum. He reviewed the data in the table, the three options considered by Staff, and possible funding sources for both types of repairs. He understood that additional inspections would allow the City more time to complete the Street-Ends Repair Project, which originally had to be complete by August 1st.

Councilor Herzig asked if the hybrid approach would satisfy ODOT’s safety requirements for the trestles. Engineer Crater said yes and explained that ODOT does not actively regulate structures, so this is the City’s due diligence. Astoria has been given flexibility on the repairs and timeline on this project because it is not regulated by ODOT, but ODOT Rail will ask for a copy of the report. This hybrid approach will not impact funding for the Street-End Repair Project, which will begin prior to the Trestle Repair Project. Staff does not have solid information on such a large-scale trestle project, so the Street-End Repair project will help inform the annual maintenance repair costs. As the projects move forward, better information will help Staff target funding.

Councilor Price said the immediate repairs on the trestles could be completed before the trolley begins operating next year, so the work would be less disruptive than the Street-End Repair Project. She confirmed that Staff would look into sustainable funding and present their findings to Council. City Manager Estes added that Staff would discuss the necessary annual repairs with the Trolley Association and consider Promote Astoria Funds and other funding revenues.

Councilor Nemlowill believed it was interesting that ODOT inspected the street ends and waterfront bridges and said immediate repairs were necessary. The City conducted its own study on the trestles and also found that costly immediate repairs were necessary. The situation is unfortunate and ironic. She asked how much the annual projected maintenance costs exceeded the budget. Engineer Crater said the hybrid approach would be about \$276,000 annually. Currently, about \$100,000 has been budgeted for the trestles and track maintenance in the Promote Astoria Fund. Last year, the City spent a little more than \$100,000. He reminded that the annual maintenance costs were planning level estimates.

Councilor Nemlowill said during the budget hearings, Promote Astoria Funds were discussed the most. She believed the funds should be streamlined to uphold the Riverwalk and trolley. The Chamber and the Lower Columbia Tourism Committee do a great job, and visitor spending in Astoria is anticipated to be \$100 million this year. She was not suggesting that any money be taken from the Chamber or the Lower Columbia Tourism Committee, but she believed they should receive a percentage of lodging taxes. The City should streamline the fragmented funds and use the Promote Astoria Fund for Riverwalk maintenance, including the trestles, trash collection, and mowing.

City Manager Estes said if Council authorizes Staff to move forward with the computer-aided designs, firmer cost estimates could be developed and used to draft a proposal for the necessary work.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Nemlowill to authorize Contract Amendment #2 in the amount of \$17,778 with OBEC and approve the hybrid repair approach for the Trolley/River Trail trestles. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 7(c): Liquor License Application from Joshua Allison, dba Reach Break Brewing Located at 1343 Duane Street for a New Outlet for a Brewery Public House License (Finance)

A liquor license application by Joshua Allison doing business as Reach Break Brewing, located at 1343 Duane Street, Astoria. The application is for a New Outlet for a Brewery Public House License. The appropriate departments have reviewed the application and it is recommended that Council consider approval.

Councilor Price said tremendous improvements have been made to the property.

Councilor Nemlowill declared a potential conflict of interest, as her husband owns a brewery in the vicinity. She did not believe this was a direct conflict, so she would vote.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to approve the liquor license application has been filed by Joshua Allison for a Brewery Public House License. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 7(d): Liquor License Application from Charles Holboke, dba Charlie's Chop House Located at 1313 Marine Drive for a New Outlet for a Full On Premises Sales Commercial Establishment License (Finance)

A liquor license application has been filed by Charles Holboke, doing business as Charlie's Chop House, located at 1313 Marine Drive for a New Outlet for a Full On-Premises Sales Commercial Establishment License. The appropriate departments have reviewed the application and it is recommended that Council consider approval.

Councilor Herzig said on this and the last application, both Applicants made the same error. He did not believe the form was clear and hoped the Oregon Liquor Control Commission (OLCC) would clarify where to write the name of the business on the form.

Councilor Nemlowill declared a direct conflict of interest and said she would abstain from voting. The Applicant is a client of her husband's brewery, Fort George Brewery.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to approve the liquor license application by Charles Holboke for a New Outlet for a Full On-Premises Sales Commercial Establishment. Motion carried 4 to 0 to 1. Ayes: Councilors Price, Warr, Herzig, and Mayor LaMear; Nays: None; Abstentions: Councilor Nemlowill.

Item 7(e): Resolution Supporting the City of Astoria's "Coast Guard City" Recertification Application (City Council)

The City of Astoria was originally designated as a Coast Guard City on May 1, 2011. In order to retain this designation, every five years the City is required to submit an application for recertification as a Coast Guard City. The application will be reviewed by the Coast Guard City Board in September 2016 and, if approved, the City's status will be renewed for another five-year term. Jerry Ostermiller assembled the original application and is again assisting the City with this recertification process. It is recommended that Council adopt the resolution supporting the recertification application in order to retain its Coast Guard City status.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Herzig to adopt the resolution supporting the recertification application in order to retain its Coast Guard City status. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 7(f): McClure Park Grant Resolution

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

City Manager Estes noted a copy of the resolution was available at the dais.

Director Cosby said on May 2nd, City Council authorized Staff to apply for an Oregon Parks and Recreation Small Communities Planning Grant. The grant application requires a resolution and a 40 percent match. Grant funds will be used to help implement the first phases of the Park and Recreation Master Plan that Council just adopted.

Site plans for Shively Park and McClure Park will be developed. The 40 percent match would be \$16,000 cash from the Capital Improvement Fund and \$11,000 of in-kind Staff time.

Councilor Price said she has lived on 12th and Jerome for 20 years and did not know about the park for a long time. The neighborhood adopted the park and it became very prominent in the Parks Master Plan. It is a wonderful neighborhood park with views of the city and ship traffic.

City Council Action: Motion made by Councilor Price, seconded by Councilor Nemlowill to adopt the resolution authorizing staff to apply for grant funds to develop site plans at McClure Park and Shively Park and provide a 40 percent match as recommended by staff. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 7(g): Authorization to Submit Request for Qualifications (RFQ) for Building Code and Code Enforcement Services

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

City Manager Estes stated a memorandum was available at the dais and explained that the Community Development Department has been working to hire a new Code enforcement officer and building official. Staff conducted interviews last week and learned that none of the applicants would be able to serve the City in this capacity. A contractor could provide more consistent long-term services over time.

Director Cronin said on May 2nd, Council authorized a contract with the Building Department LLC, which expires at the end of July. This contract was meant to fulfill the City's needs until a building official/Code enforcement officer could be hired. Since none of the candidates will work for Astoria, he is requesting Council authorize a procurement process to hire a third-party consultant. The contractor could be hired for the interim so that the building official/Code enforcement position could remain open until filled. Right now, the market for building officials is very tight, so he planned to consider increasing the salary to make the position more competitive. If Council authorizes the RFQs, they would be due next week so that Council could consider the contract on August 1st and prevent a gap in services.

City Manager Estes added that the scope and services would include Code enforcement that is above and beyond what is being provided now. Currently, Community Development Staff have been dealing with Code enforcement, but Staff needs additional assistance.

Councilor Nemlowill asked if Staff explored other options, like working with the County building official and offering a separate Code enforcement position. She believed a building official would be more difficult to recruit because they need more education and experience. City Manager Estes replied the salary is the issue. The County's building official earns about \$25,000 to \$30,000 a year more than Astoria's salary range. Director Cronin added the County is interested in providing services to Astoria, as they were before. However, just like any other contractor, the County must provide the City with a competitive proposal.

Councilor Nemlowill believed it would be ideal to have one person on City Staff to provide the services. Astoria's businesses liked the County building official, so it might be worth charging more for building permits. City Manager Estes explained that if the County were not willing to provide the Code enforcement services, the City would need money from the General Fund to hire an enforcement officer.

Councilor Herzig asked if the motion before Council will give Staff the leeway to explore all the options.

City Manager Estes replied Staff was seeking authorization of the instruments of the Request for Qualifications. He confirmed no separate Council action would be needed if the City can work with the County and hire that person.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price to authorize staff to submit a Request for Qualifications for Building Code and Code Enforcement Services. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 7(h): Edits to the City's Agreement for Professional Services Non-discrimination Clause

This item was added to the agenda during Item 6: Consent Calendar.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price to amend the non-discrimination policy by changing the phrase "gender Identity/expression" to "gender *identity and* expression."

Councilor Nemlowill asked if the suggested change will result in any issues or is of concern. City Attorney Henningsgaard replied because it was the Council's policy, the language could state whatever the Council wanted. Councilor Nemlowill said she did not see the necessity of the change, but she would support it.

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

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)

Mayor LaMear read a letter from City Council that will be sent to the Friends of the Astoria Column thanking them for the restoration work completed last summer. She thanked Councilor Price for developing the letter and noted the Friends had put in a lot of time, money, and energy.

Veronica Montoya, 324 38th Street, Astoria, said she has been a resident for about three and a half years. She spends a lot of time out on the docks taking pictures of and documenting the sea lions daily. The tourism industry is growing and the tourists love the animals. However, the tourists do not love it when Pacific Marine Fisheries is trapping and branding the sea lions in Astoria's basin. Last year, they decapitated one of the sea lions in front of the cruise ship guests. She wanted to know how much the Port of Astoria made on renting the space so the Oregon Department of Fish and Wildlife can trap the sea lions in the middle of town. Between 30 and 50 animals are branded each day and the animals are distressed for several days afterwards. Residents from Alderbrook to the museum must listen to the animals crying in pain. It is not fair that half of the city must suffer because of the small amount of money the Port makes by renting out the little space. Having this in the heart of the city is not good. With the sea lions being such a big tourist attraction, she believed the Port should be encouraged to stop this practice in the middle of the city and allow the branding at the Bonneville Dam where the sea lions are trapped and killed. She has hours of video tape of the animals being quiet until Oregon Department of Fish and Wildlife shows up in the morning, scaring them off the docks and trying to fill their traps with animals to be branded. She understood this was a complex problem, but it is important for Astoria's guests to enjoy their visit.

Councilor Price wanted to know if the City has ever asked the Port about this issue. She has seen Ms. Montoya's videos, which are gut wrenching and horrible. However, the trapping and branding is done on Port property. The sea lions do a lot of damage to the Port's docks and prevent people from going to the Port. The Port is a tremendous asset in the middle of town, but it cannot be used, which is a tremendous waste. She is not willing to give up Port property for the sea lions, but asked if the City had talked to the Port about the possibility of moving the trapping and branding to another location, and how inconvenient or impossible that might be. City Manager Estes did not believe the topic was discussed at the joint City Council/Port Commission meeting.


Ms. Montoya said she has presented ideas to the Port Commission, including requesting a \$1 donation of each person who comes to see the sea lions. People would be more than willing to donate to the animals. In Astoria, up to 3,000 people come to see the sea lions each day.

Councilor Price did not believe the conversation should be continued at that time or that charging money to get the sea lions in and continue to make the East Mooring Basin unsuitable for boats is not the answer. She thanked Ms. Montoya for her comments and said she would discuss the matter with Staff after the meeting.

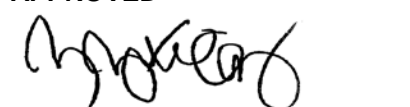
ADJOURNMENT

There being no further business, the meeting was adjourned at 8:17 pm.

ATTEST:


Secretary

APPROVED



City Manager