

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, Community Development Director Cronin, 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.

City Council proceeded to Item 4: Changes to the Agenda.

PUBLIC COMMENTS (NON-AGENDA)

This Item was addressed immediately following Item 4: Changes to the Agenda.

Mary Rose Lenore-Eng, 856 Harrison, Apt 3, Astoria, said she was a new resident in Astoria and was thankful for the opportunity to live in a beautiful city. She described her involvement with a head injury survivor she befriended, who was injured when he was 10 years old at Cape Disappointment and had been rescued by the Coast Guard. She discovered he had unmet needs and eventually found Independent Living Resources, a brain injury focused program. Every time she sees Coast Guard members, she thanks them for saving the man's life. The community owes the Coast Guard a lot of support because they are so significant to the community. Although the Multnomah Commissioners might passionately care about this man's struggles, when the Portland Police testified in court to beating him, the judge looked at him askance. However, the lack of formal resolution resulted because of inadequate civil representation for this man. Her struggle to support him was not in vain and this has been one of the most beautiful experiences in her life. She believed he deserves a chance, as does anyone with a severe disability. She noticed a difference in him after the Charleston Massacre. Many of his old symptoms returned, like hyper-excitability, agitation, fear of a new place, and fear of new challenges. She tried getting him into a clinic, a hospital, a lawyer, or a family member. She needs a break from all of the responsibilities. She was grateful for the Clatsop court system because she has gained a lot of strength through The Harbor. Now that she is in a romantic relationship with him, she was eligible for a restraining order that she received earlier that day. She described the incident that led to the restraining order, which occurred on July 3, 2015, when she and another caregiver were threatened with a golf club. These types of incidents have become increasingly severe. Her online research has indicated that people with brain injuries also suffer from traumatic encephalopathy, which creates a host of symptoms that sometimes get worse. This condition is near degenerative. The number of veterans returning with blast injuries to the head has led to an increase in research over the last 10 years. There is a lot of incentive to continue the research so that people can be helped. She has a lot of compassion for people with disabilities or unmet needs and hoped to be of service in Astoria. She thanked the community for their kindness and the Police Department for the way they have handled the sensitive situations she has been in with her friend. She hoped he would be able to recover.

Sean Fitzpatrick, 1046 Grand Avenue, Astoria, said he recently returned from a two-week vacation to an area he used to live in. While on vacation, he reminisced with others about his dealings with city staff, City Council, and the county when he lived there. He thanked Astoria staff and City Council for doing such a great job. Astoria has a great Council and very knowledgeable staff.

Chris Farrar, 3023 Harrison Avenue, Astoria, said every year, Astoria receives some loud and cacophonous visitors, the sea lions that occupy the docks and jetties in town. This year, the sea lions have attracted quite a bit of interest. Their numbers have been growing for about three decades for many reasons. He recently read two articles about the controversy surrounding the sea lions, the fear that they eat many salmon, their affect on the fishing and tourist industries, and their destructive behavior on the docks. They are destructive and large, but they are also comical and enjoyable. This makes them a great icon for a city. The articles pointed out that the sea lions provide economic value to the area by attracting tourism and provide value to the fishing industry by eating the weak and sick fish. Humans catch all types of fish in a net, which does not enhance the genetic

strength of the species. The sea lions cull the species and drive it to greater strength. The July 2nd edition of the *Daily Astorian* included statements from fishery managers from Washington and Oregon that indicated the summer salmon season has been extended on the Lower Columbia River by three weeks. A new daily catch limit has also been approved. The fish numbers are in great shape right now and the estuary is doing great. The problem in global warming, a lack of precipitation, a lack of snow, and the streams are getting warm enough to kill the salmon. The salmon may be lost to human activities, not sea lions. He mentioned an article on sea change in Astoria, published in the July 2015 edition of *Via*, the Oregon AAA magazine. The first sentence of the article discussed the sea lions that could be seen under a local bar and went on to describe why Astoria was so wonderful. Sea lions are part of the reason Astoria is wonderful and they are a great icon. Sea lions have been shot and letters to the editor suggest Astoria should get rid of the sea lions. He believed this was the wrong move and that the sea lions are an asset. The magazine article never would have been written if City Council had approved the slaughter of 200 sea lions on the dock.

Jean Reitman, 1212 Niagara, Astoria, said she has done a lot of work on the right-of-way adjacent to her property. She removed 120 cubic yards of blackberry roots to clear the property because it was a severe threat to her health and the plants on her property. She planned to make significant improvements to the area and had straw bales delivered to her home. While putting away the bales, she was approached by a City employee. The conversation resulted in 540 bales being confiscated and taken to an unknown location, supposedly because her bales were on the right-of-way and created a fire hazard. Neither of these was true and she was upset about the way she was greeted and spoken to by the City employee. Her greatest concern was the lack of due process. The whole experience has been the shock of her life. She gave a detailed account of the conversation with the City employee, as follows:

She said the conversation continued and got worse. There have been emails and articles about this in the newspaper. Her biggest concerns were the lack of due process and her constitutional rights. She grew up with the Women's Liberation Movement and has been fighting for equal rights her entire life. She has been a doctor for 35 years and has experienced all types of bureaucracies and difficult situations that she had to judge for herself. Many things went wrong here and she wanted this forum to serve as a last conciliatory opportunity to make the situation right. She needs cooperation, but has only received posturing up to this point. She wanted a resolution to the situation. If no resolution can be made, she has no choice but to pursue full litigation, which she does not want. She has never been sued or had to sue another person. Situations have never risen to this level before and she cannot believe this has happened in this beautiful town that she fell in love with. This has really torn her life upside down. She could not express the amount of upset, discomfort, and feeling of unease and unsafe in her own home that has come from this. Additionally, she has lost property that was destroyed. She pleaded with the City to work with her to resolve this in a cooperative fashion.

Mayor LaMear noted City Council was sent a photograph of the straw bales that were placed on the right-of-way on Niagara. The photograph was displayed for the audience.

Ms. Reitman said she had about 100 photographs.

Mayor LaMear explained the City received a complaint about the bales. Fire Chief Ames visited the site to look at the bales and determined that with the current weather and lack of rain, the bales were a fire hazard. He consulted with the State Fire Marshall, who concurred.

Chief Ames added that Mr. Crater suggested he visit the site to look at the bales. The same morning, staff received the fire weather forecast from the Oregon Department of Forestry (ODF) for the upcoming weekend of June 27-28. For the first time in quite a number of years, the entire state of Oregon, including the coastal strip, would be under red flag warnings that Saturday through Sunday for dry lightning, high temperatures, and very low humidity. After looking at the bales and considering the forecast, he determined they were a potential fire hazard because of their proximity to the street and sidewalk. He told Mr. Crater that in his opinion, the bales created a fire hazard. He also asked the ODF District Forester and Deputy State Fire Marshal Tad Pedersen for their opinions of the situation and they both agreed that in an urban setting and Astoria's history with large fires, this situation should not remain during the predicted weather.

Mayor LaMear said the straw bales were taken from the property and relocated to the stadium complex on Williamsport Road for storage. Director Cook added when he and Chief Ames met with Ms. Reitman, they told her where the bales were being stored. This was the first time he had heard about any abrupt statements and noted such behavior was not characteristic of that employee. The Public Works Department is to treat everyone

fairly and in a consistent way. Plans for the activity on the right-of-way were never given to the Public Works Department, so staff did not have the opportunity to work with Ms. Reitman to discuss issues with the right-of-way and permitting prior to having nine tons of hay delivered. During the meeting with Ms. Reitman, he and Chief Ames attempted to work out a plan. Ms. Reitman had agreed to a plan, and then the next morning, she sent him an email that said she wanted to modify the plan and she was going to do something different. However, staff was unable to accept her modifications to the plan.

Mayor LaMear asked for details of the plan the three of them had originally agreed upon. Director Cook said Ms. Reitman agreed to give staff written information about what she planned to do with the hundreds of bales, which included placing them on a hillside. He had explained that staff could review a written plan to see if that it was not going to be a threat to the hillside or cause any issues, staff would make regular deliveries of small quantities of bales from the sports complex as Ms. Reitman used them. Chief Ames confirmed this was the agreed upon plan.

Mayor LaMear added that small quantities meant 10 to 12 bales and Ms. Reitman disagreed with staff's understanding of the plan they agreed to. It is difficult to determine the facts in this he said/she said situation. She had full confidence in City staff and Chief Ames made the right call upon determining the bales were a fire hazard. This situation is very unfortunate. If the plan had been given to the Public Works Department and staff had an opportunity to review the plan first, none of this would have happened.

Ms. Reitman said she had no idea this issue would be discussed at this time. Every word of her account of what happened was true and she did not appreciate being questioned about her integrity or honesty. The agreement was made during a very nice conversation on the property. During the conversation, she had gone into considerable detail to educate staff because staff was uninformed about what straw bales are used for, what their actual combustibility quotient is, how she had protected the bales, and that there was never any risk. She told staff she was willing to move the bales into the upper level of her garage and offered other options, but none were allowed. In addition to weatherproofing the bales, the bales were beyond the standard of any fire hazard. Staff only consulted with people they knew would agree with them instead of consulting with bale experts. She made it very clear during her conversation with staff that there was no more time under this project for any approval process. She had already attempted at least 100 times to call various departments that staff is now accusing her of not calling. She was never able to get a hold of anyone. She has told City Manager Estes that the only people willing to speak to her were the Master Gardener's Association who said they had a direct link to the City Engineer. A month later, she was told the association had done all it could, no one was available to assist, and Ms. Reitman was out of their jurisdiction. Upon calling any phone number about this situation, she is told she is out of their jurisdiction. Her plan does not require any permits. This was discussed thoroughly and she, Chief Ames, and Director Cook agreed that she was just adding earth to the bank. No disruption to any other aspect of the property or potential damage would be done. They agreed she would submit a write-up, not for approval, just as a formality, and Jeff Harrington would be in charge of the project. She did not know who Mr. Harrington was or if he existed. Subsequent to this decision, there was no compromising. The bales could have been covered like at any other construction site in the City. There was no need to remove the bales, even if they were a fire risk. A number of other things could have been done, other than this extreme rash measure. She was never told where the bales were being stored or allowed to inspect what is perishable property that she had spent a huge amount of money on. She previously had bales delivered for a long period of time. City trucks go by hundreds of times a day and no one ever said a word to her until this situation occurred. Even if the bales were a serious hazard and had to be removed, they could not be moved in the five hours she was given. Even City staff was not able to move the bales in eight hours. It makes no sense to put a logistical impossibility on a resident, to speak to someone the way staff spoke to her, and to be deprived of all due process. Requiring an action of someone must be done through due process. She would not be here otherwise. She and the City are at an impasse on this issue. The bales are ruined after staff kept them outside unprotected. The bales that were left were placed in a bin that she rented. She showed photographs of the bales left in the bin. She had rented the bin from Recology to fill with blackberry roots, not straw. However, staff filled the bin with straw and left the bin on the property. That truly was a fire risk that she did not cause. The entire situation does not make sense.

Mayor LaMear thanked her for speaking and said she hoped they could come to a resolution.

Councilor Herzig wanted to know the location of the property line and the right-of-way. Director Cook said the right-of-way on Niagara Avenue is one of the widest at 100 feet wide. The right-of-way extends almost 27 to 30 feet behind the sidewalk; however, he was unsure why plans were to widen the street by that much. He confirmed for Councilor Herzig that all of the hay was stored on the City's right-of-way.

Councilor Herzig asked if other alternatives to confiscation were explored. City Manager Estes said Ms. Reitman was given notice of a deadline that could have been extended by one day if she had submitted a plan. Chief Ames added that when he learned of the letter that was delivered to Ms. Reitman, he believed the large volume of bales would be difficult to move by the deadline. Therefore, he suggested the deadline be extended until noon on that Saturday. Mr. Crater agreed to the deadline extension as long as Ms. Reitman had a plan in place to move the bales. He later learned that she did not have a plan for removing the bales by noon on Saturday, so staff decided it would be best to move the bales as initially intended. Covering the bales would not have reduced the volume of fuel sitting in an urban neighborhood, nor would it reduce the chances of a passerby accidentally throwing a cigarette on to the property and starting a fire. The bales could have been wetted down, but the straw would build up heat as it compressed. The contractor who removed the bales found the bottom layer had already compressed and built up so much heat that it was too hot to touch. A machine was necessary to move the bottom layer. Because of the predicted forecast, he still believed staff made the right decision to move the bales to a safe location. There is nothing wrong with the straw because there has been no rain since the bales were moved. The bales were stored out in the air, just as they would have been on Ms. Reitman's property or in the right-of-way. The straw is still useable and remains undamaged. If a plan comes up, he was sure the straw could be used appropriately. He confirmed for Councilor Warr that there were no plants under the straw at the stadium.

Ms. Reitman showed a photograph of what was left in the bin after the bales were removed. She did not believe anything had been accomplished. She had explained in her write-up that the bales had to be sanitized because they should not have been exposed to air, weeds, rain, or pollen for the purposes of her project. Therefore, the bales are no longer useable for the purposes she intended.

Councilor Price said this was a complicated issue and she trusted staff to come up with a reasonable solution. While straw is a great weed abater, the only thing that will kill blackberries is a giant application of Roundup. She was concerned about the combustibility of the bales, even as they sit at the sports complex. One of the reasons bales are covered is to prevent water from creating compression and heat. Chief Ames believed the bales were placed in the rock quarry area with nothing around them.

Councilor Warr referred to the photograph of the bales on Ms. Reitman's property and noted they were not covered or protected.

Ms. Reitman said she was in the process of covering the bales when Mr. Crater arrived. She was putting on industrial strength weatherproofing that is above and beyond any industrial tarps in the country.

Councilor Warr asked if the bales had never been in the air or on the ground.

Ms. Reitman clarified that she meant they were high grade. The bales had just been delivered. Straw bale walls are more fire resistant than a stick-built home because there is a lack of oxygen in compressed bales. Straw bales do not have the same combustibility as hay or loose straw. The purpose of her project was to create a weed and pesticide free fertile bank that could be landscaped. She had a full plan that she researched for seven months. She found it difficult to explain her requisite knowledge to people who wanted the bales removed because of their own concerns. She did not have a plan in place by 2:00 pm. It would be fine if the bales were used for a hayride, but once they are exposed to pollen, weeds, and air, so they had already become seeded with weeds.

Councilor Warr said he baled a lot of straw on a farm when he was young. He explained the process of cutting the grain, allowing the straw to dry as it lays on the ground, and baling it all out in the air and exposed to the climatic elements that occur during the process. He asked how the bales were sanitized.

Ms. Reitman said the bales were protected from the time they baled for the purposes of natural building. They do not need to be stored inside as long as they are tarped properly. The bales cannot be exposed to rain and it rained the last two nights. She has been writing letters and emails during every point in this process to update and inform in an effort to prevent this situation. Until today, she was never allowed to know where the bales were stored. She has never received any legal documentation stating what was done and why it was done.

Councilor Warr asked Ms. Reitman to send him some data via email. He wanted to understand how straw gets sanitized, protected from the elements, if it is ever exposed to the elements again, and how it is ruined.

City Council proceeded to Item 5: Consent Calendar.

CHANGES TO AGENDA

This Item was addressed immediately following Item 2: Roll Call.

City Manager Estes requested the addition of Regular Agenda Item 6(n): Ladder Truck Repairs (Fire). The Agenda was approved with changes.

City Council returned to Item 3: Public Comments.

CONSENT CALENDAR

This item was addressed immediately following Item 3: Public Comments.

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 6/1/15
- 5(b) City Council Special Meeting Minutes of 6/4/15
- 5(c) Boards and Commissions Minutes
 - (1) Library Board Meeting of 5/26/15
 - (2) Parks Board Meeting of 4/22/15
 - (3) Parks Board Meeting of 5/27/15
- 5(d) Project Status Update for Library
- 5(e) Project Status Update for Parks Department
- 5(f) Project Status Update for Public Works**
- 5(g) Renewal of Contract for Professional Services with ABC Transcription (City Manager)
- 5(h) Annual Review of Memorandum of Understanding between the City of Astoria and US Coast Guard for Fire Services (Fire)
- 5(i) Fee Agreement with Propel Insurance (Finance)
- 5(j) Recology Rate Review for Year End December 31, 2014 for Solid Waste Collection and Transfer Station Activities (Finance)
- 5(k) Authorization to Approve Intergovernmental Agreement with Benton County for Street Striping (Public Works)**
- 5(l) Authorization to Award Crack Sealing Contract (Public Works)

Councilor Warr asked how staff determines what is approved on the Consent Calendar and what is approved as part of the Regular Agenda. City Manager Estes explained that items that have been previously discussed and renewals of existing contracts are placed on the Consent Calendar. Items are proposed for the Consent Calendar when the agenda is approved by the Mayor, but can be moved to the Regular Agenda.

Councilor Warr asked if the contract with Propel Insurance was executed by the former Finance Director. City Manager Estes confirmed Mark Carlson had negotiated the contract before he left in February 2014, which was presented to Council in the summer of 2014.

Mayor LaMear requested the removal of Item 5(f) and Councilor Herzig requested the removal of Item 5(k) for further discussion.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Herzig, to approve Items 5(a), (b), (c), (d), (e), (g), (h), (i), (j), and (l) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 5(f): Project Status Update for Public Works

Mayor LaMear said the Project Status Update reports are available on the City's website. The reports are a great way to find out what is going on in the Public Works, Library, and Parks and Recreation Departments. She referred to Page 2 of the report, which noted staff was seeking funding for rapid flashing beacons (RFBs) and asked if Oregon Department of Transportation (ODOT) would be providing the funding. Director Cook said the City recently received a grant for the installation of street lights at Safeway to light up the pedestrian crossings at

the intersection. Staff has submitted a request for funds for the RFBs, so the City has been placed in a queue and is waiting for funds to become available.

Mayor LaMear asked if the funds being sought for a portable speed reader were grant funds. Director Cook said most likely, funds for a portable speed reader would not be available in a grant. The cost is not great, so the Capital Improvement Fund could cover the cost.

Councilor Herzig said ODOT would loan out the portable speed readers for free, but ODOT must place them. He believed the loan was for two weeks and could possibly be extended. A couple of years ago, he mentioned to the Traffic Safety Committee that it might be better to borrow the speed reader to find out if they are effective before spending City money on them. He asked for a report on the details of the traffic calming measures being implemented in the Coast Guard Housing. He believed it was important for City Council to be fully informed, as Astoria is a Coast Guard City and this issue has continued for about eight years. He requested a full report be given in August. Director Cook noted that the City Engineer intended to write a staff report to present to City Council prior to implementing any improvements.

Item 5(k): Authorization to Approve Intergovernmental Agreement with Benton County for Street Striping (Public Works)

Director Cook confirmed for Councilor Herzig that the striping would not be done by the same group that did the striping after the CSO Project on 8th and Niagara.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Warr, to approve Item 5(k) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

Item 6(a): Award of Contract to Repair and Upgrade the HVAC System at the Astoria Aquatic Center (Parks)

The heating, ventilating, and air conditioning (HVAC) system at the Astoria Aquatic Center, which controls the facilities water temperatures, boilers, and humidity; is in need of repair and updates. The original system installed in 1997 operated on a Disk Operating System (DOS), which has grown out of date and the main computer system is on the verge of crashing. Over the past several years upgrades to convert the DOS system to a Windows Operating System have taken place as funds were available, approximately 80% of the system has been updated. Additionally, the two heating coils that assist in transferring water through the heat exchange and boiler efficiently have broken and are in need of replacement. Request for Quotes were published in *The Daily Astorian*, sent to individual contractors, and entered into an online database run by Contractor Plan Center, Inc., in Milwaukie, Oregon. This expense was included in the annual budget process and there are sufficient funds in the Capital Improvement Fund to cover this purchase. Staff received one bid as follows:

<u>Contractor</u>	<u>Amount</u>
P & L Johnson	\$42,500

It is recommended that Council award a contract with P&L Johnson in the amount of \$42,500 to repair and update the HVAC system at the Astoria Aquatic Center.

City Manager Estes noted this expense was included in the annual budget process and there were sufficient funds in the Capital Improvement Fund to cover the expense.

Councilor Herzig said he was always concerned when the City only receives one bid, but at least this bid came from a local contractor. He asked if there was any way to account for this. Director Cosby said P & L Johnson custom created the unit for the Aquatic Center, so they have in depth knowledge of the system. The project is so specific that other contractors would not be able to compete.

Mayor LaMear called for public comments on Regular Agenda Items 6(a) through (d). There were none.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Nemlowill, to award a contract with P&L Johnson in the amount of \$42,500 to repair and update the HVAC system at the Astoria Aquatic Center. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 6(b): Award of Contract to Resurface Lap Pool and Leisure Pool (Parks)

The Lap Pool and Leisure Pool are the main amenities within the Astoria Aquatic Center, located at 1997 Marine Drive, and are in need of resurfacing. The current plaster is worn thin and exposing the concrete pool floor in many locations. If not corrected, significant damage will be caused to the structure of the Lap Pool and Leisure Pool. Pool plaster has an estimated life span of 7-10 years before needing to be replaced. The current pool plaster is 18 years old, and the original plaster from the Astoria Aquatic Centers construction in 1997. Request for Quotes were published in *The Daily Astorian*, sent to individual contractors, and entered into an online database run by Contractor Plan Center, Inc. in Milwaukie, Oregon. Staff has received two bids for preparing and resurfacing the Lap Pool and Leisure Pool with a Krystalkrete, Krystal Blue, and Quartz finish. This expense was included in the annual budget process and there are sufficient funds in the Capital Improvement Fund to cover this purchase. The bids are as follows:

Contractor	Amount
Anderson Pool Works	\$77,564
Premier Pool and Spa	\$94,000

It is recommended that Council award a contract with Anderson Pool Works in the amount of \$77,564 to prepare and resurface the Lap Pool and Recreation Pool with a Krystalkrete, Krystal Blue, and Quartz finish.

City Manager Estes noted this expense was included in the annual budget process and there were sufficient funds in the Capital Improvement Fund to cover the expense.

Director Cosby confirmed for Councilor Herzig that staff does research on the companies to determine their credibility. For this contract, staff also visited a pool recently replastered by Anderson Pool Works.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Nemlowill, to award a contract with Anderson Pool Works in the amount of \$77,564 to prepare and resurface the Lap Pool and Recreation Pool with a Krystalkrete, Krystal Blue, and Quartz finish. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 6(c): Award of Contract to Install New Shower System at the Astoria Aquatic Center (Parks)

The shower systems in the men's, women's, and family locker rooms at the Astoria Aquatic Center are in need of replacement. The current showers are 18 years old and original to the facility's 1997 construction. Overtime the showers internal cartridges have worn thin making it challenging for patrons to turn the water pressure off after each use. This results in unused water left streaming from the showerhead. Additionally, the current hot water delivery system does not include a mixing valve; instead, it delivers only hot water to the showers placing patrons at risk of being scalded.

To correct this, staff proposes the shower fixtures be replaced with an externally mounted unit, mixing valve, temperature gauge to monitor the hot water supply, and metered valve that will automatically shut off after a few minutes to reduce water waste.

Request for Quotes were published in *The Daily Astorian*, sent to individual contractors, and entered into an online database run by Contractor Plan Center, Inc. in Milwaukie, Oregon. Staff has received two bids for; 10 Symmonds 1-903-60 shower unit, 5 Symmonds 1-903s fs ADA shower unit, 5 ADA slide bars with handheld shower Model T-600B-36-V-NE, 1 Powers 130 GPM Hydroguard model 433 1-25" Tempering valve with gauge. This expense was included in the annual budget process and there are sufficient funds in the Capital Improvement Fund to cover this purchase. The bids are as follows:

Contractor	Amount
Terry's Plumbing	\$21,500
J.P. Plumbing Co. Inc.	\$23,925

It is recommended that the City Council award a contract with Terry's Plumbing in the amount of \$21,500 to install a new shower system at the Astoria Aquatic Center.

City Manager Estes noted this expense was included in the annual budget process and there were sufficient funds in the Capital Improvement Fund to cover the expense.

Mayor LaMear said most of the complaints she hears about the Aquatic Center are about the showers.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price to award a contract with Terry's Plumbing in the amount of \$21,500 to install a new shower system at the Astoria Aquatic Center. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 6(d): Award of Contract to Install Energy Efficient Lighting Fixtures at the Astoria Aquatic Center (Parks)

The current lighting at the Astoria Aquatic Center is provided by High Intensity Discharge (HID) bulbs and fixtures which produces light from a capsule of gas. HID lighting bulbs produce 5% of their output when first ignited, requiring 10 minutes to reach full output. Additionally, if the power to the lamp is lost or turned off, the light must cool before it can be relit, causing a 15 minute lapse in light, which creates a safety concern in an Aquatic Center setting. With updates in technology since the HID lighting fixtures were installed during the facility's construction in 1997, higher quality lighting options are now available which will; eliminate the warm-up and cool-down requirement of HID fixtures and bulbs, provide increased lumens, decrease maintenance costs, and reduce energy consumption.

Request for Quotes were published in *The Daily Astorian*, sent to individual contractors, and entered into an online database run by Contractor Plan Center, Inc. in Milwaukie, Oregon. Staff has received three bids to install energy efficient LED lighting fixtures at the Astoria Aquatic Center. This expense was included in the annual budget process and there are sufficient funds in the Capital Improvement Fund to cover this purchase. The bids are as follows:

<u>Contractor</u>	<u>Project Cost</u>	<u>ETO Incentive</u>	<u>Total</u>	<u>Payback</u>	<u>Annual Savings</u>
Pacific Energy	\$73,733	\$22,315	\$51,418	4.71	\$8,728
North Coast Electric	\$76,985	\$17,278	\$59,707	9.5	\$6,268
Crescent Electric	\$127,134	N/A	\$127,134	N/A	N/A

It is recommended that the City Council award a contract with Pacific Energy Concepts in the amount of \$73,733 with an expected Energy Trust of Oregon Incentive of \$22,315 for an expected total of \$51,418 to install energy efficient LED lighting at the Astoria Aquatic Center.

City Manager Estes noted this project includes incentives from Energy Trust of Oregon (ETO), which are based on energy improvements made to the existing infrastructure. Pacific Energy Concepts is one of ETO's few Performance Plus Allies and is eligible for more energy reduction incentives from ETO than competitors who are not Performance Plus Allies.

Councilor Nemlowill commended Director Cosby for taking care of so much deferred maintenance at the Aquatic Center. The upgrades are no surprise and have been included in the budget.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Herzig to award a contract with Pacific Energy Concepts in the amount of \$73,733 with an expected Energy Trust of Oregon Incentive of \$22,315 for an expected total of \$51,418 to install energy efficient LED lighting at the Astoria Aquatic Center. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 6(e): Resolution Adopting Fiscal Year 2015-2016 Water Rate (Finance)

Item 6(f): Resolution Adopting Fiscal Year 2015-2016 Sewer and CSO Rate (Finance)

The Public Works Fund budget, approved by the Budget Committee on May 7, 2015 and adopted by the City Council on June 1, 2015, provides for increases in rates and fees for water and sewer services.

The rate adjustments are as follows:

- Water Rates----- increase of 2%
- Sewer Rates ----- increase of 2%
- Sewer Surcharge --- increase of 5 percentage points

Two resolutions have been prepared to implement the proposed rate changes. It is recommended that Council consider adopting separately the proposed Water and Sewer Resolutions implementing rate adjustments for Fiscal Year 2015-16.

City Manager Estes noted there were no water or sewer rate increases in the last fiscal year. The CSO surcharge increase is necessary to cover the debt incurred by the City constructing the mandated CSO Project to control sewage overflows into the Columbia River.

Councilor Herzig said the resolution implementing the water rate increase is 14 pages long and is filled with definitions. He asked if there was anything new in the resolution, noting that the citizens did not know about the changes and he wanted to make sure the City was not moving the goal post without their knowledge. He asked for details about the changes. Director Cook said there were no substantial changes and he could provide Council with the details later.

Councilor Herzig understood that the resolution would not change services in a major way. Fourteen pages are intimidating to read all at once. He confirmed with Director Cook that the same thing applied to the resolution implementing the sewer and CSO rate increases. Director Cook said many of the changes were corrections to typographic errors from the previous year.

Mayor LaMear called for public comments. There were none.

Councilor Herzig said it was troubling to make Astoria a more expensive place to live. However, the City must pay for the CSO Project. This is unfortunate, but the expense has been predicted in each year's budget. The water, sewer, and CSO surcharge rates will increase for the next 10 years, but the City has been able to keep the charges to a minimum. It is regrettable that citizens in Astoria who use water must bear the burden of the expense, but there does not seem to be any other alternative.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to adopt the Fiscal Year 2015-2016 Water Rate. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to adopt the Fiscal Year 2015-2016 Sewer and CSO Rate. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 6(g): Contract Amendment with Plangineering LLC for Design Standard Development (Public Works)

The Public Works Department is in the process of updating the Public Works Design Standards in an effort to provide clear direction for right-of-way improvements and development. To assist with final revisions and to development of several new chapters, staff engaged the services of Plangineering LLC. Design Standards are nearing completion. We currently need to complete the storm drainage chapter, and work to adopt and implement the standards. Plangineering has estimated assistance to finalize the standards will cost \$5,070. A contract amendment has been prepared for this work. A summary of the original contract amount and subsequent amendments follows:

Task	Status	Amount
Plangineering Original Contract	Completed	\$6,243.00
Contract Amendment #1	Completed	\$3,747.00
Contact Amendment #2	Proposed	\$5,070.00

It is recommended that City Council approve Contract Amendment #2 with Plangineering LLC for assistance with development of the Public Works Design Standards.

Councilor Herzig noted the staff report indicated Carol Richardson, owner of Plangineering, was formerly an engineer for the City of Astoria. He wanted to know the period of time between her employment with the City and her ownership of Plangineering and if the City had a contract with Plangineering. Cindy Moore, City Support Engineer, replied she did not know exactly, but Ms. Richardson left the City about eight years ago and went to work for a consulting firm for about four or five years. Then, she opened her own firm, Plangineering. The City did not have a contract with Plangineering until recently. She has a lot of history with the City, understands the City's goals, and understands the ins and outs of the project. Therefore, staff believed hiring her firm was in the City's best interest.

Councilor Herzig said he was concerned that there was enough time between jobs to avoid the senator/lobbyist revolving door situation, but it is important to keep local knowledge part of the project. He asked if staff had the expertise and time to complete this project on their own, suggesting it would be more efficient to keep the project in house instead of spending \$5,070 on a consultant. Engineer Moore said staff did not have the time. This project requires a focused effort over a long period of time, but staff is pulled in all different directions. Staff tried over a 10-year period to do this themselves and finally decided it would be best to hire a consultant. Ms. Richardson's expertise and knowledge of the area was a great opportunity to do so.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to approve Contract Amendment #2 with Plangineering LLC for assistance with development of the Public Works Design Standards. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 6(h): Resolution Scheduling Public Hearing for Proposed Vacation of Nile Street (Public Works)

The City has been working with Verizon to facilitate the relocation of the wireless communication facility currently located on Coxcomb Hill. The proposed relocation area is located in the forested area in Shively Park. Staff will be bringing a draft lease for the Shively Park location to the City Council for consideration separately. The site proposed for the new facility is located on property owned by the City; however a portion of the facility would need to be located within an unimproved portion of the Nile Street right-of-way in order to accommodate the structure.

A right-of-way vacation would resolve some issues associated with the construction of the proposed facility within a right-of-way. There are no utilities within this right-of-way and due to the steep topography, it is unlikely that a road would ever be constructed at this site. If the vacation were approved, the vacated portions of the right-of-way would revert back to the City as the City is the property owner on either side of the right-of-way. To accomplish the goals of the street vacation, the following steps are necessary:

- Process the street vacation petition recommended by this memorandum and set a public hearing
- Prepare and process conveyance deeds (after street vacation is complete)

Parks and Recreation Director Angela Cosby has been involved in the selection of the site and concurs with the proposed street vacation. It is recommended that the City Council adopt the attached resolution calling for a public hearing to be held at the August 3, 2015 Council meeting concerning the vacation of Nile Street within Shively Park.

City Manager Estes added that the Parks and Recreation Board was also involved in the site selection and staff has received their concurrence on the proposed project. He noted the date on the resolution originally stated the public hearing would be scheduled for the second meeting in July. However, the date was changed to August to 3rd because staff anticipates a presentation from Converge Communications at the August 3rd meeting. Staff believed it would be beneficial for Council to hear the presentation the same day as this public hearing is conducted.

Staff displayed simulations of the project as Director Cosby described the details of the project. She explained the exact location of the monopole, noting that it would be somewhat visible from certain locations within Shively Park. The right-of-way to be vacated is not developed.

City Manager Estes added that the vacation would be on an unimproved right-of-way that never had a street built along it.

Mayor LaMear asked if Verizon's lattice tower at the reservoir would be the main the tower. Director Cosby confirmed the lattice tower would be installed at the reservoir and a monopole would be installed at Shively Park. Assistant City Manager/Police Chief Johnston added that the Code amendment approved at the last City Council meeting only allows a lattice tower in the land reserve area, not at Shively Park. The wireless communications code is very specific and only allows monopoles within the City.

Councilor Herzig said the monopole will not hold the emergency communications system. It is a cell phone monopole, which is being used as a bargaining chip with Verizon. If Verizon can place a monopole that covers the south slope, they are more willing to agree to the entire move. Chief Johnston believed Councilor Herzig's characterization of Verizon was unfair. The monopole is required in order for Verizon to provide full coverage. The move of Verizon's tower from the Coxcomb site to the reservoir site causes substantial decreases in service and Verizon must have a way to cover the entire area. Without a second tower that can cover the affected area, Astoria residents who are also Verizon customers would experience a substantial decrease in service.

Councilor Herzig understood the purpose of this monopole was so Verizon could continue to enhance their service to the south slope. City Manager Estes explained that the tower at Reservoir 1, east of the Column, is blocked by Coxcomb Hill and cannot provide service to the area around Niagara, the Peter Pan Neighborhood, and down to the south slope. Verizon must be allowed to retain their current level of service. The second tower at Shively Park would maintain that level of service and makes the entire transaction feasible.

Councilor Herzig believed staff had confirmed that this monopole is a bargaining chip for Verizon. Chief Johnston believed the monopole was a bargaining chip for the City of Astoria.

Councilor Herzig said the City needs to make sure it can convince the people that Shively Park is the only place in the entire City that this monopole can be placed. If Shively Park is the only possible location, the City must move forward with the project. However, it is on the City to make that case.

Councilor Nemlowill understood a lot of time and money had been put into this, but she was not excited to see the cell phone tower moved from one park to another. It is horrifying to see the concept at Shively Park. She asked if there were other options.

Chief Johnston said there were three options:

- Do nothing and allow the Verizon lease to expire at the end of September 2017, leave the lattice tower at Coxcomb Hill for emergency communication equipment, and remove all of the tenants from the tower.
 - This leaves Astoria vulnerable to the trees around the tower, which costs the City money as an annual inspection must be done by an arborists to determine which trees would need to be removed to protect the tower.
- Use the monopole presented as a potential solution in April 2013, which was suggested by Verizon.
- Start the entire process over.

Staff considered every City-owned property on top of the hill. Sites were winnowed out through computer simulations, and then Verizon tested the remaining sites to determine which ones would work. Shively Park was the only City owned site at the top of the hill that survived the tests.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill to adopt the resolution scheduling a public hearing at the August 3, 2015 Council meeting concerning the vacation of Nile Street within Shively Park. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 6(i): Astoria Senior Center Renovation Project Construction Contract Award (Community Development/Public Works)

In March of 2013 the City Council approved a contract with the Oregon Business Development Department Infrastructure Finance Authority (IFA) for a Community Development Block Grant (CDBG) award in the amount of \$1,500,000 for the Renovation of the Astoria Senior Center. Following receipt of the bids for Astoria Senior

Center Renovation in late February 2015 project staff have been working with the apparent low bid general contractor (Skyward Construction, Inc.), S|EA (project architect), City staff and the Senior Center Management to adjust the scope of work defined in the bid/design documents. This work was done to align closer with the available project renovation funds in consideration the bids received exceeded the project cost estimate while still addressing the direct core needs of the Senior Center and the defined project requirements within the Community Development Block Grant contract documents.

Concurrent with the work to adjust the project scope, project staff was successful in obtaining an additional \$240,000 (previously approved by Council in May of 2015) from IFA. Receipt of the amended total IFA project funding of \$1,740,000 greatly assisted in narrowing the previous gap of available funds for construction to ensure the core needs of the Senior Center project will be realized.

The work to align the project scope of work with the amended project funding has recently been completed to the satisfaction of the Senior Center Management and the project staff. The proposed award of the construction contract to Skyward Construction, Inc. is in the amount of \$1,455,157. A construction contingency of approximately eight percent will be available outside of the construction contract for any unforeseen circumstances that may arise. The City Attorney has reviewed and approved the contract for Council action. Construction is anticipated to begin in Mid-July and conclude in early December of 2015. It should be noted that several local subcontractors will provide services on this project. It is recommended that the City Council authorize staff to award the construction contract for the Astoria Senior Center Renovation Project to Skyward Construction, Inc. in the amount of \$1,455,157.

City Manager Estes added that a contingency of 8 percent would be available outside of the construction contract for unforeseen circumstances. Larry Miller, Senior Director, and Larry Allen, Senior Center President, have both indicated to staff that they support this contract, as they were unable to attend this meeting.

Councilor Herzig announced the ground breaking at the Senior Center had been scheduled for Thursday, July 9th at 11:00 am.

Mayor LaMear asked why there was difference between the contract amount and the total funding. City Manager Estes explained that the total amount includes architectural fees for S|EA and other components of the project. The contingency of eight percent over the contract amount would be the amount left exclusive of any existing contracts with the architect.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Warr, to authorize staff to award the construction contract for the Astoria Senior Center Renovation Project to Skyward Construction, Inc. in the amount of \$1,455,157. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 6(j): Authorization to Enroll in the American Carbon Registry (Public Works)

At its June 4, 2015 meeting, the City Council approved a contract with The Climate Trust (Emissions Reduction Purchase Agreement) to sell carbon credits generated from the City of Astoria Watershed carbon project. The contract with The Climate Trust (TCT) requires the City to complete development of a carbon project that achieves the standards set by the American Carbon Registry (ACR). In order to initiate the carbon project, the City is required to open a registry account with ACR. This account will allow the City to upload and store key project documents in addition to holding all of the verified carbon credits generated by the project over time. The ACR registry also provides the platform to transfer the City's carbon credits to TCT's ACR registry account as per the contract TCT.

To open an ACR registry account, the City must sign a *Terms of Use* Agreement. The Agreement has been reviewed by the City Attorney as to form. There is a \$500 fee to open an ACR account and a \$500 annual fee to maintain the account in good standing. ACR requires the City to appoint an ACR Account Agent that will be responsible for managing the City's ACR account. It is proposed that the City Manager appoint the appropriate City staff to be the ACR Account Agent. It is recommended that Council authorize the City Manager to open an ACR registry account on behalf of the City of Astoria and assign the Public Works Director as the ACR Account Agent for the purposes of managing the City's ACR registry account.

City Council Action: Motion made by Mayor LaMear, seconded by Councilor Herzig to authorize the City Manager to open an ACR registry account on behalf of the City of Astoria and assign the Public Works Director as the ACR Account Agent for the purposes of managing the City's ACR registry account. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 6(k): Authorization of Contract Amendment - CSO Monitors Phase 2 (Public Works)

In March 2015, the City Council authorized the award of the CSO Monitors Project to ADS Environmental Services. At that time, a phased approach to procurement and installation of the equipment was recommended and approved. The first phase was completed in May with monitors and sensors installed at 28 sites for a total price of \$199,437.32. This contract amendment represents the second phase of work to procure and install monitors in the remaining 12 diversion structures, one flow meter and three wireless rain gauges.

The complete scope, including both phases of the project, will include 40 new monitors (one less than originally scoped) for the City's CSO diversion structures, two spare monitors, two flow meters and three wireless rain gauge modules. Total cost for this project was originally estimated to be \$329,408; however, the project is now expected to cost \$295,579.63. Reduction in the project cost is mainly due to utilization of down looking ultrasonic sensors instead of pressure sensors. The City was also able to reduce the total number of monitored sites from 41 to 40 due to eliminating overflow potential. Funds are available in the Public Works Improvement Fund for the second phase of this project. It is recommended that Council execute a contract amendment with ADS Environmental Services for a total not to exceed amount of \$96,142.32 for procurement and installation of Phase 2 of the CSO Monitors Project.

Councilor Warr said the original estimate for this contract was \$329,000, so getting the contract for \$295,000 should be celebrated.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price to execute a contract amendment with ADS Environmental Services for a total not to exceed amount of \$96,142.32 for procurement and installation of Phase 2 of the CSO Monitors Project. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 6(l): Salary Resolution Establishing Basic Compensation Plan Cost of Living Wage Adjustments for the Astoria Public Safety Association, Police Sworn Management, General/Parks Group, Public Works Group, and Management and Confidential Employees Including Stability Pay Modification (Finance)

Staff positions and associated compensation are detailed in the "Resolution Establishing a Basic Compensation Plan for the Employees of the City of Astoria and Establishing Regulations for the Placement of Present Employees within the Wage and Salary Schedules Provided." Whenever there are changes in positions, whether a position is begin deleted, added or redefined; or whether a change in compensation is proposed; such changes are adopted by resolution. This proposed resolution implements the cost of living wage adjustments effective July 1, 2015 for the Astoria Public Safety Association, General/Parks Group, Public Works Group, and Confidential and Management Employees. In addition, it is proposed that the Management and Confidential Employees be provided with a similar stability calculation methodology similar to the Union contracts to minimize additional compression issues in the future. This information is presented in the enclosed memo from Director of Finance & Administrative Services Susan Brooks. It is recommended that Council adopt the Salary Resolution as presented.

City Manager Estes noted the details of the proposed wage adjustments and explained stability payments, as stated in the staff report. All of the wage adjustments were included in the current budget. However, stability payments will have minimal impacts on each department when costs are distributed.

Councilor Herzig understood that when an employee lasts for five years, the employee qualifies for stability pay. Stability pay is not a salary increase, but an extra bonus for tenure. Director Brooks clarified stability pay is based on an employee's salary after five years of continuous service. It is an additional amount added to an employee's monthly paycheck, not a salary increase. The intent is to stabilize the workforce. Turnover incurs huge costs. If the City can provide an incentive for employees to stay, the City retains their working knowledge and expertise without incurring turnover costs. Astoria has a very stable workforce. She did not research the history of stability

pay, but confirmed for Councilor Herzig that it was implemented many years ago. Stability pay, which is also called longevity pay, is widely used in the public sector and college systems.

Councilor Price asked how this was left out of the budget. City Manager Estes explained that it was discussed, but was inadvertently left out of the salary calculations.

Councilor Price said in the seven months she has been on City Council, this is the second or third time an adjustment of full salary schedules has been proposed. She asked if this was normal. City Manager Estes said two union contracts and an agreement with the Fire Department Management staff have been approved since Councilor Price has been on City Council. The only time staff will propose a salary resolution is when the union contract with the Fire Department is negotiated or if an adjustment to the salary of a specific position is necessary.

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

Councilor Herzig confirmed that adoption by a unanimous vote meant the resolution would take effect immediately.

Item 6(m): Resolution Adopting the Pre-Disaster Hazard Mitigation Plan Addendum – Five Year Update (Community Development)

At their October 20, 2008 meeting, Astoria City Council adopted a Pre-Disaster Natural Hazards Mitigation Plan and the City of Astoria Addendum. This Plan was developed in partnership with Clatsop County and Columbia River Estuary Studies Task Force (CREST). The purpose of the Plan was to increase the County's and City's resilience to natural hazards that could affect the region including earthquakes, floods, droughts, landslides, coastal erosion, tsunamis, windstorms, winter storms, wildfires, and volcanoes. City adoption of the Addendum opened doors for grant funding on projects that reduce risks posed by natural hazards in advance of a disaster and on projects following a natural disaster. Each municipality within the County developed their own Pre-Disaster Mitigation Plan addendums, which ultimately were incorporated into the County's Plan.

The County advised the City in 2013 that FEMA requires a five-year review and update of the County's Plan and recommends that the city Addendums also be updated if modifications are needed. If no modifications are required, cities would still need to readopt the Addendum by Resolution. Staff from the Community Development, Public Works, Engineering, Police, Fire, and Parks Departments reviewed the Addendum Plan and developed recommendations for updates to the Plan. Proposed changes were relatively minor in nature and update statistics such as number of buildings in flood zones, census data, Parks facilities, buildings that have been seismically upgraded, and noting mitigation action items that have been completed since 2008 through 2013.

The proposed updates to the Plan were submitted to FEMA for review and approval prior to final adoption in the County's Plan. Earlier this year, FEMA responded to the proposed updates and requested that the City include notation of the responsible department and/or agency for each of the "Action" items in the Plan. Staff have made those proposed notations. Upon adoption of the Addendum, City staff will forward the approved resolution to the County for inclusion in the final County-wide draft to FEMA so that their final approval process can proceed. Final adoption and submittal by the County is due to FEMA in early July. It is recommended that the Council adopt the attached resolution formally adopting the updates to the Astoria Pre-Disaster Natural Hazards Mitigation Plan Addendum.

City Manager Estes noted that former Planner Rosemary Johnson sat on the coordinating committee with the County and was available to answer questions.

Mayor LaMear said she and Councilor Herzig met with Ms. Johnson to discuss these updates. The City may want to make additional changes, but cannot do so until 2018. It is frustrating to play catch up all the time. However, that is the way this works. The pre-disaster hazard mitigation plan is very thorough.

Councilor Price said in 2014, the City joined with Warrenton and Clatsop County to contest the new FEMA maps and asked for an update. City Manager Estes said the new FEMA maps would be discussed at one of the next two City Council meetings and staff will provide an update to the situation. An analysis was completed that

demonstrates how Astoria, Warrenton, and Clatsop County refute some of FEMA's data. This analysis was presented to FEMA representatives at a meeting and FEMA is now considering the information. Additional work or contract amendments may be necessary to move forward. He confirmed for Councilor Warr that local resident's costs will skyrocket if the maps are not amended. More individuals will be required to have flood insurance and impacts to people who already have flood insurance are possible.

Councilor Herzig thanked Ms. Johnson for all the work she put into the Mitigation Plan. This was one instance where the City needed to retain local knowledge because Ms. Johnson had to review the Plans from 2008 and 2013. This Plan is a five-year snapshot and recreating it is quite tedious. He confirmed the Plan was available online as part of the Agenda Packet. It is frightening to read how vulnerable the City is. The Plan stated on Page 18 that as of 2013, the City had not yet adopted a geological hazard and hillside development ordinance. He asked if the ordinance had been adopted since then. Ms. Johnson said no, she and Engineer Harrington have been working on the ordinance for several years. A draft ordinance was reviewed by multiple contractors as staff was getting the ordinance ready for adoption. However, Department of Geology and Mineral Industries (DOGAMI) published new mapping that indicated massive landslide areas that were more historic than the newer slides. Since then, staff has hired a geologist to map the City's known landslides. DOGAMI or the Department of Land Conservation and Development will help staff update the draft ordinance after considering the new LIDAR maps, the geologist's maps, and the DOGAMI maps. The ordinance will address all of the potential landslide areas and the degree of review necessary for various types of development. New data delayed the process of getting the ordinance adopted. City Manager Estes added that Ms. Johnson was working on this ordinance in addition to all of the other work she was doing for the Planning Department. When she retired, he asked her to continue working this as a special project. He believed she could help finalize several projects now that she is no longer working at the front counter.

Councilor Price said the Plan states Astoria's chair wall construction is a liability, but there is not much the City can do about that. In the event of an earthquake, the streets will implode and many of the utilities will be destroyed. The wastewater systems and lift stations will also be compromised. Staff had mentioned in the Plan a need for a shelter located inside City limits, should roads or bridges become damaged or impassible. Astoria has designated some emergency gathering spots, like the college. However, he did not know if the City had established a shelter. The Plan also states the Police and Fire Departments will be inundated in a tsunami and notes the possibility of moving the Fire Department. He was unsure what progress had been made with plans to move the Fire Department. At least the City has established heated emergency shelters that are available during extended cold weather events. The action items in the Plan include implementing an all-hazards education and outreach campaign by 2017. He believed this should be a high priority because the City needs to let the public know how much time and thought has gone into this Plan. He understood the Community Emergency Response Team (CERT) has had an up and down relationship, but wanted the public outreach and education to be a high priority. The document is fascinating, concise, and frightening. He thanked staff for all their work on the Plan.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to adopt the resolution formally adopting the updates to the Astoria Pre-Disaster Natural Hazards Mitigation Plan Addendum. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 6(n): Consideration of Authorization for Additional Ladder Truck Repairs (Fire)

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

City Manager Estes explained that the Fire Department's ladder truck has been in for repairs and has been reviewed by Underwriters Laboratories (UL) for approved testing over the past few months. The cost for the repairs done to date is \$9,735.21. This amount has been paid with funds from the Fire Department Budget of Fiscal Year 2014-2015. Unfortunately, further repairs are needed. During the UL acceptance testing, a problem was discovered involving the main aerial waterway swivel component. This component allows for turning and extending or retracting the aerial ladder while the water is being discharged from the top when operating at a fire. The main aerial swivel unit was removed and sent to the manufacturer for evaluation. Staff hoped it could be repaired as opposed to replacing it. This could not be determined until the component was inspected. Upon inspection, it was determined by the manufacturer that the component could not be repaired due to advanced rust and pitting throughout its electrical and hydraulic components. The main waterway swivel will need to be replaced if the ladder truck is to stay in service until a replacement truck can be delivered. The cost to replace the swivel is \$10,464.00. Shipping, reinstalling the swivel unit, and UL retesting is estimated to cost \$1,097.50. Staff recommends City Council authorize a payment for the emergency repairs performed on the ladder truck in

the amount of \$11,561.50. This issue came up late last week as the Agenda Packet was being published and Chief Ames requested this item be added to tonight's agenda.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Nemlowill to authorize a payment for the emergency repairs performed on the ladder truck in the amount of \$11,561.50 to Hughes Fire Equipment Incorporated. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

NEW BUSINESS & MISCELLANEOUS

Item 7(a): Change First Meeting Date in September, 2015 (City Council)

Astoria City Hall will be closed on Monday, September 7, 2015, due to the Labor Day holiday; therefore, the first Council meeting in September will need to be changed. Past practice has been to hold the Council meeting on the following day, which in this case will be Tuesday, September 8, 2015.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price to reschedule the first City Council meeting in September for Tuesday, September 8, 2015. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Councilor Price said over the last few weeks, she has heard concerns about the increase in homeless and transient people and lack of mental health services and housing. A couple of weeks ago, Chief Johnston sent Council an email about the number of calls and complaints from citizens. The Police Department is trying to address these concerns in various ways. Chief Johnston suggested the City authorize the establishment of a task force that would include law enforcement from throughout the county, health service providers, and mental health service providers. She believed this was a good idea and wanted to move forward with Chief Johnston's idea immediately. Specific details could be discussed at the next City Council meeting.

Chief Johnston said homelessness is not usually a police issue because there is no legislation prohibiting it and it cannot be used as a basis for enforcement, custodial, or other decisions. However, the police can be of assistance by enforcing behavioral issues like urinating and defecating in public places, criminal mischief, and criminal trespassing. Loitering, begging and similar behaviors are not violations of the law, but are protected forms of speech in Oregon. While the First Amendment is generally more specific and does not seem to intrude on some legislation of things like loitering and begging, the Oregon Constitution is much broader and activities like nudity and begging have been deemed forms of expression by the Oregon Supreme Court. These behaviors and activities fall under the protection of Article 1 Section 8 of the Oregon Constitution. The City of Astoria repealed its begging law in 1998 after it had been deemed unconstitutional. The problem with enforcement efforts is a lack of consequence for the behaviors. People arrested for offensive public conduct, a City Code violation, or criminal trespassing, criminal mischief, or theft three, State law violations and Class C misdemeanors, do not spend a single day in jail due to current jail capacities. These people are released before an officer can even finish the report of the incident. The majority of the people who are arrested for these offenses have significant issues with drugs and alcohol or have mental health issues. The jail wants to release these people quickly because they are problematic and their minor offense status helps facilitate their quick release. These minor offenses are also the most prevalent in the community and citizens find them most offensive to society. Arrests and citations will not convince offenders to exhibit pro-social behaviors. Corri Buck the Astoria Rescue Mission, and the Police Department are the only entities going out to where these people are to provide resources. This population, with drug, alcohol, mental health, and housing problems, must go somewhere, wait to see someone, and likely return for future appointments in order to get assistance. This group is not likely to engage in such activity. Therefore, the Police Department attempts to link the people they have daily contact with to beneficial services, reengage family members, and find aid from other community partners. Social agencies seem less of a threat to this population because they are not government entities. Astoria needs social agencies to come engage people with the services they need. There are models for such programs in other cities, so he suggested adopting an existing program and update it to fit the resources, needs, and environment of Astoria. He believed a task force, focused on reducing disorder in the downtown, could identify the problem, issues, and solutions. The task force should be multidisciplinary by including the Police, social serves agencies, public health, the faith-based community, individuals, and those who helped organize the warming shelter. After determining the issues and possible solutions, the task force should recommend an implementable solution.

Mayor LaMear asked if sleeping in a vehicle is an arrestable offense. Chief Johnston said City Code allows for the arrest of people camping in the City limits. However, he could not recall any time when arrest was used as a tool for this offense. Most often, people are moved from a public place and may be issued a citation. The ordinance prohibits people from sleeping in a public or private parking lot or in parks.

Councilor Herzig said the City Eugene adopted an ordinance that defined public parking lots as camp sites so that people could sleep in their cars without breaking the law. In each community, there are ameliorations of certain situations. Grace Episcopal Church runs a food pantry that serves the homeless and the women at Bethany Lutheran Church take bagged lunches to homeless people. Many places in Astoria are trying to help the homeless population. It is important to realize the symptoms need to be treated, but the causes of these symptoms are possibly beyond the City's control. The City and Clatsop Community Action do not have the resources for a homeless program. The closest program is Helping Hands in Seaside. Community partners do not have the facilities. He heard there had been another delay on the mental health crisis center in Warrenton and asked if Chief Johnston had any additional information. Chief Johnston said the project manager for the mental health crisis center was also project manager for the memory center that the health care district is building. The memory center project fell behind and the mental health crisis center had to wait for the project manager to become available.

City Council Action: Motion by Councilor Price, seconded by Councilor Warr to authorize the Mayor to establish a task force to address the scope of Astoria's homeless, housing, and mental health needs, as well as potential solutions.

Councilor Nemlowill asked how much responsibility would be on the City to implement solutions it is not equipped for. The City is providing a lot of basic services and she did not believe the City could take on this issue.

Councilor Price believed the City would find out if it could handle the issue by creating the task force. A lot of this is a County issue and the County has been working to improve services. Astoria is the biggest player in Clatsop County, so until Astoria takes action, the County will not have the incentive it needs. Astoria cannot take a back seat to these issues any longer because they affect affordable housing and other aspects of the city. She believed it was time for Astoria to identify the problems and be part of the solutions.

Councilor Herzig said City Council can serve as a convener for the conversation in the same way the Community Action Team discussed poverty. City Council is not taking on the responsibility of solving the problems, but is being part of addressing the issue by starting a conversation.

Councilor Warr believed the conversation that just took place was beyond the capabilities of City Council. He wanted to address transients, homeless people on the streets, and panhandling, not affordable housing and homelessness as well. Therefore, he did not support everything Councilor Price had said.

Councilor Price believed the issue of homelessness was more than just being homeless. The Astoria Police Department provides the bulk of mental health services to Astoria and Clatsop County and they do the best they can with this issue. However, the mental health issues and affordable housing must also be addressed.

Councilor Warr said the City Council cannot be all things to all people.

Councilor Price explained that most services are County services and Astoria should join the conversation and have a role in the County. Astoria should address the gritty as well as it addresses its pretty because the City is both.

Councilor Nemlowill said she was not ready to make a decision at this meeting.

Councilor Warr confirmed he had seconded the motion, but was not sure he would vote in favor of it, as presented by Councilor Price.

Councilor Price noted the Mayor would be appointing the task force members. Some of the specifics about what will and will not be addressed will come out of the task force.

Councilor Nemlowill asked Councilor Price to explain why she was shocked that Councilor Nemlowill needed more time. Councilor Price replied she was being a little sarcastic. Councilor Nemlowill explained she did not want to rush into anything. It was late and the Council had a long agenda.

Councilor Herzig suggested amending the motion to authorize the Mayor to propose a task force to City Council. This would allow Mayor LaMear to craft the language to be comprehensive, but not expansive. Councilor Price supported this amendment.

Councilor Price supported this amendment.

Mayor LaMear also agreed and said she would work with Chief Johnston on the wording of a task force proposal. She would also review how other cities handle these issues.

Mayor LaMear restated the amended motion, which was to direct Mayor LaMear to present City Council with a proposal for a task force to study the issue of the homelessness.

Motion carried 4 to 0 to 1. Ayes: Councilors Price, Warr, Herzig, and Mayor LaMear; Nays: None; Abstentions: Councilor Nemlowill.

Councilor Price requested marijuana be added to the next meeting's agenda. Measure 91 passed by a margin of about 56 percent in all of Astoria's precincts and almost all of Clatsop County. As of October 1st, medical marijuana dispensaries will be able to sell up to a quarter of an ounce each day to recreational users. Astoria issues business permits without regard to the type of business being established. There are currently four medical marijuana dispensaries and one more may open soon. Between now and January 1, 2016, when medical marijuana dispensaries and others can apply to be recreational dispensaries, there could be a number of other medical dispensaries that come on board and become eligible to sell to recreational users. She wanted to discuss what Astoria wants because her constituents have not made it clear how many dispensaries are appropriate in Astoria. There could be a dispensary on every corner as long as they are at least 1000 feet from a school. Astoria is like the Wild West and City Council should discuss whether the city should remain that way. She asked that this discussion be added to an agenda in August.

REPORTS OF COUNCILORS

Item 8(a): Councilor Nemlowill had no reports.

Item 8(b): Councilor Herzig reported that there was a rally and some brief speeches on July 5 about how all lives matter. He thanked the Mayor for being a part of the event. Everyone needs to speak up about institutionalized racism. On July 8 at Clatsop Community College Arts Center from 4:00 pm to 6:00 pm, the community will say goodbye to the Galizio family. Janice O'Malley Galizio, the CHIP-In coordinator, will be missed. The next CHIP-In event will be held in her honor on Sunday, July 19 at the Cathedral Trail from 1:00 pm to 4:00 pm. Volunteers will meet at the Column. Groundbreaking at the Senior Center is July 9 at 11:00 am. He asked when the contract with the Astoria Warrenton Chamber of Commerce and the letter of compliance from the Rescue Mission would be presented to City Council.

City Manager Estes said Director Brooks has been drafting both documents, as well as a template to use for all organizations, all of which will likely be presented to City Council in August.

Item 8(c): Councilor Warr had no reports.

Item 8(d): Councilor Price had no reports.

Item 8(e): Mayor LaMear reported that she has reappointed Kate Summers to the Library Board. She has been an extremely effective Board member and her term ended June 30th. She toured the Column to learn more about the restoration project. She went up on the scaffolding and it was frightening to see the dirt below. There is quite a bit of damage that cannot be seen as one looks up at the Column, but up close, one can see quite a bit of erosion. It is understandable why the Column must be closed over the summer. The City wants the

restoration team to do the job right without hurrying. Each time the Column is restored, the materials used are better. This time, the materials are expected to last many years.

Mayor LaMear recessed the regular meeting of the Astoria City Council at 9:21 pm to convene the Executive Session.

EXECUTIVE SESSION

Item 9(a): ORS192.660(2)(h) – Legal Counsel

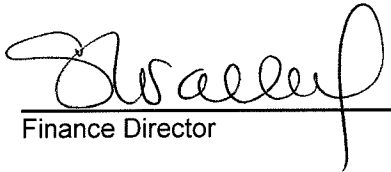
Mayor LaMear reconvened the regular meeting of the Astoria City Council at 9:24.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to approve the Settlement Agreement as presented. Motion passed unanimously. Ayes: Councilors Price, Warr, Nemlowill, Herzig, and Mayor LaMear; Nays: None.

ADJOURNMENT

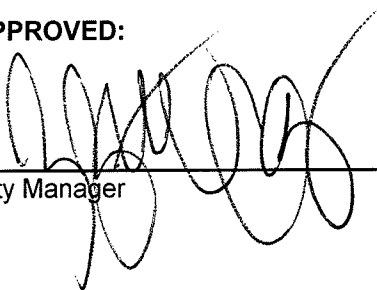
There being no further business, the meeting was adjourned at 9:30 pm.

ATTEST:



Finance Director

APPROVED:



City Manager