

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, Community Development Director Cronin, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, Library Director Tucker, and Public Works Director Cook. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

City Council proceeded to Item 4: Presentation from Clatsop County Health Department at this time.

REPORTS OF COUNCILORS

This item was addressed immediately following Item 4: Presentation from Clatsop County Health Department.

Item 3(a): Councilor Nemlowill No report.

Item 3(b): Councilor Herzig reported that about 30 people attended the Roll and Stroll event the previous week. He thanked Chief Johnston and Director Cronin for participating, noting that Director Cronin and Mr. Mahoney were on the discussion panel that was part of the event. The 10-block stroll exposed the challenges to people with physical limitations. Michelle Lewis from Northwest Senior Disability Services, who also attended, had suggested the City plot an accessible walking path from Owens-Adair to the Senior Center. He believed this would be a manageable task. The Fire Department held a fun and educational open house on Saturday, August 15. He thanked Brett Bishop for serving tofu hot dogs. At the open house, Jim Pierce, who had just returned from Walldorf, Germany, said representatives from Walldorf were preparing to come to Astoria in August 2016 for the 50th Anniversary of the Astoria Megler Bridge Opening. The next Citizens Helping Improve Parks (CHIP-in) event will be on Saturday, August 22 from 9:00 am to 12:00 pm. Volunteers will meet at the Barbey Maritime Center to clean up the Riverwalk. All of the necessary tools and materials will be provided. On the same day, Lewis and Clark National Park will celebrate the National Park Service's 99th Birthday from 11:00 am to 3:00 pm at Nettle Landing. The next movie night will feature *Ghostbusters* on Saturday, September 5 at McClure Park. Admission is \$5.00 for all ages and the beer garden will be segregated from minors.

Item 3(c): Councilor Warr reported that he toured the Bornstein's fish factory. He was amazed by the automation of fish processing and the impact of the industry on the local community. Astoria has three large fish processors. Bornstein's has a payroll of about \$8 million per year and they estimate the boat crews' wages are an additional \$8 million. The Lower Columbia River is the largest fish processing port in the western United States. Astoria is unique because the companies are committed to maintaining their resources and refrain from overfishing. Over the last couple of weeks, he spent a lot of time working on issues related to tourism at the Goonies house. Tourism to the house has exploded over the last three or four years and it is estimated that perhaps 1200 people visit the house each day, making it impossible for the private owners of the house. From about 7:00 am until about 10:00 pm, tourists will come into the yard, stand on the deck, and look in the windows. The City and Chamber of Commerce are working to slow down the tourism and the homeowners have covered two sides of the house in blue tarps. He believed it would take some time to solve the problems, but the City and Chamber are trying very hard to figure out a solution.

Item 3(d): Councilor Price reported that she had been invited by the Chamber of Commerce to attend the Environmental Quality Board mixer. She was glad to learn that the Department of Environmental Quality (DEQ) had a policy board. She was unable to attend, but Mayor LaMear did attend the mixer. Her next salonical was scheduled for Thursday, August 27 from 6:30 pm to 8:30 pm at the Boyington Building. Councilor Herzig's salonical would be on Saturday, August 22 from 12:30 pm to 2:00 pm in the Flag Room of the Astoria Library.

Item 3(e): Mayor LaMear announced that she had renamed the task force for the homeless to the Coalition to Develop Partnerships for Dealing with Homeless/Community Interactions (Mental Health, Medical,

and Law Enforcement). The members of the task force are Chief Johnston (Police), Elaine Bruce (CCA), Sumuer Watkins (Clatsop Behavioral Health), Brian Mahoney (Clatsop County Health Department), Drew Herzig (Astoria City Council), Karin Temple (citizen representative), Lisa Reid (ADHDA and Chamber of Commerce), and Father Lance Peeler (faith community representative). Columbia Memorial Hospital will name a representative from the emergency room once task force meetings have been scheduled. She believed the task force included a good mix of representatives from entities that deal with homeless people. She reported that she attended 11 City meetings the previous week, including the Infrastructure Finance Authority (IFA) meeting. Astoria currently has 12 projects funded by the IFA. Cindy Moore and Jeff Harrington did a great job presenting the projects to the IFA at the meeting. She believed the IFA enjoyed hearing how their funds were being spent.

City Council continued to Item 5: Changes to the Agenda.

PRESENTATIONS

This presentation was given immediately following Roll Call.

Item 4(a): Stephen Blakesley and Brian Mahoney of Clatsop County Health Department

Brian Mahoney, 1341 Miller Lane, Astoria, Clatsop County Department of Public Health Director, thanked Council for inviting him to speak about the services provided by the Health Department. One of the Department's goals is to promote and encourage healthy behaviors because public health ensures a liveable and prosperous community. Over the last 100 years, public health has doubled the life expectancy through immunizations, providing clean water, encouraging healthy behaviors and food safety. He gave Councilors printed copies of his PowerPoint presentation, which included details about the Health Department's health programs, as follows:

- Community health programs include: Support of tobacco control measures, a worksite wellness program, the "Prescription for Play" program, increased access to fresh fruits and vegetables, and increased access to healthcare.
 - Some of these programs require the Health Department to work with Clatsop Community Action, food trucks, farmers markets, and the Women, Infants, and Children (WIC) program.
 - "Prescription for Play" addresses obesity and inactivity, a priority health concern in the County that leads to other chronic conditions.
- Environmental health programs include: licensing and inspections of restaurants, residential and small business wastewater systems, small-scale drinking water systems, pools, spas, and visitor accommodations; and an annual household hazardous waste collection event.
 - The Department plans to build a collection facility for the household hazardous waste event at the landfill across from the new stadium.
- Other programs include: Immunizations, family planning services, birth and death records, home visits from nurses for mothers and infants, medical case management for high-risk youth, public health emergency preparedness, and nutrition programs.

Councilor Nemlowill asked for details on the argument in support of banning e-cigarettes in a public space. Mr. Mahoney explained that e-cigarettes are a type of nicotine delivery system, not smoke.

Stephen Blakesley, 31928 Ocean View Lane, Arch Cape, Clatsop County Department of Public Health Promotion Specialist, added that it is not possible to distinguish between a plume of smoke, aerosol, or marijuana smoke. Public health is data driven and there is not enough data to say that e-cigarettes are harmless. Therefore, enforcement is easier when e-cigarettes are categorized with smoking.

Councilor Price asked how many people are served by the Health Department. Mr. Mahoney said there are about 1200 people enrolled in the WIC program and the Health Department visits about 400 restaurants, inspects about 6 water systems, as well as an unknown number of pools and spas, follows up on several reports each day of communicable diseases, and serves between 5 and 25 people each day at each of the clinics.

Councilor Price asked what the Health Department does for women seeking abortions. Mr. Mahoney said the Health Department does not offer any abortion services, but he would find out if the clinics offered referrals.

Councilor Herzig noted that Mr. Mahoney helped the Warming Center explore healthcare options for its homeless guests last winter. He learned the homeless have very few options, so they usually end up in the

emergency room of Columbia Memorial Hospital. However, the hospital reported no visits from homeless people on the nights the Warming Center was open.

City Council returned to Item 3: Reports of Councilors.

CHANGES TO AGENDA

This item was addressed immediately following Item 3: Reports of Councilors.

City Manager Estes requested the addition of Regular Agenda Item 7(i): 16th Street CSO Project Update (Public Works). Councilor Nemlowill requested the addition of New Business Item 8(a): Fluoride in the Drinking Water. The agenda was approved with both additions.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 7/20/15
- 6(b) Authorization to Submit Annual Ready to Read Grant (Library)
- 6(c) Set up and Equipment for Two Police Vehicles (Police)
- 6(d) Authorization of Easement to PacifiCorp – Yacht Club (Public Works)
- 6(e) License to Occupy a Portion of the Alameda Avenue Right-of-Way Adjacent to 553 Alameda Avenue (Public Works)
- 6(f) Astoria-Warrenton Area Chamber of Commerce Contract (Finance)**
- 6(g) Promote Astoria Funds – Arts and Cultural Grants (Finance)

City Manager Estes said Council had requested Item 6(f) be removed for further discussion.

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

Item 6(f): Astoria-Warrenton Area Chamber of Commerce Contract (Finance)

City Manager Estes explained that City Code requires organizations receiving funds from the Promote Astoria Fund to enter into a contract with the City that includes a scope of work and budget to be approved annually by City Council. Council directed Staff to draft an updated agreement prior to making disbursements from the Promote Astoria Fund for the Visitors' Center and the Lower Columbia Tourism Committee. Council has been given a draft of a professional services agreement between the City and the Chamber of Commerce, and a scope of work from the Chamber of Commerce that addresses City Code provisions. Finance Director Brooks and City Attorney Henningsgaard drafted the agreement in order to meet City Code requirements. Staff believes the draft addresses all of the necessary provisions for implementing City Code. Staff recommended City Council approve the execution of the agreement between the Astoria-Warrenton Chamber of Commerce and the City of Astoria to commence payments.

Councilor Herzig said he had requested this item be removed from the Consent Calendar for discussion because it had been years since the City had a formal contract with the Chamber of Commerce. Many people worked very hard on the contract and he wanted the public to know a formal contract was now in place. In the scope of work, the Chamber has committed to encouraging repeat visitors while minimizing negative tourist impacts to the local community. He believed this would be a huge benefit to the community and he was glad the Chamber added this to the scope of work.

Councilor Price said she appreciated the contract. During Budget Committee meetings, there were suggestions for refining the contract. She believed the draft was great, but was concerned that the City's contract requirements were a burden to other entities that received less Promote Astoria Funds than the Chamber. Smaller organizations, like the Astoria Downtown Historic District Association (ADHDA), do not have as many resources as the Chamber for reporting requirements.

Staff recommended all entities be required to sign the same contract. City Manager Estes clarified the same reporting requirements would not apply to those receiving funding for specific project-based items, such as noted

in Item 6(g) of the Consent Calendar. In that case, Staff wanted to allow alternative reporting options that were more streamlined. However, since the ADHDA receives tens of thousands of Promote Astoria Funds to offer many services, Staff believed a similar contract would be most appropriate. The City works with organizations, like the Chamber and the ADHDA, to help facilitate and make things work with regard to meeting the reporting requirements. Staff is working with the ADHDA to get their contract on the agenda for the next City Council meeting.

Councilor Nemlowill believed the Chamber did a great job of promoting Astoria with Promote Astoria Funds.

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

REGULAR AGENDA ITEMS

Item 7(a): Ordinance to Vacate Nile Street (2nd Reading & Adoption) (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. This process will result in the ability of the City to potentially lease the proposed site to Verizon for a wireless communication within the Shively Park. At their August 3, 2015 meeting, Council held a public hearing and conducted the first reading of the ordinance to vacate. It is recommended that the Astoria City Council conduct the second reading and adopt the ordinance to vacate the south 30 feet of Nile Street within Shively Park area.

Director Cook conducted the second reading of the ordinance to vacate the south 30 feet of Nile Street within the Shively Park area.

City Council Action: Action carried without a motion by a vote of 4 to 1 to conduct the second reading and adopt the ordinance to vacate the south 30 feet of Nile Street within the Shively Park area. Ayes: Councilors Price, Warr, Nemlowill, and Mayor LaMear; Nays: Councilor Herzig.

Item 7(b): FEMA Flood Insurance Maps – Update and Phase 2 Authorization (Public Works)

The City entered into an Intergovernmental Agreement (IGA) with the City of Warrenton and Clatsop County in December of 2014 to hire a third-party engineering firm to analyze the data provided by the Federal Emergency Management Agency (FEMA) regarding D-FIRM maps for the Clatsop County region. The City of Warrenton, acting as lead agency, solicited proposals and entered into an agreement with Coast & Harbor Engineering to complete the initial analysis. The cost of Phase 2 is \$27,700, which will be divided between the parties. The City of Astoria's estimated share is \$7,000. Collin Stelzig, the lead consultant on the project, will be available to give an update and answer any questions Council may have. It is recommended that Council authorize the Mayor to sign Amendment 1 of the IGA between the City of Astoria and the City of Warrenton resulting in an expenditure of an amount not-to-exceed \$7,000 for additional flood map analysis.

City Manager Estes said the City of Warrenton drafted the IGA because they hired the consultant.

Collin Stelzig, 657 North Main, Warrenton, believed the collective efforts of the County, Astoria, and Warrenton have made quite an impact on FEMA. Since he first got involved with this effort in 2007, Warrenton has gone in circles with FEMA. He believed Coast & Harbor was the premier coastal engineer firm for the area. Coast & Harbor studied FEMA's data and models and determined that many of the issues found by Warrenton were legitimate. After presenting these findings to FEMA and their consultants, FEMA has agreed. Coast & Harbor has developed a way to show FEMA how to resolve the issues in a more scientific, more accurate and economical way.

Mayor LaMear asked Mr. Stelzig to explain why the maps were being contested. Mr. Stelzig said the old maps indicated the City of Astoria was in an AE zone, which is a standard flood zone where fields flood and homes must be built at a 12-foot elevation. The new maps require elevations up to 19 feet and puts Astoria in a velocity zone, which indicates waves. The velocity zone imposes criteria for building and locating structures. City Manager Estes said the new maps made significant changes to the Alderbrook neighborhood, which does not have a sea wall. The velocity zone would affect the port piers and could affect the ability of existing development to retain flood insurance.

Councilor Herzig confirmed that this discussion was not about the tsunami inundation zone, just normal expected flooding based on seasons and tides. City Engineer Harrington added that partnering with the other entities gave Astoria a bigger voice. Addressing FEMA as a group has made a big difference.

Councilor Price said she was glad the City was advocating for current residents and businesses. These map changes could result in extraordinary hikes in flood insurance. However, she was concerned about future development along the riverfront and believed these maps should be considered as the City discusses what would be allowed in new development.

Mr. Stelzig reiterated that Coast & Harbor is one of the most premier consultants available. Coast & Harbor modeled events that matched actual events on the Tongue Point tide gauge and they were only off by feet. Therefore, he believed the science is on the City's side, which is why FEMA has agreed. He confirmed for Staff that some of FEMA's models used a flood event from 1981 as their highest flood event and stated it was a 200-year event. However, the tide gauge and the National Oceanic and Atmospheric Administration (NOAA) stated it was only a 20-year event. The river is so complex that the models must be top notch, which is very expensive. FEMA tried to complete the models economically, but they were not accurate. While the East Coast is experiencing some of the predicted events, the West Coast is not.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price to authorize the Mayor to sign Amendment 1 of the IGA between the City of Astoria and the City of Warrenton resulting in an expenditure of an amount not-to-exceed \$7,000 for additional flood map analysis. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 7(c): Geologic Hazards Mapping Update (Public Works)

The City's existing Past Landslides Map is outdated and does not clearly show all recent slides and changes to the boundaries of existing known landslides. The landslides shown were mapped over the past 75 +/- years. It also does not include the Department of Geology and Mineral Industries (DOGAMI) landslide inventory presented to the City in 2013. The current mapping does not include fill areas, which are susceptible to subsidence (ground sinking) during an earthquake.

Based on the variety of data available it was determined that it would be beneficial to combine all information into one new map titled "City of Astoria Geologic Hazards Map."

In July of 2014 staff was offered an opportunity to apply for a \$5,000 Oregon Division of Land Conservation and Development (DLCD) Oregon Coastal Management program Technical Assistance Grant. The Public Works Department had already budgeted \$5,000 to begin the update and with the additional \$5,000 in grant funds was able to complete the work. The project is now complete. One of the grant requirements was that the City Council accepts the new mapping once complete. It is recommended that City Council accept the new mapping for use in the City GIS system for planning, permitting and engineering purposes.

Staff made hard copies of the map available at the dais and to the audience. Engineer Harrington gave a PowerPoint presentation that explained the map. High water was removed from the map because it is now indicated on FEMA's map. The 1974 map was created from newspaper articles about landslides, but the updated map reflects City records of all slides that occurred in the last 75 years. He explained what the various colors on the map indicated, which included DOGAMI's inventories of prehistoric landslides, reactivations of ancient slides, and fill areas. Staff is working with DOGAMI and DLCD to incorporate the updated map data into the City's new geological hazard ordinance. Staff believes the fill occurred in the late 1940s, possibly post World War II or the dredging of Tongue Point. The fill areas prevent the river from eroding the toe of a landslide. The

City is removing water from the storm water system by installing perforated pipes in deep trenches during the CSO project and paving prevents water from seeping through gutter and pavement cracks.

Mayor LaMear was glad the map was being updated with as much information as possible. She understood that LIDAR created images below ground. Engineer Harrington explained that there were two types of LIDAR and Mayor LaMear was likely referring to the type that penetrates brush and trees. This allows the images to create a map showing the ground, not the treetops.

Councilor Nemlowill asked if Staff encountered any big surprises or found changes that would impact development in Astoria. Engineer Harrington said Astoria was fortunate to have a local geologist who has lived in the community his entire life and had an immense amount of records, Tom Horning of Horning Geosciences. Mr. Horning shared all of his knowledge with the City and walked all of the slide areas. Small marks on the map indicate every crack in the ground that Mr. Horning could find. He was surprised to find that one area, which he indicated on the map, had a lot of surface ground movement but was not marked as a slide area. The ground movement could be from old pavement or an old water system. The City will forward the information to DOGAMI. The 8th Street slide, which almost filled the entire historic footprint of Astoria, is the most active. He hoped the dewatering system installed during the 11th Street CSO project would help slow the ground movement in this area. 8th Street has just been paved, so Staff will pay attention to what happens to the street over the next 20 years and compare that to how the street deformed over the last 20 years.

Councilor Herzig noted this map was based on the best science and surveying technology available. He asked when and how the map would need to be updated. Engineer Harrington said the new map would be continuously updated as new slide events occur. The map is just an inventory of information, but each update may need to be reviewed and accepted by City Council. The City needs the best available information all the time and this map will tie into the new geological hazard ordinance.

Councilor Herzig added that even though the fill by the river is preventing erosion, an earthquake would likely liquefy the fill. Therefore, the City should be very cautious about development in the fill zone because it is one of the most vulnerable areas in the city. Engineer Harrington noted that currently, new essential facilities like libraries and hospitals cannot be built without the involvement of professionals and the City's building permit already requires developers to get a geotechnical report. Therefore, the City should concentrate on things like strategies for large dewatering projects.

Mayor LaMear confirmed there were no public comments on the updates to the geologic hazards map.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Warr to accept the new mapping for use in the City GIS system for planning, permitting and engineering purposes. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 7(d): Astoria Forest Carbon Consultant Services – Public Hearing to Exempt Contract from Competitive Solicitation Requirements (Public Works)

At their June 4, 2015 meeting, the City Council approved a contract with The Climate Trust to sell carbon credits generated from the City of Astoria Watershed Forest Carbon Project. The contract requires that the initial forest carbon credits must be delivered to The Climate Trust (TCT) between March 15 and May 15, 2016. In order to meet TCT's initial forest carbon credit delivery date, a development phase, third-party verification, and registration with the American Carbon Registry (ACR) must be completed. The forest carbon project development process is complex and time intensive. The development process requires unique knowledge and skills to meet the technical requirements of the ACR forest carbon methodology used for the project.

City staff seeks to contract with L&C Carbon to lead the remaining forest project development activities, including coordination of the third-party verification process with ESI, and managing the ACR registration process. L&C Carbon, a nationally recognized Oregon-based consulting firm, has a knowledgeable and skilled team of forestry professionals exceptionally well suited to compete the City's forest carbon project on time and within budget. The L&C Carbon team is highly experienced in developing forest carbon projects nationally and internationally. L&C authored the ACR methodology that will be used by the City for the project. It is recommended that Council conduct a public hearing for the purpose of taking public comment on the findings for exemption from the competitive solicitation requirements, and adopt findings that authorize the direct

appointment process to contract with L&C Carbon LLC to provide forest carbon project development services for the not-to-exceed amount of \$31,750.

Mayor LaMear opened the public hearing at 8:10 pm and invited the public to speak about the findings for exemption from the competitive solicitation requirements for a contract with L&C Carbon. Hearing none, she closed the public hearing at 8:11 pm.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill to adopt findings that authorize the direct appointment process to contract with L&C Carbon LLC to provide forest carbon project development services for the not-to-exceed amount of \$31,750. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 7(e): Public Hearing for Exemption to the Standard Solicitation Method regarding Pump Station 1 Upgrades (Public Works)

The City of Astoria's wastewater treatment facility, interceptor and the main pump and lift stations were constructed in the mid-1970s. Pump Station No. 1 (PS#1) is the largest pump station in Astoria and is located in the Alderbrook neighborhood. This pump station receives approximately 95% of the City's combined sewage flows and, depending on the weather and the season, pumps between one and 18 million gallons per day to the City's wastewater treatment plant (WWTP). On June 1, 2015, Council authorized Richwine Environmental to prepare a Concept Design Report for this project, which was recently completed. The report recommends a project scope that includes replacement of the pump's variable frequency drives (VFDs) and installation of a new control system at PS#1. Estimated project cost with engineering services, installation, and project management services is \$225,000. The report also includes an evaluation of alternative project delivery in lieu of the traditional design-bid-build process. A hybrid contract is allowed by City Code and was determined to be the most advantageous type of contract for this specialized project. It is recommended that the City bid this project using a Progressive Design Build approach to expedite construction.

At their August 3, 2015 meeting, Council scheduled a public hearing for August 17, 2015 to take public comment on the findings for exemption to the standard solicitation method. The City Attorney has approved of the City using this exemption to the competitive solicitation process and is finalizing the contract language. It is recommended that Council conduct a public hearing for the purpose of taking public comments on the findings for exemption to the standard solicitation method and adopt findings that authorize use of a Progressive Design Build Contract for design and construction of the Pump Station No. 1 Project.

Councilor Warr said he was amazed the Public Works Staff had been able to keep the pumps going for 40 years. He believed it is time to do some upgrades.

Councilor Herzig asked Staff to explain the Progressive Design Build approach. Engineer Moore said the traditional approach is to design, bid, and then build the project, which prevents the designers and contractors from having much interaction with one another to avoid an unfair advantage, and the City to award the project on a low-bid basis. With the Progressive Design Build approach, the designer is hired by the contractor and the City becomes part of the team that makes decisions about the equipment, timing, strategies, etc. Additionally, the City negotiates a profit with the contractor, enabling the City to work with the contractor's team through the process.

Mayor LaMear asked why City Council has to approve the exemption if alternative solutions are already allowed by City Code. City Manager Estes explained that alternative procurement solutions are permitted as long as there is a public hearing and Council adopts the findings.

Mayor LaMear said the Progressive Design Build approach made sense and the project would still be open to all qualified contractors. She opened the public hearing at 8:16 pm and invited the public to speak about the exemption to the standard solicitations method and authorization of the Progressive Design Build approach. Hearing none, she closed the public hearing at 8:17 pm.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Warr, to adopt findings that authorize use of a Progressive Design Build Contract for design and construction of the Pump Station No. 1

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

Item 7(f): Public Hearing and Ordinance Amending the City Code to Prohibit Smoking and Tobacco Use in City of Astoria Parks (1st Reading) (Parks)

The mission of the Astoria Parks and Recreation Department is to provide life-long learning, wellness, and well-being through recreational opportunities and is dedicated to the preservation of natural resources, open spaces and facilities that inspire and bring neighbors together. To support and reinforce this mission, the Astoria City Code provides rules and regulations of Astoria's Parks. Currently these regulations do not limit tobacco use or prevent users of City of Astoria Parks from second hand smoke exposure.

At the request of citizens and Parks and Recreation Advisory Board members, Mr. Stephen Blakesley, with the Clatsop County Public Health Department, gave a presentation on smoke and tobacco free parks /recreation areas during the May 27, 2015 Board meeting. His presentation included an overview of tobacco control and enforcement, agencies throughout the State that have implemented tobacco and smoke free policies, statistics on tobacco use, information about the tobacco industry, and how to make an informed decision about such a policy. Mr. Blakesley's presentation is attached. Upon conclusion of the discussion, the Astoria Parks and Recreation Board unanimously voted to develop a smoke and tobacco free policy to be recommended for City Council adoption. The City Attorney has reviewed and approved as to form the proposed ordinance that would implement this policy. If the Council is in agreement with the Parks and Recreation Advisory Board's recommendation, it would be in order for Council to conduct a public hearing and hold a first reading of the proposed Ordinance. It is recommended that the Astoria City Council conduct the scheduled public hearing and if deemed appropriate, hold a first reading of the ordinance to prohibit smoking and tobacco use in City of Astoria Parks.

Director Cosby noted the estimates for signage include a wide range of prices because the smaller signs cost less than the larger signs. The Parks Board began discussing this ordinance about a year ago. She gave a brief overview of the draft ordinance, which was included in the agenda packet.

Councilor Herzig said the County will provide \$750 for signage. He had previously suggested the County provide 50 percent of the signage costs, but this would have to be approved by the County Commission. It could be problematic if every city in the county asked the Commission to pay for 50 percent of the signage costs. Astoria has many parks. He suggested the City begin by spending up to \$750 on the installation of signage in the City's prime locations, allow the County to match this with \$750, and then negotiate with the County for more funds for additional signage as matching grants are received. Columbia Memorial Hospital might be willing to provide a grant for the signs. He wanted the City to consider other funding sources because the Parks Department is always trying to stretch its dollars.

Councilor Nemlowill preferred the smaller signs because they would be more subtle. The Riverwalk is such a large and important public park and she did not want a lot of sign clutter in the area. However, City Council is not currently being asked to give their opinion on signage. The ordinance sounds like a good idea.

Councilor Price asked why the ordinance would make parks tobacco free instead of smoke free and wanted to why marijuana was not included. Director Cosby explained that it is not legal to consume marijuana in public and this law is already being enforced by law enforcement agencies.

Councilor Price wanted marijuana included in this ordinance. Almost all of the ordinances in other municipalities that she reviewed say smoke and tobacco free. Astoria is really looking to be smoke free, not just tobacco free. Councilor Herzig said the ordinance did say smoke and tobacco free. He believed smoke covered any burning materials that one could put into their body. Councilor Price referred to Definition A, which only mentioned devices containing tobacco or a tobacco product, and marijuana was specifically excluded. Chief Johnston confirmed that adding the word marijuana to the Code language would not cause him any concerns. State statutes already prohibit marijuana smoking in public places, including parks. If marijuana smoking was added to this ordinance, it would simply be added to the list of parks violations in addition to being a violation of State law.

Councilor Herzig asked if this would affect the signage or Astoria's compliance with County laws. City Manager Estes said the County could respond during the public hearing. Councilor Herzig understood it was always

problematic to implement an ordinance that the City is not prepared to enforce. However, this ordinance will benefit people who are trying to quit and provide cleaner air for people that do not smoke. Once this ordinance becomes part of the culture, the community will enforce itself. This is a good step in the right direction.

Councilor Warr believed the ordinance would pass regardless of how he voted. He did not agree with banning things that are legal just because some people do not like them. There is a lot of hype about how second-hand smoke causes cancer. However, in a recent study by Stanford University, 93,676 women were tracked for over 10 years. The only women who had any measurable instances of cancer from second-hand smoke were those who lived with an active smoker in the home for more than 30 years. He hates smoking, but it is legal. He believed it was dangerous for society to bar a person's legal right to do something. Therefore, he planned to vote against the ordinance, but hoped the rest of the Council would vote in favor of it.

Councilor Nemlowill asked Chief Johnston to speak about enforcement. Chief Johnston said he had been asking Director Cosby to get this ordinance on the agenda for quite some time. As a park user, he was in favor of the ordinance. The Police Department will not aggressively seek out people smoking on the Riverwalk. However, the ordinance will be another tool that helps the Department make Astoria's parks more enjoyable. Mayor LaMear opened the public hearing at 8:28 pm and called for public comments on the ordinance prohibiting smoking and tobacco use in City parks.

Norma Hernandez, 92335 Youngs River Road, Astoria, addressed to questions asked during the presentation on services provided by the Clatsop County Health Department. She said about 65 percent of Astorians go to the County Health Department for services. The County does not give referrals for abortions, but they do provide information. The Parks Board supports the ordinance prohibiting smoking in parks. Sixteen percent of Clatsop County residents are tobacco users, which costs \$15 million in tobacco related medical expenses. Tobacco use is legal, but so are sex and alcohol and those are not allowed in parks. City Council should decide what is appropriate and what is good for the community. This is one of City Council's goals. The community, City, private businesses and non-profits can work together to have a healthy community. This is not about imposing upon people's personal beliefs or rights. The rights of smokers are respected, but the rights of non-smokers should also be respected. One person's rights begin where another person's rights end and she wanted everybody's rights to be respected. The ordinance does not tell people not to smoke; it just says do not smoke in a public area that is funded by citizen's tax dollars. During CHIP-In events, many cigarette butts are cleaned up in Astoria's parks. She wanted a healthier and wealthier community and the community can save \$15 million in tobacco-related medical expenses.

Stephen Blakesley, 31928 Ocean View Lane, Arch Cape, Clatsop County Tobacco Prevention Education Program Coordinator, said marijuana and e-cigarettes have caused a lot of changes in the last five years. Five years ago, the gold standard was smoke-free signs. Eventually, other forms of tobacco were included. The County signs for tobacco-free properties were approved in 2012 and 2013. The newly approved signs for County parks include smoke and tobacco-free. The County wants their signs to be clear so that enforcement is easier. There are currently over 1,000 smoke and/or tobacco-free parks in the State of Oregon. He was part of a State task force that reviewed evaluation data used to create smoke and tobacco-free policies. Enforcement was the number one concern 84 percent of the time. As Councilor Herzig said, the ordinances become self enforced. In 2010, the County tested a voluntary signage program around some of the play structures in Astoria. The signs asked people to voluntarily refrain from smoking near the children and the County received many positive comments about the signs. Most people want to be law-abiding citizens and respect the signs. This ordinance is for the health of the community. Tobacco remains the number one leading cause of premature death in the United States, in the State of Oregon, and in Clatsop County.

Mayor LaMear confirmed there was no further public comment and closed the public hearing at 8:34 pm.

After some discussion about how to word a motion, City Manager Estes explained that Staff was only asking for a vote to conduct the first reading of the ordinance at this time. Staff could present updated Code language that included marijuana at the next City Council meeting when a second reading and adoption would be requested.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price, to hold the first reading of the ordinance to prohibit smoking and tobacco use in City of Astoria Parks. Motion carried 4 to 1. Ayes: Councilors Price, Herzig, Nemlowill, and Mayor LaMear; Nays: Councilor Warr.

Director Cosby conducted the first reading of the ordinance.

City Manager Estes confirmed Staff would present a revised draft of the ordinance to Council at their next meeting.

Item 7(g): Authorization to Establish a Scholarship Program for Parks and Recreation Department Services (Parks)

The City of Astoria Parks and Recreation Department plays a central role in defining the City's quality of life and is committed to offering low cost recreation programs, facilities, special events, and making its programs accessible to all segments of the population, as possible. Since 2009, the Parks and Recreation Department has hosted an unofficial scholarship program that waived over \$35,000 in program fees last year. Although this program is well utilized, it has many shortcomings. To correct this without eliminating the scholarship program, the Parks and Recreation Department is proposing a formalized scholarship program. Parks Director Cosby has drafted policies and practices for this program, which may be found in her memo that is included in the agenda packet. Additionally, a scholarship fund has been established with the Astoria Parks, Recreation and Community Foundation, to provide partial and full subsidies to eligible applicants for selected Recreation programs. The Astoria Parks, Recreation, and Community Foundation have fundraised over \$8,600 in scholarship funds since beginning a fundraising campaign in late May. During the May 27, 2015 Parks and Recreation Advisory Board meeting, the Board discussed the policy and practices noted above. Upon conclusion of the discussion, the Astoria Parks and Recreation Advisory Board unanimously voted to recommend the policy and practices to City Council. It is recommended that the Astoria City Council adopt the Scholarship Policies and Practices, which were recommended by the Parks and Recreation Advisory Board.

Director Cosby said the new policy allows any Astoria resident to apply for a scholarship and receive a decision within two weeks. The guidelines and household income qualifications are equal to what the school district uses for free and reduced lunches. Someone who qualifies for reduced lunch with the school district would qualify for 50 percent off of Parks program fees. A person who qualifies for free lunch with the school district would qualify for a free program. The Parks Board requested that scholarships not be provided for childcare programs because the State provides funding to help families with childcare options. The Parks Board also requested that scholarships not be provided for plots and services at Ocean View Cemetery. The Foundation will be able to provide scholarships as long as funds are available.

Councilor Herzig said a recent story in *The Oregonian* stated 40 percent of schoolchildren qualify for federal assistance with their breakfast and lunch program. Astoria needs this scholarship program. He understood the Parks Department struggled with the scholarships because a formal program was not in place, so this is a great step forward for all citizens of Astoria.

Councilor Nemlowill believed the recommendations made by the Parks Board were great and she was glad the policy had already been vetted by the Parks Board. The Foundation's community events for fundraising have been great. The Run on the River and movies in the parks are great ways to bring the community together to help the community. As stated in the Health Department presentation, obesity is one of the biggest problems in Astoria and this scholarship program helps address obesity.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price, to adopt the Scholarship Policies and Practices recommended by the Parks and Recreation Advisory Board. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(h): Authorization to Hire RARE Participant for Parks Masterplan Development (Parks)

The City of Astoria last completed a Parks Master Plan in 1978 and the Parks and Recreation Department has found inefficiencies in operating without the guidance and policy direction of such a plan. On May 18, 2015, the Astoria City Council adopted "develop a city parks master plan" as a City Council goal for the 2015- 2016 fiscal year. The City Council then allocated \$35,000 of funding in the 2015- 2016 Fiscal Year budget to complete a system-wide Parks and Recreation Master Plan to provide guidance and policy direction for Astoria's Parks, Aquatic Center, Recreation Center, and Recreational Programs. In an effort to produce a quality Master Plan with limited financial resources, the Parks and Recreation Department has coordinated with the University of

Oregon's AmeriCorps RARE program. The mission of the Resource Assistance for Rural Environments (RARE) Program is to increase the capacity of rural communities to improve their economic, social, and environmental conditions, through the assistance of trained graduate-level participants who live and work in communities for 11 months. Participants assist communities and agencies in the development and implementation of plans for achieving a sustainable natural resource base and improving rural economic conditions while gaining community building and leadership skills.

The planning process must include substantial citizen involvement, inventory of existing conditions and facilities, analysis of issues and community needs, and specific recommendations that include specific actions, priorities, and costs.

Additionally, to complete the planning process the Parks and Recreation Master Plan will be an adopted planning document through the local land use approval process. A service agreement with the University of Oregon is required to finalize the RARE participant's placement in Astoria. A template of the service agreement has been approved by the City Attorney and is attached for your review. It is recommended that Council authorize the City Manager to enter into a Service Agreement with the University of Oregon for an AmeriCorps RARE participant.

City Manager Estes explained that Alana Garner, Astoria Downtown Historic District Association (ADHDA), began working with the ADHDA as a RARE participant and is now their Executive Director. Parks and Community Development Staff interviewed five participants and chose Ian Sisson to lead the Parks Master Plan development. Hiring a RARE participant will cost the City \$22,000.

Mayor LaMear believed the RARE program was great and Astoria has had wonderful participants in the past. She was looking forward to having another RARE participant work with the City and Astoria's parks need a master plan. Director Cosby noted that Community Development Director Cronin also served as a RARE participant.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Herzig, to authorize the City Manager to enter into a Service Agreement with the University of Oregon for an AmeriCorps RARE participant. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(i): 16th Street CSO Project Update (Public Works)

This item was added to the Agenda during Item 5: Changes to the Agenda.

City Manager Estes said City Council had requested a status update on the 16th Street CSO project at their special meeting on Friday, August 14, 2015.

Engineer Moore said the contractor is on schedule, and perhaps, a bit ahead of schedule. She explained that during the design process, Staff knew this project would need to coordinate with the Irving Bridge project, the Goonies event, and the college's redevelopment of Patriot Hall. Staff and the college began working on a timeline before the bond passed for their project because CSO construction would be done adjacent to their project on 16th Street between Jerome and Lexington. The college entered into a very aggressive schedule to get their project done. The City would like to begin work on 16th Street, but the college is in the demolition stage, which requires a lot of the right-of-way. During the planning stage, the college did not realize they would need the right-of-way. Currently, the college is using half of 16th Street adjacent to their redevelopment project for staging and they anticipate one truck every 10 minutes will leave their site as they haul away demolition materials. This is problematic for the City's CSO project. Staff discussed many alternatives with the college and the college would like the City to consider delaying CSO work until next summer when their work would be on the interior of the building. Staff has confirmed that the City's contractor would be willing and able to return next summer; however, this would incur a remobilization fee of about \$49,000, which the college has committed in writing to pay. The City could try to reduce the fee by purchasing and storing materials. It would cost the college hundreds of thousands of dollars to delay their project to accommodate the City. Therefore, the college would incur less cost if the City is willing to postpone the CSO work. The contractor suggested all of the work on 16th Street be postponed instead of just one block. This would allow the contractor to be more efficient when work resumes. Irving Bridge will be open next summer, so the City will be able to control traffic better. The regulatory deadline for Department of Environmental Quality (DEQ) to control the 16th Street outfall is the end of 2016. The

contractor needs to know by Wednesday, August 19th if the work will be postponed. Since the City is not financially obligated, Staff plans to notify the contractor on Wednesday.

City Manager Estes said Staff would present an agreement between the college and the City that addresses payment of the remobilization fee. However, Staff needed feedback from Council about postponing the CSO work until next summer.

Councilor Price said she had spoken to several residents along 16th Street. She noted one resident was in the audience, and asked if she wanted to speak to the matter.

Loretta Maxwell, 1574 Grand Avenue, Astoria, said she was glad work on 16th Street would not be done right away. She asked for an update on paving near a water main. That morning, she saw a man cutting the top of the asphalt and rocks from the trench have rolled down the hill. She needed to know where she should tell her bed and breakfast guests to park and sometimes, she does not know how to get home.

Engineer Moore said the paving would be done on Tuesday, August 18th. Preparing for a paving operation is messy, but the rocks would not be a problem after Tuesday. She noted she has been in contact with Ms. Maxwell several times and has tried to keep her updated.

Mayor LaMear said it seems like the street closures change every day. She asked if any part of 16th Street had already been torn up. Engineer Moore said nothing had been torn up on 16th Street. The original schedule was for work to begin on 14th Street and go in numerical order to 18th Street. The City required the contractor to pave 14th Street before starting on 16th Street for better traffic control. Paving is currently being done on 14th Street, but since the contractor is a bit ahead of schedule, they began working on 17th and 18th Streets. This is the perfect opportunity to stop work for the year because the contractor was just getting ready to start surveying and getting equipment for 16th Street.

Mayor LaMear confirmed there were no more public comments. Council confirmed for Staff that they had no concerns with postponing the 16th Street CSO Project.

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

Item 8(a): Fluoride in the Drinking Water (Councilor Nemlowill)

This item was added to the Agenda during Item 5: Changes to the Agenda.

Councilor Nemlowill said citizens have expressed concern about fluoride in Astoria's drinking water. She discussed the issue with as many people as she could and received a mix of responses. People who are concerned about safety do not want fluoride in the water and others believe fluoride is good for teeth. In 1952, voters in Astoria voted to add fluoride to the drinking water. Since 1952, studies indicate fluoride is linked to cancer and question the effectiveness of ingesting or applying fluoride to teeth. About 25 percent of public water in Oregon has added fluoride. Many communities, including Portland and Hood River, have voted against adding fluoride to their water. Citizens should be able to decide for themselves whether fluoride is effective and safe and have the choice to use it in their own homes. She believed the City used to purchase fluoride from the United States and Japan. However, the City recently ordered fluoride from China for the first time. The City uses monitoring equipment to test fluoride levels in the water because high levels of fluoride in water can be toxic. The City spends about \$10,000 each year on fluoride. She wanted City Council to discuss the possibility of holding a public hearing to determine if the addition of fluoride to drinking water should be put on the ballot.

Councilor Herzig said he shared Councilor Nemlowill's concern and thanked her for bringing up the issue. He believed science has moved forward since the 1950s and people now have many opportunities to introduce fluoride to their oral hygiene. He was concerned about the toxicity and sources of fluoride and suggested Staff present Council with a report on ending the addition of fluoride to the City's drinking water.

Council directed Staff to add this issue to a future City Council meeting agenda.

Councilor Nemlowill believed it was already too late to get this on the November ballot, but wanted the community to have the opportunity to talk to the City about the fluoride in the water.

Councilor Herzig asked if Council could simply direct Staff to stop adding the fluoride.

City Manager Estes noted that in 1952 and 1956, Astoria voted in favor of adding fluoride to the water. He said City Attorney Henningsgaard had reviewed this issue and believed a ballot vote would be necessary. However, further analysis should be done before City Attorney Henningsgaard officially makes a recommendation.

Councilor Herzig said he did not recall City Council voting to approve the 3-minute time limit on public comments that has already been implemented. The discussion on Council rules and policies seems to have stalled. Mayor LaMear confirmed she decided to impose the time limit.

Mary Eng, 8th and Harrison, Astoria, thanked Councilor Nemlowill for bringing up the fluoride issue and said she had been doing some research on the subject. She said a recent ruling by the Department of Justice (DOJ) would impact how homeless people are treated. The DOJ has declared camping bans unconstitutional and has advised a court in Iowa that any attempts to ticket a homeless person for sleeping is cruel and inhumane. She heard DOJ attorney Venita Gupta speak about this on National Public Radio (NPR). This is groundbreaking and shows the DOJ has a lot of courage to reach out to a hurting population. Four days ago, the *Washington Post* published an article about the ruling that included a link to the court case in Iowa. When she moved to Astoria, she attended a Meet the Mayor event and brought up the issue of fluoride in the drinking water. She believed the issue would be discussed, but she was shut down when someone said fluoride was good for teeth and therefore should not be discussed. She had wanted to discuss fluoride as it related to biomedical ethics, forced drugging, and diverse medical conditions. A more democratic process about how the community votes on forced medication can be problematic because if 52 percent of the population wants to force Thorazine, for example, into the water, the majority has decided the rights of others medical autonomy. Reviewing medical privacy laws and medical rights would help the community understand what their rights are. After she moved from Astoria to Portland, she felt a mental fog. She did not know if this was from fluoride, but she is filtering her water. She added that drunk driving is not cool, and she was offended by the accolades for the drunken Mayor. There is a way to respect people without condoning their behavior or whitewashing their reputation.

Mayor LaMear interjected, noting that Ms. Ange's three-minute time limit had expired. She asked if the Council wanted to extend the time limit.

Councilor Warr did not wish to extend the time limit.

Councilor Herzig reiterated that Council had previously discussed a five-minute time limit. He was upset that a time limit had suddenly been imposed while Council was still in the middle of discussing it. He preferred a four or five minute time limit and requested the discussion be continued at future meeting.

Karin Temple, 1032 Grand, Astoria, understood from the Health Department presentation that a free pass was needed to hike at Fort Clatsop. She said a free pass was necessary at State parks, but parking and hiking at Fort Clatsop was always free of charge. The entry fee is only charged for going through the facility and into the fort. This does not affect her because she is elderly and has a gold card, but she wanted the public to know about the entry fee. At the last City Council meeting, there was a discussion about water shortages. She recommended the City Council spread the word that Astoria's water supply is a bit low and would likely get lower if no rain comes, as predicted. She has mentioned the water shortage to many people in the community who were not aware and questioned why the situation was not publicized. She could not believe people waste water at the price they pay for it. She suggested water saving recommendations be published in the newspaper or on an insert sent out with the water bills. She also recommended the City enforce a ban on watering lawns and washing cars.

Councilor Herzig said the Fire Department made water conservation tips available at their open house on Saturday, August 15th. It is too bad storm water drained from the city cannot be used to water lawns.

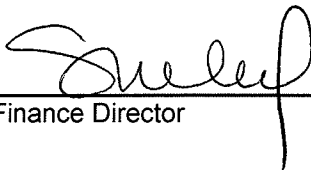
Councilor Nemlowill said most of the people she has spoken with are not aware of the voluntary water restrictions. However, she did see an article in the *Daily Astorian*. She asked if a message could be included with the water bills without incurring too much of an additional expense. City Manager Estes confirmed that Staff had already begun working with the Finance Department to include a message with the water bills.

Councilor Price confirmed that the water saving tips would also be made available at the Library.

ADJOURNMENT

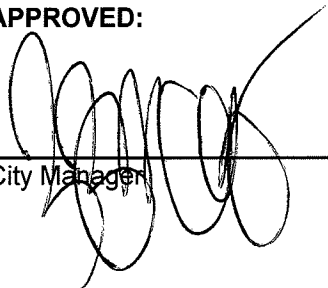
There being no further business, the meeting was adjourned at 9:09 pm to convene the Astoria Development Commission meeting.

ATTEST:



Finance Director

APPROVED:



City Manager