

A regular meeting of the Astoria Common Council was held at the above place at the hour of 6:30 p.m.

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

Staff Present: City Manager Benoit, City Engineer Harrington, City Support Engineer Moore, Community Development Director Estes, Finance Director Carlson, Fire Chief Ames, Parks and Recreation Director Cosby, Police Chief Curzon, and City Attorney Henningsgaard,. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

SISTER CITY TRIP TO WALLDORF, GERMANY

Item 3(a): City Council discussed their recent trip to Astoria's Sister City, Walldorf, Germany

Mayor Van Dusen explained some of the differences between the local governments in Astoria and Walldorf, including the authority of each City Council and the positions of Burgermeister and Mayor. He read a letter from Burgermeisterin Christiane Staab, the first female Burgermeister in Walldorf, thanking Astoria for participating in the Sister City Celebration.

City Manager Benoit displayed a slide show of various events during the Sister City Celebration. City Council and staff offered the following key comments about the photographs:

- The Astor House in Walldorf was built using a donation from John Jacob Astor when he died. The house, now a museum, was originally built for the poor. A special exhibit will remain on display for the next year.
 - The sale of the Astor House to the museum helped the Astor Foundation continue the work of housing the poor and elderly. City Council toured an assisted living center and nursing home that is run by the foundation.
- Events included an outdoor interdenominational church service, a guided tour of the downtown area and an event at The Astoria Hall of Sport and Culture.
- Andreas Staab, who is married to Burgermeisterin Staab, is a judge and the highest ranking Colonel in the German Army.
- The Astoria logo is one of six that appear on what looks like a maypole at the entrance to Walldorf.
- The downtown area is open only to pedestrians on weekends. Blue lights that illuminate walkways at night are installed in the ground and the streets are cobblestone.
 - The Astoria Pharmacy is a shop in Walldorf with a history that dates back to Roman times.
- Councilor Herzig told the history of a former Jewish synagogue that survived Kristallnacht. The inscription above the door is in German and Hebrew. He and Councilor Mellin discussed the significance of Jewish history to Walldorf and Astoria.
- All fire department staff in Walldorf are volunteers.
- Walldorf City Council is comprised of 22 elected councilors from six different political parties.
- The American flag was displayed throughout Walldorf as part of the celebration.
- The City of Walldorf signed a renewal of the 50-year sister city relationship.
 - In a gift exchange, Astoria City Councilors presented the Walldorf City Council with a plaque featuring the combination of both City logos to commemorate the 50th year of the relationship and a panoramic picture of the city of Astoria. The plaque was created by local artist Scott Leahing. The picture was taken and donated by Matthew Mathers, also a local artist.
- Events included a presentation at the Walldorf Library, visits to schools and the early childhood center, a tour of local businesses and the inauguration of the Astoria Circle roundabout. Imbedded in the sidewalk of the Astoria Circle roundabout is a statement about the sister city relationship.
 - High school students explained how the higher education system works. Stools in the classroom are built with a rocking motion to reduce stress and promote good posture.
 - The common room of the library is an open and versatile room that opens to a courtyard.
 - Walldorf contains a mix of local and worldwide businesses. The group visited the headquarters of two large corporations and a small family-owned business in the business district.

- The group toured the European Parliament in Strasbourg, France, followed by a reception hosted by the German American Club and then a concert in Astor Park.
 - The parliament has over 700 delegates and over 1,000 interpreters who work full time. Delegates are seated according to their political views rather than by country. Germany has 86 delegates in the parliament.
 - At the reception, a poster of the Astoria Regatta was presented to the German American Club.
 - Former Burgermeister Criegee, whom Criegee Circle at the Astoria Column is named after, attended the reception.
 - At the concert, the musicians were playing instruments made by John Jacob Astor's older brother. The concert ended with a fireworks show, which was a surprise even to Walldorf citizens.

City Manager Benoit displayed and reviewed the expenses incurred with the trip to Walldorf. Airfare for seven people was the largest expense at \$1,850 per person. Total expenditures to date are \$15,501.56. He noted the City of Walldorf covered all expenses for food and lodging.

Mayor Van Dusen noted that the lapel pins were expensive, but it was nice that the Astoria delegation had them to hand out at various events. He asked if more expenditures would be incurred. City Manager Benoit replied that he expects a few more receipts for postage to be submitted. A few miscellaneous items may accumulate to a few hundred dollars, but the expenditures to date are about 98% of the total expenditures expected. He confirmed that the unaccounted for expenditures would be less than \$500.

Bruce Conner, 323 Alameda, Astoria, Chairman of the Sister City Committee, thanked City Council for joining the committee in cementing the relationship. The week in Walldorf has tripled Astoria's understanding about why the relationship is so important. Since Mr. Conner has been Chairman of the Sister City Committee, he has made five trips to Walldorf. This trip was the only trip that was funded by the City. The student exchange program is an important component of the relationship. High school students attend the sister school twice a year.

Jim Pierce, Warrenton, state he is in charge of the Astoria High School Exchange Program, which has been ongoing for 40 years. This was his 10th trip to Walldorf with the students. He usually takes students to Walldorf during spring break; however, this time he took the students for the celebration. The exchange program is an important opportunity for students to learn a different culture and build friendships with students from another country. Walldorf believes the exchange program is important as well and has offered financial assistance to Astoria's students when they were unable to afford the trip. The students also learn to appreciate what they have in the United States.

Mayor Van Dusen called for anyone with questions or comments about the trip to Walldorf to come forward.

Councilor Herzig clarified that the airfare came out of the Promote Astoria Fund, which is the City fund that receives hotel lodging taxes. By law, money in this fund can only be spent on tourism related activities.

Mellissa Yowell, 690 17th Street, Astoria, asked how to apply for money from the Promote Astoria Fund.

Mayor Van Dusen stated that Astoria's room tax is 9%. He explained that a certain percentage of the fund is earmarked for the Chamber of Commerce. Residents can attend the budget meetings or speak to their elected officials to request funds.

- This year, the Budget Committee decided to allocate \$30,000 for arts and culture related events. The City is trying to create a fund specifically for arts and culture events that individuals and groups can apply for. The application process is being developed.

Mushi Mayflower, 1011 Jerome, Astoria, asked how City Council would use what they learned on the trip to benefit Astoria.

Councilor LaMear stated that she took pictures of things that may be good for Astoria to consider. Councilors are constantly looking for ways to improve various aspects of life in Astoria. Keeping the renovation of the Astoria Library in mind, she paid special attention to the library in Walldorf. While not spectacular, the Walldorf library was well organized and well arranged. She described how the courtyard complemented the library

space. Several things were discussed on the trip that will be considered for Astoria in the future. Ways to improve economy and atmosphere in town were discussed as well as the pros and cons of Walldorf's pedestrian only zone.

Mayor Van Dusen believed the history was important. Germany and America were enemies during World War II. Walldorf is a prominent city in the middle of Germany that reached out to an American city with a Jewish mayor right after the war to develop the Sister City relationship. During the celebration, Walldorf emphasized their desire to have a relationship based on peace, which he believed is more important than an economic trip; Astoria was not trying to get business from Walldorf. The history of the relationship is priceless.

Councilor Mellin stated that Walldorf has a main street named for Astoria's former Mayor Harry Steinbock. Many new residents in Astoria are unaware of who Mr. Steinbock is, yet he is honored in Walldorf. Councilor LaMear suggested Astoria honor Mr. Steinbock for approving the Sister City relationship during his term as Mayor in 1963.

Miriam Hurley, Astoria, believed this trip to Walldorf helps Astoria residents to think globally, which is important for peace. She thanked City Council for participating in the celebration.

Mayor Van Dusen called for a moment of silence in memory of Bill Henningsgaard and his son Maxwell Henningsgaard, who were killed in a plane crash earlier in the week.

REPORTS OF COUNCILORS:

Item 4(a): Councilor Herzig reported that he would be hosting a Meet the Public event on Thursday, August 22, 2013 at 5:30 p.m. in the Library Flag Room, which has been published in the newspaper. Council members will be happy to answer questions about the trip to Walldorf individually at any time as there was a lot to share.

Mayor Van Dusen added it is the duty of City Council members to do so.

Item 4(b): Councilor LaMear reported that she attended the public meeting about the library renovations at the Liberty Theater that was well attended. People had the opportunity to express what they wanted in a future library. She also attended a meeting about signage in the downtown area. The City and the Astoria Downtown Historic District Association (ADHDA) are working on way-finding signage to be installed throughout the city. People walking along the Riverwalk have no way to determine their location in relation to the streets. Signs along the Riverwalk will signify when one is on 12th Street, for example. This will let people know how to get to the Column, Fort George and other places. This project will be lead by Parks and Recreation Director Angela Cosby, who will ensure consistent and adequate signage without installing too many signs. Councilor LaMear stated she will attend a two-day Oregon Coast Economic Summit in Lincoln City beginning Tuesday, August 20, 2013. Summit discussions will center on stimulating the economy, supporting current jobs, and creating new jobs.

Item 4(c): Councilor Mellin stated that Peter Roscoe did a great job with the Regatta. He is a hero in Astoria for keeping the Regatta going. Frank Preusser, who restored the Column in 1995, gave a presentation on how he planned to continue the Column's renovation. She congratulated Director Cosby on her first few months with the City. She encouraged everyone to look at the lettering on the sign at Fort Astoria Park, which can now be read from one's vehicle. Director Cosby is doing a great job.

Item 4(d): Councilor Warr No reports.

Item 4(e): Mayor Van Dusen reported that a retirement ceremony was held on Sunday, August 18, 2013 for National Guard Generals Fred Rees and Caldwell. General Rees served as a General longer than any other National Guard member in the country did. He was appointed General in 1987. Both Generals publicly addressed Mayor Van Dusen, who attended as Astoria's representative, and said that City staff's organization during the hurricane of 2007 was better than any other municipality.

CHANGES TO AGENDA: No changes.

PRESENTATIONS:

Item 6(a): Introduction of the New ADHDA Executive Director Alana Garner

Dulcye Taylor, Astoria Downtown Historic District Association (ADHDA) President, 865 11th Street, Astoria, thanked City staff for working with the ADHDA and noted that the sign at the east end of town has been refreshed. Brew Cup will be held at the end of September 2013. Oregon Main Street will be on October 2, 2013. This free event is open to the public and people can registration online at the Oregon Main Street website. Michelle Reeves had recommended that the ADHDA hire an executive director so the ADHDA could continue its work through such big events and partnerships. Ms. Taylor introduced Alana Garner, the new Executive Director of the ADHDA.

Alana Garner, 486 12th Street, Suite H, Astoria, said she looks forward to working with the City and the community. She encouraged everyone to attend the Oregon Main Street conference being held October 2–4, 2013. An evening reception at the Barbey Center will be on Wednesday evening.

Item 6(b): CSO Program: Review of Completed Project Performance and Overview of Future Projects

Since April 2012, HDR Engineering has been managing the hydrologic and hydraulic model that is used to delineate and scope each CSO project. This model contains important information regarding the storm and sewer infrastructure, geographic areas that flow to each pipe segment, rainfall information, and historic flows that are used to predict the system response after CSO project completion. There is ongoing maintenance and calibration that must occur to the model so that it most closely mimics actual conditions in the field and gives the City the most accurate data for the design of future CSO projects. The Council presentation by HDR Engineering and City staff will include a brief history of the CSO Program, CSO projects that have been completed to date, scope of the next CSO project and anticipated strategy for the future of the CSO Program. The goal of the presentation will be to provide the Council with an updated look at the status and future direction of the CSO Program.

Support Engineer Moore and Lisa Tamura, Project Manager and Technical Expert with HDR Consulting presented the CSO Project update via PowerPoint, reviewing the work completed and upcoming CSO projects for the city.

Mayor Van Dusen commented that the City is about 50 to 60 percent through the CSO Program, but the environmental requirements are 85% complete.

Engineer Moore explained that staff wanted to update Council on the entire project since staff is attempting to obtain funding for the next CSO project. She wanted Councilors to be able to answer questions from their constituents about the CSO Program.

Councilor Herzig confirmed with Engineer Moore that the CSO Program is federally mandated, but is not federally funded; the City has to pay for the CSO projects.

Mayor Van Dusen stated that City Council has not yet agreed to timelines noted in the presentation. He advised staff to postpone finding funding until City Council has discussed the timelines. Engineer Moore assured that any agreements would be presented to City Council.

Item 6(c): Ghadar Party Celebration (October 4 – 5, 2013)

Councilor Mellin will give a status report regarding the Centenary of the founding of the Ghadar Party in Astoria, Oregon scheduled to be held on October 4th and 5th.

Councilor Mellin stated Mac Burns and Alana Kujala would present the update on the Centenary.

Mac Burns, 960 Franklin Avenue, Astoria, Director, Clatsop County Historical Society, reminded that City Council approved a commemorative proclamation that has been published worldwide. Astoria will host a celebration October 4–5, 2013 to commemorate the 100-year anniversary of the founding meeting of the

Ghadar Party, which was held in the local Finnish Socialist Hall in May of 1913. The fact that Astoria was the birthplace of a significant political movement was largely unknown until an article, written by Joanna Ogden, appeared in the *Oregon Historical Quarterly Journal* in the summer of 2012. He reviewed the history of the Punjabi Indian population in Astoria and the political movement that involved the Ghadar Party.

Alana Kujala, Event Coordinator, Astoria Warrenton Chamber of Commerce, explained that the City reached out to the Chamber after the proclamation was approved. The Chamber and the Historical Society formed a committee to coordinate the celebration event. The schedule of events during the celebration can be found on the Clatsop County Historical Society website and at www.AstoriaGhadar100.org. All of the events are free and open to everyone.

Councilor Warr asked how many people were expected to attend the event. Ms. Kujala responded that the estimated number of attendees is unknown, but the committee is planning for 50 to 500 attendees. The venues would accommodate flexible crowds. Several events are planned, including a large panel discussion at the Liberty Theater. Smaller events will be held at Heritage Square and the Clatsop County Historical Society. A variety of audiences has been targeted. Phone calls about the event are being routed through the Historical Society, which receives three phone calls and two to three emails each week about the event. Most of these calls and emails are from San Francisco, California and Canada. Local and regional press will be used to advertise the event. Some press outside of the local area will also be used to target other large populations.

Councilor Mellin noted that about 1,000 copies of the 2012 article published in the *Oregon Historical Quarterly Journal* are available at the Heritage Center for \$5.00 each.

Mayor Van Dusen thanked Mr. Burns and Ms. Kujala for their work on this event. He noted that India has created a postage stamp to commemorate the celebration in Astoria. The City has proofs of the stamps.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

7 (a) City Council Minutes 8/5/13

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

REGULAR AGENDA ITEMS

Item 8(a): Public Hearing and Ordinance Vacating a Portion of the 1st Street Right-of-Way Adjacent to 2044 Southeast D Street (emergency adoption – 1st and 2nd reading and adoption) (Public Works)

The City received a request from Tamara Stanley, property owner of 2044 SE D Street, for the vacation of a 16' by 50' portion of the unimproved 1st Street right-of-way to accommodate a portion of the existing house and associated improvements that were built over the property line many years ago. Ms. Stanley is in the process of selling her property and the sale cannot be completed until the encroachment issue is resolved. She has requested that the City Council finds that an emergency exists and, if approved by the Council, the ordinance become effective immediately. At their August 5, 2013 meeting, the Astoria City Council acted to schedule a public hearing on the proposed street vacation on August 19, 2013 at 7:00 p.m. It is recommended that the Astoria City Council conduct the public hearing, declare that an emergency exists, and hold the 1st and 2nd readings of the ordinance to vacate a 16' by 50' portion of the unimproved 1st Street right-of-way adjacent to 2044 SE D Street.

Mayor Van Dusen asked why this was an emergency. City Manager Benoit explained that a portion of the Applicant's home was built in the right-of-way. In order to conclude the sale of the home, the City must vacate the right-of-way immediately to accommodate the property owner.

Mayor Van Dusen called for questions by Council members. Hearing none, he opened the public hearing at 7:59 p.m. and called for anyone wanting to address the City Council on the vacation of this right-of-way to come forward with any comments or concerns.

Dale Barrett, OTAK, 4253 A Highway 101 North, Astoria, stated he represents the property owner, Tamara Stanley. Approximately three feet of the house sits in the right-of-way. The street was built in the early 1880s by the plat of Williamsport. The house was built in the 1940s or 1950s. A deck with some improvements extends out from the house. He gave the Councilors copies of maps previously provided to staff. The original plat showed the street was 70 feet wide. The Applicant is requesting a 50-foot by 15-foot area be vacated by the City and become the property of the adjoining landowner. This is a minimal amount of land that will not affect the road. He explained that the lending institution has required a clean title. In the past, a license to use about three feet of the street was accepted. Today, lending institutions have different requirements. The right-of-way issues need to be resolved so that no part of the house is illegally in the street.

Tamara Stanley, 2044 SE D Street, Astoria, said she bought the house about seven years ago and has just become aware of this issue. She needs to sell the home because her children are in college. This situation has been stressful and she hopes City Council will approve the application so she can sell the home.

Denise Fuller, 2164 SE D Street, Astoria, explained that she lives across the street, adjacent to the Applicant. She supports the application as it does not affect her property or the traffic.

City Manager Benoit noted that a letter was submitted today by Dolores Skillstad. Copies of the letter were provided for the Councilors at the dais.

Dolores Skillstad, 2314 SE Front Street, Williamsport, stated she has no argument with the application. She asked for clarification on which portion of D Street contains the right-of-way to be vacated. The map is not clear and D Street appears to go in two different directions.

City Manager Benoit responded that a portion of SE 1st Street, east to west, contains the right-of-way to be vacated. Ms. Skillstad said that D Street runs north and south and was to be designated as a county road at one time. City Manager Benoit explained that property's address is D Street. The property is a corner lot and the right-of-way to be vacated is on SE 1st Street. Mayor Van Dusen handed Ms. Skillstad a copy of the map and showed her the property.

Ms. Skillstad stated she has done a lot of research on this property. The streets in Williamsport were sold to the adjacent property owners, so the property owners already own the portion of street immediately adjacent to their property.

Mr. Barrett added that the ordinance must state that the only portion of 1st Street to be vacated is adjacent to Lots 16 and 17, not the entire street. City Manager Benoit confirmed that this was already stated in the ordinance.

Mayor Van Dusen closed the public hearing at 8:06 p.m.

Councilor Herzig clarified that this is not a request to expand or develop the property, but to formalize a pre-existing arrangement. Mr. Barrett added the request is to keep existing improvements on its own property.

City Manager Benoit added that in an emergency, the 1st reading must be a reading of the ordinance in its entirety.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin to declare an emergency and conduct the 1st reading of the ordinance to vacate a 16' by 50' portion of the unimproved 1st Street right-of-way adjacent to 2044 SE D Street. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Director Cosby conducted the 1st reading of the entire ordinance to vacate a 16' by 50' portion of the unimproved 1st Street right-of-way adjacent to 2044 SE D Street.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Herzig to conduct the 2nd reading of the ordinance to vacate a 16' by 50' portion of the unimproved 1st Street right-of-way adjacent to 2044 SE D Street. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Director Cosby conducted the 2nd reading of the ordinance by title only to vacate a 16' by 50' portion of the unimproved 1st Street right-of-way adjacent to 2044 SE D Street and declaring an emergency.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Mellin to adopt the ordinance to vacate a 16' by 50' portion of the unimproved 1st Street right-of-way adjacent to 2044 SE D Street on an emergency situation. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Mayor Van Dusen noted the ordinance goes into effect immediately.

Item 8(b): Historic Properties Ordinance Amendment A13-03 (2nd reading and adoption)
(Community Development)

This proposed ordinance received its first reading at the August 5, 2013 Council meeting. The ordinance establishes how historic properties are designated, the process for review of exterior alterations, new construction, demolition, appeals, and lists exceptions to the review process. In January 2008, the City Council adopted a Historic Preservation Plan, which identified suggested amendments to the ordinance and proposed projects to support historic preservation. Within the last few years, the State and National terms used for historic properties has changed and, therefore, the City Historic Properties Ordinance needs to be amended to reflect the new terminology. At its July 16, 2013 meeting, the Historic Landmarks Commission held a public hearing and unanimously recommended that the City Council adopt the proposed amendment. It is recommended that Council conduct the second reading and adopt the ordinance.

City Manager Benoit noted that the former motion had been distributed to City Council.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor LaMear to conduct the 2nd reading and adopt the Findings and Conclusions contained in the staff report and the ordinance amending the Historic Properties Ordinance. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

City Manager Benoit conducted the 2nd reading of the Historic Properties Ordinance Amendment A 13-03.

Item 8(c): Liquor License Application from David Kroening, Andrew Bornstein, Jerry Kasinger, Luke Colvin, Jack Berka, David Snodgrass, Pamela Snodgrass, Joe Haggren and Mark Rose, dba River Barrel Brewing, Inc., located at the foot of 7th Street for a New Outlet – Full On-Premises Sales- Brewery License (Finance)

A liquor license application has been filed by David Kroening, Andrew Bornstein, Jerry Kasinger, Luke Colvin, Jack Berka, David Snodgrass, Pamela Snodgrass, Joe Haggren and Mark Rose doing business as River Barrel Brewing Inc., located at the foot of 7th Street, Astoria. The application is a New Outlet – Full On-Premises Sales – Brewery License. The appropriate departments have reviewed the application and it is recommended that Council consider approval.

Mayor Van Dusen declared that the company he owns with his brother sells soft drinks. There is a chance his company may be selling to the Applicants, but he did not believe this will affect his vote on the decision. He called for the public to come forward with any comments, questions or concerns. Hearing none, he called for Council discussion.

Councilor Herzig was concerned that this brewery is located near the Columbia House Condominiums. He suggested this matter be postponed until the neighborhood could be surveyed further. The live music, disk jockey music and dancing that is planned in an outdoor area, which will be open until 10:00 p.m., may affect the neighborhood. He would like to have more input from the neighborhood before approving the application.

Mayor Van Dusen did not believe the Columbia House Condominiums were near the brewery. Councilor Herzig stated he was in the area earlier that day and the condominiums are within earshot of the brewery, just along the Riverwalk. The brewery is also near fish processing plants. He was unsure of how well an outdoor bar would do in the presence of the smell of fish. City Manager Benoit clarified the brewery will be located in the former Bornstein Seafood Plant that sits over the water. The building is supported by pilings at the foot of Center Street.

Councilor LaMear respectfully disagreed with Councilor Herzig. The condominiums are four blocks from the brewery, which is a wonderful use of the property.

Mayor Van Dusen stated he would vote in favor of the application, but appreciates Councilor Herzig's concerns because neighborhoods should be consulted. There have been instances where an application was approved without consulting the neighborhood. The building needs a lot of work and is difficult to use. After losing Number 10 Sixth Street, this brewery will be beneficial to Astoria.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Warr to approve the Liquor License Application by David Kroening, Andrew Bornstein, Jerry Kasinger, Luke Colvin, Jack Berka, David Snodgrass, Pamela Snodgrass, Joe Haggren and Mark Rose doing business as River Barrel Brewing Inc. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Mellin and Mayor Van Dusen; Nays: Councilor Herzig.

Item 8(d): Liquor License Application from Todd Shelton and Lawrence Cary, dba North Coast Distillery LLC, located at 1270 Duane Street, for a New Outlet – Distillery License (Finance)

A liquor license application has been filed by Todd Shelton and Lawrence Cary doing business as North Coast Distillery LLC, located at 1270 Duane Street, Astoria. The application is a New Outlet - Distillery License. The appropriate departments have reviewed the application and it is recommended that Council consider approval.

Mayor Van Dusen called for public comment regarding the application.

Sylvia Davis, 2775 Steamwhistle Way, Astoria, stated the plumbing store was purchased 10 years ago for the purpose of installing dressing rooms, bathrooms, and storage on street level for the Liberty Theater; instead, the second floor was renovated and now, apparently, there is not a lot of extra money left, so the Theater has rented it out to the distillery. Donated funds cannot be used to install the dressing rooms because the Theater has a contract with the distillery. She was unsure why this building was chosen, as there are many other empty buildings in Astoria. The building should be left strictly to the Liberty Theater. Until then, Astoria will not have a top-notch performing arts center. She asked City Council to deny the application.

Mayor Van Dusen stated he will not take part in the discussions or vote on this application because he is a Liberty Theater board member, which creates a conflict of interest.

Councilor Mellin stated this proposal was presented to City Council several months ago and no one from the Liberty Theater has voiced their concerns. Ms. Davis responded that she just heard about the distillery within the last month. She suspected it is too late, but believed it important to raise the issue and for the city of Astoria to know about it.

Councilor Herzig said he has been approached about this issue by people who were not sure of the application's status and whether it would be presented to City Council, which is probably the reason for the lack of public input. A number of people have shared their concerns that by leasing the space to a distillery for 10 years, the Theater is sacrificing some of its functionality as a fully equipped Theater. Lack of ground floor handicap accessible dressing rooms for the next 10 years is going to be problematic.

City Manager Benoit noted the application was the subject of a conditional use permit. A public hearing and notice was conducted at the Planning Commission level, so there was a public process. The Planning Commission voted unanimously to support the conditional use request. The Liberty Theater owns the entire building and the Liberty Theater is making decisions about what is in the best interest of the Theater.

Councilor LaMear confirmed that the Applicants were not present to respond to questions.

Community Development Director Brett Estes, 1095 Duane Street, Astoria, reiterated statements made during the Planning Commission's public hearing, stating that Liberty Theater Director Rosemary Baker-Monaghan attended the public hearing and stated the Theater has other projects they would like to implement. Renting out the building would provide the Theater with rental income to raise funds for a future expansion while doing the other projects. It was noted that this would be an interim use. Discussions at the public hearing revealed how easy it would be for the facility to relocate. Applicant Lawrence Cary stated the equipment is easy to move and the distillery can relocate anytime the Theater decides it would like to use the space. The distillery was interested in this space because it was built as an automobile repair facility that includes a roll-up door and high ceilings, which is conducive to this type of use.

Councilor Mellin stated that the issues with the application appear to have been discussed. Director Estes added that the land use and planning permits have been approved.

Councilor Warr confirmed with Director Estes that during the public hearing it was stated that all of the equipment is semi-portable and can be easily moved without harming the building. He believed the Liberty Theater would keep the property and develop it if they had the opportunity. This is an interim solution to a problem and he supports the application.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear to approve the Liquor License Application by Todd Shelton and Lawrence Cary doing business as North Coast Distillery LLC. Motion carried 3 to 1. Ayes: Councilors LaMear, Warr, and Mellin; Nays: Councilor Herzig.

Item 8(e): Liquor License Application from Stephen C. and Karen Allen, dba Andrew & Steve's Chartroom/Astoria Brewing Company, located at 1196 Marine Drive, for an Additional Privilege – Brewery License (Finance)

A liquor license application has been filed by Stephen C. and Karen Allen doing business as Andrew & Steve's Chartroom/Astoria Brewing Company, located at 1196 Marine Drive, Astoria. The application is an Additional Privilege - Brewery License. The appropriate departments have reviewed the application and it is recommended that Council consider approval.

Mayor Van Dusen stated that the company he and his brother own sells soft drinks to the Applicants, but he can vote impartially on this issue.

Councilor Mellin said that Council has been hearing about this for a long time, so the planning was done well.

Councilor Herzig added that the Andrew & Steve's is an existing facility. The application is for an additional privilege. He supports the application.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to approve the Liquor License Application by Stephen C. and Karen Allen doing business as Andrew & Steve's Chartroom/Astoria Brewing Company. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 8(f): Wastewater Treatment Plant Effluent Treatment Upgrades – Pay Adjustment No. 1 (Public Works)

In November 2012, the construction contract was awarded to R&G Excavating (R&G). Since that time, R&G has been working through submittals, procuring long-lead time equipment and has mobilized to the site. Due to the nature of the improvements, primary construction activity needs to occur during the drier summer months when the flows to the treatment plant are at their lowest point. The major construction effort began the last week of June. Pay adjustment No. 1 for \$25,223.97 includes several changes that are itemized below:

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| A. Concrete leveling base in chlorine contact basin | \$20,966.36 |
| B. Installation of new conductors to chemical feed building | \$9,513.70 |

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| C. Upgrade main electrical distribution panel | \$250.00 |
| D. Contraction contribution (credit) | (\$5,506.09) |

It is recommended that the City Council authorize Pay Adjustment #1 for the Wastewater Treatment Plant Effluent Treatment Upgrades project for \$25,223.97. Funds are available for this project through IFA funding.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin to authorize Pay Adjustment #1 for the Wastewater Treatment Plant Effluent Treatment Upgrades project for \$25,223.97. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 8(g): Proposal to Allocate City Funds to Assist Citizens Experiencing Financial Hardship with Utility Bills (Councilor Herzig)

Councilor Drew Herzig has proposed setting aside \$10,000 to create a water/sewer assistance fund, for Astoria residents who are dealing with significant financial hardship. At Councilor Herzig's request, the Astoria City Council agreed to discuss establishment of such an assistance program at their regular meeting of August 19th. In preparation for the Council meeting, Councilor Herzig, City Manager Paul Benoit, and Finance Director Mark Carlson met with George Sabol and Cheryl Waite of Clatsop Community Action (CCA), to discuss the possibility of partnering to implement such a fund. Guidelines for eligibility could include, among other criteria, federally determined income limits and city residency (no support for commercial operations). Councilor Herzig will present his proposal to the Council in greater detail. If Council chooses to move forward with such a program, City staff will meet again with Mr. Sabol of Clatsop Community Action to determine the formal structure needed for managing this fund.

Councilor Herzig explained that this proposal is in response to the recent increase in water and sewer rates, which will create a financial hardship for some citizens. Currently, there is no community service agency that can assist citizens with water and sewer payments. He has proposed that the fund start with a balance of \$10,000 that he hopes will increase over the years. He wants the City to partner with CCA to administer the fund. Eligible requirements are based on federal poverty income levels. He has consulted with the City of Salem, who has a similar fund. Research indicates that this fund will not be able to assist everyone who needs help, but it is important to get the fund started. Finance Director Carlson has stated that the Sewer Water Assistance Relief Fund can accept tax-deductible donations as soon as the fund is created. He is hopeful that the City can help some of the people in Astoria who need help paying their bill.

Councilor Mellin asked what part of the budget the funds would be taken from. Councilor Herzig believed Director Carlson said the money would be taken from Public Works. City Manager Benoit added that City Council can decide where the funds come from. Staff believes it is appropriate to take the funds from the water rates, which is part of the Public Works budget.

Councilor Mellin stated the citizens who are paying their water bills will be subsidizing this fund. The public should be allowed to give input on this issue and be informed that they will be supplementing the water bills for those who cannot afford to pay them. She recalled discussions about adding a notice to the water bills to inform citizens about the proposed fund and request feedback. This concerns everyone in Astoria. The City needs to find out if citizens are willing to pay a higher bill to supplement those who are unable to pay their bills.

Councilor Herzig clarified that creating this fund will not increase the water or sewer rates. Increases in water and sewer rates are due to the funding of the CSO Program. Councilor Mellin asked where the funds would come from.

Mayor Van Dusen interjected that he supports the idea, but disagrees with staff that this money should come out of the Public Works budget. He suggested using funds from the sale of city property or property taxes would be more appropriate. The fund would only benefit residents in the city of Astoria. Many people that do not live in Astoria are paying high water rates. He believed funding should come from outside of the Public Works budget. Public Works funding only comes from user fees. He asked if staff had suggestions for alternative revenue sources. City Manager Benoit noted the Capital Improvement Fund is where revenue from City property sales is deposited. He also suggested using the Contingency Fund. Mayor Van Dusen added citizens can also make donations, but agreed the funds should not come from the water rates.

Councilor Mellin noted that Astoria has lower water rates than Warrenton, Gearhart and Seaside, despite the increases. During the last two budget cycles, arts funding was cut to increase funding for poverty programs, which received \$50,000 during the last budget cycle. The Budget Committee's next plan had been to include the arts in the Promote Astoria Funds, which involved the application completed by Richard Hurley. She understood people are having trouble paying their bills, but does not fully understand how this fund would work. The water bill is not the only bill that people have to pay and all citizens must figure out how to pay all of their bills.

Mayor Van Dusen suggested separating this discussion into two different issues: one, whether to create the fund and two, determining the source of funding.

Councilor Warr liked Mayor Van Dusen's suggestion. When Councilor Herzig mentioned this fund at the last City Council meeting on August 5, 2013, he understood that a one time deposit of \$10,000 would create the fund. Tonight, Councilor Herzig's comments led him to believe that the fund would become an annual program that would possibly grow. He was concerned about how the fund would grow. He wanted to know how eligibility requirements would be set. Potential liabilities to the City need to be determined prior to implementing the program. He noted the City has not backed away from its responsibilities to its citizens who are struggling. As mentioned, about \$45,000 has been given to poverty programs out of last year's budget. During the same budget cycle, Clatsop County reduced its giving from \$30,000 to \$7,500. The City of Warrenton did not budget any funds for poverty programs. Astoria is doing what it should; however, he did not believe that adding more funds to another poverty program is wise, especially without more knowledge about the program.

Councilor Herzig replied that the details of the program have been discussed at length. A single household with income of less than \$1,000 each month is at the federal poverty level. This is extreme poverty. Citizens who meet the federal poverty level guidelines and other qualifications would be eligible to receive a reduction on their surcharge of about \$15.00 off of each bill. A lot of parameters have been discussed and the fund is not designed to give money away. People must be in extreme poverty and have a delinquent notification. Discussions centered on making the application difficult enough that only people who really need the assistance will qualify. The fund will not be able to assist everyone in need, but it is important to get the fund started.

Councilor Mellin said she understood Councilor Herzig differently now. She recalled him saying that the fund was to prevent people from falling through the cracks, not for people living in extreme poverty. She also recalled statements that the fund was to assist people who would rather spend their money on having fun, going out to dinner and going shopping instead of paying for their water bills. Councilor Herzig responded that he did not make those remarks, adding that George Sabol can attest to how hard he fought for eliminating the requirement of a delinquent notice; however, the CCA believed a delinquent notice will demonstrate an extreme need and the requirement was necessary. Councilor Herzig stated that he had vetoed the requirement of a cut off notice.

Councilor LaMear supported Councilor Herzig. She is unsure how the program will work, but equated it to Oregon HEAT, which assists people who cannot afford to heat their homes. She donates to the Oregon HEAT program. Water is a basic need like shelter and food, so this is a worthwhile venture. More research about how the program will work may need to be conducted prior to voting on this issue. She is confident that if the fund is administered by the CCA, they will ensure that poverty levels or other requirements are met. Councilor LaMear supported the fund, but did not believe City Council is ready to vote on the issue.

George Sabol, 911 Nautical Drive, Hammond, CCA Director, confirmed that Councilor Herzig did not want recipients of these funds to have to wait until their situation was extreme. A good negotiation took place. If certain parameters were not required, too many people would qualify for funds. Many CCA programs are run this way. Applicants must show that they are in extremis, which is unfortunate but that is how people coming to CCA receive help. He noted that CCA was not pushing the program, but appreciates the City of Astoria and City Council because they do give more than other cities and the county. He thanked the City for all that they do for the people in the community. CCA feels administering this fund is a way for them to give back to the City if the City gives CCA more funding.

Mr. Sabol stated that CCA's mission statement is "To help people meet basic needs". Basic needs are primarily housing and food. They administer the Oregon HEAT program and the Regional Food Bank, which services 37

different agencies in Clatsop County. CCA grows its own food and helped pass a fishing law to help people get more protein. Federal funds, state funds and grants are used to assist with housing programs. Hill Top low-income housing is owned and operated by the CCA. CCA does offer energy assistance program, which is what the subject program would be based upon. He noted CCA helps people in prioritizing which bills to pay. Many people who would need these funds will be coming to the CCA for assistance anyway and it would be best to help them before they are extremis. The CCA is open and willing to do what the City wants.

Mayor Van Dusen said he supports the proposal, but would like staff to present some funding options. Room taxes cannot be used; however, the Contingency Fund or Capital Improvement Fund may be an option. He called for anyone who would like to address the Council on this issue to come forward.

Terry Remington, 3695 Irving, Astoria, read her statement into the record and provided a copy to staff. She explained that seniors survive on Social Security benefits, even after working all their lives, saving money, investing wisely, and being frugal with their money. Seniors cannot afford exorbitant medical bills or home repairs. The cost of essentials rises only by a few dollars here and there, but it all adds up. These costs will continue to rise and people are unable to pay their bills. This is a dead end street for seniors as their financial situation will never change, especially for those who live alone and have no family support. Public housing for seniors costs taxpayers money. At least 40 funds exist for various improvements and projects, but there is no help for those who cannot pay their bills. The energy assistance and food is minimal, but it does help. She hopes assistance for water surcharges becomes available. No matter how water is rationed, the surcharge will continue to rise. She asked City Council to consider the dignity of seniors and the disabled when structuring the final proposal. It is humiliating to receive a delinquent notice or shut off threat after always paying a bill on time. This will affect credit ratings. Frequent trips to the CCA are difficult for the disabled. She suggested offering a senior discount on water bill surcharges for seniors who are on a limited income, participate in the Medicaid or other programs. A water bill surcharge discount would be simple and humane.

Wayne Mitts, 511 Exchange Street, Astoria, suggested that the City find out how many seniors receive water bills from the City of Astoria. He has seen a lot of changes during the 60 years he has lived in Astoria. Five senior citizens live in the 6th Street area and any other seniors live all over town. He plans to apply for these funds if the assistance fund is approved. He lives alone and each water bill is over \$100, which is a financial burden as his only income is Social Security benefits. He suggested the City find out how many seniors live in Astoria and make sure seniors know how to qualify and apply for this aid.

Kitty Paino, 2060 Irving Avenue, Astoria, said four or five seniors on food stamps and Medicaid live in her neighborhood. According to the State Department, Astoria has 640 seniors. She was unaware of how many pay their own water bills. Using \$10,000 to pay half of the water surcharges would only serve 111 people, so \$10,000 is not enough. She supports donations but a seed fund is necessary. Astoria is lucky to have CCA because they can monitor and administer the fund so staff does not have to. She disagreed that Astoria has the lowest water rates. She believed Warrenton is the only city with higher water rates than Astoria.

Councilor Herzig noted at the meeting, it was decided that if Council approves creating this fund, staff would meet with CCA to formulate the policy and procedures for administering this fund. Income amounts for various sized households have already been obtained. All of the details can be determined and brought back to City Council. He did not have the authority to direct staff and the CCA to do all of this work and he did not want staff or the CCA to waste their time. Developing this policy would be the next step. He confirmed that he planned for the fund to be an annual fund that starts with \$10,000. He hopes people will donate to the fund as people become aware of it. The water and sewer rates will continue to increase through 2020. The City needs to start addressing this issue, but will not be able to assist everyone the first year. It is possible that the City will find other ways to generate income for the fund. Applicants would have their assistance renewed on an annual basis and the fund is not a give-away by any means. He hopes the City can find a way to provide assistance on an ongoing basis.

Councilor Warr said he would like to see a proposal, or a variety of proposals, before making a decision about whether to support the fund; at this point the details were too unclear.

Councilor Herzig confirmed his request was that Council authorize staff to return with more information, which he understood was also what Council wanted.

Councilor Mellin suggested designating \$10,000 of the \$50,000 already donated to be used for utility bill assistance. Next year, alternate funding could be discussed during budget planning meetings.

Councilor LaMear supported the program but agreed that the source of funding must be identified prior to voting. She believed \$10,000 could be used to leverage other grants and donations. People will be willing to donate, especially if they hear compelling testimonies like the one given by Ms. Remington.

Mayor Van Dusen believed taking the funding from the Public Works fund, as recommended by staff, will affect water rates. Councilor Herzig agreed with finding other sources of funding.

Mr. Sabol was concerned about taking \$10,000 from the \$50,000 that has already been donated. The City has already given the CCA \$15,000 and he would not be willing to allocate \$10,000 of that to water bills because the water rates are not a high priority. Food and housing would take higher priority. The grant was written for funds to be spent on food and housing, which is what the money will be spent on. He explained that he was trying to be realistic and added that CCA will have a long line of people who want assistance if eligibility requirements were not so strict. He did not want to jeopardize what the City has already done for the CCA. He will present the idea of using already donated funds to the Board of Directors. As the fund grows, more people will be applying for assistance. The CCA does not have adequate staff to accommodate 200 to 300 more applicants.

Item 8(h): Astoria Landfill Closure Plan (Public Works)

The City has been in the process of obtaining Oregon Department of Environmental Quality (DEQ) approval of a Landfill Closure Plan for the inactive landfill located along Williamsport Road. The City hired Maul Foster Alongi (MFA) in November of 2012 and they have been working with the City and DEQ to prepare a Landfill Closure Plan that meets all state requirements. MFA's report was submitted to the City and DEQ for a preliminary review and all comments have been addressed. The report has now been submitted to the City Council for approval before going to DEQ for final approval. The complete 100+ page plan has been electronically forwarded to the Mayor and Council for their review and is included in this agenda packet. The landfill closure requirements will include:

- 1) Capping of old garbage areas
- 2) Post closure monitoring
- 3) Financial assurance

It is recommended that Council approve the Landfill Closure Report and authorize MFA to submit the plan to DEQ on the City's behalf for final acceptance.

City Manager Benoit added that Columbia Memorial Hospital, Recology, the Astoria School District and DEQ were all involved of the development of this plan.

Mayor Van Dusen noted many hours have been spent working on this important plan. The team has done a great job and he is in favor of the plan.

Councilor Mellin stated she was in favor of the plan, recalling that at one time the City believed this project would not be possible.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor LaMear to approve the Landfill Closure Report and authorize MFA to submit the plan to DEQ on the City's behalf for final acceptance. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 8(i): Sale of Excess City Property – Procedures (Public Works)

At its August 5, 2013 meeting, the City Council authorized a contract with Area Properties to market excess City property. Area Properties will begin marketing the properties immediately, as directed by Council. Sale of any property will be brought before the Council as required by the City's Real Property Sale Procedures, Section 1.500 through Section 1.510. City Code requires the City Manager to submit a report to Council of any proposed sale. After considering the sale at a regular meeting, a public hearing shall be scheduled, and a notice advertised and sent to all property owners who reside within 250 feet of the property. Council can, after

hearing public testimony, approve or reject the sale. If the Council approves the sale, it will be conducted by the Public Works Director with specific instructions by the Council. It is recommended that the City Council approve marketing excess City property with the understanding that the procedures outlined above will be followed for any individual properties that are brought to the City by Area Properties.

City Manager Benoit believed the proposed process would be more efficient than holding a public hearing in advance of receiving an offer to purchase a piece of property. Any offer made will be contingent upon City Council approval. This will prevent the City from debating the merits of selling a property that no one has any interest in purchasing.

Councilor Warr agreed with City Manager Benoit. City Manager Benoit confirmed that the ordinance would not need to be amended; City Council can direct staff to follow the proposed process.

Councilor Herzig thanked City Manager Benoit for developing this process, which allows time for appropriate public input in an efficient manner. He appreciated City Council's patience as he has insisted on more public input and this is a good solution.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Warr to approve marketing excess City property with the understanding that the procedures outlined will be followed for any individual properties that are brought to the City by Area Properties. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 8(j): Heritage Square – Grant Application to Support Design Work (Community Development)

The City has an opportunity to apply for a grant from the Ford Family Foundation to fund architectural and structural engineering work on Phase 2 of Heritage Square to include the amphitheater and plaza area east of the Garden of Surging Waves. The Ford grant would provide detailed architectural and structural engineering plans to allow for construction at such time that the City Council chooses to move forward. No City match would be proposed with this application. It is recommended that the City Council authorize the preparation of a Ford Family Foundation application not to exceed \$250,000 for the design of Heritage Square, Phase 2.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Herzig to authorize the preparation of a Ford Family Foundation application not to exceed \$250,000 for the design of Heritage Square, Phase 2. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 8(k): 11th Street CSO Project – Intersection and Street Improvements (Public Works)

At the start of the Combined Sewer Overflow (CSO) Project, City Council direction to staff was to ensure that streets in poor condition that were being impacted by CSO work be repaired and/or reconstructed and brought to City standards. Following that direction, the construction plans for the 11th Street CSO project incorporated details for the reconstruction of impacted intersections and substandard road sections. Intersection and street section reconstruction was included in the contractor's work and is shown in the construction plans; however, due to a staff technical error, the bid form and list of contract unit prices inadvertently did not incorporate provisions for bidding and payment of the reconstruction work. Although the reconstruction work is included as part of the contractor's scope and was always fully expected to be performed, an adjustment to the contract is required for payment purposes. The reconstruction work is anticipated to cost within a range of \$275,000 to \$350,000 and would be funded from the budgeted project contingency. It is recommended that Council authorize a payment allocation for the 11th Street CSO project in an amount not to exceed \$350,000 for the planned reconstruction of failing intersections and street sections.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear to authorize a payment allocation for the 11th Street CSO project in an amount not to exceed \$350,000 for the planned reconstruction of failing intersections and street sections. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

Peter Roscoe, 857 Florence Avenue, Astoria, thanked City staff for helping out at the Regatta. All departments worked hard, especially to make sure that the parade route was accessible. Planner Johnson and Director Estes assisted with applications for the Heritage Award. Every time the Regatta planning committee asked the City for help, staff assisted. The Regatta was terrific.

Mayor Van Dusen called for a round of applause for Mr. Roscoe, as he saved the Regatta. Mr. Roscoe appreciated the applause but noted that he did not work on the Regatta alone; many volunteers assisted.

Mr. Roscoe supported Council's decision regarding Heritage Square, which is a great community space and was used for many different purposes during the Regatta.

Mayor Van Dusen stated that Public Works staff and the Oregon Department of Transportation (ODOT) have been working together to improve traffic safety for pedestrians in Astoria. This is also a goal of the City Council. Recently, ODOT approved \$450,000 in funding dedicated to improve the downtown traffic signals. Improvements being discussed included countdown pedestrian signals, upgraded signal controllers, enhancements that will allow for future upgrades and flexibility. Improvements along the State highway from Portway Street to 45th Street will include upgraded signal and Continental crosswalk striping in non-signalized areas outside downtown. This will be funded through ODOT's Quick Fix Grant and should be completed in September 2013. He commended staff for their work.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:11 p.m. to convene the Executive Session.

EXECUTIVE SESSION

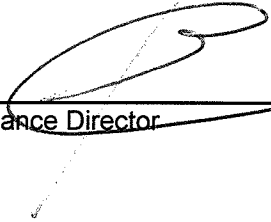
The City Council Executive Session was convened at 9:15 p.m.

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

Item 9(b): ORS 192.660(2)(e) – Real Property Transactions

The City Council Executive Session was adjourned at 9:35 p.m.

ATTEST:



Finance Director

APPROVED:



City Manager