

Immediately following the Executive Session, 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, and 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, Interim Planner Morgan, Library Director Tucker, Public Works Director Cook, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS

Item 5(a): Councilor Nemlowill had no report.

Item 5(b): Councilor Herzig reported that he and Director Cosby attended the Police Academy. The Police Department would like feedback on when it would be best to schedule future classes. Citizens can also sign up for a police ride along. It is interesting to see what the police have to do during their 12-hour shifts. On Monday, August 10th, the Lower Columbia Diversity Project (LCDP) will host a free roll and stroll that will begin at 5:00 pm at the Garden of Surging Waves. Director Cronin will be part of a free follow up panel discussion on livability and age friendly communities, beginning at 7:00 pm at the Judge Boyington Building.

Item 5(c): Councilor Price reported that she did not meet with her constituents in July. However, she would schedule a meeting for August.

Item 5(d): Councilor Warr reported that late in the afternoon, Willis Van Dusen called him to say he would be unable to attend the meeting. Mr. Van Dusen would like the community to forgive his absence, as he appreciates the proclamation.

Item 5(e): Mayor LaMear thanked Councilor Warr for leading the last City Council meeting in her absence. She attended the Oregon Mayors Association Conference in Cottage Grove. The sessions were excellent and she has come back with a renewed sense of purpose and some good ideas.

PROCLAMATIONS

Item 6(a): Willis L. Van Dusen Day

Mayor LaMear read the proclamation declaring Saturday, August 8, 2015 as Willis L. Van Dusen Day. She noted that Saturday, August 8th is same Saturday as the Regatta. After the parade, cake will be served in the square in honor of Mr. Van Dusen. He gave 30 years of his life to the city and it is very fitting that Astoria honors him with the proclamation.

Item 6(b): 225th Birthday of the United States Coast Guard

Mayor LaMear read the proclamation recognizing August 4, 2015 as the 225th birthday of the United States Coast Guard. She presented the proclamation to Captain David Berliner.

Captain Berliner said he moved to Astoria three weeks ago and thanked the community for the warm welcome he and his wife have received. They love being in an area where the Coast Guard is recognized and appreciated so much.

CHANGES TO AGENDA No changes

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 8(a) City Council Minutes of 7/6/15
- 8(b) Boards and Commission Minutes
 - (1) Historic Landmarks Commission Meeting of 6/16/15
 - (2) Library Board Meeting of 6/23/15
 - (3) Planning Commission Meeting of 4/7/15
 - (4) Planning Commission Meeting of 4/28/15
 - (5) Traffic Safety Advisory Committee Meeting of 4/28/15
- 8(c) Authorization to Apply for HEAL Cities Small Grant Award (Parks)
- 8(d) Resolution Creating a Pilot Program to Allow "Parklets" on Side Streets in the Downtown Area (Community Development/Public Works)**
- 8(e) Authorize Hybrid Contract and Soliciting Proposals for Pump Station No. 1 Upgrades (Public Works)

Councilor Herzig requested Item 8(d) be removed for further discussion.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr, to approve Items 8(a), (b), (c), and (e) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 8(d): Resolution Creating a Pilot Program to Allow "Parklets" on Side Streets in the Downtown Area (Community Development/Public Works)

Councilor Herzig said staff had been directed to bring this proposal back to Council with some additions and the language is much more precise. However, he was concerned that only two parklets would be allowed over the next two years and only in the downtown area. If the parklets are successful within the first year, he wanted Council to permit more than just two.

City Manager Estes explained that the Astoria Downtown Historic District Association (ADHDA) is only comfortable allowing two parklets at this time because they want the merchants to provide feedback as they consider the impacts of the parklets. However, Council could reconsider the resolution.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price to approve Item 8(d) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

Item 9(a): Authorization to Purchase Two Police Patrol Vehicles (Police)

As explained in the memo from Police Chief Johnston, the Police Department proposes purchasing two patrol vehicles. One vehicle will replace a 2010 Chevy Tahoe 2WD Police Pursuit Vehicle and the second vehicle will be used for the second Detective position. Staff researched options to purchase these vehicles using the Oregon State Purchasing Program. Quotes were received from Gresham Ford for a 2015 Ford Police Interceptor Utility in the amount of \$26,928.87 and a 2016 Ford Fusion in the amount of \$17,415.00. Funds for these purchases are budgeted in the Capital Improvement Fund for Fiscal Year 2015-16. It is recommended that the City Council authorize these purchases from Gresham Ford.

Councilor Herzig noted that this expense was already budgeted and is not a new appropriation of funds.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill, to authorize the purchase of a 2015 Ford Police Interceptor Utility in the amount of \$26,928.87 and a 2016 Ford Fusion in the amount of \$17,415.00 from Gresham Ford. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 9(b): Revised Job Description and Salary Resolution for Planner Position (Community Development)

The Community Development Department has five Full Time Equivalent (FTE) split between the planning and building divisions. The Planner position (1 FTE), which provides project management services to all types of customers and projects, has been vacant since Rosemary Johnson retired from the City of Astoria last year. As part of a larger full-scale review of service delivery and development services, the Community Development Director has been reviewing staffing levels, existing and needed skill sets, as well as professional development and organizational development opportunities.

The current planner job description has not been reviewed since Rosemary Johnson was hired for the position in 2002. Before a recruitment strategy can be implemented, the position description needs to satisfy the current workforce development needs of the Department, the City, and the current marketplace. The proposed revisions to the job description accomplish three objectives: 1) increase the educational and experience requirements for a professional planner to an "Associate" level, 2) clearly focus the position on providing excellent customer service, and 3) reframe the position as a project manager/city planner that provides service to a number of programs, customer bases, and functions at the City of Astoria. A copy of the revised job description is attached.

In addition to the revised job description, the salary range was increased during the FY2015-16 budget process, but the Salary Schedule has not been updated to reflect the budgeted amount. The current range is set at 28 - \$44,999 through \$54,696 annually and the proposed increase will reset the range at 34 - \$52,162 through \$63,403 annually. This increase will allow the Director to recruit a qualified candidate pool. It is recommended that the City Council approve the revised job description and revised salary range contained in the attached resolution. With this action, the Director will initiate the recruitment strategy to fill the planner position vacancy.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr, to approve the revised job description and revised salary range for the Planner position contained in the attached resolution. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 9(c): Water Supply Update (Public Works)

Given the unusually dry spring and summer weather to date, Public Works staff has analyzed the City's levels of consumption, water storage, and volume of stream flows in the watershed. Staff has determined that the storage volume is currently at 95 percent of average of normal storage for this time of year. July is historically the driest month of the year with an eight-year average of 0.75 inches of rain, the August eight year average is 1.01 inches, and September is 3.63 inches. The City of Astoria and outlying water districts and associations' current water demand averages 3.0 million gallons per day, with peak demand as high as 3.5 million gallons per day. With dry weather potentially continuing over the next few months, staff will continue to monitor storage volumes and reevaluate the volumes as the summer and fall progresses to determine if the lack of rainfall is impacting the water supply. If necessary, recommendations will be brought to the City Council to enact mandatory water use restrictions. As a precaution, it may be advisable to inform water customers about the impacts on the City's water volumes during these unusually dry conditions and request that they voluntarily conserve water whenever possible.

City Manager Estes said a list of suggested water reduction methods was provided to Councilors at the dais and to the public on the table at the front of City Council Chambers. The list would also be published on the Public Works Department website.

Director Cook stated the City was nowhere near a crisis, but the weather service, using sophisticated computer models, did not anticipate any substantial rainfall until October 31st. This is significant because Astoria usually gets a few inches of rain in August. He hoped the model would shift and the community would get some rain. However, water reduction methods are recommended as a precaution because they would delay the need to request mandatory controls. He believed that as a group, citizens could help Astoria's storage capacity remain strong until the rains begin. He reviewed some of the ways to reduce water usage, noting the amount of water that could be saved with each method.

Councilor Price noted that Port Commissioner Steve Fulton was present. She attended the Port's special meeting where the Commission heard from the three 'suitors' for taking over the Riverwalk Inn.

Councilor Herzig asked what the storage capacity would be in September and October if there were no rain. Director Cook said with the current water consumption, staff estimates the water storage capacity would be down to a critical level by October 31st. If the current trend continues, the City would have to enact mandatory water conservation measures in order to be prudent. As summer continues, staff can use information from the weather service to predict a more accurate outlook. Staff will consider weather predictions, water use, and water storage capacity to ensure the City has enough water to last until the rains come.

Councilor Herzig believed a major El Nino event was forecast for the winter. He asked if Astoria was in danger of landslides. Director Cook said no one wants too much rain too fast and El Niño's are famous for putting out a lot of rain. Councilor Herzig said the Coast Guard was grateful for the dry weather because they have been able to construction in the new housing area without mud. Director Cook said all of the construction projects in the area are benefiting from the dry weather.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr, to support voluntary water reduction measures. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Item 9(d): Lease Agreements with Verizon for Shively and Reservoir Sites (Police)

Following direction from the Astoria City Council at the April 1, 2013 meeting, City staff and consultants have worked with Verizon Wireless to negotiate a Lease that moves all communications facilities out of Astor Park at Coxcomb Hill and returns the park entrance to park grounds. This work was done in support of a 2014–2015 City Council goal: "Complete emergency communications systems." Staff initially identified the Reservoir Ridge site as a possible relocation site. The Reservoir Ridge site is acceptable for public safety radio. To retain status quo coverage that they provide from Astor Park, Verizon required additional locations. Staff provided Verizon with a list of all City owned and some privately owned properties near the area attempting to be covered with an additional site, all but Shively Park were eliminated. Verizon will also be adding a third site joining the cellular antenna arrays atop the building at 351 14th Street. The solution identified requires two Leases of City property to be approved by City Council.

The terms of the proposed Leases are favorable to the City and would provide income to the City for both locations. The Leases also require any future Subleases (collocations) to negotiate access rights with the City in addition to Leases with Verizon. The value of the first five years of the Shively Lease is \$24,000 or a total of \$120,000. Beginning in the sixth year, both the Reservoir Ridge Lease and the Shively Lease will each generate \$27,600 per year in lease payments. These amounts will escalate automatically at 15% for each subsequent 5-year renewal term, based on a 3% per year inflation factor. It is recommended that the lease payments from the Shively Lease be transferred as income to the Parks Operations Fund and that the income from the Reservoir Ridge Lease be transferred to the Capitol Improvement Fund. The Astoria Parks and Recreation Board has recommended approval of the Lease with Verizon to develop the site at Shively Park. More information may be found in the "Historical Information" that is attached to Chief Johnston's memo.

At the time for publication of the Council packet, the Leases were still being reviewed by the City Attorney. The Leases will be forwarded under separate cover to the City Council and hard copies will be available on the night of the council meeting. It is recommended that Council approve of the Leases for both Reservoir Ridge and Shively Park. It is also recommend that council authorize the City Manager to sign documents allowing for the development review process to proceed.

City Manager Estes noted this item was discussed at the work session held prior to this meeting, which included a presentation by staff and consultants. If the leases are approved by Council, the land use applications would be reviewed by the Planning Commission and the Historic Landmarks Commission.

Councilor Herzig noted public comments have not been requested for any of the items on this agenda. He asked if public comments should be allowed for this item. Mayor LaMear wanted to hear Council's comments before inviting public comments. Councilor Nemlowill believed a public hearing would be conducted and supported public feedback. Councilor Price thanked Converge for their presentation at the work session and said she was also in favor of public comments.

Mayor LaMear invited the public to speak about the leases with Verizon.

Mary Eng, Astoria, said she interviewed the man who was arrested at a City Council meeting who is passionate about this issue. She supported the idea of a citizen's arrest in instances of a dangerous mad man with a knife. However, a citizen's arrest for issues of information accountability is possibly an extreme standpoint. He had told her there were issues with information transparency and the historic value of Shively Park. She believed the man had a reasonable interest in understanding the processes and procedures of public meetings in Oregon that regulate the accountability of audio files of meetings. She was unsure if she should get involved in the issues surrounding the community's greater security, communications, and historical interests in the park. One day, development would replace the Column with a massive condominium. Public safety is important, but she wanted to know more about what is going on because she had not been able to find any audio archives, videos or accurate minutes of this issue. She believed there was a better way to make a Freedom of Information Act request for information about how the contracts are allocated. It is typical in small towns for Councilors to hand off contracts to their friends. However, this is a Homeland Security issue because communication is a matter of extreme importance and the storm in 2007 resulted in a catastrophe. She noted that she would forward a copy of a diagram to City Council. Access to open meetings and information is protected by Oregon State Law and she believed more information should be made available to the public.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he believed the information provided at the work session was being presented to City Council for the first time. The first 40 minutes of the presentation contained information that was of little use. The presentation did not include pictures of what the tower would look like, how tall it would be, or where it would be located in the park. He understood pictures could have been shown after he left the meeting at 6:22 pm. The tower would likely be located at the south or southwest of the looped paved trail, but he wanted to know the exact location. He asked if Council knew the exact location and what the tower would look like, noting that these were the two most important aspects to consider. An industrial tower looks more appropriate next to the Column, which is not located in a natural park. Shively Park is a natural park set in a spruce forest and he believed the park should be kept natural. Public safety receives the best communications from the facilities on the Reservoir Ridge site, not in Shively Park. Therefore, the Shively site has nothing to do with public safety. The Friends of the Column are getting their way again after forcing Council to pick up the tab for the communications consulting firm. This issue has been run poorly and he was disappointed about how things have proceeded. He did not believe situations like this should be allowed to continue. When the City has the final say, the City should be involved from the very beginning. The City should have selected the consultant and set the parameters.

Norma Hernandez, 92335 Youngs River Road, Astoria, said she was speaking as President of the Astoria Parks and Recreation Board. The Board has recommended City Council approve the leases with Verizon after studying and arguing about the issues over several conversations. The Board trusts City staff to give them accurate and educational information, and pictures were presented to the Parks Board. She reminded that the Parks Board meetings are open to the public and everyone is welcome. While the Board respects the city and the community, there are times when changes need to be made and compromise is necessary. This is not a perfect world, but this is a very good solution for communications that will allow the City to be progressive. Progress is scary sometimes because things are being done differently; however, this project honors the community. The Board had serious conversations before making their recommendation to Council. Some Board members did not support the recommendation until after it was discussed at several meetings. A lot of work has been put into this and she believed the Board did a good job of considering what would be best for the city. The Board exists to be the voice of the community, so all of the arguments that occur at City Council meetings have already occurred at the Board meetings. This issue was not taken lightly, nor was the recommendation approved immediately without discussion.

Councilor Price said she had seen photographs and had heard the presentation several times. She was sure the presentation was given at least once at a public meeting prior to the work session. City Council has studied the issue and has had long conversations about reimbursing the Friends and the leases with Verizon. She believed this issue has been discussed pretty openly.

Mr. Farrar said the pictures should have been shown at the work session.

City Manager Estes reminded that the Planning Commission and Historic Landmarks Commission will review land use applications for the communications towers during public meetings.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price to approve leases with Verizon for Reservoir Ridge and Shively Park, and authorize the City Manager to sign documents allowing for the

development review process to proceed. Motion carried 4 to 1. Ayes: Councilors Price, Warr, Nemlowill and Mayor LaMear; Nays: Councilor Herzig.

Councilor Herzig said that during the work session, Converge Communications acknowledged that Shively Park was not the only possible location for a cell phone tower. According to their studies, it was the most feasible location, but not the only possible location. He believed the City could have worked harder to get the tower out of a public park.

Item 9(e): Public Hearing and Ordinance to Vacate Nile Street (1st Reading) (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 July 6, 2015 meeting, the City Council set a public hearing for the August 3, 2015 meeting. 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 approve the vacation of the south 30 feet of Nile Street within Shively Park area.

City Manager Estes displayed a map as he explained the exact location of the right-of-way.

Mayor LaMear opened the public hearing at 8:15 pm and asked anyone wanting to speak about the vacation of the Nile Street right-of-way to come forward. Seeing none, she closed the public hearing at 8:15 pm.

Councilor Price requested the location of the right-of-way be shown on a Google map. Staff displayed a satellite image using Google Earth and compared the image to the map shown when this item was introduced.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price to conduct the first reading of the Ordinance amending Vacating Nile Street. Motion carried unanimously. Ayes: Councilors Price, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Director Cronin conducted the first reading of the ordinance.

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

Councilor Price requested an update on the task force on homelessness.

Mayor LaMear said she has extended some requests for people to serve on the task force, but she has not received responses from everyone. She believed the task force would be complete by the end of the week. She explained the task force would not be tasked with trying to solve the problems of homelessness, but will consider how law enforcement and mental health facilities handle social disorder caused by the homeless and transient population.

Shel Cantor, 1189 Jerome, Astoria, said during deliberations of the Civic Greenway and Bridge Vista areas of the Riverfront Vision Plan, discussion of potential new development north of the Rivertrail has been contentious. The public has been told that the Neighborhood Greenway Area will be discussed next, then the Urban Core Area. He reminded that the Riverfront Vision process was initiated in 2008 as a result of complaints from residents about a slew of riverfront development projects, especially those over the river within the Urban Core area, which included the Englund Condominiums, River Park Landing Condominiums, and Borenstein Condominiums. Therefore, he anticipated the deliberations of implementing the Urban Core could be the most controversial of all. He wanted to minimize the impending confrontation by learning from the past. So far, the controversies have been caused by disagreements about what Astoria wants. The Plan was written through an inclusive process, but this did not and will not overcome the objections from people who assert the Plan does not reflect what the majority of Astorians want today. It is possible that the plan for the Urban Core is what Astoria wants today, but there is no proof one way or the other. No one wants elected representatives to precede every vote by polling their constituents. However, for the highly consequential and controversial issues of new overwater development in the Urban Core, Council has the time and the authority to let Astorians decide what

they want. The most respected method to gauge the will of the constituents would to allow them to vote on how the elected representatives should represent them. He understood the concern about whether voters would see the big picture and vote wisely. Thomas Jefferson responded to this concern by saying, "I know of no safe depository for the ultimate power of a society but the people themselves. If we think them not enlightened enough to exercise their control with their wholesome discretion, the remedy is not to take it from them, but to inform their discretion." He suggested the City put a nonbinding referendum on the ballot of the next regularly scheduled election. Then, the Planning Commission and staff could draft the proposed zoning ordinances for the Urban Core based on proof of what the constituents want today.

Mary Eng, Astoria, said Black Lives Matter events would be held at the First Unitarian Church in Portland August 7th – 9th. The Department of Justice (DOJ) has filed a lawsuit against the Portland Police Department, which was initiated by JoAnn Hardesty, a civil rights activist. She believed Ms. Hardesty was disappointed when the DOJ appeared to migrate to the general concept of mental health during the court proceedings because she was more concerned with racial profiling. She enjoyed the tension, drama, and activism surrounding this issue. Discussion at the Portland City Council meetings made her more aware of the National Alliance on Mental Illness (NAMI) and various ways of thinking about the issue of mental health. She was concerned about the safety of the police and did not want riots to erupt in Astoria, like the riots happening across the nation. She wanted beautiful people with mental health issues to get resources. She thanked the City for the stop gap she was experiencing with the domestic violence and restraining order process. The Police have been incredibly gracious in how they handle dangerous situations. She sought out this community because she believed the community operated with intelligence and sensitivity. However, there are a lot of unmet social needs that would pertain to the homelessness task force.

Chris Farrar, 3023 Harrison Avenue, Astoria, said it sounds great that Astoria's water supply is currently at 95 percent; however, if the weather continues as the weather forecasters expect, the water supply may be down to a critical level. He suggested the water bills include information about how much water average households use each month. This would allow people to compare their current and past usage to the averages. He also suggested public comments be timed with an hour glass so that each speaker can see how much time they have left.

Councilor Herzig said he knew someone who found out they had a leak when they received an unusually high water bill. The water department waived most of the bill. He believed Mr. Farrar's suggestion was a good one because a new resident would have no idea about how much water usage was normal.

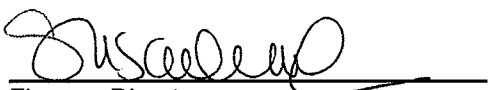
Councilor Price noted the audio files for public meetings used to be published on www.coastradio.org; however, she was sure the files could be published on this website again. City Manager Estes said staff would work with the radio station to get the audio files online. Councilor Price confirmed with Mr. Cantor that the deadline for getting a referendum on the November ballot was August 14, 2015. If Council wanted to move forward with this idea, a special meeting would be necessary.

Councilor Herzig thanked Mr. Cantor for his suggestions. The most contentious part of the discussion about implementing the Riverfront Vision Plan has been about what people want. The City only hears from the people who show up at meetings to say what they want, but it is difficult to gauge the wants of people who do not attend the meetings. It seems too late to get a referendum on the November ballot. However, he believed this issue would have to be brought back to the people eventually. The City needs input from people now, not from five years ago.


ADJOURNMENT

There being no further business, the meeting was adjourned at 8:30 pm to convene the Astoria Development Commission meeting.

ATTEST:


Finance Director

APPROVED:


City Manager