

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:00 pm.

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

Councilors Excused: None

Staff Present: City Manager Estes, Interim Police Chief Johnston, Parks and Recreation Director Cosby, Financial Analyst Snyder, Fire Chief Ames, Planner Johnson, Library Director Tucker, Public Works Director Cook, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

Mayor Van Dusen announced the results of the elections on November 4, 2014, as follows:

Mayor Elect – Arline LaMear
City Councilor Elect – Cindy Price
City Councilor Elect – Zetty Nemlowill

He congratulated the new Mayor, new City Councilors, and George McCartin, who ran for a seat on the City Council.

REPORTS OF COUNCILORS:

Item 3(a): Councilor LaMear reported that she attended a meeting with the new Port director, which included a great group of Astorian's from all walks of life. She attended the ribbon cutting at the new sports complex and the first half of the football game. She went to an economic forum hosted by Columbia Memorial Hospital. The three south county mayors, City Manager Estes, and Clatsop County Manager Scott Summers also attended the forum to discuss economics in the county.

Item 3(b): Councilor Herzig reported that on Sunday, November 9, 2014, the Lower Columbia Diversity Project (LCDP) is hosting a workshop on understanding racism at 2:00 pm in the Judge Boynton Building. The workshop is free and open to the public. The workshop is a follow-up to the presentation about the lack of black people in Oregon. He noted that high winds were forecast for that night and the next day, reminding everyone to prepare for the weather. He attended the Coast Guard's open house about the new housing development and wished more people had attended. The Coast Guard did a great job and is still looking for input from the citizens. The PowerPoint presentation that was given at the open house was made available in the lobby of City Hall. The Coast Guard said at the open house that they would save as many trees as possible, consider the hydrology, and extend the walking trail from Klaskanine to Lexington or Kensington. The trail extension will be open to the public. One man at the meeting had said the road was moved a couple of feet to save two trees, so the Coast Guard is taking great care to address the public's concerns. The Coast Guard does not usually accommodate the public this way, but they knew the community really cared about this development. He promised the City would do everything possible to help with pedestrian safety in the new housing area, which is a concern of the Coast Guard. A report from the municipal judge stated the Police Department recently conducted a pedestrian safety enforcement program. There was a significant increase in citations for failure to yield to a pedestrian in a crosswalk. At a number of hearings, drivers said they were not aware of unmarked crosswalks located at each block's intersection. Many drivers indicated they saw the pedestrians, but did not believe stopping was necessary because the crosswalk was not marked. Oregon law requires drivers to stop for pedestrians at every unmarked crosswalk, which are typically located at each intersection. The City needs to do a better job of getting the word out. There are new crosswalk stripes going in around town, but people do not understand that unmarked crosswalks at each intersection are equally protected for pedestrians.

Item 3(c): Councilor Mellin reported that she attended the meeting with the new Port director, Jim Knight. The reception was wonderful and everyone seemed very positive. There is a fresh, new feel about the Port and she believed Astoria would see some good progress. She sat with Councilor LaMear at the ribbon cutting at the new sports complex and learned that Councilor LaMear loves football. Being at the new sports complex was an incredible experience. It is a great use of land that would have remained vacant. She enjoyed

the elections and was happy with the results. She believed three women on City Council was the result of many years of work by the Women's Political Caucus, which she has been a member of for about 20 years.

Item 3(d): Councilor Warr reported that he attended the same events as Councilors LaMear, Herzig, and Mellin, who already gave great reports. He congratulated Councilor LaMear and said the City Council has a bright future.

Item 3(e): Mayor Van Dusen reported that there would be two football games at the new sports complex over the weekend. The games are playoff games with Knappa High School and Clatskanie High School. The visiting teams and their fans will be reserving rooms in Astoria, adding to the city's economy.

CHANGES TO AGENDA: No changes.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

- 5(a) Boards and Commissions Minutes
 - (1) Library Board Meeting of 8/19/14
 - (2) Library Board Meeting of 9/3/14
 - (3) Parks Board Meeting of 9/24/14

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

REGULAR AGENDA ITEMS

Item 6(a): Authorization to Join Houston-Galveston Area Council (HGAC) to Enter into a Contract to Purchase a New Fire Pumper Truck from Pierce Manufacturing (Fire)

At the April 21, 2014 Astoria City Council meeting, Fire Chief Ames made a presentation regarding the current status of Fire Department equipment. The high cost of ongoing repairs, coupled with the fact that two of the apparatus have reached the end of their useful life, resulted in the recommendation to replace both apparatus. The first is the 1986 Fire Pumper Truck 2521. The recommended replacement is a Pierce Arrow XT Pumper. The second is the Quint Aerial Ladder Truck 2541 which would be replaced with a Pierce Arrow XT 105' Aerial Ladder Truck. At the August 4, 2014 Astoria City Council meeting, Financial Analyst John Snyder provided information on possible funding strategies for discussion by Council. It was explained that projections of revenue and expense for the 17th Street Dock Fund indicate resources would be available to secure a seven (7) year annual lease payment towards the purchase of the Pierce Arrow XT Pumper truck.

The Houston-Galveston Area Council (HGAC) is an interstate cooperative procurement agency that facilitates contracts between member jurisdictions and member manufacturers. The Pierce Manufacturing Company is a member manufacturer. The request for authorization to join the HGAC would allow the City to enter into a contract for the purchase of a Pierce Arrow XT Pumper truck. The process for joining the HGAC has been reviewed by the City Attorney and required a seven (7) business day advertisement noting the City's intent to establish a contract (ORS 279A). The advertisement was published October 3, 2014. No comments were received. After considerable research and time, Fire Chief Ames is recommending the purchase of a Pierce Arrow XT Pumper truck through a contract with HGAC. Purchasing the Pierce Arrow XT will result in a fire pumper that should serve the needs of the City for many years into the future as well as providing the best in modern safety features for our Firefighters. It is recommended that Council authorize joining the Houston-Galveston Area Council to facilitate entering into a contract with Pierce Manufacturing for a lease/purchase of a new Pierce Arrow XT pumper truck.

Councilor LaMear asked if Pierce Manufacturing used to make cars. Chief Ames replied no, the company is a subsidiary of Oshkosh Corporation, which is a multi-national company that builds many types of vehicles for the military and other companies around the world.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Herzig to authorize joining the Houston- Galveston Area Council to facilitate entering into a contract with Pierce Manufacturing for a lease/purchase of a new Pierce Arrow XT pumper truck. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 6(b): Consider Authorization to Purchase a New Fire Pumper Truck and Associated Resolution for a Lease/Purchase Agreement (Fire)

It is proposed that a lease/purchase agreement be used to procure the pumper. Financing for the new pumper truck will be through Oshkosh Capital. Oshkosh is the parent company of Pierce Manufacturing. Financing will be accomplished through a seven (7) year lease to purchase agreement with Oshkosh with the first payment of \$75,000 due on January 31, 2015. Annual payments of \$76,360.30 each will be due in January of each of the following six (6) years. Financial Analyst John Snyder has verified that the lease payments starting with the January 31, 2015 payment can be made with available resources from the 17th Street Dock Fund without adverse financial effect.

In addition to consideration of approval of a resolution to enter into the lease agreement with Oshkosh Capital, the purchase of the new pumper truck would require authorization from Council to enter into a Contract with Pierce Manufacturing for the construction of the pumper. The Contract with Pierce Manufacturing for the new pumper would be in the amount of \$488,251. Oshkosh Capital has provided two (2) lease/purchase options for consideration. Option "A" was described with the \$75,000 payment due on January 31, 2015 followed by the six annual payments thereafter of \$76,360.30. Option "B" consists of seven (7) annual payments in the amount of \$77,954.42. Staff recommends Option "A" which would save the City approximately \$12,500 in interest charges over the life of the lease/purchase. The total cost with 2.86% interest would be \$533,161.80. The City Attorney has approved the sample Lease/Purchase Agreement with Oshkosh Capital and the Contract with Pierce Manufacturing as to form.

It is recommended Council approve the attached resolution for the Lease/Purchase of a Pierce Arrow XT pumper truck from Oshkosh Capital using the Oshkosh Capital Option "A" as described above. It is further recommended that Council approve entering into a Contract with Pierce Manufacturing for the construction of the new pumper truck.

Mayor Van Dusen confirmed that funds for this purchase would come from Astoria's lease with the Coast Guard for the 17th Street Dock.

Chief Ames recognized that this purchase was a lot of money, but the equipment is needed. The Fire Department is experiencing enormous expenditures to keep its equipment running. After a lot of research and experience with purchasing vehicles, he believed the pumper truck would be the best vehicle for Astoria's hilly terrain. The truck will serve Astoria well in the long run.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor LaMear to approve the resolution for the Lease/Purchase of a Pierce Arrow XT pumper truck from Oshkosh Capital through the HGAC using the Oshkosh Capital Option "A" as described in the memo. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Mellin to approve entering into a Contract with Pierce Manufacturing for the construction of the new pumper truck. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 6(c): Resolution Appropriating Funds for Purchase of a Fire Pumper Truck (Finance)

The budget for FY 2014-15 anticipated the lease purchase of a fire pumper truck. \$75,000 was allocated as a transfer to the Capital Improvement Fund in the 17th Street Dock Fund in support of this expenditure. The transfer was not allocated as a resource for the Capital Improvement Fund because the terms of the transaction were not in place. A lease purchase agreement is now being proposed in a separate memo. The terms of the lease are for a down payment of \$75,000 that will leave six (6) annual payments of \$76,360.30 from FY 2015-16 to 2020-21. It is anticipated that these payments will be made by subsequent transfers from the 17th Street Dock

Fund. It is recommended that Council consider adopting this resolution to allocate \$75,000 as a down payment on a fire pumper.

Mayor Van Dusen explained that the Coast Guard housing area and other Coast Guard properties within the City limits do not pay property taxes, which are deposited into the General Fund to be used by the Fire and Police Departments. However, Astoria has a very favorable lease with the Coast Guard on the 17th Street Dock, where their two cutters are moored. The Coast Guard wants to help the community and is glad the funds will be used to purchase a fire truck. He wanted to make it clear that funds for the truck were coming from the 17th Street Dock lease, not property taxes.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Mellin to adopt the resolution to allocate \$75,000 as a down payment on a fire pumper truck. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 6(d): Geologic Hazards Mapping Update (Public Works)

The City's existing Past Landslides Map needs to be updated to clearly show all recent slides and changes to the boundaries of existing known landslides. This information is very useful in making land use decisions since our City Development Code requires that all development within 100 feet of a known slide area have a geologic report prepared. It is proposed that the map be updated to a new map titled "City of Astoria Geologic Hazards Map". In July of 2014, staff applied for a \$5,000 Oregon Division of Land Conservation and Development (DLCD) Technical Assistance Grant. The Public Works Department had budgeted \$5,000 to begin the map update. With the additional \$5,000 in grant funds, staff anticipates that the project can be completed. City staff will match the grant funds with approximately \$5,000 in in-kind services (staff labor).

In October 2013, the Oregon Department of Geology and Mineral Industries (DOGAMI) published geologic mapping for the City of Astoria. The new City mapping, in conjunction with the state mapping, will provide the valuable information needed by planners and consultants in making decisions regarding geologic hazards in Astoria. City Attorney Henningsgaard has reviewed and approved the contract as to form. It is recommended that Council accept the Oregon Department of Land Conservation and Development grant for \$5,000 and authorize the Mayor to sign the grant agreement. Staff will be requesting that the City Manager approve a contract with Horning Geosciences that will be under the amount of his \$10,000 spending authority.

City Manager Estes clarified for Councilor Herzig that the contract is expected to be under \$10,000, which is within the City Manager's spending authority.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear to accept the Oregon Department of Land Conservation and Development grant for \$5,000 and authorize the Mayor to sign the grant agreement. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 6(e): Irving Avenue Tree Removal (Public Works)

At the July 21, 2014 Council meeting Mayor Van Dusen requested that staff have an arborist inspect the Irving Avenue roadway east of the Irving Avenue Bridge Project (between 19th and 33rd Streets) for dangerous trees that could possibly fall during winter wind and/or ice storm events. The purpose of the task was to minimize the risk of road closure and injury from falling trees. Staff hired a licensed arborist to perform a tree hazard assessment and approximately 50 trees were recommended for removal. A subsequent review by the Mayor, local citizens, and staff reduced the number to approximately 35 trees. Some of the trees are covered with ivy and are structurally defective. The arborist also recommended removing ivy at ground level from trees that have a good vertical growth habit and minimal ivy growth. If Council is in agreement with the arborist's and staff's modified recommendation, staff will obtain three quotes from tree removal companies. If the lowest quote exceeds the City Manager's purchasing authority, staff will return to Council for authorization to proceed. It is recommended that the City Council authorize staff to request quotes to have the trees removed.

Sue Skinner, 511 Jerome, Astoria, said she was glad the small maple trees would not be removed.

Mayor Van Dusen explained that the City had a very specific goal, to remove trees that would block Irving Avenue for emergency vehicles. This had nothing to do with views. The number of trees to be removed was reduced from 50 to 35 trees, many of which are very small. Some of the trees may fall, but they will fall toward the river and not block Irving Avenue, which helped determine whether or not they should be removed.

Director Cook noted the City hired arborist Joe Balden from Nehalem, who is the only arborist in the area that does not have a tree cutting service. Therefore, his opinion about tree removal is neutral.

Councilor Herzig thanked Mayor Van Dusen for involving the citizens in this issue. He said the Mayor, Sue Skinner, the Whites, and a few other people went to Irving Avenue on a rainy day to look at the trees. He believed the public involvement in this process was a great thing.

Councilor Mellin believed this tree removal was proactive. It is good that the City is looking ahead at what its needs will be.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to authorize staff to request quotes to have the trees removed. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 6(f): Niagara Landslide (between 14th and 16th Streets) Study (Public Works)

The City Public Works Department has been maintaining the roadway surface at the Niagara slide area located between 14th and 16th Streets for approximately 75 years. Records show that the slide was first identified in December of 1939. The slide can be described as a slow creeper and requires routine asphalt repair work periodically to maintain the roadway. Staff believes that seeking a permanent repair would be beneficial when public safety, public inconvenience, and the ability to have the road open after a seismic event are considered. In order to prepare a plan for a permanent repair, staff is proposing to initiate a slide study that will characterize the slide and help identify possible repair methods. The first phase of the study would include a Geotechnical study of the history of the slide, field reconnaissance, one exploratory boring, and installation of a slope inclinometer to measure movement. A technical memorandum would then be prepared summarizing the results of the field investigation. The study would cost \$20,000 to complete and includes \$8,500 for a drilling subcontractor to complete the exploratory boring. The work is expected to take approximately three months to complete. A personal services contract defining the scope of work is attached. City Attorney Henningsgaard has reviewed and approved the contract as to form. It is recommended that Council execute a contract with Landslide Technology for a total not to exceed the amount of \$20,000 for geotechnical engineering services on Phase 1 of the Niagara Landslide Study.

Councilor Mellin said she believed everyone who drives through the area thinks about the landslide potential because the land looks like it will slide at any moment. The land has looked this way for as long as she could remember, so she was glad the City will do something about the issue.

Councilor LaMear believed the study would likely benefit the City in other areas that are also slide prone, like along Alameda. She hoped the results of the study would suggest permanent repairs.

Councilor Herzig asked if the south side of Niagara between 14th and 15th Streets where the roadway has settled would be included in the study. Director Cook showed the study area on the screen, which was close enough to the area Councilor Herzig mentioned that the results of the study could be applied to it. Councilor Herzig said this issue came up earlier in the year and City Council was told staff was waiting for dryer weather to do the study. It is great that the scope of the study has been expanded in the mean time. It is very noticeable that the south side of the road is settling between 14th and 15th Streets. Two large areas have settled almost to the center of the roadway. Director Cook said the area has not been as active as the portion of the road within the study area, but it is a problem. Councilor Herzig believed Directory Cosby was also concerned about the slide risk because she lives in the area.

Mayor Van Dusen explained that an inclinometer is a piece of bamboo driven into a hole. When the earth moves, the bamboo breaks, indicating how deep the movement is. He asked why this area was chosen for the study, as there are other areas of the city that have land movement. Director Cook said the area is a prime route

for emergency vehicles to get to the east part of Astoria. If the route is inaccessible, travel to the hospital would be significantly delayed. Also, the new sports complex has increased the amount of traffic in the area.

Councilor Herzig noted that the contract includes the City's new nondiscrimination policy.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to execute a contract with Landslide Technology for a total not to exceed the amount of \$20,000 for geotechnical engineering services on Phase 1 of the Niagara Landslide Study. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

George McCartin, 490 Franklin Avenue, Astoria, said the heavy rain season was beginning. He recalled that during the previous rainy season there was flooding in the lower level of City Hall because of the adjoining hotel. He asked if contact had been made with the owner of the hotel and wanted to know if the problem had been alleviated. City Manager Estes said staff has been in contact with the owner in the last few weeks. It appears as if the drains are clear.

LJ Gunderson, 413 Franklin Avenue, Astoria, said the Astoria Downtown Historic District Association (ADHDA) is encouraging the downtown businesses to begin staying open until 7:00 pm on Fridays, from Friday, November 7 through December 19, 2014, in anticipation of the holiday season. The ADHDA website lists the businesses that will be open late and the list continues to grow. The downtown lighting will be on Saturday, November 29th at 5:00 pm. The lighting event will include pictures with Santa at Santa's Workshop, which will be located at the Astoria Armory. A movie and children's activities will also be at the Armory. Santa's Workshop will open at 2:00 pm and the movie will begin at 3:15 pm. The entire event is free and open to the public and donations of canned food will be collected for Clatsop Community Action. She noted that the Astoria-Megler Bridge has been featured on a Google commercial. She had the YouTube address of the commercial for anyone who wanted to see it.

Marietta Hope-Zell, 8137 SW Edgewater Drive, Wilsonville, Oregon, introduced her mother, Ruth Hope, and distributed items to the City Council related to the issues she and Ms. Hope planned to address. These items included an article from Chicora Foundation Incorporated called *Best Practices for Cemetery Lawn Maintenance* and the Oceanview Cemetery brochure.

Mayor Van Dusen confirmed that Ms. Hope's presentation was going to be about the cemetery. He understood that Ms. Hope-Zell and Ms. Hope traveled a long way and encouraged them to speak, but noted that City Council would recommend their concerns be submitted to the Parks Department and Parks Board because they were in charge of the cemetery.

Ruth Hope, 747 Augusta Court NW, Albany, Oregon 97321, said she understood and read her letter which discussed her family's history with and their concerns about the condition of the Oceanview Cemetery. She compared the quality and thoroughness of prior maintenance to the maintenance done today and noted the deplorable conditions, equipment, and practices used at the cemetery conflicted with best practices and several rules and guidelines outlined in the Oceanview Cemetery brochure. Her letter included several questions about the dollar value of the endowment and subsidized monies used to address shortfalls; plans for future expansion; the details and timeframe for the new irrigation project; and the discrepancies between current operations and the Oceanview Cemetery brochure. She noted that as a final resting place for many residents of Astoria and an enduring historical record, Oceanview Cemetery should be well maintained by the City. The family's goal is to improve the cemetery and they looked forward to a dialogue with the person designated to make the improvements happen. She would love to be proud of the historical aspects of Astoria, particularly the cemetery since she visits it often. She hoped the City Council would allocate funds for cemetery improvements to bring the cemetery up to standards that everyone in the City could be proud of.

Mayor Van Dusen dismissed the department heads, except for Director Cosby, during Ms. Hope's testimony.

Councilor Warr said that he owns the monument company in town and had built the monument for Ms. Hope's mother. He thanked Ms. Hope for speaking up because the City has been slow to address this issue.

Doris Queener, 4940 Cedar Street, #2A, Astoria, asked when would the City get a new Finance Director and if the audit would occur on its normal schedule, six months after the fiscal year ends. Staff had told her the City's current liability for employee's retirement health insurance was \$220,000, except for Planner Johnson. She has worked in accounting for government entities for most of her life. During the last 10 years, she has worked for the Department of Administrative Services. For seven of those years she worked as a fiscal analyst for the Facilities Division, monitoring budgets, funding sources, items approved by the legislature, and worked with as many as seven project managers on multi-million dollar projects. She also tracked contract commitments, change orders, and amendments and processed payment requests. She referred to the contract with Area Properties that was not formally amended to include the \$1,000 minimum commission fee, asking why the bill for these fees was processed and approved when it was not covered by a written executed contract.

City Manager Estes said the application period for the Finance Director position would be closing at the end of November. The City has advertised the position locally, through state and regional professional organizations, and through the International City Managers Association. He asked Ms. Queener to contact him the following day for a copy of the job description. The audit has begun and is proceeding normally. He was not aware of any problems with the audit, but Financial Analyst Snyder could provide more information. With regard to the contract with Area Properties, a staff member had made a verbal commitment to pay a \$1,000 minimum commission on each property sold. The verbal commitment was presented to City Council and Council approved a contract amendment to include the minimum commission.

Ms. Queener said she was concerned because in Oregon, it does not matter if a commitment is agreed upon verbally; only executed contracts are adhered to. She believed this was against statutes and rules as she had been through many audits.

Mayor Van Dusen said the contract amendment was brought to City Council for a vote, so the issue was readdressed.

Ms. Queener said she remembered how forceful Mayor Van Dusen was about the fact that a mistake had been made. She was concerned that agreement was only verbal. This was public money. If someone approves spending public money, but the expenditure does not match the language in the contract, the expenditure should not be processed, according to her understanding of how public money is handled.

City Manager Estes confirmed for Mayor Van Dusen that there were some commissions paid at the verbally agreed upon rate before City Council approved the contract amendment.

Ms. Queener said she understood this was an anomaly that had been addressed; however, from the perspective of someone who handles payments, the payment should always match the language in the executed contract. She wanted to make sure this would be addressed to ensure it does not happen again.

Mayor Van Dusen thanked Ms. Queener for her comments and noted that the Port of Astoria, which is owned by the citizens, is currently going through difficult and expensive financial resources. The City should have answers to her questions, and if not they would be provided; and if a mistake is made, the City will say so. Ms. Queener said she appreciated that, adding that there has been discussion about staff being overburdened at times and changes were being made, but she has been pushed to authorize a payment, which she refused to authorize because it violates the statute. Mayor Van Dusen added it does not matter how big or small the payment. He said at least Ms. Queener has forced the City to give a good explanation. Ms. Queener added that she wanted everybody to be on the same page about how much due diligence is owed for public monies.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:58 pm.

APPROVED:

City Manager