

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

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

Councilors Excused: LaMear

Staff Present: City Manager Pro Tem Estes, Police Chief Curzon, Parks and Recreation Director Cosby, Fire Chief Ames, Planner Johnson, Library Director Tucker, and City Engineer Harrington. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS:

Item 3(a): Mayor Van Dusen reported the Garden of Surging Waves celebration was great. He thanked the community, City Council and Staff for their participation. The weather was perfect and it was great to present Astoria with the Garden of Surging Waves, which is a testament to the contribution of Chinese Astorians and Chinese Americans to the United States, which represents U.S. history, not the history of China. Chinese pioneers were just as relevant to Astoria's history as the white people in covered wagons.

Item 3(b): Councilor Warr agreed the opening of the Garden of Surging Waves was spectacular. The lion and dragon dances, which he had never seen before, were a lot of fun. He was most impressed by the number of out of town visitors who attended the event. He reported that on May 15th, he and City Manager Pro Tem Estes met with the Oregon Transportation Commission, attended the ribbon cutting at Buoy Beer Company, and then had dinner with the Commission. There was great conversation and he was able to brag about Astoria. He believed it was a very positive experience.

Item 3(c): Councilor Herzig reported that the Lower Columbia Diversity Project (LCDP) is co-sponsoring a film showing on Friday, May 30th at the Clatsop Community College Performing Arts Center. The film, *American Winter*, was filmed in Portland; it is about the effect of the shrinking economy on American families. The film showing is free and is sponsored by the LCDP, Clatsop Community College, and the Oregon AFL-CIO. He reported that Miriam Hurley, mother of Richard Hurley and Celia Davis, is gravely ill and not expected to survive. Everyone will miss her smiling face sitting in the front row at City Council meetings. He thanked Mayor Van Dusen for his Garden of Surging Waves speech that welcomed people regardless of their sexual orientation. Today in Eugene, Oregon, Justice Michael J. McShane struck down Oregon's ban on same-sex marriages as unconstitutional. His marriage to his partner is now considered legal in Oregon, as are many marriages in Astoria. He believed this was a great step forward for Oregon.

Item 3(e): Councilor Mellin reported she also enjoyed the festivities on Saturday for the Garden of Surging Waves. It was so nice to see everything happen after so many years. She heard from Jim Kretzler that a woman came into his wife's antique store and said she booked her cruise on a particular cruise ship so she could be in Astoria for the opening of the Garden of Surging Waves. It was neat to see so many Chinese people attend from Portland and Seattle. Everyone was so appreciative of the Garden. After the opening, she attended the Friends of Randal McDonald Annual Luncheon. The Friends have been meeting since 1988 to celebrate Randal McDonald, who was the first English teacher in Japan born in Astoria in 1824. The Japanese Council from Portland and many other guests attended the luncheon. The Friends is a group of Japanese, Scottish, and Chinook people who are all connected through this historical event. Some members of the group are descendants of Chief Concomly. After the luncheon, the group went to Fort Astoria to decorate the plaque with roses. On Sunday, May 18th, she participated in the third Citizens Helping Improve Parks (CHIP-IN) event at Alderbrook Hall. She noticed Parks Department employees working on Saturday and volunteering on Sunday. The group cleaned up Alderbrook Park, which looks gorgeous. The group could have used more volunteers, but the park was small and they finished early. The next CHIP-IN event will be at Fred Lindstrom Park. On May 13th, she joined the Parks Department and Astoria Downtown Historic District Association (ADHDA) on a walk-through with a consultant to consider way finding signs that will help tourists and locals find locations in Astoria. The walk-through took all afternoon and it was interesting talking about the signs. On May 8th, she, Director Cosby, and Alana Garner went on the *Crown Princess*, a new cruise ship, and met the captain. It was wonderful

to meet the captain, tour the ship, have lunch, and participate in the gift exchange. On May 10th, the Columbia River Maritime Museum (CRMM) had a program about the Chinook. A book has just been published. One of the three authors, Tony Johnson, from across the river, is a Chinook. The book, which was well researched, is about the Lower Chinook and the people in this area. She learned that in the 1880s, Chinook, Washington had the highest per capita income of any place in the United States.

Mayor Van Dusen introduced the following people who were in the audience: Cliff LaMear; Sean Fitzpatrick, Planning Commission; LJ Gunderson, Historic Landmarks Commission; Dulcye Taylor, ADHDA; and Kent Easom, the newest Planning Commission member; and former City Councilor Peter Roscoe. Mr. Easom replaced Ron Williams, who had to resign because of scheduling conflicts. He thanked the volunteers for their work. He noted that Shel Cantor's home looked beautiful and makes the neighborhood and the town proud.

Shel Cantor, 1189 Jerome, Astoria, said the house was built in 1906.

CHANGES TO AGENDA: No changes.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 5/5/14
- 5(b) Boards and Commission Minutes
 - (1) Historic Landmarks Commission Meeting of 4/15/14
 - (2) Planning Commission Meeting of 2/25/14
 - (3) Planning Commission Meeting of 4/22/14
 - (4) Traffic Safety Advisory Committee Meeting of 2/22/14
- 5(c) **Lease Agreement with Astoria Regatta Association for Use of East Portion of Heritage Square and Closure of 12th Street between Duane and Exchange Streets (City Manager)**

Councilor Herzig requested Item 5(c) be removed for further discussion.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Warr, to approve Consent Calendar Items 5(a) and (b). Motion carried unanimously. Ayes: Councilors Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 5(c): Lease Agreement with Astoria Regatta Association for Use of East Portion of Heritage Square and Closure of 12th Street between Duane and Exchange Streets (City Manager)

Councilor Herzig asked that Peter Roscoe be given the opportunity to speak about the Regatta, as he was unable to request removal of this item from the Consent Calendar by the 5:00 pm deadline.

Peter Roscoe, 857 Florence, Astoria, said the opening of the Garden of Surging Waves, which is part of Heritage Square, was great. Noting Councilor Mellin has been very involved with the Chinook, he recalled encouraging Ray Gardner several years ago on behalf of the City and with the City's approval to make the next phase of Heritage Square be about the first people. He encouraged the City to continue that promise to the Chinook, who are very important people. He has spoken to Suenn Ho and several City Council members about the possibility of designing a barbeque behind the Legion that would encourage people to use the Square. At 5:00 pm on June 2, 2014 at the Elks Lodge, as part of the Rose Festival, the Canadian ship *Oriole* will visit Astoria, and he confirmed that a City representative would be present. With regard to the lease agreement, he announced that the Astoria Regatta Association plans to reinvigorate the salmon barbeque aspect of the Regatta. Last year's Regatta was successful and the association would like to grow the event. When he was growing up, the salmon barbeque was a significant part of the Regatta. The Regatta Association has engaged with the culinary community of Astoria. Chefs in the community will be barbequing in the center of the parade. The Parks and Recreation Department and Sunday Market will be involved. He would like to see the area packed with people because it will be the best place to watch the parade. Astoria has four craft brewers, who will also be competing to create the best Regatta beer. Dan Bartlett is head of the judges' panel. The Regatta will include a beer garden, stage, line dancers in the parade and on stage, bag pipers, local musicians, and other performers. The barbeque and beer garden will be from 10:00 am to 5:00 pm. Last year, the beer garden was segregated from the family area. However, this year, the Regatta Association was able to receive a license from

the Oregon Liquor Control Commission (OLCC) to create a combined area that will include many of the local restaurants. He has spoken with Sheriff Bergen about getting off-duty officers to work the control points that will allow for the multi-use area. This enclosed and enforced area will allow families to sit together while dad has a beer. The Regatta will be on Saturday, August 9, 2014. There have already been many parade applicants and he looked forward to seeing everyone at the Regatta. He added that the Regatta began in 1894, but he was unsure exactly how many celebrations have occurred. There were some long periods, sometimes 10 or 11 years, when the Regatta was not held. He explained that the lease agreement regarding the property at 250 21st Street on the Astoria Development Commission Consent Calendar is for the Barbey Center. The Maritime Museum has a large area that may not be needed, but the Association would like access to the entire area just in case it is needed.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin, to approve Consent Calendar Item 5(c). Motion carried unanimously. Ayes: Councilors Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

REGULAR AGENDA ITEMS

Item 6(a): Public Hearing and Ordinance Regarding Vacation of a Portion of West Niagara Avenue Adjacent to United States Coast Guard Housing (Public Works) (1st Reading)

The City has received a request from the United States Coast Guard (USCG) for the vacation of the north 30 feet of the West Niagara Avenue right-of-way adjacent to Lots 1 to 10, Block 12, West Slope and the south 30' of the West Niagara Avenue right-of-way adjacent to Lots 1 to 11, Block 13, West Slope. The USCG plans to expand their housing development with a road and new housing extending north from Klaskanine Avenue. At their April 21, 2014 meeting, Council adopted a resolution to set a public hearing for said vacation on May 5, 2014. The public hearing was continued to the May 19, 2014 meeting. It is recommended that the Astoria City Council conduct the public hearing and first reading of the ordinance to vacate a portion of the unimproved Niagara Avenue right-of-way.

City Manager Pro Tem Estes explained that because the USCG is a federal agency, they were unable to pay the assessed value of the land. Therefore, the City and USCG have agreed to a dedication swap when the new street right-of-way is built. Maps of the area were displayed.

Mayor Van Dusen opened the public hearing at 7:21 pm and called for anyone wanting to address the City Council on the vacation of a portion of West Niagara Avenue to come forward with any comments or concerns.

Mark Erickson, 930 Gara Place, Astoria, said he lives adjacent to the woods. He was unsure what the City meant by vacate and confirmed that a road would not be built in the area being vacated. He referred to the photo on the screen and confirmed that the USCG had not proposed to build a road from West Lexington. He used the photo to describe where Klaskanine Avenue, Alameda Avenue, the current USCG housing, and Garrow Place were located. His house was built before the USCG housing and he noted that the USCG is a fantastic neighbor. A tremendous amount of forest and large old growth trees were removed to build the USCG housing. That morning, he was awakened to the call of an eagle. Eagles' nests have become prominent in a portion of the woods that he indicated on the screen. He wanted to know where the new housing would be built and what impact the housing development would have on property values, the neighborhood, noise, wildlife, etc.

Engineer Harrington said the proposal indicates this road being developed to include a turn-around for fire trucks. The development being proposed is based on the center line of that road, staying away from the steep areas of the forested area.

Planner Johnson added that a pedestrian trail is proposed from the cul-de-sac up to West Lexington to allow pedestrian access through the area. The area identified as a potential eagle site is not identified, but is on a tract that is reserved for natural habitat and cannot be developed at this time. Engineer Harrington noted that there are some geologic areas that the USCG will be avoiding.

Mayor Van Dusen did not believe it was not possible to determine the effect of the development on property values.

Mr. Erickson confirmed his questions had been answered, adding he appreciated everything the Council does.

Martin Beuhl, 859 Glasgow, Astoria, said he was legally blind and could not see the map. He has been visiting the property for about 45 years and values the property tremendously. He understood that development was necessary, but sometimes there are options. Geologically, he did not know how viable the development would be and noted that there are other ways of building developments. He has adopted Astoria as his home and he believed these forested gems were worth preserving at any cost. He believed everyone would benefit from the forested areas in many ways. It sounded like much of the forested area would still be preserved. He asked when this project would begin.

City Manager Pro Tem Estes said construction is anticipated for 2014 and 2015. He did not have exact dates yet, but confirmed that the project would begin within the next year or year and a half.

Mr. Beuhl said his stepdad grew up walking and playing in those woods. The government loves to have straight lines and things rigidly blocked out. He hoped the USCG would be willing to work with the community to keep the natural areas as intact as possible. It seems as if logs were pulled across the trails after 2007, which closed off the area. He and his dog still climb in the area. He assumed that as a citizen, the federal land is his and he can use it. He recommended the forested area on the ravine and watershed, which the high school biology department has used, be preserved. He asked if there would be any more meetings about the development, as he wanted to stay involved in the process.

Mayor Van Dusen replied this was the only public hearing scheduled for this street vacation.

Sue Skinner, 511 Jerome, Astoria, asked if the plan was to save the ravine and creek. Planner Johnson responded that the USCG owns the area east of the ravine. She referred to the map, noting the long strip of property along the west side that is owned by the City is undevelopable. The ravine and stream go through this property and would be preserved as City owned property; no work has been proposed in this area. The housing development would be located quite a ways from the ravine, on the east side of USCG property.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he enjoyed Mr. Beuhl's comments. He looked at the property several days earlier and noticed the signs that stated "Federal Government Property, No Trespassing." He assumed the signs were referring to criminal intent. He looked at the stream courses and large trees, which are between four and six feet through. The ravine that runs along the west side of the property is actually an unnamed stream course of great importance to the region and he was glad it has been preserved. The recent Oregon Department of Geology and Mineral Studies (DOGAMI) landslide map indicates that entire USCG property is a deep landslide more than 15 meters thick, a thick slab of material that slid in the past probably at least 150 years ago. The toe of this mass extends out into Youngs Bay. He realized this public hearing was about vacating the street. Rather than speaking about all of his concerns about the property, he requested further discussions about the development of the property. He did not have any complaints about vacating the street to allow for potential development, but asked about the red line on the map.

City Manager Pro Tem Estes said that no other public hearings would be conducted to discuss the housing development because the federal government is able to construct without any City of Astoria building permits.

Mr. Farrar doubted this was true. He understood the USCG was part of the Department of Commerce, which was different from the military.

Mayor Van Dusen believed the USCG was part of Homeland Security. While the USCG may not be required to obtain permits or conduct public hearings, he believed they would be more than willing to do so. Mr. Farrar agreed. City Manager Pro Tem Estes added that the City has a great working relationship with the USCG. The City has been working with the USCG, who have been great partners.

Councilor Herzig suggested the public hearing be continued. Closing the public hearing now eliminates the mechanism for having another one. He believed people would be interested in hearing a presentation by the USCG as part of a continued public hearing.

Mayor Van Dusen agreed it would be great to ask the USCG to give a presentation, but was not in favor of having the presentation as part of this public hearing because the vacation was not the issue. Councilor Mellin agreed.

Mayor Van Dusen closed the public hearing at 7:37 pm. Councilor Warr proposed a first reading.

Planner Johnson conducted the first reading of the ordinance regarding vacation of a portion of West Niagara Avenue adjacent to United States Coast Guard housing.

Mayor Van Dusen suggested that the USCG do a future presentation about the development.

Councilor Herzig agreed, adding it was obvious that Staff had much more information than City Council about the plans. He would like to know more and believed the public would as well. He shared everyone's concerns; there are multiple slide areas on the property and the USCG has assured him that they are working between geological hazard areas. He wanted to ask the USCG to create a trail that all Astorians could use. A presentation by the USCG about how they plan to build the development and what precautions would be taken would ease his mind.

Mayor Van Dusen said he found it interesting that when the Coast Guard housing was built, the designers did not want right angle intersections and suggested bulb-outs. This was the first time that City Council and Staff had seen bulb-outs. Many times when something new is proposed, there is a human tendency to be leery of it. But the USCG talked the City into allowing the bulb-outs, which did so well to slow traffic at intersections that they were incorporated all over town.

Item 6(b): Amendment to Contract for Engineering Design Services – Bear Creek Hydroelectric Project (Public Works)

On December 16, 2013, the City Council authorized a contract with Murray Smith Associates (MSA) to design the Bear Creek Dam Hydroelectric project. A portion of the funding for this project is from the State of Oregon Infrastructure Finance Authority (IFA). Louise Birk, the new IFA representative for this project, pointed out that the contract must include a non-discrimination clause as required for State and Federally funded projects. It is recommended that the City Council approve an amendment to the MSA contract to include non-discrimination language required for State and Federally funded projects.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to approve an amendment to the Murray Smith Associates (MSA) contract to include non-discrimination language required for State and Federally funded projects. Motion carried unanimously. Ayes: Councilors Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 6(c): Infrastructure Finance Authority Loan Amendment No. 2 – 17th Street Dock Reconstruction (Public Works)

The State Infrastructure Finance Authority (IFA) has previously approved an interim loan contract providing matching funds for the 17th Street Dock Reconstruction Project. The loan, from the Oregon Special Public Works Fund, was in the amount of \$1.65 million at an interest rate of 0.5% for a period of up to three years and was used to match the Connect Oregon III grant of \$3.8 million. Now that the project is complete, IFA has issued final loan documents for City approval. The final loan amount is \$1,336,135.00, which is \$313,865.00 below the original request. The loan will be repaid with revenues from the U.S. Coast Guard dock lease and tour boat moorage fees. The payment start date is December 1, 2014 and the loan maturity date is December 1, 2038 with an interest rate of 4% per annum. The contract amendment has been reviewed and approved as to form by City Attorney Henningsgaard. It is recommended that the Council approve the IFA Amended and Restated Contract and Amended and Restated Promissory Note used to provide matching funds to the Connect Oregon III grant for the reconstruction of the 17th Street Dock.

Mayor Van Dusen noted that Councilor Warr attended meetings throughout Oregon while working on this project, adding that Councilor Warr was Astoria's spokesperson at several public hearings. Councilor Warr said he had been attending the meetings for about seven years, four years before Astoria received funds to build the dock. He was pleased that the loan was for \$313,000 was less than originally estimated.

Councilor Herzig believed the City was considering other uses for the USCG dock lease revenue. He asked if the loan would absorb all of the lease revenue. City Manager Pro Tem Estes replied that the loan payments would not use all of the dock lease revenue, so funds would be available for other projects.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin to approve the IFA Amended and Restated Contract and Amended and Restated Promissory Note used to provide matching funds to the Connect Oregon III grant for the reconstruction of the 17th Street Dock. Motion carried unanimously. Ayes: Councilors Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

Item 6(d): Authorization to Bid 2014 Paving Project (Public Works)

The Public Works Department has developed a list of streets, which are included in the memo accompanying this agenda item for the 2014 Paving Project. Locations were chosen using the City's pavement maintenance software, anticipated future project needs, stopgap maintenance obligations, field evaluation, and cost efficiency considerations. The project will include approximately 3,500 tons of asphalt pavement overlay, 11,750 square yards of asphalt grinding, eight ADA ramp upgrades, 440 square yards of road base reconstruction, and other associated improvements. The construction estimate for this project is \$515,000, including a 10% contingency. Additional pavement preventative maintenance will be addressed with a crack and slurry seal project later this summer under a separate contract. Funding for this project is available in the Astoria Road District Fund (Local Fuel Tax Fund). It is recommended that the City Council authorize staff to solicit bids for the 2014 Paving Project.

Engineer Harrington gave a brief presentation on the street rights-of-way proposed to be paved during the summer of 2014. He displayed a map on the screen, indicating the locations proposed throughout town that were also listed in the agenda packet. He displayed a photograph of each location and discussed the proposed improvements, noting some locations will involve grinding and paving, and some locations will require grinding and inlaying. Inlaying is an economical way of replacing only the portion of the street that is in bad shape. Americans with Disabilities Act (ADA) upgrades will also be made at some locations.

Chris Farrar, 3023 Harrison Avenue, Astoria, asked why each location was chosen, what will happen to the areas that need work, and what can be done to make the roads last longer.

Engineer Harrington explained the City keeps an inventory of the streets using a management program that suggests the best ways to invest in preserving streets. On the other hand, some streets are in really bad shape and people want them repaired, so preservation is balanced with reconstruction. This year, the program is focused on preservation. After the paving project, the City will complete a crack seal project. The goal is to get the pavement index up to a reasonable number, which is currently very low. The City is working to protect its investment because reconstructs are very expensive. If the streets on the list get in worse shape, it will not be possible to overlay them to make them last longer; they will need to be reconstructed. Every city struggles with this balancing act. Discussions at paving conferences are about how to keep up with street maintenance without raising taxes.

City Manager Pro Tem asked Engineer Harrington to elaborate on the upcoming slurry seal project and crack repair, which would be completed later in the summer after the paving project.

Engineer Harrington recalled that a pavement strategy was presented a couple of years ago. The City planned to save money to do a larger project every two years and this is the year a project is to be completed. As soon as the overlaying and pavement repairs are completed, the City will follow up with a crack seal project that will preserve the asphalt by keeping water out of the sub grade. The City will also do slurry seals using new types of stronger, epoxy-based slurry seals. Before making decisions on the slurry seal project, Astoria is following Portland's slurry seal program to see what kind of success they have.

Councilor Herzig requested the photograph of Niagara and 15th be displayed on the screen and noted an area where parts of the roadway were slumping into the traffic lane considerably due to a slide to the south. He asked if this would be addressed. Engineer Harrington answered yes; the City has submitted a Request for Proposal to Landsite Technologies, the geotechnical engineer that does landslide monitoring for the City, to conduct a study of the area. The consultant did a reconnaissance with Staff at no charge and determined that the slides are

shallow rooted. The City compared the DOGAMI maps to its own landslide maps and spoke with Staff that said the slides have been slowing creeping down. Staff found plans from 1920, when a wooden retaining wall was used to repair the area. The movement is not catastrophic; it is just slowly creeping. Staff wants to figure out the best way to fix the slump, which might be to install drains to dry out the ground. He would like to see the result of the study before spending any money. The City will continue to maintain the area by removing the water over a couple of years. If the slump stops moving, money could be invested in a pavement project.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to authorize staff to solicit bids for the 2014 Paving Project. Motion carried unanimously. Ayes: Councilors Warr, Herzig, Mellin, and Mayor Van Dusen; Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

Councilor Herzig recalled that a number of people complained about the condition of Mr. Olvey's property in Alderbrook at the last City Council meeting. He requested that Staff report in June on actions being taken to encourage Mr. Olvey to clean up his property. City Manager Pro Tem Estes said the day after the last City Council meeting, Staff sent code enforcement notices to Mr. Olvey. Staff will provide an update at the next City Council meeting.

Councilor Herzig said in an email, he asked City Council to direct Staff to adopt a more comprehensive antidiscrimination policy. The federal antidiscrimination policy adopted earlier in this meeting covered race and sex. He is asking that disability, religion, sexual orientation, gender identity, and gender expression also be covered. These are all important protections the citizens of Astoria need. He noted City Attorney Henningsgaard had assisted with some research, and the Mayor and Councilors were provided a copy of Portland's antidiscrimination policy with some of the wording changed as a basis for Astoria's policy.

Mayor Van Dusen read the proposed policy, which stated, "It is the policy of the City of Astoria that no person shall be denied benefits of or be subject to discrimination in any City programs, service, or activity on the grounds of race, religion, color, national origin, English proficiency, sex, age, disability, religion, sexual orientation, gender identification, gender expression, or source of income. The City of Astoria also requires its contractors and grantees to comply with this policy." He suggested "source of income" be changed to "income" because there are people who do not have any source of income and they should not be discriminated against either. He asked if sex, sexual orientation, gender identification, and gender expression were all necessary.

Councilor Herzig responded that he did believe they are all necessary because each of the four areas require legal protection. Title 1, with regard to sex, has been an issue before. He believed using the word sex instead of gender was more aligned with federal and state policies. Sexual orientation, which is a question of to whom a person is attracted, is something the country needs to look at. Sex and sexual orientation are standard protections nationwide, but gender identity and gender expression are relatively new. Gender identity is who a person feels they are, man or woman, independent of their anatomical sex. Gender expression is how a person expresses their gender identity, including how they dress, behave, whether or not they take hormone therapy or gender confirmation surgery. Gender identity is a personal feeling and there have been issues with changing birth certificates, drivers' licenses, and passports. He recalled Tessa Scheller, who several years ago realized she had always felt she was a woman and wanted to start acting and dressing as a woman. The realization that she was a woman is gender identity; wanting to act and dress as a woman is gender expression. He believes some municipalities have discriminated against a person because of their gender identity.

Councilor Warr opposed the proposed policy basically because proposing such a policy indicated Astoria had a problem. Policies are generally formulated to solve problems that cannot be solved in other ways. After receiving Councilor Herzig's email, he asked several long-term City employees if they believed there was a problem with discrimination of any kind against anyone. One employee had responded that in 28 years, Astoria had never been accused of any kind of discrimination against anyone for any reason.

- Such an expansive policy is inviting unintended consequences and it would be an insult to City employees who have never given City Council a reason to consider this type of restrictive policy. This policy says City Council does not trust its employees to do the right thing even though they always have.
- He does not oppose the policy because he is a bigot. He recalled several years ago, when Oregon had approved same-sex marriages for a short time, he and his wife participated in a same-sex marriage ceremony for their friends. He has a daughter-in-law who is African-American and a son-in-law who is

Puerto Rican. This is not an issue of bias or bigotry; the policy is a solution looking for a problem that does not exist.

Staff explained that regarding certain contracts there is antidiscrimination policy language, which complies with state law, and is specific to each contract. The construction contracts contain a certificate of nondiscrimination that a contractor must sign, certifying they will not discriminate, and return with the bid. This certificate covers minorities, women, emerging small businesses, and veterans, taken directly from ORS 408.225. When federal funding is received, Astoria adds language that the funding entity requests. Oregon does not require antidiscrimination language in personal service contracts, which are typically used for consultants. Goods and services contracts involve buying goods and there is no discrimination against physical goods.

Councilor Mellin believed a policy should be simple and consistent, so it is easily understood. The more a policy is itemized, the more limited the policy becomes because eventually, a missed item will be found. She preferred the policy be kept simple. Times have changed and the culture has changed, so incorporating every new facet is not necessary. She wanted to keep the antidiscrimination language the City is already using. She asked Councilor Herzig what brought this on and if there was an incident that Council was not aware of that required a new way of looking at things.

Councilor Herzig said no, he believed the City Council might like to join the 21st Century. The proposed policy was more than just excess verbiage. The issue is important; it is being debated and fought for. People are dying over questions of gender identity and expression, and he did not believe this was trivial or that it insulted City employees any more than adopting the federal language in Item 6(c). He would like to believe the opposition was coming from some considered position, not just personal animosity towards him. He did not believe the policy was extraneous, irrelevant, or overly complex.

Mayor Van Dusen and Councilor Herzig agreed that a policy for Astoria could be made more concise by eliminating some of the wording without changing the meaning. Councilor Herzig reiterated that the policy he shared with City Council was a working document to send to Staff for revision. The policy could be simplified and he was not suggesting the language be adopted as presented.

Mayor Van Dusen confirmed that the City did not have a policy that identified discrimination based on sexual orientation, and believed the City needed a new policy. He agreed with Councilor Warr that there were no issues, but there may be some well qualified people who would like to work for or move to the City of Astoria that would like to see such a policy in writing. He recalled how the County had difficulties interviewing a female county manager candidate who had been a man earlier in her life. Such a policy also helps to educate people.

Chief Curzon noted the City is in the process of revamping its personnel policy and handbook. The revisions include a description of discrimination and he was confident that an antidiscrimination policy was included. He suggested City Council wait to see what the personnel policy handbook stated, and then modify the handbook if needed. A lot of Police Departments are having issues with the level of inclusiveness included in the policy. The policy is very specific about not discriminating against anyone. There is a policy about identifying service animals, up to and including horses. He suggested City Council wait until the human resources contractor presented their policies and procedures that are inclusive and overarching.

City Manager Pro Tem Estes said he and City Attorney Henningsgaard looked at the proposed policy. He confirmed that new human resources language is being created. The City also has language in its contracts, however, the City does not have a universal policy that can be implemented across the entire city.

Councilor Warr confirmed for Mayor Van Dusen that he was not trying to keep City Council from voting.

City Manager Pro Tem Estes said he was clear on City Council's direction. Staff would look at the various policies currently in place and present suggestions at the next City Council meeting.

Mayor Van Dusen believed the Police Department may need its own policy, but City Council could have a policy as well. He did not believe it would be appropriate for City Council to pass a policy for the Police Department.

Chris Farrar, 3023 Harrison Avenue, Astoria, requested that the DOGAMI's tsunami evacuation route maps for the City of Astoria and surrounding communities be kept at City Hall. He assumed the maps were free from the

State. He added the good thing about the Coast Guard housing project was that it was not in the tsunami zone. He did not want the Coast Guard to build in Warrenton.

Shel Cantor, 1189 Jerome, Astoria, asked Councilor Warr to clarify his comment about there currently being no problem with how Staff handles themselves. He appreciated there were no problems, but asked if Councilor Warr was suggesting that City Council should never be proactive.

Councilor Warr said that was not what he meant. He believed the proposed policy was too large, too detailed, and covered almost anything that someone could complain about. The level of detail could result in unintended consequences. He did not believe the City needed a policy that told its employees every step to make. There is no discrimination problem in the City of Astoria that he can find. If Astoria did have a discrimination problem, the policies would not make much difference because people who are inclined to do the wrong thing, do not read policies. Astoria's practice in the past has been to pass policies to address needs or issues. Bringing forth a brand new policy, such as the one proposed, is a way of telling Staff that they need help doing what they should, even though they have always done what they should.

Mayor Van Dusen confirmed that Councilor Warr had no problem with Staff bringing back different wording for the policy. Councilor Warr added he could always vote no and be in the minority, and if the policy passed, he would still support it.

LJ Gunderson, 413 Franklin Avenue, Astoria, said she deals with a lot of human resources in her company, which includes sexual orientation in its antidiscrimination policy. She believed the more detailed a policy gets, the more the policy begins to discriminate against someone not identified in the policy.

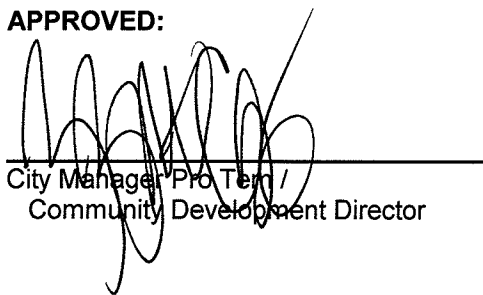
Councilor Warr said this was what he meant by unintended consequences. Councilor Mellin added she was trying to make the same point as well.

Ms. Gunderson said as a member of various committees, commissions, and social gatherings, she was very saddened by the number of citizens not attending City Council meetings because they got tired of the negative people who attended every meeting. She understood City Council meetings offer free expression for everyone, but people have lost interest in attending. She was happy to hear positive comments from the audience at this meeting. She reported that news of the Garden of Surging Waves reached quite far because there was a cruise ship in town during the grand opening. She was tasked with keeping people out of the Garden before the ceremony began and many people on the cruise ship said the event was a wonderful community service. She thanked Ray Merritt from KMUN who brought an extra tent to use during the rain. She recalled how Peter Gimre had shown up early to help set up in the rain, helped put everything away after the event and then went to mow his mother's yard. While mowing, seven cruise ship tourists from Hong Kong asked him for directions to the Column. He drove the tourists to the Column, gave them a tour of downtown, and took them to Fort Stevens, Buoy Beer, and the Garden of Surging Waves. That is real community spirit. She noted the Public Works Department repaired a broken railing at the 14th Street dock within 30 minutes of reporting it. Astoria has the best City Council and the best team in the City. She said she was proud to be an Astoria citizen.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:21 pm.

APPROVED:



City Manager Pro Tem /
Community Development Director