

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

Councilors Present: Nemlowill, Herzig, Warr, Price, Mayor LaMear

Councilors Excused: None

Staff Present: City Manager Estes, Community Development Director Cronin, Planner Ferber, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, Police Chief Johnston, Acting Public Works Director Crater, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS

Item 3(a): Councilor Nemlowill reported that the City of Warrenton held a Fourth of July parade and she appreciated the Chamber of Commerce and ambassadors for the fireworks show over the Astoria waterfront.

Item 3(b): Councilor Herzig reported that the pedestrian crossing signals on Commercial are now countdown signals. Pedestrians still only have about 14 seconds to cross, but at least people know when cars will start crossing the intersection.

Item 3(c): Councilor Price had no reports.

Item 3(d): Councilor Warr had no reports.

Item 3(e): Mayor LaMear reported that she was in Cornwall and Wales during the Brexit vote and it was exciting to hear feelings on both sides. She enjoyed hiking along the coast of Cornwall, but was glad to be back.

CHANGES TO AGENDA There were none.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 6/6/16
- 5(b) City Council Minutes of 5/16/16
- 5(c) City Council Work Session of 5/16/16
- 5(d) Fee Agreement with Propel Insurance (Finance)
- 5(e) Memorandum of Agreement between the City of Astoria and United States Coast Guard Cutters Alert and Steadfast (Fire)
- 5(f) Salary Resolution Establishing Basic Compensation Plan Cost of Living Wage Adjustments for the General/Parks Group, Public Works Group, Management and Confidential Employees; also Enacting New Oregon Minimum Wage (Finance)
- 5(g) Pump Station No. 1 Upgrades – Progressive Design Build Contract Amendment No. 2 for Installation (Public Works)
- 5(h) 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)**
- 5(i) Community Organization Grants (Finance)
- 5(j) Arts & Cultural Grants – Promote Astoria (Finance)
- 5(k) Jail Services Agreement with Clatsop County (Police)
- 5(l) Spur 14 Water Line – Contract Amendment for Construction Engineering Services (Public Works)
- 5(m) 2016 Paving Project Construction Contract Award (Public Works)**
- 5(n) Agreement between the Verna S. Oller Aquatic Trust and the City of Astoria (Parks)**

City Manager Estes stated a member of the public requested Item 5(h) be removed for further discussion. Councilor Herzig requested Item 5(m) and Councilor Nemlowill requested Item 5(n) be removed for further discussion.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill, to approve Items (a), (b), (c), (d), (e), (f), (g), (i), (j), (k), and (l) on the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 5(h): 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)

City Manager Estes explained this lease was for use of the parking area on the east side of Heritage Square and the closure of a portion of 12th Street. George McCartin requested this item be removed.

George McCartin said the lease agreement lacks the official City of Astoria nondiscrimination clause. He requested the clause be added to the lease.

City Attorney Henningsgaard believed an incorrect copy of the lease was attached to the agenda packet. He understood that staff had added the clause to the lease.

City Manager Estes noted the nondiscrimination clause prevented discrimination based on sex, color, sexual orientation, and other factors, and noted that the clause is added to all of the City's contracts.

Mayor LaMear confirmed that Council would make sure the clause was in the agreement.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price, to approve Item 5(h) on the Consent Calendar, with the addition of the nondiscrimination clause. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 5(m): 2016 Paving Project Construction Contract Award (Public Works)

Councilor Herzig said he was contacted by a citizen concerned about the City paving 16th Street and then tearing it up again to do the sewer construction. He told the citizen he believed the college was paying for the second project because they asked the City to delay the CSO project while they constructed Patriot Hall. City Manager Estes noted that Staff received a question about this last week. The City paved 16th Street in 2009, at which time, Staff understood utility work in the area would need to be done at some point. The college paid for the remobilization costs of the CSO project. Staff will repatch the trenches and rebuild the intersections in the area, but the entire road will not be repaved.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Nemlowill, to approve Item 5(m) on the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 5(n): Agreement between Verna S. Oller Aquatic Trust and the City of Astoria (Parks)

Councilor Nemlowill understood that a pool could not be built in Longbeach, but the Astoria Aquatic Center would be serving people from the peninsula. She asked for more information about the agreement. Director Cosby explained the agreement would allow the residents of South Pacific County access to the aquatic center for drop in visits and group swim lessons at no charge. Staff will invoice the trust fund quarterly to pay for their visits. She hoped the agreement would last for several years.

Doug Knutzen, Ilwaco, Washington, said Ms. Oller left a significant amount of money to construct a pool in Longbeach. However, the City of Longbeach concluded that the trust could not support the maintenance and ongoing repairs of a pool, so they rejected the grant. The trust has been reformulated to benefit the residents of South Pacific County in specific zip codes to provide water safety education and health. Partnerships with local pools allow their residents to use facilities in Astoria and Ocean Park in exchange for quarterly payments from the trust. He hoped the agreement would last forever, but he did not know how well it would be received. Beach

safety education is a big deal in Longbeach because there are fatalities every year, so, the trust is beginning to explore options for beach safety education.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Warr, to approve Item 5(n) on the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

Item 6(a): Public Hearing and Ordinance Adopting Parks Master Plan (Parks) (1st Reading)

In 2015, the Astoria City Council adopted a goal to complete a system-wide Parks and Recreation Master Plan. The plan would provide guidance and policy direction for Astoria's parks, aquatics center, recreation center, and recreational programs. In September 2015, a planner was hired to manage the project through University of Oregon Community Service Center's Resource Assistance for Rural Environments (RARE) program, and a 12-member Citizen Advisory Committee was appointed by the Mayor to oversee the process.

The planning process included research on the current inventory and state of the Parks and Recreation Department's facilities and services, their use by the community, and priorities for the future. Over 1,200 community members participated through public meetings, surveys, and focus groups. A comparison with State of Oregon recommendations, peer parks and recreation providers, and national trends was also made to help assess facilities and services provided by the City of Astoria. The result of this research, with the guidance of the Citizen Advisory Committee, was a set of recommended actions. The recommendations were then refined through community input, and a strategy for implementation was developed that included estimated project costs, target completion dates, and necessary staff capacity.

The Astoria Parks and Recreation Comprehensive Master Plan outlines the planning process, research findings, inventory and existing conditions, level of service, needs, recommendations, and implementation strategy. Recommended actions include maintenance and planning initiatives, communications and marketing objectives, operational strategies, partnerships, and capital projects to be implemented over the next ten years. Throughout that period, the document is intended to serve as a guide to the City of Astoria in making future decisions about parks. The document would be updated at regular intervals in the future to ensure the City continues to inspire and meet the open space and recreational needs of its community.

The Citizen Advisory Committee and Parks and Recreation Advisory Board have recommended that the City adopt the Parks and Recreation Comprehensive Master Plan in the Astoria Comprehensive Plan Section CP.028.J pertaining to "Background Plans and Studies." It also recommended that the City amend Comprehensive Plan Section CP.275 pertaining to Parks, Recreation, and Open Space Element, with the addition of a Policy to read as follows:

"25. The City should use the Astoria Parks and Recreation Comprehensive Master Plan, dated 2016, to guide future decisions for land use, public investment, and determining community needs."

At its June 28, 2016 meeting, the Astoria Planning Commission held a public hearing and recommended unanimously that the City Council adopt the proposed amendment. A copy of the Staff Report and Findings of Fact as adopted by the Planning Commission is attached. Also attached to this memo is the proposed ordinance. A public hearing on the Amendment has been advertised and is scheduled for the July 5, 2016 City Council meeting. It is recommended that the Council hold a public hearing and adopt the ordinance as recommended by the Planning Commission, Parks and Recreation Advisory Board, and Citizen Advisory Committee. If the Council is in agreement with the recommendation, it would be in order for Council to hold a first reading of the Ordinance.

Mayor LaMear opened the public hearing at 7:12 pm and asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. There were no objections. She asked if any member of Council had a conflict of interest or ex parte contact to declare. There were none. She read the rules of conduct for the public hearing and advised that the Staff report was available from Staff. She called for the Applicant's presentation.

Director Cosby explained that Staff began applying for grants two and a half years ago to complete a master plan. The City was accepted into the AmeriCorps RARE program, which provided the City with a master planning consultant, Ian Sisson. The planning process has included substantial public input and unprecedented community involvement. She hoped the plan would be heavily utilized to guide the Parks Department into the future. She thanked Mr. Sisson, the Citizens Advisory Committee, and the Parks Advisory Board.

Ian Sisson thanked the community for making his job easy. The community was very engaged throughout the process and excited to get involved. Meetings with the advisory committee, Parks Board, Planning Commission, and City Council went very well.

Councilor Herzig understood many hours were spent working on this and the planning team deserved a round of applause. Mayor LaMear asked members of the Citizens Advisory Committee to stand for recognition.

Mayor LaMear called for testimony in favor of the application.

Jim Holen, 877 14th Street, Astoria, said he was a member of the Citizens Advisory Committee. Mr. Sisson did a remarkable job assembling the Plan. When Council must vote on developments within the Parks Department, he encouraged Councilors to use the Master Plan as a guide. The Plan contains evidence-based information that would be useful for making decisions.

Tammy Loughran, 92591 Astor Drive, Astoria, said she was a member of the Parks Advisory Board. This Plan has been a dream come true for the Parks Board, as they have wanted a plan in place for several years now. The Board hopes the Plan is adopted and used continuously because it represents the public's input.

Mayor LaMear called for testimony impartial or opposed to the application.

George Hauge, 1 3rd Street, Astoria, spoke impartial to the application. In the future, he did not want the Plan to be referred to as one in which the public favored selling parks. The document and meetings minutes state otherwise, so he requested Council refrain from basing future decisions on them. He also did not want Council to base future decisions on the idea that revenues from park sales go back into the park system because the Master Plan does not guarantee that. The Plan includes information that makes it sound like the City has an excess of parks. However, using math relative to 2020 and 2030 indicates Astoria does not have an excess of parks unless the cemetery and the Riverwalk are included. It was sad to see some people push for selling parks. Some people are definitely in favor of selling the Astoria Recreation Center because of the real estate, which is different from just selling parks. However, access to the water in that area must be maintained. He read past meeting minutes and sections of the plan that supported his comments. There is nothing in the Plan that the City or the Parks Department can point to that says the citizenry is in favor of selling or requires sales revenue to go back to the Parks Department.

Mayor LaMear called for the Applicant's rebuttal.

Director Cosby explained the public was asked if they supported selling or redeveloping underutilized parks in areas that were over served. The responses indicated the public was opposed to selling parks and preferred they be returned to a natural state. However, the Citizens Advisory Committee pointed out the ecological impacts of allowing invasive species to take over in areas that are not maintained. The Committee recommended selling or repurposing the underutilized parks.

Mayor LaMear closed the public hearing at 7:24 pm and called for Council discussion.

Councilor Price asked if this agenda item included adoption of the memorandum on Page 773 of the agenda packet from the Community Development Director to the Planning Commission. City Manager Estes explained that the findings in that memorandum provided the basis for the approval.

Councilor Price suggested the following change to Finding C.2 on Page 775: "The proposed amendment outlines the future development of a Parks and Recreation system in support of a compact, urban form providing a balance of services to ~~tourists and local residents~~ **residents and visitors**." She believed the word tourist sounded bad and referring to them as visitors would result in citizens treating them better. She read Finding D on Page 776 and explained that disposing and reallocating parks was the purview of the Public Works Department

and it would not be done without City Council approval. City Manager Estes added that that Public Works Department manages City properties. However, park sites involve the Parks Department, so reallocating or disposing of parks would be a joint effort and City Council would have to approve any sales.

Councilor Price believed it may become necessary in the future to dispose of or reallocate park land, but she was not calling for that at this time.

Councilor Herzig said he wanted the Plan to include language indicating the sale of any City park must be referred to the citizens. He did not believe any City Council should make such a decision without referring the issue to the citizens. He understood it would be cumbersome, but said the City does not have a good track record with the sale of City properties. City Manager Estes explained that procedures for selling City properties are set by City Council, separate from any master plan. The City Code dictates the process for selling all City properties. Councilor Herzig requested Staff consider a Code amendment specifying no City parks can be sold without a referendum. City Manager Estes clarified he would need direction on this from Council by way of a vote. He suggested Code amendments be discussed separate from the Parks Master Plan.

Councilor Nemlowill believed Parks and Recreation was significant to Astoria's quality of life and she was excited to see what the City could do with the Master Plan. The Citizens Advisory Committee considered property sales a small issue, but the discussion has been magnified and politicized. Selling is a possible option for an underutilized piece of property that Parks is maintaining. She did not believe any of the parks were currently being considered for sale. This plan is a solid representation of the citizen's perspectives. She fully supported adoption of the plan. Councilor Warr agreed.

Councilor Herzig said if the plan is adopted, Council should be prepared to defend the maintenance or natural states of parks. The Parks Department takes a lot of heat for what City Council adopts. He encouraged the public to come to Council if the Riverwalk gets too many weeds or parks are not kept manicured.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Warr to hold a first reading of the ordinance adopting the Parks Master Plan. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Director Brooks conducted the first reading of the ordinance adopting the Parks Master Plan.

Councilor Herzig confirmed the second reading and adoption would be considered at the next City Council meeting on July 18, 2016.

- Item 6(b): Resolution Adopting Fiscal Year 2016-2017 Water Rate (Public Works)**
- Item 6(c): Resolution Adopting Fiscal Year 2016-2017 Sewer and Combined Sewer Overflow (CSO) Rate (Public Works)**

The Public Works Fund budget, approved by the Budget Committee on April 25, 2016 and adopted by the City Council on June 6, 2016, provides for increases in rates and fees for water and sewer services.

The rate adjustments are as follows:

Water Rates----- increase of 6%
Sewer Rates ----- increase of 6%
CSO Surcharge ----- increase of 0%

The water and sewer rate adjustments are necessary to ensure the continued reliable delivery of high quality water and wastewater services. It is recommended that Council adopt the proposed Water and Sewer Resolutions implementing rate adjustments for Fiscal Year 2016-2017.

Councilor Herzig understood people on fixed incomes and others have found these rate increases extremely difficult. He wished the City could find another way to pay for the services. He planned to vote against the rate increases, which he believed pushed people to leave Astoria or cut back on food and medicine.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill to adopt the Water Resolution implementing a rate adjustment for Fiscal Year 2016-2017. Motion carried 4 to 1. Ayes: Councilors Price, Warr, Nemlowill and Mayor LaMear; Nays: Councilor Herzig.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill to adopt Sewer Resolution implementing rate adjustments for Fiscal Year 2016-2017. Motion carried 4 to 1. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: Councilor Herzig.

Item 6(d): Verizon Wireless Leases (Police)

In keeping with the guidance set out during the March 21, 2016 work session regarding the wireless communications facility at Coxcomb, Staff has negotiated a new lease with Verizon Wireless (VZW) for the site at Reservoir Ridge. The terms of the lease are favorable to the City in value of construction and use of tower for our communication needs. For the term of the lease, there are no monthly payments for lease. The negotiations resulted in two leases. These leases are for the Coxcomb and Reservoir Site. There are two proposed changes to the Reservoir lease not captured in the attached version of the lease. Both are in paragraph 25. One is for VZW (in addition to colocators) to pay the City a onetime payment of \$15,000 toward future maintenance of the road to the site. The second is to the same paragraph to clarify the requirement of colocators to obtain leases with the City in addition to VZW. If City Council indicates they are in concurrence to the terms of this contract VZW plans to sign the lease prior to the next City Council meeting. Following final negotiations of the specific language to the issues above, it is expected the leases will be brought to the next Council meeting for final consideration and signature. The highlights of the leases are discussed in the memo. It is recommended that Council discuss the terms of the leases and provide verbal indication to staff if the terms are acceptable.

Councilor Nemlowill confirmed that Chief Johnston was happy with the terms of the leases. Chief Johnston added the terms were favorable to the City and would allow the City to relocate the tower and update the communication system.

Councilor Warr stated he was in favor the leases.

Councilor Herzig asked how much Verizon would pay for the reservoir site. City Manager Estes explained that Verizon would not pay an annual fee for use of the land. Verizon is building the tower and providing the City with use of the tower. Verizon is also paying for the construction of the equipment shed that would house the City's communications equipment. These terms were proposed at a City Council work session.

Councilor Herzig said future City Councils would determine whether the lease should be renewed. He asked if future Councils could start charging Verizon. City Manager Estes said the lease is for a 25-year term that allows for extensions. City Attorney Henningsgaard added he was not sure about rent, but knew other terms of the lease would not be negotiable.

Councilor Price understood the road to the tower would be an all-season road. She asked if the \$15,000 for maintenance was a one-time fee and if the City would be responsible for rebuilding the road after a landslide. City Manager Estes said the maintenance fee was a one-time fee and colocators would also pay a one-time maintenance fee of \$15,000. The City would be responsible for maintaining the road.

Councilor Price asked if the area was susceptible to landslides, and if Public Works had looked at the geology in the area. Acting Public Works Director Crater said there were a few landslides in the vicinity, but the road was located in a stable spot. The road was previously used for logging and Verizon plans to improve the condition of the road and install drainage, which can prevent landslides. The City would use the \$15,000 to maintain the improved road. The likelihood of a landslide in that area is not high.

Councilor Herzig added this would be a huge savings to the City. He appreciated the citizens that brought information to the City's attention adding this is a victory for the people of Astoria.

Mayor LaMear called for public comments.

George McCartin, 490 Franklin Avenue, Astoria, said he examined the lease closely and did not find the nondiscrimination clause.

Councilor Herzig said he did not see the clause in the agenda packet either, but was sure Staff could correct the matter before the documents are signed. City Attorney Henningsgaard said he just looked up the previous contract that he had approved and realized the clause was missing. However, this contract was drafted by Verizon, but Staff can add the clause.

Ron Zilly, 1444 16th Street, Astoria, thanked Chief Johnston for working with Verizon. In balance, this is a good deal for the City. It achieves the goal of getting the tower off of Coxcomb Hill and the public/private partnership investment serves the City and Verizon well. He encouraged City Council to approve the lease. He has negotiated cell tower leases and he understood the terms were negotiable. This lease does not imply that the City cannot renegotiate the terms. He did not believe the visual impact of the tower was known or understood by the citizens, particularly in Ward 4 where it would be visible. The mock up drawings given to the Planning Commission indicated the tower would not be hugely visible in the City, but it would be in the Mill Pond area and lower portions of Ward 4. This could surprise some people.

Mayor LaMear confirmed that Council agreed Staff should move forward with the lease.

Item 6(e): Change First Meeting Date in September 2016

Astoria City Hall will be closed on Monday, September 5, 2016, due to the Labor Day holiday; therefore, the first Council meeting in September will need to be changed. Past practice has been to hold the Council meeting on the following day, which in this case will be Tuesday, September 6, 2016.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price to reschedule the first meeting in September 2016 to Tuesday, September 6, 2016. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

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

There was none.

The meeting was recessed at 7:53 pm to convene the Executive Session.

EXECUTIVE SESSION

Item 12(a): ORS192.660(2)(h) – Legal Counsel

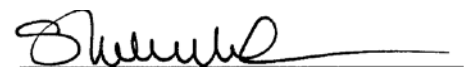
The City Council recessed to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.

Mayor LaMear reconvened the regular session of the City Council meeting at 9:11 pm with no further discussion.

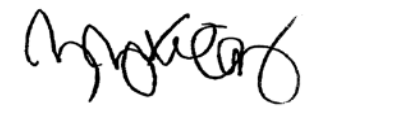
ADJOURNMENT

There being no further business, the meeting was adjourned at 9:12 pm.

ATTEST:


Secretary

APPROVED


City Manager