

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

REPORTS OF COUNCILORS:

Item 3(a): Councilor Nemlowill reported she had been meeting with department heads and touring the city. The Public Works Department is a vast and critical system and she has a new appreciation for turning on her faucet. She attended the meeting of the Lower Columbia Tourism Commission, which does a great job of marketing the area. She toured the library and noted Director Tucker did a great job. The Fire Department has great visibility in the community by going to schools to teach children about fire prevention and safety and participating in the Columbia Memorial Hospital Health Fair. She thanked the Department and Chief Ames for their hard work. Astoria was very busy over the weekend. Astoria has a real niche; no other coastal community is so busy in February. Local entrepreneurs, artists, brewers, and, restaurateurs were all very busy over the weekend, which is for the good economic development for the community.

Item 3(b): Councilor Herzig reported that he met with Matt Tennis with the Department of Fish and Wildlife because the City has received many emails expressing concerns about sea lions. Mr. Tennis directs the marine mammal department and Councilor Herzig arranged to be present at the next catch and release event to study the sea lions, which are tagged and blood tested by veterinarians. Senator Suzanne Bonamici was in Astoria last week. He met with the Senator and representatives from Clatsop Community Action to discuss issues including the serious lack of rental housing, which affects the Coast Guard and everyone else in the county. He spoke with Don Lee with Coast Guard housing, who said it is becoming difficult for Coast Guard families to find a place to rent. Senator Bonamici visited the warming center and said she would see if there were any federal funds that could help the center. Clatsop Community Action is applying for a small grant that they may be able to share with the warming center. He and several others, including Senator Bonamici, attended the Tongue Point 50th Anniversary event. It was great to see the enthusiasm of the young people who are turning their lives around and doing great things. Community service done by Tongue Point students often goes unrecognized and they do an incredible amount of work in the community. On Sunday, February 22nd, Scott Tucker from the National Parks Service, Fort Lewis and Clark Park, will give a Lower Columbia Diversity Project (LCDP) presentation about the next generation of storytellers. For 2016, the National Parks Services' mission is to reflect the changing demographics of the country by changing their stories to say the stories of all people can be told. Part of the presentation will include the story of York, an African American slave who came to Astoria with Lewis and Clark as a member of the Corps of Discovery. The presentation will be a 2:00 pm at the Judge Boyington Building.

Item 3(c): Councilor Warr reported he met with staff and Skip Hauke from the Chamber of Commerce last week to discuss traffic issues at the Goonies house. Over the last few years, the issues have worsened and local residents are suffering. He thanked Director Cook and Mr. Hauke, who are coming up with some wonderful solutions that will alleviate many of the problems. He believed the neighborhood would be better than it has been in the past. He recollected about a town meeting a few month ago in Uppertown to discuss a dog park. In the two or three days after the meeting, he received many phone calls, which led him to side with his constituents who believed the dog park was a bad idea. He spoke with Director Cosby about the dog park and she agreed the issue would not move forward. However, the new Parks Board wants to consider the dog park. If a proposal for a dog park is presented to City Council, he planned to vote against it. He was sure that other Councilors would vote against it as well. He believed discussion of a dog park should be off the table, but agreed the Parks Board should consider it.

Item 3(d): Councilor Price agreed that the dog park was a bad idea and would not vote for it because residents in the neighborhood did not want it. She noted that previously when making some critical comments as a way of posing questions about the possibility of an enterprise zone, she had not had time to thoroughly research the concept and what she had seen had not impressed her. In addition to attending tours with Councilor Nemlowill, she contacted Kevin Leahy from Clatsop Economic Development Resources (CEDR) and the Small Business Development Center at Clatsop Community College to get more information. She now has a much more positive assessment of enterprise zones and looks forward to learning more at the meeting on February 24th at 6:00 pm at the Judge Boyington Building, where Mr. Leahy and others will give a public presentation about enterprise zones. She learned from Mr. Leahy that municipalities have the ability to arrange the zones in a way that will only affect businesses it is trying to attract and there is a lot of flexibility. This is what led her to have a more positive opinion about enterprise zones. An enterprise zone might be very helpful and a good tool for Astoria. She noted the last day to apply for arts and culture grants from the City is February 27, 2015. A link to the application can be found on the City's home page of their website. City Hall Day at the State Capital in Salem is February 26th. She was unsure if she would attend, but believed it was important for City Council to have good relationships with State representatives. If she could not attend, she would visit the Capital another time.

Item 3(e): Mayor LaMear reported she attended Tongue Point's 50th Anniversary event. Many people at the event said they would rather speak to Tongue Point students than to a high school class because the Tongue Point students are so respectful and are there to learn. The students, some of whom come from rough backgrounds, are remarkable and contribute a lot to our community. She knew very little about enterprise zones, so she also visited Mr. Leahy and now feels like she has a better understanding of them. It appears as if an enterprise zone would be a good addition to Astoria's quest for economic development.

CHANGES TO AGENDA:

Mayor LaMear requested the addition of Regular Agenda Item 7(e): Revitalize Astoria – A Letter of Support. The agenda was approved with changes.

PRESENTATIONS:

Item 5(a): Astoria High School – Walldorf, Germany Exchange Students

Mayor LaMear introduced Herbert Ebeling from Walldorf, Germany.

Mr. Ebeling said he attended because the student presentation was important. His first visit to Astoria was in 1984, when the student exchange program began. Thirty years later, the program continues between Walldorf and Astoria. Walldorf has two other Sister Cities, Walldorf, Maryland, and Freeport, New York. However, the Sister City relationship with Astoria has remained the most active.

Mr. Holiday, Wyatt Holiday's father, said he was representing Jim Pierce, who was unable to attend. The student exchange program was a very important program that allows students to see the world and make connections. It is important for students to create friendships outside of the country and open their eyes to other cultures.

Wyatt Holiday, Astoria High School student, said he learned a lot about German culture from hosting an exchange student. He was excited to go on the field trip to Walldorf because he had never been outside of Oregon. He was also excited to see another culture, learn a new language, and go to school in Walldorf. To prepare for the trip, he has been asking students from Walldorf about what to expect. He was working and fundraising to earn money for the trip. He announced there would be a carwash fundraiser on February 28th at Astoria Ford.

Victoria Holcom, Astoria High School student, said she was also going to Walldorf. The trip is not only fun, but is also an educational experience. Students will learn about German culture, history, and daily life. They will learn the history of both Germany and England, as well as how Astoria and Walldorf became sister cities. This trip is beneficial to Astoria because the students will keep the international sister city relationship active. When she first joined the exchange student program, she hosted a student from Germany. She was not excited about the program at first, but after hosting a student for one week, she and her guest had become like sisters and still keep in contact. The trip will cost \$2,700 per student and the students are seeking financial assistance. The

students started fundraising in November with carwashes, resales, and other fundraising opportunities. She hoped the carwash on February 28th would be a great success.

Mayor LaMear said the students would have a wonderful time as she and others did when they visited Walldorf. People in Walldorf were very hospitable and gracious. It was the trip of a lifetime and she encouraged the students to enjoy every minute of their trip.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 1/20/15
- 6(b) Salary Resolution Establishing a Basic Compensation Plan Wage Adjustment for IAFF Local 696 (Firefighters) Bargaining Unit and Step/Range Increases for Deputy Fire and Fire Chief Positions (City Manager)
- 6(c) Grant Opportunity – Oregon Impact (Police)**

Councilor Herzig requested Item 6(c): Grant Opportunity – Oregon Impact be removed for further discussion.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill, to approve Items 6(a) and (b) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 6(c): Grant Opportunity – Oregon Impact (Police)

Councilor Herzig said this grant opportunity would help the Police Department conduct overtime enforcement activities related to pedestrian safety. Activities would include enforcement at marked crosswalks in non-inclement weather. He confirmed with Chief Johnston that this would involve a police officer acting as a pedestrian to see if drivers stop legally. He believed the City should make a big deal of each time the City and police do something about pedestrian safety because the public always wants to know what the City is doing about the issue. The last time the Police Department conducted pedestrian safety enforcement, he received mixed messages about whether there was a notice published in the *Daily Astorian*. Announcing the enforcement puts drivers on their best behavior, which is a benefit. He wanted someone from the *Daily Astorian* to participate and write a story to spread the word about the enforcement.

Chief Johnston added reporters have participated in the crosswalk enforcements. The Police Department also posts live updates on Twitter and Facebook about where they are located and what they are doing during the enforcement events.

Councilor Herzig explained officers do not jump out in front of parked cars to give drivers tickets. The Police Department uses very careful metrics for stopping distance and visibility so that the situation is weighted in favor of the driver. He wanted to make sure people were aware that the City is doing things to ensure pedestrians are safe in Astoria.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price, to approve Item 6(c) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

Item 7(a): License to Occupy – 18th Street Right-of-Way – Myers (Public Works)

Thomas and Merianne Myers have applied for a License to Occupy a portion of the 18th Street right-of-way adjacent to their property located at 577 18th Street. The Myers would like to construct a fence and maintain a vegetable garden in this portion of the 18th Street right-of-way. The Development Review Committee has reviewed the Myers' request. The committee recommends a License to Occupy be approved with a condition that the fence height meets vision requirements stipulated in Astoria Ordinance No.14-04. City Attorney Blair Henningsgaard has approved as to form the attached License Agreement. It is recommended that the Astoria City Council approve a License to Occupy a portion of the 18th Street right-of-way.

City Manager Estes explained that the fence must be no taller than 30 inches to maintain vision clearance, which allows a clear line of sight for cars entering and exiting driveways.

Councilor Herzig asked if deer netting could be installed higher than 30 inches. The netting was very thin and almost invisible, so it would not affect visibility. He also noted that the Applicants last name was spelled one way in the staff report and another way on the license application. City Manager Estes said that if deer netting were defined as a type of fence, it would need to comply with the 30-inch height limit. However, staff would look into this to see if deer netting could be accommodated and the Applicants last name would be corrected.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Nemlowill, to approve the License to Occupy a portion of the 18th Street right-of-way and License Agreement for Thomas and Merianne Myers. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(b): Ordinance Amending Astoria City Code Sections 8.825 through 8.885 Pertaining to Merchant Policemen, Watchmen, and Guards (2nd Reading and Adoption) (Police)

This ordinance received its first reading at the February 2, 2015 City Council meeting. The Police Department proposes changes to the Astoria City Code regulating Security Guards. The State was given regulatory authority over security guards many years ago, creating a much more robust regulation of Security Guards. The current Code is a duplication that refers to sections of the Code, which have been previously repealed. This amendment would bring the City Code into alignment with State law. An ordinance implementing the amendments is included for Council's review. It is recommended that Council conduct the second reading and adopt this ordinance.

City Manager Estes said these amendments would eliminate duplications between State statutes and City codes.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Warr to conduct the second reading of the Ordinance amending Astoria City Code Sections 8.825 through 8.885. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Director Cook conducted the second reading.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill to adopt the Ordinance amending Astoria City Code Sections 8.825 through 8.885. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(c): Franklin Avenue Sewer Replacement Project – Columbia Lutheran Charities (Columbia Memorial Hospital) Easement (Public Works)

The Franklin Avenue Sewer Replacement Project has been completed. A section of the new combined sewer pipe crosses a portion of property owned by Columbia Lutheran Charities (Columbia Memorial Hospital). The replaced pipe was also located in this area but a recorded easement could not be found. City staff worked with representatives from Columbia Memorial Hospital to prepare a new utility easement. The easement formally documents the presence of the combined sewer line on their property. The document has been reviewed by the City Attorney and was approved by Columbia Lutheran Charities at their February 5, 2015 Board Meeting. There is no monetary exchange associated with the easement. It is recommended that Council approve the easement from Columbia Lutheran Charities (Columbia Memorial Hospital) for the combined sewer line that crosses a portion of their property.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price to approve the easement from Columbia Lutheran Charities (Columbia Memorial Hospital) for the combined sewer line that crosses a portion of their property. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(d): City Council Draft Goals for Fiscal Year 2015-2016

The City Council held a work session on January 23, 2015 to set goals for Fiscal Year 2015-2016. From that work session, a list of Council goals was drafted. These draft goals are included in the agenda packet for further discussion and consideration.

City Manager Estes explained that language implementing two goals has not yet been determined. Language for the library goal will be discussed in the work session following this meeting. No action by City Council was requested, as this was simply a public presentation of the goals.

Item 7(e): Revitalize Astoria – A Letter of Support

This item was added to the Agenda during Item 4: Changes to the Agenda.

City Manager Estes said Restore Oregon, a historic preservation advocacy group, has requested City Council's support of the creation of the Revitalize Main Street Act, which is Oregon Senate Bill (OSB) 565. The bill would create a historic rehabilitation fund that would provide financial assistance for the certified rehabilitation of commercial buildings. Funds could not be used for single-family residential buildings, only income producing structures like stores, hotels, apartment buildings, and mills. The fund would generate revenue through state income tax credits at a capped amount of \$12 million per year. Restore Oregon would like Astoria to forward a letter of support to the State Legislature.

Mayor LaMear clarified that Astoria was asked to submit either a letter or a resolution in support of the Revitalize Main Street Act. A copy of a letter of support was included in the agenda packet. Thirty-five states have passed the Revitalize Main Street Act and she believed it would provide opportunities to people who were interested in restoring historic structures. The funds would result in four times more buildings getting restored statewide than without the state incentive, 1,369 jobs per year generating income of \$25.5 million, a \$2.3 million net increase in property taxes per year to pay for schools and services, \$13.3 million new federal historic tax credit dollars invested in Oregon each year, and a \$35.8 million net annual increase in direct development spending. She did not believe this would result in a tax increase, but would be a good tool to renew and renovate the downtown. She wanted to send the letter of support to the State Legislature.

Councilor Price asked which buildings in Astoria would qualify for the funds, noting that buildings must be on the National Register of Historic Places. City Manager Estes said buildings within the Downtown Historic District and independently registered properties throughout the city would qualify.

Councilor Nemlowill said she would abstain from voting because she had not read the letter. She was not against the letter, but was not ready to vote at that time.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Price to support the Revitalize Main Street Act, OSB 565, and authorize the Mayor to sign the letter of support. Motion carried 4-0-1. Ayes: Councilors Price, Warr, Herzig, and Mayor LaMear; Nays: None. Abstentions: Councilor Nemlowill.

Councilor Herzig understood why Councilor Nemlowill wanted more time to study the bill. The State Legislature has a very abbreviated session and bills are being considered quickly.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

Kerri Ulfers, 200 Nehalem Avenue, Apt. 18, Astoria, said she wanted answers and justice regarding an incident that involved the Astoria Police Department, Oregon State Police, and City Manager Estes. She described the details of the event as follows: On October 10, 2014, her friend Melissa White was hit in a crosswalk by an Oregon State Police Officer in his patrol vehicle, a sport utility vehicle (SUV). Melissa was well into the crosswalk when she realized the officer was not stopping, so she put up her left hand to indicate the officer needed to stop. However, it was too late. According to Melissa, the officer got out of his vehicle and told her to get off the road because they were blocking traffic. The officer helped Melissa get to the side of the road. It is common knowledge that an injured person should not be moved until an ambulance arrives. The officer had no way of knowing how badly Mellissa was hurt, whether she had hit her head, or broke her back. However, he moved her to the curb anyway. Evidently, traffic was more important than Mellissa's injuries. Melissa's left arm was severely broken, her pancreas and kidneys were bruised, causing her to become diabetic and in need of daily insulin injections. Melissa also complains of back pain, which she did not have before the accident. The emotional damage is likely worse than the physical damage. Melissa takes the bus and walks a lot through town. When

Melissa must cross a street, she experiences major panic attacks and is terrified when she sees a police vehicle. She was grateful that Melissa did not have her 10-year old son with her at the time of the accident, as he could have been severely or fatally injured by an SUV. Melissa's son was raised to respect and trust police. However, he now says, 'The police hurt my mommy.' The boy is now afraid of the police as well, which could be the saddest part of this situation. The swelling on Melissa's broken arm and wrist was so bad that she had to wait a week before she could have surgery to implant a metal plate and some screws. During this week, bones were sticking out of Melissa's arm and she was in excruciating pain. Since the surgery, Melissa has undergone intense physical therapy and still does not have the use of three of her fingers. In time, Melissa should completely recover, but this will take quite a while. Melissa is left handed, so her injuries have incapacitated her and prevent her from completing the smallest tasks. Police Chief Johnston gave State Police Officer O'Conner special treatment as a fellow officer and cited him with the lowest citation possible, failure to yield to a pedestrian. Officer O'Conner was allowed to call in a plea of no contest to municipal court and paid a fine of only \$260. The officer went back to work and on with his life, never looking back at the devastation he caused Melissa and her family. She doubted that if she had struck a pedestrian she would only pay a small fine with no further consequences or be able to call her plea in to the court. She would have been taken to the emergency room for a urinalysis and/or blood test to verify she was not impaired. To her knowledge, this was not done with Officer O'Conner. She questioned whether Officer O'Conner was hung over, drinking, or on cold or prescription medications. Apparently, the officer was just not paying attention. However, she could not be sure of this because video and police reports were being withheld from the public. Public records are not entirely public. Police records can be obtained about anyone unless an officer is involved. This is a special privilege of being a police officer. Chief Johnston told the *Daily Astorian* this was a minor incident. Chief Johnston and Officer O'Conner are citizens of Astoria first and should be treated as such, equal with all citizens. The officers are employees of the City and State second. However, according to Chief Johnston, a job in law enforcement entitles police officers to special privileges the rest of the public does not have. She questioned the integrity of a Police Chief who condones the cover up of officer misconduct, whether intentional or not. People are all equal under the law and police officers are no more equal than anyone else. Chief Johnston was quoted in the paper as wanting openness and approachability between the citizens and the Police Department. He should start with this case, hold himself and Officer O'Conner accountable, and pay appropriate consequences of their actions and mistakes. She contacted District Attorney Josh Marquis who said he could not do anything about the situation because the case was not criminal. Next, she contacted Chief Johnston who said the Police Department did not monitor traffic citations. Then, she wrote to the Oregon Attorney General who said he could not get involved because the case was not criminal. She contacted the Department of Public Safety Standard and Training, who said this was out of their jurisdiction and suggested City Manager Estes should investigate the incident. It has been eight weeks and she has not yet received a response from City Manager Estes about the progress of the investigation. Channel 2 News aired a story about this on November 6, 2014. She urged City Council to go online and watch the investigative report, which is very informative and intense. The reporter tried to obtain police reports and video of the accident, but was denied. She had slips of paper with the online link to the video to hand out after the meeting and would post the date of the follow-up report on Facebook. The newspaper said Officer O'Conner did not see Melissa because he was watching a bicyclist who was crossing from the other side of the street. She questioned why the officer did not stop for the bicyclist. Had Officer O'Conner stopped for the bicyclist, as he should have, he never would have hit Melissa. She questioned whether Officer O'Conner was racing to beat the bicyclist to the middle of the intersection. She asked City Council to consider how they would feel if this happened to one of their friends or family members and what they would expect to be done. She asked City Manager Estes why the investigation of the so-called minor traffic accident was taking so long.

City Manager Estes said he did receive Ms. Ullfers letter and has discussed the incident with Chief Johnston. However, this matter is complex and he does not yet have enough information to give to Ms. Ullfers. He did plan to speak to Ms. Ullfers about what he could provide. He asked Ms. Ullfers to speak to him after the meeting.

Chief Johnston said the Police Department has received a fair amount of criticism for failing to cite Officer O'Conner immediately. The Police Department waited to issue the citation because they wanted to send the report to the District Attorney's Office to find out if more severe charges would have been appropriate. However, more severe charges were not appropriate and the Police Department issued a citation for an appropriate charge. All of the records have been released to Channel 2 News, including videos from Officer O'Conner's dashboard camera and body camera. Channel 2 News chose not to air the videos in their article. The records are also available to the public.

dashboard camera and body camera. Channel 2 News chose not to air the videos in their article. The records are also available to the public.

George McCartin, 490 Franklin Avenue, Astoria, said he understood that City Council's goals were still being developed. During the fall of 2014, City Council was considering adding a bond issue to the election in November that would help purchase a new ladder fire truck for the Fire Department and for the citizens. The bond issue was tabled because the discussion occurred too close to the election. He believed this should be a goal for the new fiscal year. He also wanted Council to add a goal regarding the City's carbon footprint, like plans to do better conservation or use alternative energy. Solar panels would work well on the renovated senior center. Alternative energy could be required on the new housing that is already included in the goals.

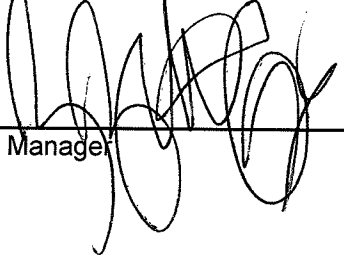
Director Cook said he discussed carbon footprints earlier that day with the City's forester. The City is working with the Climate Trust of Oregon and a draft contract will be ready in the next few days. The draft contract will be reviewed by the City Attorney and then by an environmental lawyer in Portland. When the reviews come back and staff feels comfortable recommending the contract be signed, it will be presented to City Council. The hydropower project is approximately 80 percent complete and should be operational by the first part of March. The power will be used to run the treatment facilities at the City's watershed. Excess power will be sold to the electric company and fed back into the power grid.

City Manager Estes added the budgeting process for the next fiscal year will include discussions about the fire truck. Staff will present possible funding options to City Council in the next few months.

ADJOURNMENT TO WORK SESSION

There being no further business, the meeting was adjourned at 7:50 pm to convene the work session.

APPROVED:



City Manager