

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, Community Development Director Cronin, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, 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** had no reports.

**Item 3(b): Councilor Warr** had no reports.

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

**Item 3(d): Councilor Herzig** reported that the Goonies event and the traffic were related. An incredible amount of people came to Astoria this summer, which was both good and bad. He believed most people were in a bit of shock over some of the unintended consequences. Many of the residents in the Goonies neighborhood are upset because they believe their pleas for intervention went unheard until the owner of the Goonies house finally spoke up. He hoped that next year the issues could be addressed early. Some of the residents were concerned that City money was being used by the Chamber to promote the Goonies at the expense of the neighborhood. He wanted Astoria to be marketed in a way that allowed Astoria residents to survive. Many people have said the City needs to get proactive about a by-pass because of the traffic and he agreed. Just saying that Oregon Department of Transportation (ODOT) is out of money is not the answer. ODOT has not gone out of business and Astoria needs to move to the front of the line to receive funds when they become available. The City needs to start strategizing. He believed Astoria could make a good case that the chair walls were never meant to tolerate the current amount of traffic. Once Astoria's streets begin to collapse, the city will need the by-pass. He hoped City Council would move ahead with a strategy for getting the by-pass within the next 10 or 20 years.

**Item 3(e): Mayor LaMear** had no reports.

## **PRESENTATIONS**

**Item 4(a): Sunset Empire Transportation District**

Executive Director Jeff Hazen presented an overview of the Transit District's current services, community partnerships, growth, goals, recent bus route changes, and improvements, as follows:

- As a result of strategic planning early in the year, services were improved to meet the needs of riders. Some of the changes included:
  - Additional hourly loops on Highway 101 between Astoria and Seaside to accommodate riders traveling to and from work.
  - Express runs (the first and last runs of the day) were converted to regular loop runs to increase on time performance. However, unprecedented highway congestion still caused delays over the summer.
  - Expanded para-transit services for riders who are unable to travel on fixed routes.
  - Partnered with Columbia County Rider to streamline connecting routes. An intercity grant between Astoria and Portland will fund two round trips per day. The connection between the two transportation districts is now at the Rainier Transit Center halfway between Astoria and Portland.
  - Added a new loop through Warrenton and Hammond to service the large retail centers.
  - Opened a transit kiosk on Route 21 in South County.

- Sunset is working on a long-range comprehensive transportation plan, which should be complete in July 2016.
- Debt is being managed very well, but Sunset is still considering creative ways to reduce the debt even further. For the last fiscal year, the general fund was budgeted to lose a significant amount of money. However, the fund had a positive balance at the end of the year.
- Other services offered include:
  - The Ride Care division provides non-emergency transportation services for Medicaid recipients in Clatsop, Tillamook, and Columbia Counties. This is a huge portion of Sunset's business.
  - The Mobility Management department trains people on how to ride the bus throughout the year.
  - The Transportation Options department promotes the State's focus on encouraging shared rides, public transportation, and walking. The State provided grant funds for a marketing campaign in Astoria to discourage single occupancy vehicle trips.

Mayor LaMear said it was amazing to hear of a transportation system that was in the black. Mr. Hazen said Sunset is heavily funded by the federal and state governments, but Astoria can help by encouraging legislators to pass transportation plans.

## PROCLAMATIONS

### Item 5(a): Constitution Week

Mayor LaMear read the proclamation declaring the week of September 17-23, 2015 as Constitution Week. She noted the proclamation would be forwarded to the Daughters of the American Revolution (DAR), who requested the proclamation.

## CHANGES TO AGENDA

Mayor LaMear requested the addition of Regular Agenda Item 8(h): Update on People Places Park. The agenda was approved with changes.

## CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 7 (a) City Council Minutes of 8/3/15
- 7 (b) City Council Work Session Minutes of 8/3/15
- 7 (c) City Council Special Meeting Minutes of 8/14/15
- 7 (d) City Council Minutes of 8/17/15
- 7 (e) Boards and Commission Minutes
  - (1) Historic Landmarks Commission Meeting of 7/21/15
  - (2) Historic Landmarks Commission Meeting of 8/18/15
  - (3) Library Board Meeting of 7/28/15
  - (4) Parks Board Meeting of 6/24/15
  - (5) Planning Commission Meeting of 7/28/15
- 7 (f) City Service Fair on September 10, 2015
- 7 (g) Astoria Downtown Historic District Association (ADHDA) Contract (Finance)**
- 7 (h) Authorization to Light Astoria Column a Pink Hue for the Month of October in Recognition of Breast Cancer Awareness Month

Councilor Herzig requested Item 7(g) be removed for further discussion.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Herzig, to approve Items 7(a), (b), (c), (d), (e), (f), and (h) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

### Item 7(g): Astoria Downtown Historic District Association (ADHDA) Contract (Finance)

Councilor Herzig said the City gives Promote Astoria Fund money to the ADHDA. He complimented Finance Director Brooks for working hard to get Astoria's financial house in order. For the first time in many years, Astoria has a contract with the Chamber of Commerce and this contract with the ADHDA requires regular reporting. The City is doing its best to move toward financial transparency and a finance dashboard will be unveiled soon.

**City Council Action:** Motion made by Councilor Herzig, seconded by Councilor Nemlowill, to approve Item 7(g) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

## REGULAR AGENDA ITEMS

**Item 8(a): Public Hearing and Ordinance Regarding Amendment Request (A15-01) by Clatsop Community College to the Land Use and Zoning Map to Rezone and Area at 16<sup>th</sup> and Franklin Streets from R-3 (High Density Residential) to C-3 (General Commercial) (1<sup>st</sup> Reading) (Community Development)**

Clatsop Community College (College) is selling the building known as the “Josie Peper” building to a private individual, who has stated that she would be using it as a residence (a second home) as well as a short term rental. Because the College properties are located in the R-3, High Density Residential Zone, staff advised the College and the prospective owner that the only way a short-term rental could be allowed would be if there was a zone change to a zone that allowed lodging, such as the C-3, General Commercial Zone. On June 1, 2015, the College applied for an amendment to change the designation of the Performing Arts Center (the PAC), the Josie Peper building, and the surrounding parking areas from R-3 to C-3. On July 28, 2015, the Planning Commission held a public hearing and heard testimony from College officials, as well as three property owners in the vicinity who objected to the amendment. The basis of their objection was that the use of the Josie Peper building as a vacation rental would change the nature of the use, creating more traffic and late night noise and disruption. The Planning Commission voted 4-1 to recommend approval of the amendment. A public hearing on the amendment has been advertised and is scheduled for the September 8, 2015 City Council meeting. It is recommended that the Council hold a public hearing and adopt the ordinance as recommended by the Planning Commission. If the Council is in agreement with the recommendation of the Planning Commission, it would be in order for Council to hold a first reading of the Ordinance.

Interim Planner Morgan noted the Josie Peper building was built in the 1970s and it is now underutilized by the College. The buyer would like to use the building as a short-term rental, which is not allowed in any of Astoria’s residential zones. He displayed a map on the screen, which he used to describe the exact location of the building and the property boundaries to be rezoned. He also noted surrounding properties and parking areas. The Planning Commission decided to recommend approval of this request because the building was originally a daycare center and has been used for offices for several decades. It is surrounded by a parking lot and driveways for the Performing Arts Center (PAC) and the surrounding uses are Institutional or Commercial. The prospective buyer intends to use the building as a short-term rental. As a historic resource, commercial zoning may facilitate an investment in restoration of the deteriorating building. The building and associated parking will occupy all of the parking being sold by the College and no future expansion would be possible. He confirmed the PAC would be included in the rezoning.

Councilor Price asked if the building would be converted back to a single-family home. Interim Planner Morgan stated the potential buyer would like to use the building as a single-family home/short term rental. The C-3 zone does not allow single-family homes, but the R-3 zone does not allow vacation rentals.

Councilor Herzig asked if the C-3 zone would allow the house to be subdivided. Interim Planner Morgan said subdividing the property would be unlikely because this building is on the Historic Register. However, the building could be used for offices.

Councilor Price wanted to know why the C-2 zone was not considered. Interim Planner Morgan explained that the C-2 zone is the Tourist Commercial zone. Zones adjacent to the building are already C-3 zones and it would be inappropriate to isolate a C-2 zone in the middle of another zone. He referred to the map to show the zoning boundaries. Community Development Director Cronin added that the Applicant has requested the C-3 zone, so Staff is not suggesting that one particular zone is best.

Mayor LaMear opened the public hearing at 7:59 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 the City Council had any conflicts of interest or ex-parte contacts to declare.

Councilor Herzig declared some ex-parte contact. He attended the Planning Commission meeting when this item was on the agenda. It was not his intent to hear this request, but he attended because it was the first Planning

Commission meeting with the new Community Development Director. During the public hearing, he asked a question about the difference between a zone change, a variance, and a permitted use. Also, Donna Quinn has contacted him to ask questions and share concerns. However, he believed he could vote impartially.

Councilor Price declared she had ex-parte contacts with three or four constituents who contacted her by phone, email, and in person. However, she believed she could make a fair and impartial decision.

Councilor Warr declared that he had been contacted by constituents via phone and in person, but he believed he could be objective.

Councilor Nemlowill declared that she had spoken to Donna Quinn, who expressed concerns about commercial development encroaching into historic neighborhoods. Her comments were nothing more than what she had also expressed during her testimony at the Planning Commission's public hearing and in the letter she submitted to the Planning Commission.

Mayor LaMear declared that she had been contacted about this matter and believed she could be objective and unbiased. She explained the procedures governing the conduct of public hearings to the audience, advised that handouts of the substantive review criteria were available from Staff, and read the rules of appeal.

Mayor LaMear called for any testimony in favor of the proposed Amendment Request (A15-01).

Joann Zahn, Vice President, Finance and Operations, 1651 Lexington Avenue, Astoria, said she supported the zone change. The College became aware that the PAC and Josie Peper buildings were non-conforming uses. In December 2014, the College Board decided to identify the Josie Peper building as surplus property and listed it for sale. In June, the College received an offer contingent on the zone being changed from R-3 to C-3. The College proceeded with the offer, understanding that the PAC should be under the same zoning because while the College had a relation with the PAC partners, the PAC does not necessarily fall under the College's umbrella and is not under the residential college use. The College understood it was nonconforming and wanted to ensure the College was in compliance. The College believes the PAC should be included in the rezoning because of its partnership with the PAC and the PAC's non-conforming use. The College Board has no intention of making any changes to the PAC at this time, so all of the parking will be retained for the PAC. Easements between the PAC and Josie Peper building will ensure enough parking will be available for PAC events.

Mayor LaMear asked Josie Peper how the building was named after her.

Josie Peper, 5276 Ash Street, Astoria, said when she was a student at the College, she knew a lot of low-income single parents who could not go to school because they did not have childcare. She knew of other colleges that offered childcare to students and decided to conduct a survey on campus. Many of the instructors and a business manager supported day care for students. She conducted research and presented her findings to the College Board, who moved forward with the idea. Meanwhile, she attended school in Colorado. The Board named the building after her because they thought it was a catchy name.

Mayor LaMear said many parents and children have appreciated the use of the building and thanked Ms. Peper. Ms. Peper believed it would be nice if the building continued as a day care. Mayor LaMear called for more testimony in favor of the request.

Mike Bruhn, 1692 Franklin Street, Astoria, said he was not opposed to the building being used as a vacation rental, but after living in his house for 13 years, he would be upset if one person was able to get special permission to be the only person in all of Astoria who is allowed to have a vacation home. He has put a lot of time into his historic house and has tried to do all of the right things by keeping his house original though restoration work. If this zone change is approved, he would like the same option to use his house as a vacation rental. When he first moved to Astoria, he heard about many people getting all types of deals, which was very irritating. This is a classic example of someone getting a deal. If the house is allowed to be used as a vacation home, the City needs to be fair. There are only five other houses on the block and they are all surrounded by commercial interests. He suggested the zoning be changed to allow vacation rentals for these houses because it does not seem fair to allow one person to come in from out of town and get a special deal at the expense of the residents who do not have that option. He would have bid on the house if he had known the zone change was an option. This sounds like a special deal. If the City is going to give one person a deal, it should give everyone a deal and make it fair.

Councilor Herzig understood single-family residences would be prohibited if the entire block was rezoned to C-3. Interim Planner Morgan clarified that residents could continue to live in the house as a non-conforming use. The houses could not be rebuilt if they were to burn down and occupancy would have to be continuous.

Mayor LaMear called for testimony impartial to the zone change request. Hearing none, she called for testimony opposed to the request.

Donna Quinn, 1684 Franklin Avenue, Astoria, said rezoning the PAC and Josie Peper buildings to a General Commercial zone is not a simple issue. This key decision will influence how Astoria protects its historic neighborhoods and whether the City chooses to become an absentee owner vacation rental town. She believed City Council should deny the request.

- Breaking the R-3 zone in Astoria's oldest historic neighborhood would not comply with the Comprehensive Plan, which calls for the protection of historic neighborhoods. Expansion of the commercial area into the residential zone must be justified on the basis of compatibility of historic areas and lack of alternative space in the downtown. She questioned whether a dry cleaner, convenience store, or adult bookstore would be compatible with the PAC and the neighborhood and noted those uses are allowed outright in the C-3 zone. Non-owner occupied vacation rentals are creating problems in towns of all sizes for city governments and local citizens. Approving this rezone would encroach into one of Astoria's oldest and finest historic neighborhoods. A domino effect will result in unanticipated consequences. Planning Commissioner Spence voted against the rezone because he believed Astoria should protect historic neighborhoods. Commercial property near the PAC and Josie Peper buildings faces Exchange Street. The Masonic Temple and Clatsop Care on Franklin, and the PAC and Josie Peper building should remain in the R-3 zone.
- The new Affordable Housing Study recommends the City discourage vacation rentals in residential areas that are not owner occupied and states Astoria needs more residential housing. What is decided here will be crucial to the City of Astoria's future. Trends show there will be increased pressure for commercial development. She questioned why the City would change zoning to benefit one person, noting it must think of the good of the whole community. There will always be expanding lodging options in Astoria for out of town visitors, but not enough for the city's workforce and citizens. She believed rezoning the PAC and Josie Peper buildings was a step in the wrong direction for Astoria.
- The Planning Commission's notice of their public hearing was only sent to a few homes, but this issue is bigger than just her neighborhood because it affects all Astorians. She would submit a rebuttal of the Planning Department's findings and asked that City Council read it. She referred to Staff's Findings that supported the zone change, noting that Interim Planner Morgan could have supported either the residential or the commercial zone. The residents of this neighborhood, and she believed most Astorians, would prefer the property remain residential.
- The residential zone is consistent with the Comprehensive Plan mandates and the use works. The Findings state this zone change would affect a limited area and a limited number of property owners, but this is not true. The PAC is a community gathering space that serves the community and what happens to the Josie Peper building is crucial to what happens at the PAC. A vacation rental does not serve the community. The Findings state the Josie Peper building was used as an office building for decades, but no, the building was a home, a daycare center, and then it became office space in 2000. The residential zone allows homes and daycare centers. The PAC is not surrounded by commercial zoning, as indicated in the Findings. The site only has a commercial use on the side facing Exchange Street and the other three sides are zoned residential.
- She believed the Findings were arbitrary and could have been easily written to support the R-3 zone. This is why the community needs the wisdom of elected officials to discern what is happening beyond the words on a page. Astoria has maintained its authentic character because of the active engagement of its invested citizens. Absentee owner vacation rentals are not a positive direction for the community. She suggested Franklin Avenue be the dividing line between the residential and commercial zones. Otherwise, Astoria will become commercial, street by street, because there will always be people who will see dollar signs instead of what is unique and precious. Astoria is the keeper of the legacies of Lewis and Clark and John Jacob Astor. This historic place is of great significance to the world and there is only one Astoria, Oregon. There is only one opportunity for the City to get things right for the future of this beloved town, which means so much to so many people. The decisions of the Planning Commission and City Council will shape how the city changes and grows. She asked that City Council respect the Comprehensive Plan, stand up for the historic neighborhoods, and make a decision that will benefit all Astorians. She handed out copies of a letter from Denise Reed.

Karen Sheridan, 1674 Franklin Avenue, Astoria, said Ms. Quinn made some really good points and noted her primary residence is in Portland. In 2004, she purchased her house in Astoria as a second home because she

loved the history of the town. People used to ask why she bought a home in Astoria, but now people tell her she is lucky to own a home in Astoria. She would hate to see that go away and was concerned that rezoning from residential to commercial would not stop. The house adjacent to the Josie Peper building is for sale and is being marketed as a possible Airbnb property. The next property over is a rental and the owner might want to make more money by making the property a vacation rental as well. She was very concerned about where this rezone will lead. Astoria, 25 years from now, is dependent on the choices that are made today. The College needs money and the potential buyer does not have money. She believed it would better for the College to find a buyer who had the money or require the potential buyer to come up with the money. She encouraged the Councilors to think long and hard about what they are doing because their decision will make a difference to people who are not yet born.

Mayor LaMear confirmed the Applicant had no rebuttal and called for Council discussion and deliberation.

Councilor Price was concerned about vacation rentals and second homes in Astoria. After reading the suggested motion amendments that Council received earlier, she believed this item should be continued until the next meeting. On September 14, City Council will have a special meeting to discuss affordable housing. Second homes, vacation rentals, and Airbnb are all drivers of this request. She believed City Council should discuss the housing in Astoria before making zone changes for specific pieces of property.

Councilor Nemlowill said she agreed with all of the public testimony that was given. She does not believe the application is in compliance with the Comprehensive Plan. She understood the College's request to bring the property into compliance and why the Planning Commission and Staff recommended the request be approved. However, the housing policies in the Comprehensive Plan protect neighborhoods from incompatible uses, including large-scale commercial, industrial, and public uses or activities. A single vacation rental may not be a large-scale commercial use, but citywide, it is a large-scale commercial use. Some of the uses in the C-3 zone could be considered large-scale commercial uses. Even though one property owner might be using this building as a vacation rental, that could change in the near future. Astoria is lucky to have its neighborhoods protected from vacation rentals. Examples of nightmare scenarios can be found all over Oregon where vacation rentals are destroying the character of communities. These communities make it easier for people to own second homes and make it less affordable for the people who live and work in those cities. She will not consider decisions about vacation rentals lightly. In the short term, approving this request probably would not make much of a difference. However, in the long term, over 50 years, it would drastically impact the character of the city. Right now, Astoria enjoys a second home ownership rate of only about three or four percent; the coastal average is 27 percent. In neighboring cities like Cannon Beach and Manzanita, most of the residents leave in the winter, which is not good for businesses or the community. People like to visit Astoria in the winter because the city has things going on year-round. She reiterated that she does not believe this application was in compliance with the Comprehensive Plan and she looks forward to Council's discussion about housing and vacation rentals. Astoria has a deficit of housing for Astorians and this does not help achieve betterment of that in any way.

Councilor Herzig agreed with Councilor Nemlowill and appreciated her depth of understanding of this issue. However, he did not believe the decision should be put off until after the work session on affordable housing. He has already read about the housing study in the paper and knew that one of the recommendations was to avoid the proliferation of vacation rentals for the reasons Councilor Nemlowill recited. He was concerned that the potential buyer may decide to sell the building to an adult bookstore if Council approves the zone change. The area is pivotal. 17<sup>th</sup> Street is residential and commercial zones face Exchange Street. He opposed the request and wanted Council to vote on it now.

Mayor LaMear said she planned to vote against the request. Astoria is supposed to have a certain percentage of residential and commercial property, but the city has a deficit of residential property and extra commercial property.

City Manager Estes said Staff would need to prepare Findings to support denial of the request, which could be presented to Council at their next meeting.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Herzig, to tentatively deny Amendment Request (A15-01) by Clatsop Community College to the Land Use and Zoning Map to rezone an area at 16<sup>th</sup> and Franklin Streets from R-3 (High Density Residential) to C-3 (General Commercial), pending adoption of Findings and Conclusions for denial, and direct Staff to prepare Findings. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Councilor Herzig asked if Staff could prepare Findings to support both approval and denial of decisions that might go either way so Council does not have to put off a decision in the future. City Manager Estes explained that Staff could not anticipate specific issues Council might bring up. Now that Staff has heard the issues raised by Council for this request, Staff can formalize the specific Comprehensive Plan language that was mentioned.

Councilor Price said the minutes of the Planning Commission meetings clearly indicated the Commissioners wrestled with their decision. Staff presents Findings that do seem to meet the Development Code and Comprehensive Plan, but the Commission is tasked with overseeing the Planning Department Staff to make sure they are doing their job properly and serve as an advisory board to the City Council. She believed their mission should be reinforced because it seems the Commissioners are not comfortable with some of their decisions. The Commission clearly wrestled with their decision on the Josie Peper building and did not want to deny the request for the same reasons as Council, but the Council did not get that kind of advice and she believes Council could if they asked the Commission.

Councilor Nemlowill said she understood what Councilor Price was saying. She was on the Planning Commission for nine years. It is difficult to deny a Staff report. She believed the Staff reports were good and that Staff were planning experts. It can be difficult for the layperson to come up with Findings that counter Staff's. Being a Planning Commissioner is challenging, but she believed the Commissioners gave a great deal of thought to their decisions.

City Manager Estes noted that Staff's recommendations are a starting point to get the conversation going. The elected and appointed officials are the policy makers. So, any time a Commission or City Council goes a different direction, it is no problem for Staff to prepare new recommendations.

Director Cronin added that Staff is challenged when Council makes decisions on livability. Livability is not clearly defined in the criteria. Therefore, the criteria Staff depends on is in the Development Code. Staff can go back and find Findings of Fact based on livability now that they have direction from Council. However, livability is not specifically mentioned in the Development Code, so Staff is in a tough position.

Councilor Price said she understood the distinction between Staff's job and the Planning Commission's job. However, she also believed the Planning Commission was tasked with representing the community in terms of livability. She wanted to hear from the Planning Commission on livability and the Findings.

**Item 8(b): Authorization to Approve Intergovernmental Agreement (IGA) with Oregon Department of Transportation (ODOT) for 33<sup>rd</sup> Street and Highway 30 Street Lights (Public Works)**

The area around the intersection of 33rd Street and Highway 30 (Safeway) is in need of illumination enhancements. This intersection currently accommodates State highway traffic, Safeway grocery store access, pedestrian users, and links the area to a well-used bus stop. City staff worked with the Oregon Department of Transportation to secure funding for street light improvements through ODOT's Quick Fix Grant Program. The cost estimate for illumination enhancements at the intersection is \$34,512. The Quick Fix Grant will fund the total estimated project cost. To move forward with the project, an ODOT Intergovernmental Agreement (IGA) will need to be approved by Council. The City Attorney reviewed the IGA and has approved it as to form. It is recommended that Council approve the Intergovernmental Agreement with the Oregon Department of Transportation for the planned illumination improvements.

Councilor Herzig said he was happy to see this project coming. He brought this issue to the Traffic Safety Committee over a year ago when residents in the area pointed out there were no streetlights at the intersection, which is a busy and dangerous intersection. There have been some accidents and near misses, so he was happy that ODOT has decided Astoria needs the Quick Fix Grant.

**City Council Action:** Motion made by Councilor Herzig, seconded by Councilor Nemlowill to approve the Intergovernmental Agreement with the Oregon Department of Transportation for the planned illumination improvements. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

**Item 8(c): Authorization to Award Progressive Design Build Contract for Pump Station No. 1 Upgrades (Public Works)**

In August 2015, the City Council authorized soliciting proposals and utilizing a Progressive Design Build contract for the Pump Station No. 1 Upgrades Project. On August 25, 2015, the City received two proposals: Portland Engineering, Inc., and Industrial System, Inc. The selection committee used the following criteria to evaluate the proposals from both qualified firms: Experience and capabilities; organization, management and safety; project approach; and fee and rate proposal. Based on the scores, Portland Engineering was chosen to negotiate a Progressive Design Build Contract in two phases. Phase 1 includes design and development of a Guaranteed Maximum Price for installation of the equipment. Portland Engineering will perform this task for a total not-to-exceed fee of \$30,000. Phase 2 will consist of equipment purchase, installation, programming and training. A contract amendment for Phase 2 is anticipated to be presented to Council for authorization by the end of October. The planning level budget for Phase 2 is \$175,000; however, additional funds may be needed if bypass pumping becomes essential for the installation strategy. The project budget is as follows:

<b>PROJECT BUDGET</b>	
Phase 1 Progressive Design Build	\$ 30,000
Phase 2 Progressive Design Build	\$175,000
Construction Project Management	\$ 19,500
Electrical Permit	\$ 500
<b>TOTAL</b>	<b>\$225,000</b>

A grant incentive offer of \$72,940 has been executed with Energy Trust for the project. Preparation of the official Energy Trust Agreement is underway and is anticipated to be presented to Council for authorization within a month. Funding for the project is available in the Public Works Improvement Fund and Energy Trust of Oregon incentives. The Contract has been reviewed and approved as to form by the City Attorney. It is recommended that Council award Phase 1 of the Pump Station No. 1 Upgrades Project to Portland Engineering, Inc., through a Progressive Design Build Contract, for a not-to-exceed amount of \$30,000.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Warr to award Phase 1 of the Pump Station No. 1 Upgrades Project to Portland Engineering, Inc., through a Progressive Design Build Contract, for a not-to-exceed amount of \$30,000. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

**Item 8(d): Contract Amendment for Engineering Services for Pump Station No. 1 Upgrades (Public Works)**

The City of Astoria's wastewater treatment facility, interceptor, and the main pump and lift stations were constructed in the mid-1970s. Pump Station No. 1 is the largest pump station in Astoria and is located in the Alderbrook neighborhood. Pump Station No. 1 contains three wastewater pumps with two variable speed 125 horsepower pumps and one fixed speed 75 horsepower pump. The system has provided reliable service for the past 40 years but lacks efficiency. Replacement parts are no longer readily available and parts of the system have reached the end of their useful life. On June 1, 2015, the City Council authorized Richwine Environmental to prepare a Concept Design Report for this project. The project was advertised as a Progressive Design Build Contract with award being included in the current Council agenda packet. The Contract Amendment with Richwine Environmental is in the amount of \$19,500 for contract management through completion of the project. Funding for this project is available in the Public Works Improvement Fund. It is recommended that Council execute a Contract Amendment for Construction Project Management with Richwine Environmental for a total not to exceed \$19,500 for the Pump Station No. 1 Project.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Warr to execute a Contract Amendment for Construction Project Management with Richwine Environmental for a total not to exceed \$19,500 for the Pump Station No. 1 Project. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

Councilor Herzig requested an explanation from Staff at a later time on a paragraph on Page 2 of the memorandum regarding the reevaluation of the 2013 Energy Trust of Oregon Technical Analysis Study.



**Item 8(e): Public Hearing and Ordinance Amending City Code to Prohibit Tobacco and Marijuana Use in City of Astoria Parks (1<sup>st</sup> Reading) (Parks)**

During their August 17, 2015 meeting, the City Council and held a public hearing to consider an ordinance banning smoking and tobacco use in City parks. The City Council voted to approve the ordinance but requested that staff update the ordinance to also ban the use of marijuana in City parks. The City Attorney reviewed the proposed changes and recommended a new hearing be held with the addition of banning marijuana use in City of Astoria Parks; therefore, an additional public hearing and first reading of the updated ordinance is needed. If the City Council approves the proposed ordinance, signage informing users of the law will be printed and installed in all City of Astoria Parks. The cost to print the needed signage is estimated to cost between \$2,500 - \$6,750 depending on quality and size. To assist in offsetting the signage printing costs, \$750 in funding is available from the Oregon Tobacco Prevention and Education Program via Clatsop County. The remainder of the funding to install signage would come from the Capital Improvement Fund. In the event that enforcement is needed, Section 5.933 of the Astoria City Code provides that the director, the director's authorized representative, and police officers have the authority to eject a person from the park. If further enforcement is needed, the penalties identified in Section 1.010 of the Astoria City Code also apply. These are the same laws that are used to oversee all other City of Astoria Parks Rules and Regulations, such as horseback riding, alcohol consumption, or dumping of refuse. The City Attorney has reviewed and approved the proposed ordinance and it is recommended that Council amend the Astoria City Code to prohibit tobacco and marijuana use in City of Astoria Parks.

Mayor LaMear opened the public hearing at 8:11 pm and called for testimony in favor of, impartial, or opposed to the proposed ordinance. Hearing none, she called for Council discussion and deliberation. There was none. She closed the public hearing at 8:12 pm.

Councilor Herzig said this item has come back to Council because Councilor Price asked that marijuana be added. He believed she misspoke when she said marijuana had been specifically excluded from the ordinance. Marijuana was not mentioned at all, so it could not have been specifically excluded. However, marijuana has now been specifically included. Public consumption of marijuana is already illegal in Oregon, so the addition of marijuana to this ordinance just reinforces that anyone smoking anything in public parks is in violation of the ordinance. He wanted to make sure this ordinance would not target any individuals. Some people do not have private places to smoke and he hoped the City would very gently make this a community endeavor instead of something law enforcement is burdened with.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Price to conduct the first reading of the ordinance to amend the Astoria City Code to prohibit tobacco and marijuana use in City of Astoria Parks. Motion carried 4 to 1. Ayes: Councilors Price, Herzig, Nemlowill and Mayor LaMear; Nays: Warr.

Director Brooks conducted the first reading of the proposed ordinance.

**Item 8(f): Removal of Fill from Heritage Square (Public Works)**

The City of Astoria was awarded a United States Environmental Protection Agency (EPA) Multi-purpose Brownfield Pilot Grant in 2012 for assessment and cleanup of the Heritage Square site. During the construction of the Garden of Surging Waves project, approximately 1,200 cubic yards of unsuitable material was excavated and stockpiled within the former Safeway building basement. The spoil material was left on-site with the understanding that the City would be receiving grant funds to be used for removal costs. The material has been tested and is currently undergoing additional testing as a part of the EPA grant requirement. It is expected that the EPA will authorize local disposal. If the material can be placed at a local site, the project will remain within the grant budget. It has been determined that the City-owned quarry property located along Pipeline Road would be a qualified site. Once placed, the material will be covered with a geotextile fabric to serve as a demarcation and also covered with a minimum of three feet of soil. The site will then be seeded. In regard to the potential contamination of the groundwater, the contaminants associated with the stockpile soil are not considered highly leachable. In other words, they are not easily susceptible to movement within the ground if exposed to groundwater. The material will be placed above the high water table and covered with approximately 30 feet of cover minimizing the potential for contact with groundwater and the material impacting the surrounding area. The EPA Multi-purpose Brownfield Pilot Grant requires a \$40,000 match from the City. In the near future, staff will bring a request to the Astoria Development Commission to allocate \$40,000 from the Astor East Urban Renewal District for use as a match. It is recommended that Council approve the use of the quarry property for placement of the Heritage Square material.

City Manager Estes said Staff has received new information since the memorandum was prepared.

Engineer Harrington explained that this process takes a long time because Staff must go through a federal government process that requires a lot of paperwork and documentation. Additionally, this is a pilot project and protocol for combining assessment and cleanup is being developed as the project progresses. The Assessment of Brownfield Cleanup Alternatives has been reviewed by DEQ, the City, and the EPA. The consultant is making final changes to the document and it will be sent back to the EPA. Staff will then begin a 30-day public review period. This process is supposed to be completed, finalized and approved before the City takes any action, but Staff is working with the EPA to see if some of the clean up can be done a little bit early. However, he assumed the City would have to wait for approval. The first round of testing was thorough, but not thorough enough. So additional testing is being done. The DEQ is considering sustainability options and ways to minimize the overall footprint of the project. The additional testing will determine if it is safe to put the material at the quarry instead of trucking it to Hillsboro. He showed the quarry site on the screen, noting which portion of the property was owned by the City and which portion was owned by James Neikes. The quarry is being refilled to return it to a natural state. He showed on the map where the material would be placed, which was an area about five feet deep, 40 feet wide and 160 feet long. By the time the site is brought up to full grade, the material will be about 60 feet deep, against the quarry wall, and on a slope that provides good drainage. The material is not highly contaminated and includes contaminants from burned wood, asphalt, rock, gravel, and brick. The second round of testing will be more specific so that Staff can determine where to send the material. Placing the material in the quarry will save about \$20,000 in hauling costs as well as fuel costs and truck traffic. The results for the testing just came in that morning and the consultants will begin analyzing them. He expected the results to be favorable for the quarry site. One of DEQ's criteria is that hazardous substances in the material be at a concentration below a human health risk level. The material is not highly contaminated, but it is not clean. However, buried three feet below ground, the material will pose no threat. Putting the material in the quarry will not adversely affect water systems and covering it will minimize exposure to ecological receptors. Currently, the only proposed use of the quarry site is as a lay-down area for storm debris. The area is visible to the public from Pipeline Road, so it will be hydro seeded and replanted to look like the rest of the hillside.

City Manager Estes asked that City Council approve the use of the quarry property for the placement of the material being removed from Heritage Square. The EPA and DEQ are interested in keeping the material within the City limits to keep the project more sustainable by reducing the greenhouse gasses generated by hauling the material to Hillsboro. Astoria has a limited amount of funds for the project and the cost savings will allow the City to receive the letter of no further action without spending additional City funds.

Councilor Herzig asked Staff to explain how the material would be compacted in two-foot lifts. Engineer Harrington said there were several ways to place material. Material could simply be dumped over a bank if there were no concerns about structural stability. This results in land movement and other issues. When new facilities are built, materials are compacted to meet density requirements. In this case, the material was unsuitable for the park because the pavers would have settled over time. Even though the material will not be used as structural fill, it will be compacted to prevent it from settling in the future. The material will be spread out two feet deep, compacted, and then another two feet is placed on top to be compacted again.

Councilor Nemlowill said this was exciting news because cleaning up Heritage Square and developing a plan for its use is a priority. One reason the City had to wait so long to get rid of the contaminated soil is because of this grant for assessment and disposal of the material. She read in the agenda packet that additional City funds would be needed in the future. City Manager Estes explained that part of the grant agreement included a \$40,000 match from the City. The grant provided a total of \$400,000 for the project, \$200,000 for the assessment and \$200,000 for the cleanup. When City Council accepted the grant, they acknowledged the match that went along with the remediation component. Therefore, now that the project is nearing the remediation phase, Staff wanted to remind Council of the match, which will be presented to the Astoria Development Commission when the allocation needs to be approved.

Councilor Nemlowill said she wished she had a copy of the Buildable Lands Inventory map to look at and asked if the City had any future plans for the quarry property. Putting the contaminated soil at this site will eliminate the possibility of residential development. City Manager Estes said the portion of the quarry site owned by Mr. Nikas is zoned residential. Staff does not anticipate any residential structures on the face of the cliff. The material will not be placed in the middle of a developable property, but will be placed in a way that accommodates open space. Engineer Harrington added that Mill Pond has multiple areas that have petroleum products underneath the soil. Those areas were managed in a similar way by DEQ. Mill Pond had no dig zones, but the no dig zones

will not apply to the quarry because no one will dig 60 feet into a rock face. Now that Staff has the data, they know the project will cost about \$200,000. When the Garden of Surging Waves was built, the City decided to wait for the grant money to pay for the disposal. Patience with the process is worthwhile because the City is saving \$400,000. The process would have been different if the City had disposed of the material during the Garden of Surging Waves because the EPA would not have been involved. Also, the City had no where to put the material at that time.

Mayor LaMear called for public comments about the proposed use of the quarry site.

Chris Farrar, 3023 Harrison Avenue, Astoria, wanted to know if the assessments of the quarry site considered the groundwater, rainfall, surface water runoff, and what concentrations of toxic substances might be carried in the water. Sometimes, it is not a good idea to bury contaminated materials. He liked the idea of burning less gasoline, but was skeptical about placing the materials at the quarry.

Engineer Harrington explained that Staff was approached by DEQ to look for a site. Staff considered various sites and presented them to DEQ. The consultant and DEQ visited the quarry site and determined it was appropriate. The material will be placed above the level of the groundwater. In the event that surface water would leach out of the hillside, there would be no concern because the material has been deemed very lightly leachable. The contaminants are not the type that will travel in ground water. Studies of ground water migration towards the river indicated the only materials moving in the ground water are the contaminants from the dry cleaning operation. The materials to be moved to the quarry are from underneath the Garden of Surging Waves and do not contain any substances that are working their way out into the street.

Mr. Farrar believed the study seemed rather cursory and confirmed his questions had been answered.

Councilor Herzig understood that everyone wanted to see the site cleaned up. However, he was very concerned about burying contaminated soil. DEQ may have signed off on it, but he did not trust DEQ's opinion on many of these issues. He wanted the City to explore ways to contain the material in water-tight and air-tight containers and store the containers at the transfer station until the City can determine exactly what is in the materials and where they should be placed. Loads could gradually be sent to Hillsboro. He was bothered by any kind of contaminate being put back into the soil. The material may not be leachable, but things have gone wrong in the past. He appreciated all of Staff's work on this project and understood the City wanted to move forward. However, he wanted Staff to explore putting the soil in containers to be stored above ground until a proper disposal method can be found. City Manager Estes said hauling the material to Hillsboro is the other option that DEQ would approve. Councilor Herzig understood, but wanted to know if Staff explored a third option of putting the materials in containers and keeping it in the City until a later time. City Manager Estes replied DEQ would not approve it. He confirmed that Staff has been working on this issue for about four months. DEQ representatives have come to Astoria to investigate other options. Their goal is to permanently address the issue, so the only two options DEQ is willing to approve is hauling the material to Hillsboro or burying it in a facility like the quarry site.

Councilor Herzig said he hated to hold up the proceedings, but he wanted to hear this from a DEQ representative. He was not happy with DEQ only giving the City two options, one being bury the material in the City's soil and the other being expensive.

Mayor LaMear intended to vote to approve the request. She believed DEQ has done their work very well by visiting the quarry site and indicating the procedures necessary to make this a safe placement. It sounded like the soils are not contaminated to a degree that would cause any safety concerns.

Councilor Price understood the new test results will be analyzed and Council was being asked to provide tentative approval based on favorable test results. Engineer Harrington confirmed that if the request is approved, only the soil that meets DEQ criteria for this method of disposal will be placed at the quarry. Any material that does not meet DEQ criteria for this method of disposal will be hauled to Hillsboro. Highly contaminated soils will be hauled to Arlington because Hillsboro will not accept them. Over the last 50 years, children have stepped on that parking lot and stood three inches from this material. The material is underneath the parking lot and contains contaminants because the asphalt and oil from cars leached into it.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Nemlowill to approve the use of the quarry property for placement of the Heritage Square material. Motion carried 4 to 1. Ayes: Councilors Price, Warr, Nemlowill and Mayor LaMear; Nays: Councilor Herzig.

**Item 8(g): Resolution Expressing Opposition to the Proposed Oregon LNG Liquefied Natural Gas Terminal and the Oregon LNG and Washington Expansion Project Pipelines (City Council)**

City Manager Estes noted Mayor LaMear asked this item be added to the agenda and no Staff report was available. Copies of the resolution had been given to Councilors. He also had copies of the cover letter and resolution adopted by the City of Molalla.

Mayor LaMear read the resolution, and then invited public comments.

Sue Skinner, 511 Jerome, Astoria, thanked Council for the resolution. It is interesting that this topic has been discussed just following Engineer Harrington's presentation about covering asphalt and oil contaminates with three feet of soil on an embankment. This is a gigantic project that will completely change the fabric of the community and the entire coast. Even if staging is not at Tongue Point, the project is enormous and ridiculous. She did not understand why Safeway was not helping with the cleanup of the parking lot. Oregon LNG is a Shell company and she did not know who the hedge funders were. If anything happens, Oregon LNG will not do anything and the responsibility will fall on the City. This is about getting taxpayer money for their project so that hedge funders can make a lot of money. She was happy about the resolution. She thanked Mayor LaMear for speaking to DEQ a few weeks earlier.

Laurie Kaplan, 766 Lexington Avenue, Astoria, thanked City Council for discussing the resolution. She believed many people had been waiting for the City to do something proactive to protect Astoria. The resolution is wonderful. She agreed with Donna Quinn and Donna Sheridan's comments about the Josie Peper building and neighborhoods because a lot of their comments apply to this issue. City Council can stand up for Astoria at this crucial juncture. This terminal will change things a lot more than a rezone and the City has the opportunity to get things right. Astoria's jobs will be destroyed and the community is lucky that Council is working to protect neighborhoods and the city. She thanked City Council for considering the resolution.

Mayor LaMear thanked Councilor Price for putting the resolution together.

Robert Jacob, 140 Grand, Astoria, applauded City Council for the resolution. He always believed it was odd that over two-thirds of the county voted against the pipeline but the City was unable to ever make a statement. When the executives were staying at his hotel, they bragged about why they choose small towns. They said rural communities were unsophisticated and easy to sway with the promise of jobs and lower property taxes. This is wrong in all kinds of ways. The people that like to move to Astoria bring jobs and he did not believe sophisticated people would move to an area where there are two enormous 20-story LNG towers.

Josie Peper, 5276 Ash Street, Astoria, asked what the resolution said about traffic in Astoria. Mayor LaMear read the relevant portion of the resolution, which indicated the LNG project would involve staging materials at Tongue Point and construction activities would dramatically impact traffic and transportation in the city. She understood that 486 heavy truck trips would be made each day taking pipe from Tongue Point to the construction site. Ms. Peper added there would be an additional 812 personnel vehicles. She wanted the resolution to be more clear about how negatively Astoria would be affected by the traffic because it is unacceptable. She believed it was very important for Astoria to submit the approved resolution to the hearing that is being conducted now until September 18 in Warrenton. Last week, she spent 9½ hours at the hearings and heard Mr. Connor's rebuttal, when he said if Astoria does not like the location, it would have to be moved. However, Astoria must let Mr. Connor and the hearings officer know loud and clear that the location is not acceptable. She was grateful that City Council was considering the resolution. Friday, September 18 is the last opportunity to submit anything and she had the address of the person who is receiving correspondence.

Councilor Price thanked Mayor LaMear for her leadership on this issue. The resolution was originally about two pages long. She and Mayor LaMear worked for about a week to get it down to one page of essential, fact-based issues that directly affect Astoria. There are many other facts that would directly and profoundly impact Astoria, but the resolution will send the necessary message to Governor Brown, who has the authority to deny all of the state permits for this project and has stated she has been waiting to hear from the communities. Oregon's Senators and Congresswoman Bonamici have influence over the federal permits and she is happy they will hear from Astoria. The river defines Astoria and the City has to speak out.

Mayor LaMear said one of the reasons she added the resolution to this agenda was because the Federal Energy Regulatory Commission (FERC) hearings in Astoria have been scheduled for September 21, 2015.

Councilor Price added she and the Mayor were aware of the upcoming deadlines for the hearings in Warrenton and Astoria. If the resolution is passed, she asked that it be submitted to FERC and the elected representatives at the state and federal levels, as well anyone else deemed appropriate.

Tom Duncan, 511 Jerome, Astoria, said at the last hearing, ODOT's traffic study was discussed. The study suggested the addition of 487 heavy trucks and 1,200 total vehicles per day for four or five years. These numbers did not seem to make any difference to anyone in the audience, but it would bring Astoria to a complete standstill for four years. The traffic would go down Commercial Street, which is insane. At the end of the discussion, a lawyer in favor of the LNG facility said the staging area might not be at Tongue Point because no one had really thought about it; however, Tongue Point was stated in the proposal. Therefore, the entire project is very poorly thought out. He believed the project was some kind of a ponzie scheme with some other purpose. However, Astoria has to take the issue seriously. One proposal could be to counter that this cannot be allowed unless a by-pass is built first.

Kathleen Sullivan, 5161 Birch Street, Apartment 4B, Astoria, said she is the front desk supervisor at the Cannery Pier Hotel, which is within site of the proposed LNG facility. Every day, she speaks with people from around the world that come to this area specifically for what Astoria has to offer, Fort Stevens, Fort Clatsop, the Lewis and Clark legacy, the beautiful Columbia River, and Washington. For some of these people, it is a once in a lifetime dream to get to the area. This summer was tough because of the traffic. She and many others changed their plans and she had to advise tourists about the traffic issues. She was concerned about the traffic because she lives in Alderbrook. She can walk to Tongue Point, but cannot get on campus. She was very pleased that City Council was considering this resolution. The City is at a turning point and Astoria needs to start leading.

Jan Mitchell, 362 Duane Street, Astoria, said she used to be a land use and transportation planner. Over the past two weeks, she had been emailing ODOT about the project and has learned there is no talk about the Warrenton portion of the project. ODOT is only discussing the project between Harbor Street and 12<sup>th</sup> Street. Every traffic impact is minimized and whisked away by the consultants. The report was appalling and she would not have accepted it if she were on staff. She understood ODOT does not have much leeway in terms of making requirements and they are dependent upon the City of Warrenton for any impact requirements. The only place she was able to find information was in the Environmental Impact Study (EIS) for FERC. FERC has never turned down an LNG proposal. If she understood the situation correctly, ODOT just has one number they use to decide if a street has reached capacity and it is a figure used for freeways. This means ODOT considers one lane on the new Young's Bay Bridge to be a freeway lane. Anyone who has driven across the bridge knows it is not a freeway lane. All of the roads being considered are small urban streets and rural highways and the capacity of those roads drop considerably. ODOT does not have the staff or staff time to stand up and say this does not fit and they are using 2013 figures. Traffic counts are taken in the area, but a special request must be made to get the 2014 figures. She believed there were people who could make the special request, but no one has. Traffic counts in 2015 were worse, but this is being played as if we will hardly notice the traffic impacts. The information she has been able to find only mentions vans and small trucks coming from east of town. She was worried about where Warrenton would house all of the employees, but there is no information on this, although, storage at Tongue Point has been discussed. She spoke to someone who had been through the Dakotas and saw the huge camps of RVs for the workers. There is no flat land that can be used for a camp in this area. It's all smoke and mirrors and no information is being given. The project has not been thought through because Oregon LNG believes they will get tax money. However, this will ruin Warrenton and prevent Warrenton from becoming the little fishing village it could become. She believed the resolution will send a message to the state legislators.

Councilor Nemlowill asked what action Ms. Mitchell would like to be taken.

Ms. Mitchell said she would like the governor, congresswoman, and senator to get state agencies involved. State agencies have not spoken on this issue, but they will, and they need to be aware of the information the community is getting. Unless state agencies consider information like the 2014 traffic counts, they will only see what is being fed to them. She did not believe FERC would do anything different from what it has always done. So, the state agencies and state officials have to come through.

Councilor Herzig wanted to know who had the authority to request the 2014 traffic counts. Ms. Mitchell believed the mayor, city manager, and the public works director could make the special request. She was sure the 2015 traffic count was available as well.

Sean Fitzpatrick, 1046 Grand Avenue, Astoria, said he had such a strong emotional feeling about this issue that he was unable to succinctly articulate his opinion. He thanked City Council for considering the resolution and expressing opposition to the proposed LNG terminal and pipeline expansion. He also thanked those who spoke before him, noting he echoed their sentiments.

Beatrice Jenkins, 385 Maple Street, Woodland, WA, said she was opposed to the resolution. The EIS just came out a month ago and meetings are still being conducted in Washington and Oregon to take public comments. Two hearings in Astoria have been scheduled on September 21, but City Council is already deciding on a resolution. The public should have the chance to decide on the resolution. She believed City Council should consider that there are people who still need to be heard and the EIS needs to be reviewed. It takes a lot to stand in front of a room full of people who support the resolution and say she does not support it. However, this is not a popularity contest. People have just begun to review the EIS. She asked that City Council give people the chance to attend the public meetings and express their views.

Chris Farrar, 3023 Harrison Avenue, Astoria, said the last speaker does not realize that the resolution has been made by the City Council to express the views of the City on the effects of this horrendous project on the entire region. Astoria is trying to come to Warrenton's aid by bringing some sanity to their thought process. Warrenton is part of the community and he hoped Warrenton would understand, meet with people in opposition to the project, and make a decision that would benefit the entire region. The resolution does not cut off public debate. Public comments will continue to be taken by the agencies that have the authority to provide permits, so there is plenty of opportunity to provide input. City Council cannot grant or deny permits, but it is very concerned about the economic damage this project will do to the region forever.

Councilor Warr prefaced his comments by saying he had no strong feelings one way or the other towards LNG and was not speaking completely in favor of LNG. However, he was very concerned about several things. Several months ago, when the City implemented the section of the Riverfront Vision Plan that included Port of Astoria property, some pretty tough regulations were implemented that potentially adversely affected the Port's ability to conduct business. The City got so angry that the Port had the audacity to object to the regulations that the City refused to join an enterprise zone with them. In years past, Astoria has taken pride in building relationships with other agencies, businesses, and other cities. Warrenton is in favor of the LNG facility and pipeline expansion and now, Astoria has the audacity to object like the Port objected to what Astoria was in favor of. He believed the resolution would not make a big impact because FERC will make the final decision. However, the resolution will certainly have an impact on Astoria's relationship with Warrenton. He believed City Council should think about this relationship because Astoria will need Warrenton for a long time. When Astoria acts in its own interest, the City does not want objections and Warrenton should be given the same consideration. A report from ECONorthwest, dated July 12, 2015, presented to CH2M Hill, indicated the distribution and amount of property tax receipts would be \$90,029,494 annually. This is one reason Warrenton supports the LNG project. Distributions will be as follows:

The Astoria School District	\$892,000
The City of Warrenton	\$24,000,971
Clatsop County	\$11,000,784
Clatsop Community College	\$6,000,245

This does not sound like tax payer money would support what was alluded to earlier. He believed the report was accurate, but would not try to sway others to agree. He also had a very detailed report about the safety history of International LNG Operations, which indicated that with few exceptions, LNG handling facilities have exceptional safety records when compared to refiners and other chemical industries. With the exception of the 1944 Cleveland Disaster, all LNG related injuries and/or fatalities, however devastating, have been limited to the plant or contractor personnel. There have been no LNG shipboard or LNG-related deaths, nor has any member of the public been injured by an incident involving LNG since the failure of the improperly designed and constructed Cleveland facility. Small LNG vapor releases and minor fires have also been reported, but impact was limited to the plant and the hazard was properly handled by plant personnel. Other accidents have occurred during the construction and repair of LNG facilities. Some of these accidents have been used to tarnish the exceptional safety record of LNG, but no LNG was directly involved in the incident. These accidents can only truly be called construction accidents. There have never been any deaths resulting from LNG tankers. This report contains every other report conducted over the last 40 years. LNG is a very safe industry, which leads him to believe that Councilors should be very careful about what they say and make sure all claims are accurate. The safety report raises a lot of questions about the claims made in the resolution to which he would like answers. He read the sections of the resolutions he had questions about, which included statements about the safety risks associated

with the storage, processing, and transportation of LNG, an enormous and unrealistic burden on Astoria's firefighters and first responders, and negative impacts on salmon, the estuary, fishing and crabbing, local tourism and natural resources. Since there have been no accidents, he wanted to know exactly what the safety risks were. If the City is claiming this is true, City Council should know exactly what the risks are. He believed the hazard zone mentioned in the resolution is the blast zone indicated on a map in a recent report and the City should be able to explain this if asked. He assumed that like the Bradwood Landing Proposal, the Astoria Fire Department would benefit financially. He agreed the LNG project may be harmful to salmon and the fishing industry; however, the Corps of Engineers has been deepening the channel over the last 10 or 12 years, which is a much bigger dredging project than the LNG project. The last two years of salmon runs have been record highs. His son-in-law, who has been a crabber for 25 years, has had record catches in the last three years. Therefore, he did not believe the dredging would negatively impact the fishing and ecological balance in the Columbia River Estuary. He wanted to see some figures that would indicate the impact of dredging on the river. He agreed the tank would be ugly, but noted it was not possible to contaminate the water with LNG because LNG is lighter than water and has a boiling point of -159 degrees. Contamination could come from the ships, but adding one or two more ships on the river each week will not make a measureable impact. In the late 1960s, Oregon Natural Gas tore up a lot of ground to bring a pipeline and gas service to the City of Astoria that made a huge positive impact on people. The City of Astoria is making big claims that he doubted could be demonstrated or proven. If a vote was conducted at this meeting, he would vote against the resolution.

Councilor Price said she had heard Councilor Warr's arguments for 10 years and understood about 30 percent of Astorians agreed with him.

Eight years ago, about 70 percent of the county and 65 percent of Astorians did not agree and voted no to the pipeline. She and Mayor LaMear worked hard to make the resolution very fact based and she had an annotated version. The facts have been acknowledged by the Columbia River Keeper, Oregon LNG, and FERC's draft EIS. She could give Councilor Warr answers to his questions, but this would be a very long hearing. Answers to all of Councilor Warr's questions are available, but City Council's purpose is to stand up for its constituents who have repeatedly asked City Council to say no. Council has this opportunity now, which is why the mayor has presented the resolution now. Mayor LaMear has attended hearings and now is the time to speak out about this issue because of the hearings that are coming up later in the month. If Councilor Warr does not believe the resolution matters, he should just vote in favor of it. This resolution is a message that goes directly to Governor Brown, who has made it clear she is very interested in hearing what Astoria has to say. Clatsop County has voted against the LNG project. This is not anti-Warrenton or anti-Port. She believed the Port wanted out of the lease because it is a \$6 billion project that would only give them \$38,000 a year. The Port might like to consider other options that would provide more financial benefits and would be more acceptable to the community. The Port is interested in developing a good relationship with the community, just as the City does. She believed City Council should be as factual as possible and she worked very hard with the mayor to make this resolution is factual.

Councilor Warr said the resolution did not contain any facts.

Councilor Price responded yes it did. She noted City Council passed the Healthy Options Resolution in 2014, which contains whereas statements that may not be supported by any scientific evidence within Astoria or Clatsop County. Additionally, there is no proof that supporting the HEAL Cities Campaign would achieve any of the goals listed in the resolution. Therefore, resolutions are not meant to be factual statements to FERC of x, y, and z. She clarified that the City was not hysterical about this issue, but very grounded in the realities of what a heavy industrial facility on the mouth of the Columbia River would do to Astoria. She was reflecting what Senator Johnson has said about this being the wrong project at the wrong place at the wrong time with the wrong people. The majority of her and Councilor Warr's constituents have repeatedly said they want City Council to speak up for Astoria and send a message to its leaders.

Councilor Herzig said the concerns about jobs are legitimate and no one is ignoring them. Everyone wants good, sustainable jobs that build the community, not tear it apart. Astoria does not want to be an unsophisticated or easily swayed rural community that will do anything at the promise of a job. This is a legitimate concern and jobs for Clatsop County must be considered. However, this is not the way to do it.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Herzig to approve the resolution expressing opposition to the proposed Oregon LNG liquefied natural gas terminal and the Oregon LNG and Washington expansion project pipelines, as presented. Motion carried 4 to 1. Ayes: Councilors Price, Herzig, Nemlowill and Mayor LaMear; Nays: Councilor Warr.

### **Item 8(h): Update on People Places Park (Mayor LaMear)**

This item was added to the agenda during Item 6: Changes to the Agenda.

Councilor Herzig said he requested this item be added to the agenda, but did not realize the meeting would run so late. The Parks Board recently voted to authorize the removal of the structure at People's Park because the structure is unsound. The structure will be removed by the end of the month and the park will be restored to green space.

Director Cosby explained that People Places Park is at 16<sup>th</sup> and Marine. In the 1970s, the Rotary Club built an observation tower and deck that were maintained by the Rotary and the Coast Guard until about 10 years ago. The materials have degraded and rotted and the entire structure is unsafe. Staff received bids for replacing and repairing the structures, but this would cost between \$12,000 and \$16,000, which is out of the Parks Department's price range. Staff asked the Rotary if they believed the structure was still necessary and if they would continue maintaining it. After discussing this for about two months, the Rotary told the City the structure was no longer a priority for them and it could be removed. Since the Parks Department is just beginning the master planning process, the structure will be removed during a CHIP-In event on September 20 from 9:00 am to noon. The area will be restored with grass, and possibly a picnic table or two.

Councilor Herzig said the area will remain a public park, but the dangerous structure would be removed. Director Cosby noted the structure has been completely closed off since June.

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

Karin Temple, 1032 Grand, Astoria, said she helped start the warming center last winter and asked City Council to provide the warming center with funds. Citizens showed initiative by starting the warming center and demonstrating that it was necessary and successful. The warming center also received a great response from the community in terms of donations and volunteerism. Therefore, she hoped some agencies and the City would help the warming center continue. The warming center is grateful for the use of the Senior Center, which the City supported. During its first winter, the warming center kept people off the streets and out of the emergency room for 24 days at an average of 14 people each night. The Senior Center paid the warming center's insurance and some of the utilities. However, that space is no longer available and the warming center must find another place to warm, feed, clothe, and house people during nasty nights in Astoria. The United Methodist Church has offered free rent, but there will be insurance payments and utility bills. The warming center is not affiliated with a church, but their funds go through Grace Episcopal Church's Hunger Ministries so that people can make tax deductible donations. The warming center is working towards an Oregon non-profit status. Last winter, the warming center learned their guests had no public place to get clean. This is a primary need of their guests and they would like to meet this need this year. The guests were given passes to the aquatic center, but they were not welcome and would have to get back into their dirty clothes. The owner of a laundry mat gave the warming center some passes for free laundry services, but the guests would have to stand there in their birthday suit while washing their clothes. Warming center volunteers observed what a difference it makes just to put on clean clothes. People suddenly felt they had more self worth. She would like to put a shower in the warming center. Warming centers in St. Helen and Tillamook are supported by organizations similar to Clatsop Community Action (CCA), but CCA has not jumped on board with the Astoria Warming Center. The warming center has bids, permits, and plans to put a shower, washing machine and two dryers in the basement of the United Methodist Church, as well as a contractual agreement with the church for at least three years. The warming center has a faith budget of \$17,000. Contributions have come in from the public, but the warming center still needs help. The warming center would like to be open by the middle of November and she hoped the City would participate in this effort. The warming center is just a band aid to help the homeless population, who only receive help on nasty nights and must be sent out again in the morning. But it is a step in the right direction.

Mayor LaMear explained that one of the problems is that the City sets aside a certain amount of money each year for social services. This is done during the budgeting season. If this had been presented during the budgeting season, City Council could have determined if there was a way to help the warming center.

Ms. Temple said she hoped there was little pocket of funds somewhere that could be used. She knew the rescue mission received funds, but did not know how they were included in the budget. The warming center will definitely be involved in the next budget cycle, but helping people get clean is a big goal of the warming center.



City Manager Estes said City Council would have to deviate from the Budget Committee's recommendations in order to make a contribution to the warming center. Staff would have to figure out where the money would come from while keeping in mind that a specific amount had been budgeted for social services.

Director Brooks added that Staff would need information from the warming center to ensure the funds would be legally appropriated. She was concerned about the funds flowing through a church that the warming center was not affiliated with as the City cannot provide funds to religious organizations.

Ms. Temple said the church made their Hunger Ministries account available to the warming center. The warming center has a special section of the account so that people can make tax deductible donations.

Director Brooks clarified that the City is prohibited by State law from contributing to religious organizations and she was concerned about the money flowing through the church.

Ms. Temple believed the City of Warrenton was able to channel money through CCA, so maybe Astoria could do something similar.

City Manager Estes noted that City Council would need to make a policy decision about allocating funds separate from the budget process.

Mayor LaMear requested this issue be added to the next meeting's agenda.

Councilor Price noted the homelessness task force would meet on September 18. Ms. Temple said the task force might recommend the warming center as a useful tool as it considers possibilities, but she did not believe the City would deviate much from this budget."

Councilor Price understood, but explained she has heard Chief Johnston say that the warming center had a positive impact on the number of complaints about homelessness. She suggested the task force recommend the warming center as a useful tool. She did not believe the City would deviate from the budget. However, based on the task force's recommendations, the City may be able to consider a small contribution of \$1,000 or some other amount. City Council's next meeting is on September 21 and it might be a good idea to add this discussion to the agenda.

City Manager Estes asked if the warming center had a specific amount they would like the City to contribute.

Ms. Temple said the bids total about \$17,000, but some of the bids are charity bids. The warming center already has several thousand, but it is a faith budget. The warming center will open even if it does not have showers. However, they have to find a way to get their guests clean.

Councilor Price believed City Council needed to consider these requests in the broader context of all of the pressures. She was sorry the warming center missed the budget meetings a few months ago.

Mayor LaMear confirmed this would be on the next meeting's agenda and directed Staff to look for ways to provide some kind of funding. Director Brooks asked if Staff could look for partnerships that are not religious based. Ms. Temple said the warming center does not have a partnership with the church. They tried working with CCA, but that has not been successful. The warming center might be able to switch from Grace Episcopal Church to the United Methodist Church, but that is another religious institution. The money is not for the church, it is just a channel. Somehow, this worked in Warrenton and it should not be the biggest obstacle.

Councilor Herzig believed if City Council approached CCA with a request to accept funds with the specific destination of the warming center, they would be happy to work with the City. He believed this could be arranged. Former Councilor Mellin was able to get a \$10,000 grant from the Promote Astoria Fund for the Ghadar centennial. He believed \$10,000 was a good discretionary amount. City Council has given \$10,000 of unbudgeted funds when asked in the past. City Manager Estes confirmed that City Council can always allocate funds from various funds. In this case, Staff would need to determine which fund could be used and what dollar amount could be given. The General Fund is tighter this year, but Staff can report back on this at the next meeting.

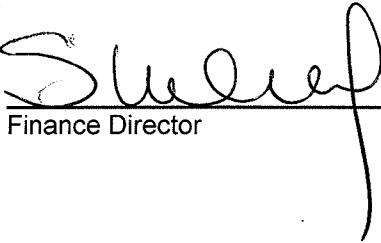
Laurie Kaplan, 766 Lexington Avenue, Astoria, announced Senator Bonamici is having a town hall meeting on Sunday, September 13 from 1:30 pm to 2:30 pm at the Warrenton Community Center. She believed many

people would want to attend because she recently had a big article in *The Daily Astorian* about tsunami and earthquake preparedness. The article never mentioned the proposed LNG terminals, which seemed like a pretty glaring omission. The proposals are bad anyway, but if there is an earthquake, it is over for everyone anyway. She planned to attend the town hall and hoped some Astoria residents would attend as well. She noted that people could speak about any topic of concern. She thanked City Council for passing the resolution opposing LNG.

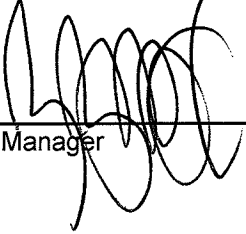
**ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:47 pm.

**ATTEST:**

  
\_\_\_\_\_  
Finance Director

**APPROVED:**

  
\_\_\_\_\_  
City Manager