

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

Councilors Present: Nemlowill, Jones, Price, Brownson, and Mayor LaMear.

Councilors Excused: None

Staff Present: City Manager Estes, Finance Director Brooks, Fire Chief Gascoigne, Police Chief Spalding, Public Works Director Harrington, City Engineer Moore, Library Director Pearson, 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 Brownson reported that he attended a lunch and celebration for Ranald MacDonald. In the 1840s, Mr. MacDonald attempted to find out if the Japanese and Native Americans had some relation. He was able to go to Japan, when it was closed to the west, and became the first English teacher there. The luncheon was attended by Japanese who had come to Astoria just for the celebration.

Item 3(c): Councilor Price reported that she had withdrawn from the mayor's race due to family issues. The decision was wrenching, but she believed it was a good decision and it was the right thing to do. She would complete her term on Council with the same vigor and advocacy, and expected to continue when she was no longer an elected official. She wished Councilor Jones the best on his campaign.

Item 3(d): Councilor Jones reported that the Astoria Downtown Historic District Association (ADHDA), Dulcye Taylor, Sara Lu Heath, and Jeff Miller of Red Dwarf posted Coast Guard banners all over the city. He thanked them and said it was a wonderful idea. Astoria has 500 Coast Guard employees and at least another 500 of their family members. He spent 30 years in the Coast Guard in many cities and towns around the country. He has two sons in the Coast Guard who are traveling around the country. It is nice to see a community express appreciation. People feel good about being in the Coast Guard in Astoria and seeing visible signs of appreciation like the banners is really special.

Item 3(e): Mayor LaMear reported that she was able to play the cymbals with the Columbia River Symphony and it went well. However, at the last rehearsal just before the performance, one of the cymbals fell apart and hit the floor. It stopped everyone in their tracks and she kept hoping that would not happen during the live performance. She attended the Ranald MacDonald event, which included about 20 people from Japan. The celebration is a much bigger deal to the Japanese than it is here, and the history is taught in Japanese schools. Mr. MacDonald was the son of a Chinook. He took a freighter to Japan and asked to be let off the freighter in a lifeboat before it arrived. There is a memorial to Mr. MacDonald at Fort Astoria and his story is very interesting.

CHANGES TO AGENDA

No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 7/16/18
- 5(b) Boards and Commission Minutes
 - (1) Library Board Meeting of 7/24/18
 - (2) Park Board Meeting of 7/25/18
- 5(c) State Hazmat Contract
- 5(d) Memorandum of Understanding (MOU) – Sunset Empire Amateur Radio Club
- 5(e) FY 2018-2019 Dispatch Service Agreements

5(f) Addendum to Uniontown Transportation Growth Management Intergovernmental Agreement (IGA)

City Council Action: Motion made by Councilor Price, seconded by Councilor Brownson, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

Item 6(a): Public Hearing on Supplemental Budget for Waterfront Bridges Project Fund #170 and Fund #410

ORS 294.473 provides guidance for a municipality to hold a public hearing on a supplemental budget to adjust for changes which could not reasonably be foreseen when preparing the original budget. The process requires advertisement of a supplemental budget not less than 5 days before a Council meeting. There will be a public hearing for consideration of the supplemental budgets being presented. Council may consider a resolution to adopt the supplemental budgets as advertised.

Council adopted Astoria Road District Fund # 170 and Promote Astoria Fund # 410 budgets at the June 6, 2018 meeting. The bids for the Waterfront Bridges Project came in higher than anticipated and the City will need to contribute additional amounts for the project to continue. Public Works engineering has separately provided updates regarding the project and continuing discussion with Oregon Department of Transportation and will provide further updates at the Council meeting.

Staff is presenting a resolution for supplemental budgets to transfer \$100,000 from contingency to Capital Outlay in Astoria Road District Fund # 170 and to transfer \$120,000 from contingency to Capital Outlay in Promote Astoria Fund # 410 in order to have funds available for the unanticipated expenses.

City Engineer Moore gave a brief update on the budget. This supplemental budget was two of three. The third supplemental budget would be presented to Council once Staff knew the final amount of their match on the additional funds from Oregon Department of Transportation (ODOT). The total amount was expected to be around \$440,000. This supplemental budget would provide half and the other half would come out of the Infrastructure Finance Authority (IFA) loan. The project was officially awarded to the low bidder, Legacy. Once ODOT receives a schedule from the contractor, they will let the City know when construction would begin.

Councilor Nemlowill asked if Staff would decide on interim fixes once they found out when work would begin. Engineer Moore confirmed the Staff had not authorized the change order that Council authorized the City Manager to execute. As soon as the schedule is received from the contractor, Staff could make that call. If the project begins this fall, the odd numbered streets and 6th Street would close on September 15th. If construction does not begin this fall, the interim repairs would be done.

Mayor LaMear opened the public hearing at 7:12 pm and asked if anyone wanted to comment on the supplemental budgets for the waterfront bridges project. Hearing none, she closed the public hearing at 7:13 pm.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Nemlowill, to adopt the resolution for supplemental budgets to transfer \$100,000 from Contingency to Capital Outlay in Astoria Road District Fund # 170 and to transfer \$120,000 from Contingency to Capital Outlay in Promote Astoria Fund # 410. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Item 6(b): Appeal 18-02 Consideration of Findings

More time is required to compile the findings for consideration of Appeal 18-02. It is anticipated they will be included in the September 4th Council packet.

City Manager Estes noted that the next regularly scheduled meeting fell on Labor Day, so the meeting had been rescheduled for Tuesday, September 4th. Appeal 18-02 is the appeal of the Astoria Co-Op Grocery project in Mill Pond.

Councilor Nemlowill said she would abstain from voting, as she was the marketing director for the Astoria Co-op.

City Council Action: Motion made by Councilor Jones, seconded by Councilor Price, to move Consideration of Findings on Appeal 18-02 to the September 4, 2018 City Council agenda. Motion carried 4 to 0 to 1. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None. Abstentions: Councilor Nemlowill.

Item 6(c): Memorandum of Agreement (MOA) with the Lower Columbia Preservation Society (LCPS) for the Care and Maintenance of Customs House Park

The Lower Columbia Preservation Society (LCPS) approached the City to inquire about the possibility of adopting the Customs House Park after it appeared on the list of properties Council was considering to divest of due to low use or low-perceived value, per the 2016 Parks Master Plan. LCPS was interested in helping to preserve the history of the site and provide assistance maintaining and improving the replica structure there.

LCPS will be responsible for all maintenance activities at the park, including mowing, trimming, edging, and removal of litter and noxious weeds. LCPS will work with the Parks Department and Clatsop Community College's Historic Preservation Program to apply appropriate maintenance and restoration techniques to ensure the site and replica retain their historic integrity and value.

The Memorandum of Agreement will last for five years and has been reviewed and approved as to form by the City Attorney.

It is recommended that City Council approve the maintenance and care proposal by the Lower Columbia Preservation Society and authorize the Mayor to sign the attached Memorandum of Agreement.

City Council Action: Motion made by Councilor Price, seconded by Councilor Brownson to approve the maintenance and care proposal by the Lower Columbia Preservation Society and authorize the Mayor to sign the Memorandum of Agreement. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Item 6(d): Authorization to Award Design Contract – 2018 Trolley Trestle Repair Project

The City of Astoria has approximately 4.7 miles of railroad track and 8 timber trestles formerly owned and operated by Burlington Northern Railroad from the Port of Astoria to Tongue Point. The Astoria Riverfront Trolley currently operates on approximately three miles of this track, and over four of the trestles. The Trolley provides passenger service from Portway Street to 39th Street.

Due to age efforts required to maintain the track and structures has been increasing rapidly. OBEC Consulting Engineers have been assisting the City with inspection, design and coordination for maintenance of the trestles and trolley infrastructure. This year, the scope of their services includes inspection and design for necessary maintenance work from 6th Street to the Mill Pond Trestle. OBEC will also provide design services for needed maintenance at the 6th Street and 14th Street Park Piers. This scope is consistent with the approach approved by City Council in 2016.

There is currently \$350,000 budgeted in the Promote Astoria Fund for inspection, design and maintenance for the track and trestles for FY18/19. Approximately \$250,000 is estimated for structure maintenance work.

Staff recommends executing a personal services contract for the 2018 Trolley Trestle Repair Project per Astoria Code Section 1.967C(3), Award from a Qualified Pool. The City Attorney has reviewed the contract and approved it as to form.

It is recommended that City Council authorize award of a personal services contract to OBEC Consulting Engineers in the amount of \$66,632.80 for inspection and design services for the 2018 Trolley Trestle Repair Project.

Councilor Price asked if Staff had discussed possible financing with the Trolley Association. City Manager Estes confirmed that as reported during the budget hearings, the Trolley Association stated they would provide a

percentage of revenues from trolley users, which would be about \$5,000 per year. He also confirmed that another contract for construction and maintenance would be presented to Council later.

Councilor Nemlowill believed this was a good use of Promote Astoria funds. It would be a lot of money, but it was necessary to keep the trolley operational.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Jonesto authorize award of a personal services contract to OBEC Consulting Engineers in the amount of \$66,632.80 for inspection and design services for the 2018 Trolley Trestle Repair Project. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

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

Dan Rhodes, 500 38th Street, Astoria, said he lived one house from the bottom of the Goonies House. He moved there a year and a half ago in February. He had been warned, but no one had been able to clearly explain what to expect. On Saturday, he came home from a long day of work to find a vacant car parked in front of his garage in his driveway. When the people came back to their car, they behaved like typical Goonies fans. They yelled at him, said they had a right to be there, and flipped him off before leaving. He had blocked them in for a little while because he wanted them to get a ticket. He called the police, who asked him to let the Goonies fans go, which he did. When the police arrived at his house, he discussed the situation with the officer. He owns the Hot Box Barbeque and Hong Kong Taco food carts, which are in the area. On Sunday, his third food cart for catering special events was parked in front of his house because he was cleaning it. Down the street, three cars pulled into the intersection and stopped. Residents began to pile up in both directions waiting for the cars to move. He began filming on his phone and after about a minute, two large men with tattoos on their faces got out of one of the cars. He immediately stopped filming and dialed 911 just in case. One of the men said, "Hey buddy, one of two things is about to happen. You're either going to give us that phone or we're going to beat your face in." Luckily, the police were only four minutes away. The men were still there, but they had moved their car and parked on the front yard of one of the residents on that street. The police talked to the men for about three minutes and allowed them to leave. The police then spoke to him and while the officer was speaking, the men stood behind the officer and were flipping him off and making violent gestures. After the men left, the officer told him where it was legal for people to park, walk, and take pictures. The men had taken pictures of his food truck and flooded his social media accounts with one-star reviews. The reviews state that heroine was purchased at his food truck, that people got sick, and that the food was the worst barbeque ever. His Google rating dropped from 4.8 to 2.4. He understood that the legal things the City could do were minimal. He had suggested to the first officer he spoke with that the laws be enforced. There are official City signs on the north end of Duane Street and at the end of the street that say, "no parking, no stopping, no standing." The officer had confirmed he had never given a ticket to someone parked in that area and said it would only make the driver mad. He told the officer he did not believe that was a bad thing. There are only four places on the internet that publish the address, Facebook, Google, Trip Advisor, and Yelp. Hundreds of people visit the house every day and 99 percent of those people found the address on one of the four sites, all of which clearly state the house is not open to the public. Half of the comments say do not go to the house because it is rude to the people who live there and half of the comments encourage people to do it anyway. If the City would just enforce the laws, maybe 10 percent of the people would write a review on those sites. He had just learned that the fine is only \$25. He understood that one area could not have a higher fine than the rest of the City, but there were clear reasons that a more severe penalty was needed in no parking areas. If a car stops next another car that is legally parked, no one can get in or out. If there was an emergency, police and fire would not be able to get by until that person came back down the hill from taking their picture in front of the Goonies House and moved their car. He did not want officers to stand there and wait for someone to commit a crime, but told the officer he was speaking to, "Look behind you. Someone is doing it right now." He asked the City to help the citizens who lived and worked in town. He asked that the fine be increased and the laws be enforced. Officers do not have to stay there all day long, just visit four times a day. In five minutes, the officers would find someone breaking the laws. He sees it every day. He had also seen two accidents this year so far. One was caused by someone who was illegally parked on Duane, blocking the view of traffic coming down the street. Two hundred people come every day, so the chances of accidents are very high. There are many families with kids on that street and they cannot walk outside. Scary people and people who drive like crazy go by all the time. His daughter almost watched him get beaten and have to go to the hospital in front of his own house yesterday.

City Manager Estes explained the City had a long history of trying to adjust the signage over the years to mitigate the issues. Staff could revisit this again.

Chief Spalding said he had a good conversation with Mr. Rhodes. Everything Mr. Rhodes said was accurate and the issues crept up with summer coming on. There are many reasons for the minimal enforcement, but he assured Mr. Rhodes that he would personally get up to speed on the issue. There is a lot of history that predates his service and he needed to fully understand the issues in order to help find solutions. He would look at the fines, parking, and signage, and talk to neighbors to get some ideas about what might work. The City's internal parking enforcement strategy has not been a high priority. But the additional staffing the department is getting will provide more resources that will allow officers to spend more time in the neighborhood. He hoped to work with Mr. Rhodes, the other neighbors, the Public Works, and Engineering Departments to look at new creative options that would make an impact in the area.

Mr. Rhodes thanked the Chamber of Commerce for explaining the history of this problem on their website. Just getting rid of the cars would solve 95 percent of the problems the residents face. The cars could park near the school or where the fishermen park was and walk up. Also, increasing the fine and enforcing the law could do wonders.

Mayor LaMear said she was sorry to hear about what Mr. Rhodes had gone through.

Director Harrington added that the traffic was extensive during the 30th anniversary of the movie. Staff, police, and the Chamber had multiple neighborhood meetings, where they had come up with the signage and other strategies. So many ideas were discussed in the past, but Staff would be more than happy to entertain any new ideas.

Mayor LaMear suggested the City offer parking permits.

City Manager Estes said Chief Spalding would need to consider enforcement.

Mayor LaMear said this had been a huge issue for as long as she had lived in Astoria and the City needed to do something for the people who lived in that neighborhood.

Mr. Rhodes said it was not just a matter of taking up available parking. The illegal parking endangered the people who lived there because emergency vehicles could not access the dead-end street. He did not want any of the signs or the laws changed. He just wanted the existing laws to be enforced. A \$25 fine is better than nothing.

Director Harrington said the problem had gotten so much better than it had been. The Chamber did a great job discouraging people from going to the neighborhood. However, social media was difficult to deal with. His department would do whatever they could to help the Police Department with the parking issues.

Chief Spalding offered to assist Mr. Rhodes with the online reviews of his food trucks.

Councilor Nemlowill said parking enforcement had to take a back seat because the City had a limited number of officers on the streets. But livability in this neighborhood had been compromised by some nasty tourists. She wanted to know what kind of enforcement could be done now. Chief Spalding said the two newest officers just completed training, which gave the department some increased capacity. There is one more new officer still in the academy, so the department is almost full. He believed he could put some resources on this issue and that some of the parking could be enforced.

Councilor Brownson asked if the parking fine could be raised just in that neighborhood. City Attorney Henningsgaard confirmed that could be done through a Code change.

Mayor LaMear said parking permits would make that area different from other parts of town, which might make it easier to raise fines. Chief Spalding confirmed he had spoken to City Attorney Henningsgaard about those options and others.

Mr. Rhodes believed that if the signs said fines were \$100, the City would not have to divert police to that neighborhood for very long.

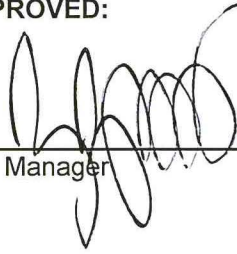
ADJOURNMENT

There being no further business, the meeting was adjourned at 7:39 pm to convene the Astoria Development Commission meeting.

ATTEST:

Finance Director

APPROVED:



City Manager