

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:05 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 1(a): Councilor Nemlowill had no report.

Item 1(b): Councilor Herzig reported the Lower Columbia Diversity Project (LCDP) held a presentation on community policing on Thursday, October 15. Police chiefs from Astoria, Seaside, Warrenton, and Cannon Beach attended the event, which included a great community conversation. The next LCDP presentation will be on Sunday, October 25 at 1:00 pm at the Boynton Building. Tony Johnson, Tribal Chairman of the Chinook Nation will give a presentation on the Nation's petition to the federal government to reaffirm its recognition of the Tribe. The LCDP was contacted by the Tongue Point Job Corps requesting diversity training for Tongue Point staff. The training will be conducted later in October. His next meet the public event was scheduled for Saturday, October 24 at 12:30 pm in the Flag Room at the Astoria Library. He hosts these events every month and they are open to the public. He believed Staff needed more comfortable chairs to sit in during Council meetings and asked that Council direct the City Manager to look into purchasing comfortable chairs for Staff.

Item 1(c): Councilor Price reported that she attended a small concert at 46 North Farm in Olney with Luke Ydstie, members of Blind Pilot, and an Australian singer/songwriter. The sound was excellent and the sound engineer at the concert works for KMUN and other organizations. This event was a clear and shining example of a new economy that is a mix of music, art of all types, food webs, and a resurgence of agriculture. This parallels Astoria's traditional businesses and heritage of logging and fishing. She also went on a forestry tour through two active logging operations on October 8. She learned that the logging industry still offers well-paying jobs, but young people are not interested in taking those jobs. She also learned that Hampton Saw Mill in Warrenton only runs at between 65 and 75 percent capacity because they are unable to obtain enough raw materials to run the mill at full capacity. The mill believes this is because logging in Clatsop State Forest is restricted to about 60 percent of annual harvest. Private lands can be harvested differently, where the mill can take about 100 percent of the annual growth of a forest. She wanted people to know that there is a lot of pressure in the local community and other communities around the state that heavily depend on logging. Many businesses and legislatures advocate for larger harvests. There are two very different economies running side by side, both of which are quite vibrant in Astoria.

Item 1(d): Councilor Warr had nothing to report.

Item 1(e): Mayor LaMear recognized Astoria Port Commissioner Steve Fulton and all City Board and Commission members. She reported that she also attended the forestry tour. She looks forward to the tour every year, which visits a variety of forests owned by various entities. It is fun to hear different perspectives about the timber industry. She also participated in the Great Oregon Shake Out at City Hall, which revealed some glitches that are now being addressed. A group of people was left sitting in Council Chambers because Staff believed the loud speaker could be heard from inside the room. Everyone else was out in the parking lot when Staff realized a group of people was still in the meeting room. This is why drills are necessary. She and 30 other mayors from other coastal cities in the United States will attend the Rising Tides 2015 Conference on October 21 – 25 in New Hampshire to discuss rising sea levels. Pat Corcoran with the Oregon State University Extension office has told her that the subduction zone that begins at Mendocino, CA and extends north is not experiencing rising sea

levels because the land is rising at the same rate as the sea. However, when a large earthquake occurs, the sea level will rise all at once and create a tsunami. While the conference will focus on rising sea levels, ocean acidification is also harming shellfish and the seafood industry. She is looking forward to hearing the different perspectives from around the United States. She announced that she has appointed Jim Holen and Ken Hageman to the Parks and Recreation Master Plan Committee. She wanted to appoint someone involved with youth in the community and Mr. Hageman is President of the Little League. Astoria has many different committees because the City is working on a lot of different issues.

PRESENTATIONS

Item 2(a): Rich Mays, Clatsop County Interim Manager

Interim Clatsop County Manager Rich Mays introduced himself and noted his past experience as a city manager in several cities. Upon retiring, he and his wife moved to the area. A few months ago, he was approached by several members of the County Board about serving as interim manager because he is familiar with the area. He accepted the position and has been on the job for three weeks. His most important task is to hire a county manager. The County Board will hold a work session on the vacant county manager position on Wednesday, October 21 at the Boynton Building. The County has hired a consultant to assist in recruiting a new county manager through a nationwide search. The County will also host a senior officials' work shop on tsunami and earthquake preparedness. The work shop is intended to share strategies, coordinate plans for emergency preparedness and response, and to discuss executive level issues with leaders from the agencies involved in all levels of the emergency management structure, which includes all elected officials and Staff. He handed out a flyer about the event to City Council and Staff. When he worked for Cannon Beach, he enjoyed the relationship with Astoria and he looked forward to spending some time over the next several months working with City Manager Estes and City Council. He confirmed the public was welcome to attend the work session on hiring a new county manager.

Item 2(b): Bear Creek Dam Seismic Study Status Report

Cornforth Consultants has completed a preliminary seismic stability evaluation of the Bear Creek Dam and will be presenting an overview of their results at the Council meeting. They will also be available to answer any questions regarding the study and the scope of their services for additional geotechnical investigation work needed to complete their analysis.

Engineer Harrington explained that Staff has been studying the seismic vulnerabilities of the Bear Creek Dam for a couple of years. The last study, done in 1993, indicated the dam needed some repair work, which was so cost prohibitive at the time that the work was not completed. The dam is located about 12 miles southeast of Astoria, just outside of Swenson, at the very base of the watershed. The results of the analysis were very good for one side of the dam, but it is very important to learn more about the questionable side of the dam to assess the overall structural strength of the entire structure. The dam has been classified as high hazard dam by the State of Oregon Water Resource Department. This means that failure of the dam will result in property damage and potential loss of life downstream. The State is so interested in making sure the necessary repair work is completed that they have offered a grant to pay for half of the costs. The results of this study will provide valuable information that can be used for other projects around the state.

Councilor Nemlowill asked what kinds of property and which people could be affected if the dam fails. Engineer Harrington said about 130 to 170 homes are located downstream of the dam within the inundation zone. The study completed in 1993 assumed the dam would break in half, flooding Bear Creek with about 200 million gallons of water. It is not likely the dam will fail in this way. If it fails, the dam could move, leak, or crack, spilling water from several places. This study will confirm the most likely scenario. If the study leads to an unacceptable inundation zone, Staff will consider ways to mitigate and prevent failure. The main objective is to prevent any downstream damage. The Cascadia subduction zone is a phenomenon that is still being studied; it was only a theory when the 1993 study was being done. Since then, earthquakes have provided valuable information and there are new modeling techniques that get much closer to the truth. The dam was built by Astoria Water Works in 1912, and raised for more capacity in 1953. Astoria Water Works was a private company that sold water to the citizens of Astoria. The City purchased the dam in the 1930s. Astoria also owns the watershed, which allows the City to control harvest practices and spraying.

Councilor Price understood the desire and need to mitigate for damage and the inundation of 129 properties and 69 homes. She asked if the study was required and if so, by whom. She also wanted to know the consequences of not completing the study and what kind of event the dam is expected to survive. Engineer Harrington explained that Astoria is under the State's jurisdiction and the State requires the City to regulate its dams. Astoria has two earthen dams and one concrete dam, which is the Bear Creek Dam. The State inspects the dams annually and gives the City a list of required repairs. If the repairs are not made, fines are assessed. Astoria has a cooperative relationship with the State, which is offering to help the City complete the project. No restrictive timeframes have been imposed by the State. The State has a strong desire to move this project forward and losing momentum at this time would not be helpful. Grant funds paid for a portion of the first phase, and a grant has been offered for the next phase. To date, the State has paid for about 40 percent of the project. Assumptions have been made about how the dam will react, but there is no way to know how the dam will perform until an event occurs. However, the assumptions get as close as possible to what could happen. Staff anticipates the next phase of the study will indicate that dam failure is unlikely or will be minimal.

Gerry Heslin, Cornforth Consultants, gave a PowerPoint presentation on the technical analysis of Bear Creek Dam. He reviewed the project objectives, described the geologic model created for the study, explained analysis methods, results and conclusions, and recommended next steps. The model used in the last study did not support abutments and therefore indicated the dam should have failed decades ago. The new model included support abutments and considered information contained in Astoria's City Engineer Field Notes from 1912. This model is designed to calculate the sliding stability of the dam and estimate how much the dam will move during an earthquake. He gave a detailed description of how the dam was built, based on information contained in the Field Notes. This information was used to create the new geologic model. One-third of the dam was built on good basalt rock, the middle is on weak sandstone, and the right abutment is on an unknown substrate. The study will concentrate on right abutment. Once the model analyzes the stability of sections of the dam, the data will be used to determine the stability of the entire structure. He explained the technical details about how the model will calculate stability and described the complex geology of the area, noting that the dam is located in the best spot within 50 miles. However, the dam is wedged in between basalt rock and floats in a sea of much weaker marine sediments. This geology changes drastically and quickly. The model will develop a composite factor of safety for the entire structure under static and seismic conditions. So far, he believes that during a seismic event, the left abutment would not likely move, but estimates the right abutment would move between 8 and 20 inches. However, this is based on very limited information about the subsurface conditions, which could make a big impact on the results. He recommended four more borings be drilled from the crest of the dam on the right abutment to find out the makeup and strength of the substrate. This information will allow him to reanalyze the stability of the dam and design any necessary repairs.

Councilor Warr asked if the right abutment would crack or slide forward during a seismic event. Mr. Heslin said he did not know, but the dam safety engineers would require further analysis because the problem is not fully understood.

Councilor Price said this project has already cost close to \$400,000. She asked if it was possible to mitigate a dam of this age and structure against a 9.0 Cascadia event and if so, what would it cost. She also wanted to know the size and depth of the borings and whether the borings would weaken the structure even more. Mr. Heslin stated the borings would not weaken the dam. The hole will be three inches in diameter and 150 feet deep. He believed the dam could be mitigated against a Cascadia subduction zone earthquake, but was unsure of the costs because the problem is not fully understood. If stability of the dam is inadequate, it is likely a substantial structure would need to be built downstream to provide additional buttressing, which would be expensive.

Councilor Herzig understood that Senator Bonamici has requested pre-disaster funding from Federal Emergency Management Agency (FEMA). He believed funding like this could help Astoria mitigate against events before lives are lost. He also noted the Consent Calendar included an item that would move \$20,000 from the Phase 3 budgeted amount back to Phase 2 to complete this study. He confirmed this would be discussed. He hoped Phase 2 would reveal that Phase 3 is unnecessary. Engineer Harrington explained that Phase 2 was the seismic stability analysis, which Staff hoped would answer all of the questions about the dam. Phase 3 is a peak maximum flow study, which is the last thing required by the State. The flow study will analyze what a flood event could do to the dam. Astoria has never experienced overtopping, but the dam did handle smaller events well. Overtopping can scour out the abutment materials and cause the dam to fail, which will be studied in Phase 3. Phase 3 can be postponed, allowing funds to be spent on completing Phase 2. He added that other strategies

might provide mitigation, like a lower dam elevation level. However, Astoria's current summertime storage issues make this option impossible. The State might be willing to discuss keeping the level low for eight or nine months of the year to minimize risks. Higher levels when soils are drier might result in a better outcome during a Cascadia event. Staff hopes resiliency funding could be used on projects like this one.

Councilor Herzig understood Phase 3 was not mitigation; it was to study a separate issue. Engineer Harrington explained the phases had been renamed for budgeting purposes.

Mayor LaMear invited the public to speak about the Bear Creek Dam.

Chris Farrar, 3023 Harrison Avenue, Astoria, liked the idea of lowering the water level behind the dam. He asked if historical information about the dam included the details of raising it and whether raising the dam's height is part of the problem. The top is very weak because it is not tied in well to the rest of the dam. The dam could completely collapse because of the way the top is held into the formation on either side. However, the lower portion of the dam seems to be completely embedded into the basalt. He believed surface geophysical methods could be used to define the amount of basalt and sandstone on the right embankment.

Mr. Heslin said the raised portion of the dam is structurally sound at its connection with the original dam. The structural engineer conducted a modal analysis of the concrete and confirmed the dam would behave as a monolith. Geophysical methods in areas where the ground and rock are sloped steeply will give very poor results. In order to determine the strength of the material, samples must be collected and sent to a lab. He did not believe geophysical methods were good options for this site. Money would be best spent on drilling for samples of rock underneath the dam.

Carin Temple, 1032 Grand Avenue, Astoria, said she lived in the Bear Creek Valley for 25 years and has a historic perspective of this situation. It is incredible that several decades after the first study the dam has not been improved. The dam was in the foreground of public discussion at that time. She was surprised that the presentation did not include a portrait of the dam, just an aerial view. Anyone who has been to the dam and has seen the crack in the middle probably would not be able to sleep at night. She carried a very high flood insurance policy when she lived in the valley. City Staff came to her house to show her what would happen to her property and animals during various types of earthquakes. This information made her decision to move easier. She wanted Council to know what residents went through this several decades ago and said it is high time something was done about the dam.

Engineer Harrington said Ms. Temple made a good point. Her comments could be made about Astoria's entire infrastructure. Recently, Astoria has been blessed with funding for bridges and progress is being made. However, this dam is an overwhelming problem. The bridges and the dam make the bulk of Astoria's big structures and all but one bridge has been funded, so, repairing the bridge would be a significant milestone for Astoria.

Item 2(c): Parks Master Plan Update

In May of 2015, Astoria City Council adopted "develop a city parks master plan" as a goal for the 2015-16 fiscal year budget. The Parks and Recreation Department has begun preparing a Comprehensive Master Plan, with the assistance of RARE AmeriCorps participant Ian Sisson. This plan will establish short and long-term priorities for the maintenance, improvement, and future development of the Parks and Recreation Department's parks, facilities, and program offerings. The planning process will involve a comprehensive inventory and assessment of existing assets and recreation opportunities, a level of service analysis based on state and regional benchmarks, a set of prioritized recommendations, and a strategy for implementation.

A critical aspect to the success of this project is the engagement of the community in the process, in a way that is equitable and inclusive of the needs and interests of all Parks and Recreation user groups. As part of this effort, Mayor LaMear has appointed a Citizen Advisory Committee to oversee the planning process. This group will hold its first meeting the week of October 19, 2015. On Tuesday, November 10, 2015 from 6:00 - 8:00 p.m., the first in a series of public workshops will be hosted by the Parks and Recreation Department, in the Lovell Showroom at Fort George Brewery. This event will allow the department to engage the community at large, provide further information on the planning process and goals, collect information related to the community's use

of and priorities for Parks and Recreation's offerings, and begin the process of creating a shared community vision and set of priorities for the future of Astoria's Parks and Recreation Department.

Director Cosby said in order to achieve City Council's goal of developing a Parks Master Plan, \$35,000 was allocated to completing the plan this fiscal year. Astoria contracted with Resource Assistance for Rural Environments (RARE) and hired Ian Sisson just over a month ago. Throughout the process of developing the plan, Staff will continue to update City Council on the progress.

Ian Sisson, RARE AmeriCorps Program, stated the last Parks Master Plan was created in 1978. The Parks Department has indicated it is inefficient for them to move forward without a set of priorities. This planning process will allow the City to revisit the community's priorities. He explained that the RARE program is an AmeriCorps program administered by the University of Oregon as part of their Planning and Public Policy Graduate School. The program's mission is to increase the capacity of small communities. He would work in Astoria for 11 months preparing the plan. Director Cronin is an alumnus of the RARE program, and the Astoria Downtown Historic District Association (ADHDA) and Clatsop County have utilized the services of RARE participants. The basic framework of the Parks Master Plan is to evaluate what facilities, parks, trails, and programs Astoria currently has, identify Astoria's needs, and create a strategy to implement Astoria's priorities. The number one objective is to have substantial citizen involvement because it is the most important part of the planning process. The plan will include an inventory, an existing conditions assessment, and a set of recommendations with priorities and costs. The project scope will include a background, community engagement process, the inventory, recommendations and costs, and an implementation strategy. He displayed an outline of the document on the screen and explained this outline would be used to organize the plan. This fall, a community survey will be conducted at several workshops and online. The inventory has already begun, and during the winter, a level of service analysis will be done to compare Astoria's services to regional and national benchmarks. After the analysis is complete, a needs assessment and recommendations will be developed. The community will be surveyed on initial recommendations in the spring, so the recommendations can be refined before submitting the plan to City Council for adoption. Flyers of the first community input session were distributed at the dais and made available to the audience. The first session has been scheduled for Saturday, November 7 at the Lovell Showroom at Fort George, where Staff will begin the visioning process and collect information about how parks are used. The second session, scheduled for Tuesday, November 10, would have the same agenda and activities. The Mayor has appointed a Citizen Advisory Committee, which will meet for the first time on Thursday, October 29 at 8:00 am at the Astoria Recreation Center. The committee will meet monthly throughout the process and all meetings will be open to the public.

Councilor Herzig said the master plan would make the City eligible for more grants, adding it is smart to develop the plan within the 11 months that Mr. Sisson would be working with the City. He suggested community participation be tracked throughout the process so the City can calculate the effectiveness of its community outreach. He wanted to know what percentage of the population was participating.

Mayor LaMear thanked Mr. Sisson and said the City has been looking forward to this project, and is excited to see what comes out of the study.

CHANGES TO AGENDA

There were no changes.

Mayor LaMear announced the agenda included new statements intended to clarify that the public is welcome to respond to any item on the agenda after Council has deliberated. Instead of asking for public comments after each item, she requested audience members raise their hand to show they would like to speak. This was procedure was suggested by Shel Cantor.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 4(a) City Council Special Meeting Minutes of 9/14/15
- 4(b) City Council Minutes of 9/21/15
- 4(c) Boards and Commission Minutes
 - (1) Planning Commission Work Session of 9/1/15

(2) Planning Commission Meeting of 9/16/15

4(d) Bear Creek Dam Seismic Study Contract Amendment and Oregon Water Resources Department Grant Acceptance (Public Works)

4(e) Authorization to Award 11th Street and Franklin Avenue Storm Drain Project (Public Works)

4(f) Contract Amendment for Senior Center Renovation (Public Works)

4(g) Employee Wellness Policy (Finance)

Councilor Herzig requested Item 4(d) be removed for further discussion.

City Council Action: Motion made by Councilor Price, seconded by Councilor Nemlowill, to approve Items 4(a), (b), (c), (e), (f), and (g) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 4(d): Bear Creek Dam Seismic Study Contract Amendment and Oregon Water Resources Department Grant Acceptance (Public Works)

Councilor Herzig said this item is not a budget amendment, but \$20,000 of Phase 3 funds would be dedicated to Phase 2 to study the geologic surround of the dam for seismic purposes. Engineer Harrington added that from the same fund, unused money from another project will fund the rest of Astoria's portion of the costs, with the Oregon Water Resources grant funding the other half of the costs.

Mayor LaMear understood the Spur 14 pipeline project was the project that would be postponed. Engineer Harrington explained the Spur 14 pipeline was for a supplemental water source that would help Astoria's water quality management. The project is not being postponed. However, Staff had anticipated the project would be further ahead. The project is still in the design phase and will not go out for bids until the next fiscal year. City Manager Estes reminded that a contract amendment for the engineering services on this project was approved at City Council's October 5th meeting. Because the design process needs more time, the funds have become available for use this fiscal year. The Spur 14 project will be included in the next fiscal year's budget.

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

REGULAR AGENDA ITEMS

Item 5(a): Liquor License Application from Jeremy Todd Emmons, doing business as The Paradoxx Bistro & Market, Located at 1820 SE Front Street, for a New Outlet for a Full On Premises Sales License (Finance)

A liquor license application has been filed by Jeremy Todd Emmons doing business as The Paradoxx Bistro & Market, located at 1820 SE Front Street, Astoria. The application is for a New Outlet for a Full On-Premises Sales License. The appropriate departments have reviewed the application and it is recommended that Council consider approval.

Councilor Nemlowill declared a potential conflict of interest as an owner of a business that sells alcohol and beer, Fort George Brewery, but she did not believe this was a direct conflict.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price, to approve a liquor license application by Jeremy Todd Emmons, doing business as The Paradoxx Bistro & Market. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 5(b): Consider Property Sale – 2nd Street (Public Works)

A request to purchase a City-owned lot on 2nd Street has been received from Diana Kirk, Tidal Properties, LLC. Ms. Kirk recently purchased property located at 258 2nd Avenue and would like to purchase the 4,000 square foot City lot adjacent to her property. The minimum size for a buildable lot is 5,000 square feet. Because this is a substandard lot, it can only be sold to an adjoining property owner who would be required to incorporate this property into their existing tax lot. An appraisal report has been prepared by Appraiser Steven Weed. He

estimates the property to have a real land value of \$14,000. Ms. Kirk has indicated a willingness to buy the property at this value and to pay the additional appraisal cost of \$200, which is above the City's appraisal fee. If Council is willing to consider the private sale, a public hearing will be scheduled for November 2, 2015. It is recommended that the City Council determine whether the private sale of a 4,000 square foot lot to Ms. Diana Kirk, Tidal Properties, LLC, should be considered, and if appropriate, schedule a Public Hearing on November 2, 2015 to address the proposed sale.

Councilor Price said City Council recently discussed the housing problems in Astoria. One of the most common ways to address a housing shortage is to allow development on smaller than standard lot sizes. The standard lot size in Astoria is 50 feet by 100 feet and this lot is 50 feet by 80 feet. The lot is on a steep slope, but is not in a slide zone, and it provides a 180 degree view of the Columbia River. According to the appraisal, there are no encroachments or easements on the property, which is located in the R-3 zone. She believed the lot could be beautifully developed into a single or multi-family dwelling. She believed the City must begin to allow infill on substandard lots in order to address the housing problem. For the price of \$14,000, she wanted to know what Jim Tierney of the Community Action Team could do with the lot. Mr. Tierney had stated lots like this one as low hanging fruit that the City could control and use to add to the housing inventory. She explained the lot is ideally situated within easy walking distance of downtown, adding it and others like it are valuable to the City's finances if marketed at development prices. She believed the City should not consider any offer on substandard lots unless the offer is accompanied by a development proposal or until a decision has been as to how to address the housing problem.

Councilor Herzig appreciated Councilor Price's comments, but believed her comments should be part of the public hearing. Councilor Price said she would be happy to repeat her comments later.

Councilor Nemlowill stated Ms. Kirk had contacted her about access issues to her property. The street is an unimproved City street where residents of the nearby apartment complex park, blocking access to Ms. Kirk's property. Access should be discussed at the public hearing.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill, to schedule a Public Hearing on November 2, 2015 to address the proposed sale of a City-owned lot on 2nd Street to Diana Kirk. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill and Mayor LaMear; Nays: None.

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

Fred White, 2011 Irving Avenue, Astoria, said he had spoken before at City Council and Planning Commission meetings about the three second walk signals on Commercial and Marine Drive, which meant people like himself, in his 70s, had no time to even think about walking across the intersection. A pedestrian is not able to get half way across the street, walking at a good pace, in three seconds. He understood Oregon Department of Transportation (ODOT) owned the signals, but the citizens own the city. He encouraged City Council to pressure ODOT to do something about this situation. Years ago, ODOT promised to improve the downtown signals, but all they did was give pedestrians three seconds. He believed that with computers, the time could be corrected without changing traffic flows, which is ODOT's biggest priority. The Irving Avenue Bridge will be completed in two weeks or less and he was concerned about pedestrian, skateboard, and bicycle safety. Many people are eager to use the bridge when it reopens. The new bridge looks like a highway and he has been concerned about speeding on Irving the entire time he has lived in Astoria. He asked that the Police Department have some presence on Irving when the bridge is first reopened, so people know the speed is only 25 miles per hour. Having a police presence was particularly important when the high school let out, around 1:00 pm or 1:30 pm, and the 16 year olds with new licenses try out Irving Avenue. The low speed and high demand to use the bridge will affect a woman named Roberta, who lives near Harrison Circle and frequents Safeway. She rides her electric wheelchair to Safeway about two or three times each day. About a year ago, she was hit by a car at 33rd and Marine Drive and was badly injured. Now, she has flags on her wheelchair. She must travel along the street because the sidewalks are in such bad condition. However, even if the sidewalks were in good condition, people would continue to park on the sidewalks on either side of 33rd Street. She will need help when the traffic increases on 33rd when the bridge opens in two weeks. He walks everywhere and is aware of how bad the sidewalks are in Astoria's neighborhoods. Connecting sidewalks to the east and west of the bridge, which is not part of the project, are almost impossible to navigate. The new five foot sidewalks on either side of the bridge will meet sidewalks that do not exist for the most part. On the south side of Irving Avenue at the west end of the bridge, the sidewalk is covered with mud and is impossible to walk on in the winter time. This forces pedestrians

to walk in the street. Sidewalks on the north side of Irving Avenue on this side of the bridge are so broken up that a wheelchair would have a difficult time. There is no sidewalk on the east end of the bridge on the north side. On the south side, the sidewalk between the bridge project and 20th Street has been broken up by multiple water main breaks. When the water mains broke under the sidewalk, the concrete was dug up and poorly re-paved. The sidewalk was recently ripped out to accommodate the bridge project and the City's contractors told him there was no money to fix it. He invited all City officials to the grand opening of the bridge. He also asked City officials to park on 16th Street and walk to the bridge so they can see what the residents have to contend with. Astoria needs to start dealing with sidewalks because the entire city is in bad shape. He understood homeowners were responsible for the sidewalks in front of their properties, but the City has been negligent at enforcing the sidewalk codes. This is the 25th year of the Americans with Disabilities Act and it is time the City starts getting serious about it. He believed enforcing the codes city-wide might make last year's City property sales look like a cake walk, but the City has to start somewhere. He suggested a sidewalk inspection be required when a property is sold, sidewalk repairs be required for building permits over several thousand dollars, or that the City begin educating homeowners about their sidewalk responsibilities. He would like the ability to walk around Astoria until he is in his 80s.

Mayor LaMear confirmed Mr. White believed there was not enough time to walk across Marine and Commercial. Director Cook noted there was an additional eight seconds before the traffic light actually changed, but agreed the pedestrian light design was very confusing. Mr. White understood that the traffic light did not change for 13 seconds, but ODOT should be able to change the pedestrian light without changing the traffic signal.

Mayor LaMear said the City was aware of the sidewalk issues and she appreciated Mr. White's suggestions for handling the problems. Recommended solutions are always welcome. She asked who was responsible for the sidewalks at the ends of Irving Avenue Bridge where there are no homes.

Mr. White understood that the process for getting a sidewalk repaired was for homeowners to complain about their neighbors. Sidewalks are not touched until a complaint has been filed.

Director Cook said that in 10 or 15 years, some development project would bring sidewalks to the bridge. The bridge is being built with sidewalks now to avoid retrofitting in the future.

City Manager Estes believed staff could make some recommendations to City Council and update Mr. White on the discussion. There are some comprehensive Code enforcement policy issues and significant budget issues to consider.

Director Cook noted that when a water line causes a sidewalk to fail, the Public Works Department is committed to reinstalling the sidewalk in as good or better condition.

Councilor Herzig suggested using Promote Astoria Funds as an incentive for property owners in the downtown area to fix their sidewalks. Having a walkable downtown is critical to Astoria's tourist economy, so this might be an appropriate use of those funds.

George McCartin, 490 Franklin Avenue, Astoria, said he walks every day with his dog. The temperature is dropping every day and eventually, the weather will be even more of a burden for those who sleep in the streets. Astoria is lucky to have the warming shelter, which was extremely well received last year. He was sure the shelter would be just as well received this year as long as there are enough funds to finance it. He understood some funds were withdrawn from a group that refused to comply with the funding eligibility requirements. He also understood the City was concerned about constitutional problems that could occur if the present location of the warming shelter is financed. The shelter is currently located in the basement of the Methodist Church. The church is providing the space for the shelter without demanding any money, but he did not believe the church would agree to finance the additional utilities. He believed City Council could come up with a few thousand dollars to help the warming shelter. The *Lemon v. Kurtzman* case of 1971 and many other U.S. Supreme Court cases since then have established that the City is free to provide funds for secular purposes even though it is connected with a church. In order to provide funds legally, the purpose must be secular, the primary effect of the action must not advance or inhibit religion, and the action must not foster excessive government entanglement with religion. He believed Astoria would easily meet those objectives without any constitutional impairment or claims that the City gave money to a church. If this does not persuade the City to provide the warming center with funding, he hoped the community would help. The community has already generously given thousands of

dollars to the monument across the street, the Armory, and the Column restoration. People with excess money could come up with a few thousand dollars here and there to finance the warming center's needs. Believe it or not, homeless people matter.

Steve Fulton, 1050 34th Street, Astoria, said he heard the Irving Avenue Bridge would be opening. With the bridge closed, he must access his house by going past Safeway and turning at 35th and Irving Avenue. After dinner one evening, three people were walking their dogs in this area. Irving Avenue is a major east-west arterial for Astoria and currently, there are only two ways to get to that end of town. Getting to that side of town was a major issue with the heavy traffic this summer. He hoped this would resolve itself when the bridge opens back up, but there will be quite a bit more traffic on Irving Avenue. He wanted to see a comprehensive plan to make the area safer for pedestrians and vehicles. The area needs sidewalks, but he did not like the idea of assessing the land owners because some of the houses were built when Irving Avenue had planked streets. He asked the City Council to consider a different designation from a transportation standpoint. He believed Connect grants could help address this issue. He understood sidewalks were expensive because of curbs and catch basins, but this is an issue the City should consider to make the area more liveable. The lighting in the area is also terrible. Astoria's standard is one street light for each block. However, the standard should be doubled because of the situation on Irving Avenue because it might improve pedestrian safety in the area. He is the only Port of Astoria Commissioner that lives in Astoria. The Port has had some issues with zoning and code applications associated with the Bridge Vista Area of the Riverfront Vision Plan. The agenda for the next Port Commission meeting includes discussion of a vacant property on the river side of The Dunes Motel that shares a tax lot with part of Memorial Park. The Port has received a proposal to lease the property for a hotel. He wanted to let Council know this issue would be coming up at their meeting on October 20 at 6:00 pm at the Gateway Building.

Jeremy Todd Emmons of The Paradoxx Bistro and Market thanked City Council for approving his request for a liquor license.


Councilor Herzig said it was nice to get one more business on the south slope.

Mr. Emmons explained that his business is located at the former Tide Point property at 1820 SE Front Street, about one mile past Fultano's Pizza. The bistro is open between 11:30 am and 8:00 pm Wednesday through Saturday and Sunday brunch is served from 10:00 am to 2:00 pm. However, he was planning to extend the hours and menu options.

ADJOURNMENT

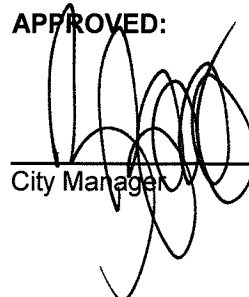
There being no further business, the meeting was adjourned at 8:42 pm to convene the Astoria Development Commission meeting.

ATTEST:



Finance Director

APPROVED:



City Manager