

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

Councilors Present: LaMear, Herzig, Warr, Mellin, Mayor Van Dusen

Staff Present: City Manager Benoit, Fire Chief Ames, Community Development Director Estes, Police Chief Curzon, Library Director Tucker, Public Works Director Cook, Parks and Recreation Director Cosby, City Attorney Henningsgaard, and Finance Director Carlson. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

Chief Curzon reported on a trial that recently concluded. The defendant was found guilty on all but three minor charges. He thanked District Attorney Joshua Marquis and Assistant District Attorney Ron Brown for their work on the case.

Mayor Van Dusen stated that he represented City Council at the trial and was pleased with the outcome. The defendant had attempted to hire someone to kill Astoria police officers and attack Assistant District Attorney Ron Brown. He was well armed and led law enforcement on a high-speed chase. He commended the District Attorney's office for doing an excellent job.

Mayor Van Dusen announced that Linda Webb recently passed away. Her husband, Don Webb, attends City Council meetings regularly. Her memorial will be held on Saturday, May 25, 2013 at 2:00 p.m. at the Peace Lutheran Church and donations could be made in her name to Loaves and Fishes. Mayor Van Dusen added that Mrs. Webb was a great person and everyone was lucky to have known her. He called for a moment of silence in honor of Mrs. Webb.

REPORTS OF COUNCILORS:

Item 3(a): Councilor Warr No report.

Item 3(b): Councilor Mellin reported that she attended the 25th Anniversary of the Friends of MacDonald on Saturday, May 18, 2013. Ranald MacDonald was a Chinook Indian who was born at Fort Astoria and became the first English teacher in Japan. Consul General Hiroshi Furusawa attended the luncheon. The *Daily Astorian* published an editorial on the event. She has been working with the Oregon Historical Society, Clatsop County Historical Society, Columbia Memorial Maritime Museum, and City Council on the centennial celebration of the Ghadar Party.

Mayor Van Dusen explained that the Ghadar Party, a political party founded in Astoria 100 years ago, was responsible for India's freedom from British occupation. He was able to obtain stamps issued in January 2013 in India commemorating the Ghadar Party. The documents associated with the stamps state that the party was founded in Astoria, Oregon. The stamps and documents will be framed and displayed in City Hall. The celebration event will be held in October 2013.

Item 3(c): Councilor Herzig reported that the Lower Columbia Diversity Project held a presentation on homelessness in Clatsop County. Attendees included Councilor LaMear, County Commissioner Debra Brigby, and Seaside Chief of Police Bob Gross. Homelessness is a growing problem in Clatsop County. The majority of homeless people are Clatsop County residents who have lost their homes. He also attended a suicide prevention workshop in Warrenton hosted by the North Coast Prevention Works. The workshop taught a technique referred to as Question, Persuade, and Refer (QPR). Do not be afraid to ask someone if he or she is thinking about suicide. Intervening can save a live.

Item 3(d): Councilor LaMear No reports.

Item 3(e): Mayor Van Dusen reported that before the next City Council meeting, the Astoria Riverfront Trolley will have served 500,000 passengers, earning one dollar per passenger. The trolley received the

Governor's award for Outstanding Volunteer Economic Project in the State of Oregon. He encouraged people to ride the trolley to be the lucky 500,000th passenger.

CHANGES TO AGENDA:

City Manager Benoit requested the addition of Item 7(k): Request to Allocate Funds to Support the Celebration of the Ghadar Party Formation. This change had been posted on the City's website.

PRESENTATIONS:

Item 5(a): Astoria Regatta 2013

Mayor Van Dusen introduced Peter Roscoe, who was a City Councilor for eight years and has saved Astoria's Historic Regatta.

Peter Roscoe, Regatta President, 857 Florence Street, Astoria, explained the Regatta had been cancelled, but he worked with the community and the Oregon Heritage Commission (OHC) to have the Regatta recognized as a historic event. The first Regatta was held on July 25, 1894. He introduced Jan Mitchell, outgoing OHC Chair. Ms. Mitchell introduced Kyle Jansson, staff member at the OHC.

Kyle Jansson, Coordinator of the OHC, explained that the OHC aims to serve as an umbrella organization for statewide issues related to history, buildings, archeology, and archives. He described the commission's structure and how the 18 representatives are chosen. Community events are at the core of what makes Oregon unique. The OHC created criteria for events to be named an Oregon Heritage Tradition. Eligible events must be local, regional, or statewide events that characterize the state, its positive accomplishments and its enduring qualities and traditions. Events must also appeal to a broad spectrum of the public, add to the livability of the state, and have been in operation for at least 50 continuous years.

Jan Mitchell explained the OHC has been working towards increasing visibility of heritage in the State. Oregon is incredibly rich in heritage. Communities in Oregon still have a sense of place and know where they came from. The Oregon Heritage Tradition is one way to encourage people to recognize heritage and to give added value to the many long-term events in Oregon. She was pleased that Mr. Roscoe took on this project. The designation of an Oregon Heritage Tradition is appropriate for the Regatta. Other events in the state that have received this historic designation include the Oregon State Fair, Linn County Pioneer Picnic, and the Pendleton Round-up. These events are the life of their communities and the OHC is pleased to honor the Regatta.

Ms. Mitchell presented Mayor Van Dusen with an award, noting that this declaration recognizes more than a century of volunteers that will help to stimulate another century of effort for the Regatta.

Mr. Roscoe noted that none of these events can occur without volunteers and recognized Brent West, Dan Arnaugh, Scott Docherty, and Pat Roscoe for their work. He announced that the 2013 Regatta Admiral is Helena Barbey Lankton, which was appropriate because Ms. Lankton's family has been in Astoria for 100 years. The train depot at the Maritime Museum, called the Barbey Maritime Center, was named after her family.

- He referenced the Regatta's website as he described this year's event, noting the activities will be a bit different this year. Grandstands will be placed along the river. The Army Corps of Engineers survey vessel, *The Elton*, will be at the Regatta. This is one of the few government vessels that says Astoria Oregon on the fantail; it is based out of Astoria. He described the work done by *The Elton*. The Regatta Board hopes this year's boat parade features Astoria's working waterfront. Various types and classes of commercial fishing boats, the Bar Pilots, National Oceanic and Atmospheric Administration (NOAA) vessels, and the Yacht Club will be featured. Several hours of activities are planned to take place at the Barbey Maritime Center. Michael Ironside will be the 2013 Grand Marshall.
- This year's theme is "A River Runs to It" and he displayed the first print of the Regatta poster that will be for sale. The poster was designed by Noel Thomas [22:05]. Only 50 copies of this poster will be printed on high quality paper stock with archival ink, which will not fade for up to 70 years. This year's logo and theme were designed by Scott Docherty at Redhare Graphics.

City Council Action: Motion by Councilor Warr; seconded by Councilor Mellin, to approve the purchase of the first print of the Regatta poster for \$60. Motion passed unanimously. Ayes: Councilors Warr, Mellin, Herzig, LaMear and Mayor Van Dusen. Nays: None.

Mr. Roscoe encouraged everyone to visit the Regatta website for details on the event. He listed some of the area organizations that have partnered with the Regatta. The Regatta will be held on August 7-10, 2013.

Item 5(b): Dr. Edward Harvey Historic Preservation Awards

City Manager Benoit explained that the Dr. Edward Harvey Awards are awarded annually by the Historic Landmarks Commission (HLC). He noted that nominees exhibit the best examples of historic preservation in various categories and read the details of the award.

Mayor Van Dusen announced the 2013 Dr. Edward Harvey Award winners, presenting each award winner with a plaque:

- Mike Covert, Covert Properties LLC, 2961 Grand – Single Family Residential Single Category
- Bob and Nancy Ross, 225 Alameda - Multi-Family Residential Category
- Columbia River Maritime Museum - Institutional Category

Sam Johnson, Director, Columbia River Maritime Museum, said the museum completed the project with a lot of outside help. He acknowledged all the help provided by City Planner Rosemary Johnson, Building Official Jack Applegate and other City Staff on behalf of the Museum. The applications for the permits will be added to the Museum's archives.

Mayor Van Dusen congratulated the award winners, adding that all of their hard work makes Astoria a better place to live.

Mayor Van Dusen announced that Chelsea Gorrow won the 2012 Outstanding Long Feature Writing on Investigative Reporting award for her work on the Flavel properties. The contest honors journalism in Oregon, Washington, Alaska, Idaho and Montana.

Item 5(c): David Evans & Associates – Final Design 19th and Irving Bridge

City Manager Benoit stated construction has been proposed on the 19th and Irving Bridge for 2014. Engineers with David Evans & Associates would present the final design of the bridge. Mayor Van Dusen explained that the bridge is old and has become unsafe. It is on one of the busiest streets and must be replaced.

Jeff Parker, Project Manager, David Evans & Associates, 1115 West Bay Drive, Olympia, WA, briefed the Council about the upcoming project via PowerPoint, which included photographic simulations of the new bridge. Some new features will include the addition of a walk on the north face, improvements to ADA facilities, and a new barrier. This barrier is similar to the one on the Franklin Avenue Bridge, but will have a rounded top and a narrower aperture. The bridge will be constructed of precast concrete and will look similar to the bridge on Franklin Avenue. It will extend roughly from the inside of drive to the inside of drive of the nearby residences, which will require four retaining walls. He displayed the detour route that will accommodate traffic during bridge construction, as the bridge will be completely closed.

- An open house will be held at the recreation center on Tuesday, May 21st at 5:00 p.m., allowing Mr. Parker and the consultants to meet with community members one-on-one to answer questions and explain the details of the project. He described some of the detail in some engineering drawings, noting that a subsurface drain will be installed to improve the stability of the land around the bridge. The bridge will be a single-span bridge with no interior supports. Steel pilings will be installed in a concrete foundation. The wall will have some tiebacks for stability.
- Maintenance of pedestrian access during construction will be achieved using alternate pedestrian routes. He displayed the pedestrian detour and explained that a temporary bridge would be used.
- Construction costs, including a contingency for 30% design knowledge and 25% construction contingency, are estimated to be \$1.5 million. This estimate does not include the \$300,000 necessary to provide on-site pedestrian access through the site at all times.

Mayor Van Dusen added that 90% of the \$5 million cost of the bridge is being paid for by Oregon Department of Transportation (ODOT) through a grant. The City must pay for 10% of the costs.

Item 5(d): Astoria Rescue Mission

City Manager Benoit noted this agenda item was added at the request of Councilor Herzig.

Councilor Herzig explained that he discovered Dan Strite picking up litter on behalf of the Rescue Mission in the downtown area. The Rescue Mission has been cleaning up litter weekly for about three years. Councilor Herzig believed this was an important community builder that needed to be recognized. It's great that people who have turned their lives around are paying back the community.

Dan Strite, 40-year Clatsop County resident and Astoria Rescue Mission Board member and Volunteer, noted several members of the Rescue Mission team were in the audience, who received applause. Mayor Van Dusen added that volunteering to clean up the streets makes Astoria a better place to live and called for a "hip, hip, hooray".

Mr. Strite stated he appreciated the recognition and thanked the citizens of Clatsop County for supporting the Rescue Mission. The mission is more than just a place to have a meal and sleep. People can turn their lives around and learn about the teachings of Jesus. The Rescue Mission was not trying to receive any recognition, but wanted to pay the City back in some way. The mission volunteers pick up an average of 5,000 cigarette butts a year.

Item 5(e): Astoria Library Staff

City Manager Benoit stated this agenda item was also added at the request of Councilor Herzig.

Director Tucker stated that library staff members Meghann Lynch, Ami Kreider, Anne Odom, and Diane Logsdon responded to an incident at the library. A young girl asked library staff to help her get out of an uncomfortable situation. Staff used their skills and training to assist the girl and called Astoria Police, who responded immediately. Library Staff credits Officer Culver for his good response, ultimately resulting in safety for everyone involved.

Councilor Herzig added he happened to be in the library when this incident occurred. Library staff continued to answer phones and check out books as they monitored the situation. When the police arrived, the situation remained non-confrontational. No one became panicked because staff kept the library functioning and handled the incident remarkably.

The following item was an impromptu addition to the agenda.

Tongue Point Job Corps

Tita Montero, Seaside City Councilor, stated she was representing Tongue Point Job Corps and introduced Deputy Director Les Rider.

Les Rider, 37573 [inaudible], said that Tongue Point is one of 122 Job Corps centers in the United States and Puerto Rico. The Department of Labor contracts with firms to manage the centers. Tongue Point is managed by Management Training Corporation (MTC), who currently manages a total of 10 Job Corps centers. MTC is committed to recognizing excellence and achievements through its Celebrating Excellence Initiative. Each of MTC's Job Corps centers annually acknowledges employees, businesses, organizations and persons in the community who contribute highly to the success of the center, naming them Community Supporter of the Year. He presented the Tongue Point Job Corps Center's 2013 Celebrating Excellence Community Supporter of the Year Award to Mayor Van Dusen. Mr. Rider read the nomination of Mayor Van Dusen, which described the details of the Mayor's support and contributions to Tongue Point Job Corps Center.

Mayor Van Dusen stated he was honored and surprised. Mr. Rider stated the center appreciates the Mayor's and Council's support, which have made a real difference. The center has funding challenges this year and a new national director has recently been appointed. Mr. Rider added that the Job Corps is pleased and proud and feel like the Mayor's efforts make a difference.

Mayor Van Dusen noted the Tongue Point Job Corps students held a pasta feed fundraiser to help the trolley buy a new generator and raised \$32,000. The trolley would not be in operation without the help of the Job Corps.

Mayor Van Dusen called for a brief recess and reconvened the meeting at 7:54 p.m.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

6(a) City Council Minutes of 4/14/13

6(b) City Council Minutes of 5/6/13

6(c) Boards and Commission Minutes

(1) Parks Board Meeting of 4/22/13

(2) Planning Commission Meeting of 4/23/13

(3) Traffic Safety Committee Meeting of 4/23/13

6(d) Clatsop and Washington Inter-County Mutual Aid Agreement (Fire)

Councilor Herzig requested that Item 6(d) be removed for further discussion.

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

Councilor Herzig explained that he removed Item 6(d) from the Consent Calendar so he could give credit to the Fire Department. He read the agreement, acknowledging that the Fire Department has been proactive in looking for regional solutions to disasters.

Mayor Van Dusen stated this is a great agreement. Police Chief Curzon and Fire Chief Ames both deserve credit.

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

REGULAR AGENDA ITEMS

Item 7(a): Public Hearing and Ordinance – Amendment Request (A13-01) by Rising Tide Enterprises LLC to the Land Use and Zoning Map to Rezone an Area at 16th and Exchange Streets from C-3 to R-3 (1st reading) (Community Development)

The property proposed for rezone is located at the southwest corner of 16th and Exchange Streets between Exchange Street and Franklin Avenue. The Applicant owns the parcel located at 1585 Exchange Street, which is designated as historic within the Downtown National Register Historic District. The other two property owners have signed an agreement with the proposed zone changes. The site is situated in a transition area between the residentially and commercially developed areas and could be a cohesive part of either development area. Over the years, most of the inquiries for purchase of the building at 1585 Exchange Street have been for use as a single-family dwelling; however, since the building had been used commercially, it was no longer "grandfathered" and therefore could not return to a single-family dwelling. The building was originally built as a dwelling and is more conducive to that use rather than commercial use. The second building at 539 16th Street is currently used as a single-family dwelling and is a non-conforming, grandfathered use in the C-3 Zone.

At its April 23, 2013 meeting, the Astoria Planning Commission held a public hearing and recommended that the City Council adopt the proposed amendment. A public hearing on the Amendment has been advertised and is scheduled for the May 20, 2013 City Council meeting. It is recommended 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.

City Manager Benoit clarified that the subject property is on the corner opposite the Historical Society building.

Mayor Van Dusen opened the public hearing at 7:58 p.m. and asked if anyone objects to the jurisdiction of the City Council to hear this matter at this time. Hearing none, he asked if any member of the City Council had any conflicts of interest or ex parte contacts to declare. Councilor Herzig declared that he had attended the Planning Commission meeting, but did not speak to the issue at the meeting. He believes he can be impartial. City Attorney Henningsgaard confirmed this should not affect the public hearing. Mayor Van Dusen explained the procedures governing the conduct of public hearings to the audience and advised that handouts of the substantive review criteria were available from Staff.

Mayor Van Dusen called for a presentation by the Applicant.

Robert Stang, 3834 Franklin Avenue, Astoria, stated that the application speaks for itself. He is proposing that three properties be rezoned to R-3 from C-3. The building on his property is a single-family home that has been used commercially for several years. It would be easier to use this building as a single-family or multi-family residential building.

Mayor Van Dusen called for persons who wish to speak in favor of or against the application. Hearing none, he called for questions from the Council. There were none. Mayor Van Dusen closed the public hearing at 8:01 p.m.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin to adopt the findings and conclusions contained in the Staff report and approve the Amendment Request A13-01 by Rising Tide Enterprises LLC and adopt the ordinance. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Planner Johnson conducted the first reading of the ordinance to amend the Astoria Land Use and Zoning Map by rezoning the area at 16th and Exchange Streets from C-3 to R-3.

Item 7(b): Public Hearing and Ordinance – Amendment Request (A 13-02) by Cannery Loft Holdings LLC to the Land Use and Zoning Map to Rezone a Parcel from G-1 to S-2A (1st reading) (Community Development)

The parcel proposed to be rezoned is located on the north side of Abbey Lane east of 39th Street. It was one of three platted plots approved for development with three Cannery Loft Condominium buildings. The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI in 1992 (A92-03). The current GI Zone limits the variety of commercial uses allowed and mainly focuses on general industrial uses, but does allow for multi-family dwellings above the ground floor under a conditional use permit. The request to rezone the parcel at 4050 Abbey Lane to S2-A would continue with the tourist oriented shoreland possibilities while allowing for broader multi-family dwelling opportunities on all floors of a building.

At its April 23, 2013 meeting, the Astoria Planning Commission held a public hearing and recommended that the City Council adopt the proposed amendment. A public hearing on the Amendment has been advertised and is scheduled for the May 20, 2013 City Council meeting. It is recommended that the City Council hold a public hearing and adopt the ordinance as recommended by the Planning Commission. It would be in order for Council to hold a first reading of the Ordinance.

Councilor LaMear understood that a portion of the lot in question has already been paved as a parking lot. Director Estes said that is correct; a portion of the lot for Building C contains a parking area for Buildings A and B. Councilor LaMear asked if the new owner also owns both condominiums. Director Estes answered no, but he understood the property owner may be considering the purchase units in the condominium. Condominium Buildings A and B are owned by a number of individuals who own the individual units. Councilor LaMear asked how Buildings A and B are currently zoned. Director Estes stated that should this application be approved, the buildings would remain zoned as GI, General industrial.

Mayor Van Dusen opened the public hearing at 8:05 p.m. and asked if anyone objects to the jurisdiction of the City Council to hear this matter at this time. Hearing none, he asked if any member of the City Council had any conflicts of interest or ex parte contacts to declare. Councilor Herzig stated he attended the Planning Commission meeting when this application was discussed. He did not take part in the discussion and believed

he could be impartial. Mayor Van Dusen explained the procedures governing the conduct of public hearings to the audience and advised that the substantive review criteria were available from Staff.

Mayor Van Dusen called for a presentation by the Applicant.

Dale Berat, Otak, 4253 A Highway 101 North, Seaside, OR stated he was representing Two Ten Developers who is purchasing Lot 3. When the condominiums were originally approved, three buildings were proposed on all three lots along the front of the railroad. At the time, the requirement was to build commercial space on the ground floor and residential units on the floors above. Two buildings were approved, built and units in these buildings were sold. The commercial units did not sell well and there are still a few vacant commercial spaces in these buildings. The Applicant is requesting some flexibility in the multi-family housing units on Lot 3. The Applicant would like to build the third condominium as originally planned.

Mayor Van Dusen called for persons who like to speak in favor of, against or impartial to the application to come forward. There were none. City Manager Benoit noted for the record that Staff did receive a letter of opposition, which was distributed to City Council.

Mayor Van Dusen closed the public hearing at 8:10 p.m.

Councilor Herzig asked if this zone change would only change allowable uses of the ground floor. Planner Johnson clarified that the zone change would be for any use within the building. The primary intent is to continue with plans to install multi-family units above the ground floor. The zone change would not limit or guarantee that. Director Estes added that the intent of the zone change is to provide additional flexibility on the ground floor. When the development was initially constructed, it was for industrial uses on the ground floor, but general industrial uses have not worked in this location. The zone change would allow for tourist-oriented uses, such as offices, coffee shops, restaurants, etc. The zone change applies to the entire site. He confirmed that a restaurant would be allowed on the top floor.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr, to adopt the Findings and Conclusions contained in the Staff report and approve the Amendment Request A13-02 by Cannery Loft Holdings LLC and adopt the ordinance. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Director Cook conducted the first reading of the ordinance to amend the Astoria Land Use and Zoning Map by rezoning a parcel at 4050 Abbey Lane from G-I to S-2A, tourist oriented shoreland.

Item 7(c): Pedestrian Crossing Flag Program (Councilor Herzig)

City Councilor Drew Herzig will discuss the pedestrian crossing flag program.

Councilor Herzig stated that pedestrian safety is a goal of the City Council. Michelle Reeves has stated repeatedly that walkability is essential for a thriving downtown, so pedestrian safety must be taken seriously. The Traffic Safety Commission has been researching various approaches to pedestrian safety and Staff is working on a number of possible pedestrian safety measures with the help of ODOT, as needed. City Council has viewed presentations on different strategies and appreciates all the thought and effort devoted to this issue. Currently, the only widely publicized action being taken is the use of pedestrian flags on 10th Street. He is not saying this is the only action, but it is the only widely publicized action. Councilor Herzig understood that this could be perceived as the only action being taken by City Council to improve pedestrian safety, which could also be seen as inadequate or frivolous. He added that there are no quick fixes as community problems require community solutions. The public must get involved in analyzing the problem and suggesting answers. If the City cannot give the community a real sense of ownership in the efforts to promote pedestrian safety, only limited success, if any, will be achieved.

- The pedestrian flag program is struggling due to a lack of advance notice for this effort. The City has failed to inform the public ahead of time that this program was an experiment, that support and participation was vital and that it was part of a broader effort to deal with pedestrian safety. The community was not involved in initiating the program.
 - Other cities that have implemented the pedestrian flag program have experienced some initial loss of flags due to theft. This theft usually tapers off as the community becomes more invested in the success

of the program. However, Astoria is losing significantly more flags to vandalism than to theft. The vandalism is persistent and may be coming only from a few individuals.

- He asked City Council to consider whether or not to continue the pedestrian flag program in the face of public criticism and persistent escalating vandalism. Should City Council decide to continue the program, the City must look for ways to make the program more successful. The program cannot continue as is.
- He also asked if the City had a plan to address pedestrian safety on all fronts, including crosswalks, stoplights, visibility, signage, speed limits, community education, etc. The pedestrian flag program will only gain credibility and support if the public can see it to be part of a broader approach. A comprehensive pedestrian safety plan needs to be created.

Mayor Van Dusen called for public comment.

Florence Sage, 613 West Marine Drive, Astoria, stated she has a great interest in pedestrian safety in Astoria. Access to desirable locations should be a high priority, especially considering people who are not very agile. The roads can be intimidating for these people. She agreed the pedestrian flags should be one piece of a larger program. She believed pedestrians were unaware of how to use the flags to cross the street. She has seen people tuck them under their arms or struggle with the flags while carrying other items. She would like to see more public education on the rights and responsibilities of pedestrians and on how to use the flags. She has asked the police to explain how many lanes a pedestrian has control of while crossing the street. Most people do not know this. She recalled an incident where an acquaintance with a walker was trying to cross the street. Cars had stopped, but a motorcyclist pulled into the lane that the pedestrian was in. The pedestrian tried to walk faster, lost control of the walker, and fell into the street. She was also concerned that many pedestrian crossings are unmarked. There are no markings on West Marine Drive from the roundabout by the bay to Highway 202. Driving this stretch of road is dangerous; crossing as a pedestrian is frightening. Marking more crossings would be a good idea. There is a whole package of things she would like to see City Council do to help pedestrians in Astoria.

Sherry Posey, 92974 Ritter Road, Astoria, stated she spoke with Councilor Herzig about the pedestrian flags. She has done internet research on cities that have successfully used the pedestrian flag program. Kirkland, Washington developed a slogan for their pedestrian flag program called "Take It to Make It". The town of Kirkland also produced some videos about the program, which have been very effective. Kirkland had issues with the program similar to Astoria when it first began. She recommended hosting a video contest. High school students could develop informative traffic safety videos that incorporate the use of the flags. This would not cost the City very much. She also suggested a slogan contest and video-recorded flag demonstrations by the local dance teams. Students could assemble flags as a means of giving them ownership in the program. A traffic and pedestrian safety booth at the Sunday Market, at the fair, and at different events in the community could be used to offer information and advice to the public. The City can be proactive and positive and provide educational opportunities to the community.

Don Webb, 3555 Harrison Drive, Astoria, recalled that during the summer of 2012, he traveled to Idaho where the communities were replacing their flag programs with LED lights and a switch. These communities have found that the lights are better. The lights are run on solar electricity. Mr. Webb served on the Astoria Traffic Safety Committee for 20 years. They used to have programs. He believed that the members of the TSC should work on these programs again. He has not seen City Council members making people aware of the flag program. Having LEDs around a flashing light with a switch would prevent pedestrians from having to carry a flag. He believed the flags provide a false sense of safety and suggested the City take a second look at what is happening.

Councilor Herzig noted that Mayor Van Dusen suggested at the Council goal setting session that schoolchildren get involved in assembling the flags. He agreed this was important.

Councilor LaMear said she has always been a fan of rapid flashing beacons (RFBs), but ODOT had said they would not last because of the large trucks in Astoria. She then noticed that ODOT's report mentioned the possibility of installing RFBs at five different sites in Astoria; by Home Bakery, Bay Street and Marine Drive, 21st and Exchange Streets, 6th and Marine Drive, and 37th and Leif Erickson, where an RFB currently exists. She has seen RFBs work in other places. Director Estes explained that RFBs are on a pole, they are not imbedded in the asphalt. Councilor LaMear asked if Mr. Webb was referring to the RFBs when he mentioned the LED lights. She wanted to know where the LED lights were installed. Director Estes stated he would find out from Mr. Webb.

Councilor Herzig added that some crosswalks do have flashing lights imbedded in the crosswalk. A pedestrian pushes a button and the crosswalk begins to flash. Because the lights are imbedded in the street, they are subject to traffic damage.

Mayor Van Dusen noted that Astoria has an excellent Traffic Safety Committee. City Council must be cautious about bypassing the committees comprised of volunteers. He believed tonight's testimony was excellent, but would have been more appropriate at a Traffic Safety Committee meeting.

Item 7(d): Salary Resolution (City Manager)

This proposed Salary Resolution implements a 2% wage adjustment for the IAFF Local 696 Bargaining Group (Firefighters) retroactive to July 1, 2012. In addition, the Resolution moves the Deputy Chief positions in the Fire and Police Departments from Range 39 (Schedule E-2A) to Range 42 (Schedule E-2A). It is recommended that Council adopt the Salary Resolution implementing the requested changes.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Herzig, to adopt the Salary Resolution implementing a 2% wage adjustment for the IAFF Local 696 Bargaining Group (Firefighters) retroactive to July 1, 2012 and moving the Deputy Chief positions in the Fire and Police Departments from Range 39 to Range 42. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(e): Recology Rate Review – Clatsop Transfer & Disposal Station (Finance)

The City's Franchise Agreement with Recology requires them to render financial statements and a rate review of the Clatsop Transfer & Disposal Station no later than April 30th each year. The purpose of the annual rate review is to determine whether Recology's rate of return on their solid waste collection operations falls within the limits set by the Franchise Agreement with the City. Based on this review, the Operating Ratio for the current calendar year is projected to be within the limits of the Operating Ratio Range of 88% to 92%. As a result, the calculated rate for the disposal of solid waste required no adjustment. No Council action is required.

Fred Stemmler, General Manager, Recology Western Oregon, introduced himself and stated he would answer any questions.

Mayor Van Dusen commended Mr. Stemmler and his team for being such a good team player on the major sports facility project with the school district, City and hospital.

Item 7(f): Resolution Establishing Rules, Regulations, Rate Changes, and Conditions for Solid Waste Service/Recology Rate Review (Finance)

The City's Franchise Agreement with Recology requires them to render financial statements and a rate review of the Solid Waste Collection Franchise no later than April 30th each year. The purpose of the annual rate review is to determine whether Recology's rate of return on their solid waste collection operations falls within the limits set by the Franchise Agreement with the City. Based on this review, the Operating Ratio for the current calendar year is projected to be outside the limits of the Operating Ratio Range of 88% to 92%. As a result, the calculated rate adjustment for Astoria is 5.42%.

Councilor Mellin asked why Recology is outside the limits of the Operating Ratio Range. Mr. Stemmler explained that Recology uses three months of data to project the next nine months. Their goal was to achieve a 10% return. This is defined within the franchise and is an investment by the community to ensure that all garbage is picked up. Garbage can become a health issue very quickly. This is a reasonable return for the community and ensures that service will be completed. In short, last year's projections were off. Recology has had a reduction in costs as well as revenue shortfall in 2012. The company was \$71,000 short of projected drop box income. Expense savings were not enough to offset the revenue shortfall. Savings can be achieved by taking equipment off the road or reduce routes. Until that can be achieved, the same capital and the same labor is necessary to ensure that service is completed. He explained that a drop box is the largest container used for major construction sites. One-time construction projects that occurred in previous years did not occur again in the next year. The drop box service is a variable budget component. Favorable revenues go back into the rate base

which can result in reduced costs or cost neutral years. The revenue shortage is driving the rate increase this year. Recology takes its job seriously and does everything it can to contain costs that they can control.

Councilor Herzig asked what the projected Operating Ratio was for this coming year. Mr. Stemmler stated that with the rate adjustment, the Operating Ratio is project to be 90%. Without the adjustment, the ratio would be 98.64%, the \$70,000 shortage had a major impact. Councilor Herzig said he is concerned that Astoria is becoming unaffordable for many people. Water rates and property taxes have increased. It is difficult to add another financial burden to the public. Mr. Stemmler said he was conscious of that, assuring he was not being flippant about the requested rate increase. He understood it will have a serious impact, adding that Recology is committed to doing everything they can to contain this in the future. A variety of rates are available to users of Recology's services. Customers with financial pressures have options that may work for their lifestyles and habits.

Mayor Van Dusen stated he intended to vote to approve the resolution and rate change. He noted that City Manager Benoit explained to the Budget Committee that building permits, building, construction and demolition is down, which created a similar revenue shortfall for City Hall. No one likes to pay more for garbage. There have been no negative comments from the community about Recology's service. Everyone simply wishes the service were less expensive.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin, to adopt the resolution establishing rules, regulations, rate changes, and conditions for solid waste service. Motion carried 4 to 1. Ayes: Councilors LaMear, Warr, Mellin and Mayor Van Dusen; Nays: Councilor Herzig.

Item 7(g): Bear Creek Dam Seismic Study Grant (Public Works)

The City of Astoria's Bear Creek Dam is a 90-foot high concrete gravity dam built in 1912 and raised in 1953. The Oregon Water Resources Department (OWRD) has classified the Dam as a high hazard dam due to its proximity to human population areas downstream. There are approximately 129 properties and 69 homes below the dam. Although the classification is not a result of the dam's age or condition, these factors do affect the probability of failure during a major seismic event.

The OWRD has determined that the City should initiate a seismic failure analysis to further investigate the potential failure of the dam. A study completed 20 years ago does not include sufficient detail to determine the actual failure risk that could result due to a Cascadia Subduction Zone earthquake. In general, recent earthquake events in other countries and additional studies of seismic events that a Cascadia Subduction Zone earthquake could generate have increased concerns about the stability of dams along the Oregon Coast.

The first step would be to hire a consultant that specializes in the type of dam safety analysis to determine the risk factors and what, if any, steps could be taken to reduce the risk of damage and potential failure. While it is anticipated that the study may lead to conclusions more favorable than previous studies, there is a possibility that conclusions and recommendations may result in additional mitigation requirements. The State has offered a \$50,000 grant, requiring a \$50,000 match, to assist the City with the first phase of the required studies. The study would be completed in three phases. Only the first phase is proposed at this time.

It is recommended that the City Council accept the grant for \$50,000 and authorize staff to proceed with a request for proposals for Phase 1 of the seismic studies for the Bear Creek Dam. The \$50,000 City required match is proposed to be funded out of the Public Works Improvement Fund for the 2013/2014 fiscal year.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Herzig, to accept the grant for \$50,000 and authorize Staff to proceed with a request for proposals for Phase 1 of the seismic studies for the Bear Creek Dam. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(h): License to Occupy a Portion of the Alameda Right-of-Way Adjacent to 349 Alameda Avenue (Public Works)

Ted Osborn, who owns property located at 349 Alameda Avenue, has applied for a License to Occupy at 50-foot by 18-foot portion of the Alameda right-of-way adjacent to his property. Mr. Osborn is proposing to construct a

concrete retaining wall adjacent to the sidewalk in front of his property. The Community Development and Public Works Departments have reviewed the application and are in support of a License to Occupy with conditions. The property owner was informed of the conditions of the proposed license agreement prior to submitting his application. City Attorney Blair Henningsgaard has reviewed and approved the license agreement as to form. It is recommended that City Council approve a license to occupy, subject to conditions, a 50-foot by 18-foot portion of the Alameda Avenue right-of-way adjacent to 349 Alameda Avenue, for the purpose of constructing a retaining wall.

Ted Osborn, 345 and 349 Alameda Avenue, Astoria, stated that he did not have much to add. Councilor Herzig asked why the retaining wall was necessary. Mr. Osborn explained the house at 349 Alameda is mold-ridden and being removed. The retaining wall will allow that property to become integrated into the rest of his property. Continuing the retaining wall along the sidewalk allows Mr. Osborn to grade the entire property all the way to the corner at Kingston. This will substantially beautify the area. There is already a retaining wall at 345 Alameda, so essentially he will be extending the existing wall to the corner.

Mayor Van Dusen confirmed there was not testimony opposed to the application.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr, to approve a license to occupy, subject to conditions, a 50-foot by 18-foot portion of the Alameda Avenue right-of-way adjacent to 349 Alameda Avenue, for the purpose of constructing a retaining wall. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(i): Amendment to 2012-2015 International Association of Firefighters Collective Bargaining Agreement (City Manager)

With the recent promotion of Lieutenant Paul Gascoigne to "Acting Deputy Chief" in the Astoria Fire Department, it has been noted that there is disincentive to move permanently from a Fire Union position to management. To incent internal talent to consider moving up to more responsible leadership positions, the Fire Union has requested Council consideration of an amendment to their recently adopted contract. Specifically, they are requesting the addition of a new Section 10 under Article V "Seniority", which would allow bargaining unit members who have accepted a management position to retain their seniority within the department. It is recommended that Council approve the requested amendment.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor LaMear, to approve an amendment to the 2012-2015 International Association of Firefighters Collective Bargaining Agreement to include the addition of a new Section 10 under Article V "Seniority". Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 7(j): Update on Delinquent Transient Room Taxes (Finance)

At the January 22, 2013 City Council meeting, the Council approved an agreement with the Best Western (Genesis Hotel LLC) regarding their delinquent room taxes. At that time, they were \$33,504.27 in arrears. The agreement called for them to remain current on their taxes and to pay the balance over the following four months. Since that time, they have paid the tax due for October through February, but have not yet paid March, the past due balance from September, or the penalties and interest, leaving a current balance due of \$31,408.49. A lien that was placed on the property has been updated to reflect the current balance due and will continue to be updated as the balance either increases or decreases. This item is for information only and requires no action by Council.

The following item was added to the agenda.

Item 7(k): Request to Allocate Funds to Support the Celebration of the Ghadar Party Formation

City Manager Benoit stated that this request is for financial support for the Ghadar Party celebration scheduled to occur in the fall 2013.

Mayor Van Dusen said he requested that this item be added to the agenda for Council discussion in an open meeting if funds were going to be expended. The celebration has become much bigger than expected and will

likely draw many tourists to Astoria. He is not suggesting the City draw funds for the purpose of attracting tourists, but this is a very historic event that started out small and has grown to a point where he believed the Council should discuss a budget. He noted the budget will remain less than \$10,000, which is within the City Manager's funding limit. The City prides itself on doing everything in an open forum and spending funds should be discussed publicly.

Councilor Mellin confirmed that \$10,000 would be more than sufficient for the Celebration. The Clatsop County Historical Society, the Oregon Historical Society, and the Maritime Museum are also sponsoring this event.

Councilor Herzig asked what the funds would be spent on. Councilor Mellin replied the money will be spent on expenses normally incurred when planning and hosting a major celebration event. She noted \$3,000 has already been spent on copies of the *Oregon Historical Quarterly* containing an article by Joanna Ogden about the founding of the Ghadar Party. These were purchased for \$3.00 each and will be sold at the celebration event to recoup that money. Rent must also be paid at the Maritime Museum. Councilor Mellin gave a brief history of the Sikh community in Astoria and the foundation of the Ghadar Party. Mayor Van Dusen added that the owners of the Hampton Inn and Comfort Suites are from India. Portland and Seattle also have large Indian populations. This celebration is a big deal and has grown. He noted that the specific expenses were unknown. The event is five months away, but it would not be fair to the citizens of Astoria to simply spend the money on the celebration without discussing it in an open forum first. There is no finalized budget, but there will be expenses. Councilor Mellin added that they are currently working on publicity through Facebook and a website. Advertising is planned, which will include expenses.

Mayor Van Dusen asked if the room tax revenue could be used to fund the budget for the event. City Manager Benoit agreed this would be an appropriate expense.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear, to approve a budget not to exceed \$10,000 for expenditures related to the Celebration of the Ghadar Party formation. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

Don Webb, 3555 Harrison, Astoria, said he has been informed by the telephone company that a broken line in his building has affected the fire alarm protection system. He learned this may have resulted from work currently be done on the sewage system. If there had been a fire, the Fire Department would not have been notified. The telephone company needs to determine the problem. City Manager Benoit agreed to look into this issue.

Mayor Van Dusen stated that the CSO project has gone very well. However, communications into U.S. Bank were cut. Director Cook explained that the subcontractor of the telephone company who was hired to locate the communication lines failed to do so.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:56 p.m. to convene the Astoria Development Commission meeting.


EXECUTIVE SESSION

The City Council Executive Session was convened at 9:00 p.m.

Item 8(a): ORS 192.660(2)(h) - Legal Counsel

The City Council Executive Session was adjourned at 9:25 p.m.

ATTEST:



Finance Director

Page 12 of 12

APPROVED:



City Manager

City Council Journal of Proceedings
May 20, 2013