

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

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

Councilors Excused: None

Staff Present: City Manager Estes, Police Chief Curzon, Parks and Recreation Director Cosby, Financial Analyst Snyder, Fire Chief Ames, Planner Johnson, Library Director Tucker, Public Works Director Cook, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS:

Item 3(a): Councilor Herzig reported on several events hosted by the Lower Columbia Diversity Project (LCDP). On Saturday, September 6, 2014, there was a presentation about institutionalized racism in Oregon, which profoundly moved everyone who attended. A follow-up discussion will be held on Sunday, September 21st at 4:00 pm at the Judge Boyington Building. Cara Shufelt from the Rural Organizing Project will be speaking at the Unitarian Universalist Church in the morning, and then she will lead a discussion on the racism presentation in the afternoon. On Sunday, September 14th, the LCDP hosted a presentation called Voices of Labor. Shawna Sykes, a workforce analyst from the Oregon Employment Department gave interesting statistics on the labor situation in Clatsop County. Warrenton has the fastest growing population in Clatsop County and Seaside is number two. Astoria is losing population at a rate of about 2.8 percent over the last decade. On Sunday, September 28th, the Clatsop Animal Assistance and Seaside Spay and Neuter Thrift Shop will be hosting a presentation on what happens to abandoned and feral pets. Flyers for this event were made available in the hallway. He attended the awards ceremony where the Parks Department received an award for the Garden of Surging Waves. He attended the kick-off for the United Way Campaign at Lum's Auto Center and noted it is remarkable how much the Lum's give to the community.

Item 3(b): Councilor Warr reported that on Thursday, September 11th, he, City Manager Estes and City Engineer Harrington attended several meetings. The morning meeting was with the Northwest Oregon Economic Alliance and Columbia Pacific Economic District (Col-Pac), both of which are state supported agencies. The afternoon meeting was with the Northwest Area Commission on Transportation, which is also a state supported agency. Over the next several years, it will be difficult to receive funding from the State, but there is still some money available. He reported that he was elected Vice President of the Northwest Economic Alliance.

Item 3(c): Councilor LaMear reported that she attended the Coast Guard Air Station's 50th birthday celebration event, which included several tours. It is a pleasure that Astoria is a Coast Guard City because the designation is important. She also went on the forestry tour, which included the forest and a rock quarry. She was pleased to learn that the forest industry is working towards conservation. She volunteered for the Citizens Helping Improve Parks (CHIP-in) program on Sunday, September 14th, at LaPlante Park. Volunteers cut ivy from trees. She has attended all but one of the CHIP-in events. The program is a great way to meet fellow citizens and contribute to cleaning up and improving the parks.

Item 3(d): Councilor Mellin reported that she also volunteered for the CHIP-in event at LaPlante Park, which had a good turnout. After working for a couple of hours, she went to McClure Park to help a citizens group, area neighbors, and local church members clean up the park. She attended Astoria High School's 2014 Hall of Fame event. She listed some of the people who were added to the hall of fame, telling stories about each one and noting the accomplishments that led to their inclusion in the hall of fame. Some of the people she spoke about were James and Everett Johnson, the first black family in Astoria; Phil Elkins, who was on the cross country team in high school; Jeremy Matlock, who won several track events wearing used shoes that were too big; and Katrinka Jackson, who excelled in many sports during high school.

Item 3(e): Mayor Van Dusen turned his report over to City Manager Estes.

City Manager Estes reported that the City of Astoria received the 2014 Design Award from the Oregon Recreation and Parks Association for the Garden of Surging Waves. The award was presented at the Seaside Convention Center at the Association's annual convention. Councilors Herzig and Mellin, City staff, and park designer Suen Ho attended the presentation.

Director Cosby said she was excited the Parks Department received the award. Parks Volunteer Coordinator Janice O'Malley Galizio put a lot of effort into nominating the department for the award. She thanked those who participated in the nomination video, Ms. Ho, and staff who worked on the design of the park.

CHANGES TO AGENDA: No changes.

CONSENT CALENDAR:

The following items were presented on the Consent Calendar:

5(a) City Council Minutes of 8/18/14

5(b) Public Works Update

5(c) Authorization to Enter into a Healthways Provider Agreement (Parks)

Councilor Herzig requested Item 5(c) be removed for further discussion.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin, to approve Items 5(a) and (b) on the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 5(c): Authorization to Enter into a Healthways Provider Agreement (Parks)

Councilor Herzig commended Director Cosby for working on the agreement, which includes the Silver Sneakers Program for seniors. The program allows seniors participating in a Medicare Advantage Plan to use the aquatic center for free. The aquatic center will be paid for usage by the plan. Exercise is one of the best preventative medicines. He noted that Director Cosby had some difficulties working on the agreement, but she stayed with it to bring the program to Astoria.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor LaMear, to approve Item 5(c) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

REGULAR AGENDA ITEMS

Item 6(a): Ordinance Regarding Development of Code Language and Corresponding Map Amendments to Implement the Civic Greenway (16th to 41st) Area of the Riverfront Vision Plan (2nd Reading and Adoption) (Community Development)

In 2008-2009, the City of Astoria developed the Riverfront Vision Plan (RVP) to address issues dealing with open space, land use, and transportation issues along the Columbia River. Significant public involvement opportunities were designed to gain public input. This process was initiated to plan for these issues in a comprehensive manner and to set a framework for the future of the study area. The City's north Riverfront (Columbia River to West Marine / Marine Drive / Leif Erikson Drive) was divided into four Plan areas of development: Bridge Vista (Port/Smith Point to 2nd Street), Urban Core (2nd to 16th Street), Civic Greenway (16th to 41st Street), and Neighborhood Greenway (41st Street to east end of Alderbrook Lagoon). City Council accepted the Riverfront Vision Plan in December 2009. Since that time, the City Council has set goals regarding implementation of the Riverfront Vision Plan. Implementation of recommendations from the Riverfront Vision Plan in the Civic Greenway Plan Area will take the form of both map amendments and code amendments.

Proposed map amendments will include: 1) extend the Gateway Overlay (GO) Zone to cover the Civic Greenway Plan Area; and 2) apply the new Civic Greenway Overlay (CGO) Zone to the Civic Greenway Plan Area.

Proposed text/code amendments will include: 1) add a new Compact Residential (CR) Zone to allow for smaller cottage cluster development; 2) add a new Civic Greenway Overlay Zone to address the standards for over-water and land development and river access requirements; 3) add new provisions for Cottage Cluster Development for compact residential development; 4) add new "clear and objective" design standards for residential uses in the Gateway Overlay Zone and Civic Greenway Area; and 5) make "housekeeping" amendments related to the new CR Zone and CGO Zone.

The Planning Commission held a public hearing at the May 27, 2014 and June 24, 2014 APC meetings. At its July 22, 2014 meeting, the Astoria Planning Commission unanimously recommended that the City Council adopt the proposed amendments. A public hearing on the Amendment was held at the August 18, 2014 City Council meeting. The Council closed the public hearing and held a first reading of the text and map amendment ordinance. As noted in the August 25, 2014 memo, the City Attorney advised that since the Council had made several substantial changes to the ordinance as presented, that a new first hearing needed to be held. The Council held the additional first reading of the ordinance at their September 2, 2014 meeting.

At the September 2, 2014 meeting, the Council directed staff to exclude coal, oil, and liquefied natural gas from the list of allowable over-water uses. In developing the proposed language, it was recommended that the terms "fossil fuel and petroleum product" be used to encompass all forms of these products so that it is clear what is being prohibited. This change can be found on pages 10 and 12 of the draft ordinance. In addition, the description of the overlay zone boundaries was added on page 49 of the draft ordinance along with the attached zone map amendments.

If the Council is in agreement, it would be in order for Council to hold a second reading and adopt the Ordinance to amend the Astoria Development Code Pertaining to the Civic Greenway Area issues, and amend the Astoria Land Use and Zoning Map to apply the Civic Greenway and Gateway Overlay Zones.

City Manager Estes stated the City had been asked if fueling facilities for boats would be prohibited as part of the exclusion of fossil fuel and petroleum products. Staff has verified that another use classification allows fueling facilities for boats to be located in the Civic Greenway Area and the new language would not prohibit boat fueling facilities.

Planner Johnson clarified that fueling facilities for boats would be allowed as a retail trade facility for the sale of products including gasoline or other products incidental to or used in conjunction with a water-dependent use, like a marina.

Councilor LaMear said she was glad to hear the issue had been clarified and that fueling for boats would still be allowed.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin, that the Astoria City Council adopt the Findings and Conclusions contained in the Staff Report, and approve Amendment Request A14-02 to the Development Code and Astoria Land Use and Zoning Map, and adopt the Ordinance with these additions:

- Eliminate fossil fuel and petroleum product terminals and facilities as allowable overwater uses
- Prohibit variances from the 28-foot overwater height limit between 35th and 41st Streets

Mayor Van Dusen asked how this differed from the first reading. City Manager Estes explained that the proposed ordinance now includes the prohibition of fossil fuel and petroleum products. He noted that Councilor LaMear's motion also included the prohibition of variances from the 28-foot height requirement within the proposed East Basin Plan Area, which is not currently included in the proposed ordinance. However, City Council could choose to add the language, which would not require another first reading. City Attorney Henningsgaard clarified that Astoria's Charter allows provisions of the ordinance to be changed if the provision being changed is read clearly and distinctly. Adoption of the ordinance can only occur 12 days after that reading. He believed there were three proposed changes to the ordinance that must be read in their entirety, which could then be adopted after 12 days.

City Manager Estes reminded that the proposed ordinance included in the agenda packet contained the fossil fuel and petroleum product language. He understood that the no variances from the 28-foot height requirement, which was added during the motion, would not take effect for 12 days. City Attorney Henningsgaard clarified that adoption of any changes could not occur until 12 days after the changed sections are read. The procedure

tonight would be to read the amendments into the record. The entire ordinance, as amended, could be adopted at the next City Council meeting.

Councilor Warr noted that City Council had made some changes creating a process to allow the Port to propose ordinance changes in the future. He asked if eliminating variances from the 28-foot height limit could be changed through that process. City Manager Estes confirmed that the Port could propose alternate height language, which was built into the Code language related to the master planning area.

Mayor Van Dusen recalled that during the first reading, liquid natural gas (LNG) would have been allowed as an outright use. City Attorney Henningsgaard said he understood the interpretation the same way.

Mayor Van Dusen questioned whether another first reading was necessary because Council LaMear changed the language so that LNG was not specifically stated. City Attorney Henningsgaard read the pertinent section of the City's Charter, as follows:

'An ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the reading unless each section so differing is read fully and distinctly in open Council at least 12 days prior to the adoption of the ordinance.'

Councilor Warr understood the entire section that included the change would need to be read again. City Attorney Henningsgaard responded his interpretation was the section that has been amended would need to be read. In this case, Sections 14.045(2), 14.045(0)(9), and any inserted sections creating the no variance language would need to be read.

Planner Johnson questioned if since the fossil fuel and petroleum language had been in the Code since the last meeting and had been posted publicly, it was not considered a change at this time. City Council directed staff to add this language at the last meeting. She asked if this language could be adopted.

City Attorney Henningsgaard said he was not comfortable with that process.

Planner Johnson confirmed for Mayor Van Dusen that the term "fossil fuels" was not used at the last City Council meeting. Staff was directed, with the terms coal, oil and LNG, to develop language for the Code. Research indicated to staff that the proper terminology to cover any sub-products of coal was "fossil fuels".

Mayor Van Dusen said he planned to vote in favor of the motion. However, he did not recall the terminology being discussed at the last meeting and staff confirmed this was correct. He explained that he wanted to make sure this process was done correctly.

Planner Johnson said she could read the three sections of the Code that include changes.

Mayor Van Dusen believed adoptions had always occurred during the same meeting as the second readings. City Attorney Henningsgaard said the second reading could occur at this meeting, as long as the three amended sections were read. Adoption would occur 12 days later.

Councilor LaMear believed the community had spoken clearly that they did not want LNG terminals on the Columbia River. This section of the Riverfront Vision Plan provides for physical and visual access to the water, so it is critical that nothing over 28 feet tall be built over the water.

Councilor Mellin reminded that other building size requirements would not accommodate LNG facilities anyway because the facilities would need to be larger than the Code allows. She recalled discussing grain terminals at the last meeting.

Planner Johnson confirmed for Councilor Mellin and Mayor Van Dusen that Council did not direct staff to omit grain terminals from the Code language.

City Manager Estes said, and City Attorney Henningsgaard agreed, that if Council is comfortable with the motion, Planner Johnson could conduct the second reading, which would include reading the three amended sections dealing with fossil fuel and petroleum product prohibitions and prohibition of variances from the 28-foot height requirement. City Council could adopt the ordinance at the next meeting. Another option would be to conduct the

second reading and adoption at the next City Council meeting. City Attorney Henningsgaard noted that the second option would be okay if City Council passed a motion to approve the amendments at this meeting, as long as the terms of the amendments were identified.

Mayor Van Dusen confirmed with City Attorney Henningsgaard that City Council could vote on the motion that had already been made, and then discuss how to move forward.

Councilor Herzig noted Page 72 of the agenda packet stated that in order to adopt Section 14.061, which refers to the Port's proposal of the East Basin Plan District, four criteria must be met. One of the criteria is that existing base and overlay zone provisions are determined to be inadequate to achieve a public benefit. At the last City Council meeting, he reminded that Planner Johnson had stated City Council could revisit and revise any of the zone provisions at any time and that the Port has the ability to propose development plans to the Planning Commission, then to City Council. Therefore, he maintains that the existing base and overlay zones are adequate to achieve a desired public benefit and the criterion is not met.

City Manager Estes explained that the four criteria would only be used in the future, when the Port proposed a specific Plan. The criteria would be used by the Planning Commission and City Council to determine whether or not a Plan District should be approved.

Councilor Herzig reminded that the Plan District is being adopted as part of the package. City Manager Estes responded yes, the language would be included to allow a Plan District. However, the criteria would only be applied in the future when the Port makes application to establish the Plan District.

Councilor Herzig said he did not understand how the Plan District could be adopted now, but still need to be reviewed against adoption criteria in the future. City Manager Estes explained that adopting the language now would establish the possibility of having a Plan submitted in the future. The Port would prepare their application according to the criteria in Code Section 14.061(A), which would be reviewed by the Planning Commission. The Planning Commission would then make a recommendation to City Council, who would also review the Plan based upon these criteria. Adopting this ordinance establishes the criteria that would be used in the future, should the Port submit a Plan.

Councilor LaMear reread her motion. Motion made by Councilor LaMear, seconded by Councilor Mellin, that the Astoria City Council adopt the Findings and Conclusions contained in the Staff Report, and approve Amendment Request A14-02 to the Development Code and Astoria Land Use and Zoning Map, and adopt the Ordinance with these additions:

- Eliminate fossil fuel and petroleum product terminals and facilities as allowable overwater uses
- Prohibit variances from the 28-foot overwater height limit between 35th and 41st Streets

Mayor Van Dusen reminded Council that the motion had been seconded. He recalled that Council voted on prohibiting variances at the last meeting and that he, Councilor Warr and Councilor Mellin supported variances from the 28-foot height limit, but Councilors Herzig and LaMear did not.

Councilor LaMear believed Mayor Van Dusen was correct.

Councilor Mellin confirmed that while she originally supported variances, she was okay with prohibiting variances now; she planned to vote in favor of the motion.

Councilor Herzig said he planned to vote against the motion. He believed the East Basin Plan was contrary to what the people of Astoria have expressed over the years and at public hearings. Even though the amendments are essential, he continued to oppose the Plan because citizens have spoken clearly and persistently that they do not want development on the river.

Mayor Van Dusen asked if Councilor Herzig believed the public indicated they wanted LNG facilities.

Councilor Herzig said the motion was to approve the entire ordinance with amendments and he was opposed to the entire ordinance. The amendments are great. It is obvious that Council will adopt the ordinance; therefore, it is good that Councilor LaMear has moved to approve the amendments. He was also glad that Councilor Mellin had changed her mind about variances. However, he opposed the entire ordinance because it is not what the people of Astoria want. He understood the process had been difficult and hoped he was being clear.

Councilor Warr said he would vote in favor of the motion.

Mayor Van Dusen called for a vote.

Motion carried 4 to 1. Ayes: Councilors LaMear, Warr, Mellin and Mayor Van Dusen; Nays: Councilor Herzig.

Planner Johnson read the amended Sections 14.045.2, 14.050.9, and 14.055.A.2.a of the proposed ordinance in their entirety.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Warr to conduct the second reading of the ordinance to adopt the Ordinance to amend the Astoria Development Code Pertaining to the Civic Greenway Area issues, and amend the Astoria Land Use and Zoning Map to apply the Civic Greenway and Gateway Overlay Zones. Motion carried 4 to 1. Ayes: Councilors LaMear, Warr, Mellin and Mayor Van Dusen; Nays: Councilor Herzig.

Planner Johnson conducted the second reading of the ordinance amending the Astoria Development Code and Land Use and Zoning Map pertaining to implementation of the Astoria Riverfront Vision Plan.

Mayor Van Dusen confirmed that the Council could not vote to adopt the amendment for 12 days.

Item 6(b): Public Hearing for 19th Street and Franklin Avenue Vacation (1st Reading) (Public Works)

The City has received a request from the Astoria School District (ASD) for the vacation of 57,600 square feet of the 19th Street and Franklin Avenue rights-of-way located within John Warren Field. The School District will be transferring ownership of the property to Columbia Memorial Hospital (CMH) in the near future for the expansion of the hospital.

Staff has reviewed the application and is in support of ASD's request, with the following conditions: 1) Existing utilities would no longer be maintained by the City and would become the property of the ASD and 2) The Alley on the 19th Street South boundary shall not be vacated.

Due to the public benefit that will be provided by the vacation, staff is recommending that an assessment be waived for this proposal. The applicant will be charged actual costs for processing the request. At their September 5, 2014 meeting, Council acted to schedule a public hearing on the proposed street vacation on September 15, 2014 at 7:00 p.m.

It is recommended that the Astoria City Council conduct the scheduled hearing and first reading of the proposed ordinance to vacate a portion of the 19th Street & Franklin Avenue Rights-Of-Way.

City Manager Estes said the legal description included in the ordinance contained a Scrivener's error. One of the conditions of approval recommended by staff was that the zone change would not include the vacation of a portion of an alley to the south side of the site. The legal description erroneously included a ten-foot portion of the alley. The southern extent of the 19th Street right-of-way must be changed from 150 feet to 140 feet. He showed the exact location of the alley and right-of-way using a displayed map.

Mayor Van Dusen confirmed with staff that 100 percent of the rights-of-way were grass and were not being used for traffic. He opened the public hearing at 7:47 pm and invited anyone wanting to speak on the vacation of the 19th Street and Franklin Avenue rights-of-way to come forward.

Dale Barrett, Oregon Technical Assistance Corporation (OTAC), 4253 A Highway 101, North Gearheart, said he was representing CMH. He explained that this proposal would allow the hospital to prepare for the parking lot on the south side, which is now the practice field slightly south of the main field at John Warren Field. The hospital's goal is to get a more parking for staff because parking on Exchange Street is very crowded. The hospital's application with the City shows the parking lot as it will be laid out. This is a first step toward long range goals for future hospital expansion. There are not many utilities in the area, just a small water line. Additional storm drainage and management of that drainage will be provided. He addressed questions, stating that about 100 or

125 parking spaces would be provided. The parking would be temporary, but could easily turn into long term parking.

Councilor Mellin said she had driven past Exchange Street on a Friday night during a game and parking was very congested.

Mr. Barrett said nothing would change until the ball field on the other side of the hill is operational. He was unsure if Warren Field would end up being used as a practice field; however, the hospital is preparing for the parking lot. He confirmed for Councilor Mellin that there were a couple of houses to the south that take access off 20th Street, but there will be no changes to this access.

Mayor Van Dusen closed the public hearing at 7:50 pm.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to conduct the first reading of the proposed ordinance to vacate a portion of the 19th Street & Franklin Avenue Rights-Of-Way. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Director Cosby conducted the first reading of the ordinance to vacate a portion of the 19th Street & Franklin Avenue Rights-Of-Way.

Item 6(c): Consider Approval of Astoria School District Lease Agreement for Sports Complex (Public Works)

In December 2013, the City, the Astoria School District (ASD), Columbia Memorial Hospital (CMH) and Recology entered into a Four Party Agreement defining how the former landfill would be developed into a new sports facility by CMH for the ASD. The Sports Complex being constructed by CMH is nearing completion and will be ready for occupancy by the ASD in the next few weeks. One last step for the City is the finalization of a lease agreement between the City and the ASD. The intent of the lease is to provide permanent occupancy of the property to the ASD. The lease area consists of 11.6 acres located within the landfill to the east of the existing Recology Transfer Station and the proposed County Household Hazardous Waste Facility.

The term of the lease will commence upon satisfactory completion of the facility on the property and transfer of the facility to the ASD, and will continue as long as the premises are used for school related purposes.

The ASD will maintain the facility and all of the grounds and utilities within the lease area with a few exceptions. The City will maintain the synthetic landfill liner, the gas collection piping under the liner and the groundwater interceptor drainage system installed to keep groundwater out of the landfill and away from the field area.

It is recommended that City Council authorize the Mayor to sign the Lease Agreement for the Astoria School District Sports Complex located at the Astoria Landfill property.

Councilor LaMear believed this lease agreement was such a win for all parties involved.

Mayor Van Dusen said the new sports complex has received a lot of publicity and a lot of use by all ages and genders. It is unfortunate that the point of the whole project, cancer treatment, is being missed. Astoria would not have OHSU oncology and radiation services, or that partnership in this community, without room to expand. That is what this is about. The City discussed vacating streets and making room for parking, and it is great that the ASD now has a \$9 million complex; however, what is really important are the jobs in the medical community. Unfortunately, many people will need to use the facility. The sports complex is wonderful, but it is the community's medical improvements that will be tremendous. Astorians must drive all the way to Portland for a 45-second radiation treatment. Astoria will have radiation services, an infusion center, and dialysis.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Warr to authorize the Mayor to sign the Lease Agreement for the Astoria School District Sports Complex located at the Astoria Landfill property. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 6(d): Consideration of Resolution for City of Astoria Nondiscrimination Policy (City Manager/City Attorney)

At the May 19, 2014 City Council meeting, there was discussion regarding the creation of a non-discrimination policy for the City of Astoria. Suggested draft language was reviewed by Council. Councilors felt that the language should be simplified and should be reviewed by the City Attorney and staff and brought back for further discussion and consideration.

Following subsequent review, the following language is proposed:

It is the policy of the City of Astoria that no person shall be denied the benefits of or be subjected to discrimination in any City program, service, or activity on the grounds of age, disability, race, religion, color, national origin, sex, sexual orientation, gender identity / expression. The City of Astoria also requires its contractors and grantees to comply with this policy.

City Attorney Henningsgaard and staff have suggested this language for further City Council consideration.

It is recommended that City Council consider the language and, if in concurrence, adopt the attached resolution to establish a non-discrimination policy.

Councilor Herzig said he appreciated staff's work on the proposed policy.

Councilor Warr asked for the definition of gender identity/expression. City Manager Estes explained that gender identity would be the gender that a person considers himself or herself to be. Gender expression is how a person expresses the gender they identify with.

Councilor Warr said he had concerns with the inclusion of gender expression. If a male staff member all of sudden decided to express himself as a female, wore a dress to work and began using women's restrooms and facilities, the City would be obligated to allow this. City Manager Estes understood there was case law on the issue; therefore, he did not want to comment. City Attorney Henningsgaard responded this was a factual question as well as a matter of policy. It is up to the City to decide how to handle this type of issue, should it develop. There are several different ways the City could handle this issue. The individual, as well as other City employees, can be affected by the City's decision. The decision would not be unilateral.

City Manager Estes understood that if gender expression were omitted from the policy, under case law the use of an alternate sex restroom would not be protected. City Attorney Henningsgaard did not believe the issue would be avoided by removing 'gender expression' from the policy.

Councilor LaMear asked how staff developed the wording of this policy. City Attorney Henningsgaard believed the wording was very close to the City of Portland's policy.

Councilor LaMear believed the policy indicates that Astoria wants to be fair to everyone and makes it clear that Astoria will not accept any kind of prejudice regarding sexual identity.

Mayor Van Dusen said he was unsure if the policy was necessary, but he agreed with the entire policy. Therefore, he planned to vote in favor of the resolution.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor LaMear to adopt the resolution to establish a non-discrimination policy. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 6(e): Mill Pond Trestle Repair Project (Public Works)

The Public Works Department has received complaints regarding the condition of part of the Mill Pond Trestle. The unused south maintenance access walkway is in poor condition, and not intended or suitable for public access. The Public Works Department implemented several temporary repairs and posted signage discouraging use. Unfortunately the temporary measures have not sufficiently discouraged signage and the Mill Pond Homeowner's Association requested a more permanent solution to address the safety concerns. The Public Works Department evaluated the safety issues and developed three repair alternatives for consideration. The options and estimated cost is as follows:

Mill Pond Trestle Repair Alternatives

Option #	Description	Estimated Cost
1	Barrier/Signage Improvements	\$ 3,400
2	Remove Walkway & Construct Guardrail	\$ 7,900
3	Reconstruct Walkway	\$ 55,600

It is recommended that City Council discuss the three options and authorize staff to solicit quotes for the Council's preferred Mill Pond Trestle Repair approach. Funding for this project would be available from the Promote Astoria Fund.

Mayor Van Dusen asked if staff had drawings that showed how the trestle would look after Option 2. City Manager Estes replied that staff did not have drawings yet. He used a photograph of the existing trestle to explain where the railing would be located, noting that the walkway would be completely removed. Director Cook confirmed that ODOT required the railing to be installed a certain distance from the railroad tracks. He confirmed for Councilor Mellin that there was only one trestle, but Mill Pond also had a bridge.

Councilor LaMear asked if removing the walkway, as suggested in Options 1 and 2, would create an end to the Riverwalk.

Mayor Van Dusen explained that the Riverwalk is much closer to the Columbia River. A different picture was displayed to show the exact location of the walkway and the Riverwalk. Director Cook clarified the walkway was about 30 feet away from the "Keep Out" sign.

City Manager Estes clarified that Option 1 would not remove the deteriorated boardwalk, more barriers would be installed.

Councilor Herzig suggested City Council approve Option 2; Mayor Van Dusen and Councilor Mellin agreed.

City Council Action: Motion made by Councilor Herzig, seconded by Mayor Van Dusen to authorize staff to solicit bids for Option 2: Remove Walkway and Construct Guardrail. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Item 6(f): Consider Approval of ODOT IGA for Street End Bridge Structures (Public Works)

Where each of the City's numbered streets between 5th and 11th Streets meet the Columbia River, a short bridge connects the solid-ground road to the over-water pier structure. These street ends structures provide access to a critical portion of our waterfront, as well as pedestrian and vehicular access to many businesses and attractions along the Columbia River waterfront. In addition, they provide emergency vehicle access to the waterfront. Currently the structures are all load limited.

The City has been offered funding from the Oregon Department of Transportation (ODOT) through the Local Highway Bridge Program (LHBP) to replace the structures at a cost of \$8,353,000 with a 10.27% City match of \$857,853. Staff proposes securing a loan for the match that could be repaid using future Surface Transportation Program (STP) allocations.

The first step of the process to begin the project is to enter into Local Agency Agreements with ODOT for the preliminary engineering. ODOT has prepared a Local Agency Agreement for each street end structure for this phase of the project. The agreements would provide \$1,799,984 in ODOT funds with the City being responsible for a match of \$206,016 for a total cost of \$2,006,000. A breakdown of these costs per street end structure is shown below:

Street End	HBP Funds	City Match	Total Cost
6 th Street	\$1,135,085	\$129,916	\$1,265,000
7 th Street	\$279,958	\$129,710	\$1,263,000
8 th Street	\$303,287	\$143,780	\$1,400,000
9 th Street	\$303,287	\$146,348	\$1,425,000
10 th Street	\$331,104	\$164,320	\$1,600,000
11 th Street	\$302,390	\$143,780	\$1,400,000
TOTAL	\$2,655,111	\$857,853	\$8,353,000

It is proposed that the full City match for the preliminary engineering phase be covered at this time by the Promote Astoria Fund since the loan for the remainder of the match would be obtained in early 2017. It is further proposed that half of the match (\$103,008) be provided by the Promote Astoria Fund since the bridges provide access to the waterfront and Riverwalk for our visitors. The remaining \$103,008 would be reimbursed by STP funds in the future. The City Attorney has reviewed and approved the agreements as to form.

It is recommended that Council authorize the six Local Agency Agreements with ODOT to secure funding through the Highway Bridge Program for the Street End Replacement at 5th through 11th Streets and also approve the proposed match for the engineering phase as outlined in the memorandum.

Councilor Herzig said at the last City Council meeting, a Councilor mentioned a concern about spending money the City does not have and this is future money that the City does not have. If STP funds are not received, how will the City pay for this project? City Manager Estes explained that STP funds are received regularly and the City does not anticipate these funds will go away. The City receives about \$100,000 in STP funds each year and has used the funds as a match for other projects in the past, such as the Irving Street Bridge and Franklin Street Bridge. Director Cook reiterated that there is no indication STP funds would go away.

Councilor Herzig said it would be nice to have a backup plan. He did not think the fossil fuel industry would go away any time soon and believed the funds would be available.

Mayor Van Dusen noted that in most cities, the ends of the streets are not in 45 feet of water. It is expensive to maintain Astoria's streets and he commended staff for developing this plan and getting \$8.3 million for street improvements.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear to authorize the six Local Agency Agreements with ODOT to secure funding through the Highway Bridge Program for the Street End Replacement at 6th through 11th Streets and approve the proposed match for the engineering phase as outlined in the memorandum. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

Councilor Herzig said he read in the *Daily Astorian* that the Astoria Police Department is applying for surplus military gear. He asked staff to give a report on what the gear would include and any possible maintenance costs of the gear. He understood that many Americans were concerned with the over-militarization of police departments. City Manager Estes said staff would present a report to City Council.

Mike Weston, Interim Director, Port of Astoria, Number 10, Pier 1, Suite 308, Port of Astoria, apologized that he chose to speak now instead of earlier in the meeting. He was disturbed that City Council created a motion after the public hearing closed and then a motion that had already passed was modified based on public testimony received after the last City Council meeting. LUBA would have a heyday with this.

Floyd Holcom, 652 Alameda Avenue, Astoria, said it was unfortunate that he has had to spend so much time coming to City meetings. He clarified that he is warning, not critiquing the City. City Council has heard demographics that indicate people are moving out of the city and businesses have difficulty coming into the community. One reason is because Astoria is creating many regulations and ordinances that prevent individuals from being entrepreneurs. In the 1800s when Astoria was founded, the only neighborhoods were Uniontown, Uppertown, and Downtown. He has read more of the Development Code in the last few months than he has wanted. He found it disturbing that discrimination was discussed. City Council passed a motion against discrimination, but economic discrimination was not discussed. He has heard from the community and City Council that the businesses downtown need to be protected. This discriminates against businesses that are not located downtown. How do the businesses in Uniontown and Uppertown voice their concerns? Entrepreneurs are challenged every time they try to move forward with something located outside of downtown and many City Council meeting minutes show this. This is pure economic discrimination. What is the difference between eating and drinking establishments on the waterfront and the restaurants that are downtown? This type of economic discrimination may be subtle to City Council, but is very loud and clear to those who are trying to earn a living in areas of town outside of downtown. Astoria's population and businesses are not increasing, but taxes and water and sewage prices are increasing. He hoped City Council would look into this by interviewing business owners

who have businesses outside of downtown Astoria to find out how each of the communities, with their separate political agendas, could come together.

Martin Buel, 859 Glasgow, Astoria, said that some time ago there was a discussion about Coast Guard housing and the possibility of having the Coast Guard present their plans for the property. City Manager Estes said staff has been in communication with the Coast Guard, which has committed to hosting an open house neighborhood public meeting that will likely be scheduled for the fall of 2014 or spring of 2015.

Mayor Van Dusen directed staff to tell the Coast Guard that the City would like the public meeting to be held within the next 30 days.

George McCartin, 490 Franklin Avenue, Astoria, congratulated City Manager Estes on his new position as City Manager. He reminded that in February 2014, he commented that it would have been easiest to simply appoint Mr. Estes as City Manager rather than spend time and energy on the application process. However, the meet and greet was nice. He believed the City used to take public comments on issues like the discrimination policy and the sports complex during discussion of the issues instead of during the public comment section of the meeting. He has no problem with taking public comments at the end, but believed the public used to be allowed to address the issues during discussion of the regular agenda items.

Mayor Van Dusen believed Mr. McCartin was correct.

Mr. McCartin thanked City Council for unanimously approving the discrimination policy. He had several questions about the lease of the sports complex, but the lease had already been approved. Therefore, asking his questions would serve no purpose.

Mayor Van Dusen invited Mr. McCartin to ask his questions verbally or submit a list of questions to the City. Even though the lease had been approved, he could still get answers about why the City is doing what it is doing.

Mr. McCartin asked the following questions:

- Why did the City need to obtain a loan for \$900,000 when the original plan called for around \$450,000?
- The City will maintain ownership of the land and rent the land to the school district with no rent payments. It appears as if the complex can only be used for school activities. Why can't other entities use the facilities? The City should be getting something back in-kind in exchange for no rent payments.
- Funds that were not in the budget were allocated for utility improvements; was this to keep the landfill gasses down?

City Council and staff addressed Mr. McCartin's questions and concerns as follows:

- The original estimated cost to the City to close the landfill was about \$1.2 million. When the idea of the four-party agreement was discussed, the estimate was about \$400,000 or \$500,000. However, several unexpected issues were discovered, which increased the cost. Those unexpected issues included the installation of a French drain about 12 feet deep around the football field to protect the locker rooms and field from ground water, Department of Environmental Quality's (DEQ) requirement for a heavier mat to prevent methane gas from coming up, and pipe extensions. If the City had to make these changes alone, the cost would have exceeded the original estimate of \$1.2 million.
- The only way the City could secure the loan was to maintain ownership of the land. The City had to convince the school district to allow the City to maintain ownership of the land. The City does not charge rent because the land is not worth very much.
- When clay was brought down from the hill to cover the landfill, the City created an area that could possibly be used later by the Public Works Department. It was much less expensive to install water and sewer facilities and access to the area at that time.

Mr. McCartin said he was fine with the answers to his questions.

Councilor Herzig wanted to know if the Parks and Recreation Department or other agencies use the sports complex facilities. Director Cosby said the Parks Department has a great working relationship with the school district. The Parks Department uses the school district's gym facilities and the school district uses the City's parks. She believed the sports complex would be included in the City's agreement with the school district.

Mayor Van Dusen added that Astoria has the best municipality/school district relationship in the state. The City and school district share baseball and softball fields, the school gymnasiums, Port of Play, and John Warren Field. He did not believe there would be a problem.

Chris Farrar, 3023 Harrison Avenue, Astoria, wanted to make sure Councilors and staff were not left with the wrong impression about the Riverfront Vision Plan. There has been a lot of back and forth on the plan and many people are not happy with it. Some people hint that they are threatening a law suit in order to get their way and other people simply rant about not being able to build to block views. Not many people spoke about the views, so he wanted City Council to keep in mind that the issue is about the view. The issue is not being afraid of a lawsuit by someone who has tens of thousands of square feet of unleased space. The space is not needed in that part of town because the Port has all kinds of space that is not currently rented out or leased. The Port is doing a lousy job and had no right to threaten the City as it tries to preserve the view. The City's job is to preserve the view, not be beholden to someone who makes an idol threat or someone that worries about their sole right to ruin the view of thousands of people who want the view. He asked City Council to take into account that more people want the view and there are good reasons to maintain the view. There is plenty of available space downtown and in all of the terrible neighborhoods that have been discussed for someone to open their business tomorrow if they could come up with the money.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:32 pm.

APPROVED:

City Manager