

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

Councilors Present: Nemlowill, Herzig, Warr, Price, Mayor LaMear

Councilors Excused: None

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

REPORTS OF COUNCILORS

Item 3(a): Councilor Nemlowill reported that she attended Columbia Memorial Hospital's (CMH) groundbreaking for the new cancer center on August 4th. The project is an amazing collaboration between the City of Astoria, the school district, CMH, and Western Oregon Waste Recology. Astoria will have world-class cancer treatment and it will add jobs to this small city. She thanked the Sister City Committee and the Regatta Association. The community came together over the weekend to put on quite an event and it was great to see the representatives from Waldorf, Germany, Astoria's sister city.

Item 3(b): Councilor Herzig apologized for missing CMH's groundbreaking. He reported that the *Daily Astorian* wrote about Fort George giving their employees bikes and building a bike shelter. He believed this was very forward thinking. This local business has done so much for the community and now they are doing more. Employees who promise to ride the bikes at least 40 days each year are given a bike. A small bike shelter has been created in the parking lot. This gets people out of their cars, improving their health. There are fewer cars on the road and fewer parking spaces are filled. Fort George continues to be a community leader. He hosted one of the City Councilors from Waldorf, Germany over the weekend and it was interesting talking about politics. On Friday, August 19th at 6:00 pm, the library and the Lower Columbia Diversity Project will host an Oregon Humanities Conversation Project called White Out: The Future of Race in Oregon. People who attended this event about four years ago learned that Astoria was listed as a sundown city, where people of color did not want to be on the streets after sundown. He encouraged everyone to attend. He thanked Ami Kreider, who organizes the adult programming at the library, for putting together such wonderful programs.

Item 3(c): Councilor Price reported that all of the recent events were possible because Astoria is a year-round community. People live and work here and spend time with non-profits, businesses, and associations that do things in the community. She thanked City Council and Mayor LaMear for talking about doing everything possible to keep Astoria a year-round community.

Item 3(d): Councilor Warr reported that it was fun spending time with friends from Germany over the last week. They give a completely different perspective on life and the visit was good. The 50th year ribbon cutting for the Megler Bridge included some good speeches. He appreciated that Astoria was a year-round city.

Item 3(e): Mayor LaMear reported that it was amazing to be Co-Admiral with Mark Kujala for the Regatta. The theme of the weekend was connectedness. She and Mr. Quilla discussed Astoria's connection to Warrenton, adding the bridge actually connects the two cities to Waldorf, Germany because German representatives were here 50 years ago to lead the parade across the river. Waldorf sent a delegation of 18 people to Astoria for the rededication, so the event was almost like a family reunion. It was a lot of fun and there were many tears when they left. She noted that the sculpture displayed in Council Chambers was made of blue bahia from Brazil. According to the Burgermeistren, the sculpture is more than one billion years old. This and other gifts to the City need to be displayed to the public. The representatives from Waldorf enjoyed staying with families in Astoria because it made them feel part of the community. She presented gifts to each of the Councilors from the Burgermeistren.

CHANGES TO AGENDA

City Manager Estes requested Consent Calendar Item 6(e) be removed from the agenda. The agenda was approved with changes.

PRESENTATIONS

Item 5(a): Oregon Brownfield Award

The City of Astoria has received an Oregon Brownfield award recognizing the Astoria Athletic Complex as an outstanding brownfields redevelopment. The Award honors individuals and groups that have implemented innovative, yet practical, remediation projects that stimulated economic development through job creation or retention, or addressed a critical community development need. The selection criteria for the awards focused on two primary goals: balance of economic and quality of life improvements to the local community and significant environmental gains. Each award-winning project highlights one or all of the goals associated with the State's brown fields mission: protection of human health and the environment; enhanced collaboration and communication among essential partners to facilitate clean-up and reuse; strengthened economic marketplace by bringing industrial and commercial brown fields sites back into productive reuse; and sustained reuse through redevelopment of brown fields to meet and enhance a community's long-term quality of life. City staff was not available to receive the award at the 2016 Oregon Brownfields Conference held on May 16th – 17th in Sunriver, Oregon, so our consultant Maul Foster Alongi received the award on our behalf. They will be presenting the award to the City at the August 15, 2016 City Council meeting.

Stacy Frost, Business Oregon, presented the award and congratulated the City. He explained that Business Oregon gives this award annually to four or five outstanding projects in the state. He read the details of the award aloud, which were included in the Staff report, and shared information about the award's creator, Kelly Howard. He thanked the City of Astoria, Recology Western Oregon, the Astoria School District, and CMH. It was his pleasure and honor to receive the award on behalf of the project team. This project also received a national brown field award from the Environmental Protection Agency (EPA).

Item 5(b): North Coast Crisis Resource Center

North Coast Crisis Resource Center Director Warren Zimmerman will discuss the facilities and services provided at the Center.

Mayor LaMear confirmed that Warren Zimmerman was not present.

Item 5(c): Scandinavian Immigrant Park Proposal

Loran Mathews and Judi Lampi of the Astoria Scandinavian Heritage Association (ASHA) will make a presentation regarding ASHA's proposal for a Scandinavian Immigrant Park and monument proposed to be located at the Peoples Park on 16th and Marine Drive.

Loran Mathews, President, ASHA, gave a PowerPoint presentation describing ASHA, the history of Scandinavian immigrants in the area, and the Association's proposal for a Scandinavian Immigrant Park and monument at Peoples Park.

Judi Lampi, 605 Alt. Highway 101, Warrenton, said she was a member of the ASHA and President of the United Finnish Kaleva Brothers and Sisters (Finnish Brotherhood) and noted that Soumi Hall would celebrate 130 years in Astoria this November. After the 1912 flu epidemic, the Finnish Brotherhood was instrumental in helping found the healthcare system in Astoria, which was the beginning of Columbia Memorial Hospital. She gave a PowerPoint presentation describing the ASHA's proposed designs for the park and monument, explaining how the designs and materials would honor Scandinavian heritage in Astoria, acknowledge donor contributions, and provide educational information.

Mr. Mathews added that the project website is fromScandinaviatoAstoria.org. ASHA has received a \$2,500 grant from the Oregon Community Foundation to start this project. The grant funded the conceptual drawings and he hoped brochures could be printed before the grant runs out. The Parks and Recreation Department already

maintains the proposed area and the ASHA wants to build a low maintenance monument to enhance the park and make the City's job easier. However, ASHA is more than willing to work with the Parks and Recreation Department.

Councilor Herzig said the City provided a portable toilet as an enhancement to this site. However, a City/non-profit partnership could provide for a Portland Loo. The proposed installation would be a good opportunity for the City and ASHA to share the cost of a restroom, which would be a real service to the community.

Councilor Nemlowill said her father, Roger McKay, made the conceptual drawings. She asked if ASHA planned to adopt the park or do anything other the proposed enhancements.

Mr. Mathews said at this point, ASHA just wants to enhance the park. However, the Association could consider adopting the park. ASHA had considered placing flags at the edge of town, but the idea was rejected because Astoria is more than just Scandinavian. The Association would like to have the project started by their next festival in June 2017 because next year will be the festival's 50th anniversary.

Councilor Nemlowill asked if ASHA planned to ask for any taxpayer money to construct the park. Mr. Mathews answered no, the ASHA planned to raise funds.

Councilor Nemlowill asked how maintenance of the proposed park would compare to the park's current maintenance. Mr. Mathews explained that the project would reduce grass maintenance and as the project moves forward, low maintenance and vandal proof materials will be considered.

Councilor Nemlowill asked if there would be any drawbacks for the City. Mr. Mathews replied he did not see any drawbacks at this point. The platform installed by the Rotary Club was recently torn down, but it was built as part of a plan to build several parks along the waterfront. That was the beginning of the Riverfront Vision Plan. Now that the platform is gone, the ASHA wants to build something permanent.

Item 5(d): Waterfront Bridges Replacement Project for 6th – 11th Streets

Where each of the City's numbered streets between 6th and 11th Streets meet the Columbia River, a short bridge connects the solid-ground road to the over-water pier structure. These waterfront bridge structures are of utmost importance to the City as they provide access to a critical portion of our waterfront. They provide both pedestrian and vehicular access to many businesses and attractions. In addition, they provide essential emergency vehicle access to the waterfront. Currently the structures are all load limited. In September 2014, the City entered into an Agreement with ODOT for the design phase of the Project. In April 2015, OBEC Consulting Engineers, Inc. (OBEC) was hired by ODOT for provide these services. The design phase is now 30 percent complete. Staff will present an update on the project and show the computer rendered photo simulations for 8th, 10th, and 11th Streets that were prepared by the consultant team.

City Manager Estes noted this presentation would focus on the replacement and rebuilding project for the street ends.

City Support Engineer Cindy Moore gave a PowerPoint presentation providing an overview of the 30 percent design concepts created for the bridge replacements and ODOT's right-of-way services required for this project.

Councilor Herzig said when the Parks Department was doing their wayfinding project, a lot of research was done on street light designs. He suggested Engineer Moore get that information from Director Cosby. Engineer Moore confirmed she had been coordinating with the Parks Department. City Manager Estes explained that the funds could not be used to implement the Trails Master Plan. However, this project might provide opportunities to install some footings or foundations. Councilor Herzig said this project was a good opportunity to install street signs. People who come off the cruise ships have no idea what cross street they are walking by.

Engineer Moore presented an update on the estimated project costs and funding, which reflected the 30 percent design concepts.

Councilor Price said she was originally very concerned that the project would destroy the original character of the waterfront. However, the pictures looked great.

Councilor Warr asked why 11th Street did not include the second track. Engineer Moore explained that after an evaluation of the bridge, staff and ODOT agreed the bridge ended at the north side of the first track. Eleventh Street is a unique configuration because it is the only street-end with the double track, which is a separate structure on the private dock that services Pier 11.

Mayor LaMear asked for an explanation of the rights-of-way. Engineer Moore displayed a map of the project area, noted the public rights-of-way boundaries, and explained that ODOT negotiates with private property owners to use their properties for the project. Private property could be used as a staging area, for example. Federal funding requires these negotiations be conducted through a legal process that ensures the rights of the property owners. City Manager Estes added that the rights-of-way that extend into the river are the most complex. While the street ends are privately owned, they are also part of the public rights-of-way. Additionally, the areas underneath the street ends are owned by the State of Oregon.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 7/18/16
- 6(b) City Council Work Session Minutes of 7/18/16
- 6(c) City Council Special Meeting Minutes of 7/25/16
- 6(d) Waterfront Bridges Replacement 6th – 11th Streets ODOT Local Agency Agreement Amendments and IGAs for Right-of-Way Services (Public Works)
- ~~6(e) Authorize Solid Waste Engineering Consultant Services – Former Astoria Landfill (Public Works)~~
- 6(f) Addition of Job Title for Schedule F-1 of Salary Resolution No. 16-04 (Police)

Item 6(e) was removed during Item 4: Changes to the Agenda.

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

REGULAR AGENDA ITEMS

Item 7(a): Direction for Possible Scandinavian Immigrant Monument to be Located at Peoples Park (Parks)

Earlier in the meeting, representatives from the Astoria Scandinavian Heritage Association will make a presentation regarding the proposed Scandinavian Immigrant Park and Scandinavian Immigrant Monument. Parks and Recreation Director Cosby's memo accompanying this agenda item details the history of the Peoples Park. The memo also reviews the Park and Recreation Advisory Board's discussion and recommendation that ASHA would need to include not only fundraising for construction, but also for the monument's ongoing care and maintenance. The Parks and Recreation Advisory Board unanimously agreed to recommend the Scandinavian monument project to the City Council contingent upon a formal park adoption agreement. Therefore, it is recommended that Council consider the Parks and Recreation Advisory Board's recommendation and direct staff to prepare an agreement with ASHA following adoption of an Adopt-A-Park program. Both the Adopt-A-Park program and ASHA agreement would be brought back to Council for consideration.

Director Cosby said the Adopt-A-Park program was first discussed by City Council in November 2013 when the Chip-In Program was established. The City currently has a formal Adopt-A-Park program with the Holiday Inn Express for a portion of the Maritime Memorial Park and the Friends of the Astoria Column for the care of Astor Park and the Column. Both of these programs are very successful, but the contracts for each park differ greatly because the parks' needs are different. However, park adoptions usually involve an area business or organization taking responsibility for the routine care, maintenance, and improvements of a park site. If an organization wanted to adopt Peoples Park without additions, the organization would mow, prune, remove garbage, and maintain the restrooms. However, City Council can review the details of each contract. The Adopt-A-Park program was identified in the Parks and Recreation Master Plan, Section 6.2.

Councilor Warr understood there were other parks being maintained by residents who live near the parks. Director Cosby said Alderbrook Lagoon was maintained by nearby residents, but there was no formal agreement with the City.

Councilor Herzig said Riverwalk maintenance at the Holiday Inn was very nice. However, this recommendation would take some work. If the City allows the installation of the monument, the Astoria Scandinavian Heritage Association (ASHA) will have to agree to adopt the park and state when the adoption would take effect. A Portland Loo at Peoples Park would be fantastic and he believed it would be an excellent use of Promote Astoria Funds. He explained that the Portland Loo is a low maintenance vandal proof public restroom. Director Cosby confirmed a Portland Loo would cost about \$107,000. Councilor Herzig added that even though this project would reduce landscaping, the cement would still need to be pressure washed and the flags would require special permits. Director Cronin noted there was an exception in the zoning laws for flags representing national origins.

Councilor Herzig said he hoped the project worked out because it would be an excellent use of the area. He also hoped the Finnish Socialists would be part of the project because they helped put Astoria on the map. The mentality of the Finnish Socialists and the Ghadar Party made Astoria an open community before World War I.

Mr. Mathews asked when the contracts with Holiday Inn and the Friends of the Column expired. City Manager Estes said staff had been working with the Holiday Inn Express for about five years and there was no formal contract renewal process. The Parks Master Plan intends to formalize a perpetual Adopt-A-Park program. However, as policy makers, City Council must determine what is appropriate for the city.

Director Cosby added that the presentation was given just after the Parks Board recommended the Master Plan to City Council. The minutes of that meeting indicated that although the project was well planned and a good example of repurposing an underutilized park, they had just voted to refrain from adding new parks, facilities, and services via the Comprehensive Plan and were therefore hesitant to recommend this addition until higher priority park projects were completed. The Parks Board was extremely supportive of this project, but understood staff was focused on taking care of what the City already has. She believed the Parks Board was trying to move forward with a more sustainable vision.

Councilor Price said Astoria should have a Scandinavian heritage park and she was surprised such a park was not the first thing at Heritage Square. She believed the Adopt-A-Park program was essential and should be very long term. City Council just adopted the Parks Master Plan and it would not be wise to make an exception right off the bat. She was concerned about the design of the proposed monument site because Peoples Park was the only area on that side of Highway 30 with trees. She did not want the trees to be replaced with hardscape, which is more difficult to maintain than a grassy area with trees. Hardscapes are more susceptible to tagging and stickering and must be power washed. She suggested the design elements stick to the Scandinavian concepts of minimalism and functionalism. This is one of the few locations for a permanent restroom, but it also one of the most pleasant looking areas and she did not see how a permanent restroom would fit with the proposed design.

Councilor Warr understood that each Adopt-A-Park program was negotiable. He did not want City Council to take such a hard line on this project that a nice, new facility could not be added to Astoria. He has worked with granite out in the weather for a long time and it is not difficult to maintain. Granite is much better than many other products and he believed the design concept was great. He did not want to chase the project off over a few maintenance details.

Councilor Nemlowill declared a potential conflict of interest because her father created the conceptual drawings. However, she did not believe this project would have any financial impact on her family. She asked if Director Cosby believed the proposed park enhancements would be more difficult to maintain than the existing facilities. Director Cosby said the proposed enhancements would increase maintenance. In addition to the regular mowing, pressure washing will be necessary. Astoria has been lucky that its monuments and pieces of art have not been painted with graffiti and she hoped this would be the case at Peoples Park as well. Maintenance would only increase by a few days each year.

Councilor Nemlowill confirmed that Peoples Park was included in the recently approved contract for the maintenance of tourist sites. She asked if Promote Astoria Funds could still be used for this site if the proposed project was approved. Director Cosby said she hoped so.

Councilor Nemlowill said she was on the Citizens Advisory Committee for the Parks Master Plan. The overarching theme was that the City needed to take better care of existing facilities before adding more. However, Mr. Mathews pointed out that this would not add a park, but would enhance an existing park. She did not believe the increased level of maintenance would be significant enough for the City to turn its back on such a wonderful opportunity. ASHA has already launched plans and agreed to raise the funds. This could be a real asset for the City.

Councilor Herzig added that the Scandinavian community has what it takes to see this project through.

Councilor Nemlowill said she understood the Parks Board's recommendation for the Adopt-A-Park program. However, Mr. Mathews said the program was beyond the scope of the proposal. Therefore, she believed City Council should consider the project separate from the Adopt-A-Park program.

Mayor LaMear asked if Peoples Park could be included in the Chip-In program. Director Cosby said yes and noted that the Love Your Columbia Chip-In events have concentrated on Peoples Park. Mayor LaMear understood that most of the maintenance would be done by the City's contractor with the assistance of the Chip-In program. Therefore, it does not sound like the proposed project would put a terrible burden on ASHA.

Director Cosby said the Parks Board made its recommendation prior to City Council's authorization of the maintenance contract with Greensmith. Greensmith will begin working this week and staff has yet to determine if the contract is a good fit for the City.

Mayor LaMear did not want the project to be held up. Director Cosby confirmed an agreement could be presented to City Council as early as the first meeting in October.

Mr. Mathews confirmed this would give ASHA adequate time to move forward with the project before the festival's 50th anniversary. The grant fund timeline is the only timeline he was concerned about because funds had to be spent by October 1st. The ASHA planned to spend the funds on brochures, which cannot be printed until City Council approves the project. However, they plan to move forward as soon as the project is approved and people have already stated they would like to donate to the project.

Councilor Price said Adopt-A-Park agreements could be flexible and she believed an agreement should be in place. This project could result in several extras days of maintenance each year. Also, the City might consider selling parks or letting parks return to a natural state. Therefore, a minimum agreement should be in place.

Councilor Herzig suggested the project move forward like that of the Friends of McClure Park, which do not have a binding Adopt-A-Park agreement, but they have brought events and fundraisers to the park. He did not believe the Parks Master Plan was intended to beat down community proposals. The City should be more flexible. He suggested City Council direct staff to prepare an agreement with ASHA and consider possible adoption of an Adopt-A-Park or Friends of Park program. He asked if staff was comfortable with his revision to the recommendation. City Manager Estes understood City Council wanted to move forward with the project. Staff would also like Council to approve an agreement that spells out the details and requirements of the project.

Mayor LaMear said she loved the idea and believed it would be a good use of the park. However, the Parks Board recommended this project prior to the Greensmith contract. She did not want to step on the toes of the Parks Board, but wanted the project to move forward sooner than later.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Warr, to direct staff to prepare an agreement with ASHA for City Council review. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Item 7(b): Ordinance Approving the Assignment of Non-Exclusive Telecommunication Franchise from CoastCom, Inc., to Astound Broadband, LLC (1st reading) (Finance)

Ordinance 16-03 was approved March 21, 2016, granting a franchise to CoastCom, Inc., for operation of telecommunications facilities within City rights-of-way. The ordinance:

- Requires COASTCOM, INC. to pay a fee to the City equal to 7.0% of the gross revenue earned within the City.
- Provides procedures for amendment and renewal of the franchise.
- Imposes certain reporting requirements.

Astound Broadband, LLC has entered into a purchase agreement with CoastCom, Inc. to acquire the assets and operation of CoastCom, Inc. Matt Updenkelder, Vice President of Operations for CoastCom, Inc. has requested City Council consider assignment of the CoastCom franchise to Astound Broadband, LLC. Included in this packet is an Ordinance approving the assignment of a non-exclusive telecommunication franchise. The documents have been reviewed and approved as to form by City Attorney Blair Henningsgaard. It is recommended that City Council conduct the first reading of the proposed ordinance.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price to conduct the first reading of the ordinance approving the assignment of Non-Exclusive Telecommunication Franchise from CoastCom, Inc., to Astound Broadband, LLC. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Director Brooks conducted the first reading of the ordinance.

Item 7(c): Verizon Wireless Leases (Police)

At the July 5, 2016 meeting, draft leases were presented for the Verizon Wireless project at Reservoir Ridge and a lease extension at Coxcomb. Council indicated they believed the terms were supportable. These leases were returned to Verizon Wireless (VZW) for inclusion of two items listed in the memorandum presented that night. Additionally, the Council nondiscrimination policy was included in the contracts.

Verizon Wireless has signed the two leases with the terms presented to the Astoria City Council at the July 5th meeting. In addition, they have provided a right of way easement for Pacific Power to provide power to the facility. The leases presented then, and now for signature, are in keeping with the guidance set out during the March 21, 2016 work session regarding the wireless communications facility at Coxcomb, staff has negotiated a new lease with Verizon Wireless (VZW) for the site at Reservoir Ridge. The terms of the lease are favorable to the City in value of construction and use of tower for our communication needs. For the term of the lease, there are no monthly payments for lease. The negotiations resulted in two leases. These leases are for the Coxcomb and Reservoir Site both of which have been reviewed and approved as to form by City Attorney Henningsgaard. With the previously proposed and now adopted amendments, the highlights of the leases are in the memorandum

In addition, an easement to Pacific Power is also included to provide electrical service to the Reservoir Ridge site. City Attorney Henningsgaard has asked for some changes to the easement document including clarification where the line would be placed in the respective tax lots and with language regarding waiver of a right to jury trial. Staff will work with Pacific Power to address these issues. It is recommended that Council authorize the Mayor and City Manager to sign the leases with Verizon Wireless for facilities at Coxcomb and Reservoir Ridge and the Pacific Power right-of-way easement, contingent on resolution of the City Attorney's requested changes.

City Manager Estes noted that City Council amended the language in its nondiscrimination policy after the leases were signed by Verizon. It takes up to six weeks to get signatures from Verizon and Verizon would like to begin construction at Reservoir Ridge before winter. Therefore, staff recommended the leases be signed as presented.

City Attorney Henningsgaard explained that some issues with the agreements showed up late in the process. The map on Page 147 of the Agenda packet showed the right-of-way easement boundary, which included City property and privately owned lots. Easements like this have reasonable use restrictions, so he believed it would be appropriate for the City to obtain a smaller and more specific property description for the easement area. The waiver of the right to a jury trial is unusual for easement documents and he suggested the waiver be omitted from the leases. Pacific Power gets a lot of easements from private parties and wants to avoid jury trials. He has no issues with a jury trial and wants the City Council to know they could waive that right. He recommended City Council approve the easement concept and allow staff to perfect the property description.

Councilor Herzig said City Council was told there was not enough time to amend the nondiscrimination policy and questioned how staff had enough time to work on these leases. City Attorney Henningsgaard explained the agreement with Pacific Power for the electrical power to the site was separate from the leases. The City has local Pacific Power representatives they can work with on these issues.

City Council Action: Motion made by Councilor Price, seconded by Councilor Warr to authorize the Mayor and City Manager to sign the leases with Verizon Wireless for facilities at Coxcomb and Reservoir Ridge and the Pacific Power right-of-way easement, contingent on resolution of the City Attorney's requested changes. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Councilor Herzig thanked Chief Johnston for working to get these leases approved. Even though Verizon gets a 25-year lease without rental, the City is still saving hundreds of thousands of dollars.

Item 7(d): Resolution Declaring an Emergency and Authorizing the Award of a Public Improvement Contract for Street Ends Bridge Repair Work (Public Works)

The City of Astoria has six timber street end structures at the north ends of 6th, 7th, 8th, 9th, 10th and 11th Streets that are inspected annually by the Oregon Department of Transportation (ODOT) Bridge Department. ODOT inspects the structures and makes recommendations for repairs that will permit the structures to safely remain open. Without the identified repairs, the structures could be recommended for closure to both vehicular and trolley traffic by ODOT staff. A repair strategy was developed by OBEC and was designed to be limited to only what has been deemed absolutely essential in order to minimize the expenditure of funds prior to the upcoming planned replacement of the structures and to assure trolley operations.

Staff solicited quotes for the repair work and received two quotes that exceeded \$100,000: Bergerson Construction, Inc. for \$196,799 and Columbia Dockworks, Inc. for \$152,950. Columbia Dockworks is not prequalified with ODOT; therefore, considered a non-responsive quote and removed from consideration. The only responsive quote was received from Bergerson Construction (who is ODOT qualified) in the amount of \$196,799. At the time of this Council memo preparation, staff and OBEC are in the processes of negotiating with Bergerson Construction to reduce the total cost of this contract through value engineering and alternative repair approaches at specific locations. The contract with scope of work, including the final contract amount, will be presented at the Council meeting along with a project budget. It is recommended that funds be provided for this project by the Capital Improvement Fund, which may require a budget amendment at the end of the fiscal year. It is recommended that the City Council adopt the Resolution declaring an emergency and award the public improvement contract for the Street End Bridge Repair Project to Bergerson Construction, Inc.

Assistant City Engineer Crater gave a PowerPoint presentation on the Street Ends Bridge Repair Project and explained how it overlapped with the Waterfront Bridge Replacement Project. He updated Council on work that has already been completed and described staff's efforts to reduce costs for the upcoming major construction. Staff recommends a 20 percent contingency to account for unforeseen conditions, which brings the total estimated construction costs to \$206,000. Staff would continue to look for cost savings as the project moves forward. City Attorney Henningsgaard has recommended that City Council adopt a resolution declaring this an emergency situation prior to awarding the construction contract because the estimated costs are so far above the \$100,000 threshold for public bidding. If this request is approved, Bergerson Construction could start working tomorrow and have the work completed within 45 days.

City Manager Estes clarified that the amount quoted in the Resolution includes the 20 percent contingency, but the contract amount would be \$170,989.

Mayor LaMear asked if this was just approved as part of the Consent Calendar. Engineer Crater confirmed the Waterfront Bridge Replacement Project is associated with this Street End Bridge Repair Project. However, the Consent Calendar item dealt with right-of-way services that are not related to this project. City Manager Estes added that Engineer Moore's presentation was on the replacement project that will begin next year. The Consent Calendar item dealt with the services needed to secure easements and access on private property as part of the long-term replacement project. This item is about the interim repairs needed to keep the bridges open, allow trolley service to continue, and allow continued full access to the waterfront bridges. The materials used to repair the bridges will be removed when the bridges are reconstructed. This project will be conducted in two phases

with the odd numbered streets being repaired during one phase and even numbered streets repaired during another phase.

Mayor LaMear asked if the work would be done underneath the trestles and on the surface. Engineer Crater explained that work would be on the support members underneath the structure. Most of the decking work is done by Public Works staff.

Councilor Herzig understood ODOT told the City that the bridges would be shut down if repairs did not begin immediately, so interim repairs must be done before the full-scale replacements. Engineer Crater confirmed that was correct and said ODOT takes direction from the Federal Highway Administration (FHWA).

Councilor Nemlowill asked what the City's status was with ODOT as far as shutting down the waterfront. Engineer Crater said staff began conducting weekly inspections, sending weekly reports to ODOT, and implementing some of the easier repairs. This was enough to prevent ODOT from shutting down the structures on August 1st. If the Resolution is approved now, construction can begin immediately, allowing staff to show ODOT more progress on the project. He believed ODOT was satisfied that the City is making every effort possible to move forward in a safe and responsible manner. Staff does not anticipate any disruptions.

Councilor Nemlowill asked how the City would pay for this work. She understood funds would come out of the Capital Improvement Fund, but wanted to know if funds would have to be taken from another project. City Manager Estes said since the last City Council meeting, Public Works, Parks, and Finance staff looked at eligible funding mechanisms for this project. The immediate street repairs would not be eligible to use Promote Astoria Funds because of the longevity of the materials. The work is for maintenance of road infrastructure, so staff determined the Capital Improvement Fund was an appropriate source of funds. Director Brooks conducted financial analyses that considered money on hand in the Capital Improvement Fund and anticipated revenues for this fiscal year. The City will receive proceeds from the timber harvest at the watershed and the second round of carbon credits. Staff is looking for ways to preserve the existing Capital Improvement Fund projects without making any cuts. However, a budget adjustment would most likely be necessary later on in the year. The trestles need repairs, which are estimated to cost \$450,000 with contingencies. The repairs east of 39th Street are necessary to keep the area open to pedestrians and the trolley trestles will need repairs before March in order to keep the trolley operational next summer. The financial analysis identified the Promote Astoria Fund as an appropriate source of funds for those repairs. A healthy Ending Fund Balance and Contingency has allowed staff to move forward with this project. Astoria is fortunate that funds will be available this fiscal year for this project. A budget amendment will be necessary, but the City can afford the work with cash on hand and receivables from room taxes. This will result in a lower Ending Fund Balance than staff would like, at about \$120,000. However, the loan for the Garden of Surging Waves has been paid off. It will be critical to complete about \$250,000 in repairs each year for the next ten years in order to keep the Riverwalk operable. Therefore, staff will ask the Trolley Association to share the maintenance costs. Projections will be made about how much room tax revenue is expected so that staff can determine how much money would be needed to keep the trolley operating. This means trolley fares might have to increase.

Councilor Nemlowill asked if staff ever considered increasing the room taxes. City Manager Estes said staff cannot increase room taxes. Director Brooks explained that the room taxes are set by State statutes.

Councilor Herzig said each year a large part of the Promote Astoria Fund goes to the Chamber of Commerce. The Trolley Association is a small volunteer operation, so the City should ask the Chamber to take less of the funds to help fund the annual maintenance of the trestles. City Manager Estes said staff has spoken to the Trolley Association and their President, Willis VanDusen, has stated the Association's board would consider a proposal. However, the amount was not discussed. He also discussed this issue with association members at their summer banquet.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill to adopt the Resolution declaring an emergency and award the public improvement contract for the Street End Bridge Repair Project to Bergerson Construction, Inc. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

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

Lynn Hadley, 3795 Leif Erikson Drive, Astoria, said she has lived and operated her business in Astoria for the last five and a half years. Recently, the owner of the building she rents for her business said she must vacate the building because the building has been sold to a party that plans to use the entire 10,000 square feet of space for a marijuana dispensary. The building is on Commercial Street between 11th and 12th Streets. She is terribly disappointed that she must relocate her established and successful business. She questions the regulations that apply to the already numerous businesses selling marijuana in Astoria, especially the business that plans to open in the middle of Astoria's main business district. There has been a great effort by the City, the Port of Astoria, the Chamber of Commerce, and local merchant associations to create and enhance an inviting downtown economic area. She wanted to know about the presence of marijuana stores downtown. The community goes to the trouble to bring in cruise ships and get positive media attention, which is much appreciated by local merchants. However, groups, families, and tourists are not drawn to Astoria's offerings because of the ready access to marijuana. Visitors want to shop, see local art, explore the literature and history of the area. People will go where they need to go in order to buy marijuana, but Astoria's downtown is the spine of the community. Downtown is also an opportunity to provide a fresh, fun, and fine alternative to mall, internet, and big box store shopping. Astoria should proudly promote the unique shops, galleries, book and antique stores that make the town a beautiful and special place, a place people enjoy, desire to visit, and care to return to. She was not pretending to be ignorant to the money being made in marijuana sales and the State benefits, she wondered how many pot shops could be sustained in this small town and how well the charm factor will be maintained as boutiques give way to more marijuana stores. It seems this crosses the purpose of the grand plan to maintain the interest of visiting Astoria and growing the economy of the City.

Councilor Herzig confirmed Ms. Hadley's business on Commercial was Garbo's Vintage Wear. He asked if the Planning Commission would review the marijuana dispensary. Director Cronin said marijuana dispensaries are treated as retail services, which is an outright permitted use in the Downtown District. Therefore, the permit would be approved administratively and then the business would purchase a business license. This dispensary would not be reviewed by the Planning Commission, nor would there be opportunities for public input.

Councilor Price asked if it was possible for the City to limit the number of marijuana stores in Astoria. Director Cronin said some jurisdictions have tried, but failed. However, Astoria could consider limiting marijuana stores. City Attorney Henningsgaard added that other cities have tried to restrict the distance between the retail establishments or restrict them from certain zones. There is probably a way to limit the stores, but it usually takes some ingenuity to figure out which restrictions would accomplish City Council's goals. Also, restrictions cannot be placed on legally established businesses.

Councilor Price asked how many marijuana stores were in Astoria. Director Cronin replied four and that one more would open soon. Most were located along the Highway 30 corridor. Councilor Price said she was in favor of limiting the number of stores, but Astoria is the Wild West. She had asked about this in the past and there is no traction on the Council to limit marijuana dispensaries.

Councilor Herzig thanked Ms. Hadley for waiting so long to speak and said he hoped she could find another location.

Charles Johnson, 540 SE 73rd, Portland, said has attended many Portland City Council meetings where they deliberated about limiting the number of marijuana dispensaries. Many hours have been spent considering the best ways to use marijuana retailers as economic catalysts. Ten thousand square feet is a large space, but he did not know how large the other dispensaries in Astoria were. Oregon Liquor Control Commission (OLCC) might be involved in siting and density now that the medical marijuana program is transitioning into retail. State regulations could influence the City's discussion of density for the shops. It is always good to have destination businesses in downtown and sometimes it is unpleasant to wait for the market to sort it out. Other cities are talking about revenue generated from marijuana stores and how to repurpose the funds. He encouraged City Council and the City Attorney to discuss making the most of new revenue and new businesses while maintaining the climate and appearance of the business area.

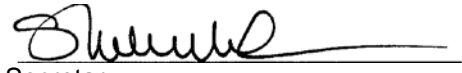
Mick Hauge, 1 3rd Street, Astoria, thanked Councilor Herzig for listening to his and others comments and expressing those thoughts at City Council meetings. Councilor Herzig will be missed by many people. He hoped other Councilors would step forward and replace Councilor Herzig's thoughtfulness towards the public. He

attended the 50th anniversary of the bridge and it was nice to hear the Burgermeister talk about taking care of people who cannot take care of themselves. Only one person has done that. Mayor LaMear invited Councilor Herzig up because of his work with the Astoria Warming Center. He hoped that others would step forward and actually work on similar things, not just donate money, when Councilor Herzig is gone. He has been asking for street signs along the Riverwalk for three years and Councilor Herzig brought it up earlier in the meeting. He spoke to the Parks Board about the graffiti on the Riverwalk, which has remained in the same locations year after year. He hoped someone with the City would clean up the graffiti, which has been on the trash cans at 10th and 11th for two years now. He suggested staff walk along the Riverwalk with a map and mark the areas with graffiti and clean them up over time.

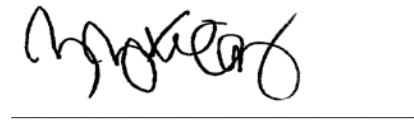
ADJOURNMENT

There being no further business, the meeting was adjourned at 9:07 pm to convene the Astoria Development Commission meeting.

ATTEST:


Secretary

APPROVED


City Manager