

- CALL TO ORDER** The Regular meeting of the Seaside City Council was called to order at 7:00 PM by Mayor Don Larson.
- Present: Mayor Don Larson, Council President Stubby Lyons, Councilors Tim Tolan, Don Johnson, Jay Barber, Dana Phillips and Tita Montero.
- Absent: None
- Also Present: Mark Winstanley, City Manager; Kevin Cupples, Planning Director; Neal Wallace, Public Works Director; Russ Vandenberg, Convention Center & Visitors Bureau General Manager; Bob Gross, Seaside Police Chief; Nancy McCarthy, Daily Astorian; Tom Freel, Northwest Broadcasters; and Rosemary Dellinger, Seaside Signal.
- AGENDA** Motion to approve the May 9, 2011 agenda; carried unanimously. (Lyons/Johnson)
- PROCLAMATION** Mayor Larson read a proclamation for Emergency Medical Week.
- Susan Agalzoff, Medics Ambulance Operations Supervisor, presented the City Council and citizens of Seaside with a plaque from Medics Ambulance.
- Mayor Larson read a proclamation for Peace Officers' Memorial Day.
- COMMENTS – PUBLIC** Gini Dideum, 1941 Beach Dr., Seaside, stated the All America City delegation of eighteen people would be traveling to Kansas City June 14-18, 2011, to represent the City of Seaside. Out of the eighteen that would be attending eight would be paying their own way or were being sponsored by the group they represented. The group was very excited and had everything in order and the presentation put together which would be ten minutes. The presentation would consist of Tsunami Preparedness, the new Seaside Library, and the Skate Park. There would be a fundraiser on Sunday, May 15, 2011, 3:00 pm to 6:00 pm, at the Convention Center.
- John Dunzer, 2964 Keepsake Drive, Seaside, stated he had a lot of good things to say about Larry Haller who loved the community of Seaside. Mr. Haller understood there was a difference between a Democracy and a Republic. The Astorian actually printed something that was worthwhile today, which was the difference between a Democracy and Republic. Mr. Dunzer further stated it was extremely important to him that when people were elected they understand what they were trying to do, and not just someone to carry out an opinion poll. These people were elected because the citizens hoped they would stay well prepared. Mr. Dunzer further stated after seven or eight years with the Transportation System Plan the majority of the people in the community still do not understand the difference between a Democracy and a Republic. Clatsop County had entire board of Commissioners that were elected because they do not understand the difference between a Democracy and a Republic, and the citizens do not understand either. Mr. Dunzer further stated the article should have been read instead of the proclamations.
- Dale McDowell, 3760 Sunset Blvd., Seaside, stated the Daily Astorian wrote a nice story about Pam Fleming the City of Seaside's Landscaper, and there was also a story about the new banners that were put up in Seaside.
- COMMENTS – STUDENT REPRESENTATIVE** Absent
- PRESENTATION – NATIONAL AMERICAN MISS** Council President Lyons introduced Gayla Markle who was the Oregon representative for the National American Miss Scholarship Pageant, and would make a presentation. Ms. Markle's platform would be about logging.
- Gayla Markle stated she was speaking on the important role that loggers had on the environment. Oregon was the first in the nation to adopt the Environment Forestry Practices Act which has been a national model for environmental protection during timber harvest and reforestation. The state of Oregon was a leader in governing forest operations to ensure the continued growing and harvesting of trees while protecting soil, air and water quality, and fish and wildlife resources. Miss Markle further stated in conclusion it had become her desire to educate the public about the logging industry. Loggers cared about the resources and had an important role in protecting the environment.
- Mayor Larson asked when the Loggers Memorial would be.
- Miss Markle stated the Loggers Memorial would be this weekend at Camp 18.
- CONFLICT** Mayor Larson asked whether any Councilor wished to declare a conflict of interest.
- No one declared a conflict of interest.
- CONSENT AGENDA** Motion to approve payment of the bills in the amount of \$462,205.69; and April 25, 2011, minutes; carried unanimously. (Tolan/Lyons)

Mayor Larson stated Council had the Seaside Transportation Plan (TSP) Land Use Decision Regarding Proposed: TSP Comprehensive Plan Amendment 10-044ACP, Ordinance 2011-02 and TSP Zone Code Amendment 10-045ZCA, Ordinance 2011-03. Mayor Larson further stated the last several meetings Council took public testimony and the Public Hearings were closed on April 25, 2011. Council asked to have the written testimony portion left open until May 4, 2011, and Council had not received any written testimony as of that deadline so there was not any additional testimony to add. Mayor Larson further stated at this time Council would be considering the changes submitted by the Planning Commission. Kevin Cupples would bring Council up to date and guide Council through the changes. Council would review each item one at a time to see if there was a consensus from Council or if there were changes that needed to be made.

Kevin Cupples, Planning Director, stated the public testimony concerning the TSP had now been concluded and Council was ready to begin deliberation. The minutes reflected the testimony that was offered before the Council, and staff prepared a document that summarized and responded to the oral and written public testimony. The information was included in a matrix and the responses could be discussed by the Council to determine if modifications to the TSP were justified. Mr. Cupples further stated the Planning Commission also heard public testimony during their review of the TSP which led to a number of recommended changes to the TSP documents and they were included in the recommendation. Council would need to review each of the proposed modifications in order to determine if they support, in whole or in part, the Commission's recommendation. The Commission's recommended changes were included in the Council packet and were attached for review. Mr. Cupples further stated the numbers indicated with a 5 were actually direct testimony from the public to the Planning Commission and were recommended changes actually at the staff level. The numbers indicated with a 6 were items the Planning Commission recommended as additional information that was covered.

Mr. Cupples stated staff would start out with 5a. one of the items that were brought up in public testimony regarded flooding concerns. Mr. Cupples read 5a.

5a. Flooding- Amend the flooding text in the TSP (Page 3-29) to include the Port of Astoria and Gearhart as contributing entities. The third to the last sentence would be revised to read, "In 2009, the Cities of Astoria, Cannon Beach, Gearhart, Seaside, and Warrenton, along with Clatsop County, the Port of Astoria, and ODOT, agreed to pool resources for a hydraulic study." The additional text suggested by the hydrologist is very specific and unnecessary.

Mr. Cupples stated there was actually a fairly lengthy paragraph that the hydrologist had suggested putting in that actually added more detail than the Planning Commission thought was necessary and that information was pared back. The information that was quoted in the finding would be incorporated into the TSP document.

Mayor Larson stated that information was on Page 3-29 and was concerning the flooding. Mayor Larson asked Council what their thoughts to the changes were.

Councilor Tolan stated the information seemed appropriate since those entities were involved and he liked the recommendation.

Council consensus on the information that was quoted.

Mr. Cupples read 5b.

5b. Bypass- Amend the bypass text in the TSP (Page 3-29) to include regional nature of such a facility. The text preceding the steps would be revised to read, "A number of steps are required to forward a bypass. Based on the regional implications, the following steps should include the participation of stakeholders throughout Clatsop County."

Mr. Cupples stated the information that would be added to the text was directly noted in quotes.

Councilor Tolan asked Mr. Cupples to define forward.

Mr. Cupples stated forwarding the bypass would just be putting that forward or furthering.

Mark Winstanley, City Manager, stated maybe moving it forward.

Councilor Montero stated furthering.

Mayor Larson asked if the word would replace all six steps.

Mr. Cupples stated it would be a revision of the one sentence.

Councilor Montero asked if that was adding a sentence after forward a bypass.

Councilor Barber asked for the sentence to be read as it would be stated.

Mr. Cupples asked if Council was interested in changing the word forward to further.

Council agreed they were interested in changing the word to further.

Council President Lyons asked where it states “the following steps should include the participation of stakeholders throughout Clatsop County” would that be the same stakeholders that was mentioned in 5a. under flooding.

Mr. Cupples stated that would be correct and perhaps more. The flooding was very specific because it actually involved individuals that were contributing for that study and according to Duane Cole, County Manager, Council may be looking at a very far reaching group of individuals that would need to be considered as far as bypass work would go.

Mayor Larson asked to take out the word forward and read the information with the word further.

Mr. Cupples stated “A number of steps are required to further a bypass. Based on the regional implications, the following steps should include the participation of stakeholders throughout Clatsop County.”

Mayor Larson asked Councilor Montero if she was comfortable with the wording.

Councilor Montero stated she was comfortable and liked the word. Councilor Montero further stated the only thing she could think of was that there might be more people then were mentioned in the flooding and there actually could be more stakeholders outside Clatsop County.

Councilor Johnson asked if the State of Oregon could be added, like the legislature.

Councilor Montero stated maybe even federal funds. Councilor Montero further stated she would like the words “include the participation of all identified stakeholders”, and leave out throughout Clatsop County.

Mr. Winstanley stated what if it said “should include the participation of all required stakeholders”.

Councilor Phillips stated you would need to define required. Councilor Phillips further stated she would rather staff look at the information and did not want verbiage to bring to many people to decide what needed to be done in the community of Seaside.

Councilor Tolan stated he agreed with Councilor Phillips.

Mayor Larson stated the information would be given to staff for verbiage.

Council agreed there was a consensus.

Mr. Cupples read 5c.

5c. F&G Realignment- Amend the F&G text in the TSP (Page 3-19) to include Option 4. The last sentence in the paragraph would be revised to read, “Four options are carried through the planning phase (shown as Figure 3.13): Option 1: Realign Avenue F only; Option 2: Realign Avenue G only; Option 3: Realign both Avenues F and G; and Option 4: Retain current alignment and signalize F. If necessary, establish coordinated signalization at Avenue F & G so they operate as one light.” No additional amendments are necessary to support the forth option.

Mayor Larson stated what were doing was removing the last sentence in the paragraph that started with “three options are carried”.

Mr. Cupples stated that was correct.

Councilor Montero stated she understood the TSP was basically a set of concepts and was not the plan and was not every single project. Councilor Montero asked if there were four options added would that limit the City in the future to not look at any other options.

Mr. Winstanley stated he did not believe it would and as Council worked their way through improvements of the Avenue F and G intersection, by the time it was all done it would not be as simple as option 1, option 2, option 3, and would be some combination. Mr. Winstanley further stated one of the reasons option 4 was added was because there had been a great deal of discussion, and in order to adequately identify the fact that there was a great deal of discussion on all four of the options it might be important to add the option four also.

Councilor Montero stated she was glad to see that happen because there had been a lot of discussion.

Councilor Barber stated the options were left open and as the plan was looked at down the road in twenty years it was good to leave open as many options as possible

Mr. Winstanley stated Councilor Montero had defined it well in that these were concepts and the planning and design phase had not even been entered into.

Mayor Larson asked if there was a consensus.

Council agreed there was a consensus.

Mr. Cupples read 5d.

5d. Three Lane from C to G- Amend widening project 8 in the TSP (Page 3-18) from G to Holladay by adding an additional three lane widening from C to G. The following text would be added below Table 3.9, **8a. US 101 Cross-section – Three Lanes between Avenue G and Avenue C.** US 101 would be expanded to three lanes between Avenue G and Avenue C. This would create future continuity with the widening between G and Holladay and act as a preliminary phase to the F & G realignment (see project 9). This project would provide benefits similar to those previously discussed under the G to Holladay widening by providing a three lane cross section that will promote safer and smoother traffic flow along US 101 by eliminating the queues that currently develop when vehicles stop in the travel lane to turn left. Table 3.9.1 presents the cost estimate for the US 101 cross section between Avenue G and Avenue C.

Table 3.9.1 US 101 Cross-section Cost Estimate – Avenue G to Avenue C

Improvement	Estimated Cost (2010 \$)
8a. US 101 widening to three lanes between Avenue G and Avenue C	\$923,000.00

This project would also be added to Table 3.25 starting on TSP Page 3-50.

Mayor Larson stated this was one of the most marvelous changes.

Councilor Montero stated she was not visualizing the change.

Mayor Larson stated it was really three lanes from Avenue C.

Councilor Montero stated it was already three lanes.

Mr. Cupples stated but the three lanes did not go past Avenue C.

Councilor Barber stated it really provided a right or left turn lane all the way down the highway.

Mr. Cupples stated a three lane would continue from Avenue C all the way down to Holladay. Right now the way the TSP was crafted as it reads right now, although anticipated the plan would be dealt with when Avenue F and G were done but there was no clarification. Mr. Cupples further stated one of the Planning Commissioners raised the issue saying “why don’t we make sure there were at least three lanes through that area which may be in place of even having a stoplight”. The plan would break out a very small project and maybe a preliminary phase to one of the other projects, but at least there was continuity from Avenue C clear down to Holladay with three lanes. This was one of the things that people wanted to see in the plan.

Councilor Barber stated on a busy weekend if you were driving down that stretch of highway and someone was trying to make a left turn the traffic was backed all the way down to 24th.

Mr. Cupples stated that may be one of the biggest bottlenecks that Highway 101 had that backed up traffic.

Mr. Winstanley stated the other issue that would be addressed would be under the current layout which encouraged people to do something illegal and by adding the center turn lane and relatively soon would get rid of that problem which caused a number of safety issues.

Councilor Tolan asked if this would take priority of adding a three lane to Avenue G to Holladay.

Mr. Cupples stated every item or project that was identified in the plan was targeted for a certain time or window but the exact timing was dictated throughout the plan. It may all be driven on what type of funding could be received to get a project done. Mr. Cupples further stated there were concerns raised previously about whether or not certain pedestrian bridges would be first over another because some were further out in the plan. If there was funding and they were prioritized as they still were in the plan once they were in there it was still a potential funding project. It was recommended that the plan or idea was followed but that does not mean that you are locked into it.

Mayor Larson thanked the Planning Commission for finding this information.

Mr. Winstanley asked if there was a consensus on 5d.

Council agreed there was a consensus.

Mr. Cupples read 5e.

5e. Constrained Right of Way – Amend the available right of way in the TSP (Page 3-17) project 7 to reflect the available width. The last sentence in the second paragraph would be amended to read, “Available right-of-way through this section appears to be between 62 and 110’. The initial response to the five lane included a timing component for this project so that it would not be considered until other projects were completed; however, due to the level of concerns expressed over the potential impacts from this project and the fact this project is considered outside the 20 year time frame, the following text should be added to the first paragraph explaining this project is outside the twenty year timeframe.

“Although this project received strong support during the development of the TSP, public concerns expressed over this project’s potential impacts to the surrounding uses has removed it from the list of projects in the Very long category. This project may be reclassified as one of the Considerations for the Next TSP Update identified later in this Chapter.” The reference to this project will also need to be removed from Table 3.25 in TSP (Page 3-50). The consultants have been contacted to determine if there are any adverse impacts associated with this proposed amendment to the plan.

Mr. Cupples stated the last sentence regarding the consultants could be deleted. The consultants had been contacted and they did not see any conflict with removing that or moving it outside the long range section.

Mayor Larson stated does that mean the Planning Commission told you to talk to the consultants and now that you have talked with them the whole sentence could be removed.

Mr. Cupples stated they wanted to make sure they were not undermining something critical and the consultant said “well it was an important project for the future function of the highway but was not considered in the plan under the twenty year but was outside the twenty year plan” so they did not see any harm in moving it outside of that.

Mr. Winstanley stated this does bring up an item that was important to remind Council and to make sure the audience understood that the Transportation Systems Plan would be a living document and would need to be reviewed every so often. Something that was talked about was that even though this might be pushed farther back and not be a project within the twenty year time frame every five years Council should go back and review the TSP if not more often and, Council may because of changes to the City, funding or opportunity may want to add it back in.

Mayor Larson stated the now 62’ and 110’ would be left in and would go right in between the two paragraphs.

Mr. Cupples stated that was correct. That was actually leading into a misconception of how much impact you might have on neighboring properties. If you had the 90 plus foot wide right-of-way up to 110’ there was very minimal impacts on the surrounding properties. With it actually at 62’ to 110’ when you widen the lanes out you would have a greater impact and that was what was testified to by the public.

Councilor Montero stated what she was understanding was the language puts this outside the twenty year plan and she would want to be sure that elsewhere in the document where things were listed as a near project, middle project, far project, and beyond the twenty year project that all that in the document was consistent to determine that. Councilor Montero stated if funding came along anything outside the twenty year span would not be the first thing that was looked at, but would look at other things that were within the twenty year span. Ms. Montero further stated she agreed with Mr. Winstanley that this was a living document that would need to be reviewed at least every five years.

Mr. Winstanley stated the reference to 3.25 and page 3-50 was a chart that identified projects as being short, medium, and long term and this would remove this project from that chart so that it no longer would even be listed as a short, medium, or long term project.

Councilor Barber stated his only concern was that we do not lose track of the project so somewhere in the document in the appendix or somewhere we keep track of it.

Mr. Cupples stated that was being done by keeping the reference in the plan. Because you have items that were classified as beyond the twenty year and would be something that could be referred to at future TSP updates if that were necessary. It had not been forgotten but it was not even on the over twenty year plan and had been taken out of that category.

Councilor Johnson stated he was ok with the changes.

Council President Lyons stated the Planning Commission did a tremendous job.

Mr. Cupples asked if Council was ok with taking out the last sentence.

Council agreed there was a consensus.

Mr. Cupples read 5f.

5f. Minimize Impacts & Notification of Project Design – Amend the Comprehensive Plan Policy 1 in TSP (Page G-46) to include impact reduction and design notification text. The following text would be added at the end of the policy, “and future designs must attempt to minimize impact to the abutting properties and their uses. The City and the Oregon Department of Transportation shall work cooperatively to notify property owners that abut TSP projects at the time design funding is approved so they can provide input at an appropriate time.”

Councilor Montero asked in order to get design funding did there need to be a design first.

Mr. Cupples stated there did not need to be a design first. The funding would be received so that the design could be done.

Councilor Barber stated this was a good example when the public cared about giving input. The Planning Commission responded to this concern that was addressed. Councilor Barber stated he was in strong support of item 5f.

Councilor Phillips stated she agreed with Councilor Barber.

Council agreed there was a consensus.

Mr. Cupples read 5g.

5g. Minimize Impacts from Shared Use Pathways – Amend the Shared Use Pathway text in TSP (Page 3-41) to consider least impact option. The second sentence would be amended to read, “The US 101 Path should be extended north to the city limits and North Gateway Park, as well as south to the city limits unless it is shown that a more traditional sidewalk and bike lane would minimize the impacts to abutting properties due to right of way constraints.”

Mr. Cupples stated this was brought up concerning impacts to neighboring properties and why was a huge facility being put in if businesses were going to be harmed by it and should that be minimized as much as possible.

Councilor Tolan stated what we were looking at right now was from 1st to 7th Avenue there was a bike path and to extend that North.

Mr. Cupples stated that was correct or something like that.

Mr. Winstanley stated it would give the flexibility to be able to look at something like that rather than just having a policy in place saying it would be like this. There was enough language to allow other options.

Mr. Cupples stated if you tried to go north and had a constrained right-of-way and a joint use pathway could be added but part of the factory outlet would be taken out. An alternative design could be used but wouldn't work because you are constrained and then a different option could be tried.

Councilor Tolan stated the plan would be a more traditional sidewalk and bike lane next to the sidewalk joining the road.

Councilor Montero stated but the shared use pathway puts them together and actually saves a little footage.

Mr. Cupples stated we are starting to talk about the details of a design and what we were trying to do was add flexibility into the design. How was one design going to impact over the other design and if there were constraints then work within those constraints also.

Councilor Montero stated basically it was saying we do not have to do it the same way all the way through town.

Council agreed there was a consensus.

Mr. Cupples read 5h.

5h. Consideration of Modified Designs – Amend the Table 3.1 in TSP (Page 3-4) to recognize an additional footnote that will permit modifications subject to safety and operational constraints. Footnote 5 would be added to read, “5. When proposed improvements to existing roadways are constrained by limited right-of-way or existing improvements, these standards may be further modified; provided public safety and operational concerns can be adequately mitigated.” The number 5 would be noted at the table heading.

Councilor Montero stated this gives more flexibility.

Council agreed there was a consensus.

Mr. Cupples read 5i.

5i. Reclassification of Street Segment – Amend Figure 3.2 in the TSP (Page 3-5) to reflect the Minor Collector designation for that portion of 12th Avenue between Necanicum Drive and Franklin.

Mr. Cupples stated this was brought up by individual property owners that lived within that section and was discussed at a staff level. There did not seem to be any harm and it also provided additional flexibility in order to allow the design to fit within the community.

Councilor Montero asked if the map was figure 3.2 because she did not have a page 3-5.

Mr. Cupples stated that was the figure and he tried to make page references; it was not written on the page but was in between the two numbers.

Councilor Montero asked Mr. Cupples to explain the information more.

Mr. Cupples stated within the classification of streets there were certain cross sections that were recommended or certain flexibility in the cross sections. Rather than having a higher class street it was dropped one level down because it wasn't serving the higher level function and by dropping it down it would actually allow a roadway that fit within the right-of-way that already existed there.

Mr. Winstanley stated if Council adopted the TSP you have classified all of your roads everywhere from a principal arterial all the way to a local road. Each one of the classifications had with some flexibility with certain types of design standards that would be looked at from now on when the roads needed to be improved, for example. By dropping down a classification it would be less impactful.

Councilor Montero stated on 12th Avenue from the river up to Downing the street has been made a lower classification.

Mr. Cupples stated that would be correct up to Franklin.

Mr. Winstanley stated it was a lower classification from Franklin up to the Prom because of the type of road. The changes would make it the same classification from Necanicum all the way to Prom.

Mr. Cupples stated instead of a major it was a minor.

Mayor Larson asked even when power poles and other things were moved the street would still be the same classification.

Mr. Winstanley stated it would not change the project at all.

Council agreed there was a consensus.

Mr. Cupples read 5j.

5j. Modify Avenue S Cross-section – Amend the cross section description at the introduction of project 10 in TSP (Page 3-21) to reflect a 40' wide design. The second sentence would be amended to read, "From US 101 east to the bridge crossing Neawanna Creek, Avenue S would have a 10' wide shared pathway on the north side, two twelve foot travel lanes, and a 6' sidewalk on the south side (Figure 3.15)." Figure 3.15 would be amended to reflect the 40' wide cross-section.

Mr. Cupples stated this was brought up by one of the neighboring property owners that had actually owned property on the north side and south side of Avenue S. The cross section that was being proposed in the plan would in fact impact the properties because of the right-of-way width. Rather than saying lets put a 45' wide street through a 40' right-of-way the design could be changed to get a 40' wide street that fits in the right-of-way. That was the proposal.

Mayor Larson stated the 40' shown on the design would be 40'.

Mr. Winstanley stated that was correct.

Councilor Montero stated basically there would be a sidewalk on one side and a shared bike path.

Mr. Cupples stated it was kind of the first step into what you were planning to see on Wahanna Road, this was like the intermediate step. It had not potentially dropped everything off of the outside of the road but it had provided that combined lane on the north side which was consistent with the rest of Wahanna.

Mr. Winstanley stated the major difference in this case was that on the original layout there were bike lanes on both sides of the road and now there would be a very wide sidewalk where bikes could share and just a sidewalk on the other side.

Council agreed there was a consensus.

Mr. Cupples stated now Council was into the items that were directly brought up by the Planning Commission members at the time they were reviewing the document. These were additional items that were added.

Mr. Cupples read 6a.

6a. Chamber of Commerce Reference – Amend the Chamber of Commerce reference in TSP (Page 3-16) so the second to the last sentence in project 6 will read, "The building in the northeast quadrant of this intersection is occupied by the Seaside Chamber of Commerce and the Seaside Visitor's Bureau; and, it has adequate setback to accommodate this widening."

Councilor Montero stated this was making it more accurate.

Council agreed there was a consensus.

Mr. Cupples read 6b.

6b. Include Missing Cost – Amend Table 5.1 in TSP (Page 5-2) for Project 8. This table will include the cost of “\$2,133,000”.

Councilor Montero stated somebody was being observant.

Council agreed there was a consensus.

Mr. Cupples read 6c.

6c. Additional Bypass Policy – This policy would be added to the Comprehensive Plan TSP Appendix G (Page G-47). The policy would read, “15. While it is recognized that a bypass of Highway 101 is outside of the Seaside TSP considerations, as a interested stakeholder, the City of Seaside will actively participate with Clatsop County’s efforts to consider the future development of a bypass highway that would extend from Highway 26 to Highway 30 along with other municipalities, the Oregon Department of Transportation (ODOT), and the Federal Highway Administration.” This text is supported by the written comments proposed by Commissioner Carpenter.

Neal Wallace, Public Works Director, stated it should say “as an interested stakeholder”.

Mr. Cupples stated staff would change the a in front of interested stakeholders to an.

Council agreed there was a consensus.

Mr. Cupples read 6d.

6d. Additional Flooding Policy – This policy would be added to the Comprehensive Plan TSP Appendix G (Page G-47). 16. The policy would read, “While it is recognized that the flooding of Highway 101 south of Seaside is outside of the Seaside city limits, as an interested stakeholder, the City of Seaside will support the County wide efforts to solve the flooding problem and seek funding to develop the solution.” This text is supported by the written comments proposed by Commissioner Carpenter.

Council agreed there was a consensus.

Mr. Cupples read 6e.

6e. Additional Transportation Policy – This policy would be added to the Comprehensive Plan TSP Appendix G (Page G-47). 17. The City of Seaside shall establish a Transportation Advisory Commission that will conduct a public review of transportation projects identified in the Transportation System Plan (TSP) at the time project design funding is programmed or secured. This Commission is intended to provide affected parties a venue to provide early, open, continuous, and meaningful opportunity to influence decisions about proposed transportation activities within the urban growth boundary. It would also be the Commission’s responsibility to provide input concerning periodic updates and major revision to the adopted TSP. This text is supported by the written comments proposed by Commissioner Carpenter.

Councilor Montero stated if Council put that information in the TSP then at some point do we have to develop this Commission and put it in the ordinances.

Mr. Winstanley stated that would be correct. If Council would like staff to pursue putting together the ordinance that would form the Transportation Commission then that could be done in parallel to your process with the Transportation System Plan. Staff needed Council’s guidance to whether that would move along with this or wait until a later time.

Councilor Phillips stated the ordinance should be done parallel to the process.

Councilor Montero agreed.

Councilor Barber stated in hindsight it would have been great to have this Commission placed through this process so lets do it now.

Mayor Larson asked staff to take care of the ordinance.

Mr. Winstanley stated staff would put together the draft ordinance and Council could consider it like any other ordinance.

Mayor Larson stated this was a huge item and it was wise to be ready.

Council agreed there was a consensus.

Mr. Cupples read 6f.

6f. Shorten Zoning Ordinance Amending Text – Pages G-9 through G-19 all include a reference to Section 3.022 6 for a General Transportation Facility Improvement and 3.023 13 for a Significant Transportation Facility Improvement. The original intent was to define these in the definitions Section 1.030 (Page G-8 and G-9) so it could simply be referenced in each zone.

Each zone should include the text in Section 3.022 6 under the permitted uses and the text in Section 3.023 13 under the conditional uses in an effort to remove the redundant text being proposed in each zone.

Mr. Cupples stated this was really just housekeeping of a document. When the consultants crafted the language and put it in every single zone there was a much easier way just to make a reference to it and not repeat it over and over again. This would cut down on ordinance text but does not fall out and was the same but was referencing back.

Council agreed there was a consensus.

Mr. Cupples read 6g.

6g. Correct the Removal of Needed Text – Page G-26 proposed the elimination of Zoning Ordinance Section 10.080. This entire section needs to be retained and should not be deleted from the Zoning Ordinance.

Councilor Montero asked why someone thought they needed to delete it in the first place.

Mr. Cupples stated through the whole process there were amendments to the zoning ordinance and then they were changing or modifying text. There was text taken out because they were referencing it elsewhere and were told that it could not be taken out. They were getting carried away with what was being taken out.

Council agreed there was a consensus.

Mr. Cupples read 6h.

6h. Clarification of Significant Traffic Review Trigger – Amend the text in Section 3.404 (Page G-31) to clearly recognize prior demand by adding more text. The last sentence in the third paragraph would be amended to read, “An evaluation of compliance with the standards of this Overlay Zone shall be conducted by ODOT and the Seaside Planning Commission, and shall comply or be brought into compliance prior to the issuance of any permits or approvals; if any of the following circumstances will generate a significant number of additional trips over the prior use.”

Mr. Cupples stated the “over the prior use” was something that the Planning Commission thought they understood but sounded like it was maybe a little too hidden. There was a little bit of text to try and make sure people understood it was over the prior use and not what was currently there. The building was vacant and we would look back at what was there before more significant trips were generated.

Mayor Larson stated you are changing the third paragraph evaluation of compliance.

Councilor Montero stated she sees it as a clarification rather than just saying there were a significant number of additional trips it was giving you the comparison.

Councilor Tolan stated you know what the prior use was but how do you know about the transportation or traffic that was involved.

Mr. Cupples stated there was a table that was referenced directly in the text. There was an engineering document that basically takes a use and says here are the number of trips peak hour, and the number of daily trips for whatever the use was. Mr. Cupples further stated what he would do to recognize that would be saying I have the use, now in comparing the next use that someone was proposing, was that higher or lower or does it trip the trigger and the trigger was five hourly trips, five trips in peak hour or thirty daily trips.

Councilor Montero stated the rest of this what it means is these are the four instances that would cause this evaluation of compliance to be made.

Mr. Cupples stated they tried to put down pretty much anything that was going to happen but the anything only counts if you are going to generate a significant number of trips. They wanted to try and cover anything that was happening but also did not want to chase after things that they didn't care about. Mr. Cupples further stated there was a coffee stand that if it were replaced and 24 square feet were added then they would need to go through a landscape and access review currently with the Planning Commission. If the TSP was passed then it would most likely bypass the review but what they were talking about now would not bypass anything. That was the level of scrutiny that would have to be looked at saying well is it going to or is it not.

Mr. Winstanley stated this item brings up something that certainly had a lot of conversation. As the process had been gone through one of the really nice things about the TSP and the changes that were being made was it keeps it from being a mystery for someone who was coming in and wanted to do something. Things were now being put in writing that these were the things that you may have to go through if you were going to change the use of the piece of property. Up until now it was what the Planning Commission and Mr. Cupples thought was appropriate and now it would be defined better.

Mr. Cupples further stated you would also need to check with ODOT because they actually regulate the access permits onto the highway.

That was not written anywhere in the Zoning Ordinance and unless someone came in and talked to us if they were just looking at the Zoning Ordinance they may think it was a piece of cake when in fact they would need to speak to the permit authority which may even require a traffic impact analysis in order to even say that someone had a chance to do what you wanted to do.

Councilor Montero stated and to make it easy for people it was not something that could be put as an addendum or footnote in the Zoning Ordinance.

Mr. Cupples stated it will be under this in big bold letters and signs.

Mr. Winstanley stated it would not be hidden anymore and anyone could pick this up read through it and know the kinds of things that they would need to take a look at as they work their way through the process.

Council President Lyons stated just like a playbook.

Council agreed there was a consensus.

Mr. Cupples read 6i.

6i. Recognize Public Input – Provide an additional Appendix that recognizes the amendments made to the draft TSP based on concerns expressed during public testimony and deliberation by the Planning Commission.

Mr. Cupples stated one thing you may want to add was Council's public testimony. It ended at the Planning Commission and Council may want to also have the same information so that you have a document that won't be a mystery about who said what, who was there, what was done, and everything would be clear. The Planning Commission said all of the public testimony needed to be documented so that it was not forgotten.

Councilor Montero asked if Council could just add "and City Council" so that it all becomes part of the document.

Mr. Winstanley stated that would be fine.

Councilor Tolan stated lets say we don't add anything from the City Council, was that necessary.

Mr. Cupples stated Council did not have to have it in but already had public testimony and a matrix of the public testimony which would be given to Council to study before the next City Council meeting.

Councilor Montero stated this adds to the transparency.

Council agreed there was a consensus.

Mr. Cupples gave Council copies of the public testimony matrix to review at the next meeting.

Mr. Winstanley reviewed each of the items to make sure he had the information wrote down correctly.

Mayor Larson stated we have done extremely well and he just wanted to thank the Planning Commission members for the detail which was obvious they had spent hours and hours on. Mayor Larson further stated it was absolutely marvelous and really was the way the system should work. There were staff recommendations that Council had made and things to consider. Staff had the changes to bring Council up to date.

Mr. Cupples stated if Council looked at the matrix the very first section was actually the very first public hearing on April 11, 2011, where public testimony was heard, and the matrix went down in the order that individuals testified. On the right hand side there was a response which may be directed toward the TSP or items Council just finished reviewing and that the Planning Commission basically addressed.

Mayor Larson asked if the staff response went to the individuals that testified.

Mr. Cupples stated that did not go to the individuals that testified.

Mayor Larson stated individuals received answers at the Planning Commission public testimony.

Mr. Cupples stated there was written copies provided to the individuals that attended the Planning Commission hearings.

Mayor Larson asked if that would be done with the individuals that testified at the City Council public hearings.

Mr. Cupples stated staff would be happy to send that information out to the individuals.

Mayor Larson stated he would like to see that done.

Mr. Winstanley stated staff would prepare the changes and give Council an opportunity to review the information and come back to discuss at the next Council meeting.

**VACANCY –
BUDGET COMMITTEE**

Mayor Larson stated there was one vacancy on the Budget Committee with no applications received. Mayor Larson asked the press to advertise the vacancy.

ORDINANCE #2011-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE, OREGON, PURSUANT TO ORS 223.112 – 223.132, SETTING A PUBLIC HEARING EXTENDING THE TERM OF THE ASSESSMENT DISTRICT FOR ECONOMIC IMPROVEMENT, KNOWN AS THE “DOWNTOWN MAINTENANCE DISTRICT”; REPEALING ORDINANCE NO. 2010-01, AND ALL ORDINANCES IN CONFLICT

Mayor Larson asked for public comments, there were no public comments.

Mayor Larson asked for Council comments, there were no Council comments.

Motion to place Ordinance 2011-05 on its third reading by title only; carried unanimously. (Tolan/Lyons)

Motion to adopt Ordinance 2011-05; carried with the following roll call vote: (Phillips/Tolan)

YEAS: LYONS, JOHNSON, MONTERO, BARBER, TOLAN, LARSON, PHILLIPS
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

**FINAL – TURNAROUND
IMPROVEMENT**

Neal Wallace, Public Works Director, stated Pacific Timber LLC had issued the one-year warranty for work on the Turnaround Pavers Project and for the project to be closed. The original bid was \$45,874.49 and there was one change order resulting from existing concrete that was too thick to demo without calling in specialized equipment. That change order brought the total contract for Pacific Timber to \$47,259.50. The City hired Borland Electric to replace some old electrical conduits and possible abandoned water lines. The charge for their work was \$2,028.99, which brought the total contract cost to \$49,288.49. Mr. Wallace further stated because the job was short and completed within one billing cycle, there had been no retainage withheld. Staff recommended Council approve Pacific Timber’s request, accept the warranty, authorize the payment of \$47,259.50, and finalize the Turnaround Paver Project.

Motion to approve the final bid from Pacific Timber LLC and release the remaining funds of \$47,259.50; carried unanimously. (Montero/Barber)

RESOLUTION #3732

A RESOLUTION OF THE CITY OF SEASIDE, OREGON, EXTENDING SEASIDE’S WORKERS’ COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF SEASIDE

Mr. Winstanley stated the resolution had no changes and was a resolution that Council needed to adopt every year and was a requirement of the City’s insurance.

Mayor Larson asked for public comments, there were no public comments.

Mayor Larson asked for Council comments, there were no Council comments.

Motion to read Resolution #3732 by title only; carried unanimously. (Barber/Johnson)

Motion to adopt Resolution #3732; carried unanimously. (Tolan/Montero)

**VACANCY –
PARKS ADVISORY
COMMITTEE**

Mayor Larson stated there were three vacancies on the Parks Advisory Committee and three term expirations from Tom Horning, Jason Boyd, and Warren Anderson, who wished to be reappointed.

Motion to reappoint Tom Horning, Jason Boyd, and Warren Anderson for the Parks Advisory Committee; carried unanimously. (Johnson/Montero)

Term Expiration for Tom Horning, Jason Boyd, and Warren Anderson would be March 31, 2014.

**VACANCY –
COMMUNITY CENTER &
SENIOR COMMISSION**

Mayor Larson stated there were four vacancies on the Community Center and Senior Commission with three term expirations from Doris Snodgrass, Joe (Fred) Fisher, and Joan Boesen., who wish to be reappointed. Mayor Larson stated there was also a vacancy that needed to be filled from Dorothy Johnson who had passed away. Mayor Larson asked the press to advertise the vacancy.

Motion to reappoint Doris Snodgrass, Joe (Fred) Fisher, and Joan Boesen for the Community Center and Senior Commission; carried unanimously. (Barber/Phillips)

Term Expiration for Doris Snodgrass, Joe (Fred) Fisher, and Joan Boesen would be June 1, 2014.

COMMENTS – COUNCIL Councilor Johnson thanked the Planning Commission and staff for all the hard work preparing the information that Council reviewed this evening.

Councilor Barber stated the meeting started this evening with a lecture on Democracy and Republic and tonight there was a good demonstration with a citizen in a Democracy speaking his mind and insulting the integrity and intelligence of every elected official and then be thanked by the Mayor for his comments.

Councilor Montero stated what went through her mind was that it was to bad Seaside did not have a TSP five years ago. Councilor Montero further stated the unveiling of the Daddy Train Welded Sculpture would be at the Community Gardens Saturday, May 21, 2011, at 10:00 am. Councilor Montero further stated the Redistricting Committee finished the work today and all the extra people had been fit into different districts and in essence the redistricting had not changed very much.

Council President Lyons stated the Seaside High School Football Team was having a car wash on Saturday, May 21, 2011. Councilor Lyons further stated there were many great things happening in Seaside right now, and people would hear about more things in the next few days.

Councilor Phillips stated in the last five years she had written a total amount of \$522,000.00 in scholarship checks for Miss Oregon. Councilor Phillips further stated July 2, 2011, was the Miss Oregon Parade.

Mayor Larson stated the All America City would really appreciate everyone's attendance at the barbeque.

COMMENTS – STAFF Chief Gross stated the 4th Annual Child Safety Fair was Saturday, May 14, 2011, at the Fire Department. Chief Gross further stated there would be a Law Enforcement Memorial Monday, May 16, 2011, 6:00 pm, at the Convention Center.

Mr. Cupples stated Oregon Emergency Management would be doing an Earthquake and Tsunami Road show Wednesday, May 18, 2011, 6:00 pm, at the Convention Center.

ADJOURNMENT The regular meeting adjourned at 8:38 PM.

Kim Jordan, Secretary

DON LARSON, MAYOR