

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

Councilors Present: Brownson, Rocka, Herman, West, and Mayor Jones.

Councilors Excused: None

Staff Present: City Manager Estes, Contract Planner Johnson, Contract Planner Morgan, Parks and Recreation Director Williams, Finance Director Brooks, Fire Chief Crutchfield, Police Chief Spalding, Public Works Director Harrington, Library Director Pearson, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

PROCLAMATIONS

Item 3(a): Parks and Recreation Month

Mayor Jones read the proclamation declaring July 2019 as Parks and Recreation Month.

Director Williams thanked Mayor Jones for supporting the Parks Department and for the proclamation. Promoting the opportunities available to the community enriches the lives of people of all ages and abilities. Astoria is more than a beautiful place to work and live, it is also an idea location to visit and play. He encouraged people to walk along the Riverwalk, climb the Astoria Column, have a picnic at Tapiola, Lindstrom, or McClure Park, hike Cathedral Tree Trail or Shively Park. Indoor opportunities include the Aquatic Center, fitness classes, summer camps, and childcare. He asked everyone to share their Parks and Recreation experiences using #GameOnAstoria or #GameOnJuly while visiting parks or participating in activities.

Mayor Jones thanked the Parks Advisory Board members for putting in so many hours to help the department excel.

REPORTS OF COUNCILORS

Item 4(a): Councilor Rocka reported he attended a Port Commission meeting, where the Port accepted their Executive Director's resignation. He represented the City at the Columbia River Estuary Study Taskforce (CREST) meeting, where the budget was adopted. He attended a fundraiser for The Harbor.

Item 4(b): Councilor West reported she also attended the fundraiser for The Harbor as well as the ABA [6:08] benefit night at Fort George. She thanked everyone who attended her meet and greet, where traffic was the topic of the evening.

Item 4(c): Councilor Brownson reported he attended The Harbor fundraiser. This community is extremely fortunate to have advocates for those who are injured by sexual and other domestic abuse issues. This was the first time he had been able to attend this fundraiser because in previous years, the fundraiser had sold out before he arrived. He appreciated those who attended his meet the Councilor event. He is available by phone and email to discuss City business.

Item 4(d): Councilor Herman reported that six people attended her meet the Councilor event to discuss waterfront development, homelessness, and workforce housing. She thanked horticulturist Jessica Schleif and the volunteers who beautified Tidal Rock Park. Their work parties are on the second Saturday of each month and she encouraged others to help out. She thanked Jonah Dart-McLean, Parks Maintenance Supervisor, for delivering bark chips to Tidal Rock. She announced a ribbon cutting on Wednesday, July 3, 2019 at 5:30 pm at the 13th Street alley. She thanked the Astoria Downtown Historic District Association (ADHDA) for spearheading the project to transform the alley. The artist was Andie Sterling and her assistant. She announced that new downtown businesses received flowers by the ADHDA's Business Development Committee. The

businesses are Jody Rae Photography, Myers Therapy, Blue Collar Collective, Baylock's Whiskey Bar, Reclamation, Astoria Smoke and Vape, Curry and Coco, Schwietert's Candy.

Item 4(e): Mayor Jones reported last week the American Legion Department of Oregon held their statewide annual convention in Astoria. About 200 people attended from all over the state. He was the guest speaker on Wednesday night. He also attended the ribbon cutting at the Coast Guard housing expansion. Twelve new units opened up as part of phase two of the housing project. The housing is for E-6 and below enlisted personnel only. He also held a meet the Mayor event, which had four attendees. He attended the fundraiser for The Harbor and concerts at the Liberty Theatre. He congratulated the theatre, their executive director, their Board, and Senator Johnson on receiving a \$1 million grant for stage renovations from the State. People who have raised money for the theatre in the past set the stage for being successful. He announced that the City would receive a \$1 million grant for pollution remediation at the Astoria Warehouse facility, which closed down about a year and a half ago with the loss of about 24 jobs. One reason the City received the grant is because of Staff's excellent track record under the leadership of City Manager Estes and former City Manager Paul Benoit. Agencies like Business Oregon, the Department of Environmental Quality (DEQ), and others know the City of Astoria will always follow through and that requests are legitimate and carefully thought through. Funds are always spent responsibly.

CHANGES TO AGENDA

No changes.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of June 3, 2019
- 6(b) Boards and Commission Minutes
 - (1) Parks Advisory Board Meeting of May 22, 2019
 - (2) Library Board Meeting of May 28, 2019
- 6(c) Renewal of Intergovernmental Agreement (IGA) for HazMat Emergency Response Team Services
- 6(d) Liquor License Application from Curry & Coco LLC doing business as Curry & Coco Thai Eatery, located at 125 and 143 9th Street for a Full On-Premises Commercial Sales License.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor West, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

REGULAR AGENDA ITEMS

Item 7(a): Second Reading and Adoption of Amendment Request (A19-01A) for Riverfront Vision Codes

The first reading of this ordinance was held at the June 17, 2019 City Council Meeting. The City is currently conducting work sessions with the APC and City Council on proposed amendments to adopt codes for the proposed Urban Core Overlay Zone.

In 2018, the first large project within the Bridge Vista Overlay area was reviewed by the Historic Landmarks Commission and Design Review Committee. Both bodies denied the requests which were appealed to the City Council. The City Council approved the appeals but noted that portions of Code were not clear on what was intended for various design aspects. The Council expressed interest in amending the code to clarify various sections of the BVO to reduce confusion and clarify the design review process. Some of the issues included: statement that certain sections of the code control over other sections when there is a conflict between requirements; clarify which design standards apply to new construction and which apply to alterations to existing structures; clarify how the setbacks are applied to the structure; clarify that mass and scale review applies to the entire structure and not just the street facade; and identify what structures and/or area is included when reviewing compatibility with the proposed structure. In addition, staff identified other areas in the Code for the Riverfront Vision area that needed to be updated including adding clear and objective design standards

for residential development in BVO; clarifying which codes apply to the Mill Pond area; allowed exceptions to window percentage for building elevation with an elevator shaft; clarified limitations on building height exceptions for elevators, etc.; added reference to the overlay zones in each of the applicable base zones; and some other minor clarifications.

At a work session on February 19, 2019, the City Council reviewed the initial draft ordinance. The Planning Commission held a public hearing on March 26, 2019 and April 23, 2019. The APC recommends that the City Council adopt the proposed amendments on the first part of the request (A19-01A). The proposed ordinance has been reviewed and approved as to form by the City Attorney.

It would be in order for Council to hold a second reading of the ordinance and adopt the Riverfront Vision Codes amendments.

Director Brooks conducted the second reading of the ordinance.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Rocka, to adopt the Findings and Conclusions contained in the Staff report and adopt the ordinance amending the Astoria Development Code. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Councilor Herman thanked the Planning Commission for all of the hours spent on the many amendments.

Mayor Jones read the rules of appeal into the record.

Item 7(b): Second Reading and Adoption of Amendment Request (A19-02) for Transient Lodging

The first reading of this ordinance was held at the June 17, 2019 City Council Meeting. Over the last few years, the number of illegal transient lodging facilities in Astoria has increased substantially and enforcement is difficult. With the increase in the use of advertising platforms (such as Airbnb, VRBO, etc.) that compounded the problems, the City Council discussed the need for better codes, licenses, and enforcement and directed staff to draft new code language for a licensing process. At its December 3, 2018 meeting, the City Council adopted City Code amendments for Home Stay Lodging Licenses, and the Transient Lodging Tax. These amendments put the regulations and license requirements into the City Code. However, since the Development Code includes some regulations related to transient lodging and identifies the specific zones in which they are allowed, some code amendments will be required to the Development Code so that it coincides with the adopted City Code. The City Code specifically addresses Home Stay Lodgings (one or two bedrooms in an owner-occupied home). However, some standards/ requirements will be included in the Development Code rather than the City Code as they will address all forms of transient lodging.

The Planning Commission held a public hearing on April 23, 2019. The APC recommends that the City Council adopt the proposed amendments. The proposed ordinance has been reviewed and approved as to form by the City Attorney.

It would be in order for Council to hold a second reading of the ordinance and adopt the Transient Lodging Code amendments.

Director Brooks conducted the second reading of the ordinance.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor Brownson, to adopt the Findings and Conclusions contained in the Staff report and adopt the ordinance amending the Astoria Development Code.

Councilor Brownson thanked Staff and the Planning Commission for their detailed work. The Council had been working on this amendment for several years, which he appreciated.

Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Mayor Jones read the rules of appeal into the record.

Item 7(c): Public Hearing and First Reading of Ordinance Amending Public Contracting Regulations

The proposed ordinance presents an amendment and improvement to our contracting regulations. These amendments deal only with the solicitation of contracts. The amendment makes no change to the City Manager's authority to award contracts and amendments without specific authorization by the City Council whenever the contract amount is \$50,000 or less and the proposed expenditure is included in the current fiscal year budget. The City Council must approve any contract that exceeds that amount and any expenditure that is not included in the current budget. The source for this amendment is the League of Oregon Cities Model Policy for Contracting and Purchasing.

It is recommended that City Council conduct a public hearing and consider holding a first reading of the ordinance.

City Manager Estes said a draft Code revision and an explanatory memorandum were prepared by City Attorney Henningsgaard. Staff pursued the revisions in response to City Council's goal to explore options for revenue generation, expense reduction, and streamlining internal processes.

Mayor Jones opened the public hearing at 7:22 pm and called for public testimony. Hearing none, he closed the public hearing at 7:22 pm and called for Council discussion and deliberation.

Councilor Rocka asked if there would be any substantive changes to the way City Council operates or to the authority of the City Manager.

City Attorney Henningsgaard stated the changes to the City Manager's authority included allowing the City Manager to decide on sole source contracting. Currently, a public hearing is required, but no one has shown up to testify at the six hearings that have occurred in the time he had been with the City. This amendment would streamline processes and codify already established practices. State requirements for hiring professional usurp the City's authority and require a particular process. The City's Code was out of line with those State requirements. Additionally, the City's Code was also out of line with major contracting rules. So, this amendment would keep the City's Code uniform with State law.

Councilor Brownson asked what the difference was between professional services and personal services.

City Attorney Henningsgaard explained that both types of jobs are defined by statute. Professional services require a skill-based selection process and include architects, landscape architects, surveyors, and computer mapping. Personal services are individuals who fill in for Staff positions, like Contract Planner Rosemary Johnson. Contracting for personal services has been simplified quite a bit and the City Manager would have the authority to determine when those services are necessary. Other services, like janitorial services, would still need to be bid out. Any contract over \$50,000 would still come to City Council for approval.

City Manager Estes added that the proposed Code was based on the Model Code by the League of Oregon Cities.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor Rocka to hold a first reading of the ordinance amending public contracting regulations. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Director Brooks conducted the first reading of the ordinance.

Item 7(d): Authorization for Mayor and City Manager to sign for Street Sweeper Purchase

The Public Works Department would like authorization to purchase a 2020 Street Sweeper in compliance by Council approved Cooperative Procurement which allows purchases without competitive bids.

A variety of models have been demonstrated over the past several months. It has been determined that the Elgin Crosswind 1 Sweeper best met the needs of the City.

It is recommended that City Council approve the lease/purchase and authorize the Mayor and City Manager to sign final documents for a 2020 Elgin Street Sweeper from Owen Equipment Company not to exceed \$305,000 in five (5) payments of approximately \$61,000 per year and the surplus of our current sweeper at auction. There are funds appropriated in the 2019-2020 Public Works Improvement Fund for the first payment of the lease.

Councilor Herman asked where the funds would come from in the second through fifth years. City Manager Estes said it would need to be budgeted in the Public Works Improvement Fund.

Councilor Herman asked if the funds would come from water and sewer fees paid by residents.

Councilor Brooks explained the Public Works Department would include the payments for the street sweeper in their planning. As part of the rate structure, some of the fees are sent to the Public Works Improvement Fund to keep equipment current.

Councilor Herman stated street sweepers pick up particles that should not go into the sewer.

Councilor Rocka asked how long the new street sweeper could remain in service. Director Harrington said the typical life is about ten years. However, the City bought their current street sweeper used about 20 years ago.

City Council Action: Motion made by Councilor Rocka, seconded by Councilor West to approve the lease/purchase and authorize the Mayor and City Manager to sign final documents for a 2020 Elgin Street Sweeper from Owen Equipment Company not to exceed \$305,000 in five (5) payments of approximately \$61,000 per year and the surplus of our current sweeper at auction. Motion carried unanimously. Ayes: Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 7(e): Millpond Village Property Update

In November 2018, the City Council directed staff to contract with a real estate firm to market City-owned Mill Pond "pier lots." Staff contracted with Area Properties as the City had an earlier professional contract after going through a procurement process. To date no offers on the property have been forthcoming. The MPHOA has stated that there is no interest on the part of the formal organization to purchase the lots.

However, staff and Area Properties broker Mary Wickstrom, had discussions with individual homeowners that are most affected by the possibility of development of the pier lots, and would like to have them remain as open space. A group of these homeowners have accumulated tentative commitments in the form of donations to the City.

Staff recommends that the City Council consider the tentative offer from the homeowners. If the Council is interested in moving forward with the offer, staff and the City Attorney can develop a formal proposal to bring to a future meeting.

Councilor Brownson said the property had been for sale for a little over six months and this was not the first time it had been put on the market. No one has shown interest in the property because building over water would be required, which is very expensive. The property has cost the City \$3,600 a year. He asked if Pergola Park would remain a City park. City Manager Estes said the park is a City park maintained by the MPHOA. The City would need to discuss maintenance responsibilities if this offer was pursued.

Councilor Herman stated the property was just water and asked what maintenance was involved. City Manager Estes explained that the bank must be maintained and occasionally mowed.

Councilor West said she spoke to people who would have been impacted by development of the property. She was in favor of giving people who live there a say in what happens. If the park is expanded, she wanted the agreement to require the MPHOA to continue maintaining it.

Mayor Jones asked how much it would cost the City to decommission the lots and removing the curb cuts. Director Harrington said there were two driveway approaches that would need to be torn out, curbs would need

to be put in, and the utilities would need to be decommissioned. The water and sewer mains are located across the street from the lots, so the entire street would need to be torn up. He estimated this would cost \$15,000. City Staff does not do concrete or paving work, so it would need to be contracted.

Mayor Jones said the money for the property would be given as a donation to the Parks Foundation, so, that would not help the City pay for any of the decommissioning work. City Manager Estes replied that the Parks Foundation was willing to transfer the funds to the City. This was done for the Garden of Surging Waves. While the City of Astoria is a non-profit, donors prefer to give to 501(c)(3) entities.

Councilor Rocka said the advantage of moving forward with this is to get the City out from under the payments to the MPHOA. If it were not for the HOA fees, he would prefer that the City continue owning the property because it is buildable land. Building might not be attractive now because of costs of development, but five years from now that could change.

City Manager Estes noted that the lots are smaller than the other pier lots with houses and would require a shared driveway between small cottages.

Councilor Rocka wanted to know if there was any practical and permissible use for the property that would not involve the costs.

Councilor Brownson added that all six lots on the property were over the water. Even creating one lot with one house would be too onerous and the City has been paying HOA dues since 2013. It is time to stop the bleeding.

Councilor West asked if interested individuals were forming a limited liability corporation (LLC) for the purpose of buying the property. City Manager Estes said no, they were proposing to make donations up to a certain amount to decommission and de-plat the property so it can be converted to public open space as part of Pergola Park.

Mayor Jones called for public comments.

Chris Farrar, 3023 Harrison, Astoria, said he liked the idea of not building out over the pond because it is great bird habitat. There used to be a lot of shore birds, but there are fewer now because about a year or two ago someone removed most of the vegetation around the pond. The habitat for birds, plants, and shrubs should be improved. Unfortunately, the co-op was built over a spring and wetland. This could be a chance to make up for things done wrong.

Mayor Jones suggested that the HOA assume responsibility for hiring a landscaper. If a specific landscaping plan is proposed by a citizen, the HOA would need to consider it and vote to approve it for their park.

Cheryl Story 2605 Mill Pond, Astoria, said the HOA was not a party to the proposal. The HOA has by-laws and covenants, conditions, and restrictions (CC&R). There is a lot of private ownership around the pond. The pond was cleared because there was an overgrowth of blackberries. The HOA has discussed what types of planting can go into the area they are allowed to plan in. She was part of the landscape committee.

Director Harrington explained that when Mill Pond was originally constructed, a lot of effort went into wetlands plantings in the pond and two wetland terraces were constructed. None of it took, likely because the pond was too contaminated or because of tidal influences; the pond is brackish water. He added there could be some unknown costs associated with converting the property to open space. But Staff would present City Council with a final proposal that included all costs.

City Council Action: Motion made by Councilor Herman, seconded by Councilor West, to direct Staff to develop a formal proposal to consider the offer from Mill Pond Homeowners regarding City-owned property in Mill Pond. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Item 7(f): License to Occupy a Portion of the 14th Street Right-of-Way adjacent to 342 14th Street

Mr. Paul Caruana of the Astor Hotel, LLC has requested a License to Occupy for a portion of the 14th Street Right-Of-Way in order to construct an ADA ramp to accommodate ADA access to the main entrance of the

building and a patio area to enhance aesthetics at the main entry. This would cover a section of sidewalk measuring 6 feet 10 inch by 25 feet.

It is recommended that City Council approve a license to occupy, subject to the above conditions for a 6 foot 10 inch by 25-foot portion of the 14th Street right-of-way adjacent to 342 14th Street for the purpose of construction a patio and ADA ramps to improve accessibility to the main entrance of the building.

City Manager Estes said that morning he received a call from a citizen asking if the project would require a review by the Historic Landmarks Commission. The improvements would require the review and Mr. Caruana is aware of that requirement.

Councilor Herman said she assumed the 14th Street entrance was the main entrance and it looked accessible already.

Paul Caruana, 1431 Commercial, Astoria, explained that the ramp falls too steeply to comply with historic or current ADA requirements. Additionally, he wanted to automate the doors so they opened outward, making access easier. The new ramp and patio would meet current standards and make access easier.

Councilor Herman said she assumed the patio would not be a patio like most people would imagine.

Mr. Caruana explained that the patio would extend out from the front doors almost level, dropping just enough to allow water to run off. It would extend 5.5 feet to the edge of the sidewalk, and then another six feet for the ramp to extend to the south.

Councilor Rocka asked if the improvements would impede people going by on 14th Street.

Mr. Caruana stated there is 6.5 feet of sidewalk from the face of the planters to the edge of the street. This is almost double the width of an ADA pathway.

Mayor Jones called for public comment.

Sunny Bell 1310 Duane St, Astoria, said she was told this project was going to create outdoor seating. She was concerned this would contribute to increased smoking in the sidewalk area. After hearing about the proposal tonight, she believed she had not understood correctly. However, she did want to make sure this would not lead to people gathering to smoke. She was already being inundated by smoke. She suggested that City Council take on the problem of cigarette and marijuana smoke. People are being permitted to smoke marijuana at the area with food carts and the smoke comes across the street to Sunflower Dairy. She highly recommended that the City consider extending the 10-foot limit from a building entrance to at least 25 feet. The requirement is 25 feet in Washington and 50 feet in New Mexico.

Chief Spalding stated smoking marijuana in public parks is prohibited and the smoking ordinance that applies to public buildings requires smokers to be at least 10 feet from the entrance. He encouraged Ms. Bell to call the police to report outdoor marijuana smoking.

Ms. Bell said 10 feet was not enough distance to protect an entrance. Smoke travels further than that.

Councilor Rocka asked what the process was for City Council to extend the distance to 25 feet.

Councilor Brownson requested the Council take care of the request for a license to occupy before discussing other topics.

City Council Action: Motion made by Councilor Brownson, seconded by Councilor West, to approve a license to occupy, subject to conditions, for a 6 foot 10 inch by 25-foot portion of the 14th Street right-of-way adjacent to 342 14th Street for the purpose of construction a patio and ADA ramps to improve accessibility to the main entrance of the building. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

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

Mayor Jones called for discussion on the extending the distance for public smoking.

City Manager Estes said Staff had received questions from people about downtown. He understood Councilor Herman had received a similar question and the person was advised to speak with the public health department and Sarah Lu Heath with the ADHDA. The health department has been considering a variety of smoking provisions for the community. The 10-foot limit is a State statute.

Chief Spalding stated a City ordinance could extent the no smoking zone.

City Manager Estes believed there was interest in banning smoking throughout downtown.

Mayor Jones called for public comments.

Ms. Bell said the 13th Street alley is beautiful and she was happy to participate in the decision-making about what went in. Cigarette smoking in the alley had been a problem for a long time. She wanted to eliminate smoking inside the alley.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:03 pm.

ATTEST:



Finance Director

APPROVED:



City Manager