

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

Councilors Present: Nemlowill, Jones, Price, Brownson, and Mayor LaMear.

Councilors Excused: None

Staff Present: City Manager Estes, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Gascoigne, Police Chief Spalding, Public Works Director Harrington, City Engineer Moore, Library Director Pearson, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

## PRESENTATIONS

### Item 3(a): School District Facilities Bond Presentation

Craig Hoppes, Astoria School District Superintendent, introduced members of the Astoria School Board who were present, David Oser, Grace Layman, and Jeanette Sampson [1:02]. He also recognized Cindy Moore and the other members of the school board's facilities committee. After providing background information on school facilities and programs, he gave a PowerPoint presentation on the proposed bond to fund updates to the school district's facilities. His presentation included details about the facility upgrade planning process, specific upgrades planned at each school, benefits provided and needs fulfilled by the upgrades, as well as the financial details of the bond. The cost to property owners would be \$1 per \$1,000 of assessed value and the new rate would not go into effect until the current bond expired. The bond, which would be on the November ballot, would make the school district eligible to receive a \$4 million grant from the State.

David Oser, 254 W. Irving, Astoria, said the school district could only provide information, not urge a yes vote. Therefore, he and Skip Hauke have co-chaired a political action committee called Yes for Astoria Kids. They have raised funds for targeted advertising, digital media, and mailings. People question why the school district needs so much money to work on the buildings and why the facilities are not upgraded each year. The only way to get significant funds is through a capital bond. Over 80 percent of the district's operating levy goes to personnel costs. The maintenance that the district is able to do on an annual basis is the most basic work, like patching cracks. Upgrading, modernizing, and providing safety can only happen through the proceeds of a capital bond of this nature.

Jeanette Sampson 723 Lexington, Astoria, stated this bond would affect everyone in the city and beyond. All of the kids go to every building because Astoria does not have neighborhood schools anymore. She hoped people would see the value and would be willing to support the bond because the school board worked very hard with the committee. They understand many people are struggling, but do not want the kids to struggle as well because the structures are not a fit for them. She dodged buckets catching leaking water while working in the Lewis and Clark School and even though they tried to make it fun for the kids, it was dangerous and a health hazard. She wanted the schools to be the pride of Astoria.

Grace Laman, 415 Chinook, Astoria, said she appreciated that City Council allowed them to make a presentation. She encouraged Councilors to look at the schools and see the needed upgrades in person. The bond will create a lot of opportunities. The facilities might not make the educational experience, they will definitely enhance it.

Mr. Hoppes noted that informational flyers and a website were available.

Councilor Nemlowill said she would vote for the bond and she urged others to do the same. With three kids in Astoria schools, it was important to her that the schools be safe. She asked if Astor School would receive any seismic upgrades.

Mr. Hoppes explained that seismic upgrades were done at Astor as part of bond 18 or 19 years ago. If those upgrades are no longer up to code, they would be brought up to code as part of this bond.

Mayor LaMear announced that Norma Hernandez had requested to speak on another topic.

Norma Hernandez, 92335 Youngs River Rd., Astoria, said she had worked with Angela Cosby for the last five years and it was such a positive experience. The Parks Advisory Board has been honored to work with her. The entire board received a great education about the Parks and Recreation Department and were schooled about the right thing to do. Director Cosby knew how to talk to the board and guide them. Steamboat is gaining a great parks and recreation director. Director Cosby is leaving a legacy in Astoria. She was a class act and a great role model. Astoria loved her, would miss her, and wished her the best.

## REPORTS OF COUNCILORS

**Item 4(a): Councilor Jones** said that even though his kids were grown, he supported the bond because he believed it was critically important that the schools are taken care of. Schools are fundamental to the community.

**Item 4(b): Councilor Price** thanked Norma Hernandez and Director Cosby.

**Item 4(c): Councilor Brownson** said he supported the school district and the bond because it was important to take care of kids in every way, including safety and education. He was sorry to see Director Cosby go.

**Item 4(d): Councilor Nemlowill** thanked Norma Hernandez for bringing a bouquet to Director Cosby. She would miss Director Cosby. The Parks and Recreation Department is better because of Director Cosby and Councilor Nemlowill thanked her for the improvements.

**Item 4(e): Mayor LaMear** thanked Director Cosby and said it had been amazing to see the things that had happened since she had been with Astoria. The changes have been incredible. She wished Director Cosby well.

## CHANGES TO AGENDA

There were none.

## CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 7/2/18
- 6(b) City Council Work Session Minutes of 7/11/18
- 6(c) Boards and Commission Minutes
  - (1) Parks Advisory Board Meeting of 6/27/18
- 6(d) Addition of Job Title for Schedule A Salary Resolution No. 18-14
- 6(e) Resolution to Appoint Certified Officer for Environmental Review

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

## REGULAR AGENDA ITEMS

### **Item 7(a): Appeal 18-02 Consideration of Findings to be Deferred to the August 20, 2018 Meeting**

Due to the tight turn around after the meeting on July 30, 2018, more time is required to compile the findings for consideration of Appeal 18-02. It is anticipated they will be included in the August 20th Council packet.

Councilor Nemlowill stated she would abstain from voting since she was the marketing director for the Astoria Co-op Grocery.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Brownson, to defer the consideration of findings on Appeal 18-02 to the August 20, 2018 City Council meeting. Motion carried 4 to 0 to 1. Ayes: Councilors Price, Jones, Brownson, and Mayor LaMear; Nays: None. Abstentions: Councilor Nemlowill

**Item 7(b): Waterfront Bridges Replacement Project Update and Authorization to Change Order for the 2018 Waterfront Bridges Repair Project**

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 provide access to critical portions of our waterfront. Currently the structures are all vehicular load limited or closed altogether to vehicles.

ODOT performed annual inspections of the bridges resulting in a number of recommended improvements to keep these bridges open. At the July 2nd Council meeting, staff presented a strategy for performing the minimum work necessary to keep 7th St, 8th St, 10th St and 11th St open to 3 ton vehicular traffic and continue trolley operation until the structures are replaced. It was recommended that the City close 6th St to vehicular traffic per ODOT's repair deadline, keep 9th St closed to vehicular traffic, repair 8th St and 10th St as alternative routes during the first construction season and potentially close 7th St and 11th St early. Estimated at \$25,000, a request for quotes for repairs was issued after the Council meeting.

Staff received two quotes which addresses work on 8th and 10th Streets, as well as trolley trestle repairs:

Columbia Dockworks:	\$42,025
Bergerson Construction:	\$46,800

The quotes were within the City Manager's spending authority, so a contract was executed with Columbia Dockworks.

Bids recently received for the Waterfront Bridges Replacement Project exceeded the project funding and may delay replacement for a year. If the project is delayed, repairs will need to be performed on the 7th St and 11th St Bridges to keep them open to vehicular traffic during the year postponement period. City Staff requested Columbia Dockworks provide a cost to perform this additional work, which was developed into a change order in the amount of \$118,217.

Council is being asked to authorize the change order since the total repair cost will then exceed the City Manager's spending authority of \$50,000. City staff will not issue notice to proceed for the change order work until it is officially determined that the bridges replacement project is delayed. Timing of the interim repair is tricky because ODOT Bridge Group is only willing to extend the repair deadline to September 15th, so any bridges that are not repaired by that date will need to be closed until repairs or replacement are completed. Our ongoing objective is to minimize closures to the 7th St, 8th St, 10th St and 11th St Bridges. This maintenance work would take place in August and September.

As a reminder, ODOT notified the City that if the 3 ton load limit cannot be enforced on the Waterfront Bridges they will need to be closed immediately. Efforts to increase public awareness of the load limit have been effective and will continue.

It is recommended that City Council authorize the City Manager to sign a change order in the amount of \$118,217 with Columbia Dockworks for the Waterfront Bridges Repair Project with the understanding that the change order would not be executed until it is officially determined that the bridge replacement project is delayed.

City Engineer Moore said the City would receive additional funding for the bridge repair project, but Staff did not know how much. ODOT issued an intent-to-award to Legacy Contracting and Staff believed they had enough funding to cover the bid they received that was over the funding amount. The City will need to provide a match for the additional funding, which Staff believed would be about \$2.2 million plus a contingency. When Staff was

working with ODOT to secure those funds, the City was advised to offer more than the standard 10.27 percent match on the additional funding. Staff decided to offer \$440,000, which was about twice as much as they had expected to match on those additional funds. Staff expected to receive half of the matching funds from the IFA loan, which would be in addition to what the City had already secured. The Road District Contingency Fund would provide \$100,000 and the Promote Astoria Contingency Fund would provide \$120,000. Staff, ODOT, IFA, and Senator Johnson are working together to get the project going this fall, which will save costs. The City wants the match available as soon as possible so any challenges can be addressed right away. She understood the match needed to be in place before ODOT could award the project. The City would need an agreement from ODOT to increase the funding, contracts in place for their funding with IFA and the contractor, and a supplemental budget for the City's funding. The City also needs to be ready if the project does not begin this fall. Staff has already come to Council with a strategy to move forward with temporary repairs to the waterfront bridges that would get the bridges to the point of replacement. Getting 8<sup>th</sup> and 10<sup>th</sup> Streets operational would cost about \$25,000. The City awarded a contract to keep the trolley operational during construction, which would cost \$42,000. If the bridges are not constructed this year, they will need to be kept operational for another year with interim repairs. The current contractor quoted the City a change order of \$118,217. Staff would only authorize the change order if ODOT stated the bridges could not be constructed this fall. If any improvements were not completed by September 15<sup>th</sup>, the bridges would be closed.

City Manager Estes added that this project had gone through many changes. The information that Staff provided just came from ODOT that afternoon, but the memorandum had gone out on Thursday. So, Staff let ODOT know that the interim improvements would be considered at the Council meeting. ODOT is working hard to get this project moving.

Engineer Moore confirmed that there were several reasons the project might not begin in the fall. There was a time lapse between receiving bids and issuing the intent-to-award, and every minute counts on this project because of the in-water work period. The contractor needs time to order materials and prepare schedules. The City needs to finalize funding and determine what process would take. Do all of the agreements need to be signed between the City and ODOT? Does the money need to be deposited in order for ODOT to award the project? And, this all took time. In the best-case scenario, the contractor will be on the ground on October 1<sup>st</sup>.

City Manager Estes explained that concrete members on the bridges needed to be formed, poured, and cured before they could be assembled on site. ODOT is looking at ways to speed up the curing process because it is critical to the timeline.

Councilor Nemlowill said she appreciated Engineer Moore, Director Brooks, and City Manager Estes' work on this project. The process has been complicated and she was glad Staff could come up with more money. She asked why there was no strategy to reduce the scope of work. One or two of the bridges could have been eliminated from the project because they are bridges to nowhere.

City Manager Estes said if the scope of work was reduced, the City would face continuous years of costly repairs to keep the structures standing and safe for pedestrian, vehicle, and trolley traffic. This project will allow all of the bridges to be rebuilt and the City will not have yearly expenses, which in the past were in the hundreds of thousands of dollars.

Engineer Moore added that State statutes allows local agencies to negotiate with a low bidder to reduce the scope to fit within the budget. Staff learned that ODOT is specifically prohibited from doing this. ODOT must award as is or cancel the project because they cannot negotiate with the low bidder. Since this is a federally funded ODOT project, the City must follow ODOT's rules.

Councilor Nemlowill said she hoped the City did not have to spend over \$100,000 for interim repairs because it seemed like a waste of money.

Councilor Brownson said the last time the interim repairs were discussed at a Council meeting, there was a question about whether the trolley trestle could be separated from the bridges so that the City could get an extension for the repairs and keep things open until October 1<sup>st</sup> and Staff was negotiating with ODOT on other issues.

Engineer Moore said ODOT had originally set the deadline at September 1<sup>st</sup> so that the project could begin on October 1<sup>st</sup>. Staff asked ODOT what could be done to keep the bridges open until October 1<sup>st</sup>, assuming they would be replaced. ODOT gave the City until September 15<sup>th</sup>. If the replacement project begins this year, 11<sup>th</sup> and 7<sup>th</sup> would be closed on September 15<sup>th</sup>. ODOT also allowed the City's consultants to look at the trestle and Staff has incorporated the consultants' recommended improvements into the amount that was already awarded to Columbia Dockworks. So, the trolley can remain in operation until the trestle is closed for replacement.

Councilor Price said it was annoying and seemed very unreasonable that ODOT was not willing to give two extra weeks. Staff has done well to keep this multi-player project together.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Brownson, to authorize the City Manager to sign a change order in the amount of \$118,217 with Columbia Dockworks for the Waterfront Bridges Repair Project with the understanding that the change order would not be executed until it is officially determined that the bridge replacement project is delayed. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**Item 7(c): Memorandum of Understanding with the Friends of Alderbrook Park for the Care and Maintenance of Birch Field**

The Friends of Alderbrook Parks (FOAP) group was formed in response to the City's consideration to sell park properties with low use or low-perceived value, per the 2016 Parks Master Plan. FOAP approached City Staff with a proposal to take on maintenance duties and responsibilities of the park and work toward increasing usage and popularity of the site.

FOAP will be responsible for all maintenance activities at the park, including mowing, trimming, edging, and removal of litter and noxious weeds. FOAP will coordinate development or improvement projects with the Parks Department and the agreement will provide framework for regular meetings to ensure goals are being met.

The Memorandum of Agreement will last for five years and has been reviewed and approved as to form by the City Attorney.

It is recommended that City Council approve the maintenance and care proposal by the Friends of Alderbrook Parks and authorize the Mayor to sign the attached Memorandum of Agreement.

Councilor Jones said Lisa Morely worked with the Parks Department to get the memorandum drafted and she contributed several thousand dollars towards playground equipment, activities, a movie screen rental and movies. David Reid had said he had not seen so many people in Alderbrook over the last five years as he had in the last three months.

**City Council Action:** Motion made by Councilor Jones, seconded by Councilor Price to approve the maintenance and care proposal by the Friends of Alderbrook Parks and authorize the Mayor to sign the Memorandum of Agreement. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Mayor LaMear thanked the residents of Alderbrook because the City needs that kind of community support.

**Item 7(d): Arts and Cultural Program Grant Recipient Request for Clatsop Community College Foundation**

Each year the Arts and Cultural Sub-committee recommends distributions of Promote Astoria Funds to the Budget Committee, based on applications to the City and available funds. Each application contains the intended scope and proposed budget which each organization seeks funding. City Code Section 8.045.18 states "Organizations receiving funds from the Promote Astoria Fund shall enter into a contract with the City that will include a scope of work and budget to be approved annually by the Astoria City Council.

Clatsop Community College Foundation received a FY 2017-18 Grant in the amount of \$ 1,000 for the development and marketing of a historic preservation field school. As indicated in the attached letter from Foundation Director Klever, the ability to offer the field school was not possible in Fiscal Year 2017-18. The attached letter proposes utilizing the funds during academic year 2018-19 to promote hands-on preservation workshops in Astoria to attract out of town participants or returning the grant funds.

It is recommended Council review the request from Clatsop Community College Foundation and provide direction to staff for communication regarding desired action.

Councilor Brownson said he was in favor of allowing the funds to be used for hands-on education. The Historic Preservation Program at the college has been a great asset to Astoria. Students volunteer around town, helping to bring forward historic preservation.

**City Council Action:** Motion made by Councilor Brownson, seconded by Councilor Jones to accept the request by Clatsop Community College Foundation to use grant funds in the amount of \$1,000 to promote hands-on preservation workshops in Astoria. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**Item 7(e): Liquor License Application from Kenneth Booth, doing business as BUSU, located at 275 11<sup>th</sup> Street, for a New Outlet for a Limited On-Premises Sales License and an Off-Premises Sales License**

A liquor license application has been filed by Kenneth E. Booth for BUSU LLC doing business as BUSU. This application is a New Outlet for a Limited On- Premises Sales License and an Off-Premises Sales License. The appropriate Departments have reviewed the application and it is recommended that the City Council consider approval of the application.

Councilor Nemlowill declared a potential conflict of interest. Her husband owns a business that sells alcohol, Fort George Brewery.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Brownson, to approve the liquor license application by Kenneth E. Booth for BUSU LLC for a New Outlet for a Limited On- Premises Sales License and an Off-Premises Sales License. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**Item 7(f): Disposition of Mill Pond Village Lots**

In 2012, the late Art DeMuro and Venerable Properties, the developer of the Mill Pond Village, donated the "pier lots" (the 12 over water lots that have never been developed) to the City of Astoria plus a cash donation of \$8,000 to cover some HOA fees. The intention of the donation was to help fund the development of Heritage Square. It was hoped that the lots would sell for market value and make a significant contribution to that project. In 2013 the City listed the lots as part of the program to sell excess properties. However, no offer was received at that time and the properties were taken off the market in 2014 when City Council cancelled the property sales program. During the last budget hearing process, the City Council and the Budget Committee expressed interest in revisiting the potential sale of the lots, given the carrying costs of \$7,200 per year (\$600 per lot).

Staff recommends that the City Council consider the options provided in the memorandum and provide direction on how to proceed.

Councilor Price said the City's common practice was to offer first right of refusal to neighbors of City-owned property. Therefore, she preferred Option 3.

City Manager Estes confirmed that the City only put properties up for sale once, in 2013. Properties were put on the market, but the City made direct contact with adjacent property owners. The City's current policy was that lots would not be marketed at all. Individuals who are interested can contact the Public Works Department.

Councilor Brownson said he preferred a combination of Options 2 and 3. He recommended the properties be put on the market with the caveat that adjacent property owners have first right of refusal.

Councilor Jones suggested that a geographic boundary be defined for first right of refusal. He asked how market value would be determined if the properties were not put on the market. City Manager Estes explained that in 2013, the real estate agent who represented the City contacted adjacent property owners who entertained offers. The process was not first come first served. City Codes allows City Council to consider multiple offers on one property. Even during the public hearing, someone could make an offer.

Councilor Nemlowill believed the City should try to get as much money as possible from the lots. She supported putting the properties on the market with no minimum bid. Art DeMuro left the City this property so they could raise money for the redevelopment of Heritage Square. The City should honor that gift by trying to recoup as much as possible and stop paying HOA fees.

City Manager Estes asked Council if they wanted Staff to contact adjacent property owners or hire a real estate agent. The City would have to pay a commission to a real estate agent. In 2013, Staff solicited bids from real estate agents who wanted to represent the City and it was a fairly complex process. He confirmed the City had already paid over \$50,000 in HOA fees.

Councilor Jones asked if Council should be discussing next steps should the properties not sell. City Manager Estes suggested that Council just decide whether to sell the properties right now.

Councilor Jones said it was known that the lots existed and could be built on. When the lots were given to the City, the intent was to use the proceeds for Heritage Square. He supported putting the properties on the market.

Mayor LaMear preferred Option 3. She understood that a pier would have to be built for all of the lots and that all of the houses would have to be built at the same time. The chances of that happening were rare. The best procedure would be to contact individual property owners and find out if they are interested in preserving their view.

City Manager Estes stated Staff could do that as well as contact the HOA to see if they would like to purchase the lots. If an offer was made that could be negotiated by Staff, City Council would determine whether the City should entertain the offer. If City Council decided to consider a potential sale, it would be reviewed at a public hearing where additional offers could be made. This process is specified in the City's municipal code. If the City did not receive any offers, he would come back to City Council for direction on how to proceed. Staff is comfortable with Option 3.

Councilor Nemlowill said under Option 3, neighbors wanting to purchase a lot to preserve their view would be willing to pay far less than a developer would be willing to pay to develop the lots. These lots have always been on the map and developing over Mill Pond is not anything new. She could support Option 3, but there is a big opportunity lost by not even trying to put the properties on the market to see if the City could get more money.

City Manager Estes asked if Staff could hire a real estate agent or if the City would have to go through the RFP process. City Attorney Henningsgaard suggested an informal request for quotes.

Councilor Price said she was not interested in Option 3 to preserve views, but to preserve time and money. The City is incurring HOA fees every month and many lots are available on the side of Mill Pond that are larger because a \$3 million house would not need to be built. So, those larger lots could have houses that would be somewhat cheaper. It is unreasonable to think anyone would purchase these lots for any reason other to preserve views.

**City Council Action:** Motion made by Councilor Jones, seconded by Councilor Nemlowill, to direct Staff to list the City's properties in Mill Pond with a real estate agent. Motion carried 3 to 2. Ayes: Councilors Jones, Nemlowill, and Brownson; Nays: Mayor LaMear and Councilor Price.

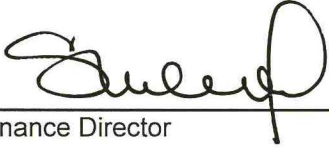
## **NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)**

Cheryl Storey, Mill Pond Homeowner's Association President, said the HOA does not know what to do with City's lots in Mill Pond. Their architecture guidelines require each lot to be developed with a house and a garage. Once those lots are developed, they would have a separate HOA. Mill Pond is very interested in trying to mitigate the issues that the City has with those lots. Developers have found that building on those lots is not cost effective. It does not make sense for the City to pay HOA fees and no-build fees. The HOA would like the lots removed from the plats and taken off the tax roll.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:16 pm to convene the Astoria Development Commission meeting.

**ATTEST:**



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Finance Director

**APPROVED:**



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City Manager