

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

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

Councilors Excused: None

Staff Present: City Manager Estes, Director Brooks, Interim Parks Director Dart-McLean, and Administrative Assistant Benoit. City Planner Fryer attended via Zoom. The meeting is live streamed and recorded and will be transcribed by ABC Transcription Services, Inc.

## PROCLAMATION

### **Item 3(a): National Historic Preservation Month Proclamation**

Mayor Jones read the proclamation declaring May 2020 as National Historic Preservation Month in Astoria.

Planner Fryer said Staff would present the Historic Landmarks Commission (HLC) with a list of historic preservation related activities. Staff would also speak to the HLC about the Dr. Harvey Award.

## REPORTS OF COUNCILORS

**Item 4(a): Councilor Rocka** said he attended Zoom meetings with the Board of Forestry, Governor Brown, State Forest Advisory Group, Area Business Forum, and Coastal Corral to discuss COVID-19, public safety, the impact to businesses, and the effect on agency budgets.

**Item 4(b): Councilor West** reported she also attended several Zoom meetings. She thanked everyone who attended the Astoria Warrenton Small Business Owner's Forum. She also thanked the Small Business Development Center (SBDC) for organizing the form. She received positive feedback from people who hope that another forum would be held after some of the proposed guidelines have been decided and presented to the Governor. Keeping the line of communication open and staying transparent with the businesses was worthwhile.

**Item 4(c): Councilor Brownson** reported on several Zoom meetings he had attended. The Energy and Environment Committee discussed biomass power generation, energy efficiency, building codes, and municipal utilities. He also attended the Small Business Forum. He has learned there are ways of bringing people together through an online forum, which he had not seen before. He was on the weekly call with the League of Oregon Cities to get updates on local, state, and national issues. He went to the farmers market, which seemed to be working well. People were respectful and practiced social distancing. He reported that the Liberty Theatre was offering a virtual cinema through their website. He reported that Hauke's Century Market and the Seafarer Restaurant had been demolished. He hoped for a good outcome for Bornstein Seafood, who has 13 employees diagnosed with COVID-19. He encouraged people to practice physical distancing, wear masks, and wash hand. He also encouraged people to shop locally.

**Item 4(d): Councilor Herman** reported that she participated in the League of Oregon Cities Zoom conference call with Governor Brown to hear about her plans for reopening Oregon. She listened in on the business forum for Astoria and Warrenton business leaders. She also participated in the Astoria Downtown Historic District Association (ADHDA) meeting, where several businesses shared that while the closures have devastated their bottom lines, they have found other creative ways to do business. She encouraged everyone to contact local businesses to find out what they have to offer.

**Item 4(e): Mayor Jones** reported that things change every day because of COVID-19 and new information is being published all the time. It was useful for him to hear from local business owners during the business forum. It was also useful for him to hear from the County, the SBDC, the Chamber of Commerce, and

Senator Johnson's office about what everyone is working on to help the community. Once the County received guidelines for restaurants, retail, outdoor recreation, childcare, and transit, the County would be ready to submit its plan for reopening. Approval of the plan depends on the trend in infections over 14 days. Recently, 13 people working at one employer had been diagnosed. The County Health Department is doing contact tracing and over the next week, the City would learn more about the extent of the new infections in the county. He believed the new infections would delay Phase 1 of reopening. He thanked County and hospital staff for all their hard work and said his thoughts and prayers went out to those who had been infected and their families. He reminded everyone to wash their hands regularly, wear a mask in public, and stay home when possible.

## **CHANGES TO AGENDA**

No changes.

## **CONSENT CALENDAR**

The following items were presented on the Consent Calendar:

6(a) City Council Minutes of April 6, 2020

6(b) Consider Approval of Infrastructure Finance Authority Grant for Water System Master Plan Update

**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): Consideration to Extend COVID-19 Emergency Declaration**

At the April 6, 2020 City Council Meeting, Council extended the resolution initially adopted on March 16, 2020 declaring a local emergency in the City of Astoria in response to the COVID-19 coronavirus outbreak. The resolution is currently set to expire on May 18th. Mayor Jones has asked this item to be brought forward for consideration in advance of the deadline and it is suggested that the resolution be extended to through the end of May and expire on June 1, 2020 (a City Council meeting date).

This would generally be commensurate with Clatsop County's declaration which expires on May 31, 2020. It is recommended that City Council consider extending the state of emergency in the City of Astoria.

Councilor Rocka believed the Council had no choice but to extend the resolution. It made no sense for the City and County to be on different timetables. As a small business owner, he understood the closures were difficult. However, public safety must come first.

Councilor West agreed and said the emergency declaration did not necessarily mean that everything would remain closed through that time period. The City can lift the emergency declaration at any time. The resolution allows the City to enact certain functions needed for emergency situations.

City Manager Estes added that extending the City's emergency declaration would also extend the resolution prohibiting vacation and leisure lodging to June 1<sup>st</sup>.

Councilor Herman said other parts of the country that have lifted their stay at home orders have had a resurgence of COVID-19 cases. Astoria does not want to go backwards.

Councilor Brownson stated that remaining in line with the County made sense. He was concerned about Seaside potentially opening beaches and hotels. In areas that have reopened, physical distancing has not taken place because many people do not take the situation seriously. The community needs to move at a reasonable pace with science and data.

Mayor Jones also agreed the City should stay in line with the County. He confirmed there were no public comments.

**City Council Action:** Motion made by Councilor Rocka, seconded by Councilor Brownson, to extend the Resolution declaring a local emergency in the City of Astoria to June 1, 2020. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

**Item 7(b): Public Hearing and Resolution for Supplemental Budget for Building Inspection Fund #128**

ORS 294.473 provides guidance for a municipality to hold a public hearing on a supplemental budget to adjust for changes which could not reasonably be foreseen when preparing the original budget. The process requires advertisement of a supplemental budget not less than 5 days before a Council meeting. There will be a public hearing for consideration of the supplemental budgets being presented.

It is recommended that City Council conduct a public hearing and approve the supplemental budget as presented in the attached resolution.

Mayor Jones said the City anticipated the inspection, permit, and review work would total about \$500,000. This would result in a net neutral issue for the City's fiscal position. The fee to the contracted building inspector is the going rate. The fee seems high, but this is likely because it is virtually impossible these days to be licensed as a building inspector in Oregon.

Mayor Jones opened the public hearing at 7:29 pm and called for public comments on the proposed resolution.

Nancy Ferber, address on file, Astoria, asked what the City's plans were for hiring a full-time building official. Contracting with a building official seemed like a Band Aid approach while big projects were coming in. She also wanted clarification on how the contract would be revenue neutral.

Mayor Jones responded that the City had tried to hire a building inspector, but they are extremely scarce.

Director Brooks clarified that the contract would not be net neutral, but the amount of revenues and appropriations would be balanced. No appropriations would be left in Contingency or in the Ending Fund Balance. Staff anticipated a surplus, but for expediency, Staff budgeted all of the revenues and expenditures at the same time.

City Manager Estes added that the City had received more permits this year than in the last 12 years. The City usually receives one or two large projects each year. Staff will continue to monitor how permits are coming in and try to understand how the economy may change construction in the future. If there is a need for the City to have a full-time building official, Staff can adjust. The market for building officials might change over time. Staff will continue to analyze what staffing changes might be needed in the future.

Mayor Jones called for public comments. Seeing none, he called for Council discussion.

Councilor West said she had spoken to City Manager Estes earlier in the week to learn how the budgeting process worked with regard to permits. Additionally, Mayor Jones' comments just now answered any remaining questions she had about this agenda item.

Mayor Jones closed the public hearing at 7:34 pm.

**City Council Action:** Motion made by Councilor Brownson, seconded by Councilor Herman, to approve the Supplemental Budget for Building Inspection Fund #128. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

**Item 7(c): Public Hearing and Consideration of a Personal Services Contract with Tony Clifton for Building Code Reviewer Services**

In June 2019, a contract was approved with Tony Clifton for building code plan review services. Mr. Clifton has been coordinating with applicants, architects, and contractors on several large projects such as the three

Astoria schools approved by the bond measure, Bowline Hotel, and Merwyn residential redevelopment. There are other projects in the pipeline which he will be reviewing.

As Mr. Clifton has been providing continued building code services it is recommended the City continue using them to complete projects in process. To extend his contract findings for an exemption to the City's competitive solicitation requirements will be considered by the City Council. Those findings are attached. Mr. Clifton has been serving the public well during a time when the City of Astoria has seen much larger than normal building permit activity. A contract is attached for consideration.

It is recommended that Council hold a public hearing on the draft findings and approve the contract with Tony Clifton.

Mayor Jones opened the public hearing at 7:36 pm and called for public comments. Seeing none, he called for Council discussion.

Councilor Brownson said he understood that building inspectors were hard to come by. Mr. Clifton has done a good job for the City. While, the pay rate is out of sync with Staff's, who are also experts in their areas, contracting is the only option available.

City Manager Estes noted that this contract was for work completed this fiscal year and next fiscal year. So, the total cost of the contract covers two years of work. Additionally, pay to independent contractors does not include taxes or benefits.

Mayor Jones added that for an employee with a salary of \$75,000, the actual compensation cost is much higher.

Councilor Brownson stated the entire Council had a similar reaction to the numbers at first. However, after receiving clarification from Staff, it made sense. If the City had a building official on Staff, that one person could not complete all of the work. Normally, the City has one or two large projects a year, but this year there are five or six. A contractor would be necessary no matter what. Tony Clifton has already been working on these projects so he is up to speed and can be efficient. This contract is a cost of doing business and the permit fees will pay for it. Sharing staff with Cannon Beach and the County has been working fine, but the assistance is limited, so this contract is necessary.

Councilor West agreed and said the permitting fees for the school project will be paid by the bond to cover Mr. Clifton's services. The permit fee revenue cannot be used for anything else.

Councilor Herman confirmed with Staff that the contract included this entire fiscal year and expired at the end of next fiscal year. City Manager Estes added that the contract would allow Mr. Clifton to continue working on projects through the projects' completion.

Mayor Jones closed the public hearing at 7:43 pm.

**City Council Action:** Motion made by Councilor Rocka, seconded by Councilor Brownson to approve a Personal Services Contract with Tony Clifton for Building Code Reviewer Services. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

**Item 7(d): Lease for Use of Portion of Riverwalk for Grain Silos and Chiller by Fort George Brewery**

This is a lease agreement for Fort George Brewery to utilize a portion of the right-of-way of the Riverwalk at their new warehousing location to locate grain silos and a chiller unit. The lease is valid for twenty years and has stipulations for the lessee to be responsible for the maintenance of the area they are leasing. The agreement is similar to other infrastructure placements that other breweries and businesses along the Riverwalk have enacted with the City. It is recommended that the Council approve the lease agreement.

Councilor Brownson confirmed with Staff that the equipment would not be higher than the building, but the Planning Commission did approve a variance to the required setback.

Chris Nemlowill, 478 Kensington, Astoria, said the silos would be lower than the maximum height allowed at just under 28 feet. He tried to find another area on the property for the silos, but they will work best on the north side. The silos will give a great working waterfront feel, similar to Buoy Beer and Astoria Brewing Company. Grocery stores are still buying their beer and that is keeping them in business although revenue is still down since the restaurants are closed.

Mayor Jones said the buildings are bland, so having a structure outside will break up the contour of the huge warehouses.

Councilor Herman said she was initially concerned about leasing the Riverwalk and the idea of anything interfering with the ability to use the Riverwalk. However, this will use an area adjoining the Riverwalk.

Councilor Brownson agreed this would add a feature to a bland building.

**City Council Action:** Motion made by Councilor Brownson, seconded by Councilor Rocka to approve the Lease Agreement with Fort George Brewery. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

**Item 7(e): Recology Rate Review for Year End December 31, 2019 for Solid Waste Collection and Transfer Station Activities**

The City's franchise agreement with Recology requires submission of financial statements and a separate rate review for both the Solid Waste Collection and Transfer Station Franchises no later than April 30 each year. Recology transmitted appropriate reports and financial information, in a timely manner received April 1, 2020. The purpose of the annual rate review is to determine whether Recology's "Operating Ratio" for their solid waste collection and transfer station operations fall within the limits set by the Franchise Agreements with the City.

The operating ratio is not a measure of profitability. The operating ratio measures the relationship between allowable revenues and expenses, as adjusted for the pass-through payments to the City of Astoria. This is a standard measure in the solid waste industry. The Franchise Agreements set the limits of the "Operating Ratio Range" between 88 Percent and 92 percent.

Information is provided as required by agreements. No further action is required at this time.

Dave at Recology, said they hoped things returned to normal later in the year. Currently, their commercial revenue is down 20 percent so far. That does not account for the usual seasonal upswing Recology usually sees this time of year. There is no good information yet on drop box activity provided to large customers and construction sites. Recology currently has a "no suspend" policy in effect, so no customers will have service discontinued or be turned over to collections.

Councilor Brownson said he was pleased to see that there would be no immediate rate increases. Recology has done a great job with recycling and keeping rates reasonable. Astoria is fortunate to have such a good partner.

Councilor West thanked Recology for their willingness to work with people on payments.

Councilor Rocka agreed that Astoria was well served by Recology and he appreciated the work they were doing.

Mayor Jones called for public comments. There were none.

**Item 7(f): Consider Policy Direction for Promote Astoria Arts and Culture Grants**

Staff is seeking direction from Council to establish policy regarding Arts and Cultural Grant to promote tourism in Astoria, in light of the current COVID emergency. Staff is requesting that Council discuss the Arts and

Cultural Grants to promote tourism which have been awarded and distributed for current fiscal year ending June 30, 2020 and current applications for next year, beginning July 1, 2021 in light of COVID-19 emergency. Use of the grant funds are intended to promote tourism in Astoria and demonstrate fulfillment of the tourism promotion as described in Oregon Revised Statute 320.300.

Events scheduled between mid-March through June 30, 2020 (Scandinavian Festival and Pride Parade are examples) have been cancelled. Staff is recommending that organizations be allowed to submit incurred expenses which can be documented after July 1, 2020 and before the cancellation of the event against provided grant funds. Remaining grant funds from the current year award would be used to offset future grant award in Fiscal Year 2020-21, rather than requesting organizations return grant funds to the City.

Staff is also seeking direction from Council regarding applications for Fiscal Year beginning July 1, 2020, as events may still be restricted, especially as events and programs are designed to attract tourism to Astoria. There is the possibility some of these events may be cancelled closer to the event occurring due to the uncertainty of restrictions lifting. Staff recommends if expenses are incurred after July 1, 2020 for an event or program which must be cancelled due to extended COVID-19 restrictions, the expenses be allowed against the disbursed award. The remaining funds must be returned to the City by no later than three months after the cancellation along with appropriate documentation. This policy would apply for the entire fiscal year. Staff further recommends organizational adherence to the grant proposed event/program be emphasized to ensure compliance with ORS 320.300 requirements for tourist promotion.

Councilor West said as Executive Director of the Astoria Arts and Movement Center, which was a recipient of grant funds, she must recuse herself from the discussion and vote.

Mayor Jones called for public comments.

Don Duncan, Astoria Pride, said on May 18<sup>th</sup>, Astoria Pride decided not to hold live events. Currently, they are working on an online event through Zoom and You Tube to be held May 12<sup>th</sup> through May 14<sup>th</sup>. However, none of the grant funds have been spent. He was very pleased that the City was working with organizations and allowing the funds to be used next year.

Councilor Rocka said this grant was one of the best uses of tourism revenue because the events attract tourists and make Astoria an appealing place to be.

Councilor Brownson added that the grants also help support the organizations to raise money and be more effective in the community. He believed Staff's proposal made sense. He wanted the organizations to use as much of the grant funds as possible, but the funds had to be spent according to State law.

Councilor Herman stated these organizations had been working since July 1, 2019 and many have already incurred expenses. She was glad the City could make accommodations.

Mayor Jones agreed this was an appropriate way to handle the grant funds without penalizing the organizations that made good faith expenditures.

**City Council Action:** Motion made by Councilor Brownson, seconded by Councilor Herman, to direct Staff to proceed as proposed with the Promote Astoria Arts and Culture Grant program. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, and Mayor Jones; Nays: None.

#### **Item 7(g): Silver and Fit Agreement**

This agreement will allow the Astoria Aquatic Center to offer access to qualified members of the Silver and Fit program, a Medicare insurance program geared toward providing seniors with fitness opportunities, at a rate negotiated and reimbursed through American Specialty Health Fitness. Silver and Fit will complement the existing service offered at the AAC through Silver Sneakers, another Medicare program that also serves seniors in our area. It is recommended that Council approve the agreement with American Specialty Health Fitness.

Interim Director Dart-McLean noted that the Silver and Fit program would pay the cost of admission for its members.

Brett, American Specialty Health Fitness, said the program would reimburse the City at \$4.00 per visit and up to \$40.00 per month for each member.

Councilor Herman understood the members would not be limited to a number of monthly visits.

Brett responded that members could go to the Aquatic Center as often as they liked. However, reimbursement to the City is capped at \$40.00 per month per member.

Interim Director Dart-McLean noted that \$40.00 was the cost of a monthly membership charged to paying customers.

Councilor Herman thanked Interim Director Dart-McLean for his persistence to get the program implemented.

Councilor West said there was a lot of support for the program in the community.

Mayor Jones confirmed there were no public comments.

**City Council Action:** Motion made by Councilor Brownson, seconded by Councilor West, to approve the agreement with American Specialty Health Fitness. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.


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

There was none.

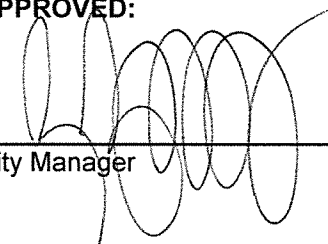
**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:16 pm.

**ATTEST:**

  
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Finance Director

**APPROVED:**

  
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City Manager

