

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, Brownson, Rocka, Herman, and West attended via Zoom.

Councilors Excused: None

Staff Present: City Manager Estes, Parks and Recreation Director Dart-Mclean, Community Development Director Leatherman, City Planner Fryer, Finance Director Brooks, Fire Chief Crutchfield, Police Chief Spalding, Public Works Director Harrington, City Engineer Crater, Library Director Pearson, and City Attorney Henningsgaard. The meeting was live streamed and recorded, and will be transcribed by ABC Transcription Services, Inc.

Chief Spalding briefly updated the Council on the incident that recently occurred at Pier 39, which involved private individuals, the Oregon State Police (OSP), Coast Guard, Clatsop County Sheriff, Fire Department, Police Department, 911 Dispatchers, Medics Ambulance, Columbia Memorial Hospital, Life Flight, and Floyd Holcum. The entire community came together to do everything possible to save the victims' lives. He and Chief Crutchfield would give Council a more thorough presentation on the incident in the future.

## **PRESENTATIONS**

### **Item 3(a): Policing in Astoria Update**

Chief Spalding will be providing Council with a brief progress update on certain initiatives discussed in the presentation to Council on June 15, 2020 regarding policing in Astoria.

Chief Spalding highlighted the two previous presentations he gave in June on policing in Astoria and provided an update on changes to the Department's use of force policy that had occurred since those presentation. The changes included expansion of the duty to intervene, removal of the lateral neck restraint, required warnings before any use of force, prohibition of shooting at moving vehicles, and discontinuation of the use of force continuum. He reviewed the Department's policies and procedures, and shared the pros and cons of separating protestors. He also noted that he was preparing an annual report for the Council.

Councilor West asked who would be compiling the annual report.

Chief Spalding responded that this report would be the first in five years and he was not involved in the last one. However, for this report, he had been working on most of the sections. Deputy Chief Halverson was working on the use of force section, a sergeant is working on the graphics, and front office clerical staff was working on a few sections. The Department does not have a dedicated resource that could put the report together internally, otherwise, it would have been completed sooner. Staff is already starting the capture material for the next report on 2020.

City Manager Estes, Chief Spalding, and Director Dart McLean provided details about recent quality of life crimes that had been occurring and efforts to clean up and repair vandalism and graffiti. They explained how the lack of Codes regulating these crimes has impacted the community, the Staff, and City finances, shared citizen input, concerns, and suggestions, and detailed Staff's efforts to work with the community to clean up vandalism and graffiti. Staff has also been working with the Astoria Downtown Historic Association (ADHDA) and the Chamber of Commerce on these issues, as the crimes affect businesses as well.

Councilor Herman asked if the problems were worse this year and if the issues had anything to do with the fact that downtown was closed for two months.

City Manager Estes responded that these crimes seem to ebb and flow. However, the restroom vandalism and graffiti have been more recent and not at the beginning of the pandemic.

Director Dart-McLean added that in 2014, Parks Staff would clean all of the restrooms and empty all of the trashcans along the Riverwalk twice a week in the off season and three times a week in the summer. It was difficult to predict how long that would take. Some days the work could be completed in two hours, but on other days it might take six hours. The vandalism is cyclical and is not impacted by the tourist season or weather.

Chief Spalding reported on poor behavior by homeless people and homeless related incidents, the Police Department's focus on certain areas of the City, and the Department's responses to homeless related activity. He also provided details about a recent court decision that would impact how officers enforce some of the poor conduct in the community, as well as some of the tenets of the expulsion zone ordinance that the Council is considering. The case is being appealed, so he did not feel comfortable making any recommendations at this time, but he did believe a homeless liaison could be very instrumental. In the meantime, officers would continue to be mindful about enforcement.

Mayor Jones thanked the police officers for being proactive, even when no citable crime had been committed. He was always concerned when residents say they feel unsafe. He appreciated that the officers continued to do what they can.

Councilor Rocka said he saw citizens picking up trash on the Riverwalk the other day and he encouraged others to do the same.

Mayor Jones called for comments from the public. There were none.

## REPORTS OF COUNCILORS

**Item 4(a): Councilor Herman** reported that she attended the promotion ceremony for Firefighter Carlos Gomez. Attending events like that was one of her favorite things to do. She also attended the monthly general membership meeting of the ADHDA. She thanked the business owners and employees for helping to keep the community safe by requiring that customers wear masks. She attended a Zoom meeting with local elected officials and Congresswoman Bonamici.

**Item 4(b): Councilor Brownson** reported that he attended the promotion ceremony at the Fire Station and it was nice to talk to Mr. Gomez and meet his family. Chief Crutchfield has been busy getting his Staff educated and promoted. It is great to have a professional and efficient Fire Department. He reported that Dan Walters from Portland saw the car go into the river at Pier 39 and dove in to try and help.

**Item 4(c): Councilor West** reported that she appreciated Chief Spalding's report. She thanked everyone who responded to the Pier 39 incident. There was a lot of collaborative teamwork and a really strong effort to save lives. Everyone did everything possible to save the victims and she was proud of all the efforts. The arts and culture nonprofit county group would be meeting on August 18<sup>th</sup> to discuss the CRF funding. Applications for that funding are due August 24<sup>th</sup>. She encouraged local nonprofits to apply and offered to send the Zoom link to anyone via email. More information is available at [culturaltrust.org](http://culturaltrust.org). Also, she would be attending a League of Oregon Cities roundtable for elected officials.

**Item 4(d): Councilor Rocka** reported that he was thankful for the first responders and everyone who tried to help at Pier 39. He attended a webinar on cybersecurity for cities and nonprofits, where he learned that hackers holding files for ransom has become an expensive nationwide problem. He interviewed a new business owner who is developing an app to help restaurants. The app will be tested in Astoria. Menus and online ordering will be available through the app, and eventually, delivery will be added. The developer is looking for ways to keep the restaurants' costs low. He also reported that it still boggles his mind when he sees people wandering around town without masks.

**Item 4(e): Mayor Jones** reported that he received a call from KATU requesting an interview. His interview was with Channel 2 News on Saturday. He had said people who follow the guidelines and stay safe are welcome to come to Astoria, and those who do not are asked to stay home. He went downtown over the weekend and to the Sunday Market, and saw a lot of compliance.

## CHANGES TO AGENDA

No changes.

## CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Work Session Minutes of July 16, 2020
- 6(b) Consideration of Contract for Towing Services
- 6(c) FY2020-2021 Dispatch Service Agreements

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

## REGULAR AGENDA ITEMS

City Manager Estes noted that the ordinance on the agenda was emailed to Councilors just before the meeting.

**Item 7(a): Public Hearing and First Reading of Zoning Map Amendment Request (20-01) by Jeff Breymeyer, on behalf of Yakima Valley Farm Workers Clinic, to amend the City of Astoria Zoning Map from LS (Local Service) to CA (Education/Research/Health Care Campus Zone) in the GOZ (Gateway Overlay Zone) and CGO (Civic Greenway Overlay) Zone to allow for medical or health care service establishment as a permitted use at 2275 Commercial Street**

On June 23, 2020, the Planning Commission held a public hearing regarding the request to rezone the property at 2275 Commercial Street from LS (Local Service Commercial) to CA (Campus Health Care Educational). The Local Service Zoning is limited to six parcels in the City. Approximately 1.67 acres would retain the LS Zone. The CA zone currently includes 10 properties for a total of 8.3 acres.

The applicant, The Yakima Valley Farmworker's Clinic, would like to change the zoning so that they could apply to build a new clinic at the site. The site is approximately 1.32 acres and include three parcels. The Traffic Impact Study found there would be 488 fewer trips than under the existing LS Zoning. One comment letter was submitted from John Ryan in support of the proposal. Mr. Ryan also submitted an additional comment letter in support for the City Council.

The Planning Commission recommends approval. A copy of the adopted findings are attached. It is recommended that the Council conduct a public hearing and consider holding a first reading of the ordinance.

Planner Fryer presented the Staff report on the recommended zone change.

Mayor Jones asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. There were no objections. He asked if any Councilor had any conflicts of interest or ex parte contacts to declare. There none. He opened the public hearing at 8:07 pm, explained the procedures governing the conduct of public hearings to the audience, and advised that handouts of the substantive review criteria were available from Staff. He called for the Applicant's testimony.

Jeff Breymeyer, 604 W 1<sup>st</sup> Avenue, Toppenish, WA, Facilities Director, Yakima Valley Farm Workers Clinic, said the company had been in Astoria for three and half years operating Coastal Family Health Center located in the Park Medical Office Building. In that time, they have seen a growing need from patients seeking health care services. The current location has no room for expansion, so they started to look for opportunities a little over a year ago. They performed a needs assessment to evaluate where the patients with health care needs reside. The results showed their patients reside in Astoria, so they focused on this property when it became available. They received feedback from the Planning Commission that confirmed this property was the right one to pursue. A lot of due diligence has been done, like environmental reports. No issues have been found and the property is great for development. The rezone would allow them to build a medical clinic to serve more patients. Currently, the development timeline is a work in progress, but this rezone is the first step towards moving the process

forward. A medical clinic would be a great addition to the area and would work with the adjoining medical buildings.

Mayor Jones called for testimony in favor of the application.

John Ryan 2495 Mill Pond Lane, Astoria, said he was glad to see this type of project being considered for this property. The property needs a good tenant and this is the best use of that land in that area. The community will appreciate the cleanup of the property.

Mayor Jones called for testimony against or impartial to the application. Seeing none, he closed the public hearing at 8:12 pm and called for Council discussion and deliberation.

Councilor Rocka said a clinic sounded like an excellent project for the area. He asked if the clinic would occupy the entire area being rezoned.

Mayor Jones reopened the public hearing at 8:13 pm so that Staff could answer Councilor Rocka's question.

Mr. Breymeyer stated he was asking that three parcels be rezoned and the medical facility would occupy all three.

Mayor Jones closed the public hearing at 8:14 pm.

Councilor Herman said the new zone made more sense than retail uses because of its proximity to the other medical facilities.

Councilor West stated the proposed amendment is consistent with the Comprehensive Plan and the traffic study shows the development would result in less traffic. The land is suitable for the proposed use and she had no issues with the request. She thanked Mr. Breymeyer for considering the needs of patients in the community, as willingness to work with the City, and the current property owner.

Councilor Brownson said he supported the rezoning because it made sense for the location and the prospect.

Mayor Jones thanked the Planning Commission for moving this forward. He agreed the clinic would be a great use for the property.

**City Council Action:** Motion made by Councilor Brownson, seconded by Councilor West, to conduct a first reading of the ordinance to rezone 2275 Commercial Street from LS (Local Service Commercial) to CA (Campus Health Care Educational). Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

Director Brooks conducted the first reading.

#### **Item 7(b): Public Hearing and Resolution for Supplemental Budget – Custodial Fund #415**

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 budget being presented.

The current budget for Custodial Fund # 415 did not anticipate the full grant amount of the Astoria Warehouse Site Cleanup and Redevelopment Project C2019314, authorized by State House Bill HB 5050, for fiscal year July 1, 2020 through June 30, 2021.

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

Mayor Jones opened the public hearing at 8:19 pm and called for public testimony. Seeing none, he closed the public hearing at 8:19 pm.

Councilor Brownson asked why the funds needed to be used now.

City Manager Estes explained that the State and Blue Jumpsuit agreed to an accelerated process for the distribution of funds. The City was not involved in the decision, but the City is the intermediary that receives the funds.

**City Council Action:** Motion made by Councilor Rocka, seconded by Councilor Herman, to adopt the resolution and approve the supplemental budget for Custodial Fund #415. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

**Item 7(c): Resolution Establishing Rules, Regulations, Rate Changes, and Conditions for Solid Waste Service 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, by email, in a timely manner which was presented to Council at the May 4, 2020 meeting. Cover letters are attached regarding proposed rate adjustments to be effective September 1, 2020 which are included as Exhibit A in the attached resolution.

It is recommended that Council consider the attached resolution with the rate changes as indicated, to be effective September 1, 2020.

Carl Peters Recology General Manager, said his company was proud to be of service to the people of Astoria. Their office has been closed to the public and most of the office staff is working from home. Customers can still reach them by phone and email. At the Astoria transfer station, employees and customers are directed to wear masks. Payments are only being taken by credit and debit cards. Drivers have all the supplies they need to protect themselves. The company has eliminated in person meetings, staggered start times, limited building access, and requires masks indoors and in close contact with others. The employees are heroes for showing up to work every day. When the crisis first started, they reached out to City Staff to remind them that the City could count on Recology as a partner. If residents are dealing with Covid-19 related issues, they will work with them to ensure they have the opportunity to continue to receive service at home. The pandemic has had serious impacts on the businesses and residents they serve. At the peak of the stay at home orders, commercial volumes were down by over 20 percent. Debris box waste was down temporarily and has come back as hotels and construction sites have started reopening. Carted waste is up 10 percent, so people were clearly staying busy. Recycling is still being recycled, but this is not the case everywhere because diapers, garden hoses, and plastics are still being added to recycle bins. Overall, recycling volumes are up over 2 percent, which makes sense when people are spending more time at home and eating out less. Yard debris is up 29 percent because it has been a great growing season and people are at home working on landscaping projects. In April, Recology requested that the effective date of the new rates be deferred to September 1<sup>st</sup> to minimize impacts on the community during the stay at home orders. The collection rates for carts and containers will not change, but they have proposed to change the debris box tonnage rate. The hauling rate for debris boxes will not change either. They have also proposed an increase to the tonnage rate charged internally to the collection company. He was proud that Recology was Astoria's service provider in good times and in bad times.

Mayor Jones thanked Recology for deferring the rate increases until September.

Councilor Herman said she appreciated the excellent service provided by Recology. She asked if the yard debris recycling went to Trails End.

Mr. Peters stated some yard material went to Trails End, but most of it goes to the facility in North Plains where it is turned into compost.

Councilor Herman thanked Recology for continuing to sell recyclables.

Mr. Peters responded that the State's ban on plastic bags has been great.

Councilor Brownson stated a PBS documentary on plastics was focused on Portland. He asked what Recology was doing differently than the companies in Portland that were featured in the documentary.

Mr. Peters said some of the plastics discussed in the documentary are not included in recycling programs, like one-use plastics. Recology is supporting a ballot measure in California to implement a tax on plastics to force the plastic producers to provide ways to recycle their products. Recology works with great processors and continues to look for more markets. Recycling is slower and has backed up, but it is working with reputable processors that can move material. He reminded that recyclable products need to be rinsed and dried before they can be placed in a recycling bin.

Councilor Brownson noted that the Department of Environmental Quality (DEQ) had been working on making manufacturers responsible for their products. He asked Mr. Peters to talk about how that would help Recology and reduce costs for customers.

Mr. Peters responded that more needs to be done to figure out how circularity impacts greenhouse gas emissions. The argument is flawed. One can say that it is better to throw a Zip Loc bag in the trash than to recycle a metal can. However, the metal can could be made over and over. Discussing extending producer responsibility (EPR) would require a separate meeting, but he was concerned about the idea that material producers would be put in charge of and paid for recycling their own materials. He would rather see DEQ manage that money instead of giving it back to the producers. Many of the organizations in his industry sit on recycling steering committees and are trying to influence DEQ to understand that EPR might work, but it does not make sense to give money back to the producers for recycling. It would be best to just make less plastics.

**City Council Action:** Motion made by Councilor Rocka, seconded by Councilor Brownson to adopt the resolution establishing rules, regulations, rate changes, and conditions for solid waste service and transfer station activities. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

**Item 7(d): Authorization to Award the Construction Contract – 2020 Paving Project**

The 2020 Paving Project will include asphalt pavement overlay, asphalt grinding, ADA ramp upgrades, road base reconstruction, curb repair, striping and other associated improvements. On July 6, 2020, City Council authorized staff to solicit bids for the project. The lowest responsible bid was received from Granite Construction Company for \$462,394.00.

It is recommended that City Council authorize award of a construction contract to Granite Construction Company in the amount of \$462,394.00 for the 2020 Paving Project.

**City Council Action:** Motion made by Councilor Rocka, seconded by Councilor West to authorize award of a construction contract to Granite Construction Company in the amount of \$462,394.00 for the 2020 Paving Project. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.

**Item 7(e): Consider Acceptance of Assistance to Firefighters Grant**

In November of 2019 staff requested authorization to submit a grant request to the Assistance To Firefighters Grant (AFG) Program for the replacement of our Self Contained Breathing Apparatus (SCBA). Staff has been notified that we were successful in our request and have been awarded the AFG in the amount of \$160,000 requiring a 5 percent match of approximately \$8,000. Staff has budgeted \$26,000 in the Capital Improvement Fund to cover the cost of the match and other items that will be needed during the change over to the new SCBA.

Staff recommends that the City Council accepts the Assistance to Firefighters Grant award and authorizes the City Authorized Organization Representative (AOR) to electronically accept the grant in FEMA GO, which is the agency's contracting mechanism.

Councilor Brownson said that newly promoted Carlos Gomez had taken on the task of maintaining the existing SCBA equipment, which is 15 years old and expensive to maintain. He congratulated the department for receiving the grant for equipment upgrades.

Councilor West understood that grants for equipment could be more competitive.

Mayor Jones asked if the new SCBAs were better.

Chief Crutchfield said the equipment might be a little bit lighter, but they are designed to be more comfortable and safe. Firefighters wear SCBAs for extended periods of time. The new ones come with a lifetime warranty, which will save the City on repair costs. Every few years, new standards are created for the air packs and the new air packs are upgradable. Getting the grant was a team effort in the Fire Department. Staff and firefighters provided details on how much the department was spending on maintenance of the old equipment, captured data on response statistics, and coordinated with the City Manager to get the grant.

**City Council Action:** Motion made by Councilor Rocka, seconded by Councilor Herman, to accept the Assistance to Firefighters Grant award and authorize the City Authorized Organization Representative (AOR) to electronically accept the grant in FEMA GO. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, West, and Mayor Jones; Nays: None.


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

There was none.

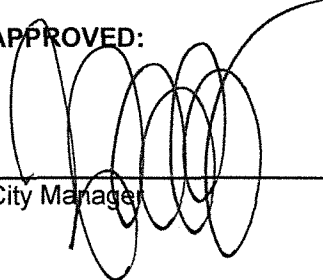
**ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:49 pm.

**ATTEST:**

  
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Finance Director

**APPROVED:**

  
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City Manager