

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:01 pm.

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

Councilors Excused: Hilton

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

### **REPORTS OF COUNCILORS**

There were no reports.

### **CHANGES TO AGENDA**

Due to a power outage at City Hall, only Regular Agenda Item 6(c) would be addressed. All other Regular Agenda Items and the Executive Session would be addressed at a future meeting, date to be determined.

The Council proceeded to Item 6(c) at this time.

### **CONSENT CALENDAR**

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of November 2, 2020
- 5(b) City Council Minutes of December 7, 2020
- 5(c) Department Head Status Updates January
- 5(d) Liquor License Application from Hollywood Vintage LLC, doing business as Astoria Court, located at 1332 Commercial Street, for an Off-Premises Sales License.
- 5(e) License agreement with Columbia Memorial Hospital

This agenda item would be addressed at a future meeting, date to be determined.

### **REGULAR AGENDA ITEMS**

#### **Item 6(a): Second Reading and Adoption of Ordinance Readopting Certain State Statutes to Reflect Changes Made by the 2020 Legislature**

At the January 4, 2021 meeting, Council held the public hearing and first reading of this ordinance. The 2020 legislation passed by the Oregon Legislature, for the most part, became effective on January 1, 2021. Many of our City ordinances refer to or incorporate state statutes. Every year, the City routinely re-adopts all referenced ORS sections to pick up any changes made by the legislature. This is done by a "global readoption", which is the technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt Oregon legislative changes, that is, we cannot adopt a state statute "as it now exists and is from time to time amended." The proposed ordinance has been reviewed and approved as to form by the City Attorney. It is recommended that Council hold the second reading and adopt the proposed ordinance.

This agenda item would be addressed at a future meeting, date to be determined.

#### **Item 6(b): CANCELLED Public Hearing on Appeal (AP20-05) by the Lower Columbia Preservation Society of Historic Landmarks Commission approval of Exterior Alteration Permit Request (EX20-04) by Thomas and Priscilla Levy to replace all 19 existing wood windows with Fibrex windows at 1606 Grand Avenue**

**The Appeal Public Hearing has been cancelled as a Writ of Mandamus has been filed in Circuit Court. For additional information contact the Community Development Department.**

The Historic Landmarks Commission reviewed Exterior Alteration Request EX20-04 at their October 20, 2020 meeting. The Historic Landmarks Commission requested additional information. City staff provided the Historic Landmarks Commission with window preservation information from the State Historic Preservation Office, the National Park Service, and the Trust for Historic Preservation. At the November 17, 2020 hearing, the Historic Landmarks Commission tentatively approved the application, pending revision of the findings. The findings and request were approved at the Historic Landmarks Commission December 15, 2020 meeting.

The Notice of Decision was mailed on December 17, 2020 to all persons of record, noting that all appeals must be filed within 15 days. On December 22, 2020, the Lower Columbia Preservation Society appealed the Historic Landmarks Commission approval, which granted a Certificate of Appropriateness to Thomas and Priscilla Levy for the replacement of nineteen (19) wood windows at 1606 Grand Avenue with nineteen (19) Fibrex windows. Rachel Jensen, Executive Director spoke against the application at the initial public hearing held on October 20, 2020.

Specific criteria appealed include Astoria Development Code Section 6.050.F Historic Design Review Criteria 2, 5 and 6. The appellant's Notice of Appeal is attached as an exhibit to this City Council item.

On December 23, 2020, staff mailed a Public Notice to all parties of record, property owners within 200 feet of the subject site, and the applicant for this public hearing item. The 120 Day Rule ends on Friday, January 15th, therefore timely processing of the appeal is needed. Staff have requested the applicant extend the 120-day rule and they have not provided a response. It is recommended that the City Council conduct a public hearing and provide direction to staff as to how the Council would like to proceed.

This agenda item would be addressed at a future meeting, date to be determined.

**Item 6(c): Public Hearing and First Reading of Amendment (A19-03A) to Astoria Development Code**

In December of 2019, the Astoria Planning Commission held a work session to discuss a potential City-initiated amendment to the Astoria Development Code with regard to Accessory Dwelling Unit regulations and other housing issues.

In accordance with ORS 227.186(5), a city-wide notice was mailed on June 18, 2020 and newspaper notice was published on July 18, 2020.

Planning Commission opened the public hearing for the proposed legislative amendment, A19-03, on July 28, 2020, reviewed the staff report, received testimony and continued the hearing to a date certain of August 25, 2020. The Planning Commission held the public hearing for A19-03 on August 25, 2020, reviewed the staff report, received testimony and continued the hearing to a date certain of September 22, 2020. At the September 22, 2020 public hearing, the Planning Commission continued the hearing to a date certain of October 6, 2020. The Planning Commission held the public hearing on October 6, 2020, reviewed the staff report, received testimony, considered options for moving forward and decided to bifurcate A19-03 into two amendments A19-03A – all of the proposed amendment EXCEPT the Group Living Facilities portion and A19-03 B – only the Group Living Facilities portion of the amendment. The Commission continued A19-03A to a date certain of October 27, 2020. The Commission also continued A19-03B to a date certain of November 24, 2020. At the October 27, 2020 meeting, the Planning Commission considered the proposal and continued the item to a date certain of November 24, 2020. At the November 24, 2020, the Planning Commission recommended approval of the proposal as shown as highlighted text in Exhibit 20 to the staff report. The recommended text is shown in the proposed Ordinance exhibit.

The resulting proposal includes only the amendments necessary to address changes to state law regarding Accessory Dwelling Units. Changes made at the legislature required local governments amend their zoning codes to: 1) allow Accessory Dwelling Units anywhere a single-family dwelling is allowed, 2) eliminate any parking requirement for the Accessory Dwelling Unit, 3) eliminate any land use regulations that require additional standards to place an Accessory Dwelling Unit - in Astoria it requires elimination of the requirement

for additional land area for an Accessory Dwelling Unit, and 4) eliminate requirements for owner-occupancy of the ADU or the primary residence. Historic regulations, found in Article 6 of the Astoria Development Code, still apply.

It is recommended that the Council conduct a public hearing and determine whether to hold a first reading of the ordinance.

This item was addressed immediately following Item 4: Changes to Agenda.

Mayor Jones opened the public hearing at 7:03 pm. He 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 member of the Council had any ex parte contacts or conflicts of interest to declare. There were none. He 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 asked for a continuance due to the power outage.

**City Council Action:** Motion made by Councilor Rocka, seconded by Councilor Brownson to continue the public hearing of Amendment to the Astoria Development Code A19-03A to February 1, 2021 at 7:00 pm in City Hall Council Chambers. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, and Mayor Jones; Nays: None.

The Council proceeded to Item 7 New Business & Miscellaneous, Public Comments, at this time.

**Item 6(d): Multi-Jurisdictional Natural Hazard Mitigation Plan – 5 Year Update Approval for Submittal to FEMA**

In January 2007, the City experienced a natural disaster with a major landslide in the area of West Bond and West Commercial. This slide destroyed portions of City streets, water, and sewer infrastructure, and damaged several private homes. The cost to repair and/or replace the City infrastructure was high and unexpected. After 11 years, West Bond was reopened to two-way traffic in 2018. In 2007, the City reached out to Federal Emergency Management Agency (FEMA) for financial assistance only to find that we were not eligible for funding since we did not have a Natural Hazard Mitigation Plan. The City was unaware of this requirement at that time as were the other jurisdictions in Clatsop County. Over the next two years, extensive work was done by a County-wide Steering Committee which included the City, Clatsop County, and the other cities in the County to complete a Plan that would meet the FEMA requirements.

At their October 20, 2008 meeting, Astoria City Council adopted a Multi-Jurisdictional Natural Hazard Mitigation Plan (MJNHMP) and the City of Astoria Addendum. This Plan was developed in partnership with Clatsop County and Columbia River Estuary Studies Task Force (CREST). The purpose of the Plan was to increase the County's and City's resilience to natural hazards that could affect the region including earthquakes, floods, droughts, landslides, coastal erosion, tsunamis, windstorms, winter storms, wildfires, and volcanoes. The Plan included discussions on demographics, critical facilities and infrastructure, risk assessments, and other historic data. City adoption of the Astoria Addendum opened doors for grant funding on projects that reduce risks posed by natural hazards in advance of a disaster. Also, adoption of the Addendum provided opportunities for additional grant funding on projects following a natural disaster. Each municipality within the County developed their own MJNHMP addendums which ultimately were incorporated into the County's Plan. Prior to adoption of the Plan and Addendums there were public meetings and opportunities for community member participation and input.

FEMA requires that the Plan and Addendums be reviewed and updated every five years. The Plan updates include new information on risk assessment, proposed mitigation projects, and status of the mitigation projects. On July 6, 2015, the City Council adopted a resolution updating the City Addendum as approved by FEMA. The Clatsop County MJNHMP was completed in 2015 with participation by Clatsop County and its five municipalities: Astoria, Cannon Beach, Gearhart, Seaside, and Warrenton. The next five-year review is due in 2020.

As in the past, Clatsop County has taken the lead in the process to update the County-wide Plan and various jurisdictional Addendums. Department of Land Conservation and Development (DLCD) has provided a grant and staff to assist with the updates and facilitate the process. Since natural disasters do not respect

jurisdictional boundaries, the Plan covers the entire County and recognizes the need for intergovernmental cooperation.

The County-wide Steering Committee has met periodically to keep abreast of on-going issues and needs within the County. In addition to the City Manager, Planning Consultant Rosemary Johnson is the City designated member on this committee and has been one of the lead personnel along with Tiffany Brown and Gail Hendrickson from the County. The Committee has been meeting with DLCD over the last two years on the 2020 update. The format and process for the new update is different than was previously used and adopted. The new Plan will not have Addendums for each community but will be one County-wide document that incorporates specific information about each jurisdiction within the main County Plan. This will reduce the need to duplicate base information in each jurisdiction's Addendum.

Another change from the previous Plan is that other "districts" such as water districts, fire districts, college, hospital, transportation, etc. will be required to either adopt their own plans or join with the County and cities for one combined Plan. Multiple jurisdictions joined the combined efforts for a more comprehensive end product. These jurisdictions have worked closely with DLCD and have developed a draft Plan for consideration by the jurisdictions' councils and boards.

#### Discussion / Analysis

At the December 29, 2020 City Council meeting, Planner Johnson made a presentation to explain the draft Plan and answer any questions. There was a public comment period from December 26, 2020 to January 15, 2021. The next step in the process is for each jurisdiction to approve the draft. The draft was presented to the public for comment between December 26, 2020 through January 15, 2021. Jurisdictions will then address any public comments and prepare the document for submittal to FEMA. Astoria City Council will consider and potentially approve the draft at its January 19, 2021 meeting. It is anticipated a final draft will be submitted to FEMA on January 25, 2021 to meet deadline requirements. Once FEMA has reviewed and approved the draft, it will return to the various jurisdictions for approval of a Resolution to adopt the Plan.

The draft Plan can be found on the County web site link: [Multi-Jurisdictional Natural Hazards Mitigation Plan \(MJNHMP\) Update 2021 | Clatsop County Oregon](#)

Over the past year, there have been a total of 15 survey responses. Seven of those have been since December 1, 2020. No additional comments have been received concerning the Astoria portion of the draft Plan. Two Astoria survey responses included the following comments: 1) Make sure to include the homeless issue with the natural disaster plan. The pollution they produce is a long-term issue with water sources, wildlife, and our environment; and 2) The committee meetings have been so poorly facilitated it's hard to take any product from them seriously. The Public Works Department has updated some information in the draft; however, there are no substantial changes from the draft submitted to the Council in December.

It is recommended that the Council review the draft Multi-jurisdictional Natural Hazards Mitigation Plan and approve submittal to FEMA for their review.

This agenda item would be addressed at a future meeting, date to be determined.

#### **Item 6(e): Consideration of Salary Resolution for Negotiated Contract: Wage Adjustments**

Staff positions and associated compensation are detailed in the "Resolution Establishing a Basic Compensation Plan for the Employees of the City of Astoria and Establishing Regulations for the Placement of Present Employees within the Wage and Salary Schedules Provided". Whenever there are changes in positions, whether a position is being deleted, added or redefined; or whether a change in compensation is proposed; such changes are adopted by resolution. The proposed resolution implements the following changes retroactive to the appropriate dates, by group:

- Police Employee Group - Schedule C 2.5% wage adjustment for Range 12 and 14, effective January 1, 2021, as specified in contract expiring June 30, 2022 These changes are part of a collective bargaining agreement already in place.

These changes include bargained increases for the Records Specialist and Senior Records and Evidence Specialist positions. It is recommended that Council adopt the Salary Resolution as presented.

This agenda item would be addressed at a future meeting, date to be determined.

**Item 6(f): Senior Center Facility Transfer of Ownership**

In 2013, the Astoria City Council authorized the submittal of a Community Development Block Grant (CDBG) to Business Oregon Infrastructure Finance Authority (IFA) for the renovation of the Astoria Senior Center, located at 1111 Exchange Street for \$1.5 million dollars. The City of Astoria owns the Senior Center building with operations provided by the Astoria Senior Center Inc. (ASC). The grant was ultimately approved. One of the concepts going into this project was that the City would secure the grant and oversee the remodeling of the building so that the ASC could take ownership of a rehabilitated building. However, a stipulation of the CDBG award was that the City of Astoria retain ownership of the building for at least five years after the renovation work was complete and more specifically after the grant's close-out in September 2016. This was done as a requirement to ensure that the grant applicant (City) would comply with federal provisions following project completion.

As the renovation work commenced in 2015, the City Council entered into a lease agreement with ASC, a non-profit organization, that provided a sliding scale of annual rent payments and gradual increases in the responsibilities that ASC would carry out to maintain and operate the building, including increasing their payment of utility costs from 30% in 2013 to 100% in 2018. This plan was implemented to transition ASC into full ownership of the facility and end its reliance on the City for any additional support for the building's upkeep.

Lease payments declined as follows:

- January 2016 - \$5,000
- January 2017 - \$4,000
- January 2018 - \$3,000
- January 2019 - \$2,000
- January 2020 - \$1,000

The five-year lease agreement has expired in December 2020 and ASC has indicated their desire to take over ownership of the building. After coordinating with Business Oregon, the entity that facilitated the CDBG award, it was determined that because the grant was not officially closed until August 2016, there must be a specific clause in the transfer of ownership for ASC to operate as a senior center serving only patrons 60 years and older until September 16, 2021 to achieve the prescribed mandates of the grant. City staff has provided a draft copy of the transfer document to Business Oregon and they have reviewed and concurred with the provision.

The proposed transfer of ownership of the building from the City to ASC includes a reversionary clause so that the City would regain possession if the building were no longer used as a senior center facility or if ASC ceased to be a non-profit organization. This is a similar arrangement to other buildings which the City (or Astoria Development Commission) have owned and transferred ownership to a quasi public organization such as the Liberty Theatre. The agreement has been reviewed and approved as to form by City Attorney Henningsgaard. It is recommended that the City Council approve the agreement to transfer ownership of the Senior Center Building, located at 1111 Exchange St. Astoria OR, 97103 to the Astoria Senior Center Inc.

This agenda item would be addressed at a future meeting, date to be determined.

**Item 6(g): Consider Submittal of Oregon Community Paths Grant Application Using Promote Astoria Funds for Match**

In 2020, City Council authorized submittal of an Oregon State Parks Large Government Grant for Riverwalk for Riverwalk improvements including lighting and restrooms. This grant was for a total \$841,000 project with a \$336,560 match. Approximately \$155,000 of the match would come from urban renewal funds and approximately \$182,000 would come from Promote Astoria Funds. During the Council discussion on this grant, there was discussion about the desire to bring lighting improvements to the eastern areas of the Riverwalk as areas of the Riverwalk included in the Oregon State Parks grant included areas within the Astor East and Astor West Urban Renewal Districts to spread match between funds. Funds to provide the match were

included in the current budget, however, as noted in earlier conversations with Council, Promote Astoria Fund revenues have been impacted by the COVID pandemic. This grant process was put on hold by the State of Oregon while they assessed their funding. Staff have recently been notified this application process is moving forward once again.

In 2019, the Oregon Legislature passed House Bill 2592 establishing the Multimodal Active Transportation Fund, or MAT, for bicycle and pedestrian projects. MAT consists of 7% of the Connect Oregon Fund plus revenues from Oregon's bicycle excise tax. The MAT is a separate grant program from Connect Oregon and requires a new set of administrative rules. In addition to state MAT funding, federal funding is provided through Transportation Alternative funds, or TA. The state of Oregon restricts the use of TA funds to the following project types:

- Development, construction, reconstruction, major resurfacing, or other capital improvements of multiuse paths, bicycle paths and footpaths.
- Planning, design and engineering expenses, including consultant services, associated with developing eligible infrastructure projects

In August 2020, the Oregon Department of Transportation (ODOT) announced the opening of a new grant opportunity, Oregon Community Paths (OCP), a program dedicated to helping communities create and maintain connections through multiuse paths that are separated from roadways. ODOT will use monies from the state Multimodal Active Transportation fund and federal Transportation Alternatives Program fund for this program. The goal is to complement existing active transportation programs in communities across the state.

In October 2020, Community Development and Parks staff submitted a letter of intent to the OCP program describing their proposal to request funds to add lighting to the Riverwalk Trail east from the Columbia River Maritime Museum's campus to 39th St. ODOT accepted the letter and approved the City to apply for OCP funds for the project this fall/winter. If funded, the project will add bollard and bulkhead (railing) lights along the eastern portion of the Riverwalk, mirroring the same style of lights already in place on the western sections of the trail.

The total cost of the project is anticipated to be \$941,539.50 and the OCP grant requires a match of 10.27% if federal funds are awarded to support the work. This would entail a match of \$66,696.11 proposed from the City's Promote Astoria fund plus an in-kind contribution of \$30,000 that would come from the Parks Department's budget with Parks staff providing oversight and management of the project. If a grant award is offered using state funds, the mandatory match amount is \$282,461.85, 30% of the project total with no options for in-kind contributions to offset that amount. The full amount would be proposed to come from Promote Astoria.

Finance Director Brooks has reviewed the project and concurs that the use of Promote Astoria funds for this purpose is acceptable. If successful in securing funds, the City will have three years to begin the project and up to five years from the grant award to complete the work. The anticipated project timeline would seek to hire a firm to carry out construction plan development in the fall of 2021 in fiscal year 21-22, followed by construction in fiscal year 22- 23. If state funds were awarded for the work, \$83,004.45 would need to be budgeted in the FY21-22 budget and \$199,457.40 in FY22-23's. If federal funds were offered, \$13,415.19 would be required from Promote Astoria in FY21-22 and \$53,280.92 in FY22-23.

Careful consideration will be needed in both future budget processes since there are many other demands from the Promote Astoria fund including items such as yearly trestle repairs, Downtown Association and Chamber of Commerce financial assistance, arts and culture grants, Parks restroom and landscape maintenance services contracts, as well as a transfer to the Parks fund for tourism related functions. As noted earlier, City Council has already approved a State Parks Grant application for Riverwalk improvements with a Promote Astoria match. Those funds have been budgeted but it is unknown if any of those will be used this fiscal year. Additionally, City Council has prioritized a rebuild of the 14th Street Pier. Funds were allocated for design of that improvement this fiscal year; however yearly trestle repairs are necessitating use of the Promote Astoria Funds planned for the 14th Street rebuild design. Should Council wish to pursue this lighting grant, staff will continue to work to include a phased 14th Street project. In phasing these Riverwalk projects out, it appears there should be funds to complete that work, assuming Promote Astoria Fund revenues do not take a large dip.

With regards to preparing this application, several plans developed by the City, including the 2009 Riverwalk Vision Plan and 2016 Parks Master Plan, the Riverwalk has been highlighted for its utility and connectivity for residents seeking non-vehicular access from neighborhoods to medical facilities, commercial areas, and other critical infrastructure. The project proposed will further this utility by adding lighting along the "Civic Greenway" portion of the trail, bollards for the majority of the area and bulkhead lights on the Mill Pond Trestle from the eastern edge of the Maritime Museum's campus to 39th St. A high level of need for additional lighting in this area was identified in the Parks Master Plan and recommended to be completed within five to ten years. Adding lighting will provide increased security to users during darker hours, especially in winter months, and will lessen the chances of accidents due to poor visibility.

Supporters of the grant application include the Mill Pond Homeowner's Association, The Astoria Downtown Historic District Association, the Astoria-Warrenton Chamber of Commerce, and Columbia Memorial Hospital. It is recommended the City Council consider authorizing staff to submit the application for Oregon Community Paths funds to add lighting to the Riverwalk east of the Columbia River Maritime Museum to 39th Street with the respective match allocations noted, dependent on funding source approved.

This agenda item would be addressed at a future meeting, date to be determined.

**Item 6(h): Trestle Repair Project – Change Order #2**

The Trestle Repair Project addresses critical repair needs on the 6th through 11th Street Trestle, Mill Pond Trestle, 6th Street Park Pier, and the 14th Street Park Pier. City Council authorized a construction contract with Bergeman Construction in July 2020. Work is currently underway with completion scheduled for the end of January 2021. During progression of the work, Staff identified additional repairs and modifications necessary to complete the project. Change Order #2 details the cost of the proposed work and is attached to this memo. The total cost of this change order is \$28,956.55.

Funding for this additional work is available in the Promote Astoria Fund. However, the funds required for this change order will need to utilize funding set aside for future design work planned for the 14th Street Park Pier rebuild. This design work is associated with a separate project that includes a significant redesign and repair of the 14th Street Park Pier. The current repair project includes minor repairs to this structure to keep it functional at a reduced capacity. Staff recommends prioritizing the current construction needs over the future design work. A summary of the construction cost to date is shown below.

Item	Cost
Bergeman Construction Contract	\$288,999.91
Change Order #1	\$25,025.22
Change Order #2	\$28,956.55
Total =	\$342,981.68

It is recommended that City Council authorize staff to approve Change Order #2 in the amount of \$28,956.55.

This agenda item would be addressed at a future meeting, date to be determined.

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

City Manager Estes noted a work session had been scheduled for January 20<sup>th</sup> at 1:00 pm to discuss the Alameda landslide, the mid-fiscal year budget review, and the aquatic center.

**EXECUTIVE SESSION**

**Item 8(a): ORS192.660(2)(h) – Legal Counsel**

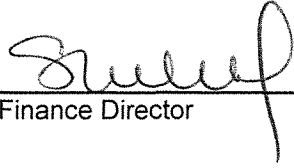
The City Council will meet in executive session to discuss legal proceedings.

This agenda item would be addressed at a future meeting, date to be determined.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:06 pm.

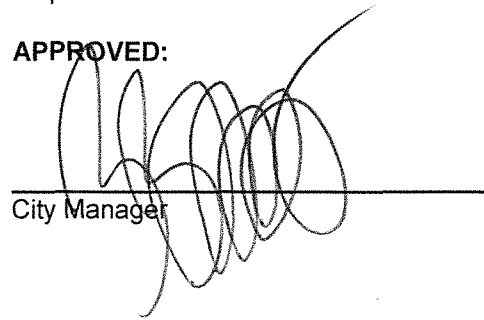
**ATTEST:**



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Finance Director

**APPROVED:**



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City Manager