

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

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

Councilors Excused: None

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, City Engineer Moore, 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, LLC.

## PRESENTATIONS

### **Item 3(a): Dr. Edward Harvey Historic Preservation Awards**

Mayor Jones gave a brief history of the award and presented awards to this year's recipients, as follows:

- Best Example of a Renovation of a Historic Residential Property – Dan and Sarah Hower for the home at 660 14<sup>th</sup> Street
- Best Renovation of a Historic Commercial Property – Noel Weber for the YMCA at 514 12<sup>th</sup> Street

Dan Hower, 660 14<sup>th</sup> Street, Astoria, said the restoration work became necessary after a fire in 2018 and he used a lot of local contractors.

Noel Weber, said the work was done by a big crew of friends and family. The project was an opportunity for craftspeople to employ their skills.

## PRCLAMATIONS

### **Item 4(a): National Public Works Week**

Mayor Jones read the proclamation declaring May 16 – 22, 2021 as National Public Works Week.

### **Item 4(b): Peace Officers Memorial Day and Police Week 2021**

Mayor Jones read the proclamation declaring May 15, 2021 as Peace Officers Memorial Day and May 9 – 15, 2021 as Police Week.

## REPORTS OF COUNCILORS

**Item 5(a):** Councilor Rocka reported that he congratulated the latest graduate from Judge Mattias's treatment court for mental illness in Clatsop County. He attended a seminar on confronting extremism. He also reported that Mayor Jones was the keynote speaker at the League of Oregon Cities spring symposium.

**Item 5(b):** Councilor Brownson reported that he planned to attend meetings in person from now on because he was fully vaccinated and was wearing a mask to protect others. He also noted that new guidelines were being published by the Centers for Disease Control (CDC) about people who were vaccinated. He reported that American Cruise Lines was advertising their Columbia River cruises to Astoria on the Public Broadcast Station (PBS). He was glad they were able to operate safely. Also, the Trailblazer's were advertising that money from the assist of the game was going to Violet LaPlante Park. The Parks Department has done a good job of securing dollars to make improvements in the city, which is difficult to do. He attended the League of Oregon Cities symposium and it was nice to see what the Mayor was capable of doing in a time of crisis. He also

attended the Port Commission meeting. He reported that the State's goal was to get 70 percent of the population vaccinated and Clatsop County was currently at 58 percent.

**Item 5(c): Councilor Hilton** reported that the Parks Department did a good job getting a grant for lights on the Riverwalk. He also recognized people in the service industry for keeping the town going. People who work in restaurants, grocery, and retail stores needed to be publicly recognized for what they have done over the last year. He encouraged everyone to get vaccinated and thanked the volunteers who served at the Seaside High School and Clatsop County Fair Grounds for being so efficient and polite.

**Item 5(d): Councilor Herman** reported that she listed to the Homelessness Solutions Task Force meeting and attended the League of Oregon Cities symposium on emergency preparedness where Mayor Jones gave riveting accounting of his experience leading the U.S. Coast Guard's rescue efforts during Hurricane Katrina. She congratulated Noel Webber, his family, Dan and Sarah Hower for the restoration of their buildings. She noted that former City Councilor Russ Warr had passed away.

**Item 5(e): Mayor Jones** offered condolences to the Warr family and said Mr. Warr had encouraged him to run for his seat on the City Council. Mr. Warr was dedicated to doing the best he could for the community and his constituents. Mr. Warr left the community much better than he found it. He reported that it was a pleasure to speak at the emergency management conference and the one take away from all of the presentations given that day was that individuals needed to be prepared to survive for 14 days. He noted that the Oregon Health Authority metrics had been updated a few hours ago and the most recent case count per 100,000 had decreased to 96.3. He anticipated that tomorrow, the governor would announce that the State was moving from high risk to moderate risk, which would increase capacity for most businesses.

#### **CHANGES TO AGENDA**

No changes.

#### **CONSENT CALENDAR**

The following items were presented on the Consent Calendar:

- 7(a) City Council Work Session Minutes of January 19, 2021
- 7(b) City Council Work Session Minutes of January 20, 2021
- 7(c) City Council Meeting Minutes of April 5, 2021 - Revisited
- 7(d) City Council Work Session Minutes of April 7, 2021
- 7(e) City Council Meeting Minutes of April 19, 2021
- 7(f) City Council Meeting Minutes of May 3, 2021
- 7(g) Maritime Memorial Committee Minutes of April 20, 2021
- 7(h) 2021 Minutes of the Astoria Planning Commission
- 7(i) 2021 Minutes of the Traffic Safety Advisory Committee
- 7(j) 2021 Minutes of the Historic Landmarks Commission
- 7(k) 2021 Minutes of the Design Review Commission
- 7(l) Liquor License Application from Jakawan Corporation doing business as Thai Me Up Astoria located at 175 14<sup>th</sup> Street, Suite 180, for a Full On-Premises Sales License
- 7(m) Consideration of Driveway width at 894 Florence Avenue

**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, Hilton, and Mayor Jones; Nays: None.

#### **REGULAR AGENDA ITEMS**

**Item 8(a): Public Hearing for Appeal (AP21-03) by Lamont Hornbeck of Historic Landmarks Commission denial of Exterior Alteration (EX21-02) by Adrienne Fabrique for 1229 Franklin Avenue – HEARING REQUESTED TO BE POSTPONED TO JUNE 7, 2021 MEETING**

An appeal application (AP21-03) was submitted on April 1, 2021 by Lamont Hornbeck of the Historic Landmark Commission's denial of Exterior Alteration (EX21-02) to replace all existing wood windows with Andersen Fibrex composite windows at 1229 Franklin Ave. The house is designated as historic and is in the Shively-McClure National Register District. The appellant in this case has requested a postponement of the hearing until the June 7, 2021 City Council meeting. It is recommended that the City Council open the public hearing for procedural matters and continue the hearing to June 7, 2021 at 7 PM.

Mayor Jones opened the public hearing at 7:28 pm and 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 a conflict of interest or ex parte contact 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.

**City Council Action:** Motion made by Councilor Rocka, seconded by Councilor Hilton, to continue Appeal AP21-03 by Lamont Hornbeck to June 7, 2021 at 7:00 pm in City Hall Council Chambers. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

**Item 8(b): Public Hearing and Resolution for Supplemental Budget – Unemployment Fund #104**

The City of Astoria developed the adopted budget for Unemployment Fund #104 based on historic levels of use. COVID-19 impacts have increased the payments associated with unemployment and the City has been able to draw reimbursement for unemployment payments as a reimbursing agency through the CARES Act funds available through the State Coronavirus Relief Funds (CRF) portal. Additional payments are anticipated through fiscal year ending June 30, 2021 and the supplemental budget shows additional resources made available through reimbursements and increase in appropriations for unemployment payments to State of Oregon. It is recommended that Council conduct a public hearing and approve the resolution for a supplemental budget to recognize \$ 35,000 of additional fund resource received through CARES act and increase in Material and Services category for additional unemployment claims.

Mayor Jones opened the public hearing at 7:32 pm and called for public comments. Seeing none, he called for Council discussion. There was no discussion. He closed the public hearing at 7:32 pm.

**City Council Action:** Motion made by Councilor Brownson, seconded by Councilor Herman, to approve the resolution for a supplemental budget to recognize \$ 35,000 of additional fund resource received through CARES act and increase in Material and Services category for additional unemployment claims. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

**Item 8(c): Second Reading and Adoption of Ordinance Revising Astoria Code Relating to the Names of Current Astoria Parks**

At the April 5th Council meeting, the City Council provided direction regarding the name of the Parks cemetery site at 14th and Niagara. The direction from Council was it should be recognized as Hillside Cemetery and that nomenclature in City Code Parks properties listing should be updated. Attached is a proposed ordinance removing the name "Pioneer Cemetery" and replacing with "Hillside Cemetery". At the May 3rd City Council meeting a first reading and public hearing was conducted a first reading was held. It is recommended that the City Council conduct a second reading and adopt the ordinance revising Astoria City Code index relating to the names of current Astoria Parks.

Director Brooks conducted the second reading of the ordinance.

**City Council Action:** Motion made by Councilor Rocka, seconded by Councilor Brownson to adopt the ordinance revising Astoria City Code index relating to the names of current Astoria Parks. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

**Item 8(d): Recology Rate Review for Year End December 31, 2020 for Solid Waste Collection and Transfer Station Activities**

The City's franchise agreements 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. 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.

Councilor Brownson said a post on Nextdoor indicated some concern about garbage pickup and he had commented that Recology should be contacted about the concern. Subsequent comments accused him of receiving campaign contributions from Recology. He planned to bring this up with Recology. The common complaints were that garbage was not being picked up and that Recology was claiming the garbage cans had not been set out. He wanted to make sure Recology received this information so that they could respond appropriately. Recology is the only service in this region and the City has had a great relationship with them for quite some time and he believed that in general, they were doing a good job.

City Manager Estes noted that a Recology representative would be present when the rate change is formally proposed to the Council for adoption. Additionally, the Public Works Department manages the contract with Recology and could be a resource.

**Item 8(e): Consider Approval of Master Grant Agreement with Oregon Department of Transportation**

Surface Transportation Block Grant (STBG) Funds (formerly STP Funds) are federal fuel tax dollars managed by the Oregon Department of Transportation (ODOT) that are available to local agencies for transportation projects. These funds have been used as the City's match for a number of significant transportation grant opportunities such as the Irving Bridge at 19<sup>th</sup> St Replacement Project, Franklin Bridge Replacement Project, and now repayment of the construction match on the Waterfront Bridges Replacement Project. ODOT recently modified the program to allow agencies to enter into a Master Grant Agreement for a period of three years. Under the Master Grant Agreement, the City requests STBG funds from ODOT and then the City keeps internal records that the funds are used in a manner consistent with the funding requirements. This new process is intended to simplify access to the City's STBG Funds and reduce the administrative burden on both ODOT and local agencies. It is recommended that City Council approve the Master Grant Agreement with ODOT and authorize staff to make STBG Fund requests to ODOT for the duration of this agreement.

Councilor Rocka asked how the changes to the agreement would affect the City's exchange rate. Director Harrington stated the City would be receiving \$0.04 less per \$1.00, so between \$4,000 and \$5,000 less, and the justification was the program's administrative costs. However, the amount the City receives is well in excess of what the City needs for its loan debt service. The money has been dedicated to bridge projects for quite a while, so the excess will be used for road projects, including the Highway 202 sidewalk project grant match.

**City Council Action:** Motion made by Councilor Herman, seconded by Councilor Brownson, to approve the Master Grant Agreement with ODOT and authorize staff to make STBG Fund requests to ODOT for the duration of this agreement. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

**Item 8(f): Spur 12 – Cedar Creek Culvert Replacement – Authorization to Award Construction Contract**

Over the winter, a five-foot diameter culvert associated with Spur 12 in the Astoria Watershed failed causing significant erosion and road damage. Spur 12 provides the only access to a portion of the watershed needed for forest management and fire prevention activities. The culvert is critical to continuous conveyance of Cedar Creek and several tributaries. Cedar Creek is one of the water sources the City utilizes. The City Forester worked with the Oregon Department of Forestry and other permitting agencies to develop a plan for replacement of the failed culvert.

The City received one quote for the project from Big River Construction, Inc. in the amount of \$98,500.00. The funds for this project are available in the Capital Improvement Fund. It is recommended that City Council authorize staff to award a construction contract to Big River Construction for the Spur 12 - Cedar Creek Culvert Replacement Project in the amount of \$98,500.00.

**City Council Action:** Motion made by Councilor Brownson, seconded by Councilor Hilton, to authorize staff to award a construction contract to Big River Construction for the Spur 12 - Cedar Creek Culvert Replacement Project in the amount of \$98,500.00. Motion carried unanimously. Ayes: Councilors Brownson, Herman, Rocka, Hilton, and Mayor Jones; Nays: None.

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

Andrea Mazzarella, Astoria, said she had emailed Councilor Joan Herman asking if the Green Door Café's parklet could be moved on to the parking spot to the south because she promised her business partners that she would ask. The approved location is so far from the café's door that most customers do not realize that the parklet is the café's parklet. Additionally, a portion of the parking spot to the south is halfway over the water line. She understood that the rules did not allow parklets over utility lines. However, the parklet was designed to be easily moveable by two people because when it was originally built, she thought she would be allowed to move it to the parking spot to the south. She asked the Council to consider allowing the parklet to be moved one spot to the south since it would only be partially over the water line. She was not trying to break a rule or ask for a special favor, but she believed it would be a great benefit to the business to at least ask. She understood that in an emergency, the City might need the parklet out of the way to dig up the road, but moving the parklet might be easier than moving a parked car.

City Manager Estes responded that in an email to Councilor Herman, he stated Staff was unable to approve the request because the Council's parklet policy states that parklets were not allowed over utility lines. In order to approve the request, the Council would need to amend the policy. However, Public Works Staff would continue to recommend that parklets not be allowed over utility lines. If the Council would like to discuss amending the policy, Staff would add the discussion as an agenda item for a future meeting.

Mayor Jones said he believes managing an exception to this rule would be too difficult.

Councilor Herman stated she believes there was a case for this particular parklet because it was highly portable. Additionally, the café hopes to apply for a liquor license and wants to have good oversight of what is going on in the parklet. She recommended the policy be amended to allow an exception.

Councilor Brownson said exceptions were always a challenging and slippery slope because they often beget more exceptions. There would need to be a simple way to resolve the issue without creating negative impacts. The parklet policy was temporary and the way people could dine would be changing. However, he would be happy to have a discussion if the Mayor wanted to add it to the agenda.

Mayor Jones responded that he would not be opposed to discussing a very narrow approval for that specific parklet to move. The approval would need to make it very clear that only lightweight portable items were allowed and additional future build-outs were not allowed.

City Manager Estes noted that other parklets have expressed interest in building over utility lines. Therefore, the Council would need to establish a standard that applied to all parklets. He recommended that language be added stating the City would not be liable for any damage when City crews were required to move a parklet.

Mayor Jones also recommended that the policy state parklet items would need to be moved at the business's expense within 30 minutes of receiving notification from the City.

Councilor Brownson stated that in addition to the policy stating items must be moveable, the businesses should be required to demonstrate that their items were moveable.

Councilor Rocka advised that potential unintended consequences be considered and said he was willing to have a discussion.

The City Council meeting recessed to convene the Astoria Development Commission meeting at 7:59 pm. The City Council meeting reconvened at 8:04 pm and immediately convened the Executive Session.

**EXECUTIVE SESSION**

**Item 10(a): ORS192.660(2)(h) – Legal Counsel**

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

The regular session reconvened at 8:08 pm.

**ADJOURNMENT**

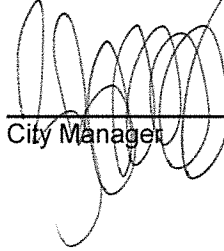
There being no further business, the meeting was adjourned at 8:08 pm.

**ATTEST:**



\_\_\_\_\_  
Finance Director

**APPROVED:**



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City Manager