

A regular meeting of the Astoria Common Council was held at the above place at the hour of 6:00 pm.

Councilors Present: Nemlowill, Herzig, Warr, Price, Mayor LaMear

Councilors Excused: None

Staff Present: City Manager Estes, Assistant City Manager/Police Chief Johnston, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, Interim Planner Morgan, Library Director Tucker, Public Works Director Cook, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

### **PUBLIC COMMENTS (NON-AGENDA)**

George Hague, 3<sup>rd</sup> Street, Astoria, said he addressed Council a few years ago about the 9<sup>th</sup> Street Park. He had told Council that the park needed some improvements and the City needed to honor some debts incurred because of the park. Thanks to the new Parks Director, some improvements have been made. About 15 years ago, the City spent about \$100,000 to turn the area on 9<sup>th</sup> Street into a park and \$40,000 was spent on stone benches that were installed at that time. There was some uproar about the benches, which led Council to have them destroyed. In order to have the benches destroyed, the City had promised to reinvest an equal amount in public funds. This was never done. He mentioned this several years ago and waited for something to be done. He believed the necessary funds were not in the current budget. However, he was pleased the park looked better than it did two years ago, but the work still probably cost around \$10,000. This means the City is still \$30,000 short of the commitment it made. It would be nice if additional work were done at the park. Last year, he recommended, via the drop box in the lobby of City Hall, that donated artwork be placed in the park, but this never happened. He also mentioned two years ago the need for Mutt Mitts along the river. There is a rumor that the City spends about \$20,000 each year on Mutt Mitts, which are located in some areas of the city. Last year, the City and the manufacturer confirmed only \$3,000 was spent on the Mutt Mitts each year. It is sad to see dog droppings with a footprint in the middle of it while walking along the river. He suggested the Mutt Mitts be placed at each trolley stop. He was sure local businesses would realize it was inexpensive to support this and would be willing to step forward and sponsor the Mutt Mitt stands. He was sure anyone who watched the news was aware of the five recorded earthquakes, and that was something else he had mentioned over the last two years. Astoria is not participating in the Shake Out for Oregon on October 15, 2015 at 10:15 am. However, he believed the city should begin planning for an earthquake event, which was inevitable. The community should be as prepared as possible and the City should do something about this by participating in the event. The river is an open channel for a tsunami to come inland. He hoped agencies within Astoria would participate this year and do a better job next year.

Director Cosby said issues with the grant for the park at 9<sup>th</sup> and Astor were complex. Staff has had several conversations with the granting agency, some over email. She believed Council would want to read the conversations and offered to send the information via email. The information would also be posted on the Parks Department's webpage. The Mutt Mitt expense includes labor incurred when installing the units and replacing the bags. The bags are replaced at the same time that garbage is emptied, which is very time consuming. Annual expenses are usually between \$14,000 and \$20,000.

### **CHANGES TO AGENDA**

The agenda was approved with the addition of an Executive Session to take place after the Astoria Development Commission meeting. Performance evaluations of personnel will be discussed at the Executive Session.

### **CONSENT CALENDAR**

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 5/5/15
- 5(b) Boards and Commission Minutes
  - (1) Historic Landmarks Commission Meeting of 5/2/15
  - (2) Library Board Meeting of 4/28/15

- (3) Planning Commission Meeting of 5/7/15
- 5(c) Resolution Designating Signators for the City of Astoria (City Manager)
- 5(d) Lease Agreement with Astoria Regatta Association for Use of East Portion of Heritage Square and Closure of 12<sup>th</sup> Street between Duane and Exchange Streets (City Manager)
- 5(e) Authorize Submittal of TGM Grant (Community Development/Public Works)

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

## REGULAR AGENDA ITEMS

### **Item 6(a): Reimbursement of Expenses – Friends of Astoria Column (Police)**

At the May 18th City Council meeting, Police Chief / Assistant City Manager Johnston provided background on the history of relocating the existing communications tower off Coxcomb Hill. In April of 2013, after presentations from the Friends of the Column (Friends) and the Astoria Police Department about their efforts at Astor Park, it became apparent that efforts being undertaken by the Police Department to modernize the communications facility at Coxcomb and the efforts of the Friends to develop the site were not well aligned. City Council directed staff to work to find an alternate location for the tower. A key to aligning the efforts was to convince Verizon Wireless moving from the site was in their best interest.

As part of the efforts to work to relocate the tower, the Friends have incurred \$69,657 in expenses. Their efforts have largely benefited the City of Astoria as Verizon Wireless is currently in contract negotiations to relocate the communications tower to a city owned lot northeast of the Reservoir 3. This move would relocate all public safety, leased tenants, and Verizon to a new tower. The benefit of this move is largely to the City and the expenses incurred prohibit the Friends from pursuing other opportunities to pursue their mission. Council discussed this matter at the December 15, 2014 meeting and appeared to have consensus that the efforts of the Friends have been substantively responsible for progress toward this solution. Staff believes it is appropriate to reimburse the Friends for their expenditures. As this amount was not budgeted for this fiscal year a budget resolution has been prepared for consideration at the June 1st meeting, should Council approve the reimbursement.

At the May 18th Council meeting, Council requested information regarding the specific invoices paid to Converge by the Friends. Those invoices are attached to the memorandum. At the Friends of the Column's request, all food related expenditures (in the amount of \$172.48) would be removed from the reimbursement amount. It should be noted that a detailed breakdown of out of pocket expenses is not included with the February 1, 2014 invoice. At the time of issuance of this memo, a breakdown was not available. The Friends also requested that those out of pocket expenses (in the amount of \$130.20) also be removed. Therefore, the reimbursement amount would be \$69,354.32. It is recommended that Council authorize reimbursement of \$69,354 from the Capital Improvement Fund to the Friends of Astoria Column for work provided by Converge Communications for relocation of the Coxcomb communications tower.

Councilor Warr said after the City Council meeting on April 18<sup>th</sup>, he spoke with three members of the Friends of the Astoria Column, who were insulted and incensed by the Council's questioning of a few dollars after they have spent several million dollars on the Column. The Friends have been a wonderful partner to the City. He saw no irregularities in the expenditures and was ashamed of the Council for requesting the itemization.

Councilor Herzig briefly explained the history of the tower relocation, the expenses incurred by the Friends, and the reason for the reimbursement. He believed this process would have been easier if Council had been told up front that the City would end up footing the bill. Between this reimbursement and the payment to Converge, which is the next agenda item, convincing Verizon to move the tower will have cost the City close to \$100,000. It was not Council's intention to insult the Friends. While this is money the City wants to spend to get the tower away from the Column, Council was surprised to learn the Friends would not be paying these expenses. Therefore, he had believed a bit more investigation was necessary.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Nemlowill to authorize reimbursement of \$69,354 from the Capital Improvement Fund to the Friends of Astoria Column for work

provided by Converge Communications for relocation of the Coxcomb communications tower. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

**Item 6(b): Approval of Personal Services Contract Amendment – Converge Communications (Police)**

In February of 2015, City staff contracted with Converge Communication to negotiate a lease between the City of Astoria and Verizon Wireless related to relocation of the Coxcomb Hill wireless communication facility. Converge was jointly selected by the Friends and City staff through a competitive process. The agreement was for an amount not to exceed \$5,000 and was within the spending authority of the City Manager. At that time, Converge was also working with the Friends of the Column. The work Converge was doing for the Friends is now complete, but the City's final contractual agreement with Verizon and moving the project to construction of a new tower remains to be accomplished.

Staff believes that continuing our relationship with Converge will significantly reduce the costs of, or risks associated with the work yet to be done. City contracting rules allow direct appointment for personal service contracts not exceeding \$20,000 as well as for personal services contracts to continue work of not more than \$100,000. Because of Converge's unique knowledge of this project, it is recommended that a contract for additional services be authorized by direct appointment in an amount not to exceed \$20,000. Should the City Council approve this contract, a budget resolution is included in a subsequent agenda item to allocate funds for this fiscal year. It is recommended that Council authorize staff to contract with Converge by direct appointment to continue their contract for services in an amount not to exceed \$20,000.

Councilor Herzig asked if staff had an idea of how much longer negotiations with Verizon would continue. Assistant City Manager/Police Chief Johnston said a structured deal is currently being reviewed by Verizon's attorneys and staff believes the terms will remain unchanged. It is difficult to estimate an exact date, but staff hopes to get the contract back within the next 60 days.

Councilor Herzig said if negotiations last much longer, the City may exceed \$100,000 in payments to Converge after agreeing to the reimbursement and approving this request. City Manager Estes clarified that the contract between the City and Converge totaled \$25,000. Councilor Herzig understood the City was reimbursing the Friends for their contract with Converge, which keeps the City under the \$100,000. He would like the negotiations finished soon. It is frustrating to work through third parties and multiple partners, but he hoped the City would ultimately benefit.

Mayor LaMear invited public comments. There were none.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Price to authorize staff to contract with Converge by direct appointment to continue their contract for services in an amount not to exceed \$20,000. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

**Item 6(c): Authorization to Award Maintenance Patching 2015 Contract (Public Works)**

Due to aging pavement, certain City streets have deteriorated and will require asphalt maintenance patching. This project is an intermediate effort to the major paving project that occurs every two years. The next major paving project is planned for the summer of 2016. City staff has recently completed a city wide condition survey of the most heavily traveled streets and areas subject of repeated complaints and compiled a list of immediate patching needs.

The following competitive quotes for asphalt maintenance patching have been received:

Contractor	Total Quote
Clean Sweep Maintenance, Inc.	\$23,949.40
Bayview Transit Mix, Inc.	\$29,050.00

Funding for this project is recommended to come from the Astoria Road District Fund (Fuel Tax Fund). This maintenance patching project is one part of a pavement preservation strategy that includes other maintenance measures such as pavement crack sealing and future pavement overlay.

It is recommended that City Council authorize the award of a construction contract to Clean Sweep Maintenance Inc. in the amount of \$23,949.40 for the Maintenance Patching 2015 Project.

Councilor Nemlowill said it appeared as if the scope of work was on the east end of town. She asked for a summary of where the work would take place. Director Cook said the agenda packet included a list of specific locations. He asked if she was asking why work was being done on the east side of town instead of the west. Councilor Nemlowill said no, she simply wanted confirmation that the work would be done in Alderbrook and the east end of town. She asked Director Cook to summarize where the work would take place because people might be interested in that information. He noted that the list of specific locations was two pages long, noting work would be done on 47<sup>th</sup> and Cedar and Birch Street in Alderbrook.

Councilor Nemlowill believed the Public Works Department has done a great job working with businesses downtown and giving notices when work is being done on the Combined Sewer Overflow (CSO) project. However, she believed it would also be helpful to businesses if Public Works sent notices about paving as well. Director Cook confirmed staff planned to continue sending notices.

Councilor Herzig said he was glad to see Niagara at 14<sup>th</sup> and 16<sup>th</sup> were on the list, which was on Page 118 of the agenda packet. The large humps were noticed about a year ago. Other locations included Klaskanine, 16<sup>th</sup> Street, 210 W. Grand, Clatsop, so a number of west and south streets. Astoria's streets get a lot of beating and wear out quickly. In addition to traffic, the ground moves and pulls the road apart. It will be nice to get some patching done.

Mayor LaMear asked if the Astoria Road District Fund was the same fund being used to save up for the work done every two years. Director Cook confirmed that it was. Later in the year, a separate contract will be awarded to complete crack sealing, which is the least expensive pavement preservation measure. Sealing cracks keeps the rain water out of the sub grade and prevents the pavement from wearing prematurely.

Mayor LaMear invited public comments. There were none.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Herzig to authorize the award of a construction contract to Clean Sweep Maintenance Inc. in the amount of \$23,949.40 for the Maintenance Patching 2015 Project. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

**Item 6(d): Authorization to Award Professional Services Contract for Pump Station 1 Improvements (Public Works)**

The City of Astoria's wastewater treatment facility, interceptor and the main pump and lift stations were constructed in the mid-1970s. Pump Station No. 1 (PS#1) is the largest pump station in Astoria and is located in the Alderbrook neighborhood. This pump station receives approximately 95% of the City's combined sewage flows and, depending on the weather and the season, it pumps between one and eighteen million gallons per day to the City's wastewater treatment plant (WWTP).

PS#1 provided reliable service for the past 40 years, but lacks efficiency. Replacement parts are no longer readily available and parts of the system have reached the end of their useful life.

A Technical Analysis Study for PS#1 was prepared by Energy Trust of Oregon. This study evaluated the energy consumption and economics related to upgrading the pump station to improve energy efficiency and conserve

energy. It was determined that at least two upgrade options are cost effective and would qualify for Energy Trust incentives ranging between \$65,083 and \$67,265.

The City now needs to determine the best project scope to upgrade PS#1. It is recommended that the City hire Richwine Environmental to prepare a Preliminary Design concept. Mr. Richwine has been working with the City of Astoria as a key wastewater expert since 2008 and continues to support the City as an on-call consultant by providing advice and input during project development, particularly during the WWTP Effluent Treatment Upgrades Project.

The estimated fee for the concept design is \$16,000. Funding is available in the Public Works Improvement Fund. The City Attorney has reviewed, and approved as to form, the contract documents.

It is recommended that Council execute a contract for engineering services with Richwine Environmental for a total not to exceed amount of \$16,000.00 for the concept design of the Pump Station No.1 Project.

Mayor LaMear invited public comments. There were none.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Price to execute a contract for engineering services with Richwine Environmental for a total not to exceed amount of \$16,000.00 for the concept design of the Pump Station No.1 Project. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

City Manager Estes explained the remaining Regular Agenda Items required public notices, which stated a start time of 7:00 pm.

Mayor LaMear called for a recess at 6:28 pm.

#### **REGULAR AGENDA ITEMS TO BE CONSIDERED AFTER 7:00 PM**

The City Council meeting reconvened at 7:00 pm.

**Item 6(e): Public Hearing and Ordinances regarding Amendment Request A14-05 on Riverfront Vision Plan Implementation for Bridge Vista Area (1<sup>st</sup> Readings) (Community Development)**

In 2008-2009, the City of Astoria developed the Riverfront Vision Plan (RVP) to address issues dealing with open space, land use, and transportation along the Columbia River. Significant public involvement opportunities were designed to gain public input. This process was initiated to plan for these issues in a comprehensive manner and to set a framework for the future of the study area. The City's north Riverfront (Columbia River to West Marine / Marine Drive / Leif Erikson Drive) was divided into four Plan areas of development: Bridge Vista (Partway to 2nd Street), Urban Core (2nd to 16th Street), Civic Greenway (16th to 41st Street), and Neighborhood Greenway (41st Street to east end of Alderbrook Lagoon).

During the Plan development, four community-wide forums, three open houses, and numerous community meetings were held at various locations within the four Plan areas. In addition, staff and/or consultants conducted stakeholder interviews, distributed, and tabulated surveys. Development of the Vision Plan was structured to gain as much public input as possible. On December 7, 2009, after holding a final public hearing, the City Council accepted the Riverfront Vision Plan. For Fiscal Years 2011-2012, 2012-2013, 2013-2014, and 2014-2015, the City Council set goals to "Implement Riverfront Vision Plan on a Zone by Zone Basis."

The Bridge Vista Plan Area is generally located from Partway to 2nd Street and the River pierhead line to West Marine / Marine Drive. After reviewing the Code Evaluation Report, the Astoria Planning Commission and the project team began drafting preliminary code amendment language to address selected code issues for the Bridge Vista Plan Area. The team divided the amendments into three sections to allow for adequate review of the draft code amendments with the Planning Commission and public. The Planning Commission held four public work sessions (October 28, 2014, November 25, 2014, December 17, 2014, and January 27, 2015) on the draft amendments with mailed, e-mailed, and published notification to the general public and to anyone who has expressed interest in the Riverfront Vision Plan implementation process. The project team also conducted a Town Hall meeting for interested community members on January 6, 2015. A presentation to the City Council on

the progress made to date was held on March 16, 2015. The work sessions have been well attended and over 100 people attended the Town Hall meeting.

The RVP for the Bridge Vista Planning Area identified Land Use Assumptions and Objectives, which state that *"This area is an appropriate location for new overwater development, should it occur. However, specific areas should remain open to preserve broad view of the river..."* The objectives include:

- Continue to support water-dependent uses within this area, but allow for a mix of commercial and residential uses that support but do not compete with the Downtown core.
- If development is to occur, promote new uses that are consistent with Astoria's "working waterfront."
- Encourage design of new or rehabilitated buildings that respect Astoria's character.
- Encourage new development along the Columbia River to improve and celebrate the River Trail and provide visual and periodic physical access to the water.
- Improve physical connections to adjacent neighborhoods.
- Use setbacks, stepbacks and other measures to ensure an open feel and continued visual access to the water.
- Work with property owners, including those with existing leases to maximize open areas over the water.
- Change zoning of area west of 2nd Street from Tourist Commercial to other commercial zone.
- Expand (Uniontown) design overlay for the historic district to accentuate the historic area (north of US 30) and create a more prominent gateway for the urban core.

Throughout the RVP implementation process, the Planning Commission (APC) focused on these Assumptions and Objectives and did not attempt to change the Vision Plan as adopted. There was discussion and public comment during the work sessions on the interpretation of these objectives.

Proposed map amendments will include:

1. Rezone the parcels north of West Marine Drive currently zoned C-2 (Tourist Commercial) midblock between Basin Street and Columbia Avenue to C-3 (General Commercial) with a Pedestrian Oriented Commercial District Overlay.
2. Rezone the parcels north of West Marine Drive currently zoned C-2 (Tourist Commercial) midblock between Basin Street and Portway Street to S-2 (General Development Shoreland).
3. Rezone the parcels north of Marine Drive west of 2nd Street currently zoned C- 2 (Tourist Commercial) to C-3 (General Commercial).
4. Apply the new Bridge Vista Overlay (BVO) Zone to the Bridge Vista Plan Area.

Proposed text/code amendments will include:

1. Add a new Pedestrian Oriented Commercial District Overlay Zone to allow for smaller commercial development at a pedestrian scale with less automobile dependent uses on the land side of the River Trail in the Bridge Vista Area.
2. Add a new Bridge Vista Overlay Zone to address the standards for:
  - over-water and waterfront development including building height, building mass, width of structures, allowable uses, landscaping, and public access to the water, etc.;
  - land side development including building heights, setback, step back, landscaping, and off-street parking; and river access requirements.
3. Add new design standards for development in the Bridge Vista Area.
4. Move the sections on use of native plants from the Civic Greenway Overlay Zone to Article 3 on Landscaping to be applicable to other areas of the Riverfront Vision Plan.
5. Make miscellaneous "housekeeping" amendments related to references to the above noted amendments.

The Planning Commission held a public hearing on April 7, 2015 meeting, unanimously recommending that the City Council adopt the proposed amendment as presented.

If the Council is in agreement with the recommendation of the Planning Commission, it would be in order for Council to hold a first reading of the proposed Ordinance as recommended by the Astoria Planning Commission for adoption of the proposed amendment.

Mayor LaMear asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time.

Zachary Frank Seidel, 364 9<sup>th</sup> Street, Suite C, Astoria, indicated he objected and said he wanted to speak about Item 6(a), which was of great importance.

Mayor LaMear explained Council was conducting a hearing regarding Amendment A14-05.

Mr. Seidel said Mayor LaMear was under citizen's arrest for breach of peace and conspiracy on Coxcomb Hill in regards to possible collusion with the Friends of the Astoria Column issue.

Mayor LaMear asked Mr. Seidel to respect the rules of conduct. Mr. Seidel refused and Mayor LaMear asked him to leave.

Mr. Seidel refused to leave and stated again that Mayor LaMear was under arrest. He asked if Mayor LaMear was resisting arrest and proceeded to read the Miranda rights. He stated Assistant City Manager/Police Chief Johnston was also under arrest for falsifying a report by making untrue and misleading claims.

Assistant City Manager/Police Chief Johnston confirmed that Mayor LaMear wanted Mr. Seidel removed. Councilor Price confirmed Director Cosby would call 911 at Assistant City Manager/Police Chief Johnston's request. Assistant City Manager/Police Chief Johnston told Mr. Seidel he was being arrested for disorderly conduct. Mr. Seidel was removed from the building.

Mayor LaMear asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. There were no objections. She asked if there were any conflicts of interest or ex parte contacts to declare.

Councilor Nemlowill declared that she owns Cervecia Gratis, dba Fort George Brewery, an eating and drinking establishment. However, she did not believe this constituted a direct conflict of interest.

Councilor Herzig declared that he had received emails from several people about this matter, but he did not believe that qualified as ex parte contact.

Councilor Warr declared that he owned property within the Overlay Zone. However, he had no objections to the proposed amendments and believed he could be impartial when voting.

Mayor LaMear read the rules of conduct and opened the public hearing at 7:10 pm. She called for a presentation by the Applicant.

Matt Hastie, Angelo Planning Group, presented a summary via Power Point of the proposed amendments to the Comprehensive Plan and Development Code. He noted the following comments made by the Planning Commission during their review of the proposed amendments:

- The APC did not recommend any changes to the proposed amendments that were presented at their public hearings.
- Throughout the review process, Commissioners repeated that this was a good balanced approach to balancing economic development objectives with protection of views and resources.
- The proposed design guidelines for new development are consistent with RVP.
- While the proposal may not be perfect, it is a significant improvement over current regulations in the area.
- He noted that the entire review process was iterative and revisions were made to reflect comments made by APC and public. He briefly reviewed the RVP goals and objectives, which were listed in staff report, and explained the proposed changes to the Comprehensive Plan policies were to ensure consistency between the Comprehensive Plan and the RVP. His presentation via PowerPoint continued as follows:
  - Overwater development – He showed a map indicating where limitations and standards would change while explaining the height, size, width, and spacing limitations. Hypothetical scenarios of how these limitations would look from various locations along and above the riverfront were displayed. He noted any structures built would be required to provide access to the water beyond the structures.
  - On land development – He described height, setback, and step back limits, and rezoning.
  - Allowable uses in overwater and shoreland zones – The proposed amendments would eliminate many of the uses currently allowed, including fossil fuel and petroleum product terminals. He listed some of the other currently allowed uses that would be eliminated, noting that existing structures that did not comply with the proposed amendments would be allowed to remain and renovate.

- Allowable uses in on land commercial zones – The proposed tourist commercial zone would allow most of the same uses as other tourist commercial zones in the city with a few exceptions. The proposed pedestrian oriented zone would have use restrictions that would otherwise be allowed in the general commercial zone. The intent of these restrictions is to create a pedestrian friendly area that is less impacted by vehicle use.
- Design guidelines and standards – The proposed amendments are aimed at maintaining the historic and character of the area, some of which are similar to those used in the Uniontown area and the Gateway Overlay Zone of the Civic Greenway Area. Industrial and non-industrial uses, as well as the pedestrian oriented zone each have their own set of guidelines and standards that are applicable to new construction and major renovation. He gave brief overview of some of the guidelines and standards.
- Landscaping standards – The proposed landscaping standards are similar to what was proposed for the Civic Greenway Area, with more spacing between trees and lower heights of trees north of the River Trail. The standards include landscaping in parking areas, a list of recommended plants, and standards that encourage pedestrian plazas and courtyards. The standards are meant to minimize the impact on views of the river.
- Off-street parking – The off-street parking requirements focus on specific types of properties where existing requirements present barriers to redevelopment or expansion. He briefly reviewed the recommended changes.

Councilor Nemlowill asked Mr. Hastie to display the hypothetical scenarios of overwater development and asked him to compare what is currently allowed to what has been proposed. Mr. Hastie explained that where buildings are allowed, the building height restrictions are similar. However, there is no portion of the area where buildings are restricted to bank height. This means a wall of buildings, 25 to 30 ft height, along the river is currently allowed. Current provisions do not include any size, width, or spacing restrictions. The proposed changes are significant reductions to overwater development. Allowed uses would also significantly change.

Councilor Nemlowill asked if Mr. Hastie dealt with upland property owners during the review process. She believed they would be opposed to these changes. Staff confirmed the Port of Astoria gave testimony indicating they were not overjoyed, but were reasonably supportive. The owner of the property just west of the Astoria Warehouse recommended this process be postponed or delayed so they could develop a plan. Staff explained that in the mid-2000s, a hotel had been approved for overwater development out from Northwest Natural. This property owner requested postponement at an APC meeting because he wanted to present a proposal for another overwater residential or transient lodging building. Property owners at the Astoria Warehouses testified, but no one opposed. Owners of hotels under the bridge did not testify.

Mayor LaMear called for testimony in favor of the Planning Commission's recommendation. There was none. She called for testimony opposed to the application.

Cheryl Silverblatt, 811 Glasgow Ave., Astoria, spoke impartial to the application. She asked staff to display the map showing red and blue areas, noting there was more blue than red. She understood the Planning Commission was recommending changes to the blue area.

Mr. Hastie clarified that the RVP indicates key vistas or views should be protected. Direction from staff was to protect views of the bridge from locations relatively close to the bridge because it is a key vista in this area. Another key vista is the area just west of 2<sup>nd</sup> Street where there are piling fields, ballasts, boilers, and roosting shore birds. These key vistas are the red areas on the map. The RVP does not say most or a certain percentage of the area should be dedicated to protecting views, but it does focus on key vistas.

Ms. Silverblat asked who determined which areas were key vistas.

Mr. Hastie said staff made recommendations and the Planning Commission considered several scenarios. The blue areas of the map are not being opened up to development. Development in the blue areas is being restricted significantly compared to currently allowed development, but to a lesser degree than in the red areas.

Ms. Silverblat confirmed she understood the distinction. She also understood the City was saying the proposed changes would be better than what is currently in place. While these changes might be better, they might not be good. She understood staff directed Mr. Hastie to work with the Planning Commission to decide on this particular ratio of red and blue.



Mr. Hastie explained he had been tasked with recommending restrictions in the different areas, but he and the Planning Commission were not looking for any particular ratio. Limits to building widths in this area are similar to those in the Civic Greenway Area.

City Manager Estes said scenarios were presented to the Planning Commission and the Planning Commission recommended this particular scenario to City Council.

Mayor LaMear requested that questions of Mr. Hastie be held until after public testimony. She called for testimony opposed to the application.

Suzanna Gladwin, 82316 Highway 103, Seaside, said he owns a duplex directly above the Bridge Vista Area. She agreed the proposed changes would be better than what is currently allowed. However, the recommendations are absolutely not okay. The RVP indicates the area is a gateway coming into the city and considers the view from the trail. However, as a gateway driving in, the views of the overwater areas do not line up with the streets. The view as one drives down Marine Drive is just full of buildings. There is no planning for view corridors from a pedestrian perspective. She believed it was important to plan for the future look of the city, but this plan is helter skelter. Buildings in the blue area can be as tall as 35 ft with view corridors between the buildings. The south side of the trail allows buildings 45 ft tall with some setbacks. However, these building heights still create problems viewing the river and she would not like these restrictions. She would not be able to see ships going by from her duplex because 35-ft tall buildings would be allowed right against the shipping channel. She did not have a problem with parking because one can see over cars. There are lovely plantings throughout downtown that are not very tall and she believed the same type of landscaping should be incorporated in the Bridge Vista Area. She also wanted building facades to accommodate pedestrians walking in the rain. This was the third time she has very emphatically mentioned that she wants water dependent uses in the area and the City should study which uses would be reasonable. She wanted house boats allowed.

Alan Batchelder, 1031 Franklin, Astoria, said he has a wonderful view of the river from his apartment, except for the buildings above the sightline. He knows what it is to have buildings in front of his home and the river. Breweries are water dependent, but they do not need the river to operate. When Astoria was being developed as a functional city, it was functional economically and a curiosity because of the canneries, fisheries, and other water dependent uses. If the blue and red areas had a rock wall around the perimeter and were filled with sand or concrete, the City would maintain the view of the river in a way that would be functional for visitors and residents. People do not visit or live in Astoria because it has such nice buildings on the river.

Danny Williams, 775 Clatsop, Astoria, said he opposed the development project being discussed. Time and time again, he has seen this type of encroachment on property rights and values and the citizen's freedom to enjoy their property. Incremental encroachments always begin with one step. Instead of taking this step, the Planning Commission should be discussing a moratorium on new buildings in the Bridge Vista Area. The proposed amendments do not benefit the citizens in any way, except by bringing in more commercial property. Staff has said there were currently no restrictions on overwater development, which may be true for height and width restrictions. However, limitations do exist and this plan violates those limitations. Current limitations prohibit competition with the downtown core, but the recommendation is to change the zoning to C-3, general commercial. He was not aware of any conference centers, drive through establishments, or transportation centers currently existing in the downtown area. Dog kennels would not be allowed and he believed pony sheds should be prohibited as well. A stepback is just another way to get 45-ft tall buildings in the area, which would still obstruct the visual area. Building width and spacing restrictions were not created with the perspective of the pedestrian or driver in mind. The view corridors will resemble crevices from the trail or the street. The aerial views were misleading because they did not show the view from the Riverwalk. There was one picture of the bank level, but it was not indicative of what the general picture would be like along the entire walkway. He believed the recommendations impeded, not improved, visual and periodic physical access to the water; permits, not ensures, open feelings of continual visual access to the river through stepback and setbacks; and does not create a more prominent gateway to the urban core. Exceptions and limitations to the existing requirements will open the door for the citizens to come to the City in 6 or 12 months to fight them. Citizens will run out of time, energy, and commitment, but the commercial interests will continue to pursue their plans. People will eventually give up because they are not being represented by the City Council that permits commercial interests to take the first step.

George McCartin, 490 Franklin Avenue, Astoria, said certain areas of the Civic Greenway prohibited variances and he had not seen anything similar in the language proposed for the Bridge Vista Area. This is worrisome

because a variance is one of the greatest ways to get around any of the laws being proposed tonight. He asked if a condominium complex would be allowed in the blue area.

Mr. Hastie answered no.

Mr. McCartin said that was fine. He showed a picture of a warehouse sitting on the edge of the water with hundreds of pallets on the pier, noting that he believed the majority of people did not want this kind of view.

Ed Wornicke, 1 3<sup>rd</sup> Street, Astoria, said he rented his condominium at Columbia House to a couple who plans to live there for the rest of their lives. About 10 years ago, when he first came to Astoria, Columbia House was an ugly building and he questioned why it had been allowed. However, he ended up renting a unit in the building and enjoyed the view that these recommendations attempt to cover up. He understood bank height development was allowed in the red areas. Pilings and shorelines are very important historical artifacts and habitats for wildlife. If the red areas were developed to their maximum potential, the water would be covered up. He agreed this was a slow, progressive, and pervasive chipping away of what he is trying to preserve. There are very few areas in Astoria where pedestrians can see the historic pilings. The blue and red areas are the areas of historic value in Astoria. He found it difficult to believe that cars driving down Highway 30 would be looking at the shoreline. However, the pedestrians' view from the Riverwalk is more significant. Many shoreline cities that value tourism have allowed commercial interests to take financial advantage by building hotels and developing close to the water. Little by little, through variances and exceptions, commercial interests will win. He asked City Council to be cautious about this and try to keep the area as is.

Laurie Kaplan, 766 Lexington Ave., Astoria, said she remembered the first meeting that was held to discuss the RVP in the Kern Room of the Columbia River Maritime Museum. Many people who do not usually attend public meetings were there, which proved the Columbia River is the heart and soul of the citizens. She was concerned that these amendments and the RVP have been a slow and incremental process to privatize the river experience. The Columbia River should not be for the few who can afford the proposed buildings that seem to be designed to keep everyone else away. The proposed view corridors are so narrow that one would need to stand right in front of it and look straight ahead. She understood people would need permission from a building owner to be on their property and access the river. This is privatizing. California has done this with its oceanfront, which is like an artificial amusement part where you cannot hear the ocean or see the sand. There is no sense of being at the ocean. She would hate for Astoria to do this to the river because the river means too much to everyone. City Council has the power to restore her trust in the process, which has been damaged over the years. She hoped Council would stop this rush to develop and build on the riverfront and block the public from the river, which is the heart of the community. Everyone can do their part to keep the riverfront protected and accessible to the public so that the river and Astoria can thrive together. This is an emotional argument, but she knew what the river meant to everyone in the room.

LaRee Johnson, 1193 Harrison Ave., Astoria, said she recently visited an area of Myrtle Beach, S.C. that was overbuilt along the waterfront. The average person could not get down to see the water because the area was private, but there were view corridors. That area of Myrtle Beach did not compare with what Astoria has and she will never return because it is full of people, traffic, noise, and buildings. There was no semblance of the ocean. When she was involved with the Lewis and Clark Bicentennial a few years ago, she visited Great Falls, MT, where she was impressed with their river. Seventeen miles of river trail, which goes through the town and extends out on to the river, has been kept free and open. This was a very significant area for Lewis and Clark, so the town wanted to keep the view shed open for the public. Access for temporary events allows for farmer's markets and concerts without allowing permanent commercialism. Once a development is built, it cannot be taken down. Astoria is on the edge of a critical point as more and more people recognize what is here. People visit to see the river and because Astoria is a unique community. This proposal might be better than the existing regulations; however, Astoria has the opportunity to keep the river free and clear and not have anything. She believed the City should consider delaying this decision. This is a complicated matter that takes a lot of study. She commended the City for studying the recommendations and carefully weighing their decisions. She did not want Astoria to be like Myrtle Beach. Myrtle Beach might make a lot of money, but it is not like Great Falls. The Columbia River is far more important and is one of the greatest rivers in America. It is up to Astoria to make decisions right now that will keep the river pure.

Chris Farrar, 3023 Harrison Avenue, Astoria, agreed with many of the comments made by the previous speakers. While this may be a slight improvement over existing regulations, he was looking for a really big improvement that would maximize views. He noted that the bank height restriction for overwater development

only applied to permanent structures. He asked if storage and shipping containers could be stacked on top of docks.

Mayor LaMear called for testimony impartial to the application.

George Hauge, 1 3<sup>rd</sup> Street, Astoria, spoke in opposition to the application. He said he lived in the condominium because a family member needs the amenities it provides. However, he does consider the building a wart on the area. He agreed the photographs were misleading and believed the proposed changes would block a large portion of the view. Three or four-story tall buildings will totally destroy the view of the bridge. A domino effect with view corridors that face Washington is not what people want to see. People want to see activity on the river, especially people who are new to the area. When visitors come to see river activity, they bring money to spend and produce jobs. He questioned why the City would want to destroy this. The proposed amendment is better, but it is not good. The bank height restriction would help certain water dependent industries, but he had a problem with 35-ft tall buildings. He asked everyone opposed to this request to raise their hand, noting that almost every in attendance was opposed. He understood the Planning Commission was given direction to keep the RVP as is. He sent emails to Councilors that stated the appendices of the RVP indicate discussions were misrepresented in the RVP. At the last community meeting, the main point made about the Bridge Vista Area was to keep structures south of the Riverwalk. However, this was never put into the RVP. Astoria is referred to as a little San Francisco, but Astoria lacks a blocking of the water. However, if Council wants Astoria to be totally like San Francisco, these amendments will be approved and the waterfront will be blocked. It is Council's job to protect the health, safety, and welfare of the people in the city. He asked Council to look into allowing overwater development that will eventually be impacted by a tsunami. Two years ago, a person from the state came to a condominium meeting and said a tsunami would rise 20 or 30 ft on the building, hitting it broadside, so allowed development would be wiped out. He questioned why the City would put people in danger this way. Council does have permission to change the plan. If Council did not have this permission, there would be no reason for Council to exist. Council can make significant changes to the plan, as it did when it moved the Garden of Surging Waves, to represent all of the hands that were raised. He looked forward to Council making such changes.

Marge Peck, 2850 Marine Drive, Astoria, said someone she respected very much told her that the citizens were head of the government of this city. She hoped City Council would do what the citizens want instead of what they believe is best.

Alan Batchelder, 1031 Franklin, Astoria, said City Council authorizing this building to alter the riverfront was a mistake. A small park with a beach and trees used to be part of the vista that was so appealing. Every time he and his wife see the building, they feel like crying because the park was beautiful and fun to see. He asked City Council not to make this mistake again.

Mayor LaMear invited the public to ask questions of Mr. Hastie and staff.

Suzanna Gladwin, 82316 Highway 103, Seaside, asked for an explanation of the colors on a particular slide of his presentation. She asked how the colors corresponded to building heights and zone regulations. She clarified that when she had spoken of the view corridors as one enters the city, she was also referring to the roads. Drivers are aware of the sunset while still being aware of being on the road. She was unable to make out any good view corridors when looking at the hypothetical scenario slides, except from the Riverwalk looking north towards the river. She asked for an explanation of one of the hypothetical scenario slides, unless the slide does not show total implementation. She wanted a picture of what the area would look like if every property owner built to the maximum potential allowed by the proposed zoning.

Mayor LaMear called for a recess at 8:00 pm. The City Council meeting reconvened at 8:07 pm. Mayor LaMear called for testimony impartial to the application. There was none. She called for questions of staff.

Mr. Hastie and City Manager Estes responded to questions from the public and Council as follows:

- How do these amendments promote the area as a gateway to Astoria?
  - The RVP referred to Marine Drive as the gateway into town. The design standards and guidelines along Marine Drive were developed with this in mind. In order to promote a pedestrian oriented area, buildings will be closer to the street, new setbacks will be on the south side of Marine Drive, and there will be changes to where parking could be located.

- Councilor Herzig clarified that the public considers the bridge landing a gateway into the city, as people come into Astoria from Washington by crossing the bridge. However, 'gateway' is a term being used to describe a particular part of the riverfront.
- Explain the view corridors for drivers and pedestrians between the highway and the river.
  - Proposed code revisions for view corridors pertain to public rights-of-way along public streets. Along those public rights-of-ways, a 70-ft view corridor would need to be maintained, which sets buildings back farther from the street. There are not as many public rights-of-ways in the Bridge Vista Area as there are in the Civic Greenway Area. Corridors were not established through property lines because of the way parcels are configured in this area.
  - In the images that show hypothetical overwater development, the pink buildings represent potential new development and the white buildings are existing buildings. The image was intended to illustrate overwater development, not view corridors. The image does not show maximum development, but it does show aggressive development.
  - Some public rights-of-way extend out over the water where on-land streets meet the water. The overwater rights-of-way would still be required to maintain the view corridor.
- What do the colors on the map represent?
  - The colors represent zoning. The boundaries of the Bridge Vista Area are just north of Highway 30/Marine Drive. The yellow and beige are not part of the study area.
    - Pink – Commercial Zoning
    - Salmon – City Shoreland Zoning
    - Blue – Aquatic Zoning
  - Variances would be allowed; however, City Council could vote to prohibit them.
- What are the allowed building heights on land?
  - With a variance, buildings could be up to 45 ft tall as long as it complied with the setback and step back requirements. Without a variance, buildings could be up to 35 ft tall.
- What are the allowed buildings heights over water?
  - Currently, allowed building heights range from 28 to 45 ft tall and variances are allowed. The Holiday Inn is 46 ft tall and the condominiums are 50 ft tall.
- Are conditional uses allowed in the proposed zones?
  - All of the proposed zones list allowable conditional uses.
  - Residential uses would not be allowed as an outright or conditional use in any of the overwater zones. However, a residence in association with another use would be allowed conditionally in the shoreland zone.
- Clarify examples of water-dependent uses.
  - A few examples of water-dependent uses are: boat ramps, docks, moorage, marinas, navigational structures, utility crossings, temporary dikes for emergency flood protection, aquaculture facilities, dredging and fillings, boat and/or marine equipment sales, shellfish retail or wholesale, charter fishing, cold storage, and ice processing.
- Will public boardwalks be privatized?
  - Boardwalks would have to be accessible to the public. Overwater development would be required to provide a walkway, pier, or other structure to allow the public to go out over the water past the building.
  - The City would establish hours of access or operation of the public access structures, similar to the operation of the River Trail.
- How would important biological areas, like the wetland between the warehouses and Stephanie's Cabin, be protected?
  - Mr. Hastie did not know if the wetland area was classified as a wetland in the City's list of natural resources. If the area is identified as a wetland in a City or State inventory, it is subject to regulation by the Department of State Lands or the Army Corps of Engineers.
  - Most of the protected aquatic conservation zones are along the Young's Bay portion of the city, east of the Yacht Club.
  - When development begins in a State waterway, the permitting process requires a review of potential environmental impacts.
  - Development within the CRESO Overlay Zone requires an application review by the Columbia River Estuary Study Taskforce (CREST) to determine compliance with City codes and other State and federal requirements would be necessary to complete the project.
  - Interim Planner Morgan believed the area between the warehouses and Stephanie's Cabin was in the A-1 Zone as part of the river and was not classified as a wetland. The area is below normal high tides.

- Councilor Herzig directed staff to present an definitive answer to whether the area was designated as a wetland.
- Was an aquatic conservation zoning district, which would completely prohibit any development, considered for any portion of the Bridge Vista Area?
  - The aquatic conservation zoning districts are primarily on the south side of the city. The RVP set the tone for the type of the development that would occur along the Columbia River and designated the Bridge Vista Area as an aquatic development zone.
  - In the past, the Bridge Vista Area was heavily developed with canneries. Therefore, the area is more suitable than other areas for overwater development.
  - These recommendations are to implement the RVP.
- Will temporary structures, like stacks of storage containers, be allowed on top of docks and piers in the zone that limits structures to bank height?
  - Outdoor storage as a specific use is not listed as an allowable use in that zone. The City could impose limitations on storage as an associated use.
- Were the public comments included in the appendices of the RVP taken into consideration?
  - Public comments were considered.
  - The appendices of the RVP contained summaries of individual comments made at various meetings held during the Riverfront Vision planning process.
  - During the planning process, an advisory committee considered the comments, as well as discussions by staff. The committee recommended a plan to the Planning Commission and City Council and the comments were considered as the plan was adopted.

Teresa Barnes, 875 Franklin, Astoria, understood how the plan would be advantageous to certain interests in Astoria; however, it would limit public access and views of the river. She wanted City Council to consider how this plan is advantageous to the average citizen in Astoria.

Mayor LaMear closed the public hearing at 9:04 pm and called for Council discussion and deliberation.

Councilor Warr said he was on City Council when the goal to develop the RVP was established, which was about seven or eight years ago. City Council tried to represent all of the citizens and believed the working waterfront should be preserved the tourists and for working families who depended on the river. In the 43 years he has lived in Astoria, several fires destroyed overwater structures leaving the piling fields. The development on the river since then has been a few warehouse buildings, the condominium buildings, and the Cannery Pier Hotel. It is incredibly expensive and difficult to build over the water and he did not believe much development would occur in the Bridge Vista Area anytime soon. Therefore, he did not believe much would change, regardless of whether this request was approved or denied. All of the citizens of Astoria, not just those present at this meeting, need to be considered. Many people in Astoria still need to make a living, so Astoria's economy should be taken into consideration.

Councilor Herzig thanked all of the Planning Commission members, past and present, for putting in so many volunteer hours to work on this project. The APC had tight constraints and had to abide by the RVP. City Council is grateful for their recommendation. He also thanked members of the public who spoke during the public hearing. He showed the City of Astoria Organizational Chart, which Ms. Peck had referred to, which indicated the citizens of Astoria were the source of all authority. It is obvious the citizens do not want overwater development. The city needs some sort of zoning. He suggested the RVP be amended to say that north of the trolley tracks within the Bridge Vista Area, only bank height development would be allowed with no variances, and south of the trolley tracks within the Bridge Vista Area, only 25-ft tall buildings would be allowed with no variances.

Councilor Price said she attended all of the original meetings conducted between 2007 and 2009. She has also attended many of the APC meetings on the Civic Greenway Area. She wondered how long City Council could continue to ignore the wishes of the majority of its constituents. She agreed with Councilor Herzig that the APC was tasked with difficult work. Some of the proposed amendments are very good, some are good, and some do not reflect the wishes of the citizens. She knows this because she has attended meetings and read the appendices of the RVP. It is important to recognize that the RVP is a compromise of what was said at those meetings. The Civic Greenway Area was a compromise of the RVP. One of the compromises was a result of the last minute submission of a master plan from the Port of Astoria as the amendments were being considered by City Council. The APC had not been able to review the master plan, which was very frustrating. The RVP is not a State statute, nor is it mandated. She had a two-page, single-spaced list of everything that had changed in

Astoria since 2009 when the RVP was adopted. All of the changes are good and Astoria is a very successful city. City Council should think about how successful Astoria wants to be. Some of proposed amendments do not make sense. She hoped City Council would work to preserve the riverfront because it is unique to Astoria. She was undecided on the bank height restriction for overwater development. Definitions of the words 'view' and 'sightline' needed to be clarified. In her opinion, a view of the river is the ability to see across to the mountains. She liked the bridge piers and did not want views of them to be obstructed. She and others should move past their emotions and consider specific ideas that City Council can use and understand, that planners understand, and will comply with the Comprehensive Plan. She believed there was time to do this. It is inappropriate for the City to say that because there has been no development in 10 years, none would occur in the future. The RVP was created because at one time, people had become upset that about 20 projects had been permitted. The only reason the projects were not developed was because the bottom fell out of the economy and no one could get a loan, not because it was too expensive to build. Many people who did great things for Astoria went bankrupt and no longer live here. She believed this and prohibiting variances should be considered. She also wanted to find out if incentives could be offered to encourage developers to build on land instead of the river. Many cities offer streamlined customer service, thoughtful permitting processes, and financial incentives. Such measures could be used on existing buildings in Downtown, Uniontown, and Uppertown. Even developers believe this would be best. She was unsure about the bank height restriction because she was aware of project ideas that City Council might want to consider. Other cities that get bad weather have public boardwalks with things like a hot dog stand, umbrellas, or glass gazebos. While these amenities might be bank height, it would be nice if they were broad enough and fully accessible to the public. She was concerned about enforcement of public access on private boardwalks because Astoria currently has a real problem with the west end of the Riverwalk, which was built with public taxpayer money and \$84,000 from the Astor East Urban Renewal District. She urged Council to consider all of these things.

Councilor Nemlowill said in 2007, when the idea of the RVP was first considered, there were 17 waterfront condominiums proposed. This was scary to many Astorians because this development would have drastically changed the character of Astoria. The market changed to prevent these projects, which gave the City time to develop the RVP that the citizens of Astoria adopted. The RVP is a balanced approach to commerce and conservation. She has been working on the plan for a long time and has heard from many people who contributed to the plan. She believed everybody in attendance gave a lot of thought to what should happen. The democratic process can move very slow and it has been six years since the RVP was adopted. Now, the City is implementing the second phase of the plan. She believed private business owners and developers can move more quickly than the democratic process. The current zoning in the Bridge Vista Area was created prior to the Riverwalk, so a lot has changed in Astoria. Without implementing the RVP into the Development Code, the Comprehensive Plan, and the zoning maps, the Planning Commission cannot justifiably shape or deny certain development requests. She was on the Planning Commission for nine years and experienced this situation with several condominium proposals. Therefore, she believed there were benefits to average citizens. The Bridge Vista plan does not eliminate possible future development over the water, but it does drastically limit it in size, mass, width, and with view corridors. Currently, development could result in a wall of buildings. The plan also drastically changes the uses to prevent condominiums over the water. This is a good thing because residences do not need to be built over the water. The units would be too expensive for Astorians and would result in an increase in seasonal residents in the area, which would change the character of Astoria. Limiting uses to only those that are dependent on being over the water makes a lot of sense. If something can be built on land, build it on land. If the use is for fishing boats or seafood loading and processing, it makes sense to have these on the water because it protects Astoria's heritage. While people may visit for the views, she did not want to forget about Astoria's heritage, jobs, and culture. Families have stayed in Astoria for generations because of the water industries. Another benefit is public access on the waterfront in the buildings. Currently, overwater development in the Bridge Vista Area is not required to maintain public access to the water, like Pier 39 or the access on the 6<sup>th</sup> Street Pier when Number 10 6<sup>th</sup> Street was there. She liked that public access to the water would be required on any overwater development. She also like the view protections around the bridge at 2<sup>nd</sup> Street and believed this benefited the citizens of Astoria. Increasing connections and pedestrian friendliness in Uniontown is exciting. The addition of uses like micro manufacturing attached to retain and high density housing is great. She supported the plan, but did not believe variances to height should be allowed for overwater development.

Mayor LaMear commended the Planning Commission members who have spent so many hours on this project. Nothing was taken lightly. The Bridge Vista Area was a working waterfront and the RVP states there are certain areas that should be open for views while other areas are more appropriate for development. The Bridge Vista Area currently has a warehouse and a fishery, which are a part of Astoria's working waterfront and heritage. The Planning Commission was appointed with members of a variety of views and the idea is to balance the views of

the people in the city. Not everyone believes there should be no development along the river and only the people opposed to development along the river attend the public hearings. Therefore, it is difficult to say that this group who spoke tonight represent the entire city of Astoria. She had heard from both sides. The Planning Commission also heard from both sides and came to a unanimous decision that this was a good plan. She supported the request, but believed there may be ways to improve the plan.

Councilor Warr suggested implementing a condition of approval prohibiting variances to building heights of overwater development and voting on the rest of the amendments as proposed.

City Attorney Henningsgaard advised Council to conduct the first reading now, and then adopt the ordinance as amended at the next meeting. City Manager Estes noted this would allow staff to present revised code language that would capture the desire of City Council.

Councilor Herzig confirmed that his proposed changes would not be considered a minor amendment. He restated his proposal to limit buildings to bank height north of the trolley and no building higher than 25 ft with no variances south of the trolley. He wanted to make sure Council voted on these proposed amendments so that the public can see where Councilors stand.

**City Council Action:** Motion made by Councilor Herzig, seconded by Councilor Price to adopt the Ordinance regarding Amendment A14-05 on the Riverfront Vision Plan Implementation Ordinance for the Bridge Vista Area, with the following amendments:

- No buildings higher than bank height north of the trolley throughout the Bridge Vista Area, with no variances.
- No buildings south of the trolley lines higher than 25 ft, with no variances.

Motion failed 2 to 3. Ayes: Councilors Price and Herzig; Nays: Councilors Warr and Nemlowill and Mayor LaMear.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Warr to conduct the first reading of the two Ordinances regarding Amendment A14-05 on the Riverfront Vision Plan Implementation Ordinance for the Bridge Vista Area and direct staff to amend the ordinance to eliminate variances to building heights of overwater development.

Councilor Price said it is good that any development would have to be reviewed by the APC because members of the APC are thoughtful. However, she believed the majority of the APC is pro-development. She asked if City Council had authority to override an APC decision and if so, how. Staff confirmed that the only way for City Council to review a permit issued by the ADC would be through the appeal process. An appeal can only be filed by someone who has standing, meaning a person who participated at the Planning Commission's review of the application.

Councilor Price asked if it was possible, either through this amendment or other means, to commit Council to keep the discussion of this amendment ongoing in an effort to provide better representation of the citizens who spoke tonight and have been speaking for the last eight years. She challenged the community to get 2,000 adults to state at a City Council meeting that they would be happy with the development these amendments allow. This would only represent one-third of the adult community and she doubted it could be done. It is impossible to vote against this request because the amendments include some very good changes that are much better than what Astoria currently has. However, it makes sense for Council to continue to refine the amendments. She asked if refining these development standards could be done through the strategic planning process.

Councilor Warr suggested discussing this at next year's City Council goal setting session.

City Manager Estes added that Council could continue to discuss these amendments in the future and provide direction to staff to begin a new or different process.

Councilor Price said perhaps changes can be made through the strategic planning goal that is already in place.

Councilor Herzig said he was unclear about the motion. There is an ordinance to adopt the Planning Commission's recommendation and an ordinance to extend the boundaries of the Civic Greenway and Bridge Vista Areas. He asked if the motion was to conduct the first readings of both ordinances.

City Manager Estes clarified that the boundary extensions would be reviewed in a separate public hearing. He explained that two ordinances implement the Bridge Vista Area. A third and separate ordinance amends the boundaries of the two areas, which will be reviewed next as Regular Agenda Item 6(f).

Councilor Herzig understood the motion was to conduct the first reading of the two ordinances implementing the Bridge Vista Area, as recommended by the Planning Commission.

Motion carried 4 to 1. Ayes: Councilors Price, Warr, Nemlowill, and Mayor LaMear; Nays: Councilor Herzig.

Director Cook conducted the first reading of the ordinances regarding Amendment A14-05 on the Riverfront Vision Plan Implementation Ordinances for the Bridge Vista Area.

City Manager Estes confirmed staff would prepare the minor amendment language and present it at the next City Council meeting for a second reading and adoption. The amendment would prohibit variances in building height on overwater development.

**Item 6(f): Public Hearing and Ordinance regarding Amendment A15-01 on the Gateway Overlay Zone (1<sup>st</sup> Reading) (Community Development)**

Part of the Riverfront Vision Planning process included the extension of the Gateway Overlay Zone to 41st Street; however, the Comprehensive Plan contains a map (Figure 1.1) which illustrates the location of the Gateway Overlay Area from 16th to 29th Streets. In order to ensure that the Development Code is consistent with the Comprehensive Plan, staff has prepared an amendment to the Comprehensive Plan that extends the Gateway Overlay Area from 29th to 41st Street, and makes various "housekeeping" changes to the description of the area.

Changes include updated information concerning John Warren Field, the East Mooring Basin and the Astoria Plywood Mill, and a synopsis of the Riverfront Vision Plan. The only policy change is as follows:

Comprehensive Plan Section CP.08.1.b, Gateway Overlay Area Policies, is deleted in its entirety and amended to read as follows:

*"b. Enhance the primary uses, such as the Columbia River Maritime Museum and Columbia Memorial Hospital, and work to redevelop areas such as the former John Warren Field site, which have significant development potential."*

The Planning Commission considered these changes at their April 28, 2015 hearing and moved to recommend them to the City Council. It is recommended that the City Council adopt the amendments to the Comprehensive Plan and hold a first reading of the ordinance.

Mayor LaMear opened the public hearing at 9:37 pm and asked if anyone objected to the jurisdiction of the City Council to hear this matter at this time. There were no objections. She asked if anyone had a conflict of interest or ex parte contact to declare. There were none. She read the rules of conduct for the public hearing and advised that substantive materials were available from staff. She called for the Applicant's testimony.

Interim Planner Morgan gave a brief overview of the Comprehensive Plan amendment, which was included in the staff report.

Mayor LaMear called for testimony in favor of, impartial, or opposed to the request. Hearing none, she called for Council discussion and deliberation.

City Manager Estes added that the Comprehensive Plan must comply with zoning ordinances. The amendments proposed in Regular Agenda Item 6(e) included such housekeeping items so that staff would not have to come back to Council with another request similar to this one.

Mayor LaMear closed the public hearing at 9:43 pm.



Councilor Herzig asked how these changes would affect people living in the areas not originally included in the Gateway Overlay Zone. City Manager Estes said no, this request would not change zoning laws adopted by City Council when the Gateway Overlay Zone was implemented.

**City Council Action:** Motion made by Councilor Herzig, seconded by Councilor Nemlowill to conduct the first reading of the Ordinance regarding Amendment A15-01 on the Gateway Overlay. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Director Cook conducted the first reading of the ordinance amending the Astoria Comprehensive Plan pertaining to the implementation of the Gateway Overlay Zone.

**Item 6(g): Supplemental Budget for FY2014-2015 (Finance)**

ORS 294.473 provides a procedure for a municipality to pass a supplemental budget that adjusts for changes that happen during a fiscal year. The process is to advertise a supplemental budget not less than 5 days before a Council meeting. Since the supplemental budget is less than 10% of the total expenditures, there is no requirement to hold a hearing for this adjustment. Council may consider a resolution that would adopt the supplemental budget as advertised. Expenses have been incurred in the amount of approximately \$70,000 by the Friends of the Astoria Column that relate to improvements for communication devices subject to a contract with Converge, Inc. The City has been asked to reimburse the Friends for these expenses. City Council is considering this request at this meeting. The City also has a contract with Converge for work relating to communication improvements at the Column and an additional contract is included in the June 1<sup>st</sup> packet. Staff is requesting an increase of \$10,000 for the current budget to anticipate work that may be completed before the end of this fiscal year 2014-15. The supplemental budget would allocate \$80,000 to the Capital Outlay line item under the Capital Improvement Fund. The appropriate attached notice was advertised on May 26, 2015. If Council approves these transactions, it is recommended that Council consider adopting the attached resolution for the supplemental budget.

Councilor Price understood the resolution was to approve a supplemental budget for \$1,778,000.

City Manager Estes explained the supplemental budget would move \$80,000 to a line item in the Capital Improvement Fund.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Herzig to adopt the supplemental budget for FY2014-2015. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

**Item 6(h): Resolution to Elect to Receive State Shared Revenues (Finance)**

Oregon Revised Statute 221.770 requires the City to adopt a resolution to declare its intent to receive state revenue for each new fiscal year. State shared revenues include the state gas tax, alcohol tax, cigarette tax and state shared revenues. The attached resolution expresses the City's intention to receive state shared revenues for FY 2015-2016. It is recommended that the City Council consider this resolution for adoption.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Warr to adopt the resolution to elect to receive state shared revenues. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

**Item 6(i): Public Hearing and Resolution to Adopt the City of Astoria Budget for FYE July 30, 2016 (Finance)**

Oregon Local Budget Law requires that the City Council hold a public hearing on the budget, as approved by the Budget Committee. Notice of this hearing, scheduled for June 1, 2015, was published in the Daily Astorian on Wednesday, May 20, 2015. The budget for the City of Astoria, as discussed and approved by the Budget Committee, is ready for the City Council to consider for adoption. The changes from the proposed budget that the Budget Committee approved are as follows: \$500,000 is transferred from the Beginning Fund Balance of the General Fund to Machinery and Equipment in the Capital Improvement Fund in support of the purchase of an aerial ladder truck for the Fire Department. \$10,000 was the purchase of an aerial ladder truck for the Fire Department. \$10,000 was added to each of the appropriations for the Astoria Downtown Historic Development

Association, the Chamber of Commerce and the Lower Columbia Tourism Committee from the Ending Fund Balance of the Promote Astoria Fund. A second potential change relates to adjusting the approved Capital Improvement Fund budget by \$20,000 for a contract with Converge relating to services at the Astoria Column. A second resolution is available, if Council approves an appropriation for this expenditure. The attached resolution will adopt resources and appropriations and authorize the collection of taxes at a rate of \$8.1738 per thousand for FYE June 30, 2015. It is recommended that the City Council hold a public hearing on the FYE June 30, 2016 budget as approved by the Budget Committee. After the hearing, it is recommended that the Council consider the resolution to adopt this budget.

Councilor Herzig asked if this hearing could be postponed until the next City Council hearing because it was getting so late. He understood the budget had to be approved by the end of the month. Staff explained that public hearing notices had to be sent out within a specific timeframe and postponing this hearing would be risky. Councilor Herzig said some people attended the meeting just for this hearing, but had to leave since it was almost 10:00 pm; however, he understood why the hearing could not be postponed.

Mayor LaMear opened the public hearing at 9: 55 pm and called for anyone wanting to address City Council on the budget for fiscal year 2015-2016 to come forward.

George McCartin, 490 Franklin Avenue, Astoria, said he had many concerns about the budget that has been recommended by the Budget Committee. One of his concerns was so problematic that a Budget Committee member abstained from voting to recommend this budget to City Council. This issue was that more than \$250,000 was designated for the two chains of the Chamber of Commerce. The City does not have a contract with the Chamber, as required by City Code 8.045.18, nor has it had such a contract for the last 10 years. The Chamber can claim they have been abiding by the 10-year old contract, but he did not believe this would be in compliance with City Code. He understood the Council would pass the budget with the allocation to the Chamber. However, on behalf of the people of Astoria, he demanded transparency, accountability, and stewardship. In order to meet this demand, he urged City Council to require a written contract with the Chamber prior to dispersing any of the funds. The City Code also requires the Chamber to report twice annually as to what they do with the money.

Shel Cantor, 1189 Jerome, Astoria, said the Budget Committee did not have the opportunity to review the allocations in the budget to support next year's City Council Goals. He had sent out an email reminding people of this. The Committee did not receive answers to its questions about the chair wall evaluation at the last session and could not identify where the funds would come from or how much would be available for the goal. He believed the West End Master Plan was included as part of the Professional Services for the Astor West Urban Renewal District. However, he did not know how much of the \$145,200 was for the plan. The Committee also discussed pedestrian safety and Director Cook had stated these expenses would come out of the Capital Improvement Fund. However, he was unsure all of the pedestrian safety expenses would come from the Capital Improvement Fund, like the radar boards or bulb outs. He wanted to know what money existed to pay for these things and to make sure those options existed for next year. For Ocean View Cemetery, \$72,000 was allocated for weed eradication and reseeding. He asked where the maintenance expenses were in the budget, noting that he didn't want the work to go to waste. He confirmed that the study for a library at Heritage Square was not budgeted out of the \$100,000 in the Logan Memorial Library Trust Fund and wanted to know where this expense was in the budget. He believed the goal to promote affordable housing was so nebulous that the City does not know where it is going with this goal. It would be too much to ask where funds for this goal would come from.

City Manager Estes said at the City Council goal setting sessions, many different ways of analyzing the chair wall expense was discussed. Some analysis and work has already been completed. Oregon Department of Transportation (ODOT) will report to the City on the studies that have already been completed. The Western Gateway Master Plan has been included in the Astor West Urban Renewal District budget and staff will need to develop a scope of the project to understand the fiscal realities of the plan. The Public Works Departments continues to apply for grants from ODOT for the pedestrian safety measures. If grants are awarded, staff will allocate the funds through a budget resolution.

Director Cosby explained that over the past two years, the transfer of funds from the General Fund into the Parks Department Fund for cemetery maintenance has been even, but the allocation of those funds has greatly changed. Fewer funds are being spent on operations and programs and more funds are being spent on maintenance. The funds for weed eradication and trimming of some of the trees will be a great help. However, she believed the site would continue to struggle for a few years, but staff is taking good steps forward to take

better care of it. City Manager Estes added that Director Cosby has recommended incremental fee increases at the cemetery to provide additional revenue for the site. Director Cosby said currently, the subsidy is \$56,000. When the second round of fee increases are implemented in July 2016, maintenance at the cemetery would no longer need the subsidy.

City Manager Estes said the funds for the Library Master Plan would come out of the Astor East Urban Renewal District (AEURD) because Heritage Square is located within the district.

Mr. Cantor said the AEURD professional services line item was \$22,520, which he believed was low.

City Manager Estes noted the budget also included a line item for improvements other than buildings. He added that currently, a housing study was being conducted. That study will allow staff to make recommendations to City Council so the housing issues can be addressed.

Councilor Nemlowill asked if the City could enter into a contract with the Chamber of Commerce. City Attorney Henningsgaard said he assumed this could be done, but he was not familiar with details of the requirement. City Manager Estes confirmed this was in regard to the room tax funds. After Skip Hauke attended a budget meeting, he had stated he was very receptive of entering into an agreement between the City and the Chamber.

Councilor Price believed Mayor LaMear would remember that Mr. McCartin was the only member of the public who attended every Budget Committee meeting. She thanked Mr. McCartin and Mr. Cantor for asking questions. She also thanked Financial Analyst Snyder and Director Brooks for answering their questions. There is a Facebook page called Organizing For Astoria, which she believed should be renamed Organizing Against Astoria because the page is so critical. The most recent criticism was that the budget was being passed willy nilly. Anyone who attended a budget session saw that the budget was considered quite thoroughly. City Council did not get everything it wanted in the budget, but she was impressed. By the end of the budget sessions, she had a page and a half of questions and comments she had made note of. She sent this list to staff, the City Council, and the Budget Committee just to remind them of the questions and comments that had been made. On Friday, she met with Mayor LaMear and Director Brooks to go through each question. She believed staff would publish a memo with the answers to her list of questions. The City Code that requires the semi-annual reports from the Chamber of Commerce actually requires these reports from any non-profit organization to which the City gives money. The City plans to look into this. She also believed Council committed to think a little more about the money that is given to the Chamber and how Astoria is best represented.

Mayor LaMear said the budget sessions were the most comprehensive hearings Astoria has had since she has been on City Council. There were many questions and the hearings were much more in depth than ever before. The meetings were open to the public, so the process was definitely transparent. She thanked the Budget Committee members because the process was grueling.

Mayor LaMear closed the public hearing at 10:04 pm.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Price to adopt the resolution to adopt the City of Astoria Budget for FYE June 30, 2016.

Councilor Herzig said there were at least two impediments to passing this resolution: first, the City does not have a contract with the Chamber of Commerce, and second, the City does not have a letter from Astoria Rescue Mission agreeing to abide by the nondiscrimination policy. Each Councilor took an oath to uphold the City's ordinances and this oath will be violated if money is given to the Chamber without a contract. Council will be violating the City's nondiscrimination policy by giving money to Astoria Rescue Mission without a written agreement stating they will abide by the policy. He did not believe Councilors wanted to perjure themselves by adopting the budget. He believed it was time for the City to get regular with its finances. City Attorney Henningsgaard explained that adopting the budget and transferring funds are two separate actions. Therefore, Council can adopt the budget and simply refrain from taking action on the line items until the contract and letter are in place.

Councilor Herzig asked if the motion could be amended to state that transferring of funds would be suspended for the two issues of concern. City Attorney Henningsgaard said a motion was not necessary.

Councilor Herzig said currently, he did not have much faith and wanted to make sure City Council did things right this time.

Councilor Warr confirmed City Manager Estes would make sure contracts were signed prior to dispersing funds and that with City Manager Estes' solemn promise, he believed Council should vote. Councilor Herzig asked if City Manager Estes would obtain a letter from the rescue mission confirming they would abide by the nondiscrimination policy. City Manager Estes answered yes, he could request such a letter at the direction of City Council.

Councilor Herzig noted that if the rescue mission does not formally agree to abide by the policy, the City cannot give them money. He supported adopting the budget with his suggested amendments.

**City Council Action:** Motion made by Councilor Herzig, seconded by Councilor Nemlowill to amend the main motion to also direct the City Manager to secure a contract with the Chamber of Commerce prior to dispersing funds and that he also request a letter of compliance with the City's nondiscrimination policy from the Astoria Rescue Mission. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Mayor LaMear restated the main motion and called for a roll call vote.

The motion to adopt the resolution to adopt the City of Astoria Budget for FYE June 30, 2016 carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

## NEW BUSINESS & MISCELLANEOUS

### REPORTS OF COUNCILORS

**Item 11(a): Councilor Herzig** reported the City gave a plate to the U.S. Coast Guard cutter named *Waesche*. In return, the cutter gave the City a plaque. He read the inscription on the plaque.

**Item 11(b): Councilor Nemlowill** commended Director Cosby and the Parks Department for hosting the Run on the River over the weekend, which was very successful. Last year, there were 138 participants, but this year, 400 people participated this year. All of the proceeds go towards scholarships for low income residents who cannot afford to use recreational services. She also thanked Chief Johnston for his assistance earlier in the meeting.

**Item 11(c): Councilor Warr** No report.

**Item 11(d): Councilor Price** No report.

**Item 11(e): Mayor LaMear** No report.

### ADJOURNMENT

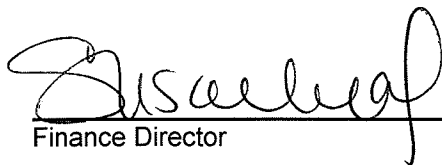
There being no further business, the meeting was adjourned at 10:11 pm to convene the Astoria Development Commission meeting.

### EXECUTIVE SESSION

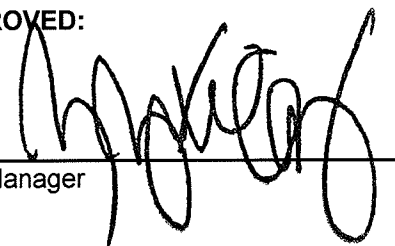
This item was added during Item 4: Changes to the Agenda.

**Item 12(a): Performance Evaluations of Personnel**

ATTEST:

  
Finance Director

APPROVED:

  
City Manager