



# AGENDA

## ASTORIA CITY COUNCIL

April 6, 2015

7:00 p.m.

2<sup>nd</sup> Floor Council Chambers  
1095 Duane Street ° Astoria OR 97103

1. CALL TO ORDER

2. ROLL CALL

3. REPORTS OF COUNCILORS

4. CHANGES TO AGENDA

5. PROCLAMATIONS

- (a) National Service Recognition Day
- (b) National Public Safety Telecommunications Week

6. CONSENT CALENDAR

The items on the Consent Calendar are considered routine and will be adopted by one motion unless a member of the City Council requests to have any item considered separately. Members of the Community may have an item removed if they contact the City Manager by 5:00 p.m. the day of the meeting.

- (a) City Council Minutes of 3/2/15
- (b) Boards and Commissions Minutes
  - (1) Historic Landmarks Commission Meeting of 2/17/15
  - (2) Library Board Meeting of 1/27/15
  - (3) Library Board Meeting of 2/24/15
  - (4) Parks Board Meeting of 2/25/15
- (c) Agreement and Resolution to Establish a Health Reimbursement Arrangement (HRA VEBA) (Finance)
- (d) Oregon Department of Transportation Intergovernmental Agreement – Commercial Vehicle Driver/Cargo Inspection (Police)
- (e) BPA Land Use Agreement (Public Works)
- (f) Supplemental Budget Resolution Distributing Resources to Close Housing Rehabilitation Fund (HRF) (Finance)
- (g) Intergovernmental Agreement (IGA) Between the Cities of Astoria, Seaside and Warrenton for Cooperation in the Provision of Library Services (Library)

7. REGULAR AGENDA ITEMS

- (a) Liquor License Application for Inferno Lounge LLC, Richard Ewing, at 77 11<sup>th</sup> Street, Astoria for a New Outlet for a Full On-Premises Sales Commercial Establishment License (Finance)
- (b) Resolution Amending Fee Schedules for Ocean View Cemetery and Building Division (Parks/Community Development)
- (c) Authorization to Solicit Bids – Headworks Spur 11B Combo Timber Sale 2015 (Public Works)

- (d) Contract Amendment Approval for the Mitigation of Contaminated Soils Related to the Removal of the Underground Heating Oil Tank for the Astoria Senior Center Renovation Project (Public Works)
- (e) Riverfront Trolley Association Operational Agreement (Public Works)
- (f) City Council Rules

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

**9. EXECUTIVE SESSION**

- (a) ORS 192.660(2)(e) – Real Property Transactions

**THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING JULIE YUILL, CITY MANAGER'S OFFICE, 503-325-5824.**




## CITY OF ASTORIA

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April 2, 2015

### MEMORANDUM

TO: MAYOR AND CITY COUNCIL  
FROM:  BRETT ESTES, CITY MANAGER  
SUBJECT: ASTORIA CITY COUNCIL MEETING OF APRIL 6, 2015

### PROCLAMATIONS

**Item 5(a): National Service Recognition Day**

The Mayor will proclaim April 7, 2015 as National Service Recognition Day.

**Item 5(b): National Public Safety Telecommunications Week**

The Mayor will proclaim April 12 through 18, 2015 as National Public Safety Telecommunications Week.

### CONSENT CALENDAR

**Item 6(a): City Council Minutes**

The minutes of the City Council meeting of March 2, 2015 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

**Item 6(b): Boards and Commissions Minutes**

The minutes of the (1) Historic Landmarks Commission meeting of February 17, 2015, (2) Library Board meeting of January 27, 2015, (3) Library Board meeting of February 24, 2015, and (4) Parks Board meeting of February 25, 2015 are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

**Item 6(c): Agreement and Resolution to Establish a Health Reimbursement Arrangement (HRA VEBA) (Finance)**

At the February 2, 2015 City Council meeting, City Council approved a labor contract with the City of Astoria General / Parks Employees Group. A provision of this labor contract is to establish HRA VEBA accounts for employees in the

bargaining unit. An HRA is a qualified group health plan that allows for an employer to make contributions to an HRA trust. Per the contract the City's contribution to the employee's account is designated at three quarters of one percent (0.75%) of the employee's base wage per month. Employees have access to the funds in the HRA account to reimburse personal health related expenses. In order to establish the HRA VEBA accounts City Council must approve an employer adoption agreement and resolution. It is recommended that Council approve the attached agreement with the VEBA Trust for Public Employees in the Northwest and the related attached resolution.

**Item 6(d): Oregon Department of Transportation Intergovernmental Agreement – Commercial Vehicle Driver/Cargo Inspection (Police)**

For several years the Astoria Police Department has had a cooperative agreement with the Oregon Department of Transportation (ODOT) for the purpose of commercial vehicle driver and cargo inspections. In the past ODOT has provided grant funding to reimburse the department for activities pursued under this relationship; however, this year ODOT did not renew funding for local agencies. The Oregon Revised Statutes do not grant authority for police officers to conduct commercial vehicle driver and cargo inspections that ensure compliance of commercial drivers and vehicles with administrative laws, Federal guidelines, Federal laws, and the Oregon Revised Statutes. Of these categories of law, only the Oregon Revised Statutes can be enforced by police officers under their statutory authority. The Oregon Revised Statutes allow units of government to enter into agreements as "authorized representatives" of ODOT who does have statutory authority to conduct commercial vehicle inspections and act under their authority. An Intergovernmental Agreement (IGA) has been drafted that will allow for the designation of "authorized representatives" that will authorize City of Astoria Police Officers, who have been trained as truck inspectors, to continue to conduct truck inspections. The City Attorney has reviewed the IGA and determined that it may be signed by the Police Chief if authorized by the City Council. It is recommended that Council approve entering into the IGA with ODOT and authorize the Police Chief to sign the IGA.

**Item 6(e): BPA Land Use Agreement (Public Works)**

A portion of work associated with development of CMH Field and closure of the landfill required use of Bonneville Power Administration (BPA) easement area. Their easement encompasses a critical portion of the area used to improve sight distance at the entrance, area used for construction of new water, storm and sanitary sewer infrastructure, and the south slope of the landfill cap. Due to a clerical error, the Land Use Agreement (which specified the work to be completed within the BPA easement) is being processed after completion of the work. The City Attorney has reviewed the agreement. It is recommended that City Council authorize staff to sign the BPA Land Use Agreement for work associated with development of CMH Field and the landfill closure.

**Item 6(f): Supplemental Budget Resolution Distributing Resources to Close Housing Rehabilitation Fund (HRF) (Finance)**

At the December 3, 2014 Council meeting Council agreed to transfer the resources of the Housing Rehabilitation Fund (HRF) to the Community Action Team (CAT) and to close the HRF. A resolution is required at this meeting for Council to authorize the distribution of resources and to officially close the HRF. The background memo for the December 3, 2014 meeting explained that there are two resources for the CAT rehabilitation program. Program income represents loan receivables and cash that need to be held by CAT and rolled over into new loans by CAT when funds are collected. Miscellaneous income represents loan receivables and cash that no longer have federal program status. There are no requirements for the use of miscellaneous income resources. The agreement approved by Council on December 3, 2014 stipulates that the City will distribute the program income receivables in the amount of \$264,429.38 and past cash collections of \$28,595.12 to CAT to continue to assist low to moderate income households with home rehabilitation services. Since there are no requirements attached to the miscellaneous income resources of the Housing Rehabilitation Fund, the attached resolution provides that the related receivable of \$168,217.07 would be allocated to the Capital Improvement Fund and that the remaining cash resource of \$31,341.37 related to the miscellaneous income would be allocated to the Public Works Improvement Fund for the purpose of reducing the balance of the loan related to the landfill closure project. Using this resource to reduce the balance of the landfill loan will reduce the annual payments on this loan over the next five years. It is recommended that Council approve the attached resolution that allocates program income receivables in the amount of \$264,429.38 and past cash collections of \$28,595.12 to CAT, miscellaneous income receivables of \$168,217.07 to the Capital Improvement Fund and the miscellaneous income cash resource of \$31,341.37 to the Public Works Improvement Fund.

**Item 6(g): Intergovernmental Agreement (IGA) Between the Cities of Astoria, Seaside and Warrenton for Cooperation in the Provision of Library Services (Library)**

Since 2010, the Astoria City Council has authorized Library staff to participate in a grant program referred to as Libraries ROCC! Rural Outreach to Clatsop County. Partners and collaborators included the school districts of Astoria, Jewell, Knappa, Seaside and Warrenton, the Northwest Regional Education Service District, Clatsop County, and the public libraries of Astoria, Seaside, and Warrenton. The Seaside, Warrenton, and Astoria libraries want to continue building upon the successes of five years of grant funding through multiple avenues that include the IGA. To continue the grant provided activities and leverage the work of the past five years, the library directors understand they will need to seek community and corporate donations to support ROCC library cards and summer programs and to establish an endowment fund. The financial impact of this IGA for the City of Astoria is estimated at \$850 a year for mileage and staff time to continue courier service. Courier service enables the libraries to continue sharing collections. This

cost may be reduced if a pending Oregon Community Foundation grant submitted by the Seaside Library is awarded and a grant paid Outreach Coordinator is able to assist with courier service. Any party may discontinue participation with a 90 day notice. This IGA is expected to be reconsidered annually. It is recommended that Council approve and authorize the City Manager and Mayor to sign the Intergovernmental Agreement between the Cities of Astoria, Seaside and Warrenton for Cooperation in the Provision of Library Services.

## **REGULAR AGENDA ITEMS**

**Item 7(a): Liquor License Application for Inferno Lounge LLC, Richard Ewing, at 77 11<sup>th</sup> Street, Astoria for a New Outlet for a Full On-Premises Sales Commercial Establishment License (Finance)**

A liquor license application has been filed by Inferno Lounge LLC, Richard Ewing, doing business as Inferno Lounge located at 77 11<sup>th</sup> Street, Astoria. The application is for a New Outlet for a Full On-Premises Sales Commercial Establishment License. The appropriate departments have reviewed the application and it is recommended that Council consider approval.

**Item 7(b): Resolution Amending Fee Schedules for Ocean View Cemetery and Building Division (Parks/Community Development)**

### Ocean View Cemetery

On March 6, 2015 the Astoria City Council requested that the Parks and Recreation Department prepare an amended fee schedule for services provided at Ocean View Cemetery. This direction came after a Special City Council meeting held at the Cemetery to study its history, operations, and challenges. During the meeting the Council viewed a presentation, toured the grounds, received community feedback, and discussed how to overcome current and future challenges facing the Cemetery. Fees for services at Ocean View Cemetery have fallen behind the national, state, and local standards. As a result the costs of services at Ocean View Cemetery are greater than the fees charged for those services. This fee increase will begin closing the gap between fees charged for services vs the cost of services. The fee increase will also provide an opportunity for additional grounds maintenance at Ocean View Cemetery. It is proposed that fees be increased by 40% effective April 7, 2015 through June 30, 2015, and then be increased an additional 10% for Fiscal Year 2015-2016.

### Building Division

As a part of implementing the ePermitting building permit program in the City, the State of Oregon Building Codes Division reviewed the current fee schedules for conformance with the epermitting program software. In March 2014, Council approved a resolution to amend the fees to conform to current State policy; however, the Building fees revision adopted by the City Council at their March 24, 2014 meeting needs to be further edited to conform to the epermitting program

and meet statutory requirements. The Oregon Building Code Division notified the City recently on these further edits. In the implementation of the ePermitting program through the Oregon Building Codes Division it was discovered that our City Building fee schedule table was not compatible with the electronic permitting program and that our fee table formats needed to be adjusted to make them compatible with the system software. As such, a minor edit was done to move the ending dollar amount point from the lower tables up to being the starting point for the next higher fee column. The difference is very minor in nature and will have no significant impact on the fees charged as they were previously approved by council. This change is required in order to conform to State of Oregon consistent fee methodology rules and to make the financial software for the ePermitting program function as intended.

It is recommended that Council adopt this Resolution amending the current fees and implementing the new fees for both Ocean View Cemetery and the Building Division.

**Item 7(c): Authorization to Solicit Bids – Headworks Spur 11B Combo Timber Sale 2015 (Public Works)**

A commercial thinning on 40 acres is proposed for the summer of 2015. The access road, Spur 11B, will be improved with this thinning. The net proceeds from this thinning operation are estimated to be \$260,000.00 after harvest and reforestation costs. It is recommended that Council approve the solicitation of bids for Spur 11B Combo Timber Sale 2015. Bids received will be brought to Council for consideration.

**Item 7(d): Contract Amendment Approval for the Mitigation of Contaminated Soils Related to the Removal of the Underground Heating Oil Tank for the Astoria Senior Center Renovation Project (Public Works)**

In February of 2015, Al Jaques, the Senior Center Remodel Project Manager, solicited services from ABA Company and K&S Environmental, Inc., for the removal an underground heating oil storage tank and testing of the soils surrounding the tank. The tank was discovered by the Project Manager during his site investigations and had not been identified in earlier site investigations during the HUD Grant application process. The City contracted for the aforementioned services which were completed in late February for the total sum of \$4,500. Test results of the soil surrounding the tank indicated the tank had deteriorated and contaminated the soils with heating oil above the allowable limits established by the Department of Environmental Quality (DEQ). Following this discovery, the Project Manager solicited the accompanying proposal from ABA Company and K&S Environmental, Inc., for the mitigation (removal/disposal/analysis) of the contaminated soils, in addition to filing all of the necessary reporting documentation to DEQ. The fee for these services is for a not to exceed cost of \$18,000. Work proceeded on removal and mitigation to complete this work during

good weather and to avoid remobilizing expenses with the contractor on site. As the contract amendment is over the City Manager's spending authority, it is being brought to the City Council for consideration of approval. K&S Environmental, Inc., has submitted all of the required reporting documentation to DEQ and we now await the final determination by DEQ as to the status of closing the file with no further action required.

Project staff has been working with the Oregon Business Development Department's Brownfields Program Specialist in an effort to secure reimbursement funding for the cost of the tank removal and contaminated soils mitigation, it is anticipated the City will be successful in obtaining funding for this work from the Oregon Business Development Department in lieu of utilizing the project's Community Development Block Grant renovation funding for these expenses. It is recommended that the City Council approve the proposed Contract Amendment for the mitigation of the contaminated soils related to the removal of the underground heating oil tank for the Astoria Senior Center renovation project.

**Item 7(e): Riverfront Trolley Association Operational Agreement (Public Works)**

The Astoria Riverfront Trolley Association (RTA) operates Old 300 on City owned railroad tracks from Hamburg Ave. to 39<sup>th</sup> Street. Their operation commenced in June 1999 and has served as a tourist based passenger service. RTA's operation is regulated by the Oregon Department of Transportation (ODOT) Rail Division. ODOT Rail provides operational and safety oversight to all passenger and freight rail in Oregon. In 2014, ODOT Rail completed their triennial review of the RTA. This review included findings and recommendations to be implemented by the City and RTA. City Staff prepared the Riverfront Trolley Association Operational Agreement by updating an existing draft agreement started in 2007. This agreement has been reviewed by the City Staff, City Attorney, RTA, and ODOT Rail. It will satisfy ODOT Rail's recommendation for a written agreement, and serves to formalize the verbal, informal, operational agreement that has existed for the past 15 years. It is recommended that City Council approve the Riverfront Trolley Association Operational Agreement.

**Item 7(f): City Council Rules (Council)**

The Council will discuss the "City Council Rules" following up from the last meeting. City Attorney Henningsgaard updated the draft reviewed at the March 16<sup>th</sup> meeting to address statutory provisions and shorten the document. Included in the packet is a "tracked changes" version as well as a clean copy.

**EXECUTIVE SESSION**

**Item 9(a): ORS 192.660(2)(e) – Real Property Transactions**

The City Council will recess to executive session to discuss a real property transaction issue.