



AGENDA

ASTORIA CITY COUNCIL

December 15, 2014
7:00 p.m.
2nd 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. **PRESENTATIONS**

- (a) Mark Truax 25 Year Service Pin (Fire)

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 11/17/14
(b) Boards and Commissions Minutes
(1) Historic Landmarks Commission Meeting of 11/18/14
(2) Planning Commission Work Session of 11/25/14
(c) Authorization to Enter into a Two Year Consulting Agreement with Ellis and Associates (Parks)
(d) Library2Go Consortium, OverDrive Participating Library Form (Library)

7. **REGULAR AGENDA ITEMS**

- (a) Public Hearing regarding Purchase of City Owned Property Adjacent to 1610 Coxcomb Drive (Public Works)
(b) Liquor License Application from Young's Bay Restaurant Seafood & Grill LLC., Nicole Keller and Nick Clark, at 1820 SE Front Street, Astoria for a New Outlet for a Limited On-Premises Sales License and an Off-Premises Sales License (Finance)
(c) Ordinance regarding Vacation of Duane Street 1700 Block (2nd reading & adoption) (Public Works)
(d) Ordinance regarding Amendment Request (A14-04) for Wireless Communication Facilities (2nd reading & adoption) (Community Development)
(e) Resolution to Appropriate Hydroelectric Resources (Finance)
(f) Insurance Buyout for City Employee (Finance)
(g) Performance Agreement for the Yacht Club Apartment Land Partition (Community Development)
(h) Richard Gerttula Request to Trim Trees on City Property (Public Works)
(i) Consider Term Sheet to Proceed with Watershed Carbon Project (Public Works)

- (j) Resolution Transferring Community Development Block Grant (CDBG) Funds to Community Action Team (Finance)
- (k) Consideration of Approval for Wayfinding Concept Plan (Parks)
- (l) Authorization to Apply for Oregon Federal Lands Access Program Grant (Parks)
- (m) Authorization to Apply for National Endowment for the Arts Our Town Grant for Wayfinding Signage on the Astoria Riverwalk (Parks)
- (n) Salary Resolution Implementing Cost of Living Adjustment for Non-represented Employees and Modifying the Title/Job Description of Chief of Police to Include "Assistant City Manager" (City Manager)

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

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.



December 11, 2014

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF DECEMBER 15, 2014

PRESENTATIONS

Item 5(a): Mark Truax 25 Year Service Pin (Fire)

Fire Department Driver/Engineer Mark Truax will be presented with his 25 year service pin.

CONSENT CALENDAR

Item 6(a): City Council Minutes of November 17, 2014

The minutes of the City Council meeting of November 17, 2014 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 November 18, 2014, and (2) Planning Commission Work Session of November 25, 2014 are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

Item 6(c): Authorization to Enter into a Two Year Consulting Agreement with Ellis and Associates (Parks)

Since 2008, the City of Astoria has contracted with Ellis and Associates to provide professional aquatic safety and risk management services at the Astoria Aquatic Center. The current contract expires on December 31, 2014 and can be renewed with a two year term from January 1, 2015 – December 31, 2016. Ellis and Associate's Comprehensive Aquatic Risk Management Program provides licensed accountability, vigilance awareness, the unannounced audit program, and satisfaction of the Model Aquatic Health Code module 6.0.1. It is recommended

that Council enter into a two year consulting agreement for professional aquatic safety and risk management services through Ellis and Associates.

Item 6(d): Library2Go Consortium, OverDrive Participating Library Form (Library)

Astoria Public Library joined the Oregon Digital Library Consortium's (ODLC) Library2Go service in 2008. Participation in the ODLC provides Astoria Library cardholders access to the electronic content of the ODLC and greatly enhances the Astoria Library's ability to supplement its other services and collections. Astoria users downloaded 4,449 items in 2013/2014. Fees for this consortium have remained relatively steady since its inception. In 2015/2016, however, ODLC renegotiated its contract with OverDrive (the service provider), resulting in an increase of 25% in fees. The total cost of participation in Fiscal Year 2015/2016 will be \$3173.19, an increase of \$634.64. Fee increases of approximately 25% per year can be expected for the next three years. The agreement, effective July 1, 2015 and covering three years, has been reviewed and approved as to form by the City Attorney. It is recommended that Council authorize the City Manager to sign the OverDrive Digital Library Reserve Consortium: Participating Library Form, effective July 1, 2015 for a term of three years from the effective date.

REGULAR AGENDA ITEMS

Item 7(a): Public Hearing regarding the Purchase of City Owned Property Adjacent to 1610 Coxcomb Drive (Public Works)

The City has received a request from William Armington to purchase a City owned parcel adjacent to 1610 Coxcomb Drive to provide additional yard space and protect his views. The property is approximately 12,326 square feet and located directly east of the applicant's property. The applicant has requested to purchase Lot 2 and the vacated portion of Madison Avenue which is approximately 8,200 square feet. The parcel is not included within the Astoria Column Park boundaries. At their December 1, 2014 meeting, the Astoria City Council acted to schedule a public hearing on the proposed property sale on December 15, 2014 at 7:00 p.m. It is recommended that the Astoria City Council conduct the scheduled public hearing, and if deemed appropriate, approve the sale of City-owned property adjacent to 1610 Coxcomb to William Armington.

Item 7(b): Liquor License Application from Young's Bay Restaurant Seafood & Grill LLC., Nicole Keller and Nick Clark, at 1820 SE Front Street, Astoria for a New Outlet for a Limited On-Premises Sales License and an Off-Premises Sales License (Finance)

Nick Clark and Nicole Keller have applied for a limited on premise and off premise sales license for a premise located at 1820 SE Front Street (Formerly known as Tide Point) for a restaurant named Young's Bay Restaurant and Grill. At the December 1, 2014 meeting, staff recommended denial of the license because of questions that existed at the time of the meeting. Since that meeting, the

applicants have answered these questions. Staff now recommends approval of this license.

Item 7(c): Ordinance regarding Vacation of the 1700 Block of Duane Street (2nd reading & adoption) (Public Works)

On December 2, 2013, the City vacated a portion of the 1700 Block of Duane Street adjacent to the Columbia River Maritime Museum (CRMM) storage area at 1777 Marine Drive. At that time, there was discussion concerning possible vacation of the remaining west portion of Duane Street that is adjacent to the Maritime Texaco Station property at 1701 Marine Drive and the Moose Lodge at 420 17th Street. Subsequently, staff met with representatives of both the Maritime Texaco Station and the Moose Lodge concerning the possible vacation of the portion of Duane Street adjacent to their properties. Both parties expressed interest and have submitted applications to the City.

The proposed vacation would provide the Maritime Texaco Station with a 10' x 100' portion of the street, as previous owners acquired the 20' x 100' section of the street in 1944. The Moose Lodge would acquire a 30' x 100' portion of the right-of-way. Staff has reviewed the request and has determined that the area to be vacated does not appear to have any future potential as an access route; however, staff believes it would be in the best interest of the City to reserve easement rights on the vacated area for any existing and/or potential future utilities. At their meeting of December 1, 2014, the City Council conducted a public hearing and the first reading of the ordinance of vacation. At their meeting of December 1, 2014, the City Council conducted a public hearing and the first reading of the ordinance to vacate the right-of-way. It is recommended that the Astoria City Council conduct the second reading and adopt the ordinance to vacate a portion of the Duane Street right of way.

Item 7(d): Ordinance regarding Amendment Request (A14-04) for Wireless Communication Facilities (2nd reading & adoption) (Community Development)

In 2002, the City adopted a Wireless Communication Facility Ordinance to address where and how communication towers and antennae could be located within the City. For aesthetic purposes, lattice towers were prohibited requiring that any new communication towers be monopoles. The ordinance provided that "public emergency communication" facilities were not subject to the requirements of the code to facilitate public safety; however, the code did not address co-location of a private provider with a public emergency communication facility, and therefore if a public emergency communication tower includes private providers, then it would be required to be a monopole construction. The current public emergency communication facility and Verizon private facility located on Coxcomb Hill adjacent to the Astoria Column are proposed to be relocated. The public emergency equipment is proposed to be co-located on the proposed Verizon tower in the forested Land Reserve area above Irving Avenue near Reservoir 3 and would therefore include both private and public facilities. Due to the type of facilities needed for public emergency communication services, and in order to

allow co-location by other private providers, the tower needs to be fairly substantial in construction. The tower would need to be approximately 150' tall to accommodate quality two-way radio coverage. A lattice tower would provide the needed height and space on the tower for co-location of private provider antennas and allow for quicker repairs to emergency communication outages. If the tower were used only for emergency service facilities, the existing code would not apply and they would be allowed to install a lattice tower; however, since the tower will have co-location of private providers, it is subject to the Wireless Communication Facility Ordinance which prohibits lattice towers. By co-locating both public and private facilities, the number of towers is reduced and only one tower would be required at Reservoir 3 site. Therefore, staff has initiated a proposed code amendment to allow lattice towers in the LR Zone and only if they also accommodate an emergency service facility regardless of additional co-location by private providers. The intent of the original code was to prevent a forest of cell towers and to maintain the visual quality of the Astoria skyline. Since the tower could be lattice if it was only for emergency services, and since co-location would reduce the need for additional towers, it would be consistent with the intent of the code to allow a co-located emergency service tower to be a lattice tower.

At its October 28, 2014 meeting, the Astoria Planning Commission held a public hearing and recommended that the City Council adopt the proposed amendment. A copy of the Staff Report and Findings of Fact as adopted by the Planning Commission are attached. Also attached to this memo is the proposed ordinance. The Council held a public hearing and first reading of the ordinance at the December 1, 2014 meeting. If the Council is in agreement with the recommendation of the Planning Commission to adopt the ordinance, it would be in order for Council to hold a second reading and adopt the Ordinance.

Item 7(e): Resolution to Appropriate Hydroelectric Resources (Finance)

At the meeting of July 21, 2014 Council authorized a bid for the construction of the hydroelectric project at the City's water headworks. At the time staff indicated that the City has commitments for grants in the amount of \$399,600. The grant agreements have been finalized. As this project is now initiated and in process, it is necessary to adjust the Public Works Improvement Fund (PWIF) budget by appropriating these resources. The attached resolution appropriates grant resources in the amount of \$399,600 to the Water Rehabilitation / Replacement line item of the PWIF for the hydroelectric project. It is recommended that Council consider approving the attached resolution that appropriates \$399,600 to the Water Rehabilitation / Replacement line item of the Public Works Improvement Fund.

Item 7(f): Insurance Buyout for City Employee (Finance)

In the early 1980s the City entered into an employment agreement with the Public Works employees to provide up to 60 months of post-retirement health insurance for those employees meeting certain date and eligibility requirements. This agreement was made in lieu of a cost of living increase at that time. The City

negotiated an agreement to terminate this benefit for employees hired after July 1, 1990, for this employee group. Kenneth Yuill, Senior Utility Technician, qualifies for this benefit and anticipates retiring effective January 2, 2015. Mr. Yuill has requested that the City consider buying out the health insurance benefit of 31 months that he is due under the Public Works Employment Agreement. Staff has been discussing an option for a buyout with him. Mr. Yuill certifies that he has adequate health insurance coverage through an alternative program. The total value of the retirement insurance benefit for Mr. Yuill is \$54,492.42. Subject to Council approval, staff has been discussing an agreement with Mr. Yuill to take a one-time cash payment of \$27,246.21 in lieu of the total 31 months of health insurance. Under this tentative agreement the City's cost is reduced by 50%. It is recommended that Council consider accepting this agreement and to allow the City Manager to formalize and sign the necessary documents.

Item 7(g): Performance Agreement for the Yacht Club Apartment Land Partition (Community Development)

At its September 2, 2010 meeting, the Astoria Planning Commission approved the Final Plat for Subdivision Request (SP10-01) by Richard Krueger to subdivide an area at 1310 West Marine Drive. A condition of that approval was that the developer either complete certain items prior to recording of the Final Plat or enter into a Developer's Performance Agreement which includes posting a bond guaranteeing that work will be completed. Phase I of the project has been substantially completed with the construction of the apartment building and associated infrastructure. Phase II of the project will include completion of the remaining infrastructure and construction of the second apartment building. Work has begun on Phase II. Prior to recording the Final Plat, the developer would need to complete several items such as water and sewer mains, access roads, landscaping, etc. The developer has chosen to enter into the Performance Agreement for the remaining items to allow the Final Plat to be recorded. Therefore the developer will post a bond or cash in the amount of \$107,390 guaranteeing that all work will be completed in accordance with the approved Subdivision and to the City's standards. Assistant City Engineer Nathan Crater has reviewed and approved the agreement and amount of the bond. Additionally, City Attorney Blair Henningsgaard has reviewed and approved the form of the attached Agreement. The Performance Agreement is attached for City Council review and action. It is recommended that the City Council approve signing the Performance Agreement with Richard Krueger for completion of the Yacht Club Apartments Subdivision.

Item 7(h): Richard Gerttula Request to Trim Trees on City Property (Public Works)

Richard Gerttula has submitted an application to trim trees on City property. The City- owned property is to the north of Mr. Gerttula's property at 404 W Lexington and includes Tax Lot 7300, Map 80918BB. Mr. Gerttula was able to obtain a signature from one of the property owners at 380 West Grand. The other two adjacent property owners (376 West Grand and 403 Floral) were notified by mail that this request is going to be discussed at the December 15, 2014 meeting. The

trees to be trimmed are eight Spruces with a diameter of about 28". These trees have been trimmed in the past. This lot is within a 100 feet of a known slide zone. The applicant has had a certified arborist review the proposed activity. Based on these reports, and from a technical standpoint, staff does not see any reason why the tree trimming should not be allowed. Based on the analyses provided by the professional consultants representing the applicant and staff's visit to the site, it is recommended that the request to trim trees on City property be approved.

Item 7(i): Consider Term Sheet to Proceed with Watershed Carbon Project (Public Works)

In September 2014, staff solicited proposals for the Watershed Carbon Credit Project in the Astoria Watershed. A Request for Proposals (RFP) was sent to seven potential carbon purchasers. Staff received one proposal (term sheet) to purchase carbon credits from The Climate Trust (TCT), an Oregon-based not-for-profit organization. The Emission Reduction Tons (ERT's) of carbon would be purchased over a 10 year period, beginning in 2015. The credits would be registered under the Improved Forest Management (IFM) methodology with the American Carbon Registry (ACR).

Based on the initial estimate of carbon credits available, a total of 175,000 credits could be sold over a 10 year period. The first year credit is given for current standing inventory which results in 45,000 tons of available credits. The subsequent years are based on the growth of the forest which results in an average of 14,500 credits per year. It is proposed that the credits be split into two categories. The first category would be firm delivery at 75% of the potential credits available and the second category of contingent credits at 25%. This flexibility allows the City to adjust timber harvest without penalty for failure to deliver firm credits. The average price per credit for IFM credits was \$7.60 for calendar year 2013. The Watershed Carbon Project has attributes that warrant a price above average. TCT has recognized this and offered a price of \$10.00 for firm credits and \$9.00 for contingent credits.

The first year of the project would require project development, credit verification and registry of the credits. The first year gross proceeds are estimated at \$438,750 with net after development expenses, at \$358,750. The subsequent nine years of the purchase agreement with TCT would result in an annual average net value to the City of \$130,000. Upon approval of the terms of purchase, the City will prepare a project development document which includes a detailed carbon profile, verify and register the credits with the ACR. Staff will also develop a carbon project budget for Council's review. TCT will prepare a contract for purchase to be reviewed for approval by the City. The process will take approximately six to 12 months to complete. This project would be structured to allow the City to adjust to potential changes in climate or timber market trends. It is recommended that Council approve The Climate Trust Term Sheet and proceed with the Watershed Carbon Project development, and authorize the Mayor and City Manager to sign the document.

Item 7(j): Resolution Transferring Community Development Block Grant (CDBG) Funds to Community Action Team (Finance)

In 1974 the federal government established a program to provide grants to states for low to moderate income loans to support rehabilitation of residential properties. The Community Action Team (CAT) is the regional agency that administers the loans. The City has participated in this housing rehabilitation loan program since 1994 and has been the conduit for grants from the federal government to CAT in the amount of \$1,850,000.

“Miscellaneous income” proceeds relate to grants made before 1993. Loans repaid from these pre-1993 grants lose their federal requirements. “Miscellaneous Income” can be used by the City for its own purposes. “Program Income” relates to grants made after 1993. The loans repaid from these grants must be used for the purposes of the original federal grants. As of June 30, 2014 the loan receivable balance due for “Miscellaneous Income” loans is \$168,217.07 and for “Program Income” loans is \$264,429.38

The State of Oregon provides oversight through the Community Development Block Grant (CDBG) program. In May 2012 CDBG administrators ruled that if it is anticipated that there will not be enough activity to continue to roll the loans over, then either 1- the “Program Income” should be turned over to the State level CDBG program or 2- it can be transferred to CAT for continued use in the Regional Housing Rehabilitation Loan Program.

Pursuant to the State’s requirement, CAT has established a revolving loan fund that meets the State’s requirements as a depository for the remaining “Program Income” resource. CAT has requested that the City transfer the “Program Income” receivable of \$264,429.38 to CAT to use for the purpose of assisting low to moderate income households by providing home rehabilitation services.

Under this agreement the current “Miscellaneous Income” receivable of \$168,217.07 would become the property of the City. CAT would continue to administer these loans and transfer proceeds of repayments of this receivable to the City as they are made when properties are sold or transferred. Staff recommends that the “Miscellaneous Income” receivable be transferred to the Capital Improvement Fund as a resource for this fund as the loans are repaid and that the Housing Rehabilitation Fund be terminated.

The agreement has been reviewed and approved as to form by City Attorney Henningsgaard. It is recommended that Council consider accepting the agreement with Community Action Team (CAT) to transfer the “Program Income” receivable to CAT in the amount of \$264,428.38. It is recommended further that the “Miscellaneous Income” receivable of \$168,217.07 be transferred to the Capital Improvement Fund as its resource and that the Housing Rehabilitation Fund be terminated.

Item 7(k): Consideration of Approval of Wayfinding Concept Plan (Parks)

In partnership with the Astoria Downtown Historic District Association (ADHDA) the Parks and Recreation Department is working to incorporate wayfinding signage from the Riverwalk throughout downtown. The Parks and Recreation Department in coordination with the ADHDA Design Committee has consulted the assistance of GREENWORKS, a Portland based Landscape Architecture and Environmental Design Company to lead the community through a public process of schematic design and deliver a Wayfinding Concept Plan. The Pedestrian Wayfinding Concept Plan, including Riverwalk Pedestrian Directional Signage, Downtown Pedestrian Directional Signage, Trailhead Maps, and Interpretive Signs that would extend from Uniontown, Downtown, Uppertown, to Alderbrook, and notes from public meetings are attached for your review. The Astoria Parks and Recreation Board and the Astoria Downtown Historic District Association Board recommend approval of the Pedestrian Wayfinding Concept Plan. It is recommended that City Council approve the Pedestrian Wayfinding Concept Plan.

Item 7(l): Authorization to Apply for Oregon Federal Lands Access Program Grant (Parks)

The Western Federal Lands Highway Division (WFLHD) of the Federal Highway Administration is soliciting for capital improvement, enhancement, surface preservation, transit, planning, and research proposals to receive funds through the Oregon Federal Lands Program in fiscal years 2017 through 2019. The purpose of the Federal Lands Access Program (FLAP) is to provide safe and adequate transportation access to and through Federal Lands for visitors, recreationists, and resource users. Astoria Parks and Recreation is seeking the FLAP grant to assist with the costs associated with installing wayfinding signage along the Astoria Riverwalk. The City of Astoria may apply for this grant in consideration with the "Enhancements" proposal of the grant. These proposals are road and trail related that would allow the City to build wayfinding signage that direct residents and tourists to Federal Lands such as National Parks. It will also assist with providing safe and adequate signage that directs the community and tourists to safe access to trails and to downtown. Astoria Parks and Recreation will be seeking a \$200,000 grant for the costs of creating and installing directional and interpretative signage. FLAP requires matching funds of 10.27% of the total proposed cost. The match includes "soft matches" or "in-kind matches" such as donated property, materials, and services. The Astoria Parks and Recreation Department proposes that the 10.27% match come from staff time devoted to the project. It is recommended that City Council approve the application for FLAP to help pay for the costs associated with Riverwalk wayfinding signage.

Item 7(m): Authorization to Apply for National Endowment for the Arts, Our Town Grant for Wayfinding Signage on the Astoria Riverwalk (Parks)

The National Endowment for the Arts was created in 1965 by the United States Congress as an independent agency to promote and support artistic excellence, creativity, and innovation for the benefit of individuals and communities. The "Our

Town” grant through the NEA was created to support creative place-making in a community that contributes to the livability of a community. Astoria Parks and Recreation is seeking the NEA’s Our Town grant to assist with the costs associated with installing wayfinding signage along the Astoria Riverwalk. Astoria Parks and Recreation believes that with the artistic elements included on the directional signage that potentially includes Native American iconography, the community’s investment in historic preservation, along with increasing tourism to the City of Astoria, it poises the Department favorably amongst the selection committee. In particular, the Department is requesting a \$50,000 grant that would go towards the installation of five 10 ft. high obelisks that would act as pedestrian directional signage as well as two trailhead maps for \$100,000. The Our Town grant requires a non-federal match of at least 1 to 1 which may include cash or a combination of cash and in-kind contributions. It is suggested that the Promote Astoria Fund provide a \$30,000 cash match and the Parks and Recreation Department provide a \$20,000 in-kind match to satisfy the 1 to 1 non-federal match requirement. Currently, Astoria Parks and Recreation will be receiving a letter of support from Senator Jeff Merkley, Astoria Downtown Historic District, Astoria Riverfront Trolley and Astoria Visual Arts. It is recommended that City Council approve the application for the National Endowment of the Arts Our Town grant to help pay for the costs associated with Riverwalk wayfinding signage.

Item 7(n): Salary Resolution Implementing Cost of Living Adjustment for Non-represented Employees and Modifying the Title/Job Description of Chief of Police to Include “Assistant City Manager” (Finance)

The following adjustments to the Salary Resolution are proposed: The first adjustment relates to the Cost of Living Adjustment (COLA) of 2.5% for the Non-represented employees retroactive to July 1, 2014. The second change relates to the promotion of Brad Johnston to the position of Chief of Police/Assistant City Manager. While the change affects Chief of Police/Assistant City Manager’s range of responsibilities, no modification to the salary range is proposed other than the above mentioned COLA. It is recommended that Council approve the Salary Resolution implementing the proposed adjustments as described above and approve the job description for Chief of Police/Assistant City Manager.