



AGENDA

ASTORIA CITY COUNCIL

May 4, 2015

7:00 p.m.

2nd Floor Council Chambers
1095 Duane Street * Astoria OR 97103

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PUBLIC COMMENTS (NON-AGENDA)**
4. **CHANGES TO AGENDA**
5. **PRESENTATIONS**
 - (a) Fire Lieutenant Terry Corbit 25 Year Pin
6. **PROCLAMATIONS**
 - (a) Emergency Medical Services Week
 - (b) Tenor Guitar Weekend
7. **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 4/6/15
 - (b) Boards and Commissions Minutes
 - (1) Parks Board Meeting of 3/25/15
 - (c) Intergovernmental Agreement (IGA) with Oregon Department of Forestry for Lidar (Topographic Data) Acquisition (Public Works)
 - (d) Business Oregon Development Department Grant Application for the Reimbursement of Costs Related to the Removal of the Underground Heating Oil Tank and Mitigation of Associated Contaminated Soils at the Astoria Senior Center Project Site (Public Works)
8. **REGULAR AGENDA ITEMS**
 - (a) Liquor License Application from Rebecca Kraft dba Wine Kraft LLC, Located at 80 10th Street, Astoria for a New Outlet for a Limited On-Premises Sales License (Finance)
 - (b) Authorize IFA Finance Contract Amendment – 16th Street CSO Separation Project (Public Works)
 - (c) Authorization to Award Construction Contract – 16th Street CSO Separation Project (Public Works)
 - (d) Authorize Contract Amendment for Construction Phase Services – 16th Street CSO Separation Project (Public Works)
 - (e) Authorize Contract for Materials Testing Services – 16th Street CSO Separation Project (Public Works)

- (f) Teresa Estrada – Lease of City Property (Public Works)
- (g) Spur 11 Combo Harvest 2015 Contract Award (Public Works)
- (h) Letter of Support regarding Bruce Buckmaster's Appointment to the Oregon Department of Fish and Wildlife Commission (City Council)
- (i) City Council Goals for FY2015-2016
- (j) City Council Rules

10. NEW BUSINESS AND MISCELLANEOUS

11. REPORTS OF COUNCILORS

12. 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.



April 30, 2015

MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: ASTORIA CITY COUNCIL MEETING OF MAY 4, 2015

PRESENTATIONS

Item 5(a): Fire Lieutenant Terry Corbit 25 Year Pin

Fire Lieutenant Terry Corbit will be presented with his 25 year service pin.

PROCLAMATIONS

Item 6(a): Emergency Medical Services Week

The Mayor will declare May 17-23, 2015, as Emergency Medical Services Week.

Item 6(b): Tenor Guitar Weekend

The Mayor will declare May 28-31, 2015 as Official Tenor Guitar Weekend in Astoria.

CONSENT CALENDAR

Item 7(a): City Council Minutes

The minutes of the City Council meeting of April 6, 2015 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

Item 7(b): Boards and Commissions Minutes

The minutes of the (1) Parks Board meeting of March 25, 2015 are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

Item 7(c): Intergovernmental Agreement (IGA) with Oregon Department of Forestry for Lidar (Topographic Data) Acquisition (Public Works)

The Oregon Department of Forestry (ODF) will be hiring a consultant to collect aerial topographic data commonly referred to as LIDAR (Light Detection and Ranging) data of various portions of Clatsop, Columbia and Tillamook Counties. LIDAR is a remote sensing method to examine the surface of the earth. The City was invited by ODF to participate in the data acquisition since our watershed is within the limits of the work. This opportunity will allow the City to acquire useful data at a very good price. The data will be used for preliminary for projects within the watershed and would also be useful if any follow up studies are required for Emergency Management Planning of the Bear Creek Dam. The cost to the City is \$2,974.00. It is recommended that Council authorize the City Manager to sign the attached IGA with ODF for the purchase of LIDAR Data.

Item 7(d): Business Oregon Development Department Grant Application for the Reimbursement of Costs Related to the Removal of the Underground Heating Oil Tank and Mitigation of Associated Contaminated Soils at the Astoria Senior Center Project Site (Public Works)

On April 6, 2015 the Council approved a contract amendment in the amount of \$18,000 for services provided by ABA Company and K&S Environmental, Inc. related to the mitigation of the contaminated soils associated with the prior removal of the underground heating oil tank at the Senior Center. The City had previously contracted services with ABA Company and K&S Environmental, Inc. for removal of the tank in the amount of \$4,500, resulting in a total project cost of \$22,500. Project staff has been working with the Business Oregon Development Department's Brownfields Program Specialist in an effort to secure reimbursement funding for the cost of the tank removal and contaminated soils mitigation. A grant application must be filed to be considered for funding. It is anticipated the City will be successful in obtaining funding for this work from the Business Oregon Development Department in lieu of utilizing the project's renovation funding for these expenses. It is recommended that the City Council authorize submittal of a Business Oregon Development Department grant application for the reimbursement of costs related to the removal of the underground heating oil tank and subjacent mitigation of the contaminated soils related to the Astoria Senior Center project site.

REGULAR AGENDA ITEMS

Item 8(a): Liquor License Application from Rebecca Kraft dba Wine Kraft LLC, Located at 80 10th Street, Astoria for a New Outlet for a Limited On-Premises Sales License (Finance)

A liquor license application has been filed by Rebecca Kraft, doing business as Wine Kraft LLC, located at 80 10th Street, Astoria. The application is for a New Outlet for a Limited On-Premises Sales License. The appropriate departments have reviewed the application and it is recommended that Council consider approval.

Item 8(b): Authorize IFA Finance Contract Amendment – 16th Street CSO Separation Project (Public Works)

At the March 16, 2015 meeting, Council was informed that the 16th Street CSO Separation project would likely exceed the available funding based on the engineer’s estimate at final design and that an amendment to the Infrastructure Finance Authority (IFA) Financing Contract would be requested after bids were received to determine the appropriate amount for the funding increase. Bids were received on April 16th and award of the construction contract is included in the Council packet. The budget has been updated with the bid amount. The IFA current funding package, which includes a \$525,000 grant and a \$5,158,000 low-interest loan, will be amended to increase the loan by \$1,530,000 to \$6,688,000 for a total funding amount of \$7,213,000. A portion of the CSO Surcharge fee will be utilized to repay the loan. It is recommended that Council approve the amendment resolution and authorize execution of the IFA Financing Contract Amendment No.1 for the 16th Street CSO Separation Project to increase the total amount of the loan to \$6,688,000.

Item 8(c): Authorization to Award Construction Contract – 16th Street CSO Separation Project (Public Works)

In March, Council authorized bid advertisement of this project. The following three bids were received on April 16th:

| Contractor | Total Bid |
|----------------------------|---------------------------|
| Engineer’s Estimate | \$5,752,700.00 |
| James W. Fowler | \$4,621,500.00 |
| Emery & Sons | \$5,483,180.00 |
| Tapani, Inc. | \$5,529,380.00 |

The bid in the amount of \$4,621,500.00 submitted by James W. Fowler Company was a nonresponsive bid due to the failure of submitting a First Tier Subcontractor List; therefore, Emery & Sons bid of \$5,483,180.00 was determined to be the lowest responsive bidder. The construction budget includes a 10 percent contingency:

| | |
|--------------------------------|---------------------------|
| Construction bid | \$5,483,180 |
| Construction contingency (10%) | \$549,000 |
| CONSTRUCTION BUDGET | <u>\$6,032,180</u> |

A Business Oregon Infrastructure Finance Authority (IFA) Financing Contract Amendment is included in this meeting’s Council packet. Upon authorization of the Financing Contract Amendment, funding will be available for the award of the contract. It is recommended that Council award the construction contract for the 16th Street CSO Separation Project to Emery & Sons for \$5,483,180.00.

Item 8(d): Authorize Contract Amendment for Construction Phase Services – 16th Street CSO Separation Projects (Public Works)

In June 2014, Council awarded the 16th Street CSO Separation Project engineering services contract to Gibbs & Olson (G&O). G&O developed a final bid package for this project. There are a number of additional professional services that will be required during the construction phase. G&O prepared a scope and fee for these services as follows which are included in the project budget:

- Full-time Construction Inspection
- Construction Support Services/Archaeological Monitoring
- Geotechnical Support
- Monumentation

The estimated fee for construction phase services is \$432,290. A Business Oregon Infrastructure Finance Authority (IFA) Financing Contract Amendment is included in this meeting's Council packet. Upon authorization of the Financing Contract Amendment, funding would be available for the authorization of this contract amendment. It is recommended that Council execute a contract amendment with Gibbs & Olson for a total not to exceed amount of \$432,290 for construction services for the 16th Street CSO Separation Project.

Item 8(e): Authorize Contract for Materials Testing Services – 16th Street CSO Separation Project (Public Works)

To ensure quality control during the construction of the 16th Street CSO Separation Project, the City will need to provide materials testing services. These services will need to be provided by a specialty consulting firm. Staff requested a proposal from Carlson Testing, Inc., who provided materials testing and special inspection services on the 11th Street CSO Separation Project and the Denver CSO Storage Project. Carlson Testing provided a fee schedule for services that will be performed on a time and materials basis for an estimated not to exceed amount of \$19,155; however, additional materials testing services may be required on this project. The City may direct appoint a personal services contract up to \$20,000. Since the scope and fee with Carlson Testing is within this limit and they are highly qualified to perform the services, it is recommended that the City use the direct appointment option. The City Attorney has reviewed, and approved as to form, the contract documents. It is recommended that Council authorize a contract with Carlson Testing, Inc., for a total not to exceed amount of \$19,155 for materials testing services on the 16th Street CSO Separation Project.

Item 8(f): Teresa Estrada – Lease of City Property (Public Works)

Teresa Estrada is requesting a lease for a 600 square foot portion of City property located at the south side of the United States Coast Guard (USCG) parking lot. Ms. Estrada wishes to utilize this area for sale of clam chowder from a 28' long historic gillnet boat. She has proposed improving the area with fill and a concrete pad constructed behind the new sidewalk. The City currently leases City owned

property to various businesses and community partners. The City has primarily leased property to local businesses pursuing opportunities to expand and to communication companies. Other examples include the lease with the USCG for the 17th Street Dock, the parking lot for Dr. Klemp's office, and the lease with Western Oregon Recology for the Transfer Station.

The only City lease for a food cart is currently with the Bowpicker, directly adjacent to the area being requested by Ms. Estrada. This lease was completed to formalize an existing agreement between the Bowpicker and the former property owner. Upon purchasing the property in 2013, the City agreed to allow the Bowpicker to remain. The rest of this property is encumbered by the USCG for parking. Work to improve the parking lot utilized by the USCG is currently planned for FY2015-2016 and it may be necessary to use the proposed lease area for the improvements. Additionally, increased parking may be needed for the USCG if their proposal to moor two additional Cutters at the 17th Street Dock comes to fruition. Improvements to this property would require compliance with the City Code, Development Code, Maritime Heritage Zone, and the Design Review Commission associated with the Gateway Overlay Zone. Based on consideration of the factors above, City staff, as well as the City Attorney, have concerns associated with approval of another lease agreement on this property. It is recommended that City Council consider the lease request for a portion of the City property located between Marine Drive and Duane Street, west of 17th Street. If Council is willing to consider leasing a portion of this property, staff will prepare a lease agreement for Council approval.

Item 8(g): Spur 11 Combo Harvest 2015 Contract Award (Public Works)

The Council approved the solicitation of bids for the Spur 11 Combo Harvest at the April 6, 2015 council meeting. This project includes the thinning of approximately 40 acres and the cleanup of a blowdown area adjacent to neighboring ownership. The project also includes the improvement of a major watershed road system. The completion of the Spur 11 harvest during the summer of 2015 is estimated to net approximately \$240,000 after road improvements and reforestation costs. The City received one bid proposal above the minimum bid price from Hampton Tree Farms. It is recommended that Council approve the sale of the Spur 11 Combo Harvest to Hampton Tree Farms.

Item 8(h): Letter of Support regarding Bruce Buckmaster's Appointment to the Oregon Department of Fish and Wildlife Commission (City Council)

Oregon Governor Kate Brown has announced the appointment of Astoria resident Bruce Buckmaster to a long-vacant seat on the Oregon Fish and Wildlife Commission. Councilor Price has requested that a letter of support regarding his appointment be considered by the City Council. Included in the agenda packet is a draft letter of support for Mr. Buckmaster. It is proposed that this letter be forwarded to Oregon State Senate President Peter Courtney and Senator Diane Rosenbaum, Chair of the Rules Committee, for the May 14, 2015 hearing on Governor Brown's executive appointees should Council authorize the Mayor to sign.

Item 8(i): City Council Goals for FY2015-2016

The City Council held a work session on January 23, 2015 to set goals for Fiscal Year 2015-2016. From that work session a list of Council goals was drafted. The draft goals were discussed at the Council meeting of February 17, 2015 and were posted on the City website. In addition an article reviewing the goals was published in the January 26, 2015 edition of *The Daily Astorian*. A revised draft of the goals (following up from the April 20, 2015 Council Work Session on the Library) was posted on the City's website in advance of the May 4, 2015 Council meeting. This revised language is being presented for Council's consideration.

Item 8(j): City Council Rules

The Council will discuss "City Council Rules" following up from the last meeting. Included in the packet is a revised draft which incorporates the changes mentioned by City Attorney Henningsgaard at your last meeting.

City Councilor Herzig has proposed the following amendments:

- Delete 'with leave of the chair' from: 7.2 Public Comment Concerning Agenda Items - *With leave of the chair*, members of the general public wishing to address the Council on an agenda item will be allowed to do so, after any presentation by staff and prior to a decision by the Council.
- To 7.3, add 'Presentations to the Council shall be limited to a period of no more than fifteen (15) minutes, unless additional time is granted by the Presiding Officer.'

Additionally, Councilor Price has prepared a revised version of Council Rules for consideration. That document follows City Attorney Henningsgaard's version.

Following discussion at the May 4th Council meeting, staff will receive direction as to whether further changes are requested and whether the Council wishes to approve the rules.

EXECUTIVE SESSION

Item 12(a): ORS 192.660(2)(e) – Real Property Transactions

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