



# AGENDA

## ASTORIA CITY COUNCIL

October 3, 2016

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. **PRESENTATIONS**

- (a) Update on Construction of New Aerial Fire Truck

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 9/6/16  
(b) Finance Department Status Report  
(c) Fire Department Status Report  
(d) Spur 14 Waterline – Revised Contract Amendment for Construction Engineering Services (Public Works)  
(e) 16<sup>th</sup> Street CSO Separation Project – Payment Adjustment No. 6 (Public Works)  
(f) Authorization to Award Contract to ArborPro, Inc., for Tree Inventory and Condition Services in Astoria Parks and Open Spaces (Parks)

7. **REGULAR AGENDA ITEMS**

All agenda items are open for public comment following deliberation by the City Council. Rather than asking for public comment after each agenda item, the Mayor asks that audience members raise their hands if they want to speak to the item and they will be recognized. In order to respect everyone's time, comments will be limited to 3 minutes.

- (a) Liquor License Application from Michael Cameron-Lattek, doing business as Street 14 Café, Located at 1410 Commercial Street, for an Additional Privilege for an Off-Premises Sales License (Finance)  
(b) Ordinance Readopting Local Fuel Tax (2<sup>nd</sup> reading & adoption) (Finance)  
(c) Resolution Declaring a Vacancy for the Position of Councilor, Ward 2 (City Council)  
(d) Parklet Proposal (Community Development)

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

9. **EXECUTIVE SESSION**

- (a) ORS 192.660(2)(i) – Performance Evaluations of Public Officers and Employees  
(b) ORS 192.660(2)(d) – Labor Negotiation Consultations

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



September 29, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF OCTOBER 3, 2016

**PRESENTATIONS**

**Item 5(a): Update on Construction of New Aerial Fire Truck**

Fire Chief Ted Ames will make a presentation regarding the status of construction of the new aerial fire truck.

**CONSENT CALENDAR**

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

The minutes of the City Council meeting of September 6, 2016 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

**Item 6(b): Finance Department Status Report**

Enclosed is a status report regarding Finance Department projects. This report is provided for information only.

**Item 6(c): Fire Department Status Report**

Enclosed is a status report regarding Fire Department projects. This report is provided for information only.

**Item 6(d): Spur 14 Waterline – Revised Contract Amendment for Construction Engineering Services (Public Works)**

CH2M Hill has been providing engineering design services for the Spur 14 Water Line Project. The project includes the installation of 700 feet of raw water pipe and associated flow measurement and control appurtenances. Upon completion, the project will provide better operational control over source water selection, better flow monitoring, reduce maintenance on existing pressure relief valves,

and should reduce the level of disinfection byproducts (DBP) in the City's treated water. This will also enhance the City's ability to stay in compliance with recent United States Environmental Protection Agency (USEPA) drinking water regulations. The construction contract was awarded to Big River Construction at the June 20, 2016 Council meeting, with the construction engineering services Contract Amendment #3 approved at the July 5, 2016 Council meeting. The fee schedule associated with Contract Amendment #3 contained an accounting error that resulted in an incorrect total. The correct total fee is \$61,323.20, not the \$55,374.66 identified in Contract Amendment #3. This results in a difference of \$5,948.54. Contract Amendment #4, which is attached, addresses this accounting error by increasing the compensation appropriately. Funding for the additional fee associated with construction services is proposed to come from the Public Work Improvement Fund. It is recommended that Council approve Contract Amendment #4 with CH2M Hill to correct the accounting error associated with Contract Amendment #3. The total additional compensation for Contract Amendment #4 is \$5,948.54.

**Item 6(e): 16<sup>th</sup> Street CSO Separation Project – Pay Adjustment No. 6 (Public Works)**

The 16<sup>th</sup> Street Combined Sewer Overflow (CSO) Separation project was awarded to Emery & Sons Construction Group (Emery) for the bid amount of \$5,483,180. Staff recommended and incorporated a standard 10% contingency to the budget for this project. The construction contingency of 10% is \$549,000. Pay adjustment No. 6, which is the final pay adjustment for this project, is in the amount of \$318,732.87 and includes a variety of changes that are itemized below:

<b>Item</b>	<b>Description</b>	<b>Cost</b>
1	Installation of green thermoplastic stripe for Fort Astoria	\$425.70
2	Pavement grinding	\$1,073.13
3	Additional required waterline testing	\$807.02
4	Reconstruct 16 <sup>th</sup> St from Duane to Exchange	\$2,572.50
5	Addition of waterline Field Loks	\$3,578.71
6	Reconnect chair wall tie-backs	\$2,789.34
7	Standby time for archaeological monitoring	\$543.13
8	Replace grates on existing catch basins	\$628.73
9	Reconciliation of bid items	\$304,897.11
10	Reconciliation of Change Order item 2.3 – add sidewalk	\$1,417.50
	<b>TOTAL</b>	<b>\$318,732.87</b>

The total amount that will be paid to Emery, including this pay adjustment, will be \$5,953,153.10. Following is a summary of pay adjustments to date:

Pay Adjustment	Total Amount	City Portion of Pay Adjustment	Contract Amount	Contingency Balance	Contingency Balance Percentage
			\$5,483,180.00	\$549,000.00	100%
1	\$7,535.00	\$7,535.00	\$5,490,715.00	\$541,465.00	99%
2	\$83,063.46	\$83,063.46	\$5,573,778.46	\$458,401.54	83%
3	\$2,757.86	\$0.00	\$5,576,536.32	\$458,401.54	83%
4	\$0.00	\$0.00	\$5,576,536.32	\$458,401.54	83%
5	\$59,301.41	\$10,301.41	\$5,635,837.73	\$448,100.13	82%
6	\$318,732.87	\$318,732.87	\$5,954,570.60	\$178,367.26	32%

Funds are available for this pay adjustment through IFA funding that includes \$525,000 grant and the balance is loan. It is recommended that the City Council authorize Pay Adjustment No. 6 for the 16<sup>th</sup> Street CSO Separation project in the amount of \$318,732.87.

**Item 6(f): Authorization to Award Contract to ArborPro, Inc., for Tree Inventory and Condition Services in Astoria Parks and Open Spaces (Parks)**

The City of Astoria's Parks and Recreation Department oversees 310 acres of park land and open space and maintains a wide variety of native and exotic tree species. In the past year the Parks and Recreation Department removed 14 trees and spent \$21,620 on pruning and/or removal of hazardous trees. When trees fall into a hazardous state they no longer provide the positive financial and environmental aspects of; cleaning the air we breathe, providing oxygen, preventing soil erosion, providing shade, increasing property values, reducing stress, and providing a habitat for wildlife. Contrary, trees that became hazardous or in a dead, diseased or dangerous state turn a park into a dangerous place to recreate and have caused damage to park amenities and to the property of neighboring property owners.

During the 2016-2017 Fiscal Year budget process, City Council allocated \$30,000 to inventory the trees managed by the Parks and Recreation Department. This inventory would develop an index of the type, condition, size, location, health, and potential hazards for all individual trees in the parks and open spaces managed by the Department. During the August 1, 2016 City Council meeting, Council authorized the Parks and Recreation Department to Request Proposals (RFP) for the Tree Inventory and Condition report. The Parks and Recreation Department solicited and received proposals for 30 days, ending on September 2, 2016. As identified in the RFP, proposals were evaluated and scored with equal weighting in each in the areas of; quality of proposal, methodology, vendor qualifications/references, and cost. Proposals were received from three companies with the following rankings and bids:

<u>Company</u>	<u>Review Committee Ranking</u>	<u>Bid</u>
ArborPro, Inc.	1st	\$27,000
Davey Resource Group	2 <sup>nd</sup>	\$28,586
Arbor Care, Inc.	3 <sup>rd</sup>	\$38,989

After evaluation of the three proposals, it was determined that ArborPro's proposal and price best suited the Park's Department's goals and would provide the most comprehensive services for this project. It is recommended that Council approve the tree inventory and condition survey contract with ArborPro, Inc., in the amount of \$27,000. There are funds allocated for this work in the Fiscal Year 2016-2017 Capital Improvement Fund.

## **REGULAR AGENDA ITEMS**

**Item 7(a): Liquor License Application from Michael Cameron-Lattek, doing business as Street 14 Café, Located at 1410 Commercial Street, for an Additional Privilege for an Off-Premises Sales License (Finance)**

A Liquor License Application has been filed by Michael Cameron-Lattek, doing business as Street 14 Café, Located at 1410 Commercial Street, Astoria. The application is for an Additional Privilege for an Off-Premises Sales License. The appropriate departments have reviewed the application and it is recommended that Council consider approval of the application.

**Item 7(b): Ordinance Readopting Local Fuel Tax (2<sup>nd</sup> reading & adoption) (Finance)**

This proposed ordinance received its first reading at the September 19, 2016 City Council meeting. Ordinance No. 07-02, which was adopted August 20, 2007, pertains to the provision for administration, enforcement and collection of three cents per gallon business license tax on motor vehicle fuel dealers. The use of tax revenue is for the construction, reconstruction, improvement, repair, maintenance, operation and use of City owned roads and streets within the City of Astoria, roads and streets for which the City is contractually or legally obligated to operate and maintain, or roads and streets for which the City has accepted responsibility under intergovernmental agreement. The City of Astoria and the City of Warrenton adopted three cents per gallon business license tax ordinances at the same time and both will sunset in 2017, unless re-adopted. Astoria and Warrenton desire to continue the road tax for road maintenance by readopting their respective ordinances. The City of Astoria has an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the collection and administration of the City's fuel tax which was amended in May, 2016 to coincide with City of Warrenton's IGA ending September, 2016. Both Agreements have been extended through September 30, 2021. It is advantageous to have the ordinance renewal coincide with the timeline for the IGA with ODOT and early re-adoption by both Councils is being sought. City Attorney Henningsgaard prepared the attached re-adoption ordinance. It is recommended that the City Council hold the second reading and adopt the proposed ordinance readopting a motor vehicle fuel tax.

**Item 7(c): Resolution Declaring a Vacancy for the Position of Councilor, Ward 2 (City Council)**

Drew Herzig was elected to the position of Councilor Ward 2 for a four year term expiring on December 31, 2016. Mr. Herzig has submitted his resignation as

Councilor of Ward 2 effective September 13, 2016. Pursuant to Astoria City Charter Sections 4.8 and 4.9, the Astoria City Council may appoint an individual to the position or declare that a vacancy exists in the position of Councilor, Ward 2 and that said vacancy will be filled at the next available election, November 8, 2016. It is recommended that Council either determine to make an appointment or consider the attached resolution stating the vacancy will be filled at the next available election, November 8, 2016.

**Item 7(d): Parklet Proposal (Community Development)**

On August 3, 2015, Council unanimously approved the launch of the Parklet Pilot Program. City staff has received an application from a business owner regarding the potential of a “parklet” to be located within a designated, on street parking space in downtown Astoria. The application and supporting documents are attached. A parklet will facilitate the use of public space for small, outdoor, commercial spaces in the street rights of way adjacent to storefront locations. In many cities that permit this activity, the street becomes an activated and inviting community space. In downtowns or older commercial areas where public space might be underutilized, parklets are an urban design tool to provide more outdoor seating, landscaping, and to inject more activity into the streetscape. Since parklets involve the private use of a public right of way, City staff (including ADHDA) has drawn on work done in other cities, including Sacramento and Portland, to develop and adapt several policies which were adopted by Council August 3, 2015. The ADHDA Executive Director and Board President reviewed the revised proposal and reiterated their support. As a reminder, once a property owner proposes a parklet project, staff would review the project and then present the proposal with a recommendation to the City Council for final approval. It is recommended that Council approve the proposed parklet with the conditions contained in the memorandum.

**EXECUTIVE SESSION**

**Item 9(a): ORS 192.660(2)(i) – Performance Evaluations of Public Officers and Employees**

The City Council will meet in executive session to discuss a performance evaluation.

**Item 9(b): ORS 192.660(2)(d) – Labor Negotiation Consultations**

The City Council will meet in executive session to consult with members of its labor contract negotiating team.