



# AGENDA

## ASTORIA CITY COUNCIL

December 1, 2014

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) FEMA Flood Plain Map Update and Consideration of IGA to Provide Up to \$7,000 for Professional Services
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 11/5/14
  - (b) Boards and Commissions Minutes
    - (1) Historic Landmarks Commission of 10/21/14
    - (2) Library Board of 10/28/14
    - (3) Planning Commission of 10/28/14
  - (c) Authorization to Apply for Grant to Support Community Wellness Challenge (Parks)
7. **REGULAR AGENDA ITEMS**
  - (a) Public Hearing and Ordinance regarding Vacation of 1700 Block of Duane Street (1<sup>st</sup> reading) (Public Works)
  - (b) Request to Schedule a Public Hearing regarding Purchase of City Owned Property Adjacent to 1610 Coxcomb Drive (Public Works)
  - (c) Public Hearing and Ordinance regarding Amendment Request (A14-04) for Wireless Communication Facilities (1<sup>st</sup> reading) (Community Development)
  - (d) Authorization to Lease Property to Buoy Beer Company at 1 – 8<sup>th</sup> Street (Parks)
  - (e) Franklin Avenue Sewer Main Replacement Project (23<sup>rd</sup> – 27<sup>th</sup> Street) – Final Pay Adjustment (Public Works)
  - (f) Liquor License Application from Young's Bay Restaurant Seafood & Grill LLC., Nicole Keller, at 1820 SE Front Street, Astoria for a New Outlet for a Limited On-Premises Sales License and an Off-Premises Sales License (Finance)
8. **NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)**
9. **EXECUTIVE SESSION**
  - (a) ORS 192.660(2)(h) – Legal Counsel

**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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November 26, 2014

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF DECEMBER 1, 2014

**PRESENTATIONS**

**Item 5(a): FEMA Flood Plain Map Update and Consideration of IGA to Provide Up to \$7,000 for Professional Services**

Over the last few years, the Federal Emergency Management Agency (FEMA) and Department of Geology and Mineral Industries (DOGAMI) have been developing new flood zone maps for the entire State of Oregon. In 2010, new FEMA maps were adopted by the City with the knowledge that additional mapping would soon be completed by DOGAMI for coastal communities to better identify the “at risk” areas of each community. On December 10, 2013, the City received the draft FEMA Flood Insurance Rate Maps (FIRM) for review. With the new drafts, there are major changes that will impact the citizens of Astoria and their ability to obtain flood insurance and/or to develop along the Columbia River and Youngs Bay. A letter was sent to FEMA/DOGAMI identifying questions and concerns with the new mapping. Clatsop County and Warrenton also sent letters of concerns. FEMA responded to the letters in June 2014 but did not completely answer the concerns identified. There is still question as to the accuracy of the information in the new mapping, the data, and model used to calculate the potential flood risks in Clatsop County. Several of the issues/concerns include the change of the Columbia River and Youngs Bay to a “velocity zone” which increases the potential flood impact areas and raises the Base Flood Elevation. In addition, the draft maps use an extremely high data point from the Tongue Point Tidal Station that may be an anomaly and alters the Base Flood Elevation by one foot or more. The inclusion of this data in the model has a tremendous impact on not only development in these areas, but could also have an effect on insurance rates for citizens in these areas. There were several other issues noted in the letter to FEMA/DOGAMI.

Based on the fact that FEMA did not adequately address our concerns, it was determined that Clatsop County, Warrenton, and Astoria should present a unified response to FEMA as the issues impact the entire north County area. Over the last few months, jurisdictions have been meeting with FEMA to obtain the data

necessary to review and analyze FEMA's findings. We have now received the data and intend to hire a consultant to review the material in order to prepare a formal response to FEMA. The County, Warrenton, and Astoria would consolidate resources and share in the costs to hire the consultant through an Intergovernmental Agreement (IGA). A draft IGA will be presented to Council to consider providing up to \$7,000 towards this effort. Depending on the results of the consultant's analysis and FEMA's response to these findings, additional actions may be necessary to protect the interests of the north County communities relative to the proposed flood maps. Colin Stelzig, Otak / Warrenton City Engineer, Warrenton Mayor Mark Kujula, Astoria Planner Rosemary Johnson, and City Engineer Jeff Harrington will be present to make a presentation to the City Council explaining the concerns with the proposed FEMA maps and identifying the steps the communities will be taking to assure that the correct information is used in adopting the maps.

## **CONSENT CALENDAR**

### **Item 6(a): City Council Minutes of November 5, 2014**

The minutes of the City Council meeting of November 5, 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 October 21, 2014, (2) Library Board meeting of October 28, 2014, and (3) Planning Commission meeting of October 28, 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 Apply for Grant to Support Community Wellness Challenge (Parks)**

The Parks and Recreation Department will be offering the 2<sup>nd</sup> annual Astoria Wellness Challenge beginning January 2015. The Parks and Recreation Department is seeking authorization to apply for a Community Wellness Investment Fund Grant in the amount of \$5,000 provided by Columbia Pacific Coordinated Care Organization to assist in offsetting the cost of the 2<sup>nd</sup> annual Astoria Wellness Challenge. If the grant is awarded, the Parks Department will provide an additional 25% match as required by the grant. This will assist in covering the cost for prizes, staff, rental fees for the Columbia Memorial Hospital Coho Room and kitchen, and other needed supplies. In addition to the health benefits participants receive, this program will also introduce new community members to the services provided by the Parks and Recreation Department. It is recommended that Council authorize submittal of an application to the Columbia

Pacific Coordinated Care Organization Community Wellness Investment Fund grant in the amount of \$5,000 to fund the Astoria Wellness Challenge.

## **REGULAR AGENDA ITEMS**

**Item 7(a): Public Hearing Regarding Vacation of the 1700 Block of Duane Street (1<sup>st</sup> reading) (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 November 17, 2014 meeting, the Astoria City Council acted to schedule a public hearing on the proposed street vacation on December 1, 2014 at 7:00 p.m. It is recommended that the City Council conduct the scheduled hearing and first reading of the proposed ordinance to vacate a portion of the Duane Street right-of-way.

**Item 7(b): Request to Schedule 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. It is currently located within the Institutional Zone (IN) and is not zoned for residential use. If the property is sold, it would eventually need to be rezoned to the adjacent residential zone. The applicant recently had the property appraised and the estimated market value is listed at \$15,000. It is recommended that Council set a public hearing for December 15, 2014 to take public comment on the potential sales and approve or deny the sale of the property.

**Item 7(c): Public Hearing and Ordinance regarding Amendment Request (A14-04) for Wireless Communication Facilities (1<sup>st</sup> reading) (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. A public hearing on the Amendment has been advertised and is scheduled for the December 1, 2014 City Council meeting. It is recommended that the Council hold a public hearing and adopt the ordinance as recommended by the Planning Commission. 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 Ordinance.

**Item 7(d): Authorization to Lease Property to Buoy Beer Company at 1 – 8<sup>th</sup> Street (Parks)**

The City has received a request from Buoy Beer Company, to lease a portion of the rail corridor behind the Buoy Beer building at 1 8th Street, site of the former Bornstein Seafoods. The request is to utilize an area between the building and the River Trail to fence an outdoor seating area, allow parking and/or deliveries, for the restaurant/brewery operations at the facility. In lieu of a yearly lease amount, Buoy Beer agrees to maintain, repair, replace, and make any needed improvements to the decking, pilings, and other structural support. Through this agreement the savings in maintenance and repair costs to Parks and Recreation Department and Public Works Department exceeds the yearly lease amount the City would receive. The Parks Advisory Board recommends approval of this lease due to the fact that the property does not restrict access to the Riverwalk, has views of the river, nor is the property commonly used as a parks setting. It is recommended that Council authorize the Mayor and City Manager to sign the attached Lease Agreement for Buoy Beer Company.

**Item 7(e): Franklin Avenue Sewer Main Replacement Project (23<sup>rd</sup> - 27<sup>th</sup> Street) – Final Pay Adjustment**

On August 4, 2014, City Council authorized award of a construction contract to TFT Construction, Inc., in the amount of \$182,475.45 for the Franklin Avenue Sewer Main Replacement Project (23<sup>rd</sup> to 27<sup>th</sup> Street). At the time of award, staff noted that challenging project conditions, including groundwater and contaminated soil, may result in the need for change orders. TFT Construction, Inc., is requesting a pay adjustment to account for unforeseen conditions, constructability revisions, quantity adjustments, and added project scope. The project is substantially complete with only minor punch list items remaining. The final pay adjustment, totaling \$17,993.31, is within the project contingency of \$18,250.00. Funds for the pay adjustment are available in the Public Works Improvement Fund. It is recommended that Council authorize a final pay adjustment in the amount of \$17,993.31 with TFT Construction, Inc., for the Franklin Avenue Sewer Main Replacement Project.

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

A liquor license application has been filed by Young's Bay Restaurant Seafood & Grill LLC., Nicole Keller, located at 1820 SE Front Street, Astoria for a New Outlet

for a Limited On-Premises Sales License and an Off-Premises Sales License. The appropriate departments have reviewed the application. After conducting an investigation into the application for OLCC licenses at Young's Bay Restaurant Seafood & Grill, Police staff is recommending denial.

**EXECUTIVE SESSION**

**Item 9(a): ORS 192.660(2)(h) – Legal Counsel**

The City Council will recess to executive session to consult with counsel concerning legal rights and duties regarding current litigation or litigation like to be filed.