
AGENDA

ASTORIA CITY COUNCIL MEETING

August 5, 2013

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. 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 7/1/13

(b) Boards and Commission Minutes

(1) Design Review Committee Minutes of 6/6/13

(2) Historic Landmarks Commission Minutes of 6/18/13

(3) Planning Commission Minutes of 6/25/13

(4) Traffic Safety Committee Minutes of 6/25/13

(c) Libraries ROCC! LSTA Grant 2013-2014, Extending Service to the Unserved (Library)

(d) Resolution Amending Liquor License Application Process (Community Development)

(e) Resolution Amending Volunteer Employees' Workers Compensation Coverage (Finance)

(f) 2013-2014 Coastal Zone Management Planning Assistance Grant (Community Development)

(g) Ready to Read Grant Application 2013-2014 (Library)

(h) Adair-Uppertown Historic Properties Inventory/State Historic Preservation Office Certified Local Government Grant Close-out Report (Community Development)

(i) Approval of Arlene Schnitzer Capital Gift Agreement for Garden of Surging Waves (Community Development)

(j) 11th Street CSO Separation Project – Construction Update (Public Works)

(k) Resolution Scheduling Public Hearing for Vacation of a Portion of 1st Street Right-of-Way (Public Works)

6. REGULAR AGENDA ITEMS

(a) Intergovernmental Agreement with Oregon Department of Transportation for Riverfront Vision Plan Implementation (Community Development)

(b) Purchase of Vector Truck (Public Works)

(c) Authorization to Award Contract – Sale of Excess City Property (Public Works)

(d) 17th Street Dock Replacement Project – Pay Adjustment (Public Works)

- (e) Public Hearing and Ordinance Regarding Historic Properties Ordinance Amendment A13-03 (1st reading) (Community Development)
- (f) 11th Street CSO Separation Project – Pay Adjustment #2 (Public Works)
- (g) 11th Street CSO Separation Project – Pay Adjustment #3 (Public Works)

7. 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 LAMPI, CITY MANAGER'S OFFICE, 503-325-5824.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

July 31, 2013

MEMORANDUM

TO: ASTORIA CITY COUNCIL

FROM:  PAUL BENOIT, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF AUGUST 5, 2013

CONSENT CALENDAR

Item 5(a): City Council Minutes

The minutes of the City Council meeting of July 1, 2013 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

Item 5(b): Boards and Commissions Minutes

The minutes of the (1) Design Review Committee meeting of 6/6/13, (2) Historic Landmarks Commission meeting of 6/18/13, (3) Planning Commission meeting of 6/25/13, and (4) Traffic Safety Advisory Committee meeting of 6/25/13 are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

Item 5(c): Libraries ROCC! LSTA Grant 2013-2014, Extending Service to the Unserved (Library)

Libraries ROCC! Rural Outreach to Clatsop County grants have been funding services to Clatsop County for the past three years. The main goal of each of the three years of grants was to provide a no fee library card to every child in Clatsop County, ages birth through high school, who is not served by a tax supported library. On April 22, 2013, the Council authorized the application amount of \$95,040. The Library is pleased to report that the grant Libraries ROCC! 2013-2014, a fourth year of funding for the project, in the amount of \$95,040 has been awarded. It is recommended that Council accept the LSTA Libraries ROCC! Reading Outreach in Clatsop County grant award in the amount of \$95,040.00.

Item 5(d) Resolution Amending Liquor License Application Process (Community Development)

The procedures to process Liquor License applications are outlined in Resolution No. 85-38. For liquor license applications, the City's review process includes investigation by the various Departments with submittal of the findings of the investigations to the City Council for consideration. The procedures state that the application is processed by the Finance Department and is to be reviewed by the Fire Department, Planner, and Police Department. At one time, the Fire Marshal would review the application for the Fire Department. That position has been eliminated. At the January 3, 2012 City Council meeting, Council amended the City Code to designate Fire Code plan review to the Building Official. The Building Official reviews issues related to building occupancy. Staff proposes to amend Resolution No. 85-38 to reflect the change in position duties and therefore, applications would be reviewed by the Planner, Police Department, and Building Official. In addition, the procedures state that the application must be submitted 10 days prior to a City Council meeting. Ten days does not provide enough time for staff review as draft memos from staff for the City Council agenda are due 13 days prior to a City Council meeting. Therefore, staff proposes to amend the procedures to state that applications must be submitted 30 days prior to the City Council meeting. Section 1.03 identifies the fees. OLCC has increased the yearly fee from \$25.00 to \$35.00 and, therefore, the fee is proposed to be amended to \$35.00 in Section 1.03. It is recommended that Council adopt the Resolution amending the liquor license application process.

Item 5(e) Resolution Amending Volunteer Employees' Workers Compensation Coverage (Finance)

Recently our workers compensation carrier, City County Insurance Services (CIS), requested that we pass a resolution clarifying which volunteers are covered by workers compensation insurance. This resolution accomplishes that request and reconfirms our practice of covering public safety volunteers, as required by the State, and members of volunteer commissions. All other volunteers are covered by an accident policy through CIMA that is designed to cover the volunteers up to \$50,000. This method of insuring volunteers is consistent with the practice of many of the municipalities within the State who are also covered by CIS. It is recommended that Council adopt the resolution implementing the 2013-2014 Fiscal Year volunteer workers compensation coverage.

Item 5(f) 2013-2014 Coastal Zone Management Planning Assistance Grant (Community Development)

Department of Land Conservation and Development (DLCD) has offered a grant award in the amount of \$9,000 to be used toward basic coastal planning

activities. This is a regular program of DLCD's Coastal Management Program and the City has received this grant funding the past several years. There is a 1:1 match required; this amount is easily met with current staff time allocated in the City's budget. The grant agreement between DLCD and the City has been approved as to form by City Attorney Blair Henningsgaard. In addition, a draft letter which formally requests these funds is also attached. A letter from the City Council requesting the Coastal Management funds is required to be submitted in conjunction with the authorized grant agreement. It is recommended that the Mayor sign the attached letter requesting funds in the amount of \$9,000 and that Council authorize the acceptance of the grant agreement

Item 5(g) Ready to Read Grant Application 2013-2014 (Library)

The Ready to Read Grant program, administered by the State Library, is to "establish, develop, or improve library services for children" ages birth to five. This year the State Library has again designated the Ready to Read Grant to support Early Childhood Literacy and/or Summer Reading for children. Staff has written the 2013 grant to support outreach efforts for early childhood literacy through Head Start. The grant award is determined by the State Library and is based on population and determined by the Legislature. The 2013/2014 award is expected to be in the range of \$1,280.00. It is recommended that Council approve the Ready to Read grant application.

Item 5(h): Adair-Uppertown Historic Properties Inventory/State Historic Preservation Office Certified Local Government Grant Close-out Report (Community Development)

On April 15, 2012, the City Council accepted a grant award from the Certified Local Government (CLG) program of the State Historic Preservation Office (SHPO). The funds were to conduct a re-inventory of the Adair-Uppertown Area and to provide architectural design assistance for individuals rehabilitating their structures. The inventory area is generally located from Marine Drive to, and including the south side of, Irving Avenue, and 23rd Street to 41st Street; it also includes a portion of the area between 29th and 32nd Street from the River to Marine Drive. Field work on the Inventory was completed by John Goodenberger and volunteer Rachael Jensen. Each property was photographed and information such as any alterations to the historic design were noted. After numerous letters and public meetings concerning the inventory and designation process, the Historic Landmarks Commission held a public hearing on June 18, 2013 to designate the eligible historic properties as historic. The original inventory in 1994 resulted in the designation of 111 properties as historic. The new inventory would have designated 226 properties prior to removal of properties of those who "opted out". Throughout the process, the City advised the property owners several times of their right to "opt out" of historic designation upon written request prior to the June 18, 2013

designation. Forty-seven property owners opted out bringing the final historic designation to 179 properties. The increase in designated properties is due partly to the expanded boundary of the inventory area, and the number of structures that were not eligible 19 years ago in 1994 but are now over 50 years old and can be considered as historic. The grant close out will be prepared and submitted to SHPO by the end of August 2013 closing this project. This information is being presented for Council information and requires no action.

Item 5(i): Approval of Arlene Schnitzer Capital Gift Agreement for Garden of Surging Waves (Community Development)

On June 4, 2013, an extremely successful Garden of Surging Waves fundraiser, sponsored by Mayor Van Dusen, was held at Jordan Schnitzer's residence in Portland. A number of individuals attended and over \$437,000 was raised. Following the fundraiser, City staff and the Garden of Surging Waves contractor Robinson Construction began negotiating a contract amendment to complete the project and on July 1, 2013 City Council approved that contract.

One of the contributors from the June 4th event was Arlene Schnitzer who pledged \$250,000 to the Garden of Surging Waves. Ms. Schnitzer has subsequently requested that the City approve an agreement regarding the contribution. The agreement spells out details with regards to the gift and includes items such as the purpose, conditions and reporting requirements for construction updates to be provided by the City. City Attorney Blair Henningsgaard has reviewed and approved the agreement as to form. It is recommended that the City Council authorize the Mayor to sign the attached Capital Gift Agreement for the \$250,000 contribution from Arlene Schnitzer for the Garden of Surging Waves.

Item 5(j): 11th Street CSO Separation Project – Construction Update (Public Works)

The contractor, Tapani, continues work on 8th Street moving north to south. The first lift of asphalt has been placed from Commercial to Duane. The main water, sewer and storm pipes have been installed from Commercial to Irving. Preparations are being made for paving on 8th Street from Duane to Grand the week of August 5th. On 10th Street all storm pipes have been installed and trench paving has been completed. Preparations are underway for the final pavement overlay on parts of 10th Street during the week of August 5th. On 11th Street, the pipes have been installed and trench paving was completed on July 23rd. A final pavement overlay is scheduled for September. On 12th Street the main sewer and storm pipes have been installed and work is underway to connect existing laterals. The waterline is scheduled to be installed by August 2nd. Construction will begin on 9th Street at Duane on August 12th to avoid conflict with the Regatta Parade.

Tapani, Inc., has provided the following schedule of anticipated work for the coming weeks:

- Week of August 5th - Preparations for paving on 8th St between Duane and Grand; preparations for final pavement overlay on parts of 10th St
- Construction on 8th Street from Grand to Jerome installing storm and sewer pipes.
- Construction on 12th St installing water, sewer and storm pipes.
- Construction begins on 9th St the week of August 12th.
- Work on curbs, sidewalks and intersection corner ramps is ongoing in the project area.

CenturyLink is working within the project area in an effort to remove an existing vault that is in conflict with the new water and sewer pipe at 8th and Commercial. We have been informed by CenturyLink that this work is expected to take two to three months.

Item 5(k): Resolution Scheduling Public Hearing for Vacation of a Portion of 1st Street Right-of-Way (Public Works)

The City has received a request from Tamara Stanley, 2044 SE D Street, to have a 16' by 50' portion of the unimproved 1st Street right-of-way vacated to accommodate a portion of the existing house and associated improvements that were built over the property line many years ago. Upon review of the site, it was determined that there are no public utilities on or adjacent to the proposed vacation area and that the City would have no future need for this particular portion of the right-of-way. Based on County Assessor's records, staff has calculated the average real market land value of properties adjacent to the property as \$12.51 per square foot. Staff is proposing that an assessment of \$1,001.12 (10%) of the real land value be considered for the vacation of this portion of the right of way. It is recommended that the Astoria City Council adopt the attached resolution of intent to hold a public hearing concerning the vacation of a portion of the 1st Street right-of-way.

REGULAR AGENDA ITEMS

Item 6(a): Intergovernmental Agreement with Oregon Department of Transportation for Riverfront Vision Plan Implementation (Community Development)

In 2008-2009, the City of Astoria worked on a Riverfront Vision Plan to address issues dealing with open space, land use, and transportation issues along the Columbia River. Significant public involvement opportunities were designed to gain public input. This process was initiated to plan for these issues in a comprehensive manner and to set a framework for the future of the study area. The City's north Riverfront was divided into four Plan areas of development: Bridge Vista, Urban Core, Civic Greenway, and Neighborhood Greenway. On

December 7, 2009, after holding a final public hearing, the City Council accepted the Riverfront Vision Plan. For Fiscal Years 2012-2013 and 2013-2014, the City Council set goals to “Implement Riverfront Vision Plan on a Zone by Zone Basis.”

At its August 2, 2012 meeting, the City Council approved submittal of a funding application to the Department of Land Conservation and Development (DLCD) to fund code writing activities for up to two areas of the Riverfront Vision Plan. The funding would be a Transportation Growth Management (TGM) grant through the Oregon Department of Transportation (ODOT). On October 22, 2012, the City was notified that the project had been approved for funding of \$92,000 with no required cash match by the City. Under the TGM program, no cash is provided to the City and ODOT uses the services of planning firms already under contract with ODOT. The proposed Code Assistance Project is for the implementation phase of the Astoria Riverfront Vision Plan. Phase 1 of the project would develop land use codes and/or new zones for the Civic Greenway Plan Area. Phase 2 of the project would develop land use codes and/or new zones for the Bridge Vista Plan Area, contingent upon available funds. The consultant team identified by ODOT to work on this project is Angelo Planning Group. The draft Intergovernmental Agreement with ODOT, including the proposed Scope of Work, is attached for Council consideration. It is recommended that the City Council authorize the Mayor to sign the Intergovernmental Agreement with ODOT for the Riverfront Vision Implementation code assistance project.

Item 6(b): Purchase of Vector Truck (Public Works)

The City’s sewer cleaner vacuum truck was purchased in 1999 and has the hour equivalent of over 500,000 miles on the main engine. Over the last two years \$31,000 has been spent for major repairs and there are indicators that additional major repairs will be needed very soon. Vac-Con and Vector are the only combination sewer cleaner vacuum trucks that are offered by the Nation Joint Power Alliance (NJPA). The NJPA is a public agency that serves as a municipal contracting agency. Astoria has been a member of NJPA since April 2012. The Public Works Department investigated both the Vac-con and the Vector trucks and determined that the Vector performed better and it appeared that critical wear parts would be easier to acquire when repairs are needed. It is recommended Council approve the lease/purchase of a Vector combination sewer cleaner vacuum truck from Owen Equipment, through the NJPA, not to exceed \$390,000 in five payments of approximately \$80,000 per year and to authorize the disposal of our current Vector at auction. There are funds budgeted in the Public Works Improvement Fund for the first payment.

Item 6(c): Authorization to Award Contract – Sale of Excess City Property (Public Works)

At the April 15, 2013 meeting, the City Council authorized staff to solicit Request for Proposals (RFP) from local real estate firms to market excess City property.

Staff issued the RFP in May and the only response received was from Area Properties. Area Properties has proposed a commission of 6% of the sale price. There would be no commission paid until the property closed. All advertising, web presence and signage would be paid by Area Properties. Note that prior to any marketing of City-owned property by Area Properties, selected properties would first be presented to the City Council for review and approval. It is recommended that Council award a contract to Area Properties for the sale of excess City Property.

Item 6(d): 17th Street Dock Replacement Project – Pay Adjustment (Public Works)

On June 25, 2012, the Astoria City Council awarded a construction contract to Bergerson Construction in the amount of \$4,266,137.00 for the 17th Street Dock Replacement Project. The project construction commenced on September 1, 2012 and is complete. Following is a list of pay of adjustments:

Pay Adjustment	Amount	Contract Amount	Contingency Balance	Contingency Balance %
		\$4,266,137.00	\$400,000.00	100%
1	(\$23,297.00)	\$4,242,840.00	\$423,297.00	106%
2	\$11,934.84	\$4,254,774.84	\$411,362.16	103%
3	\$50,053.18	\$4,304,828.02	\$361,308.98	90%
4	\$62,820.78	\$4,367,648.80	\$298,488.20	75%
5	\$93,818.99	\$4,461,467.79	\$204,669.21	51%
6	\$29,745.90	\$4,491,213.69	\$174,923.31	44%

() = credit

Pay Adjustment #6 (Current) – Queen of the West landing revisions, unanticipated electrical power repair work off-site and various guardrail modifications and other miscellaneous items. It is recommended that Council authorize Pay Adjustment #6 which will result in a contract increase of \$29,745.90.

Item 6(e): Public Hearing and Ordinance Regarding Historic Properties Ordinance Amendment A13-03 (1st reading) (Community Development)

The Historic Properties Ordinance, Article 6 of the Astoria Development Code, was last updated in 1992. This ordinance establishes how historic properties are designated, the process for review of exterior alterations, new construction, demolition, appeals, and lists exceptions to the review process. In January 2008, the City Council adopted a Historic Preservation Plan which identified suggested amendments to the ordinance and proposed projects to support historic preservation. Within the last few years, the State and National terms used for historic properties has changed and, therefore, the City Historic Properties Ordinance needs to be amended to reflect the new terminology. Staff took the opportunity to improve and clarify the Code at the same time. The proposed Code amendments would add the new State historic property classifications and references and would provide code provisions to improve the

review process as outlined in the memo. The proposed amendments would provide for three levels of review for historic properties (Types I, II, and III) rather than all requests being reviewed by the Historic Landmarks Commission. The intent of these amendments is to allow simple reviews and to ease the burden of reviewing simple projects at the Historic Landmarks Commission level. This would result in an easier, quicker permit review for applicants making historic preservation less burdensome to property owners and contractors.

At its July 16, 2013 meeting, the Historic Landmarks Commission held a public hearing and unanimously recommended that the City Council adopt the proposed amendment. A copy of the Staff Report and Findings of Fact as adopted by the Historic Landmarks Commission is attached. Also attached to this memo is the proposed ordinance. A public hearing on the Amendment has been advertised and is scheduled for the August 5, 2013 City Council meeting. It is recommended that the Council hold a public hearing and adopt the ordinance as recommended by the Historic Landmarks Commission. If the Council is in agreement with the recommendation of the Historic Landmarks Commission, it would be in order for Council to conduct the public hearing and hold a first reading of the Ordinance.

Item 6(f): 11th Street CSO Separation Project – Pay Adjustment No. 2 (Public Works)

In March, Council awarded the construction contract to Tapani, Inc., for the bid amount of \$5,717,177. Staff recommended and incorporated a 15% contingency on this project due to the scope, scale, and potential for encountering unknown conditions during construction. The construction contingency of 15% is \$857,577. Only one pay adjustment of \$4,391.37 has been processed to date on this project that began construction on April 1st.

Pay Adjustment No. 2 for \$35,877.10 is extra costs incurred by the City due to CenturyLink underground telephone wiring conflicts on the 11th Street CSO Separation project. There are a number of reasons for these conflicts including uncharacterized conduits, duct banks and vaults during design and unmarked or inaccurately marked utilities during design and construction. The costs include extra work to confirm location of utilities by potholing, standby costs, re-coring manholes to adjust grades, and adjustments to water, storm and sanitary sewer line locations and grades.

City staff is working with the City Attorney to prepare the necessary documentation to submit a claim to CenturyLink for these additional costs. It is possible that more costs could be incurred as construction will be ongoing through the end of the year. It is recommended that the City Council authorize Pay Adjustment #2 for the 11th Street CSO Separation project for \$35,877.10. Funds are available for this project through IFA funding to be reimbursed by CenturyLink.

Item 6(g): 11th Street CSO Separation Project – Pay Adjustment No. 3 (Public Works)

In March, Council awarded the construction contract to Tapani, Inc., for the bid amount of \$5,717,177. Staff recommended and incorporated a 15% contingency on this project due to the scope, scale, and potential for encountering unknown conditions during construction. The construction contingency of 15% is \$857,577. Pay adjustment No. 3 for \$69,521.82 includes a variety of changes that are itemized in the enclosed memorandum.

It is recommended that the City Council authorize Pay Adjustment #3 for the 11th Street CSO Separation project for \$69,521.82. Funds are available for this project through IFA funding.