
AGENDA

ASTORIA CITY COUNCIL MEETING

Tuesday, September 24, 2013

7:00p.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) Jake Kaup – Astoria Student who Achieved the Rank of Eagle Scout, the Highest Rank of the Boy Scouting Program
- (b) Armory Building

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 8/19/13
- (b) Boards and Commission Minutes
 - (1) Historic Landmarks Commission Meeting 7/16/13
 - (2) Library Board Meeting 7/23/13
- (c) Update on Delinquent Transient Room Taxes (Finance)
- (d) Grant Applications for Restoration of City Hall First Floor Windows and Doors (Community Development)
- (e) Memorandum of Understanding with the US Coast Guard (USCG) for Fire Protection and Emergency Medical Services for USCG Cutters Alert and Steadfast and Facilities (Fire)
- (f) 2013 Crack Sealing Project – Authorization to Award (Public Works)
- (g) Star of the Sea Lease Amendment (Parks)

7. REGULAR AGENDA ITEMS

- (a) Ordinance Amending Certain Provisions Dealing with Public Offenses (1st reading) (City Attorney)
- (b) Authorization to Purchase Three Vehicles for Public Safety (Police)
- (c) Public Hearing to Exempt Contract from Competitive Solicitation Requirements – Public Safety Vehicle Upfitting (Police)
- (d) 17th Street Pier Lease with United States Coast Guard (City Manager)
- (e) 11th Street CSO Separation Project – Pay Adjustment No. 5 (Public Works)
- (f) Liquor License Application from Sara Maya-Garcia and Juan Ramirez-Jimenez doing business as Montevalban Mexican Restaurant Located at 2975 Marine Drive for a New Outlet – Full On-Premises Sales Commercial Establishment License (Finance)

REGULAR AGENDA ITEMS (continued)

- (g) Public Safety Building Seismic Upgrade Required Photovoltaic System Emergency Contract Award (Police)
- (h) Authorization to Award Bear Creek Dam Seismic Study Contract (Public Works)

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



CITY OF ASTORIA

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September 18, 2013

MEMORANDUM

TO: ASTORIA CITY COUNCIL

FROM:  PAUL BENOIT, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF SEPTEMBER 24, 2013

PRESENTATIONS

Item 5(a): **Jake Kaup – Astoria Student who Achieved the Rank of Eagle Scout, the Highest Rank of the Boy Scouting Program**

Item 5(b): **Armory Building**

City Manager Paul Benoit will provide a verbal update on plans to acquire the Armory Building and adjacent parking area.

CONSENT CALENDAR

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

The minutes of the City Council meeting of August 19, 2013 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 7/16/13, and (2) Library Board meeting of 7/23/13 are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

Item 6(c): **Update on Delinquent Transient Room Taxes (Finance)**

Two hotel operations have been delinquent in the payment of their transient room taxes with the City over the past year. The first is the Riverwalk Hotel (former Red Lion). This property is currently behind \$63,391.51. As can be

seen from the attached report, this includes partial balances for March and April, full balances for May and June, and estimates for July and August as they have failed to file their return for those months. Staff has made multiple attempts to communicate with the hotel operator and have received little in the way of constructive feedback and communication. Since this hotel operation is located on Port property, statues do not allow for the filing of a lien. Staff is working with the City Attorney on this matter. The second hotel is the Best Western Hotel (Genesis Hotel LLC) located at Smith Point. Council was notified earlier in the year that they were in arrears and were placed on a payment plan. They have since completely caught up all past due payments. This item is for information only and requires no action by Council.

Item 6(d): Grant Applications for Restoration of City Hall First Floor Windows and Doors (Community Development)

The windows and front entry door surround are deteriorating and in need of repair. The windows are steel and have rusted and the caulking is deteriorating. The front entry surround is also steel and is rusted, and has missing pieces that have been replaced with painted wood. Staff has contacted a local metal craftsman for a proposal on how the windows and doors could be preserved and restored. The estimate submitted is for \$14,250 with a total estimated budget of \$15,000 which includes staff time and miscellaneous expenses for the project.

Staff has identified potential grant opportunities through the State Historic Preservation Office (SHPO) and through the Kinsman Foundation to assist in funding of this project. Staff proposes to submit a grant application to the Kinsman Foundation for \$5,000 and to SHPO Preserve Oregon grant for \$7,500 to complete the restoration work. Depending on the City's success in obtaining one or both of these grants, the proposed project could cost the City between \$2,500 and \$10,000. City funds would be available for the required match on this project. It is recommended that the City Council approve the submittal of grant applications to SHPO Preserve Oregon in the amount of \$7,500 and to the Kinsman Foundation in the amount of \$5,000 for the restoration of City Hall first floor windows and front entry doorway.

Item 6(e): Memorandum of Understanding with the US Coast Guard (USCG) for Fire Protection and Emergency Medical Services for USCG Cutters Alert and Steadfast and Facilities (Fire)

USCG Cutters Alert (WMEC 630) and Steadfast (WMEC 623) are located at the 17th Street Pier in the City of Astoria. Recently, the USCG expressed interest in renewing an agreement that would allow for fire protection and emergency medical services to their Cutters and facilities. The attached Memorandum of Understanding (MOU) was negotiated with the USCG and satisfies their need for emergency services. Responsibilities of the USCG and the City of Astoria Fire Department are clearly spelled out in the MOU. Procedures for the recovery of costs incurred by the Astoria Fire Department

would be the same as those spelled out in the Memorandum of Agreement between the USCG located at Tongue Point and the City of Astoria. Termination of the MOU between the USCG Cutters Alert and Steadfast is possible by either party upon 30 days written notice. It is recommended that Council approve the Memorandum of Understanding with the USCG for fire protection and emergency medical services to the USCG Cutters Alert and Steadfast and facilities located at the 17th Street Pier, Astoria, Oregon.

Item 6(f): 2013 Crack Sealing Project – Authorization to Award (Public Works)

As part of the City's pavement maintenance program, crack sealing is proposed for selected streets to help prevent accelerated asphalt deterioration. The crack sealing project is part of the larger pavement preservation effort that includes maintenance patching, street reconstruction, and major overlay work. While the project solicitation was sent to seven prospective crack sealing contractors, only one quote was received for the work from Pacific Asphalt Surface Sealing LLC in the amount of \$12,596.40. This quote was less than half of the Engineer's Estimate. To take full advantage of dry weather, the project was authorized to proceed by the City Manager on September 9th, with formal authorization to be requested from Council at the September 24th City Council meeting. It is recommended that Council post authorize the award of a construction contract to Pacific Asphalt Surface Sealing, LLC in the amount of \$12,596.40 for the 2013 Crack Sealing Project. Project funding will come from the Fuel Tax Fund.

Item 6(g): Star of the Sea Lease Amendment (Parks)

Each year the Lease between the St. Mary, Star of the Sea Catholic Church (Lessor) and the City of Astoria (Lessee) is reviewed. As per the guidelines of section 5.5 of the Lease which stipulates an annual review of the Lessee's monthly utilities reimbursement payment to Lessor (in this case, for natural gas and electricity usage), the following changes are proposed. Instead of calculating the utilities at a rate of 60% of the total monthly gas and electrical bills, the Lessee will now pay a flat rate of \$800.00 per month as a utilities reimbursement payment. This is a \$1,800.00 annual reduction in the utility rate from last year's amendment. At the end of the term ending July 31, 2014, if the agreed upon \$800.00 per month exceeds the total utility expense, the Lessor agrees to credit Lessee the difference as an energy saving incentive. In addition, Section 9 of the original lease has been amended to allow the currently unused third floor library space to be sublet to Shooting Stars Child Care Development Center. Subletting this space will generate additional revenue for the City without impacting programs or operations. Based on the data received for utilities, gas and electric, from October 2012 to June 2013, and the opportunity to generate revenue from unused space, it is recommended that Council approve the Lease addendums.

REGULAR AGENDA ITEMS

Item 7(a): Ordinance Amending Certain Provisions Dealing with Public Offenses (1st reading)

City Attorney Blair Henningsgaard has drafted this ordinance for Council's consideration. The amendments proposed would accomplish the following:

- (1) Amend Astoria Code 1.101(3) to allow the imposition of fines greater than \$1,000 for building violations.
- (2) Amend the title of Astoria Code 5.115 to "Offensive Public Conduct" rather than "Public Indecency." Changing the name will allow the City to more effectively utilize this ordinance.
- (3) Amend Astoria Code 5.010 to prohibit loaded firearms in public places and bring this ordinance into compliance with state law.

It is recommended that Council conduct the first reading of this ordinance.

Item 7(b): Authorization to Purchase Three Vehicles for the Police and Fire Departments (Police)

Astoria Police and Fire Departments have three vehicles that are in need of replacement this fiscal year. The vehicles are a 1998 Ford Explorer with 123,000 miles, a 2007 Chevy Tahoe with 130,000, and a 1999 Ford Crown Victoria Police Interceptor (CVPI) with 112,000 miles. All vehicles are in poor condition. Two of these vehicles will be replaced with a 2014 Chevy Tahoe Police Package Vehicle (PPV) and assigned to patrol. The third will be replaced with a 2014 Chevy Tahoe 4x4 Special Services Vehicle (SSV) and used by the Fire Department as a Command Vehicle. Staff has researched the Oregon State Purchasing Program and located the vehicles from Hubbard Chevrolet. The Tahoe 2014 PPV is available for \$28,643 and the 2014 Chevy Tahoe SSV is available for \$32,507. The total purchase price is \$89,793. Ocean Crest was contacted and is unable to provide a competitive bid. The Finance Department has recommended spreading the purchase over two years. This amount is included in the adopted budget. A separate authorization will be requested for the set up and equipment for the vehicles. It is recommended that Council approve the purchase of three vehicles from Hubbard Chevrolet. The total cost of \$89,793 is within the approved budget.

Item 7(c): Public Hearing to Exempt Contract from Competitive Solicitation Requirements – Public Safety Vehicle Upfitting (Police)

The Astoria Police Department has identified the need to keep consistency in the setup of public safety vehicles. As both vehicles and public safety equipment have become more complex systems, this work has become much more specialized. After two years of competitive bids we have found that

Cascade Mobile of Longview has been competitive in pricing. We have also found their quality of work and follow up on issues that develop to be without compare in the industry. Additionally they are our two way radio vendor and have the capability of doing a complete build including radio integration and programming. This is not true for any other vendor that we have found.

Staff believes it to be in the best interest of the City to exempt this contract from the standard competitive bid process and award a Personal Services Contract to Cascade Mobile of Longview. Such an exemption requires a public hearing be held and findings supporting this special solicitation method be adopted. It is recommended that Council conduct a public hearing for the purpose of taking public comment on the findings for exemption from competitive solicitation requirements and adopt findings that authorize the direct appointment process to contract with Cascade Mobile for the upfitting of three public safety vehicles in an amount not to exceed \$30,000.

Item 7(d): 17th Street Pier Lease with United States Coast Guard (City Manager)

The City Lease with the United States Coast Guard (USCG) for the 17th Street Pier and associated amenities was entered into in 1992. The Lease expires on September 30, 2013. City staff has been working with the USCG Planning and Real Property Section on a new Lease. Negotiations have been completed and a new Lease is ready for consideration by the City Council. Key provisions are as follows:

- Monthly Lease rate of \$17,075.
- Annual base rent on Pier (\$147,000) will be subject to a 2% escalation rate calculated annually.
- The Lease is renewable annually over the next 19 years beyond the initial 1 year term. After 20 years, the Lease is subject to renegotiation.

The renegotiated Lease is very favorable to the interests of both the USCG and the City of Astoria. For the City's part, the new rate is sufficient to fully cover all debt service obligations on the Pier and to build an appropriate reserve for both routine and prospective long term maintenance needs associated with the facility. I recommend that Council approve the Lease and authorize the Mayor to sign on behalf of the City. The Lease has been reviewed by City Attorney Henningsgaard and approved as to form.

Item 7(e): 11th Street CSO Separation Project – Pay Adjustment No. 5 (Public Works)

The 11th Street Combined Sewer Overflow (CSO) Separation project primarily consists of installing over 10,000 linear feet of new stormwater pipe. Due to the extent of utility replacement work along 8th Street, the entire roadway, from Commercial to Niagara, will be rebuilt from curb to curb and most of the sidewalk will be replaced. In March, Council awarded the construction contract to Tapani, Inc. for the bid amount of \$5,717,177. A 15% contingency (\$857,577) was incorporated due to the scope, scale, and potential for encountering

unknown conditions during construction. Pay adjustment No. 5 for \$69,755.12 includes a variety of changes that are itemized in the memo provided in the agenda packet. The largest line item in this change order is for labor and equipment standby time due to the discovery of the historic trolley rail. Included in the specifications for the 11th Street CSO Separation project was a monetary incentive to complete the 8th Street and Commercial intersection prior to the contract deadline. Tapani was able to complete this work four days early, so with an incentive of \$2,500 per day, they are due an additional \$10,000 for this accomplishment. This change order also includes a \$4,243.54 cost due to another CenturyLink conflict and will be included in the claim to CenturyLink. Other work associated with this change order was due to adjustments for field conditions and changes that benefit the operation and maintenance of the system. It is recommended that the City Council authorize this pay adjustment for the 11th Street CSO Separation project for \$69,755.12. Funds are available for this project through IFA funding.

Item 7(f): Liquor License Application from Sara Maya-Garcia and Juan Ramirez-Jimenez doing business as Montealban Mexican Restaurant Located at 2975 Marine Drive for a New Outlet – Full On-Premises Sales Commercial Establishment License (Finance)

A liquor license application has been filed by Sara Maya-Garcia and Juan Ramirez-Jimenez doing business as Montealban Mexican Restaurant, located at 2975 Marine Drive, Astoria. The application is for a New Outlet-Full On-Premises Sales Commercial Establishment License. The appropriate departments have reviewed the application. It is recommended that Council approve the application.

Item 7(g): Public Safety Building Seismic Upgrade Required Photovoltaic System Emergency Contract Award (Police)

Proposals were recently solicited for the Public Safety Building Seismic Upgrade grant required Photovoltaic (Solar) System. The solar panels will be affixed to the Public Safety Building roof and are expected to supply approximately 10% of the building's electrical needs. On September 17, 2013, Inland Electric, Inc., provided the sole bid for the complete 10KW system in the amount of \$64,350. The project will be fully funded through the balance remaining of the Oregon Emergency Management (OEM) Seismic Rehabilitation Grant. This aspect of the project faced a number of delays due to the shakeout of suppliers in the solar industry. As such, OEM granted a final extension for completion to December 31, 2013. With a 90 day completion contract, the project has a very short time frame. The contract requires the contractor to provide a performance and payment bond, insurance certificates and schedule of values. It is expected that these documents will not be completed and presented to the City Attorney until after Council has met. Due to the very short timeframe for preparing contract documents and completing all associated work, it is recommended that Council award the contract to Inland Electric, Inc., for the Public Safety Building Seismic Upgrade Photovoltaic

System, contingent on contract documents being reviewed and approved as to form by the City Attorney.

Item 7(h): Authorization to Award Bear Creek Dam Seismic Study Contract (Public Works)

The City of Astoria's Bear Creek Dam is a 90-foot high concrete gravity dam built in 1912 and raised in 1953. The Oregon Water Resources Department (OWRD) has classified the dam as a high hazard dam due to the dam's proximity to human population areas downstream. The classification is not a result of the dam's age or condition, but the age and current condition does affect the probability of failure during a significant seismic event. The OWRD has determined that the City should initiate a seismic failure analysis. A previous study completed 20 years ago did not include enough detail to determine the actual risk of failure as a result of a Cascadia Subduction Zone earthquake.

The first step in the process is to hire a consultant that specializes in the type of analysis necessary to determine if the dam is at risk, and if so, what steps to take to reduce the risk of damage and potential failure during a significant seismic event. While it is anticipated that the study may lead to conclusions more favorable than the previous study, there is the possibility that the conclusions may result in OWRD mitigation requirements. OWRD has provided a \$50,000 grant to assist the City with the first phase of the required studies. The study would be completed in the three phases listed below. Only the first phase is proposed at this time. The scope of future phases would be dependent on the results of Phase 1.

Qualification statements were received on August 6, 2013 from four firms and are listed in the order in which they scored in staff's evaluation: Cornforth Consultants, CH2MHill, Landau Associates, and Shannon & Wilson. All four firms specialize in seismic stability evaluation of dam structures. The evaluation team determined that Cornforth Consultants would be the suitable firm for this project. Staff has negotiated a scope of work and contract with the consultant and OWRD has approved the scope of work. The fee for the proposed work is \$99,865 with the City share being \$49,932.50. The work is planned to take place over the next 4-6 months and be complete no later than the end of the current fiscal year. It is recommended that Council execute a contract with Cornforth Consultants for a total not to exceed \$99,865, for geotechnical engineering services on the Bear Creek Dam Seismic Analysis Project.

EXECUTIVE SESSION

Item 8(a): ORS 192.660(2)(e) – Real Property Transactions

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