



AGENDA

ASTORIA CITY COUNCIL WORK SESSION

April 4, 2016

6:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. PARKS MASTER PLAN PROJECT UPDATE

4. WATERFRONT BRIDGES PROJECT – PROJECT UPDATE AND FUNDING DISCUSSION

5. ADJOURNMENT

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.



AGENDA

ASTORIA CITY COUNCIL

April 4, 2016

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. **PROCLAMATIONS**

- (a) Child Abuse Prevention Month
- (b) Public Safety Telecommunicators Week

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 3/7/16
- (b) Boards and Commissions Minutes
 - (1) Library Board Meeting of 2/23/16
- (c) License to Occupy a Portion of the Hamburg Avenue Right-of-Way Adjacent to 487 West Marine Drive (Public Works)
- (d) Federal Emergency Management Agency (FEMA) December Storm Damage Public Assistance Grant & Oregon Infrastructure Finance Authority (IFA) Match Grant (Public Works)

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) Astoria Senior Center Renovation Completion – 2nd Public Hearing (Public Works)
- (b) Authorize Waterfront Bridges Project (Public Works)
- (c) Liquor License Application from Thomas and Elena Shern, dba Capricorn Pub and Fine Dining LLC, located at 1040 Commercial Street, for a Change of Ownership and Greater Privilege for a Full On-Premises Sales Commercial Establishment and Caterer License (Finance)
- (d) Pipeline Road Transmission Main Resiliency Study Grant (Public Works)

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

9. **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.



CITY OF ASTORIA

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March 31, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL WORK SESSION AND REGULAR MEETING OF
APRIL 4, 2016

6:00 P.M. WORK SESSION

Item 3: Parks Master Plan Project Update

Draft findings from the Parks and Recreation Comprehensive Master Plan will be presented including key takeaways from the Plan's community profile, level of service analysis, needs assessment, and recommendations. City Council will have an opportunity to provide feedback on these findings. The draft Plan will continue to be refined through input from the project's Citizen Advisory Committee, Parks Advisory Board, and the public in advance of a May 16 City Council Work Session. Project staff will also discuss the upcoming public input opportunities and next steps toward completion of the Plan.

Item 4: Waterfront Bridges Project – Project Update and Funding Discussion

The Waterfront Bridges Replacement Project is currently in the preliminary design phase and the project team has been gathering data, coordinating with stakeholders and developing construction strategies. During this process, it has become apparent that there is a need to request additional funding from the Oregon Department of Transportation (ODOT) Local Bridge Group for a number of different reasons including deep bedrock and accommodating rail loads. Staff will present several issues for discussion during the Council work session. Please refer to the memo for the associated regular agenda item for more information.

7:00 P.M. REGULAR SESSION

PROCLAMATIONS

Item 5(a): Child Abuse Prevention Month

Mayor LaMear will proclaim the month of April 2016 as Child Abuse Prevention Month.

Item 5(b): Public Safety Telecommunicators Week

The Mayor will proclaim April 10 through 16, 2016 as Public Safety Telecommunicators Week.

CONSENT CALENDAR

Item 6(a): City Council Minutes

The minutes of the City Council meeting of March 7, 2016 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

Item 6(b)(1): Boards and Commissions Minutes

The minutes of the Library Board Meeting of February 23, are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

Item 6(c): License to Occupy a Portion of the Hamburg Avenue Right-of-Way Adjacent to 487 West Marine Drive (Public Works)

The City has received a request from John Carriere, who owns property at 487 West Marine Drive, to occupy a portion of the Hamburg Avenue right-of-way in order to maintain a newly constructed concrete retaining wall. Public Works and Community Development staff has reviewed this request and recommends a License to Occupy be permitted, with conditions, for the proposed improvements. City Attorney Blair Henningsgaard has reviewed, and approved as to form, a License Agreement. It is recommended that Council approve a License to Occupy, subject to conditions, for a portion of the Hamburg right-of-way adjacent to 487 Hamburg Avenue.

Item 6(d): Federal Emergency Management Agency (FEMA) December Storm Damage Public Assistance Grant & Oregon Infrastructure Finance Authority (IFA) Match Grant (Public Works)

During the period of December 6 through 23, 2015, the State of Oregon experienced a severe weather pattern that caused damaging winds, flooding, and landslides. The City of Astoria experienced erosion along the Columbia River shoreline and a washout along Pipeline Road where a 21 inch diameter water transmission main crosses a ravine. As a result of the damage, a Federal

declaration of emergency was declared on February 17, 2016 and FEMA funds are available to assist communities with the repair of their damages. Staff submitted an Initial Damage Assessment to the State Office of Emergency Management (OEM) on January 5, 2016. The official application date is May 31, 2016.

IFA has notified the City that they have grant funds available to provide match for FEMA funds and it appears that the City will be eligible. The current repair estimate is \$250,000 for all of the damage identified to this point. Staff will be updating the project costs as the project develops for inclusion in the final application. The FEMA program funds 75 percent of the project which is currently estimated at \$187,500, and a 25 percent match is required, currently estimated at \$62,500. IFA has offered grants for the project match. This results in no additional expense to the City with the exception of staff time and some incidental work that may be required outside of the grant funded project work. It is recommended that Council authorize staff to proceed with the submittal of an application to FEMA/OEM for an estimated amount of \$187,500 and an application to IFA for an estimated amount of \$62,500.

REGULAR AGENDA ITEMS

Item 7(a): Astoria Senior Center Renovation Completion – 2nd Public Hearing (Public Works)

The City of Astoria recently completed the Senior Center Renovation project funded with Community Development Block Grant (CDBG) funds from the Oregon Business Development Department. The Senior Center is located at 1111 Exchange Street, Astoria Oregon. It is estimated that the renovated Center will benefit more than 400 seniors of whom 17% are low or moderate income. The purpose of the hearing is for the Astoria City Council to obtain citizens views about the project and to take comments about the local government's performance. This public hearing is required to close out the CDBG funded project. A public hearing notice was published in *The Daily Astorian* on March 28, 2016. It is recommended that the Astoria City Council conduct the scheduled hearing to obtain citizens views about the Senior Center Renovation project and to take comments about the local government's performance.

Item 7(b): Authorize Waterfront Bridge Project (Public Works)

The Waterfront Bridges Replacement Project is currently in the preliminary design phase and the project team has been gathering data, coordinating with stakeholders and developing construction strategies. During this process, it has become apparent that there is a need to request additional funding from the ODOT Local Bridge Group for a number of different reasons including deep bedrock and accommodating rail loads. Council will discuss this issue in greater depth during a work session prior to the regular Council meeting. It is recommended Council approve submittal of a project change request to ODOT for additional funding.

Item 7(c): Liquor License Application from Thomas and Elena Shern, dba Capricorn Pub and Fine Dining LLC, located at 1040 Commercial Street, for a Change of Ownership and Greater Privilege for a Full On-Premises Sales Commercial Establishment and Caterer License (Finance)

A liquor license application has been filed by Thomas and Elena Shern, doing business as Capricorn Pub and Fine Dining LLC, located at 1040 Commercial Street. The application is for a Change of Ownership and Greater Privilege for a Full On-Premises Sales Commercial Establishment and Caterer License. The appropriate departments have reviewed the application. It is recommended that Council approve the application.

Item 7(d): Pipeline Road Transmission Main Resiliency Study Grant (Public Works)

The Oregon Infrastructure Finance Authority (IFA) is offering grants in the amount of \$20,000 for resiliency studies of important infrastructure. The objective of the grant is to assist communities with water system planning and related activities that promote sustainable water infrastructure. Public Works staff has been reviewing eligible projects for the City of Astoria. The current project concept consists of a resiliency study of the transmission main that delivers water from the City headworks and Bear Creek Reservoir to Reservoirs #2 and #3 in town. At the Council meeting, City Engineer Harrington will give a brief presentation explaining the details of the proposed project. It is recommended that Council authorize staff to proceed with the submittal of a letter of interest and a formal application to IFA for an estimated amount of \$20,000.

EXECUTIVE SESSION

Item 9(a): ORS 192.660(2)(e) – Real Property Transactions

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



CITY OF ASTORIA

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PROCLAMATION

WHEREAS, every child is precious and deserves to grow up in a healthy, safe, nurturing environment free from the dangers and harmful effects of child abuse and neglect; and

WHEREAS, child abuse and neglect impacts our entire society and can cause traumatic psychological, emotional and physical harm, resulting in long-term economic and societal costs; and

WHEREAS, child-focused prevention and intervention programs offer positive alternatives and outcomes for children and encourage families to develop strong, durable ties to their communities; and

WHEREAS, child abuse prevention succeeds through partnerships among parents, child-welfare agencies, mental and physical health care providers, schools, law enforcement agencies, churches, businesses and community members by fostering loving, supportive and violence-free homes; and

WHEREAS, all citizens need to be more aware of the effects of child abuse, neglect, and prevention in order to encourage healthy parenting in healthy communities.

NOW, THEREFORE, I, Arline LaMear, Mayor of Astoria, do hereby proclaim April 2016, as:

CHILD ABUSE PREVENTION MONTH

IN WITNESS WHEREOF, I have herewith set my hand and caused the Seal of the City of Astoria to be affixed this 4th day of April, 2016.

Mayor



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

PROCLAMATION

WHEREAS, over 850 dedicated telecommunications professionals serve the citizens and visitors in Oregon night and day, answering their requests for law enforcement, fire and emergency medical services, and dispatching the appropriate assistance; and

WHEREAS, the professional public safety telecommunicator is a vital link between citizens, victims and public safety providers who may apprehend criminals, save possessions from fire, or save lives and are the true 1st first responders that show dedication every day with professionalism and commitment to the public safety community and the citizens they serve; and

WHEREAS, the critical functions performed by professional telecommunicators also includes those related to forestry and conservation operations, highway safety and maintenance activities, and many other operations performed by federal, state, and local government agencies; and

WHEREAS, the Association of Public Safety Communications Officials (APCO), and organizations with nearly 10,000 people from the United States and Canada, have set aside the second week in April to recognize telecommunicators and their crucial role in the protection of life and property.

NOW THEREFORE, I, Arline LaMear, Mayor of the City of Astoria, Oregon, do hereby proclaim April 10 through 16, 2016, to be

PUBLIC SAFETY TELECOMMUNICATORS WEEK

in Astoria, in honor of the men and women whose diligence and professionalism keep our citizens safe.

IN WITNESS WHEREOF, I have herewith set my hand and caused the Seal of the City of Astoria to be affixed this 4th day of April, 2016.

Mayor

A regular meeting of the Astoria Common Council was held at the above place at the hour of 7:00 pm.

Councilors Present: Nemlowill, Herzig, Warr, Price, Mayor LaMear

Councilors Excused: None

Staff Present: City Manager Estes, Police Chief Johnston, Community Development Director Cronin, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, Library Director Tucker, Public Works Director Cook, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS

Item 3(a): Councilor Warr had no reports.

Item 3(b): Councilor Price had no reports.

Item 3(c): Councilor Nemlowill reported that work continues on the Parks Master Plan. She serves on the Citizen Advisory Committee for the planning process, which represents a variety of interests, expertise, and perspectives. The public has had many opportunities to provide input on the future of Astoria's parks. The draft recommendations and draft master plan reflect what the City has learned and heard from the public and the Citizen Committee. She has been pleased with the process so far. Upcoming public input sessions will provide the opportunity to review the draft master plan and provide input. Sessions have been scheduled for Wednesday, April 6th at the Fort George Lovell Showroom from 5:00 pm to 8:00 pm and Saturday, April 9th at Old Town Framing during the Art Walk from 5:00 pm to 8:00 pm. A third session might be scheduled in the downtown area. More details are available at www.astoriaparks.com.

Item 3(d): Councilor Herzig reported that he, Councilor Price, and Mayor LaMear attended a housing conference with Clatsop Economic Development Resources (CEDR), Columbia-Pacific Economic Development District (Col-Pac), Housing and Urban Development (HUD), and the State. Discussions at the conference attempted to define the housing shortage problem and where to direct efforts. A special study has been funded in Tillamook to research the same situation that is occurring in Columbia and Clatsop Counties. Tillamook Creamery has provided thousands of dollars to fund the study because employers realize that business is not viable if workers cannot be housed. Providence Seaside cannot bring in doctors because it is too expensive to put them up in hotels. The discussions at the conference were very healthy. He believed CEDR and Col-Pac planned to meet again that week to develop some recommendations. The best approach still has not yet been determined, but several groups are working on it. Earlier that day, he met with the Coast Guard Housing Director and previewed the new housing units, which have a garage on the ground floor with a stairway up to the main part of the house where the kitchen, living room, bathroom, and bedrooms are located. The third floor has more bedrooms and bathrooms. Each unit has two and half or three bathrooms with great views of Young's Bay. A lot of work has gone into the environment. More trees have been planted than were removed and the groundwater is being directed appropriately. The attention to detail was impressive. He believed a ribbon cutting would be held in May. It was exciting to see how much the Coast Guard wanted quality housing that anyone would want to live in. People who spoke at the Oregon Liquefied Natural Gas (LNG) hearing received a letter indicating the hearings officer denied the LNG application. The pipeline was permitted, but not the facility. The warming center would be open that night because the temperature was expected to drop below 40 degrees. One or two inches of rain is predicted for Wednesday night, so the warming center might be open then as well. Tuesday, March 15th will be the last night the warming center will be open for the season. One of the warming center's guests had been killed in a hit and run accident in Portland. She had stayed at the warming center several times and had an untreated mental illness. He had heard that she went to Portland looking for better care. However, he understood why she had been wandering the streets considering the state she was in. This caused a lot of sadness among the warming center guests over the weekend.

Item 3(e): Mayor LaMear had no reports.

CHANGES TO AGENDA

Mayor LaMear said she received a request from Councilor Herzig to add Regular Agenda Item 7(d): Consideration of Items to add to the November Ballot. The agenda was approved with changes.

PRESENTATIONS

Item 5(a): Astoria/Warrenton Chamber of Commerce

Representatives from the Chamber of Commerce will provide Council with a report regarding their projects from the past year.

Skip Hauke, 92732 Deer Valley Rd, Astoria, explained how the Lower Columbia Tourism Committee (LCTC) spends the City of Astoria's annual investment of \$180,750, noting that most of the funds are spent on marketing. This marketing program being funded by the City has been successful, as Astoria has been number one in the state for the percentage in increase of transient room tax dollars over the last 10 to 12 years. In 2015, the \$1.2 million in transient room taxes paid by visitors was divided equally between the City's General Fund and the Promote Astoria Fund.

- He said some people believe the Chamber's marketing is bringing too many people to town, resulting in traffic issues during the summer. However, no money is spent on marketing between May 1st and September 30th and all of the funds granted by the City are spent on shoulder and off-season advertising. Most hotel rooms are full during the summer and the biggest increase in transient room tax dollars came during the off-season. Astoria is on the most direct route for visitors from Washington and Canada traveling along the Oregon coast, which is the second most desired region in Oregon. Astoria only has 708 rooms, while Cannon Beach has 2,816, Seaside has 1,812, and Warrenton has 655 recreational vehicle and trailer spots. Visitors from Washington and Canada heading south along the Oregon coast will start in Astoria. He recommended a toll gate south of Warrenton to fund a by-pass.
- Some of the reasons the tourism industry was important to the City of Astoria and it's economy included tourism related employment, transient room tax dollars, and money spent by tourists. He estimated total tourism spending in Astoria in 2016 would be about \$100 million.
- For 2016, the Chamber plans to ask the City for the same amount it requested in 2015. He believed the Chamber was doing what the City has asked and hoped they received a positive response from the Budget Committee and City Council. One minor drawback of the tourism industry is the four or five months of excess traffic that some people are unable to deal with; however, Astoria's retail shops, restaurants, art galleries, attractions, and lodgings would suffer without visitors. He believed the traffic was a small price to pay for the amount of money visitors pump into the economy and the jobs they provide.

Councilor Warr believed Mr. Hauke had done remarkable work at the Chamber over the last 13 years.

Councilor Nemlowill believed the off-season marketing was paying off. The slow season is now only about two months long in Astoria because of the collective efforts of many people working together as a team. During one week in February, there were no vacancies at any of the hotel rooms in Astoria. She asked if the Chamber or LCTC planned to ask for an increase in funds in future years.

Mr. Hauke noted that the City is paying the Chamber to bring many people to town in the off-season. He reminded that Astoria gave the Chamber an increase in funds in 2015, which was put to very good use. That was the first increase in three years. City Manager Estes added that 51 percent of tourism related revenues could be deposited into the City's General Fund. Other communities fund greater portions of their General Fund with transient room taxes, but they are all part of grandfathered programs established prior to current legislation. Mr. Hauke discussed the State's increase of its portion of the transient room tax in anticipation of the 2016 Olympic Trials in Eugene, which will raise a significant amount of money for all of the tourism regions in Oregon.

Councilor Price said now that the Irving Avenue Bridge and Lewis and Clark Bridge were open, visitors would have travel options they did not have last year. She confirmed with Councilor Nemlowill that April and November were the slow tourism months. Mr. Hauke added that the seafood festival was scheduled for the end of April and even though the festival offers plenty of food and wine, Astoria's restaurants and bars are busiest the Friday night of the festival because the festival closes at 8:00 pm.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 2/1/16
- 6(b) City Council Minutes of 2/16/16
- 6(c) City Council Special Meeting Minutes of 2/2/16
- 6(d) City Council Special Meeting Minutes of 2/4/16
- 6(e) Boards and Commission Minutes
 - (1) Library Board Meeting of 1/26/16
- 6(f) Mutual Aid Agreement between City of Astoria Fire Department and Medix Ambulance (Fire)
- 6(g) Renewal of Intergovernmental Agreement between the City of Astoria and the State of Oregon for Hazardous Waste Materials Emergency Response Team Services (Fire)
- 6(h) Request for Authorization to Submit Grant and Receive Funds for Pedestrian Safety Program (Police)
- 6(i) Dr. Edward Harvey Historic Preservation Award Nominations (Community Development)
- 6(j) Authorization to Light the Astoria Column a Teal Hue for the Month of April in Recognition of Sexual Assault Awareness Month (Parks)
- 6(k) Authorization to Submit Certified Local Government Grant Request (Community Development)

City Council Action: Motion made by Councilor Warr, seconded by Councilor Price, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

REGULAR AGENDA ITEMS

Item 7(a): Resolution Approving Referral to the Electors of the City of Astoria the Question of Imposing a Three Percent Tax on the Sales of Marijuana Items by a Recreational Marijuana Retailer within the City (Police)

At its February 16, 2016 meeting, Council adopted a resolution setting the ballot title, question, and summary that referred the implementation of an ordinance taxing recreational marijuana to the voters. During the meeting, Council provided direction that they desired to edit the ballot title, question, and summary. This edit was adopted by the Council. When staff attempted to publish the title on February 17, 2016 as required by law, they learned the title and question had exceeded the maximum word count allowed. This matter cannot be edited by staff since the issues were adopted by Council. Staff has prepared a new title and question that they believe reflect the intent of the Council and return it for Council consideration. To refer the matter to the voters, Council would adopt the resolution. This adoption will set the ballot title. The ballot title will be published in the "newspaper of general circulation in the city." After a period of review, if no objection to the ballot title is filed, the matter will be filed with the County Elections Official. It is recommended that Council consider adopting the proposed resolution to refer a 3 percent local option tax to the November 8, 2016 ballot.

Councilor Herzig said when this issue came up, he sent an email to City Council suggesting the third "whereas" phrase be removed, which had been added at the last Council meeting. He read the phrase aloud, noting that the phrase indicated tax revenues from recreational marijuana sales would be used to fund law enforcement activities related to the sale of recreational marijuana. This is not Council's intent, and because the phrase creates a lack of clarity, he believed it should be removed.

Mayor LaMear said she had no opinion about the phrase, but believed the intent was to let voters know that a 10 percent remainder would be left in the Oregon marijuana account, which should go back to the cities. However, the 10 percent would be insufficient.

Councilor Price believed the phrase was simply a useful communication tool that would help future Councilors and others who were interested in why the tax was implemented. She did not believe Council was implementing a tax simply because the State allowed it, but because Council believed the tax was necessary, as the City would not receive any part of the 10 percent from the State. The phrase is just an informational footnote and is not critical to the resolution.

Councilor Herzig did not believe the phrase added relevant information. Council wants to tax marijuana because the State allows them to do so. The City cannot anticipate the costs or benefits from the sale of recreational marijuana. Therefore, there is no connection to the assumption that the City will not receive funds from the State. City Council is not indicating the City is losing money or failing to gain expected funds from the State. The ability to charge a sales tax is not related to the fact that the State will not give the City a share of their tax revenues. He supported the tax, but objected to the wording of the resolution.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill, to adopt the resolution to refer a 3 percent local option tax to the November 8, 2016 ballot. Motion carried 4 to 1. Ayes: Councilors Price, Warr, Nemlowill, and Mayor LaMear; Nays: Councilor Herzig.

Item 7(b): Request to Purchase City Owned Property Adjacent to 323 Alameda Avenue (Public Works)

A request has been received from Bruce Conner to purchase City-owned property directly southeast of his property located at 323 Alameda Avenue. The City property is approximately 1.0 acre (Lots 25 to 41, Block 17 Map number 80907CD, Tax Lot 06400). Mr. Conner intends to construct his retirement home on the property in the future. If Council is willing to consider the potential sale of this property, an appraisal will be ordered. Once the appraisal has been received and Mr. Conner has been notified of the appraised value, staff will return to Council with the information and the request that a public hearing be set to discuss the sale. It is recommended that Council consider the potential sale of City property across from 323 Alameda Avenue and direct staff to order an appraisal of the subject property.

Councilor Nemlowill asked how much work had been done updating the Development Code to increase the ability to develop more densely. Director Cronin responded that the first work session was held in February. A second work session would be held at the next Planning Commission meeting in March. The public hearing would be held in April and updates to the Code would be presented to Council in May.

Councilor Nemlowill asked how Development Code updates would impact property values. Director Cronin said currently unbuildable properties would become buildable, which would increase the values. Councilor Nemlowill believed changing the Code in a way that will increase property prices was counterproductive to their goal of improving the affordable housing situation in Astoria. Even though the Code updates would allow property owners to build more densely, it will become more expensive to build.

Councilor Price said she would love to sell City-owned properties, but the City needs a better inventory. This particular property is 100-feet by 125-feet, which is a little bit larger than a double lot for a single family home. Staff is spending time revising the Code so that single-family homes can be built on smaller lots. She had not surveyed the property, but if it was the last buildable 1-acre lot close to downtown, it could be better used for a different purpose. She believed City Council needed to take a closer look at the buildable lands inventory and prioritize the properties. She also believed Council should wait until the Planning Commission has voted on Code changes.

Councilor Warr said the City has many parcels of property. The last time Council discussed selling City-owned properties, many people became upset. However, he believed the City had no business being a large property owner. Keeping and maintaining this particular property is costly to the City with no return on the investment. It is in the City's best interest to get this property on the tax roll. He was in favor of selling City-owned lots.

City Manager Estes confirmed for Councilor Herzig that a portion of Exchange Street was an unimproved right-of-way not maintained by the City. Infill development standards allow some development on unimproved rights-of-way, but staff has discussed the possibility of an access easement from Mr. Conner's property on Alameda to the City-owned lot. Any costs associated with improving the property would be the responsibility of the property owner. He displayed a map and explained the exact location of the Conner's property, the City-owned property, and Exchange Street. A minimum number of houses can be accessed via an unimproved right-of-way before improvements would need to be made.

Mayor LaMear said she was in favor of selling the property. The City owns a lot of property that is excess and costly to maintain. Putting this property on the tax roll would benefit the City.

Councilor Nemlowill said the buildable lands inventory projects whether Astoria will have enough residential land for the next 20 years. The survey was extensive and included properties that could be built within the city. She asked what the report stated. City Manager Estes said the report stated Astoria has a deficit of residential land. The State of Oregon requires every community to have a 20-year land supply for a variety of uses, including commercial, residential, and industrial. Astoria has a deficit of land for single-family detached residential units. There are more lands zoned for multi-family units than lower density zones. He was unable to recall the exact number of acres the city was short, but Councilor Warr believed Astoria's deficit was 17 acres.

Mayor LaMear believed it would be difficult for anyone other than Mr. Conner to purchase the property unless they received an easement from Mr. Conner. West Exchange is an unimproved road and the lot is not good for developing by someone not living adjacent to the property. She confirmed there were no public comments about the potential sale of this property.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Nemlowill to direct staff to order an appraisal of City-owned property located adjacent to 323 Alameda Avenue (Lots 25 to 41, Block 17 Map number 80907CD, Tax Lot 06400) in consideration of a public hearing to discuss selling the property to Bruce Conner. Motion carried 3 to 2. Ayes: Councilors Warr, Nemlowill, and Mayor LaMear; Nays: Councilors Price and Herzig.

Item 7(c): Ordinance Granting Nonexclusive Right and Franchise to CoastCom, Inc. (1st Reading) (City Attorney/Finance)

The City of Astoria has telecommunication franchise agreements with several telecommunication and utility service providers who utilize City public rights-of-way for the placement of infrastructure. In 2008, the City of Astoria granted CoastCom, Inc., nonexclusive right and entered into a five year franchise allowing CoastCom to construct, operate, and maintain telecommunications system in the City's rights-of-way. Ordinance No. 08-03 with CoastCom, Inc., terminated September 19, 2013. CoastCom has continued to pay franchise fees to the City per the expired ordinance and wishes to renew nonexclusive right and franchise. CoastCom, Inc. provides telecommunications services to Clatsop County, LS Networks, Sunset Empire Transportation, and the City of Astoria. The provisions of this franchise are similar to franchise agreements negotiated with other users of public rights-of-way. Presented for Council's consideration is a proposed ordinance drafted by City Attorney Henningsgaard granting a franchise to CoastCom, Inc., for operation of telecommunications facilities within City rights-of-way. It is recommended that City Council conduct the first reading of the proposed ordinance.

Director Brooks confirmed for Mayor LaMear that changes to the agreement are consistent with more recent franchise agreements. Fees have been increased to be consistent with others and some reporting requirements have been updated.

Councilor Herzig confirmed that CoastCom had fiber installed under the streets in Astoria.

Councilor Price said earlier that day she received a phone call from Ms. Dolores Skillstad about this agreement. She confirmed with City Manager Estes that CoastCom had fiber underground and on utility poles in Astoria; however, most of the poles are owned by Pacific Power. She believed there were too many wires strung on poles, which obstruct views, but this agreement renewal will not add any new wires or poles. Therefore, she supported updating and renewing the agreement.

Mayor LaMear confirmed there were no public comments.

City Council Action: Motion made by Councilor Nemlowill, seconded by Councilor Price to conduct the first reading of the ordinance granting nonexclusive right and franchise to CoastCom, Inc. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

Director Brooks conducted the first reading.

Item 7(d): Consideration of Items to add to the November Ballot

This item was added to the agenda during Item 4: Changes to the Agenda.

Councilor Herzig said previously, City Council had discussed adding some items to a ballot but was concerned about the costs. When City Council decided to add the recreational marijuana tax to the ballot, Director Brooks contacted the County Elections Office and learned the City would not be charged to add a referendum to the November ballot. However, the City will be responsible for publishing public notices, publicity, and information. He suggested City Council hold a work session to discuss adding other referenda to the November ballot since the City will not be charged. He wanted to discuss removing fluoride from the City's drinking water, amending the City's charter, and changing the boundaries of Astoria's wards.

Councilor Warr stated the number of work sessions has increased, partly because the City is working on a strategic plan. He still works full time and was opposed to discussing this issue at work sessions at this time.

Councilor Nemlowill thanked Councilor Herzig for bringing up the fluoride issue, which she believed was an interesting topic. She has heard from people through email and social media who are both for and against fluoride in the water. This issue would have to be voted on by the public. The most important thing the City does is to provide water. It is important for people to have a say about whether there are additives in their water. She believed fluoride was a good additive and if the majority of citizens agree, the City could keep it in the water. However, if there is new research and people do not want to drink fluoridated water, the citizens could tell the City this as well. She suggested major housekeeping amendments to the City charter be added to the ballot with the fluoride issue. However, if significant changes to the charter were not needed, it would not be necessary to add it to the ballot.

Councilor Price said it would be fine if the public wanted to vote on fluoride, but she was concerned about the City's involvement. She was not in favor of City staff spending any time on the issue. She suggested Councilors Nemlowill and Herzig worked on the fluoride as a private initiative and as private citizens. If the City put this issue forward, the City would be obliged to engage in conversation about it. She did not believe City Council or staff had the time to undertake this issue, which is very divisive. Astoria is currently dealing with some big issues. She was in favor of one amendment to the City charter. Mayor LaMear has allowed City Council to give advice and consent on committee appointments. However, the next mayor may not be so generous. Even though the City is overwhelmed with some big issues, she wanted Council to spend some time on the charter.

Mayor LaMear agreed that the fluoride issue would take a tremendous amount of time. Public Works is still working on the CSO Project and several other large projects, so this is not the time to address this issue.

Councilor Herzig believed the November ballot and presidential election would have a larger voter turnout than general elections. This would be the best time to ask the public to respond to these issues. He was concerned that Councilors were saying the City does not have time to be a democracy and that the City is too busy to ask the public and citizens to vote on an issue as fundamental as what is put into one's body on a daily basis that one has no choice over unless City Council agrees to add the referendum to the ballot. Some people consider fluoride a poison. He did not run for office to go door-to-door gathering signatures. Work sessions are just one option and Council could direct staff to draft something very simple to be reviewed at a Council meeting. He did not like hearing that the City is too busy to take issues to the public because elected officials in a democracy are obligated to do so.

Councilor Nemlowill believed the City could be objective, as it did in the 1950s when this issue was referred to voters. The City does not need to be for or against fluoride in the water. She asked for clarification about the City's role in issues that are referred to voters. City Manager Estes said the process would be similar to the process used for the marijuana tax. A title and summary would be prepared. City staff cannot advocate for a measure, but staff could provide information and answer questions.

Councilor Nemlowill did not understand how this would burden staff. It costs \$300 to put a measure on the ballot, which is not significant. She understood some work was necessary to prepare the ballot title, but did not understand how this would burden the Public Works Department. When she inquired about fluoride in the water, City Manager Estes and Director Cook were able to provide her with information staff already had.

Councilor Warr did not believe there was a public outcry about fluoride. The City is busy and the public is not asking for this issue to be added to the ballot. Councilor Nemlowill said she had heard from certain members of the public, but agreed there was no public outcry.

Councilor Herzig said there was public outcry when the *Daily Astorian* published a story about fluoride. Many comments were posted online and people on both sides really wanted City Council to consider this issue. People should not have to beat down Council's door to get attention. He suggested the ballot title be, "Shall the City of Astoria continue to put fluoride in the drinking water?" The statement could indicate how much fluoride is added to the drinking water and ask if the current practice should continue. He believed some fine-tuning could ensure his recommendation would fit the word count. This would not take an exorbitant amount of staff's time. The City would not take a position, but would simply ask the voters what they wanted.

Councilor Nemlowill has encouraged people to contact City Council about this issue and attend Council meetings. People talk to their representatives so the issues can be brought to Council meetings, but the issues do not get traction because there is no public outcry. People who want to vote on issues need to come forward and be more vocal.

Councilor Herzig hoped this discussion would get coverage in the newspaper and that people who care about the fluoride issue would attend meetings to ask Council to take action. He added at least two Councilors have tried.

Mayor LaMear called for public comments.

Chris Farrar, 3023 Harrison Avenue, Astoria, said he was a groundwater hydrologist and geologist. He has worked in the field of energy resources for 37 years for the federal government. He did not claim to have any health knowledge about water, but knew quite a bit about water from a scientific perspective. He was interested in the health impacts of water nationwide. He used to believe strongly in fluoride in water, but the fluoride only benefits teeth when it is surrounding them. Fluoride in drinking water goes straight into the stomach, so it is a big waste of money. He understood fluoride came to the City as part of a waste product from metallurgical processes. The City is paying for a waste product. Just take this unnecessary chemical out of the water because it is not helping people's teeth at all. He believed it was best to keep the water as basic as possible with something that kills bacterial problems. It is a big mistake to mess with mineralogy to try to improve health. People will live a lot longer if they get rid of water softeners and the fluoride is removed.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Nemlowill to direct staff to draft a referendum for the November ballot on the use of fluoride in the City's water system. Motion failed 2 to 3. Ayes: Councilors Herzig and Nemlowill; Nays: Councilors Price, Warr, and Mayor LaMear.

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

Larry Miller, 1111 Exchange Street, Astoria, thanked the City for remodeling the Astoria Senior Center, which is now a community senior center. At least 400 people attended the ribbon cutting ceremony and membership is up to 538 people. In February, the Columbia Senior Diners served 991 meals and 2,124 people that came through the door. The Senior Center board and members thank the City for the remodel.

Councilor Price said the new building looks beautiful day and night. Councilor Herzig said temporarily relocating to the Yacht Club during the renovation resulted in a loss of membership and a shuttle bus service was required to keep the meal program going. He added that Mr. Miller spent a tremendous amount of energy keeping attendance levels healthy so that programs could continue. The Senior Center is finally back in its new home and he was glad Mr. Miller was still the director.

Roger Warren, 37th Street, Astoria, said his neighborhood has seen an uptick in Goonies fans over the last several weeks. The large ugly sign that directs people from the highway to the house is out of compliance and most of the people that walk up to view the house are parking in no parking zones. Hostilities by neighbors on the hill have increased and have led to numerous police calls. He believed each Council member received a letter of concern from Will Caplinger. Councilors who responded were trying to get a handle on the situation. He was one of 20 to 30 people who were trying to resolve the problem before it becomes a giant traffic mess this summer when the situation will become desperate. A City sponsored and funded event that draws 1,000 people each day to his neighborhood on a dead end street without Port-a-Potties for visitors who have been tied up in a vehicle from Portland or Seattle, results in a mess. Any other venue drawing 1,000 people a day would have regular hours and permits w be required. This is not a phenomenon because the City funded the event through the Chamber of Commerce without permits. No one in his neighborhood voted on this, but the money came from

Council Chambers and went through the Chamber of Commerce. Some of the volunteers that worked the commercial events at the house were City staff. He appreciated what Council had done so far, but wanted more help to prevent this issue from turning into an ugly situation. He lives in the neighborhood and sees people yelling.

Dulcye Taylor, 1287 Commercial Street, Astoria, invited City Council and the community to the Jane Barnes Review on April 2nd, which is the Astoria Downtown Historic District Association's (ADHDA) second largest fundraiser. She understood the event was not everyone's cup of tea, as Astoria's most treasured citizens are put in dresses and pranced down a 24-foot catwalk. She noted this is the sixth year of the event and she would love to see everyone attend.

Councilor Herzig believed the ADHDA deserved a lot of credit for helping businesses flourish year-round. The ADHDA hosts more events and festivals than the Chamber of Commerce. Ms. Taylor said the ADHDA only does three big fundraising events each year, but they try to hold events during the slow months to give locals and visitors something to do.

City Manager Estes added that the ADHDA would give an annual report at the next City Council meeting.

Mayor LaMear adjourned the regular City Council session to convene the Executive Session.

EXECUTIVE SESSION

Item 9(a): ORS192.660 (2) (i) – Performance Evaluations of Public Officers and Employees

The City Council will meet in Executive Session to discuss performance evaluations.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:15 pm.

ATTEST:

APPROVED:

Finance Director

City Manager

Astoria Library Board Meeting

Astoria Public Library

February 23, 2016

5:30 pm.

Present: Library Board members Kate Summers, David Oser, Kimberley Chaput, Chris Womack, and Staff Library Director Jane Tucker.

Excused: Susan Stein

Call to Order: Chair Kate Summers called the meeting to order at 5:35 pm.

Approval of Agenda: The agenda was approved with the addition of Item 8(b): Library Board Role Clarification in Renovation.

Approval of Minutes: The minutes of January 26, 2016 were approved as presented.

Library Options:

Director Tucker noted this item had been added to the agenda because Director Cronin planned to start giving reports in March and April.

Board Reports:

Item 5(a): Reports of Community Presentations

Chair Summers reported on the Foundation's Facebook page and Write Astoria, both of which were gaining new participants. Director Tucker reported that the Foundation and the Osers each donated \$50 to Libraries ROCC.

Library Director's Report:

Director Tucker reported that City Council voted to continue participation in the Oregon Library Association Resource Sharing Committee Passport Program at their meeting on February 1st. The Astoria Development Commission voted to amend the contract for the study of Heritage Square and the library renovation options at their meeting on February 1st. City Council authorized the contract amendment and reduced the scope by eliminating public involvement. On February 16th, City Council renewed the Intergovernmental Agreement (IGA) for the Libraries ROCC program for five years.

She briefly updated the Board on current library programs and described upcoming programs.

Update on ALFA Activities:

New Business:

Item 8(a): Libraries ROCC Fundraising Event

Director Tucker reported that the program administrators decided to reschedule the event to April 14th from 6:00 pm to 8:00 pm in honor of the memory of Sergeant Goodding. Ten libraries have now been donated to the fundraiser. A painting worth \$400 has been donated for the live auction and many Astoria merchants have donated smaller items for the silent auction. She discussed the difficulties with communicating the last minute change of the event date and noted her efforts to inform as many people as possible. She requested donations of bottles of wine to serve during the fundraiser.

Item 8(b): New Business: Library Board Role Clarification in Renovation

David Oser distributed copies of a letter addressing the role of the Library Board during the renovation project. He believed the resolution from 1990 that listed the duties of the Library Board was vague. He explained that in 2011, there was a lot of talk about renovating the library, but no definite plans. So, the Board had written a letter to the mayor requesting the Board be involved in the planning process. When

the Ruth Metz plan was being developed during the summer of 2013, the Board crafted a recommendation to City Council to renovate the existing library building, demolish the Merwyn Hotel, and utilize the cleared space. Ruth Metz was specifically directed to refrain from considering new construction in a new location and focus on the existing location. The study was based on the assumption that the City would have access to the land where the hotel was located. The two cost structures included in the study reflected the amount of space needed for various programs, services, and materials. The theory was that an architect could use the study to develop more specific details about a renovated building. Even though using the Merwyn site was somewhat less floor space, the Board believed at that time that the renovated building would have the library on one floor and the space to the east could be developed without disrupting library operations in the existing building. City Council approved the Board's recommendation at the same time that the Board created the Foundation to begin fundraising. The process came to a halt when a new Council was elected and new members were appointed to the Board. A renovation committee met over the course of about a year to come up with various ideas and eventually, the committee concurred with the Board's recommendation. However, many people supported preserving the hotel.

Currently, the Foundation has no work to do and the Board has not been consulted in an official manner. Although Mr. Oser has spoken with Director Cronin about the Foundation and several Councilors have contacted he and his wife individually, the Library Board is an advisory board to City Council. Therefore, he believed the Board should develop a proactive position with regard to the redevelopment of the library. Just as the Board asserted its position in 2011, he believed the Board should develop its position because the Board should have significant input into the work that is currently being done to develop cost estimates.

Chair Summers agreed and said communication could improve. City Council has so many questions about the library and the future of the library, which is the Board's specialty.

The Board discussed the public's inability to indicate what they want because there is no consensus about how to move forward. There are so many different ideas, but the vision of what the library should be was clearly described in the Ruth Metz report, which was developed according to the input from over 800 people in the community.

Chair Summers believed it was the Board's role to advocate in support of the plan without regard to costs because City Council has already adopted it and the costs are outside of what the public has asked for. Mr. Oser believed costs should be considered because some expenses could be counterproductive. He reiterated that the Board needed to insert itself into the process more than it has recently. Ms. Chaput noted that everyone wants a beautiful library; but the Library Board is not a fiscal body, so it may not be appropriate for the Board to advocate for affordability. Chair Summers responded that this project will be expensive and City Council has put off a decision for a long time. The library is crumbling, so doing nothing will incur costs as well.

Ms. Chaput believed Staff's reluctance to answer the Board's specific questions about costs reflected negatively on the Board when it became apparent at a City Council meeting that the Board was uninformed. Director Cronin should have told the Board the project would cost \$40 million prior to presenting this information at a City Council meeting. Director Tucker added that the total project costs were put forward as the library costs and it was clarified later in the meeting that the library's costs were a portion of the estimate. Mr. Oser believed the Board needed to reiterate that their focus is on getting a good modern library for the City of Astoria. It would be great if costs could be reduced by adding housing, but that is not the Board's focus.

Mr. Oser agreed that operating costs for a one- and two-story building would be different.

Board members discussed the necessity of the Board to focus on generating excitement about library improvements by interfacing with City Council and engaging with the public more. Studies have been done since 2009 and no action has been taken. The library is a tax-funded service of the City and is one of City Council's initiatives, like getting a new truck for the Fire Department. However, people in the community question why a new library is needed. Mr. Womack believed the initiative needed to be the focus of educating and communicating with the public. He discussed the current responsibilities of City

Council and the Community Development Director, noting that the City would not make a decision until funding sources have been identified.

Mr. Oser said the purpose of his recent meeting with Director Cronin was to update him on the status of the Foundation because there had been a lot of talk about the Foundation's ability to raise \$1 million right away. The Board and Staff agreed that the ability of the Foundation to raise money depended on the attractiveness of the project.

Ms. Chaput suggested the library advocate for a bond measure before discussing what the building will look like. Chair Summers agreed because the bond measure will be vital to the improvements. City Council has not made a decision yet, but the library is a City Council initiative so it will have to make a decision.

Board members and Staff discussed their sole responsibility is the library. It is possible that Council is trying to come to a consensus before making a decision. Because there are so many unknowns about this project, it might be helpful to City Staff if the Board made a commitment to review plans, work with the planners, and advise City Council on what plans the Board believes are best. The Board could reiterate to Council that as an advisory board, the Library Board would be happy to review plans and make a recommendation on the new information.

Ms. Chaput suggested the Board advocate that the library is crumbling, it is an uninviting space, and people do not come to the library because it is not a nice place to be. The library is cold and dark and does not provide any place to curl up and read a book. Ms. Chaput believed the Board should assert that library improvements will happen, and the Board will help City Council make it happen once they decide how. Instead of making recommendations, the Board should communicate that it will help City Council make a decision. Chair Summers and Mr. Oser agreed.

The Board shared ideas for communicating with City Council and Staff. The Board agreed communications should clearly indicate that the Board exists to help Council make the best decision. This will help alleviate Councilor's fears about project costs.

The Board agreed a different approach should be used at this point in the process. Board members discussed the appropriate time to send an email or letter to City Council; most agreed the Board should meet with Director Cronin first so he is aware of the Board's plans, and prior to the architect's report being complete. However, Mr. Oser suggested a Board member should tell Mayor LaMear, instead of Director Cronin, that the Board plans to send this letter to City Council.

Ms. Chaput believed it would be helpful to give Councilors a short biography of each Board member.

Mr. Womack believed the best way to present the letter to City Council was to have it added as a memorandum in a City Council agenda packet. This would be done through the City Manager's office and the mayor will decide if the memorandum will be included as an agenda item. The Board agreed that Ms. Chaput would draft the letter. Mr. Oser suggested the letter be read aloud during a City Council meeting as a presentation. Ms. Summers added a presentation would give Board members the opportunity to introduce themselves. Mr. Womack said a good second step would be to schedule a meeting between the Library Board and City Council. This would give the Board the opportunity to further describe their role to Councilors.

Library Board Action: Kimberly Chaput moved that the Astoria Library Board request a work session with the Astoria City Council to discuss moving forward with a new or renovated library; seconded by Kate Summers. Motion passed unanimously. Ayes: Kate Summers, Kimberly Chaput, David Oser, and Chris Womack. Nays: None.

Mr. Womack excused himself from the meeting.

The Board agreed to request their letter be put on the agenda for the March 21st City Council meeting. Ms. Chaput confirmed she would complete the letter by the end of the week so Board members could review it prior to submitting it to City Staff. Mr. Oser said he would speak with Mayor LaMear and get her

feedback about the letter. Board members also agreed to write biographies and send them to Ms. Chaput to be included with the letter.

Old Business:

Chair Summers thanked Director Tucker for her time working for the City.

Public Comments: There were none.

Items for Next Meeting's Agenda: Director Cronin will report on library options and the Board will discuss responses to their letter to City Council.

Adjournment: There being no further business, the meeting was adjourned at 6:40 pm.

Respectfully submitted,

Jane Tucker, Director, Astoria Public Library



March 22, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: LICENSE TO OCCUPY A PORTION OF THE HAMBURG AVENUE RIGHT OF WAY
ADJACENT TO 487 WEST MARINE DRIVE

DISCUSSION/ANALYSIS

The City has received a request from John Carriere, who owns property at 487 West Marine Drive, to occupy a portion of the Hamburg Avenue right of way in order to maintain a newly constructed concrete retaining wall. The new wall extends partially into the right-of-way.

Public Works and Community Development staff have reviewed this request and recommends a License to Occupy for the proposed improvements be permitted with the following conditions:


1. The 4 concrete blocks adjacent to the structural retaining wall needs to be removed and the area graded appropriately (3:1 maximum slope).
2. The right-of-way area behind the wall needs to be vegetated to prevent erosion.
3. The top of the retaining wall should be protected with a pedestrian guardrail or alternate method to protect pedestrians.
4. An asphalt transition shall be constructed from the new sidewalk to the existing road. The City will need to approve the transition layout.
5. The construction debris, including construction fencing, needs to be removed from the right-of-way.

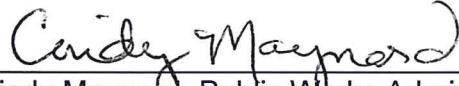
Mr. Carriere is aware of and agreeable with these conditions.

City Attorney Blair Henningsgaard has reviewed, and approved as to form, the attached License Agreement.

RECOMMENDATION

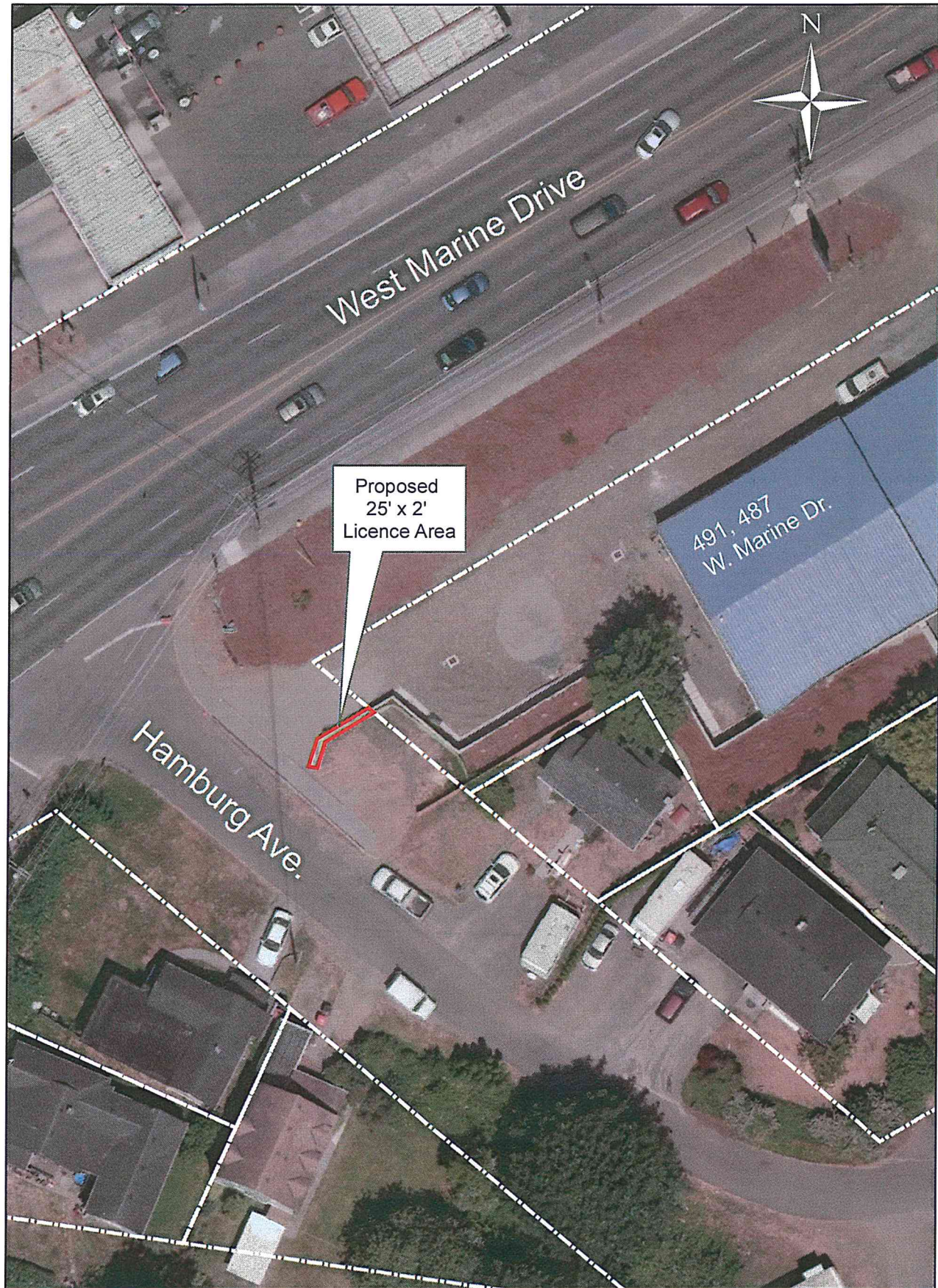
It is recommended that City Council approve a license to occupy, subject to the above conditions, for a 25-foot by 2-foot portion of the Hamburg right-of-way adjacent to 487 Hamburg Avenue for the purpose of maintaining a newly constructed retaining wall.

Submitted by: 
Ken P. Cook, Public Works Director

Prepared by: 
Cindy Maynard, Public Works Admin Assistant

Proposed License to Occupy
lots 15-20, Block 6
Taylors Subd., Astoria
487 W. Marine Dr. - 25' x 2'

Scale: 1"=40'
Date: 3-21-2016



LICENSE

AN AGREEMENT, made and entered into this _____ day of _____ between the CITY OF ASTORIA, a municipal corporation of the State of Oregon, hereinafter referred to as "City", and John Carriere, 487 West Marine Drive, Astoria, Oregon, 97103 hereinafter referred to as "Carriere".

WITNESSETH:

WHEREAS, Carriere is the owner of certain real property in Astoria, Oregon, hereinafter referred to as "the Carriere property", 487 West Marine Drive and more particularly described as: Lots 15-20, Block 6, Taylors Astoria, Tax Lot 8500, in the City of Astoria, County of Clatsop and State of Oregon, and

WHEREAS, City is the owner of a public street right-of-way adjacent to and abutting the Carriere property, hereinafter referred to as "the Hamburg Avenue right-of-way", and

WHEREAS, Carriere wants to maintain an existing retaining wall, hereinafter referred to as "the retaining wall", on a 25-foot by 2-foot portion of the Hamburg Avenue right-of-way, as it abuts the Carriere property, and

WHEREAS, Carriere has requested from City the right to locate the retaining wall on the Hamburg Avenue right-of-way, as shown on the attached sketch

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

- 1) City grants permission to Carriere and Carriere accepts City's permission to maintain the retaining wall in the Hamburg Avenue right-of-way as shown on attached sketch.
- 2) Carriere's use of the Hamburg Avenue right-of-way is not "adverse" or contrary to the City in any way.
- 3) Neither Carriere nor any subsequent owner or occupant of the retaining wall will acquire any prescriptive rights in the Hamburg Avenue right-of-way.
- 4) City may revoke its permission for Carriere's continued use of the retaining wall on the Hamburg Avenue right-of-way for any reason upon sixty days prior written notice to Carriere. Upon such notice, Carriere or subsequent owner will remove the retaining wall forthwith from the Hamburg Avenue right-of-way at his sole expense and restore right-of-way to a condition acceptable to the City.
- 5) Carriere or his successor shall forever defend, indemnify and hold City harmless from any and all claim, loss or liability arising out of or in any way connected with his use of the Hamburg Avenue right-of-way, his conduct with respect to the same, or any condition thereof. In the event of any litigation or proceeding brought against City arising out of or in any way connected with any of the

foregoing events or claims, Carriere or his successor shall, upon notice from City, vigorously resist and defend against such actions or proceedings through legal counsel reasonably satisfactory to City.

6) The provision, covenants and agreements of this license shall be binding upon and inure to the benefit of the heirs, personal representatives, successors and permissible assigns of the parties hereto.

7) In the event suit or action is instituted to enforce any of the terms of this license agreement, the prevailing party shall be entitled to recover from the other party such sum as the Court may adjudge reasonable as attorney fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

CITY OF ASTORIA, a
municipal corporation of
the State of Oregon,

CITY:

By: _____
Mayor

Attest: _____
City Manager

Property Owner

City of Astoria
Central File _____
After recording, return to:
City of Astoria
1095 Duane Street
Astoria, OR 97103



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

Date: March 17, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) DECEMBER STORM DAMAGE PUBLIC ASSISTANCE GRANT & OREGON INFRASTRUCTURE FINANCE AUTHORITY (IFA) MATCH GRANT**

DISCUSSION/ANALYSIS

During the period of December 6th through 23rd, 2015, the State of Oregon experienced a severe weather pattern that caused damaging winter storms with straight-line winds, flooding, and landslides. The City of Astoria experienced erosion along the Columbia River shoreline and a washout in a location along Pipeline Road where our 21" diameter water transmission main crosses a ravine. As a result of the widespread damage, a Federal declaration of emergency was declared on February 17, 2016 and the Federal Emergency Management Agency (FEMA) Public Assistance Program funds became available to assist communities with the repair of their damages.

Staff has been participating in the program meetings and has submitted an Initial Damage Assessment to the State Office of Emergency Management (OEM) on January 5, 2016. The official application date is May 31st, 2016. Staff will be working with FEMA and OEM staff until then preparing all of the details and paperwork for the program.

The Infrastructure Finance Authority (IFA) has notified the City that they have grant funds available to provide match for FEMA funds. Staff has discussed our project with our IFA representative and it appears that the City will be eligible.


FUNDING

The current repair estimate is \$250,000 for all of the damage identified to this point. Staff will be updating the project costs as the project develops for inclusion in the final application. The FEMA program funds 75 percent of the project which is currently estimated at \$187,500, and a 25 percent match is required, currently estimated at \$62,500. The IFA has offered grants specifically for the match portion of the FEMA grants. This results in no project expense to the City with the exception of staff time and some incidental work that may be required outside of the grant funded project work.

RECOMMENDATION

It is recommended that Council authorize staff to proceed with the submittal of an application to FEMA/OEM for an estimated amount of \$187,500 and an application to IFA for an estimated amount of \$62,500.

Submitted By 
Ken Cook, Public Works Director

Prepared By JEFF HARRINGTON 
Jeff Harrington, City Engineer



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

March 29, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA SENIOR CENTER RENOVATION COMPLETION — 2ND
PUBLIC HEARING

The City of Astoria recently completed the Senior Center Renovation project funded with Community Development Block Grant (CDBG) funds from the Oregon Business Development Department. The Senior Center is located at 1111 Exchange Street, Astoria Oregon. It is estimated that the renovated Center will benefit more than 400 seniors of whom 17% are low or moderate income. The purpose of the hearing is for the Astoria City Council to obtain citizens views about the project and to take comments about the local government's performance. This public hearing is required to close out the CDBG funded project. A public hearing notice was published in *The Daily Astorian* on March 28, 2016.

RECOMMENDATION

It is recommended that the Astoria City Council conduct the scheduled hearing to obtain citizens views about the Senior Center Renovation project and to take comments about the local government's performance.



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

March 24, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: WATERFRONT BRIDGES REPLACEMENT PROJECT (6TH – 11TH STREETS)

DISCUSSION

Background

Where each of the City's numbered streets between 6th and 11th Streets meet the Columbia River, a short bridge connects the solid-ground road to the over-water pier structure. These waterfront bridge structures are of utmost importance to the City as they provide access to a critical portion of our waterfront. They provide both pedestrian and vehicular access to many businesses and attractions. In addition, they provide essential emergency vehicle access to the waterfront. Currently the structures are all load limited.

In September 2014, the City entered into an Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for the design phase of the Waterfront Bridges Replacement Project that will replace these six bridge structures. Then in April 2015, OBEC Consulting Engineers, Inc. (OBEC) was hired by ODOT as the engineering design consultant for this project. Since that time, OBEC has performed preliminary investigations and design to about 15 percent completion.

Current Funding

Back in 2013 when the City received letters that the Waterfront Bridges would receive funding from the ODOT Local Highway Bridge Program, the total award amount (including City match) stated by ODOT was \$8,353,000. This amount was reported to Council as the project funding. Recently, City staff was informed that the actual amount programmed into the Final ODOT Statewide Transportation Improvement Program (STIP) is \$9,487,000, which is the official project funding and results in a City match of \$974,315 (10.27%). This also results in an additional \$1,017,538 in ODOT grant funds. ODOT has not been able to explain this difference in figures. For the purposes of funding and budget discussions moving forward, the current total project funding is \$9,487,000.

Rail Loads

The project limits of each Waterfront Bridge include a portion of the rail line that crosses the City right-of-way. Current use of this rail line includes the Astoria Riverfront Trolley and rail

maintenance equipment. In the near future, the Astoria Railroad Preservation Association hopes to use the rail line for the steam locomotive that is being restored. Future uses beyond the steam locomotive have not been proposed to the City at this time.

ODOT recently informed the City that the Local Highway Bridge Program funding could likely not be used to replace the rail structures to a rail standard that would support freight trains (American Railway Engineering and Maintenance-of-Way Association or AREMA) as the intent of this funding source is to build highway bridges. The ODOT Bridge Group has unofficially determined that the funding could be used to replace the rail structures to a highway load standard (American Association of State Highway and Transportation Officials or AASHTO), which would support the current use of the trolley and maintenance equipment. Absent ODOT funding, the City could still elect to have the project built to support freight loads at the City's sole expense; in other words, the City would be responsible for 100% of the cost difference between a highway rail load structure and a freight rail load structure. Based on current design information, the difference in cost is estimated to be about \$900,000 - \$1,000,000. The City has not yet officially submitted a request to ODOT for this project change.

Another consideration in this matter is that the City must comply with the 1996 Railbanking Agreement between the City and Burlington Northern Railroad Company when reconstructing the rail line. The Railbanking Agreement has conditions pertaining to the ongoing maintenance and operation of the rail line that has been reviewed by City Attorney Blair Henningsgaard and Railroad Attorney Charles Montange. It is their opinion that the City is not required to reconstruct the rail to handle freight loads per the Railbanking Agreement, although there are not enough legal decisions concerning reactivation of rail lines to be absolutely certain.

Project Budget

At this point in the design, the engineering consultants have prepared a cost estimate based on the results of investigations, research and a much better understanding of the site conditions and constraints than when the project was originally scoped in 2013. Beyond the rail line impacts to the budget, there is a budget increase due to deep bedrock that was discovered during the geotechnical explorations and larger project area that is necessary to connect the new structure to existing structures at appropriate locations. The design team estimates that the project funding needs to be increased by \$1,826,000 (\$187,530 City match) to account for these project factors. The City has not yet officially submitted a request to ODOT for this budget increase, but ODOT has indicated support of this justified increase.

11th Street Extension

The 11th St. Waterfront Bridge is connected to the at-grade (solid ground) roadway to the east by a short structure (about 60 feet) that was not included in the original scope of work for this project. City staff has been discussing this section of roadway with ODOT for several years and vying for it to be included in the project as it is critical to the project success. If this structure is to remain in its current condition, then the benefit and usability of the new 11th St. Waterfront Bridge structure will be greatly diminished as the route will continue to be load restricted. OBEC is estimating complete removal and replacement of the 11th St. extension to be about \$840,000. The ODOT Bridge Group has unofficially indicated they would not support funding the 11th St. extension with this project as it is outside the scoped limits; however, the City has not formally submitted a request. If the City requests a project change to include the 11th St. extension and it is denied, the design team will investigate other lower cost options for improving the existing structure to support standard loads. A recommended approach and cost for the 11th St. extension will be brought to Council at a future date.

Budget Summary

	ODOT Published STIP	Cost Estimate Current Rail Loads	Cost Estimate Freight Loads with ODOT Support	Cost Estimate Freight Loads without ODOT Support
ODOT Bridge Program Grant	\$8,512,685	\$10,151,155	\$11,138,185	\$10,151,155
City Match	\$974,315	\$1,161,845	\$1,274,815	\$2,261,845
<i>Annual Payment on 25-yr Loan at 4% Interest</i>	<i>\$54,000</i>	<i>\$66,000</i>	<i>\$74,000</i>	<i>\$128,000</i>
TOTAL FUNDING	\$9,487,000	\$11,313,000	\$12,413,000	\$12,413,000

*11th St extension is not included in the estimates above.


**Cost estimates include increase for deep bedrock and increased project area.

Loan funds will be used to pay for the construction phase City match for this project and Surface Transportation Funds (STP) will be the funding source for debt repayment. STP Funds, which are managed by ODOT, are federal fuel tax dollars that are available to local agencies for transportation projects. Since 2008 the City has received between \$100,000 and \$112,000 annually in STP funds. The table above shows the annual payment for the different scenarios. Based on the funding analysis and legal advice from the City Attorney, it is recommended that the City proceed with a project that will support the current rail loads as well as the potential steam locomotive and not freight loads. The estimates above also include the additional budget for deep bedrock. The recommended budget scenario is highlighted in the table above. In addition, staff recommends requesting additional funding for the 11th St extension area from ODOT and if this request is denied then lower cost alternatives will be developed with the project and presented to Council at a later date.

RECOMMENDATION

It is recommended that Council authorize Staff to submit a project change request to ODOT for additional funding for the deep bedrock, elements of the project that are necessary to design and construct structures to support current rail use (not freight loads) and a separate project change request for the 11th Street extension area.

Submitted By: Ken P. Cook 
Ken P. Cook, Public Works Director

Prepared By: Cindy D. Moore 
Cindy D. Moore, City Support Engineer

Bridge Replacement Sites



N



Bridges to be replaced during first year of winter work



Bridges to be replaced during second year of winter work






CITY OF ASTORIA

Founded 1811 • Incorporated 1856

March 25, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: LIQUOR LICENSE APPLICATION

Discussion & Analysis

A liquor license application has been filed by Thomas and Elena Shern for Capricorn Pub and Fine Dining LLC. This application is a Change of Ownership and Greater Privilege for a Full On-Premises Sales Commercial Establishment and Caterer License which allows the following:

- May sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises (this is the license most “full-service” restaurants obtain)
- May sell malt beverages, wine, and cider to individuals in a securely covered container (“growler”) for consumption off the licensed premises
- Eligible to apply for pre-approval to cater some events off of the licensed premises (events that are small, usually closed to the general public, and where food service is the primary activity)
- Eligible to apply for a “special event” license

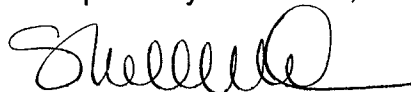
The site is located at 1040 Commercial Street, Astoria, formerly the Blue Ocean Thai Cuisine Restaurant. The application will be considered at the April 4, 2016 meeting. A copy of the application is attached.

The appropriate Departments have reviewed the application. No objections to approval were noted.

Recommendation

Staff recommends that the City Council consider this application for approval.

Respectfully submitted,



Susan Brooks
Director of Finance & Administrative Services



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

ORIGINAL

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

CITY AND COUNTY USE ONLY

Date application received: 3-7-16

The City Council or County Commission:

City of Astoria
(name of city or county)

recommends that this license be:

Granted Denied

By: _____
(signature) (date)

Name: _____

Title: _____

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

OLCC USE ONLY

Application Rec'd by: [Signature]

Date: 2/23/16

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① Capricorn Pub + Fine Dining, LLC ③

② _____ ④

2. Trade Name (dba): Capricorn Pub and Fine Dining

3. Business Location: 1040 Commercial Str., Astoria, Clatsop, Or 97103
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 1040 Commercial Str. Astoria, Or 97103
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-777-3502 503-777-3502
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: Lucky 777, LLC and Monothami Type of License: Bungo

8. Former Business Name: Blue Ocean Thai Cuisine

9. Will you have a manager? Yes No Name: _____
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Astoria, Or. Clatsop County
(name of city or county)

11. Contact person for this application: Elena Shern 715-497-8064
(name) (phone number(s))
020 S. Downing, #4, Seaside, Or 97138 715-497-8064 elena.shern@yahoo.com
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:
① [Signature] Date 1/30/2016
② [Signature] Date 1/30/2016



OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Elena Skern Phone: 715-497-8064
 Trade Name (dba): Capricorn Pub and Fine Dining, LLC
 Business Location Address: 1040 Commercial Str.
 City: Astoria, Or. ZIP Code: 97103

DAYS AND HOURS OF OPERATION

Business Hours:
 Sunday 7:00am to 2:00am
 Monday 6:30am to 2:00am
 Tuesday 6:30am to 2:00am
 Wednesday 6:30am to 2:00am
 Thursday 6:30am to 2:00am
 Friday 6:30am to 2:00am
 Saturday 7:00am to 2:00am

Outdoor Area Hours:
 Sunday 7:00am to 2:00am
 Monday 6:30am to 2:00am
 Tuesday 6:30am to 2:00am
 Wednesday 6:30am to 2:00am
 Thursday 6:30am to 2:00am
 Friday 6:30am to 2:00am
 Saturday 7:00am to 2:00am

The outdoor area is used for:
 Food service Hours: 6:30 to 2:00am
 Alcohol service Hours: 6:30 to 2:00am
 Enclosed, how _____
 The exterior area is adequately viewed and/or supervised by Service Permittees.
gls (Investigator's Initials)

Seasonal Variations: Yes No. If yes, explain: Hours may be reduced when business slows.

ENTERTAINMENT

Check all that apply:
 Live Music
 Recorded Music
 DJ Music
 Dancing
 Nude Entertainers
 Karaoke
 Coin-operated Games
 Video Lottery Machines
 Social Gaming
 Pool Tables
 Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday 7:00am to 2:00am
 Monday 6:30am to 2:00am
 Tuesday 6:30am to 2:00am
 Wednesday 6:30am to 2:00am
 Thursday 6:30am to 2:00am
 Friday 6:30am to 2:00am
 Saturday 6:30am to 2:00am

SEATING COUNT

Restaurant: 49 Outdoor: 6
 Lounge: 13 Other (explain): _____
 Banquet: _____ Total Seating: 68

OLCC USE ONLY
 Investigator Verified Seating: ___(Y)___(N)
 Investigator Initials: _____
 Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: E Skern Date: 1/30/2016



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

March 17, 2016

MEMORANDUM

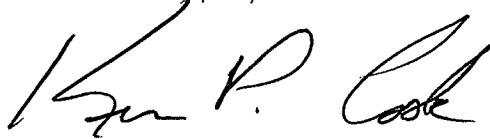
TO: MAYOR AND CITY COUNCIL
FROM:  BRETT ESTES, CITY MANAGER
SUBJECT: PIPELINE ROAD TRANSMISSION MAIN RESILIENCY STUDY GRANT


DISCUSSION/ANALYSIS

The Oregon Infrastructure Finance Authority (IFA) is offering grants in the amount of \$20,000 for resiliency studies of important infrastructure. The objective of the grant is to assist communities with water system planning and related activities that promote sustainable water infrastructure. The specific project shall plan for water system resiliency and identify a potential improvement project. The Public Works staff has been reviewing eligible projects for the City of Astoria. The current project concept developed by staff consists of a resiliency study of the 12 mile long, 21 inch diameter, transmission main that delivers water from the City headworks and Bear Creek Reservoir to Reservoir #2 and Reservoir #3 in town. At the Council meeting, City Engineer Harrington will give a brief presentation explaining the details of the proposed project and the importance of the project to the City.

RECOMMENDATION

It is recommended that Council authorize staff to proceed with the submittal of a letter of interest and a formal application to IFA for an estimated amount of \$20,000.

Submitted By 
Ken P. Cook, Public Works Director

Prepared By JEFF HARRINGTON 
Jeff Harrington, City Engineer