



AGENDA

ASTORIA CITY COUNCIL

December 19, 2016

*****6:00 p.m.*****

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

6:00 P.M. CITY BOARDS AND COMMISSIONS RECEPTION

7:00 P.M. REGULAR SESSION

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **REPORTS OF COUNCILORS**

4. **CHANGES TO AGENDA**

5. **CONSENT CALENDAR**

The items on the Consent Calendar are considered routine and will be adopted by one motion unless a member of the City Council requests to have any item considered separately. Members of the community may have an item removed if they contact the City Manager by 5:00 p.m. the day of the meeting.

(a) City Council Minutes of 11/21/16

(b) Boards and Commission Minutes

(1) Planning Commission Minutes of 10/25/16

(c) Authorization to Enter into a Two Year Consulting Agreement with Ellis and Associates (Parks)

(d) Authorization to Designate Mill Pond and Apply for All Start Grant to Fund New Interpretive Panel (Community Development)

(e) 33rd Street and Highway 30 Street Lights – Authorization to Approve Intergovernmental Agreement (IGA) Amendment (Public Works)

(f) Fuel System Replacement Project – Leaking Underground Storage Tank (LUST) Cost Recovery Agreement (Public Works)

(g) Authorization of Lease Agreement for Riverwalk (Community Development)

6. **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) Public Hearing regarding Appeal of Conditional Use Permit for Marijuana Retail on Abbey Lane (Community Development)

(b) Trolley Trestle Repair Project 2017 – Contract Amendment #1 (Public Works)

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

THIS MEETING IS ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING JULIE YUILL, CITY MANAGER'S OFFICE, 503-325-5824.



CITY OF ASTORIA

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December 16, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF DECEMBER 19, 2016

6:00 P.M. CITY BOARDS AND COMMISSIONS RECEPTION

7:00 P.M. REGULAR SESSION

CONSENT CALENDAR

Item 5(a): City Council Minutes

The minutes of the City Council Meeting of November 21, 2016 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

Item 5(b)(1): Boards and Commissions Minutes

The minutes of the Planning Commission meeting of November 25, 2016 are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

Item 5(c): Authorization to Enter into a Two Year Consulting Agreement with Ellis and Associates (Parks)

Since 2008, the City of Astoria has contracted with Ellis and Associates to provide professional aquatic safety and risk management services at the Astoria Aquatic Center. The current contract expires on December 31, 2016 and can be renewed with a two year term from January 1, 2017 – December 31, 2018. Ellis and Associate's Comprehensive Aquatic Risk Management Program provides licensed accountability, vigilance awareness, the unannounced audit program, and satisfaction of the Model Aquatic Health Code module 6.0.1. The Agreement has been reviewed and approved as to form by the City Attorney. It is recommended that Council enter into a two year consulting agreement for professional aquatic safety and risk management services through Ellis and Associates.

Item 5(d): Authorization to Designate Mill Pond and Apply for All Star Grant to Fund New Interpretive Panel (Community Development)

Astoria is one of six cities in Oregon designated as an All Star community by the Oregon Heritage Commission. Astoria is eligible to apply for an All Star Grant. On behalf of the Parks and Recreation Department, the Community Development Department has applied for a \$3,500 grant to fund the fabrication of an interpretive panel at Mill Pond Park. The sign will commemorate the history of the Astoria Plywood Mill, the redevelopment of a brownfield into an award winning urban neighborhood, and the leadership of Art DeMuro as a foremost expert and advocate in historic preservation. The City expects to hear back on the grant award by the end of this calendar year. Parks and Recreation is prepared to install the sign and a ribbon cutting ceremony is also planned to honor Historic Preservation Month in May 2017.

Item 5(e): 33rd Street and Highway 30 Street Lights - Authorization to Approve Intergovernmental Agreement (IGA) Amendment (Public Works)

The area around the intersection of 33rd Street and Highway 30 (Safeway) is in need of illumination enhancements. This intersection currently accommodates State highway traffic, Safeway grocery store access, pedestrian users, and links the area to a well-used bus stop. City staff worked with the Oregon Department of Transportation (ODOT) to secure \$34,512 in grant funding for the street light improvements. Upon completion, the project will provide better illumination in the area with the goal of improving pedestrian and vehicular safety. City Council approved an IGA with ODOT to utilize the funding in September 2015. A design contract for the work was approved by City Council in September 2016. Due to coordination challenges associated with crossing the State Highway with new infrastructure, the City is not able to meet the December 31, 2016 project deadline. Conflicting requirements between ODOT and some of the franchise utilities have been the primary reason for these challenges. City staff coordinated with ODOT to extend the completion date to June 1, 2017. It is recommended that Council approve IGA Amendment #1 with ODOT to extend the grant duration for the planned illumination improvements.

Item 5(f): Fuel System Replacement Project – Leaking Underground Storage Tank (LUST) Cost Recovery Agreement (Public Works)

At their August 1, 2016 City Council meeting, Council approved a contract for the Fuel System Replacement Project. This project provides the most cost effective, sustainable way to continue to provide fuel for the City fleet. The new fuel system includes new above ground fuel storage, associated piping and appurtenances, 2 new fuel pumps, and an updated fuel management system. During decommissioning of the existing underground storage tanks, the Contractor found evidence of contaminated soil. This contaminated material appears to be associated with the distribution piping or valves. The City and Contractor will work with Oregon DEQ to complete the necessary steps for appropriate testing and clean-up of the contamination. The first step in this process is approval of the Leaking Underground Storage Tank (LUST) Cost Recovery Agreement. This agreement is required by Oregon DEQ, and allows them to recover costs from the

City associated with their oversight of the LUST clean-up process. There will also be costs associated with the Contractor's effort to remove and dispose of contaminated material, coordination with DEQ, and follow up testing and reporting. The estimated contractor costs are \$20,000 and DEQ costs \$5,000. It is recommended that Council approve the LUST Cost Recovery Agreement with Oregon DEQ.

Item 5(g): Authorization of Lease Agreement for Riverwalk (Community Development)

In 1994, Englund Marine Supply granted a lease to the City to allow public access on their property for the creation of the Riverwalk. Newport Pacific Corp, dba Mo's Chowder, recently acquired the property and received approval in August 2016 to operate a restaurant and chowder production facility. Mo's has agreed to continue the lease arrangement. The lease does not expire but does have a 60 day notice to terminate the lease. The City Attorney has reviewed and approved as to form. It is recommended that Council authorize the Lease Agreement with Newport Pacific.

REGULAR AGENDA ITEMS

Item 6(a): Appeal (AP16-01) by Heather Hansen of Conditional Use Permit (CU16-10) at 3930 Abbey Lane Building A Unit 104 (Community Development)

On September 22, 2016, Daryl Bell applied for a Conditional Use permit (CU16-10) to the Astoria Planning Commission (APC) to locate a medical-recreational marijuana dispensary as a retail sales establishment at 3930 Abbey Lane in Building A Unit 104, zoned S-2A. "Tourist-Oriented Retail Sales" is an outright permitted use in the S-2A zone. A "Retail Sales Establishment" requires a conditional use permit in the S-2A zone. A Notice of Appeal on the APC decision was submitted by Heather Hansen on November 11, 2016. The Notice of Appeal which details the appellant's concerns can be found on Page 1 of the appeal packet. A complete record of the request has been compiled and itemized and is attached. It is recommended that the City Council hold the public hearing on the appeal and consider whether to uphold, reverse, or remand the Astoria Planning Commission decision for CU16-10.

Item 6(b): 2017 Trolley Trestle Repair Project – Contract Amendment #1 (Public Works)

At their October 17, 2016 meeting, the City Council approved a design services contract with OBEC Consulting Engineers, Inc., to assist the City with completion of critical trestle maintenance work. During the design process it became apparent that maintenance work will need to be postponed until early April. To allow the Trolley to safely operate during March, a supplemental inspection is needed to verify the condition of the critical portions of the trestles. OBEC provided an estimate for this work for a total not-to-exceed cost of \$12,665. The Riverfront Trolley Association has agreed to split the cost of the supplemental inspection in the amount of \$6,332.50. The additional inspection work does not guarantee Trolley operation but will assist staff in determining whether safe operation can be permitted. We anticipate being able to permit operation with only minor temporary repairs ahead of the larger maintenance project. Funding is

available for Contract Amendment #1 in the Promote Astoria Fund; however, a supplemental budget will need to be approved to appropriately fund construction of the trestle improvements prior to awarding a construction contract. We anticipate bringing the supplemental budget for Council consideration in March 2017 with the construction contract anticipated in April 2017. It is recommended that Council approve Contract Amendment #1 for additional inspection services for the 2017 Trolley Trestle Repair Project.