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# AGENDA

## ASTORIA CITY COUNCIL

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Tuesday, September 8, 2015  
7:00 p.m.  
2<sup>nd</sup> Floor Council Chambers  
1095 Duane Street • Astoria OR 97103

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **REPORTS OF COUNCILORS**

4. **PRESENTATIONS**

- (a) Sunset Empire Transportation District

5. **PROCLAMATIONS**

- (a) Constitution Week

6. **CHANGES TO AGENDA**

7. **CONSENT CALENDAR**

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

- (a) City Council Minutes of 8/3/15  
(b) City Council Work Session Minutes of 8/3/15  
(c) City Council Special Meeting Minutes of 8/14/15  
(d) City Council Minutes of 8/17/15  
(e) Boards and Commission Minutes  
(1) Historic Landmarks Commission Meeting of 7/21/15  
(2) Historic Landmarks Commission Meeting of 8/18/15  
(3) Library Board Meeting of 7/28/15  
(4) Parks Board Meeting of 6/24/15  
(5) Planning Commission Meeting of 7/28/15  
(f) City Service Fair on September 10, 2015  
(g) Astoria Downtown Development Association (ADHDA) Contract (Finance)  
(h) Authorization to Light the Astoria Column a Pink Hue for the Month of October in Recognition of Breast Cancer Awareness Month

8. **REGULAR AGENDA ITEMS**

- (a) Public Hearing and Ordinance – Amendment Request (A15-01) by Clatsop Community College to the Land Use and Zoning Map to Rezone an Area at 16<sup>th</sup> and Franklin Streets from R-3 (High Density Residential) to C-3 (General Commercial) (1<sup>st</sup> reading) (Community Development)  
(b) Authorization to Approve Intergovernmental Agreement (IGA) with Oregon Department of Transportation (ODOT) for 33<sup>rd</sup> Street and Highway 30 Street Lights (Public Works)

**REGULAR AGENDA ITEMS (con't)**

- (c) Authorization to Award Progressive Design Build Contract for Pump Station No. 1 Upgrades (Public Works)
- (d) Contract Amendment for Engineering Services for Pump Station No. 1 Upgrades (Public Works)
- (e) Public Hearing and Ordinance Amending City Code to Prohibit Tobacco and Marijuana Use in City of Astoria Parks (1<sup>st</sup> reading) (Parks)
- (f) Removal of Fill from Heritage Square (Public Works)
- (g) Resolution Expressing Opposition to the Proposed Oregon LNG Liquefied Natural Gas Terminal and the Oregon LNG and Washington Expansion Project Pipelines (City Council)

**9. 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

Founded 1811 • Incorporated 1856

September 3, 2015

## MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF SEPTEMBER 8, 2015

### PRESENTATIONS

**Item 4(a): Sunset Empire Transportation District**

Executive Director Jeff Hazen will be presenting a current overview of the Transit District's services, community partnerships, growth, goals and recent bus route changes and improvements.

### PROCLAMATIONS

**Item 5(a): Constitution Week**

The Mayor will proclaim the week of September 17-23, 2015 as Constitution Week.

### CONSENT CALENDAR

**Item 7(a): City Council Minutes**

The minutes of the City Council meeting of August 3, 2015 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

**Item 7(b): City Council Minutes**

The minutes of the City Council Work Session of August 3, 2015 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

**Item 7(c): City Council Minutes**

The minutes of the Special City Council meeting of August 14, 2015 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

**Item 7(d): City Council Minutes**

The minutes of the City Council meeting of August 17, 2015 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

**Item 7(e): Boards and Commissions Minutes**

The minutes of the (1) Historic Landmarks Commission meeting of 7/21/15, (2) Historic Landmarks Commission meeting of 8/18/15, (3) Library Board meeting of 7/28/15, (4) Parks Board meeting of 6/24/15, and (5) Planning Commission meeting of 7/28/05 are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

**Item 7(f): Astoria City Service Fair (City Manager)**

The City of Astoria will hold a Service Fair on Thursday, September 10, 2015, at the Columbia River Maritime Museum's Barbey Center located at 20<sup>th</sup> and Marine Drive from 4:00 p.m. to 6:30 p.m. This City-wide event will give citizens an opportunity to meet elected officials, employees and volunteers; learn about the various departments; and express comments or concerns about the different aspects of City operations. Games, prizes and food will be provided at no charge. In addition, the City has been granted the use of the Maritime Museum's off-street parking lot.

**Item 7(g): Astoria Downtown Development Association (ADHDA) Contract (Finance)**

City Code Section 8.045.18 requires organizations receiving funds from the Promote Astoria Fund to enter into a contract with the City. An Agreement for Professional Services with the ADHDA is attached for Council consideration. It is recommended that Council approve execution of the Agreement for Professional Services with the Astoria Downtown Development Association in order to make the first payment as provided for in this Agreement.

**Item 7(h): Authorization to Light the Astoria Column a Pink Hue for the Month of October in Recognition of Breast Cancer Awareness Month (Parks)**

On February 18, 2014 the Astoria City Council gave direction to the Parks and Recreation Department to limit the use of colored lighting effects at the Astoria Column to twice a year when specifically authorized by the City Council. This direction came after colored lighting effects took place for the first time at the Astoria Column in October 2013 in an event organized by Columbia Memorial Hospital, the Friends of the Astoria Column, and the Parks and Recreation Department to light the Astoria Column Pink in recognition of Breast Cancer Awareness Month. This event was followed by a partnership between The Harbor, the Clatsop County Domestic Violence Council, the Friends of the Astoria Column, and the Parks and Recreation Department to light the Astoria

Column teal for the month of April 2014 in recognition of Sexual Assault Awareness Month. Under City Council's authorization, the October pink and April teal lighting events repeated for the second year in 2014-2015. In partnership with Columbia Memorial Hospital and the Friends of the Astoria Column, the Parks and Recreation Department is requesting permission to change the lighting color on the Astoria Column for the third year to a pink hue for the month of October 2015 in recognition of Breast Cancer Awareness Month. This will be the second and final lighting of the Column for this calendar year. It is recommended that Council authorize the change in lighting at the Astoria Column to a pink hue for the month of October 2015 in recognition of Breast Cancer Awareness Month.

## **REGULAR AGENDA ITEMS**

**Item 8(a): Public Hearing and Ordinance – Amendment Request (A15-01) by Clatsop Community College to the Land Use and Zoning Map to Rezone an Area at 16<sup>th</sup> and Franklin Streets from R-3 (High Density Residential) to C-3 (General Commercial) (1<sup>st</sup> reading) (Community Development)**

Clatsop Community College (College) is selling the building known as the “Josie Peper” building to a private individual, who has stated that she would be using it as a residence (a second home) as well as a short term rental. Because the College properties are located in the R-3, High Density Residential Zone, staff advised the College and the prospective owner that the only way a short term rental could be allowed would be if there was a zone change to a zone that allowed lodging, such as the C-3, General Commercial Zone. On June 1, 2015, the College applied for an amendment to change the designation of the Performing Arts Center (the PAC), the Josie Peper building, and the surrounding parking areas from R-3 to C-3. On July 28, 2015, the Planning Commission held a public hearing and heard testimony from College officials, as well as three property owners in the vicinity who objected to the amendment. The basis of their objection was that the use of the Josie Peper building as a vacation rental would change the nature of the use, creating more traffic and late night noise and disruption. The Planning Commission voted 4-1 to recommend approval of the amendment. A public hearing on the amendment has been advertised and is scheduled for the September 8, 2015 City Council meeting. It is recommended that the Council hold a public hearing and adopt the ordinance as recommended by the Planning Commission. If the Council is in agreement with the recommendation of the Planning Commission, it would be in order for Council to hold a first reading of the Ordinance.

**Item 8(b): Authorization to Approve Intergovernmental Agreement (IGA) with Oregon Department of Transportation (ODOT) for 33<sup>rd</sup> Street and Highway 30 Street Lights (Public Works)**

The area around the intersection of 33<sup>rd</sup> 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 to secure funding for street light improvements through ODOT's Quick Fix Grant Program. The cost estimate for illumination enhancements at the intersection is \$34,512. The Quick Fix Grant will fund the total estimated project cost. To move forward with the project, an ODOT Intergovernmental Agreement (IGA) will need to be approved by Council. The City Attorney reviewed the IGA and has approved it as to form. It is recommended that Council approve the Intergovernmental Agreement with the Oregon Department of Transportation for the planned illumination improvements.

**Item 8(c): Authorization to Award Progressive Design Build Contract for Pump Station No. 1 Upgrades (Public Works)**

In August 2015, the City Council authorized soliciting proposals and utilizing a Progressive Design Build contract for the Pump Station No. 1 Upgrades Project. On August 25, 2015, the City received two proposals: Portland Engineering, Inc., and Industrial System, Inc. The selection committee used the following criteria to evaluate the proposals from both qualified firms: Experience and capabilities; organization, management and safety; project approach; and fee and rate proposal. Based on the scores, Portland Engineering was chosen to negotiate a Progressive Design Build Contract in two phases. Phase 1 includes design and development of a Guaranteed Maximum Price for installation of the equipment. Portland Engineering will perform this task for a total not-to-exceed fee of \$30,000. Phase 2 will consist of equipment purchase, installation, programming and training. A contract amendment for Phase 2 is anticipated to be presented to Council for authorization by the end of October. The planning level budget for Phase 2 is \$175,000; however, additional funds may be needed if bypass pumping becomes essential for the installation strategy. The project budget is as follows:

<b>PROJECT BUDGET</b>	
Phase 1 Progressive Design Build	\$ 30,000
Phase 2 Progressive Design Build	\$175,000
Construction Project Management	\$ 19,500
Electrical Permit	<u>\$ 500</u>
TOTAL	\$225,000

A grant incentive offer of \$72,940 has been executed with Energy Trust for the project. Preparation of the official Energy Trust Agreement is underway and is anticipated to be presented to Council for authorization within a month. Funding for the project is available in the Public Works Improvement Fund and Energy Trust of Oregon incentives. The Contract has been reviewed and approved as to form by the City Attorney. It is recommended that Council award Phase 1 of the Pump Station No. 1 Upgrades Project to Portland Engineering, Inc., through a Progressive Design Build Contract, for a not-to-exceed amount of \$30,000.

**Item 8(d): Contract Amendment for Engineering Services for Pump Station No. 1 Upgrades (Public Works)**

The City of Astoria's wastewater treatment facility, interceptor, and the main pump and lift stations were constructed in the mid-1970s. Pump Station No. 1 is the largest pump station in Astoria and is located in the Alderbrook neighborhood. Pump Station No. 1 contains three wastewater pumps with two variable speed 125 horsepower pumps and one fixed speed 75 horsepower pump. The system has provided reliable service for the past 40 years but lacks efficiency. Replacement parts are no longer readily available and parts of the system have reached the end of their useful life. On June 1, 2015, the City Council authorized Richwine Environmental to prepare a Concept Design Report for this project. The project was advertised as a Progressive Design Build Contract with award being included in the current Council agenda packet. The Contract Amendment with Richwine Environmental is in the amount of \$19,500 for contract management through completion of the project. Funding for this project is available in the Public Works Improvement Fund. It is recommended that Council execute a Contract Amendment for Construction Project Management with Richwine Environmental for a total not to exceed \$19,500 for the Pump Station No. 1 Project.

**Item 8(e): Public Hearing and Ordinance Amending City Code to Prohibit Tobacco and Marijuana Use in City of Astoria Parks (1<sup>st</sup> reading) (Parks)**

During their August 17, 2015 meeting, the City Council and held a public hearing to consider an ordinance banning smoking and tobacco use in City parks. The City Council voted to approve the ordinance but requested that staff update the ordinance to also ban the use of marijuana in City parks. The City Attorney reviewed the proposed changes and recommended a new hearing be held with the addition of banning marijuana use in City of Astoria Parks; therefore, an additional public hearing and first reading of the updated ordinance is needed. If the City Council approves the proposed ordinance, signage informing users of the law will be printed and installed in all City of Astoria Parks. The cost to print the needed signage is estimated to cost between \$2,500 - \$6,750 depending on quality and size. To assist in offsetting the signage printing costs, \$750 in funding is available from the Oregon Tobacco Prevention and Education Program via Clatsop County. The remainder of the funding to install signage would come from the Capital Improvement Fund. In the event that enforcement is needed, Section 5.933 of the Astoria City Code provides that the director, the director's authorized representative, and police officers have the authority to eject a person from the park. If further enforcement is needed, the penalties identified in Section 1.010 of the Astoria City Code also apply. These are the same laws that are used to oversee all other City of Astoria Parks Rules and Regulations, such as horseback riding, alcohol consumption, or dumping of refuse. The City Attorney has reviewed and approved the proposed ordinance and it is recommended that Council amend the Astoria City Code to prohibit tobacco and marijuana use in City of Astoria Parks.

**Item 8(f): Removal of Fill from Heritage Square (Public Works)**

The City of Astoria was awarded a United States Environmental Protection Agency (EPA) Multi-purpose Brownfield Pilot Grant in 2012 for assessment and cleanup of the Heritage Square site. During the construction of the Garden of Surging Waves project, approximately 1,200 cubic yards of unsuitable material was excavated and stockpiled within the former Safeway building basement. The spoil material was left on-site with the understanding that the City would be receiving grant funds to be used for removal costs. The material has been tested and is currently undergoing additional testing as a part of the EPA grant requirement. It is expected that the EPA will authorize local disposal. If the material can be placed at a local site, the project will remain within the grant budget. It has been determined that the City-owned quarry property located along Pipeline Road would be a qualified site. Once placed, the material will be covered with a geotextile fabric to serve as a demarcation and also covered with a minimum of three feet of soil. The site will then be seeded. In regard to the potential contamination of the groundwater, the contaminants associated with the stockpile soil are not considered highly leachable. In other words, they are not easily susceptible to movement within the ground if exposed to groundwater. The material will be placed above the high water table and covered with approximately 30 feet of cover minimizing the potential for contact with groundwater and the material impacting the surrounding area. The EPA Multi-purpose Brownfield Pilot Grant requires a \$40,000 match from the City. In the near future, staff will bring a request to the Astoria Development Commission to allocate \$40,000 from the Astor East Urban Renewal District for use as a match. It is recommended that Council approve the use of the quarry property for placement of the Heritage Square material.

**Item 8(g): Resolution Expressing Opposition to the Proposed Oregon LNG Liquefied Natural Gas Terminal and the Oregon LNG and Washington Expansion Project Pipelines (City Council)**

Mayor LaMear has requested that the City Council consider the enclosed resolution.