



AGENDA

ASTORIA CITY COUNCIL

February 1, 2016
7:00 p.m. Following the ADC Meeting
2nd Floor Council Chambers
1095 Duane Street · Astoria OR 97103

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **REPORTS OF COUNCILORS**

4. **CHANGES TO AGENDA**

5. **PRESENTATIONS**

- (a) Shirley Krepky 25 Year Service (Police)

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 1/4/16
(b) Boards and Commissions Minutes
(1) Library Board Minutes of 12/8/15
(c) 2016 Trestle and Track Inspection – Personal Services Contract (Public Works)
(d) 2016 Trolley Trestle Repair Project – Authorization to Award Construction Contract (Public Works)
(e) Salary Resolution Establishing Basic Compensation Plan Cost Of Living Wage Adjustments for the Astoria Public Safety Association and Police Sworn Management (Finance)
(f) Oregon Library Association Resource Sharing Committee Passport Program Agreement (Library)

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) Revised Findings of Fact for Appeals by Ron Zilli (Community Development)
(1) AP15-01 – New Construction Permit NC15-03 for Verizon Wireless
(2) AP15-02 – Variance V15-03 for Verizon Wireless
(3) AP15-03 – Wireless Communications Facility Permit WCF15-03 for Verizon Wireless
(b) Local Option Tax – Marijuana Retailers (Police)

8. **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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January 28, 2016

M E M O R A N D U M

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF FEBRUARY 1, 2016

PRESENTATIONS

Item 5(a): Shirley Krepsy 25 Year Service (Police)

Police Department Communications Operator Shirley Krepsy will be presented with her 25 year service pin.

CONSENT CALENDAR

Item 6(a): City Council Minutes

The minutes of the City Council meeting of January 4, 2016 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

Item 6(b): Boards and Commissions Minutes

The minutes of the (1) Library Board meeting of 12/8/15 are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

Item 6(c): 2016 Trestle and Track Inspection – Personal Services Contract (Public Works)

The City of Astoria has approximately 4.7 miles of railroad track and eight timber trestles formerly owned and operated by Burlington Northern Railroad from the Port of Astoria to Tongue Point. The Astoria Riverfront Trolley currently operates on approximately three miles of this track, and over four 4 of the trestles. The Trolley provides passenger service from Portway Street to 39th Street. Due to the age of the railroad infrastructure, the effort required to maintain the track and structures has been increasing rapidly. The City has the

timber trestles inspected each year to ensure they are safe to accommodate River Trail use and operation of the Trolley. After the annual inspection is completed and the inspector has provided repair recommendations, staff solicits bids for the repair work.

The City's previous rail inspection consultant, Andy Cyrus, has retired and is no longer available to assist with the work. Last year, staff performed an interim inspection and provided repair recommendations while looking for a permanent inspection solution. After evaluating several options, staff selected OBEC Consulting Engineers to assist with track and trestle inspection services. Upon request, OBEC provided a proposal for comprehensive inspection of the eight timber trestles and railroad track from the Trolley Barn to 39th Street. This will provide critical information on existing conditions, a maintenance summary identifying repair priorities, and budget estimates to assist with future maintenance funding. This scope is more significant than that of previous inspections, but will be necessary to effectively manage and maintain proper Trolley operation as well as plan for future funding allocations needed for repairs in the upcoming years. OBEC estimated the cost of this work to be \$37,067. This does not include a contingency task to provide Computer Aided Design (CAD) drawings. This task may be considered at a later date if funding allows in the next fiscal year. OBEC is listed on the Oregon Department of Transportation Consultant List for Local Public Agencies so staff recommends executing a personal services contract for the trestle and track inspection services per Astoria Code Section 1.967C(3) "Award from a Qualified Pool". Funding for this project will come from the Promote Astoria Fund. The City Attorney has reviewed the contract and approved it as to form. It is recommended that Council approve the Personal Services Contract with OBEC Consulting Engineers for the 2016 Trestle and Track Inspection Services in the amount of \$37,076.

Item 6(d): 2016 Trolley Trestle Repair Project – Authorization to Award Construction Contract (Public Works)

The City of Astoria has approximately 4.7 miles of railroad track and eight timber trestles formerly owned and operated by Burlington Northern Railroad from the Port of Astoria to Tongue Point. The Astoria Riverfront Trolley currently operates on approximately three miles of this track, and over four of the trestles. The Trolley provides passenger service from Portway Street to 39th Street. Each year, the City performs an inspection of the timber trestles to ensure safe operation of the Trolley over the structures. Recommended repairs are identified and completed during a period when the Trolley is not in use. Maintenance of the trestles has been deferred over the last two years while the City worked with the Division of State Lands and the Army Corps of Engineers to obtain permits for the planned maintenance work. The City has obtained a permit to complete maintenance work for the next five years and will be completing recommended repairs identified over the past two years.

City Staff will utilize the informal request for quotes (RFQ) process to obtain competitive quotes for the repair work. The RFQ document sent to Contractors

is attached to this memo. The estimate for the work is approximately \$50,000. The RFQ results will be available Friday, January 29th and will be provided as a supplement to this memo prior to the Council meeting. Funding for the repairs was budgeted and will be provided by the Promote Astoria Fund. It is likely that the repair work combined with this year's inspection effort will exceed the amount budgeted for trestle repair in the Promote Astoria Fund. Additional funding is available in the Promote Astoria Fund Contingency to cover the cost in excess of the funded amount. Staff is requesting approval in this fashion in an effort to complete the trestle maintenance work prior to the start of Trolley operation in early March. Since both inspection and maintenance work will be occurring simultaneously, critical maintenance items identified in this year's inspection will be added to the trestle repair scope if possible. It is recommended that Council authorize staff to execute a construction contract with the Contractor that provides the lowest responsible quote for an amount up to \$50,000.

Item 6(e): Salary Resolution Establishing Basic Compensation Plan Cost of Living Wage Adjustments for the Astoria Public Safety Association and Police Sworn Management (Finance)

Staff positions and associated compensation are detailed in the "Resolution Establishing a Basic Compensation Plan for the Employees of the City of Astoria and Establishing Regulations for the Placement of Present Employees within the Wage and Salary Schedules Provided". Whenever there are changes in positions, whether a position is begin deleted, added or redefined; or whether a change in compensation is proposed; such changes are adopted by resolution. This proposed resolution implements a 1.5% cost of living wage adjustment for both the Astoria Public Safety Association and Police Sworn Management effective January 1, 2016. It is recommended that Council adopt the Salary Resolution as presented.

Item 6(f): Oregon Library Association Resource Sharing Committee Passport Program Agreement (Library)

In September 2011, the Oregon Library Association (OLA) created the Resource Sharing Committee (RSC) to explore and recommend a statewide resource sharing option. On June 8, 2012, the Oregon Library Association Board voted to accept Oregon Library Passport, assigning the RSC as a standing committee of OLA to steward the program. A three year pilot project began in January, 2013 and that data was collected to evaluate the program. At the direction of the Astoria City Council on December 3, 2012, the Astoria Public Library joined Passport, offering a limited use Passport card. On December 4, 2015, the Oregon Library Association declared the pilot program a success, and transferred Oregon Library Passport program (OLP) to ongoing status. With more than 150 libraries participating statewide, OLP libraries reported 2,216 registered patrons who borrowed 92,326 items. In Astoria, 64 Passport cardholders have checked out 926 items. Attached is an agreement which would continue Passport services. It has been reviewed and approved as to form by the City Attorney. It is recommended that Council update the pilot

program agreement by approving the Oregon Library Passport Program Statement of Shared Understanding Agreement.

REGULAR AGENDA ITEMS

Item 7(a): Revised Findings of Fact for Appeals by Ron Zilli (Community Development)

- (1) AP15-01 – New Construction Permit NC15-03 for Verizon Wireless**
- (2) AP15-02 – Variance V15-03 for Verizon Wireless**
- (3) AP15-03 – Wireless Communications Facility Permit WCF15-03 for Verizon Wireless**

Verizon Wireless LLC applied for a New Construction permit (NC15-03) to the Historic Landmarks Commission (HLC) to construct a new wireless communication facility at 1580 Shively Park Road within Shively Park as well as a Variance permit (V15-03) to the Astoria Planning Commission (APC) to construct a new wireless communication facility at 1580 Shively Park Road within Shively Park with a height of 150' which exceeds the 45' maximum height, and a Wireless Communications Facility permit (WCF15-03) to the Astoria Planning Commission (APC) to construct a new wireless communication facility at 1580 Shively Park Road within Shively Park. On September 15, 2015, the HLC held a public hearing and approved the New Construction request with conditions and on September 16, 2015, the APC held public hearings and approved the Variance V15-03 and Wireless Communications Facility WCF15-03 requests with conditions. Notices of Appeal on the HLC and APC decisions were submitted by Ron Zilli on September 30, 2015.

A complete record of each of the requests has been compiled and was provided for Council at the January 19, 2016 meeting. A public hearing on the Appeals were advertised and held November 16, 2015. At the request of Verizon, City Council continued the public hearing to December 7, 2015. At its December 7, 2015 meeting, Council continued the public hearing to January 4, 2016 due to the holidays to allow for greater public participation in the hearing. At its December 17, 2015 meeting, the City Council continued the public hearing to the January 19, 2016 meeting at the request of Verizon.

The appellant asserts that the NC15-01, V15-02, and WCF15-03 permits for the proposed 150' tall, metal wireless communications facility tower should be denied. The specific issues for denial on each of the permits appealed by Mr. Zilli were summarized and submitted to the Council for the public hearing. On January 19, 2016, the City Council held the public hearings and closed the public portion of the hearings. At that meeting, the Council voted 3 to 2 to tentatively deny the three requests and uphold the appeals pending adoption of revised Findings of Fact for denial. The Council decision on each appeal will need to be done with separate motions. Suggested Forms of Motion will be available for Council consideration at the Council meeting on February 1, 2016. It would be in order for the Council to adopt the revised Findings of Fact for the following three appeals: Appeal AP15-01 on New Construction Permit NC15-03,

Appeal AP15-02 on Variance Permit V15-03 and Appeal AP15-03 on Wireless Communication Facility Permit WCF15-03.

Item 7(b): Local Option Tax – Marijuana Retailers (Police)

Under House Bill 3400, cities may impose up to a 3 percent tax on sales of marijuana items made by those with recreational retail licenses. This tax must be imposed by referring an ordinance to the voters at a statewide general election, meaning an election in November of an even-numbered year. There is no provision in law for taxing medical sales.

As with any revenue raising measure, it's important that the budget committee approve any proposed taxes as part of its approval of the budget. See the Department of Revenue "Tax Election Ballot Measures" manual for more information.

In anticipation of this matter being brought to City Council to consider referring the matter to the voters, Police Chief Johnston visited with the four existing medical marijuana retailers who have all "opted in" for recreational sales. All of the retailers were very open to the conversation. Some relevant points to the conversation included:

- Three of the four existing businesses plan on converting to recreational outlets. The fourth has plans to remain a medical outlet but will be opening an additional outlet that is a recreational outlet.
- Three of the four existing businesses were very supportive of the City pursuing the tax. The fourth was supportive after a discussion on the state tax plan. They initially believed that this three percent would be on top of the existing 25 percent being levied by the state. Once they learned that the tax would be imposed only on the licensed recreational facility that will have a state tax rate of seventeen percent and not in addition to the higher "opt in" tax of twenty five percent they were supportive.
- Based on verbal estimates of what the businesses have seen for recreational sales since the October "opt in" sales began revenue is estimated to be in the neighborhood of \$100,000 annually.

Revenue estimates are very rough. Given the early sales this is a conservative number; however, what the sales will look like over time is difficult to gauge. The opt in law only allowed sales of flower and not extracts or other marijuana related products. The retail price of edibles and other extracts is more expensive than that of flowers. How the availability of these products in the market shapes the sales is unknown. Additionally, it is unknown what tourism opportunities are available to this market. Several of the current owners have plans to market toward the tourist economy. They also see several other markets available that will require legislative change.

One concern that we tried to address is a concern that high tax will move people back to the black market. All four of the current retailers in Astoria do not

believe they are competing on price with the black market. They instead are offering a variety, safety, and surety that the black market cannot. None thought that the tax would move people back to the black market.

To refer the matter to the voters, Council would hold a first reading and second reading of the ordinance at separate meetings then adopt the ordinance by a roll call. After adopting the ordinance 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 holding a first reading of the proposed ordinance to refer a 3 percent local option tax to the November 8, 2016 ballot.