



# AGENDA

## ASTORIA CITY COUNCIL

Tuesday, January 19, 2016  
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**

- (a) Mayoral Boards and Commissions Appointments

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 12/21/15

- (b) Department Project Status Reports

- (1) Community Development
- (2) Finance Department
- (3) Library
- (4) Parks and Recreation
- (5) Police Department
- (6) Public Works

- (c) Pump Station No. 1 Upgrades – Progressive Design Build Contract Amendment for Equipment Procurement (Public Works)

- (d) OR202 Sidewalk Project – Local Agency Agreement (Public Works)

- (e) 23<sup>rd</sup> Street Closure – Local Agency Agreement (Public Works)

- (f) Astoria Senior Center Renovation – Construction Contract Amendment No. 4 (Public Works)

- (g) Loan Agreement R17794 Amendment (Finance)

- (h) 16<sup>th</sup> Street CSO Separation Project – Pay Adjustment No. 5

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) Ordinance Readopting Oregon Revised Statutes – Code Section 1.047 (2<sup>nd</sup> reading & adoption) (City Attorney)

- (b) Public Hearings – 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

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**  
Founded 1811 • Incorporated 1856

January 14, 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 JANUARY 19, 2016

**REPORTS OF COUNCILORS**

**Item 3(a): Mayoral Board and Commission Appointments**

Mayor Arline LaMear will make appointments to the City of Astoria's various Boards and Commissions.

**CONSENT CALENDAR**

**Item 5(a): City Council Minutes**

The minutes of the City Council meeting of December 21, 2015 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

**Item 5(b): Department Project Status Reports**

Enclosed for the City Council's information are status reports for the following City Departments: (1) Community Development, (2) Finance Department, (3) Library, (4) Parks and Recreation, (5) Police Department, and (6) Public Works.

**Item 5(c): Pump Station No. 1 Upgrades – Progressive Design Build Contract Amendment for Equipment Procurement (Public Works)**

In September 2015, Council awarded Phase 1 of a Progressive Design Build contract for this project to Portland Engineering, Inc. (PEI). Phase 1 included design and development of a lump sum price for installation of the equipment. Upon evaluation of the existing conditions at PS#1, PEI recommended expanding the scope to include replacement of the motor control center, installing a harmonic filter and replacing the variable frequency drive to the third

pump. This expanded scope allows a better integration of new equipment with old and reduces the risk of incompatibility. The increased cost of the project due to the expanded scope exceeds the approved budget for Fiscal Year (FY) 2015-16. Summer installation will allow the increased project cost to be distributed over two fiscal years with procurement of equipment and parts occurring in FY 2015-16 then installation, programming and training in FY 2016-17. The project budget has increased from the preliminary estimate of \$225,000 to \$376,792. This budget includes 7% contingency, which is less than a typical 10% contingency because the work is aboveground.

Energy Trust of Oregon has provided a grant incentive in the amount of up to \$72,940 for this project. The incentive is the maximum grant amount allowed for replacing the VFDs and installing a new control system. The final incentive will be based on measured energy savings. Funding for the Phase 2 contract amendment is available in the Public Works Improvement Fund for the current fiscal year. The contract amendment for Phase 3 will be presented to Council at the first meeting in FY 2016-17. It is recommended that Council authorize a contract amendment with Portland Engineering, Inc. for Phase 2 of the Pump Station No. 1 Upgrades Project for \$148,263.00 to purchase equipment and parts.

**Item 5(d): OR202 Sidewalk Project – Local Agency Agreement (Public Works)**

The Oregon Department of Transportation (ODOT), through the Multimodal Transportation Enhance Program (MTEP), is providing funding for pedestrian improvements between Astoria High School and Hanover Street. The total estimated project cost is \$2,500,000. ODOT will be providing \$2,243,250 in funding and the City will be responsible for a 10.27% match of \$256,750. Preliminary engineering is anticipated to start this summer, with construction in early 2018. The City will need to execute a Local Agency Agreement to begin preliminary engineering. The City Attorney has reviewed the agreement and approved as to form. The City's contribution will be funded from the ODOT Surface Transportation Program (STP) funds.

The City has applied for additional funding to complete pedestrian improvements adjacent to this project through ODOT's Enhance Proposal process. If funded, these additional improvements will be included in the 2018-2021 State Transportation Improvement Program (STIP). This next phase of the project, if funded, would complete a continuous pedestrian route around the peninsula from 45<sup>th</sup> Street near the Alderbrook neighborhood to 7<sup>th</sup> Street past the Old Young's Bay Bridge. It is recommended that Council approve the Local Agency Agreement with ODOT for the OR202 Sidewalk Project.

**Item 5(e): 23<sup>rd</sup> Street Closure – Local Agency Agreement (Public Works)**

In an effort to expand parking and improve pedestrian and vehicular mobility between 23<sup>rd</sup> and 27<sup>th</sup> Street, Columbia Memorial Hospital (CMH) will be constructing a new parking lot adjacent to 23<sup>rd</sup> Street and Franklin Avenue. They also plan to make improvements along US30 (Marine Drive) and Franklin

Avenue. Improvements include closing access to vacated 23<sup>rd</sup> Street and improving the intersection of Franklin Avenue and Marine Drive. The City and CMH worked with ODOT to attain \$149,000 in funding for the proposed improvements along the State highway. This funding does not require a matching contribution, but will require CMH to pay for any costs that exceed the funded amount. A Cooperative Agreement between the City, ODOT and CMH will be presented to Council. The agreement would formally accept closure of the 23<sup>rd</sup> Street access location; accept the new Franklin Avenue intersection improvements and right-of-way dedication; and accept maintenance responsibility for improvements not maintained by adjacent property owners, CMH or ODOT. There is no immediate direct financial impact to the City as a result of this agreement. It is recommended that Council approve the Cooperative Agreement with ODOT for the 23<sup>rd</sup> Street Closure Project.

**Item 5(f): Astoria Senior Center Renovation – Construction Contract Amendment No. 4 (Public Works)**

In July of 2015 the City Council approved a contract with Skyward Construction, Inc. for the Astoria Senior Center Renovation Project in the amount of \$1,455,157.00. A construction contingency of approximately 10% of the construction contract was set aside outside of the construction contract for any unforeseen circumstances that may arise during the project. As is with any remodeling project of the building circa 1947 it is anticipated unforeseen items will emerge during the renovation process. Prior to this current contract amendment No. 4, the previously approved contract amendment Nos. 1, 2 and 3 were in the amount of \$31,399.38. Contract amendment No. 4 is related to the need to (1) perform more extensive preparation to the exterior building perimeter walls on the North and West elevations to provide a sound substrate for application of the final paint coatings at a cost of \$2,842.00; (2) install the Walk-In Freezer purchased by the organization who will operate the kitchen. The cost of \$3,297.71 to install this unit is paid by the kitchen operator and not by the use of grant funds. To date Contract Amendment Nos. 1, 2, 3 and 4 would utilize \$34,241.38 of the \$145,515.70 of the contingency. It is recommended that the City Council approve the Contract Amendment No. 4 in the amount of \$6,139.71 which will amend the construction contract for the Astoria Senior Center Renovation Project with Skyward Construction, Inc., to the total amount of \$1,492,696.09

**Item 5(g): Loan Agreement R17794 Amendment (Finance)**

Funding was required to solicit design services for the City's Wastewater Treatment Plant (WWTP) upon issuance of a National Pollution Discharge Elimination System (NPDES) Permit in 2007. Council adopted Resolution No. 11-23 authorizing a DEQ CWSRF loan in the amount of \$90,000 for design of the WWTP Effluent Treatment Upgrades project. Loan Agreement No. R11794 is payable in semi-annual payments of \$10,262 through June 1, 2017. DEQ contacted staff regarding ability to forgive \$27,000 of principal borrowing for Loan R11794. The remaining balance of the loan balance is \$3,467. The FY2015-16 budget contains sufficient funding to cover the payoff of the balance

and interest of \$38 as of January 22, 2016. It is recommended that Council provide approval of Loan Agreement No. R11794 Amendment to forgive \$27,000 and to pay the remaining balance including interest owed through January 22, 2016 in the amount of \$3,505.

**Item 5(h): 16<sup>th</sup> Street CSO Separation Project – Pay Adjustment No. 5 (Public Works)**

The 16<sup>th</sup> Street Combined Sewer Overflow (CSO) Separation project was awarded to Emery & Sons Construction Group (Emery) for the bid amount of \$5,483,180. Staff recommended and incorporated a standard 10% contingency to the budget for this project. The construction contingency of 10% is \$549,000. Pay adjustment No. 5 for \$59,301.41 includes a variety of changes that are itemized below:

Item	Description	Cost
1	Suspension of 16 <sup>th</sup> Street work	\$52,430.84
2	Archaeological standby time	\$2,754.04
3	Fernco coupling substitution	(\$1,984.76)
4	ADA ramps modifications	\$6,101.29
	TOTAL	\$59,301.41

The largest line item in this change order is for remobilization and other expenses associated with deferring the work on 16<sup>th</sup> Street until summer 2016 to avoid conflicts with Clatsop Community College (CCC) Patriot Hall Redevelopment Project. An IGA between the City and CCC was approved at the September 21, 2015 Council meeting. Funds are available for this pay adjustment through IFA funding and Clatsop Community College reimbursement. The construction of the entire project except for the work on 16<sup>th</sup> Street was substantially complete on November 4, 2015. Emery has a list of minor punch list items for the completed portion of work that will be finished when they return to construct the work on 16<sup>th</sup> Street, which is scheduled to begin in June. It is recommended that the City Council authorize Pay Adjustment No. 5 for the 16<sup>th</sup> Street CSO Separation project in the amount of \$59,301.41.

**REGULAR AGENDA ITEMS**

**Item 7(a): Ordinance Readopting Oregon Revised Statutes (Code Section 1.047) (2<sup>nd</sup> reading and adoption) (City Attorney)**

This ordinance received its first reading at the January 4, 2016 Council meeting. The 2015 legislation passed by the Oregon Legislature, for the most part, became effective on January 1, 2016. Many of our City ordinances refer to or incorporate State statutes. Every year, the City routinely re-adopts all referenced ORS sections to pick up any changes made by the legislature. This is done by a "global re-adoption", which was the technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt

Oregon legislative changes, that is, we cannot adopt a State statute "as it now exists and is from time to time amended." The proposed ordinance has been reviewed and approved by the City Attorney. It is recommended that Council conduct the second reading and adopt the proposed ordinance.

**Item 6(b): Public Hearings – 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**

On August 3, 2015, 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. On September 15, 2015, the HLC held a public hearing and approved the request with conditions. A Notice of Appeal on the HLC decision was submitted by Ron Zilli on September 30, 2015. On August 3, 2015, Verizon Wireless LLC applied for 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. On September 16, 2015, the APC held a public hearing and approved the request with conditions. A Notice of Appeal on the HLC decision was submitted by Ron Zilli on September 30, 2015. On August 3, 2015, Verizon Wireless LLC applied for 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 16, 2015, the APC held a public hearing and approved the request with conditions. A Notice of Appeal on the HLC decision was submitted by Ron Zilli on September 30, 2015.

The Notice of Appeal, which details the appellant's concerns, can be found on the attached Record on each of the permits. A complete record of each of the requests has been compiled. A public hearing on the Appeal was advertised and scheduled for the November 16, 2015 City Council meeting. At the November 16, 2015 meeting, the Council continued the public hearing to December 7, 2015 at the request of Verizon. At its December 7, 2015 meeting, the Council continued the public hearing to the January 4, 2016 meeting 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 are summarized on an attachment to this memo. Staff and the attorney for the applicant, Verizon Communications, have submitted additional Findings of Fact to address the issues raised by the appellant. Verizon has also submitted revised photo simulations and documents addressing the concerns raised in the appeals. It is recommended that Council do site visits in addition to reviewing

the photo simulations. If a site visit is performed, you should declare an ex parte contact and describe what you saw. If the Council supports the HLC and APC decisions with the conditions, the Council should adopt the Findings of Fact as approved by the HLC and APC, and attached supplemental Findings of Fact. Should the Council determine that the WCF tower does not meet the criteria for approval, staff will have supplemental Findings of Fact prepared for Council consideration and adoption at a future meeting.

Due to the fact that the three appeals are related to the same facility and site, it is recommended that Council hold a combined public hearing on the three appeals; however, the Council decision on each appeal will need to be done with separate motions. It is recommended City Council hold the public hearing on the appeals and consider whether to uphold or reverse the Historic Landmarks Commission decision and the Planning Commission decisions to approve the Requests with conditions. If the Council upholds the decisions, the Council needs to adopt the HLC and/or APC Findings of Fact and Supplemental Findings of Fact. If the Council reverses the decision, staff will prepare revised Findings of Fact for consideration at the February 1, 2016 meeting.