
AGENDA

ASTORIA CITY COUNCIL MEETING

May 20, 2013

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. PRESENTATIONS

- (a) Astoria Regatta 2013
- (b) Dr. Edward Harvey Historic Preservation Awards
- (c) David Evans & Associates – Final Design 19th and Irving Bridge
- (d) Astoria Rescue Mission
- (e) Astoria Library Staff

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 4/15/13
- (b) City Council Minutes of 5/6/13
- (c) Boards and Commission Minutes
 - (1) Parks Board Meeting of 4/22/13
 - (2) Planning Commission Meeting of 4/23/13
 - (3) Traffic Safety Committee Meeting of 4/23/13
- (d) Clatsop and Washington Inter-County Mutual Aid Agreement (Fire)

7. REGULAR AGENDA ITEMS

- (a) Public Hearing and Ordinance – Amendment Request (A13-01) by Rising Tide Enterprises LLC to the Land Use and Zoning Map to Rezone an Area at 16th and Exchange Streets from C-3 to R-3 (1st reading) (Community Development)
- (b) Public Hearing and Ordinance – Amendment Request (A13-02) by Cannery Loft Holdings LLC to the Land Use and Zoning Map to Rezone a Parcel from GI to S-2A (1st reading) (Community Development)
- (c) Pedestrian Crossing Flag Program (Councilor Herzig)
- (d) Salary Resolution (City Manager)
- (e) Recology Rate Review – Clatsop Transfer & Disposal Station (Finance)
- (f) Resolution Establishing Rules, Regulations, Rate Changes and Conditions for Solid Waste Service/Recology Rate Review (Finance)
- (g) Bear Creek Dam Seismic Study Grant (Public Works)

- (h) License to Occupy a Portion of the Alameda Right-of-Way Adjacent to 349 Alameda Avenue (Public Works)
- (i) Amendment to 2012-2015 International Association of Firefighters Collective Bargaining Agreement (City Manager)
- (j) Update on Delinquent Transient Room Taxes (Finance)

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

9. EXECUTIVE SESSION

- (a) ORS 192.660(2)(h) – Legal Counsel

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 LAMPI, CITY MANAGER'S OFFICE, 503-325-5824.



CITY OF ASTORIA
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May 15, 2013

MEMORANDUM

TO: ASTORIA CITY COUNCIL

FROM:  PAUL BENOIT, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF MAY 20, 2013

PRESENTATIONS

Item 5(a): Astoria Regatta 2013

Under Regatta President Peter Roscoe's leadership, an application was submitted to the Oregon Heritage Commission requesting designation of the Astoria Regatta as an "Oregon Heritage Tradition". The Commission reviewed the application and has unanimously voted to make the designation. President Roscoe and a member of the Heritage Commission will be present at the Council meeting to provide additional detail as to the importance of the designation.

Item 5(b): Dr. Edward Harvey Historic Preservation Awards

The City of Astoria Historic Landmarks Commission has selected the 2013 recipients for the Dr. Edward Harvey Historic Preservation Award. The awards are presented each year to recognize property owners who have completed exterior restoration or beautification of a building which exemplifies the historical attributes of the building or the architectural heritage of Astoria. The work must have been completed within the last two years. This year there are three properties to be presented with certificates, one institutional and two residential. Framed certificates will be presented by the Mayor to the recipients at the May 20, 2013 City Council meeting. The recipients have been notified and will be present at the meeting to receive the awards.

Item 5(c): David Evans & Associates – Final Design 19th and Irving Bridge

City staff and David Evans & Associates will conduct a presentation to provide an update of work to date and to showcase a photo simulation of the completed 19th and Irving Avenue Bridge. (Note: An open house will be held on Tuesday, May 21, 2013, from 5:00 p.m. to 7:00 p.m., at the

Astoria Recreation Center). The public will have an opportunity to view the bridge design, learn about the planned road closure and detour during construction work, and talk with project staff.

Item 5(d): Astoria Rescue Mission

The Astoria Rescue Mission has, for a number of years, dedicated volunteer time and effort to keep downtown Astoria streets and sidewalks clean. At the request of Councilor Drew Herzig, the Mission was invited to the May 20, 2013 Council meeting so that their efforts can be acknowledged. The Rescue Mission provided the following additional detail regarding their work:

“The Astoria Rescue Mission is proud to be a part of the great city of Astoria, Oregon. The generosity and support we get from this city is wonderful and lives are being changed.

The Astoria Rescue Mission is not an entity unto itself. We aspire to stretch our borders and reach out to the city of Astoria and her citizens.

In an effort to help in tangible ways we have the Reasonable Stewardship program to help the disadvantaged in our community.

We have also, through the efforts of Dan Strite, the President of our Auxiliary and member of our Board of Directors, started a program to help keep the streets and sidewalks of downtown Astoria clean.

Every Thursday or Friday morning there are a group of 4 men clad in orange vests, walking the downtown corridor with buckets, brooms and garbage tongs cleaning Commercial and Duane streets from one end of downtown to other.

We do this because of our love for and devotion to this wonderful and giving community.

We are always looking for more opportunities to give back. If there are any opportunities for us to volunteer in other ways, please call us at (503)325-6243 and ask for Robert Warriner.”

Item 5(e): Astoria Library Staff

Astoria Library staff members Ami Kreider, Meghann Lynch, Anne Odom, and Diane Logsdon will be acknowledged for their swift and appropriate response when on May 9, 2013, a male user of the Library harassed and attempted kidnap of a 12 year old female Library patron. Library staff

interceded, protected and calmed the child, called 911, and kept watch on the perpetrator. The skills, education and training of Library personnel, coupled with the quick and effective response of Astoria Police Department personnel, resulted in protecting the child and an arrest of the culprit.

CONSENT CALENDAR

Item 6(a): City Council Minutes

The minutes of the City Council meeting of April 15, 2013 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

Item 6(b): City Council Minutes

The minutes of the City Council meeting of May 6, 2013 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

Item 6(c): Boards and Commissions Minutes

The minutes of the (1) Parks Board meeting of 4/22/13, (2) Planning Commission meeting of 4/23/13, and (3) Traffic Safety Committee meeting of 4/23/13, are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

Item 6(d): Clatsop and Washington Inter-County Mutual Aid Agreement (Fire)

Inter-County Mutual Aid and Emergency Assistance Agreements between bordering counties has been a goal of the Office of State Fire Marshal for a number of years. These agreements are invaluable in facilitating reimbursement for potential FEMA declared disasters such as the December, 2007 storm, as well as major structure and wildland fires that require multiple agencies from various counties to mitigate. Inter-County Mutual Aid and Emergency Assistance Agreements have already been entered into between all Clatsop County cities and fire districts with Columbia and Tillamook Counties. The final agreement with a bordering county would be with Washington County. The attached agreement between Clatsop and Washington County is the same agreement as was entered into with Columbia and Tillamook Counties. This Inter-County Mutual Aid and Emergency Assistance Agreement has been reviewed by the City Attorney and has been approved. It is recommended that Council approve the Clatsop and Washington Inter-County Mutual Aid and Emergency Assistance Agreement.

REGULAR AGENDA ITEMS

Item 7(a): Public Hearing and Ordinance – Amendment Request (A13-01) by Rising Tide Enterprises LLC to the Land Use and Zoning Map to Rezone an Area at 16th and Exchange Streets from C-3 to R-3 (1st reading) (Community Development)

The property proposed for rezone is located at the southwest corner of 16th and Exchange Streets between Exchange Street and Franklin Avenue. The applicant owns the parcel located at 1585 Exchange which is designated as historic within the Downtown National Register Historic District. The other two property owners have signed an agreement with the proposed zone change. The site is situated in a transition area between the residentially and commercially developed areas and could be a cohesive part of either development area. Over the years, most of the inquiries for purchase of the building at 1585 Exchange Street has been for use as a single-family dwelling; however, since the building had been used commercially, it was no longer “grandfathered” and therefore could not return to a single-family dwelling. The building was originally built as a dwelling, and is more conducive to that use rather than commercial use. The second building at 539 16th Street is currently used as a single-family dwelling and is a non-conforming, grandfathered use in the C-3 Zone.

At its April 23, 2013 meeting, the Astoria Planning Commission held a public hearing and recommended that the City Council adopt the proposed amendment. A public hearing on the Amendment has been advertised and is scheduled for the May 20, 2013 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 7(b): Public Hearing and Ordinance – Amendment Request (A13-02) by Cannery Loft Holdings LLC to the Land Use and Zoning Map to Rezone a Parcel from GI to S-2A (1st reading) (Community Development)

The parcel proposed to be rezoned is located on the north side of Abbey Lane east of 39th Street. It was one of three platted lots approved for development with three Cannery Loft Condominium buildings. The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI in 1992 (A92-03). The current GI Zone limits the variety of commercial uses allowed and mainly focuses on general industrial uses, but does allow for multi-family dwellings above the ground floor under a conditional use permit. The request to rezone the parcel at 4050 Abbey Lane to S-2A would continue with the tourist oriented shoreland possibilities while

allowing for broader multi-family dwelling opportunities on all floors of a building.

At its April 23, 2013 meeting, the Astoria Planning Commission held a public hearing and recommended that the City Council adopt the proposed amendment. A public hearing on the Amendment has been advertised and is scheduled for the May 20, 2013 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 7(c): Pedestrian Crossing Flag Program (Councilor Herzig)

City Councilor Drew Herzig will discuss the pedestrian crossing flag program.

Item 7(d): Salary Resolution (City Manager)

This proposed Salary Resolution implements a 2% wage adjustment for the IAFF Local 696 Bargaining Group (Firefighters) retroactive to July 1, 2012. In addition, the Resolution moves the Deputy Chief positions in the Fire and Police Departments from Range 39 (Schedule E-2A) to Range 42 (Schedule E-2A). It is recommended that Council adopt the Salary Resolution implementing the requested changes.

Item 7(e): Recology Rate Review – Clatsop Transfer & Disposal Station (Finance)

The City's Franchise Agreement with Recology requires them to render financial statements and a rate review on the Clatsop Transfer & Disposal Station no later than April 30 each year. The purpose of the annual rate review is to determine whether Recology's rate of return on their solid waste disposal operations falls within the limits allowed by the Franchise Agreement. Based on this review, the Operating Ratio for the current calendar year is projected to be within the limits of the Operating Ratio Range of 88% to 92%. As a result, the rate for the disposal of solid waste requires no adjustment. No Council action is required.

Item 7(f): Resolution Establishing Rules, Regulations, Rate Changes and Conditions for Solid Waste Service/Recology Rate Review (Finance)

The City's Franchise Agreement with Recology requires them to render financial statements and a rate review of the Solid Waste Collection Franchise no later than April 30th each year. The purpose of the annual rate review is to determine whether Recology's rate of return on their solid

waste collection operations falls within the limits set by the Franchise Agreement with the City. Based on this review, the Operating Ratio for the current calendar year is projected to be outside the limits of the Operating Ratio Range of 88% to 92%. As a result, the calculated rate adjustment percentage for Astoria is 5.42%.

Item 7(g): Bear Creek Dam Seismic Study Grant (Public Works)

The City of Astoria's Bear Creek Dam is a 90-foot high concrete gravity dam built in 1912 and raised in 1953. The Oregon Water Resources Department (OWRD) has classified the Dam as a high hazard dam due to its proximity to human population areas downstream. There are approximately 129 properties and 69 homes below the dam. Although the classification is not a result of the dam's age or condition, these factors do affect the probability of failure during a major seismic event.

The OWRD has determined that the City should initiate a seismic failure analysis to further investigate potential failure of the dam. A study completed 20 years ago does not include sufficient detail to determine the actual failure risk that could result due to a Cascadia Subduction Zone earthquake. In general, recent earthquake events in other countries and additional studies of the seismic event that a Cascadia Subduction Zone earthquake could generate have increased concerns about the stability of dams along the Oregon Coast.

The first step would be to hire a consultant that specializes in the type of dam safety analysis to determine risk factors and what, if any, steps could be taken to reduce the risk of damage and potential failure. While it is anticipated that the study may lead to conclusions more favorable than previous studies, there is a possibility that conclusions and recommendations may result in additional mitigation requirements. The State has offered a \$50,000 grant, requiring a \$50,000 match, to assist the City with the first phase of the required studies. The study would be completed in three phases. Only the first phase is proposed at this time.

It is recommended that the City Council accept the grant for \$50,000 and authorize staff to proceed with a request for proposals for Phase 1 of the seismic studies for the Bear Creek Dam. The \$50,000 City required match is proposed to be funded out of the Public Works Improvement Fund for the 2013/2014 fiscal year.

Item 7(h) License to Occupy a Portion of the Alameda Right-of-Way Adjacent to 349 Alameda Avenue (Public Works)

Ted Osborn, who owns property located at 349 Alameda Avenue, has applied for a License to Occupy a 50 foot by 18 foot portion of the

Alameda right-of-way adjacent to his property. Mr. Osborn is proposing to construct a concrete retaining wall adjacent to the sidewalk in front of his property. The Community Development and Public Works Departments have reviewed the application and are in support of a License to Occupy with conditions. The property owner was informed of the conditions of the proposed license agreement prior to submitting his application. City Attorney Blair Henningsgaard, has reviewed, and approved the license agreement as to form. It is recommended that City Council approve a license to occupy, subject to conditions, a 50 foot by 18 foot portion of the Alameda Avenue right-of-way adjacent to 349 Alameda Avenue, for the purpose of constructing a retaining wall.

Item 7(i): Amendment to 2012-2015 International Association of Firefighters Collective Bargaining Agreement (City Manager)

With the recent promotion of Lieutenant Paul Gascoigne to "Acting Deputy Chief" in the Astoria Fire Department, it has been noted that there is disincentive to move permanently from a Fire Union position to management. To incent internal talent to consider moving up to more responsible leadership positions, the Fire Union has requested Council consideration of an amendment to their recently adopted contract. Specifically, they are requesting the addition of a new Section 10 under Article V "Seniority", which would allow bargaining unit members who have accepted a management position to retain their seniority within the department. It is recommended that Council approve the requested amendment.

Item 7(j): Update on Delinquent Transient Room Taxes (Finance)

At the January 22, 2013 City Council meeting, the Council approved an agreement with the Best Western (Genesis Hotel LLC) regarding their delinquent room taxes. At that time they were \$33,504.27 in arrears. The agreement called for them to remain current on their taxes and to pay the balance over the following four months. Since that time they have paid the tax due for October – February, but have not yet paid March, the past due balance from September or the penalties and interest leaving a current balance due of \$31,408.49. A lien that was placed on the property has been updated to reflect the current balance due and will continue to be updated as the balance either increase or decreases. This item is for information only and requires no action by Council.

EXECUTIVE SESSION

Item 9(a): ORS 192.660(2)(h) – Legal Counsel

The City Council will recess to executive session to discuss litigation.



CITY OF ASTORIA


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COMMUNITY DEVELOPMENT

MEMORANDUM

DATE: May 9, 2013

TO: MAYOR AND CITY COUNCIL

FROM:  PAUL BENOIT, CITY MANAGER

SUBJECT: DR. EDWARD HARVEY HISTORIC PRESERVATION AWARDS

The City of Astoria Historic Landmarks Commission has selected the 2013 recipients for the Dr. Edward Harvey Historic Preservation Award. The awards are presented each year to recognize property owners who have completed exterior restoration or beautification of a building which exemplifies the historical attributes of the building or the architectural heritage of Astoria. The work must have been completed within the last two years. This year there are three properties to be presented with certificates, one institutional and two residential:

The Institutional property award recipients are:

- Columbia River Maritime Museum for restoration of the Astoria Train Depot at 2042 Marine Drive;

The Residential, Single Family category property award recipient is:

- Mike Covert, Covert Properties, Inc. for restoration of property known as the Manula House at 2961 Grand.

The Residential, Multi-Family category property award recipient is:

- Bob and Nancy Ross for restoration of property known as Finn Housa at 225 Alameda.

Framed certificates should be presented by the Mayor to the recipients at the May 20, 2013 City Council meeting. The recipients have been notified and will be present at the meeting to receive the awards.

In addition to the above awards, the Historic Landmarks Commission agreed there are two additional properties that should be recognized for their restoration efforts with the receipt of Honorable Mention awards. These awards will be presented by the Historic Landmarks Commission at their meeting on Tuesday, May 21, 2013:

- Peter and Jan Hackett for restoration of 1188 Harrison; and
- David and Judith McElroy for restoration of 634 Grand

By: 
Sherri Williams, Administrative Assistant

Through: 
Brett Estes, Community Development Director
/ Assistant City Manager



CITY OF ASTORIA
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May 10, 2013

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  PAUL BENOIT, CITY MANAGER

SUBJECT: IRVING AVENUE: 19th STREET BRIDGE REPLACEMENT – PRESENTATION

DISCUSSION/ANALYSIS

The Irving Avenue Bridge near 19th Street is a steel structure that was built in 1946. This bridge serves as part of an alternate route for State Highway 30 and provides access to downtown for residents on the east side of Astoria. The bridge is showing signs of significant deterioration and has required emergency repairs to keep it functional for heavy loads such as school buses, garbage trucks and fire trucks.

On July 19, 2010, Council approved staff's request to enter into an Intergovernmental Agreement with ODOT to secure grant funding through the Highway Bridge Program (HBP) for the replacement of the Irving Avenue Bridge. The total estimated project costs is \$5,877,000. The agreement provides HBP grant funds in the amount of \$5,273,432 with the City being responsible for a match of \$603,568. The engineering contract was awarded to David, Evans and Associates (DEA) and a Type, Size and Location Report (30% design completion) has been completed.

City staff and DEA will conduct a presentation to the Council to provide an update of work to date, and to showcase a photo simulation of the completed bridge. An open house will be held on Tuesday May 21st from 5:00 to 7:00 p.m. at the Astoria Recreation Center. The Public will have an opportunity to view the bridge design, learn about the planned road closure and detour during construction work, and talk with project staff.

Submitted By: _____


Ken P. Cook, Public Works Director

Prepared By: _____


Cindy D. Moore, City Support Engineer



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

Councilors Present: LaMear, Herzig, Warr, Mellin, Mayor Van Dusen

Staff Present: City Manager Benoit, Community Development Director Estes, Police Chief Curzon, Library Director Tucker, Fire Chief Ames, Finance Director Carlson, City Planner Johnson and Public Works Director Cook. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

REPORTS OF COUNCILORS

Item 3(a): Councilor LaMear reported that she attended the Downtown Revitalization event with Michelle Reeves on April 4, 2013. Ms. Reeves presented her conclusions on the research she did on the community and offered many suggestions on how to revitalize the downtown area. Councilor LaMear appreciated that the Astoria Downtown Historic District Association (ADHDA) invited Ms. Reeves to work on this project because she has offered some great ideas for improving Main Street. Councilor LaMear also attended the Lady Liberty Awards Luncheon. The main award recipient was the late Jill Graham. Many of the attendees were people who do a lot of volunteer work in the community. The event was amazing and she looks forward to next year's event.

Item 3(b): Councilor Herzig said he represented City Council at the Welcome Home Veterans' event at Lum's Auto on April 6, 2013. Senator Betsy Johnson and representatives from Seaside and Warrenton also attended. Local Veterans were honored for their service records and community service. He noted the Women's Resource Center hosted a presentation on sexual assault awareness. Members of the Coast Guard and Seaside's Chief of Police, Bob Gross, attended. This event allowed some people to see City Council Chambers and City Hall for the first time.

Item 3(c): Councilor Mellin said she also attended the presentation by Ms. Reeves, which was dynamic. She identified more parking in the central part of town. Her presentation was a real revelation.

Councilor Mellin attended the Library's demonstration on renovations. There were many suggestions and a lot of conversation about the library. The main topic was allowing more light into the library.

She attended the Lady Liberty Awards Luncheon for Jill Graham, who was a member of the Assistance League. It was a remarkable event with great food.

Councilor Mellin announced that the celebration of the Ghadar Party will be October 4-5, 2013. The title of the event is "Remembering the Sikhs in Astoria" and will take place at the Columbia River Maritime Museum. Several people who are or have been involved in Sikh history have been invited to participate. Speakers will give talks and films will be shown. This event is hosted by the Oregon Historical Society, the Clatsop County Historical Society, the Columbia River Maritime Museum, and the City of Astoria.

Item 3(d): Councilor Warr reported that he attended the ADHDA meeting on April 5 and was very impressed with the presentation. Mary McArthur, Executive Director of Col-Pac Educational Development, also told Councilor Warr that the presentation was amazing. He attended the Maritime Memorial Committee meeting. He estimates that the memorial will have 900 or more names on it by the end of the year. This is the 20th year that the memorial has been on the Riverwalk. It is a nice asset in the community.

Item 3(e): Mayor Van Dusen attended the Clatsop Community College auction with Councilor LaMear. The college raised just over \$84,000. He participated in a ride-along with the Astoria Police Department, which was very informative. Mayor Van Dusen learned about dealing with the mentally challenged. On April 16, 2013, an Admiral from the Vietnam Navy will be in Astoria for a tour. He will be visiting the Maritime Museum. Mayor Van Dusen will be representing the community on this tour.

The Friends of the Astoria Column have hired Sherry and Jay Mitchell to work as caretakers and live in the caretaker house at the Column. Mr. and Mrs. Mitchell both worked full time for the Coast Guard. Mrs. Mitchell has been working at the Column gift shop for quite some time now. Mr. Mitchell will work for the Coast Guard for four more years. He will work on landscaping at the Column. They expect to be moved in to the caretaker house within a month.

Dr. Frank Preusser, who restored the artwork on the Column in 1995, will be doing more restoration work in August 2013. Councilor Mellin gave some history on the restoration work that he directed, noting that the team used special types of paint and replaced the copula. Mayor Van Dusen added that this renovation was followed worldwide. Dr. Preusser's work this year will be more of a touch up, not as detailed as the work he did in 1995. This will cost more than \$500,000. Resources are available, as the Friends of the Column have been saving for this project. One of Dr. Preusser's original team members will be working with him again this year and plans to return in 15 or 20 more years to continue the maintenance on the Column.

CHANGES TO AGENDA: City Manager Benoit requested that Item 7(e) Emergency Repairs to the Foot of 10th Street be added to the agenda.

PROCLAMATIONS

Item 5(a): KMUN Radio Day

Joanne Rideout, Executive Director, Coast Community Radio, 44431 Peterson Lane, Astoria, stated that this proclamation was an honor. April 17, 2013 is the 30th Anniversary of the first day that the station went on the air in 1983. KMUN is an example of the can-do spirit of Astoria. In 1983, when the community decided they wanted a radio station, they made one. Many things are done this way in the community. The radio station is operated solely by volunteers. She gave details of some of the volunteer work that community members do for the radio station. She believed April 17, 2013 was Community Radio Day because all the people who live in Astoria make the radio station possible.

She added that emergency preparedness is a priority at the radio station. She wants the station to improve on being available to entities like the City in emergencies. Ms. Rideout is developing relationships with all of the counties the station serves to improve communication.

Mayor Van Dusen stated the City has a great partnership with KMUN. KMUN has helped the City during times of emergency as well as in good times. He read the proclamation declaring April 17, 2013 KMUN Radio Day.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) **City Council Minutes of 4/1/13**
- 6(b) City Council Minutes of 3/18/13
- 6(c) City Council Special Meeting Minutes of 3/13/13
- 6(d) Boards and Commission Minutes
 - (1) Parks Board Meeting of 3/18/13

City Manager Benoit stated two corrections needed to be made to Item 6(a): City Council Minutes of 4/1/2013. He distributed a handout detailing the corrections. [Note: Added language shown in bold, italic text; deleted language struck through]

- The first correction was noted by Councilor Herzig. On Page 3 of 11, Jordan Schnitzer's comment should read, "A master plan is necessary so work does ***not*** get done haphazardly." On Page 9, the minutes discussed the grant for the senior center. The State requires that specific details be recorded in the minutes. A handout was distributed at the April 1 meeting that provided all these details, however the material was abbreviated in the minutes. The second sentence must be edited to read, "The next step in the process is for the City to appoint a Certifying Officer whose role is to be the official legally responsible contact for the project ***attest to the City's compliance with HUD's environmental review procedures.*** This individual would be the official signator for many of grant related documents. The City Manager is an eligible position that could qualify as a Certifying Officer. It is recommended that the City Council designate City Manager Paul Benoit as the Certifying Officer for the purposes of this grant. ***The Certifying Officer is responsible for the accuracy and validity of the data and the conclusions drawn. The Certifying Officer is***

typically the highest elected official, but other City officials may be designated by resolution or motion of the City Council."

Mayor Van Dusen explained that this regards a \$1.5 million HUD grant, so having the wording correct is important so that the City does not lose the grant.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear, to approve Item 6(a) on the Consent Calendar as corrected. Motion carried unanimously. Ayes: Councilors Warr, Mellin, LaMear, Herzig, and Mayor Van Dusen. Nays: None.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Herzig, to approve Items 6(b) through 6(d) on the Consent Calendar. Motion carried unanimously. Ayes: Councilors Warr, Mellin, LaMear, Herzig, and Mayor Van Dusen. Nays: None.

Mayor Van Dusen introduced Planning Commissioner McLaren Innes, who was in the audience knitting socks.

REGULAR AGENDA ITEMS

Item 7(a): Public Hearing and Ordinance Regarding Amendment Request (A12-04) by Community Development Director to Adopt the Trails Master Plan and Comprehensive Plan Amendments (1st reading) (Community Development)

The City has partnered with the National Park Service (NPS) to conduct a trails inventory and develop an updated Trails Master Plan. The trails master planning process was managed by the Community Development Department and the Plan was created with assistance from the Lewis and Clark National Historical Park's Community Assistance Program. The process included an inventory of existing trails and conditions, multiple public open house meetings, questionnaires/surveys, and development of a master plan for trail development, maintenance, and use within the City. Community Development Department staff worked closely with the Parks and Recreation Department in developing the draft Plan. Information gathered from the numerous public meetings, interviews, and surveys was consolidated by the NPS intern and formulated into specific recommendations and priorities on potential new trails, signage, maintenance, safety, and enforcement. The results of each of the surveys are included in the Appendix section of the Plan.

The draft Plan and proposed Comprehensive Plan amendments was presented and recommended for approval by the Parks Board on February 25, 2013 and by the Astoria Planning Commission on March 26, 2013. NPS Intern Kristina Koenig will be present at the meeting to explain the results of the Trails Master Plan process and to answer any questions.

It is recommended that the Council hold a public hearing and adopt the Trails Master Plan and Comprehensive Plan amendments as recommended by the Planning Commission. If the Council is in agreement with the recommendations of the Planning Commission, it would be in order for Council to conduct a first reading of the Ordinance.

Councilor LaMear noted the Cathedral Tree Trail will be open to bicycle and pedestrian traffic, which she opposes. It has been her experience that trails open to both bicycle and pedestrian traffic often result in pedestrian accidents when bicyclists fail to let pedestrians know they are approaching. She noted that Brad Johnson has stated he wants Pipeline Road available for emergency vehicles and that pedestrian traffic may be a deterrent. She noted that Pipeline Road is a main access into the forest, so she would like further discussion on these two items prior to approving the Trails Master Plan. She appreciated all of the work that has been done on the plan. Community Development Director Estes understood that following the Parks Board meeting where the Pipeline Road issue was discussed, the Plan reflected that the road would remain a pedestrian pathway as well as a vehicular road. The road provides a route to the Public Works facilities and is an emergency route. Planner Johnson added that the classification was changed from trail to connector road.

Kristina Koenig, NPS, stated that Cathedral Tree Trail was originally designated a pedestrian trail and the Parks Board is now encouraging bicycle traffic on the trail. While pedestrian safety is a valid concern, there was not a lot of public feedback about pedestrian safety along this trail, so the issue was not included in the plan. The public did express concern about etiquette on all of the trails, particularly multi-use trails along the Riverfront and

Shively Park Loop. A strong education campaign on trails etiquette has been included in the recommendations. Director Estes believed pedestrian traffic was added to the trail due to input from the Parks Board during the process.

Councilor Mellin also attended the Parks Board meeting where the Cathedral Tree Trail was discussed, and learned that bicyclists were not using the trail, she believed that is because it is too difficult. Director Estes noted the Plan document is still a draft and Council could provide direction to make changes.

Councilor LaMear urged that this trail be pedestrian only as other trails can accommodate bicycles. The Cathedral Tree Trail is narrow and heavily rooted. She would like the trail to remain for pedestrians only for safety and enjoyment of the trail. Councilor Herzig agreed the trail is not safe for both pedestrian and bicycle traffic.

Kristina Koenig gave a brief presentation on the proposed Trails Master Plan. Development of the Plan began in June 2012 with most of the work completed in October 2012. Public surveys, several public events, and interviews with various community groups were conducted. This process led to the creation of two maps and a set of recommendations.

- Map 1 shows the list of trails that were agreed upon as official trails in the City of Astoria. She reviewed the details of the trails on this list, which included the Riverwalk, Shively Park Loop, Cathedral Tree Trail, Clatsop Community College Connector, Reservoir Path, Middle School Path and a community Coast Guard trail.
- Map 2 shows both proposed trails and on-road routes. The on-road connectors are considered desired safe on-road routes that connect people from one link to another. A lot of feedback was received from the public about a desire for increased connectivity, which drove many of the proposed trails and on-road connectors.
 - Extensions were added to the Riverwalk. The public requested extensions on the south side of Astoria and possibly eastward, when possible. Extensions would connect the Middle School Path, Shively Loop Path to the new sports complex, and also to Pipeline Road. The Riverfront path would connect better with some of the forested paths, which are also shown as an increased network to allow for more pedestrian use in the urban forest area of Astoria.
- Recommended priorities that reflect the desires of the public were included in the appendix.

Mayor Van Dusen noted Tongue Point has many nice trails and asked why they were not included in the Plan. Ms. Koenig explained that those trails were considered; however, Tongue Point is a National Wildlife Refuge and access issues currently exist concerning getting people from Astoria to Tongue Point. Director Estes added that Staff met with representatives of the Job Corps center and Coast Guard regarding connections to Tongue Point. Many of those trails are under the ownership of the federal government and are not located within a public right-of-way or land that the City of Astoria controls. The federal government was hesitant to share specific trail locations. An arrow on Map 2 indicated that the City would like to extend trails in the direction of Tongue Point in the future. This Plan focuses on trails that are on lands that the City of Astoria would control.

Mayor Van Dusen understood the Job Corps is in a contained compound and students are present. However, Astoria has designated historic homes are sometimes open once a year. He suggested the City work toward having Tongue Point open one weekend a year, which would be easy to maintain and monitor. It is a spectacular area. Director Estes stated many informal trails are not noted in the Trails Master Plan, such as those on private property where the owners allow the public to use them. The Master Plan is for future construction of trails in the City of Astoria.

Councilor Herzig stated Michelle Reeves spoke about the Riverwalk at her presentation and the difficulty in accessing the Riverwalk from downtown. There is little signage directing people to the Riverwalk, especially when crossing the couplet. He asked if there would be addressed by the Plan. Director Estes replied the majority of the Plan focuses on pathways that may not be within public rights-of-way. Some connectors were illustrated in the Plan, such as from the Riverwalk to the Cathedral Tree Trail, so some street right-of-ways are included. Directing people from downtown to the Riverwalk would be implemented via a different mechanism than this Plan, which looks at recreational approaches, like how to get people from the Riverwalk up to the highlands.

Councilor LaMear believed Michelle Reeves had recommended signage, saying she visited Astoria several times before finding out about the Riverwalk. Lack of signage is a critical problem and people need to know

about this amenity. Director Estes stated that is noted in the Trails Master Plan. The Plan tries to identify the trails in place as well as trail heads. Signage would be used at certain, major connections and along well-defined pathways directing people to other key areas.

Mayor Van Dusen asked if anyone objected to the City Council hearing this matter at this time. There were no objections. He asked if any member of the City Council had any conflicts of interest or ex parte contacts to declare. Hearing none, Mayor Van Dusen opened the public hearing at 7:43 p.m. and called for anyone wanting to address the City Council on the Trails Master Plan to come forward with any comments or concerns.

Don Webb, 3555 Harrison Drive, Astoria, expressed concern with washouts along the Riverwalk and number of holes along the railroad track. These washouts and holes are caused by high tides, which are about two feet higher than normal because of ice melt. There is a large washout behind some blackberry bushes near the big building with roof damage and there are washouts are between Pier 39 and Tongue Point. He is unaware of how much work has been done, but he sees the holes when running the trolley. The City needs to address this issue, which will be costly.

Mayor Van Dusen closed the public hearing at 7:46 p.m.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin to adopt the Trails Master Plan and Comprehensive Plan amendments, amending the Plan to make the Cathedral Tree Trail be for pedestrian use only. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Herzig, Mellin and Mayor Van Dusen; Nays: None.

Director Carlson conducted the first reading of the Ordinance regarding Amendment Request A12-04 by Community Development Director to adopt the Trails Master Plan and Comprehensive Plan Amendments.

Item 7(b): 11th Street CSO Separation – Gibbs & Olson Design Engineering Services Contract Amendment (Public Works)

In June 2012, Council awarded the 11th Street CSO Separation project design engineering services contract to Gibbs & Olson. During subsurface explorations by the geotechnical sub-consultant, Shannon & Wilson, they encountered unexpected conditions that required the use of more powerful equipment. Therefore, additional expenses were incurred by Shannon & Wilson for additional drilling mobilization, travel expenses and field labor that could not have been anticipated. The requested fee for this additional service is \$3,763.00. Staff has reviewed the additional scope and associated fee and has determined it is reasonable and in line with expected costs. It is recommended that Council execute a contract amendment with Gibbs & Olson for the 11th St. CSO Separation Project in the amount of \$3,763.00 for additional geotechnical services.

Councilor Herzig expressed concern that this expense was incurred because sub-consultant Shannon & Wilson made an inaccurate assumption. He did not believe the City should pay for this. City Manager Benoit confirmed the company did assume subsurface conditions, because nobody knows what will be found. Shannon & Wilson has done a lot of work in Astoria and he believed the assumption was reasonable. The company had to bring different equipment into Astoria to address the unexpected subsurface conditions. The City would have had to pay for the special equipment if it were brought in initially.

Councilor Herzig stated the company was hired to do subsurface work; it is their job. They made a mistake and now want the City to pay for their mistake. While not familiar with the contract, he does not agree with this.

Mayor Van Dusen agreed, noting Councilor Herzig's concern would be now be on record. He did, however, intend to vote in favor of contract amendment.

Councilor Herzig added that setting a precedent so early in the project could prompt other firms to ask the City to pay for their mistakes. Other projects have revealed that assumptions cannot be made about what is under the asphalt in Astoria. Mayor Van Dusen explained that if the City is too strict on this type of issue, the next bid for subsurface work in Astoria could be high. The bid for this project was very favorable.

Councilor LaMear added that anytime digging is done in Astoria, unexpected results occur. There is so much land movement in the area that conditions are unpredictable. She believes this request was reasonable. This

area is adjacent to a park that Shannon & Wilson has worked on in the past, so their assumption was reasonable. She planned to vote in favor of the amendment.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear, to execute a contract amendment with Gibbs & Olson for the 11th St. CSO Separation Project in the amount of \$3,763.00 for additional geotechnical services. Motion carried 4 to 1. Ayes: Councilors Warr, Mellin, LaMear, and Mayor Van Dusen. Nays: Councilor Herzig.

Mayor Van Dusen recalled a time when there were sewer problems at the football field, which seemed like a simple fix. The area used to be Scow Bay. The sewer lines were 14 feet below the restrooms. Automobiles were found underground between the football field and the sewer pipes.

Item 7(c): 11th Street CSO Separation Project – Contract for Materials Testing Services (Public Works)

To ensure quality control during the construction of the 11th Street CSO Separation Project, the City will need to provide materials testing services. Services include testing of asphalt pavement placement, compaction testing for trench backfill, compaction testing for roadway construction and concrete testing. Staff requested proposals and reviewed proposals that were received based on the firms qualifications, and did not consider pricing. This method of selection is consistent with current state statutes.

The proposal presented by Carlson Testing, Inc. was determined by the evaluation team to be the most suitable for the project. Carlson Testing provided a fee schedule on a time and materials basis for an estimated not to exceed amount of \$58,488.00; however, additional materials testing services may be required for various reasons on this large, complicated project. Carlson Testing will only provide services as directed by City staff and our consultants who are cognizant of keeping costs to a minimum while still verifying the integrity and quality of the construction project. It is recommended that City Council execute a contract with Carlson Testing, Inc. for a total not to exceed amount of \$58,488.00. Funding for these services is factored into the Infrastructure Finance Authority funding for the project.

Councilor Herzig confirmed with City Manager Benoit that Carlson Testing will be charging per test and the charges incurred could be less than \$58,488.00.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Warr, to execute a contract with Carlson Testing, Inc. for a total not to exceed amount of \$58,488.00. Motion carried unanimously. Ayes: Councilors Warr, Mellin, LaMear, Herzig, and Mayor Van Dusen. Nays: None.

Mayor Van Dusen asked for an update on the project at 8th and Commercial. Director Cook replied the work is currently one day behind schedule due to challenges with the railroad tracks. Unexpected materials have been found underground and a lot of utility movement must be executed in a tight area. The utilities have been moved and concrete will be poured tomorrow.

Item 7(d): Sale of Excess City Property – Request for Proposals (Public Works)

In recent years, the City Council has expressed interest in selling excess City property with the goal of generating revenue, returning property to the tax base, and stimulating development within the community. The City Planner estimates that there are approximately 150 parcels that may be considered "saleable", either available for development for a new dwelling, or in the cases of very small parcels, available to be added to adjacent properties. Note: Parcels of City-owned land located outside the Urban Growth Boundary containing very steep topography, wetlands, or which are reserved for utility issues, would be excluded from consideration. It is staff's opinion that the most efficient way to market these properties would be to retain the services of a real estate brokerage firm within the City. For a relatively small commission (4-6%) the brokers would actively market the properties. If the Council agrees, staff would issue a Request for Proposals (RFP) to all local firms. The RFP would request information on the firm's experience, marketing strategy and commission rate. The proposals would be evaluated by staff and presented to the Council, which could decide to award the contract to one firm. It is recommended that the Council authorize staff to develop and RFP and distribute it to local real estate brokerages. At a future Council meeting, staff would present the proposals to the Council for a decision.

Councilor LaMear believed this was a good idea. There is City owned property in her neighborhood that is connected to private property and the City is responsible for maintaining this small piece of land, as well as many other properties in town. Given the shortage of money and workforce to maintain these areas, she supports the request.

Councilor Herzig was concerned about how public input would be incorporated into this process as some citizens may not want certain properties to be sold. He believed the public would want to comment on some of the larger parcels of land. City Manager Benoit stated that while up to Council, Staff suggests that each piece of land would be brought before City Council for consideration prior to being listed for sale. He confirmed that adjoining property owners are automatically notified when the City proposes to sell a property.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear, to authorize Staff to develop and RFP and distribute it to local real estate brokerages. Motion carried unanimously. Ayes: Councilors Warr, Mellin, LaMear, Herzig, and Mayor Van Dusen. Nays: None.

Item 7(e): Emergency Repairs to the Foot of 10th Street

This item was added to the agenda.

City Manager Benoit stated that emergency repairs need to be made to the overwater section of 10th Street. As required by the grant to repair bridges and street ends, the City is under a review process where the Oregon Department of Transportation (ODOT) conducts annual bridge inspections. Under Astoria's agreement with ODOT and the Federal Highway Administration (FHA), the City is required to conduct basic maintenance on all facilities to keep them accessible to traffic.

The total cost for the necessary emergency repairs on 10th Street is \$22,500. The City currently has a contract with Bergerson Construction who is doing the work. Failing to make these repairs could disqualify the City from the \$8 million grant. The damage was extensive enough that traffic on 10th Street would have been rerouted, which would have impacted adjacent businesses. Staff is requesting an after the fact approval to conduct emergency repairs to the foot of 10th Street at the cost of \$22,500.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear, to approve an after the fact approval to conduct emergency repairs to the foot of 10th Street at the cost of \$22,500. Motion carried unanimously. Ayes: Councilors Warr, Mellin, LaMear, Herzig, and Mayor Van Dusen. Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

Tiffany Estes, Vice-President, Astoria Downtown Historic District Association (ADHDA), 721 Exchange Street, Astoria, announced that ADHDA held their regular public meeting on Friday, April 5, 2013. Positive feedback was given about communications and updates from the City on the CSO project. She believes the traffic detours have been working well.

- She thanked the Council for their support of Michelle Reeves project. The ADHDA would not have been able to complete this project without the support of the City and other supporters. The ADHDA just received Ms. Reeves 85-page report. Her presentation mainly covered the introduction of her report and the ADHDA has not yet had a chance to review the report in detail. The report will be made available to the public as soon as it has been reviewed by the Board.
- Some of the preliminary findings have been discussed by the Board. Sherry Stewart, Oregon Main Street facilitator, will be managing a Board retreat next week to help the ADHDA comprehend all the information provided in the capacity assessment and set priorities to allow the project to move forward.

Councilor LaMear asked if the report addresses parking issues. Ms. Estes replied she was unsure, believed parking was addressed in the report because Ms. Reeves did devote part of her presentation to parking.

Councilor Warr added that Ms. Reeves has strongly advocated for more signage and merchandise on sidewalks, which he supports. However, these are against City Ordinances. Ms. Estes understood that these ordinances were originally requested by ADHDA. The ADHDA would like to have some input about such things going forward as the ordinances should be revisited.

Mayor Van Dusen thanked Ms. Estes for her compliment, adding the City works hard to get their messages out to the public. He also thanked Chelsea Gorrow of *The Daily Astorian* and Terry Wilson at KMUN for helping the City publicize their messages.

Don Webb, 3555 Harrison Drive, Astoria, stated these committees should see that the City has spent thousands of dollars studying parking areas which revealed that customers will only walk half a block. The sidewalk on Commercial Street in front of the post office, between 8th and 9th Streets, is about four feet narrower than the section between 9th and 10th Streets. He wanted to know why ODOT did not build a sidewalk that would allow for a better turning radius for trucks. Construction in this area is still occurring and it would be a good idea to widen that to make it better for vehicles.

- People have been asking how much urban renewal funding has been spent in that particular area. He has always noted that urban renewal funds are to be used for reconditioning decayed areas in an effort to increase property taxes. Nothing has been done in this particular area that would increase property tax values. He believed the public should be told how much urban renewal money is been spent there.

City Manager Benoit stated that about \$250,000 were spent on sidewalks. Director Estes added that about \$150,000 was for available for the garden.

Marge Peck, 2850 Marine Drive, Astoria, asked who is responsible for maintaining the sidewalks on Exchange Street between 14th and 16th Streets. Mayor Van Dusen answered that property owners are responsible for the sidewalks along their properties. Ms. Peck asked why maintenance is not enforced. The sidewalks are dangerous to walk on. City Manager Benoit explained the City currently has an enforcement action on the property owners for those sidewalks. Ms. Peck noted it looks as if springs are coming up through the concrete.

Ms. Peck expressed concern about how the trees and shrubs were removed along the Riverwalk. The work was done poorly and the area looks worse than before.

Councilor LaMear recalled that Councilor Herzig had suggested signs be posted at the Garden of Surging Waves that notify the public of the progress on the project and asked for an update. City Manager Benoit stated the signs have been designed and are being produced. One sign will be 4 ft by 8 ft and will show all of the sequences of the entire project. The second sign is 4 ft by 5 ft and will show the finished rendering of the project. The City expects the signs to be delivered within five to seven days. They will be mounted on a portable framework so the signs can be moved as construction proceeds. The signs should be up by the end of the next week.

Councilor Herzig believed the City needs to do a better job of publicizing the topics discussed at City Council meetings. Many people in the community want more information on how the City decides to fund various projects. People are unaware that the Senior Center renovations are being paid for by a grant and assume the City is funding the project. The community needs to be constantly updated on how much or how little the City is spending. He is often asked why the City is spending money on certain things.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:15 p.m. to convene the Executive Session.

EXECUTIVE SESSION

The City Council Executive Session was convened at 8:15 p.m.

Item 9(a): ORS 192.660(2)(d) – Labor Negotiation Consultations

The City Council Executive Session was adjourned at 8:20 p.m.

ATTEST:

APPROVED:

Finance Director

City Manager

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

Councilors Present: LaMear, Herzig, Warr, Mellin, Mayor Van Dusen

Staff Present: City Manager Benoit, Finance Director Carlson, Community Development Director Estes, Library Director Tucker, Interim Parks Director Moss, Parks Director Cosby, Public Works Director Cook, City Engineer Harrington, Police Sergeant Aydt, Police Chief Curzon, and Fire Chief Ames. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

City Manager Benoit introduced the new Director of Parks and Recreation, Angela Cosby, who began a week ago. Today was Interim Parks Director Moss' last day.

REPORTS OF COUNCILORS

Item 3(a): Councilor LaMear reported she attended the Transportation System Plan meeting, but 13 options were presented. Doing something about transportation seems easy until one tries to address it; there are many negatives for every positive. She also attended the unveiling of the Garden of Surging Waves sign, which Councilor Herzig had been promoting. The sign is a great addition, providing citizens a way to see what is going on and what will be happening in the future. She announced that a few minutes before the City Council meeting began, she was notified by phone that Linda Webb, wife of Don Webb, had passed away.

The City Council offered a moment of silence in honor of Mrs. Webb.

Item 3(b): Councilor Herzig noted Mrs. Webb was involved with the Loaves and Fishes and will be greatly missed. Delivery of meals to seniors is a valuable service. Astoria and Clatsop County has a large and growing hunger problem. Clatsop Community Action (CCA) has begun a produce give-away on Tuesday afternoons on Marine Drive. He assisted with the give-away on Tuesday, April 30th and one truck full of produce was given away in the first hour and a second truck was requested. CCA is giving away fresh food, which is unusual for food pantries. Anything acquired by CCA is being given away. Thousands of pounds of food are given away weekly because people are in such need. Recipients of the free food must be on food stamps or be low income to qualify for this program. He encouraged everyone to become part of the solution to fight hunger locally. The Lower Columbia Diversity Project (LCDP) will host a presentation on homelessness in Clatsop County tomorrow at 7:00 p.m. in the Judge Boyington Building. George Sable from CCA, Seaside City Councilor Jay Barber, and Allen Evans from Helping Hands will attend. As part of the Religious Diversity Series, the LCDP held a presentation on the Sikh history, community, and religion on Sunday, May 5th. The presentation given by Dr. Jasmit Singh from Seattle was incredible. Fifty-seven people attended, including five people from the Salem Gurdwara and five people from the Vancouver, WA Gurdwara, who are very interested in the centennial celebration of the formation of the Ghadar Party in October. A man from Seattle would like to arrange for a children's group to attend the event. As soon as Council receives more information on the October event, he would share it with other Sikh communities in Oregon and Washington.

Item 3(c): Councilor Mellin reported that she attended the annual meeting of the Assistance League, which is a countywide organization. Each member makes an annual contribution of \$65, which is used to provide clothing to children of all ages throughout the county. League members meet the students at a clothing store where each child can spend \$120 on brand new clothing. This is a dignified way of sharing with children in need. The children have a good time and are very grateful for the experience. She also attended the annual meeting of the Astoria Cooperative, which is on 14th and Exchange Street. The organization began in 1974 as a buying club and has grown over the years. The Cooperative's annual revenues are currently over \$2 million. The meeting was held at Fort George Brewery in the Lovell Showroom, which was packed. The whole area along Duane Street was alive with thriving businesses. She appreciated seeing so many young people involved in creating new businesses that are very successful.

Item 3(d): Councilor Warr reported that he attended the same three meetings as Councilor LaMear and the rest of the City Council. On Thursday, May 9, 2013, he will attend the Columbia Pacific Economic Development District meeting and also the Northwest Area Commission on Transportation meeting.

Item 3(e): Mayor Van Dusen reported that he represented the City at the Hope House Annual meeting. The Hope House is an organization of volunteers and professionals who help individuals with loss and grief, especially children. While Hope House is on the property of the First Lutheran Church, the organization does not discriminate based on religion, gender, race, or economic status. Hope House has been helping individuals for 20 years.

Mayor Van Dusen asked for an update on an incident that occurred on Friday on the river. Fire Chief Ames stated that the Fire Department was originally called due to a report of a male child who had fallen or jumped into the river behind Burger King. The department responded and spoke with witnesses who gave varying accounts of the incident. Statements were recorded verbatim. A search began along the shore and the river pilot boat arrived quickly to begin a search in the water. Dispatch notified the Coast Guard and Clatsop County Sheriff's Marine Patrol. Police Chief Curzon and other officers continued taking statements from witnesses. After 30 to 45 minutes of speaking with witnesses, details of the incident seemed questionable. The Fire Department stopped searching the shore after about 1½ hours. The Coast Guard and Marine Patrol continued the ground search for an additional 45 minutes. It was determined that the initial report could have been false.

Mayor Van Dusen stated no one likes false alarms, but this incident was a good training exercise that allowed several different agencies to work together. Many people saw the incident and were talking about it. Chief Ames added that the crew on the river pilot boat did a great job.

Councilor LaMear announced she would not be present for the first meeting in June 2013. She believed others would be traveling and noted it may become difficult to ensure a quorum is present. Mayor Van Dusen stated the entire City Council will be in Waldorf, Germany the second week in July 2013. Councilors Mellin and Warr and Mayor Van Dusen did not believe they would be absent for any upcoming meetings so City Council would have enough for a quorum.

Mayor Van Dusen proceeded to Item 5(a): Proclamation of Emergency Medical Services Week.

CHANGES TO AGENDA

No changes to the agenda.

PROCLAMATIONS

Item 5(a): Emergency Medical Services Week

Mayor Van Dusen read the proclamation declaring the week of May 19 – 25, 2013 as Emergency Medical Services Week. He presented the signed proclamation to Jeremy Houston of Medix Ambulance Service.

Jeremy Houston, 656 1st Street, Gearhart, Operations Supervisor, Medix Ambulance Service, presented Mayor Van Dusen with a plaque recognizing the City of Astoria for its continued support of emergency medical services personnel. He has worked for Medix for nine years. His career in emergency medical services has always been in Clatsop County. He is motivated by serving the people in the community with whom he grew up. Medix has been in operation since 1975. He believes Medix does a good job serving the community and improves each year. He hopes Medix will continue to serve the community for another 30 years.

PRESENTATIONS:

Item 6(a): Presentation of Summer Guide by Parks and Recreation Department Director Angela Cosby

Mayor Van Dusen stated he had asked J.P. Moss to talk briefly about the Parks Department and the changes made since he first came on board.

Interim Parks Director Moss, 1997 Marine Drive, Astoria, stated that when he started with the City, he was tasked with making fundamental changes at the Aquatics Center, which was budgeted to lose \$500,000 and scheduled to close in 90 days. This year the Aquatics Center is only expected to lose between \$75,000 and \$100,000. He reviewed the background and key additions and changes to the Aquatics Center that resulted in the facility's turnaround as well as the changes and improvements made in the Parks and Recreation Department after he was asked to be the Parks Director. Key programs added to the department included Port of Play, Lil' Sprouts, and numerous youth and summer programs, which continue to grow. He discussed the successes and various improvements at the cemetery and Astoria Recreation Center. Also noted were improved communications with the new Parks Department website, Facebook page and quarterly newsletter

- He concluded by noting that the successes realized in the Parks Department were a direct result of the quality of Parks Department staff and the support of City Manager Benoit and City Council. He recognized that City Council took a lot of heat while changes were being made early on at the Aquatics Center. Teamwork led to a state award for the turnaround of the Aquatics Center, which was an enormous award.

Mayor Van Dusen asked where the term Port of Play came from and what changes or project the public may not be aware of. Director Moss explained the children's museum and the Indoor Play Park, a non-profit, merged to become Captain Gray's Port of Play, a non-profit entity that was moved to Gray School. The non-profit asked the City not to use Captain Gray's in the name, so the City decided to call it Port of Play, which allowed the non-profit to keep its logo. In terms of the most intriguing success story no one would know about, he stated the incredible amount of training that is conducted. The Parks Department has gone from a staff of 15 to 20 temporary employees to a staff of 80 temporary employees. Temporary employees are constantly coming and going for various reasons. Training and safety at the Aquatics Center is top-notch. Training is also conducted at Port of Play with Lil' Sprouts. All facilities contain automated external defibrillators (AED). The Aquatics Center has regulated oxygen. The Parks Department can provide levels of response so that when 911 arrives, the patient has been cared for as much as possible. Early childhood education training and best practices is also conducted.

The City Council presented Director Moss with a plaque recognizing his service to the City from 2009 to 2013. Mayor Van Dusen read the inscription. Director Moss stated he has spent the last two weeks working with new Parks Director Angela Cosby, who will be an outstanding Parks Director for Astoria and will do amazing things.

Director Cosby distributed the summer/fall booklet advertising upcoming programs created by Parks Department staff. All of the photographs were taken at City's parks and during City programs and include actual users of the City's parks and programs. Page 17 contains a map of park facilities which includes a few new items and Pages 5 and 6 show a list of free summer programs. She noted that Kids Play Free, June 12-14th at the Aquatics Center, Port of Play, and the Astoria Recreation Center. This is right after kids get out of school for the summer. The goal is to give kids a great time so that they want to return for the summer. She confirmed that it was Director Moss's idea to offer free play days to children. Mayor Van Dusen stated it was a great idea to get children involved in programs as soon they get out of school. Other free summer events include concerts in July, movies in August, and a puppet show and kid's day in the park during the first week of August. *The Recreation Reader* includes reports from the Parks Advisory Board and Foundation, updates regarding programs, changes in the Parks Department, as well as information on improvements to the Cathedral Tree Trail and other maintenance updates. This publication comes out more frequently and keeps people updated with other news from the Parks Department.

Mayor Van Dusen read into the record, a letter written to him as Mayor from a long-time friend as follows:

"Dear Mayor Van Dusen,

I want to celebrate the valor, good judgment, and professionalism of one of the Aquatic Center's lifeguards. On Wednesday, April 3, 2013, I was enjoying the arthritis exercise class at the center. As our class was winding down, one of the staff members started the pump that creates the stream down the water slide. I'd never seen it running before and several senior users, men and women, walked up the stairs and enjoyed the fast ride down. I had never seen the slide operating and it looked like good fun. I thought I might never see it operating again, so I wanted to resolve this and give it a try.

So, let's back the story up. For the past 65 years, I've been very comfortable and adept in water. I had no notion that I would get into trouble. But, when I hit the water, I stroked up into the air and hit my head

on the lip of the slide that projects out over the pool. Things got very confused. I know I tried again and I whacked my head a second time. The water that was rushing down the slide was very turbulent. I lost my orientation; not knowing which way was up. Other swimmers now tell me that momentarily they were amused by my thrashing around and they were laughing. In the mean time, I was terrified. This was a rehearsal for drowning.

So, I am delighted to report that a young woman lifeguard, Pam Pierce, recognized the danger of my situation. She jumped into the pool. She grabbed me. She applied her training and she got me up into the air. I am twice her size, so I truly appreciate her courage and skill. Astoria is well served by this young woman. This letter is but a small appreciation of her qualities.

Mr. Ralph Wirfs"

Ralph Wirfs, 864 Grand Avenue, Astoria, stated he is incredibly grateful and will never forget Ms. Pearce's assistance.

Item 6(b): 11th Street CSO Separation Construction Update

Construction in the 8th and Commercial Street intersection was completed on Monday, April 22, 2013 and was reopened to traffic by that afternoon. The City's contractor, Tapani, Inc., completed this work on schedule despite the delays that were associated with the presence of historic trolley tracks. Pavement markings (crosswalk stripes, arrows, etc.) within the 8th and Commercial Street intersection are temporary and will be replaced with permanent, thermoplastic pavement markings once the new concrete intersection has sufficiently cured for a minimum of 28 days. This work is expected to take 8-10 hours and scheduled for the end of May. The contractor is currently working on 8th Street between Commercial Street and Franklin Avenue, installing water, sewer, and storm pipe, rebuilding the street and replacing certain sections of sidewalk. They are also working on installing new storm pipe on 10th Street between Exchange Street and Grand Avenue.

Tapani, Inc., has provided the following schedule of anticipated work for the next two weeks:

- Construction on 8th Street between Commercial Street and Franklin Avenue is expected to continue through mid-May. 8th Street will be closed to through traffic in this area. There will be intermittent intersection closures on 8th Street during this time. There will be at least one traffic lane open at night and on the weekends through these intersections.
- Construction on 10th Street will continue up the hill (south) from Exchange Street to Kensington Avenue over the next several weeks. There will be short-term road closures associated with this work.
- NW Natural is relocating gas lines within the project area. They are expected to be working on 8th Street between Exchange Street and Irving Avenue over the next several weeks.

Director Cook stated that the citizens have been very patient and helpful during this disruptive project. The contractor has commented that they have never worked in a town whose citizens have such patience. He displayed several pictures of various elements of the project and described the details of how work is being completed at various locations.

Councilor Herzig noted the project update mentioned that 8th and Commercial will be closed again for eight to 10 hours sometime toward the end of May 2013 to apply the permanent thermal plastic. He asked how traffic would be managed. Director Cook replied a detour similar to that currently being used would likely be reopened. The markings could not be applied during the last intersection closure because the concrete must cure prior first or the adhesive products will not stay attached to the surface.

Mayor Van Dusen added that City Council members have received many compliments on the courtesy of the crews and the way the City handles the detours.

CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 7 (a) City Council Minutes of 4/15/13
- 7 (b) City Council Special Minutes of 4/26/13

- 7 (c) Boards and Commission Minutes
 - (1) Historic Landmarks Commission Meeting of 3/19/13
 - (2) Library Board Special Meeting of 3/11/13
 - (3) Library Board Meeting of 3/26/13
 - (4) Planning Commission Meeting of 3/26/13
 - (5) Traffic Safety Committee Meeting of 3/26/13**
- 7 (d) Continuation of Libraries ROCC! LSTA Grant, Extending Service to the Unserved (Library)
- 7 (e) Pedestrian Safety Mini Grant (Police)**

Councilor Herzig requested that Items 7(c)(5) and 7(e) be removed for further discussion.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin, to approve Items 7(a), 7(b), 7(c)(1), 7(c)(2), 7(c)(3), 7(c)(4), and 7(d) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Mellin, Herzig, and Mayor Van Dusen; Nays: None.

Councilor Herzig said that he wants to acknowledge the work being done by the Traffic Safety Committee (TSC). He has been attending their meetings regularly. There has been a lot of ideas and information, and he feels a sense of frustration that nothing is happening. The TSC and staff are not authorized to take any action; it only ends up on the Consent Calendar. Great input has been received from Sergeant Aydt. City Engineers Harrington and Crater have given reports. Tom Freel has weighed in on suggestions. Many ideas for possible solutions are being generated; however, these ideas just stop at the Consent Calendar. Many people have talked to him about ideas for redoing the pedestrian flags, such as reflective material. He has made it his mission to bring this to the Council's attention and forward TSC items on the Council. Mayor Van Dusen added that this was for informational purposes so no action was necessary.

Councilor Herzig said the with regard to the Mini Grant, he respectfully requested that the Police Department consider advertising crosswalk enforcement in a way that does not reveal too many details, such as giving the exact time and place. Similar to sobriety checks during New Year's, he believed this would become part of public awareness of pedestrian safety. Advertising that enforcement will take place on a particular week will encourage people to take pedestrian safety more seriously.

Mayor Van Dusen stated City Council should be cautious about directing the Police Department to do different activities. This is a mini grant and could be bigger issue. He asked Councilor Herzig for clarification on what City Council should direct the Police Department to do.

Councilor Herzig stated he is asking Council to direct the Police Department to publish a small announcement in the newspaper that the police will be conducting a pedestrian safety enforcement activity during a particular week. He hoped this would be done at no expense and with minimal extra work. City Manager Benoit believed the City has always broadly advertised these events and the day, time, and location is included. Sergeant Aydt confirmed that the events are advertised, adding that some advertisements have specified the details while others have only provided general information.

Councilor Warr understood the enforcement events have been advertised on a regular basis. Sergeant Aydt added that most events are advertised, but not all. Notices are sent to various media outlets in the community. The media outlets decide what to broadcast or print. Chief Curzon stated that the operations are not always a guaranteed event. He is hesitant to broadcast much of the information because the intention of the grant is to continually encourage people to focus on pedestrian safety, rather than just during a specific week. This is why a mix of announcement types is publicized.

Mayor Van Dusen explained that in the past, a similar discussion had taken place at a City Council meeting, prior to the current Chief of Police and City Manger being on staff. The Council had moved to increase traffic control on 7th Street between Peter Pan Market and Fultano's, which was a mistake. City Council had been well informed that it is not City Council's job to run the Police Department.

REGULAR AGENDA ITEMS

Item 8(a): Ordinance regarding Amendment Request (A12-04) by Community Development Director to Adopt the Trails Master Plan and Comprehensive Plan Amendments (2nd reading & adoption) (Community Development)

The City has partnered with the National Park Service (NPS) to conduct a trails inventory and develop an updated Trails Master Plan. The trails master planning process was managed by the Community Development Department and the Plan was created with assistance from the Lewis and Clark National Historical Park's Community Assistance Program. The process included an inventory of existing trails and conditions, multiple public open house meetings, questionnaires / surveys, and development of a master plan for trail development, maintenance, and use within the City. Community Development Department staff worked closely with the Parks and Recreation Department in developing the draft Plan. Information gathered from the numerous public meetings, interviews, and surveys was consolidated by the NPS intern and formulated into specific recommendations and priorities on potential new trails, signage, maintenance, safety and enforcement. The results of each of the surveys are included in the Appendix section of the Plan. The draft Plan and proposed Comprehensive Plan amendments were presented and recommended for approval by the Parks Board on February 25, 2013 and by the Astoria Planning Commission on March 26, 2013. The City Council held a public hearing and first reading of the proposed ordinance at its April 15, 2013 meeting. It is recommended that Council adopt the Trails Master Plan and Comprehensive Plan amendments 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 conduct a second reading and adoption of the Ordinance and Findings of Fact.

Chief Ames conducted the 2nd reading of the Ordinance regarding Amendment Request (A12-04).

City Council Action: Motion made by Councilor Mellin, seconded by Councilor Warr to approve the 2nd reading and adopt the Ordinance regarding Amendment A12-04 and Findings of Fact. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Mellin, Herzig, and Mayor Van Dusen; Nays: None.

Item 8(b): Consideration of Draft Council Fiscal Year 2013-2014 Goals

The City Council held a work session to set goals for Fiscal Year 2013- 2014 on January 25, 2013. From that work session, a list of Council goals was drafted and posted on the City website for public review. In addition, the draft goals were discussed at the City Council meetings of February 4, 2013 and March 4, 2013 and articles reviewing the goals were published in the January 28, 2013 and January 29, 2013 editions of The Daily Astorian. To date, no comments or suggestions for modifications or additions to the goals have been received from the public. It would be in order for the Council to consider adopting the draft list as the official City Council goals for Fiscal Year 2013-2014.

City Manager Benoit distributed copies of the draft City Council goals, noting the fifth and last bullets are redundant as they both state the goal of maintaining advocacy for the Astoria bypass and fishery issues. The last bullet includes the goal of maintaining advocacy for the Astoria bypass, for fishery issues and for business development expansion through the Astoria Downtown Historic District Association's (ADHDA), Business Development Committee, Columbia Pacific Economic Development Council (Col-Pac), and Clatsop Economic Development Resources (CEDR). City Manager Benoit suggested striking the fifth bullet as this goal is also included in the last bullet.

Mayor Van Dusen confirmed that no members of the public wanted to address the City Council on the proposed goals.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Mellin to adopt the draft list with the deletion of bullet 5 as the official City Council goals for Fiscal Year 2013-2014. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Mellin, Herzig, and Mayor Van Dusen; Nays: None.

Item 8(c): Public Hearing- Consideration of Land Trade to Facilitate Development of Williamsport Sports Complex (Public Works)

At its April 21, 2013 meeting, the City Council authorized staff to notify surrounding property owners that they were welcome to provide testimony regarding a proposed exchange of City-owned property for privately owned property near the intersection of Williamsport Road and Highway 202 at the May 6, 2013 Council meeting. Based on public testimony, the Council may wish to approve the exchange as presented, modify the exchange, or reject the exchange. If the Council approves the exchange as presented, the City Attorney would prepare necessary documents to be considered at a future Council meeting. It should be noted that an additional parcel of land within the 1st and Commercial slide area, (89 7DB tax lot 8700), was added to the property to be acquired by the City. Although the parcel has minimal economic value, it is surrounded by City property and may be needed at some future date for utility installation. It is recommended that the City Council invite public testimony regarding the property exchange. After public comment, it is recommended that Council determine if they approve, would like to modify, or reject the exchange.

Director Cook noted the City and privately owned parcels involved in the exchange on a displayed map, identifying key streets and landmarks to help orient viewers about the properties' locations.

Mayor Van Dusen opened the public hearing at 8:10 p.m. and called for anyone wanting to address the City Council on the proposed exchange of City-owned property involving parcels on Williamsport Rd and West Kensington. Hearing none, Mayor Van Dusen closed the public hearing at 8:11 p.m.

City Manager Benoit asked City Council to consider approval of the proposed exchange. Upon approval, staff will work with City Attorney Henningsgaard to prepare legal documents that will be presented to City Council to execute the trade.

City Council Action: Motion made by Councilor Warr, seconded by Councilor Mellin to approve the exchange of City-owned property for privately owned property near the intersection of Williamsport Road and Highway 202. Motion carried 4-1. Ayes: Councilors LaMear, Warr, Mellin, and Mayor Van Dusen; Nays: Councilor Herzig.

Councilor Herzig stated he did not agree with exchanging this piece of City-owned property, which is at the tip of what is referred to as one of Astoria's urban forests. Some people prefer this land to remain undeveloped. Knowing that the motion would pass, he wanted to speak up for people who would be against development of this land. If the photographs were larger, the large forested area to the south would be seen extending to West Klaskanine. This area has been the subject of some debate. He does not want to see the land turned over to developers.

Item 8(d): Memorandum of Agreement- Fire Protection for US Coast Guard Facilities at Tongue Point (Fire)

U.S. Coast Guard (USCG) facilities at Tongue Point are located outside of Astoria City limits. Recently, the USCG expressed interest in establishing an agreement that would allow for fire protection and emergency medical services to these facilities. The attached Memorandum of Agreement (MOA) was negotiated with the USCG and satisfies their need for emergency services. Termination of the agreement is possible by either party upon 30 days written notice. This Memorandum of Agreement has been reviewed and approved by the City Attorney. It is recommended that Council approve the Memorandum of Agreement between the City of Astoria and the USCG for fire protection and emergency medical services to the Coast Guard facilities located at Tongue Point, Astoria, Oregon.

Mayor Van Dusen asked to see a map outlining the Astoria city limits, as much of the Tongue Point property is inside city limits. City Manager Benoit replied no map was available for the screen. He explained that the property owned by the Port of Astoria, referred to as North Tongue Point which is south of Job Corps, is inside city limits. The Job Corps installation itself, the property owned by the USCG and the forested property owned by Oregon Department of Fish and Wildlife are outside City limits. The city limit line runs along the railroad tracks encompassing South Tongue Point where the MERTS Campus. Looking from the No. 10 6th Street viewing station, the city limit line sits in the center line of the navigation channel. Director Estes added that as it gets to Tongue Point the city limit line comes in the east of the waste water treatment facility. State of Oregon line follows the north channel, but not the city limit line.

Councilor Herzig complimented Fire Chief Ames on his willingness to provide service to this area. The Fire Department has dealt with budget cuts and maintenance issues; however, they are the only fire department that can provide services to this area.

City Council Action: Motion made by Councilor Herzig, seconded by Councilor Warr to approve the Memorandum of Agreement between the City of Astoria and the USCG for fire protection and emergency medical services to the Coast Guard facilities located at Tongue Point, Astoria, Oregon. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Mellin, Herzig, and Mayor Van Dusen; Nays: None.

Item 8(e): Approval for Emergency Repairs to Ladder Truck 2541 (Fire)

The City of Astoria Fire Department ladder truck is a 1988 Simon Duplex LTI 75 foot aerial fire apparatus. The truck has accumulated 47,800 miles. At the time, Ted Ames was appointed Fire Chief, Public Works and Fire Department personnel advised him the ladder truck was in need of serious repair, maintenance and Underwriters Laboratories Acceptance and Approval testing. Without the immediate repair of these items, while the ladder truck was useful, it was unsafe and unreliable. The Public Works Department had previously received a quote for the repairs in the amount of \$15,425.00 dated December 12, 2012 from a fire apparatus repair vendor in Hillsboro, Oregon. Chief Ames contacted a second vendor based in Springfield, Oregon and received a quote of \$12,030.00 dated February 21, 2013. Chief Ames advises that the second quote was from a reputable repair facility and, given the emergency nature of the repairs, was directed to proceed. The repairs to ladder truck 2541 have been completed with the final invoice of \$10,478.88, which is \$1,551.12 under the original quote. It is recommended that Council authorize the payment of the emergency repairs performed on ladder truck 2541 in the amount of \$10,478.88 to Hughes Fire Equipment, Inc.

City Manager Benoit noted Chief Ames worked hard to secure multiple bids and saved money by accepting a competitive bid from a competent firm.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Herzig to authorize the payment of the emergency repairs performed on ladder truck 2541 in the amount of \$10,478.88 to Hughes Fire Equipment, Inc. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Mellin, Herzig, and Mayor Van Dusen; Nays: None.

Item 8(f): Authorization to Request Architectural and Design Statement of Qualifications - Senior Center Renovation Project (Community Development)

The Astoria Senior Center Grant includes a fixed budget of \$115,000 for architectural and engineering services for design and supervision of the renovation project. In order to initiate the process, staff prepared a Request for Statement of Qualification (SOQ) to be distributed to architectural firms. It is anticipated that the contract will be awarded on July 2, 2013. The selection process will be managed by City staff. Firms will be evaluated based criteria outlined in the attached SOQ. Staff has proposed a compressed time schedule so that design work can begin in July. It is recommended that Council authorize staff to advertise a request for Statements of Qualifications from architectural and design firms for the renovation of the Astoria Senior Center.

Mayor Van Dusen confirmed that no members of the public wanted to address the City Council about the Senior Center.

City Council Action: Motion made by Mayor Van Dusen, seconded by Councilor Mellin that City Council authorizes staff to advertise a request for Statements of Qualifications from architectural and design firms for the renovation of the Astoria Senior Center. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Mellin, Herzig, and Mayor Van Dusen; Nays: None.

Item 8(g): Authorization to Request Statement of Qualifications - Senior Center Grant Administrator (Community Development)

The Community Development Block Grant (CDBG) that was awarded to the City to renovate the Astoria Senior Center requires that a grant administrator be appointed to monitor, track, and report project expenditures. This individual would ensure that all State and Federal funds are properly expended in accordance with the grant agreement. Because management of the CDBG is time intensive, City staff does not have the capacity to carry

out this activity. Furthermore, Federal regulations preclude the City from charging the grant for regular salaried staff time used to administer the grant. Therefore, it is necessary to issue a Statement of Qualifications (SOQ) to firms or individuals who can perform the activities contained in the attached Scope of Work. After qualifications are evaluated, a recommendation will be brought to the Council for their consideration. It is requested that the Council authorize staff to issue an SOQ for a Grant Administrator based on the attached Scope of Work.

Councilor LaMear asked how much a grant administrator would cost. City Manager Benoit explained the state highly recommends that communities hire a grant administrator because the paperwork and reporting requirements are onerous and so a portion of the grant is allocated for a grant administrator. Director Estes stated the proposed budget is not to exceed \$40,000, which includes grant administration and administration of labor standards compliance. City Manager Benoit added that the CDBG originates from Housing and Urban Development at the federal level. The grant administration document is three inches thick. A grant administrator is expensive, but well advised. Director Estes clarified that grant administrators are professionals.

Councilor Herzig recalled that City Manager Benoit was appointed project manager and asked if this would change the City Manager's status. City Manager Benoit explained that the state requires a project manager to ensure that all documents have an authorized signature by a City representative. He will not have a role in the actual detail of the grant administration. He will hire the grant administrator and have oversight authority.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear to authorize staff to issue an SOQ for a Grant Administrator based on the attached Scope of Work. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Mellin, Herzig, and Mayor Van Dusen; Nays: None.

Item 8(h): Award of Contract for Upper Ridge Slowdown Timber Sale (Public Works)

At their March 18, 2013, meeting, Council authorized staff to solicit bids for a timber sale in the City's Watershed. The timber sale is being offered to remove timber blown down during the winter 2013 storms. The sale will remove the blowdown trees and remove additional trees to a point below the ridgeline to minimize future blowdown occurrences, and minimize fire risks.

The following bids were received on April 25, 2013, and are quoted as gross revenue based on the advertised volume:

Hampton Tree Farms, Inc.	\$ 159,883.20
Sanders Wood Products	\$ 147,840.00

With the addition of the non-bid species, the estimated gross revenue will be \$172,000.00. The net revenue, after reforestation and project costs, is estimated at \$152,000.00. It is recommended that City Council award a contract to Hampton Tree Farms, Inc., for the Upper Ridge Slowdown Timber Sale.

Mayor Van Dusen stated he was pleased that staff recommended a local company. Hampton Tree Farms employs a lot of people in the community.

City Council Action: Motion made by Councilor LaMear, seconded by Councilor Warr to award a contract to Hampton Tree Farms, Inc., for the Upper Ridge Slowdown Timber Sale. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Mellin, Herzig, and Mayor Van Dusen; Nays: None.

Item 8(i): Lease Agreement for Clatsop County Net Pen Access Pier (City Manager)

Clatsop County accesses and maintains the salmon net pens supporting the Youngs Bay Terminal Fishery via a City-owned pier located at the southeast corner of the City's "Yacht Club Property". In a recent winter storm, the pier was heavily damaged. With County assistance, the City secured a grant from the Oregon Department of Fish and Wildlife to make needed repairs. Total cost of the work was \$41,820.84, inclusive of a \$10,000 match. Clatsop County agreed to contribute 50% of the required match.

To account for their contribution and to address possible future structural repair requirements, staff is proposing that Council consider entering into a revised Lease Agreement with Clatsop County. Enclosed for Council's information are the 2010 Agreement that is currently in effect and the proposed revised Lease Agreement. The

proposed Lease Agreement, drafted by the City Attorney and approved by Clatsop County Counsel, addresses the contribution of the grant match and future repairs in Section 1. A new Section 9 has been added to address a County request to have opportunity to consider acquisition of the Yacht Club site to protect their interest in the net pen operations should the City ever consider a sale of the property. It is recommended that Council authorize entering into a revised Lease Agreement with Clatsop County for use of the City-owned "Clatsop Net Pen Access Pier".

Director Cook pointed out the access pier on a graphic image displayed on the screen.

Councilor Herzig stated that in Section One of the Cost Share Agreement of the original lease required the county to participate in shared costs of pier and dock maintenance and repairs not to exceed \$4,000 over a five-year period. The new lease only requires the county to share the costs of current restoration. City Manager Benoit clarified that Section One of the new agreement states that the county has agreed to contribute 50% of the matching funds required by the grant, which is \$5,000. It also states that the county is to perform all routine maintenance and repairs on the fishing pier as needed in lieu of rent payments. Any major structural repair not otherwise covered by insurance or a third party will be undertaken by mutual agreement between the City and the County. Structural repair of a dock can be expensive. The old lease requirement that repairs not exceed \$4,000 was insufficient. Each repair item will be discussed as it comes up.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear to authorize entering into a revised Lease Agreement with Clatsop County for use of the City-owned "Clatsop Net Pen Access Pier". Motion carried unanimously. Ayes: Councilors LaMear, Warr, Mellin, Herzig, and Mayor Van Dusen; Nays: None.

Item 8(j): 17th Street Dock Replacement Project- Pay Adjustment #5 (Public Works)

On June 25, 2012, the Astoria City Council awarded a construction contract to Bergerson Construction in the amount of \$4,266,137.00 for the 17th Street Dock Replacement Project. The project construction commenced on September 1, 2012 and is currently scheduled for completion by early mid June 2013.

Following is a summary of the pay adjustments to date:

Pay Adjustment (Described below)	Amount	Contract Amount	Contingency Balance	Contingency Balance Percent
		\$4,266,137.00	\$400,000.00	100%
1	(\$23,297.00)	\$4,242,840.00	\$423,297.00	106%
2	\$11,934.84	\$4,254,774.84	\$411,362.16	103%
3	\$50,053.18	\$4,304,828.02	\$361,308.98	90%
4	\$62,820.78	\$4,367,648.80	\$298,488.20	75%
5	\$93,818.99	\$4,461,467.79	\$204,669.21	51%

() = Credit

- Pay Adjustment #1 - Multiple credits to the project and added Additive Bid Item #2 - Replacement of the Floating Dock Piles.
- Pay Adjustment #2 - Additional credits and added utility costs.
- Pay Adjustment #3 - Miscellaneous additional utility work and the addition of guardrail improvements.
- Pay Adjustment #4 - Electrical system components.
- Pay Adjustment #5 (Current) - Mooring Camels, Floating Dock Repairs and miscellaneous items.

The current pay adjustment represents multiple structural modifications/adjustments and dock details determined necessary during the process of constructing the dock. It is recommended that the Astoria City Council authorize Pay Adjustment #5, which will result in a contract increase of \$93,818.99. It is anticipated that this will be the final pay adjustment, leaving 50% of the Contingency Fund reserved for the project unexpended.

Councilor Warr confirmed with City Manager Benoit that the mooring camels had originally been moved from 17th Street to Pier 1. City Manager Benoit explained the Port did not have the proper breasting facilities to accommodate the U.S. Coast Guard, so the City reused them. During the storm, the mooring camels took the brunt of the winds as they were not as protected as they were at the Coast Guard dock.

City Council Action: Motion made by Councilor Warr, seconded by Councilor LaMear to authorize Pay Adjustment #5 which will result in a contract increase of \$93,818.99. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Mellin, Herzig, and Mayor Van Dusen; Nays: None.

Item 8(k): Heritage Square EPA Brownfield Grant- Request for Authorization to Award Contract for Environmental Consultant Services (Public Works)

In late 2011/early 2012, the Oregon Department of Environmental Quality (DEQ) provided a grant to the City in the amount of \$50,000 to further analyze the presence of any contaminants at the Heritage Square site. In early 2012, a representative from Business Oregon informed staff of a grant opportunity which could provide additional funds for site assessment and also remediation, if required. The grant would be provided through the Environmental Protection Agency's (EPA) Brownfield Multi-Purpose Pilot Grant program.

Grant funds in the amount of \$400,000 (\$200,000 for assessment and \$200,000 for remediation) were requested and subsequently awarded in September 2012. A no cash match is required for assessment work and a 10% cash match for remediation work. The cash match is proposed to come from the Astor East Urban Renewal fund and/or the Capital Improvement Fund.

At the December 17, 2012 City Council meeting, staff received authorization to solicit a Request for Qualifications (RFQ) for an Environmental Consultant. Responses were received from nine firms. They are listed in the order in which they scored in our evaluation: AMEC, GeoEngineers, Geosyntec, Maul Foster Alongi, Cardno, Ash Creek-Apex, GeoDesign, Berger ABAM and Coles Environmental. All nine firms specialize in environmental engineering.

AMEC was determined to be the best fit for this project. They presented the most complete understanding of the project, with a thorough, well thought out scope of work. Staff has negotiated a scope of work and contract compatible with the project goals as outlined in the project work plan. The scope of work has been reviewed and approved by both the Oregon DEQ and the EPA. The remaining \$63,000 will be available for DEQ project management oversight costs as identified in the grant documents. It is recommended that City Council execute a contract with AMEC for a total not to exceed amount of \$337,000 for environmental engineering services on the Heritage Square EPA Brownfield Grant Project.

Mayor Van Dusen asked if the cost could be less than \$337,000. City Manager Benoit replied that up to \$200,000 has been allocated for assessment and up to \$200,000 for cleanup. If cleanup is minimal, the project could cost less than \$337,000.

City Council Action: Motion made by Councilor Mellin, seconded by Councilor LaMear to execute a contract with AMEC for a total not to exceed amount of \$337,000 for environmental engineering services on the Heritage Square EPA Brownfield Grant Project. Motion carried unanimously. Ayes: Councilors LaMear, Warr, Mellin, Herzig and Mayor Van Dusen; Nays: None.

NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS

Mayor Van Dusen stated that the *Daily Astorian* is a quality newspaper. They do an excellent job of reporting in the community and Astoria is fortunate to have them, as well as the radio stations.

ADJOURNMENT

There being no further business, the meeting was adjourned at 8:28 p.m. to convene the Astoria Development Commission meeting.

ATTEST:

APPROVED:

Finance Director

City Manager

Parks Advisory Board Meeting Minutes

April 22, 2013

Present- Norma Hernandez, Grace Laman, Brad Johnston, Tammy Loughran, Councilor Karen Mellin, Howard Rub, Jay Flint, JP Moss and new Parks Director Angela Cosby
Absent: Ron Williams

Staff- Phil Elkins and Terra Patterson

Guests- Marge Beck, Sylvia Davis, City Councilors Drew Herzig and Arline LaMear,

Meeting was called to Order at 6:48am by chairperson Norma Hernandez.

The motion was made by Brad Johnston to approve the minutes from the March 18th meeting, Tammy Loughran seconded and the board voted in favor of approving the minutes.

Chair Person Section

1. Board Members all introduced themselves to the new Parks Director, Angela Cosby and gave a brief background on why they were serving on the Parks Board.
2. The board discussed board meeting day and time. The board agreed the current day and time is good for meetings.
3. What do you hear?
 - Norma Hernandez discussed feedback she has heard in the community regarding volunteer opportunities. As well as excitement about the new Parks Director.
 - Howard Rub discussed public perception regarding property owned or shared by the school and city.
 - Brad Johnston discussed public feedback regarding the River Walk maintenance.
4. The board signed up to check in on different sections of the River Walk. Board members will report back to Phil Elkins when they notice any maintenance needs.
5. The board discussed attending or planning a board training. There is a non-profit board training coming to Astoria in May. The board decided to look in to this.
6. Norma asked the board if all members would sign up to attend a City Council meeting over the next several months. She will send out a sign up through email.

New Business

1. JP Moss discussed the upcoming program guide and distribution of the guide once it is printed. Mr. Moss handed out copies of the guide.
2. The upcoming department newsletter was reviewed. It was suggested a section on the River Walk be added.
3. JP Moss reviewed department successes and challenges.
4. Parks Maintenance- Phil Elkins discussed Parks Maintenance projects and tasks.
 - Elkins reviewed the proposed baseball improvements at Tapiola Field.
 - Phil also highlighted mowing, vandalism repairs, landscaping on the River Walk, People's Park repairs, a flowerbeds project at the Police Station, pool pump repairs, cleaning up fence lines at ball fields, ball field clean up done at multiple parks for softball and baseball, and organizing volunteers for summer

projects. Elkins also discussed department assistance on the Garden of Surging Waves project- staff built signage stands.

- Councilor LaMear asked about security/ camera systems at parks/restrooms where vandalism is higher.
 - The repairs and clean up near the Column on the Cathedral tree trail were discussed. Maintenance staff is working on the upper end of the trail.
 - Upcoming Projects were discussed including the post office park, new picnic tables, hiring staff, well bids at Ocean View Cemetery, and cleaning out the basement at the Astoria Senior Center utilizing volunteers from Tongue Point.
5. Jay Flint discussed the 9th Street Park, he has worked with staff Vern Hall to come up with some landscape and park furnishing ideas.
 - Phil discussed possibly coordinating volunteers from Tongue Point for this project and incorporating design ideas
 6. Staff discussed the remodel of the downtown bathrooms in May and refreshing the Doughboy Bathrooms as well.
 7. Councilor Melin discussed the Trails Master Plan which was reviewed at City Council and the issue of multi use on Cathedral Tree Trail, Councilors Melin and LaMear discussed reasons why council did not support multi-use for this trail, specifically bikes. Multiple board members discussed their reasons for supporting bike use on the Cathedral Tree Trail.
 8. JP Moss reviewed the Budget Process, including timeline and budget hearings this week.
 9. Norma Hernandez asked for a presentation or more information on the Friends of Column and their involvement with the Column at the next meeting.

The Board discussed the meeting in May. As it falls on a holiday, they decided to meet on May 20th for the next meeting.

Matters Initiated by Guests-

1. Silvia Davis discussed her concerns on maintenance and landscaping on the River walk. She discussed concern regarding cutting back blackberry bushes by red building and dance studios and cutting back other types of foliage.
2. Councilor Drew Herzig discussed organizing a volunteer program for the parks department. He would like to see support from the department to arrange this. Angela Cosby will follow up with Councilors Herzig and LaMear regarding this matter.

River walk Sections for Maintenance

Pier 3 to Red Building: Howard Rub

Maritime Memorial park to 6th street dock: Ronnie Williams

6th street dock to pier 11: Jay Flint

Pier11 to Maritime museum: Tammy Loughran

Old trolley station to Public works shop: Karen Melin

Public works shop to East mooring basin: Arline La Mear

East mooring basin to 43rd street: Norma Hernandez

43rd to La Plante park: Grace Laman

La Plante park to Lagoon rd. entrance: Brad Johnston

DRAFT

ASTORIA PLANNING COMMISSION MEETING

Astoria City Hall

April 23, 2013

CALL TO ORDER:

President Innes called the meeting to order at 7:34 p.m.

ROLL CALL:

Commissioners Present: President McLaren Innes, Vice-President Mark Cary, Thor Norgaard, and Zetty Nemlowill.

Commissioners Excused: Al Tollefson and David Pearson, 1 Vacancy

Staff Present: Community Development Director /Assistant City Manager Brett Estes, Planner Rosemary Johnson, and City Attorney Blair Henningsgaard.

APPROVAL OF MINUTES:

Item 3(a): March 26, 2013

President Innes moved to approve the minutes of the March 26, 2013 meeting; seconded by Commissioner Nemlowill. Motion passed unanimously.

PUBLIC HEARINGS:

President Innes described the procedures governing the conduct of public hearings to the audience and advised that the substantive review criteria that apply to each issue were available from the Staff.

ITEM 4(a):

CU13-01 Conditional Use CU13-01 by Larry Cary to locate an eating and drinking establishment, indoor entertainment, and tourist-oriented retail sales in conjunction with a distillery in an existing commercial building at 80 11th in the A-2, Aquatic Two Development zone. The applicant has withdrawn the request.

Planner Johnson announced that CU 13-01 has been withdrawn by the Applicant as he is no longer able to get the location; therefore, this item has been removed from the agenda.

ITEM 4(b):

A13-01 Amendment A13-01 by Rising Tide Enterprises LLC to amend the Astoria Land Use and Zoning Map to rezone an area at 1585 Exchange, 539 - 16th Street and a vacant lot on 16th Street from C-3 (General Commercial) to R-3 (High Density Residential) zone. The Planning Commission's recommendation will be forwarded to the City Council for a public hearing tentatively scheduled for May 20, 2013 at 7:00 p.m. in the City Hall Council Chambers at 1095 Duane Street.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex parte contacts to declare. There were none.

Planner Johnson reviewed the written Staff report. No correspondence has been received other than from the Applicant. Staff recommends approval of the request with conditions.

Commissioner Cary asked if the last approved variance eliminated the requirement for commercial occupancy on the ground floor. Planner Johnson explained that the C-3 zone allows for multi-family units on all floors. The Applicant had proposed a four-plex, which is allowed in a commercial zone, however, a single-family dwelling is

not permitted on the first floor. The C-3 zone would only allow a single-family residence above the ground floor if the ground floor were commercial. A standalone, single-family residence with no commercial use is not allowed in a C-3 zone.

Commissioner Cary noted language on Page 7 discussed rezoning the property from C-3 to R-3 would help preserve it. He asked if this regarded the same fact that no single-family dwelling is allowed in the C-3 zone. He did not understand that a single-family dwelling could not be done in a C-3 zone. Planner Johnson explained that potential buyers of this property are more interested in restoring it as a historic property and using it as a single-family dwelling. There has been little interest in using this building as a commercial or multi-family dwelling. Therefore, the property has not been sold. Properties can only be restored as a single-family dwelling in an R-3 zone. Properties in a C-3 zone can only be restored as a multi-family unit or commercial building. Rezoning the property would provide more opportunities for buyers to use it as a residence.

President Innes opened the public hearing and called for the Applicant's presentation.

Robert Stang, 3834 Franklin Ave, Astoria, thanked Staff for working with them and their neighbors. He explained that as he considered the four-plex, he became concerned. After researching the real estate market, he discovered that buyers are interested in a single-family unit or a duplex, neither of which are permitted in the C-3 zone. He was unaware of those zoning restrictions until speaking with Planner Johnson.

President Innes called for any testimony in favor of, impartial or opposed to the application. Hearing none, she closed the public hearing and called for Commissioner comment.

Commissioner Nemlowill moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and recommend that the City Council adopt Amendment A13-01 by property owners Rising Tide Enterprises LLC, Michael Peterson, and Michael and Emily Henderson with conditions; seconded by Commissioner Cary. Motion passed unanimously.

ITEM 4(c):

A 13-02 Amendment A13-02 by Cannery Loft Holdings, LLC to amend the Astoria Land Use and Zoning Map to rezone a vacant parcel from GI, General Industrial to S-2A, Tourist-Oriented Shoreland, at 4050 Abbey Lane. The Planning Commission's recommendation will be forwarded to the City Council for a public hearing tentatively scheduled for May 20, 2013 at 7:00 p.m. in the City Hall Council Chambers at 1095 Duane Street.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex-parte contacts to declare. There were none.

Planner Johnson reviewed the written Staff report. No correspondence has been received; however, Staff has received several phone calls of inquiry concerning the change of use with the change in zoning. A repeated question regarded the multi-family dwellings and how that would change. Under the applicant's proposal the site may not be constructed for condominiums; however, because the site is approved for multi-family, a condominium or multi-family rental project could be built. The City does not differentiate between rentals and home ownership; it is just considered multi-family residential. Staff recommends approval of the request.

President Innes opened the public hearing and called for testimony from the Applicant. There was none. President Innes called for any testimony in favor of, impartial or opposed to the application. Hearing none, she closed the public hearing and called for Commissioner comment.

Commissioner Nemlowill asked for more information about the intent of the General Industrial zoning in the area. Planner Johnson explained that originally, the area was a Shore Land zone. The State required the City to maintain a certain percentage of what they referred to as "especially suited for water dependent use zoning." The City determined that 25 acres of "especially suited for water dependent use" was needed. At the time of the analysis, it was determined that this parcel could be rezoned, however the original request was for pure residential. At that time, the State Department of Land Conservation and Development (DLCD) did not support residential zoning in this area and suggested an industrial or other shore land designation that would allow for

some residential use. Over the years, the nature of the waterfront development has changed. Staff spoke with the DLCD and Oregon Department of Transportation (ODOT) staff who are now willing to support this requested zone change due to changes in the area. Some of these waterfront properties are not conducive to waterfront development. This property sits far enough back from the shoreline and is on the other side of the trolley line. DLCD and ODOT have reevaluated their prior position and do not oppose the zone change. The General Industrial zone was developed specifically for this site and is the only General Industrial zone in the city; however, this area has not developed as the city originally anticipated.

Commissioner Nemlowill believed the developers who built the first condominiums would have appreciated having this opportunity as getting commercial uses on the ground floor has been a problem. Given the residential nature of the development already in place, this zone change seems to be appropriate. President Innes agreed, although she typically does not prefer buildings on any vacant space. She uses the Riverwalk and does not see adding more buildings as commensurate with that space.

Commissioner Nemlowill asked if President Innes would prefer seeing residences or storefronts on the ground floor of buildings along the Riverwalk. President Innes responded that she would oppose any 55-foot building, regardless of what is on the ground floor. She noted the data received from the downtown review which discusses what can be done regarding entry from the city at both ends. Building on this parcel is likely to affect the view corridor for people arriving in Astoria; seeing another building is not as remarkable as a view of the Columbia River. Commissioner Nemlowill agreed.

Commissioner Cary moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and recommend that City Council adopt Amendment A13-02 by Cannery Loft Holdings, LLC; seconded by Commissioner Norgaard. Motion passed by a 3 to 1 vote with President Innes opposed.

ITEM 4(d):

CU 13-02

Conditional Use CU13-02 by 210 Developers, LLC to locate a multi-family dwelling, professional office, and non-tourist oriented retail sales in a future structure at 4050 Abbey Lane in the S-2A, Tourist-Oriented Shoreland Zone. This request is being processed concurrently with Amendment Request A13-02 and is contingent upon approval of that requested amendment.

President Innes asked if anyone objected to the jurisdiction of the Planning Commission to hear this matter at this time. There were no objections. President Innes asked if any member of the Planning Commission had a conflict of interest or any ex-parte contacts to declare. There were none.

Planner Johnson reviewed the written Staff report. No correspondence has been received and Staff recommends approval of the request with conditions.

Commissioner Nemlowill asked what could occur on the property if City Council approved the rezone but the conditional use was denied. Planner Johnson replied the Applicant could build the building with multi-family units above the ground floor, which could have any or all of the approved outright uses, including tourist-oriented retail sales, food and drink establishments, specialized food product sales, personal services, indoor family entertainment, small boat building, theatres, and seafood receiving and processing. Professional offices and non-tourist oriented retail sales would not be allowed at all and residential would not be allowed on the ground floor.

Tourist oriented sales involve products of substantial interest to a tourist. A hardware store would be an example of a non-tourist oriented store. Director Estes recalled that the Planning Commission approved a permit to allow H & R Block to occupy space in an S2-A zone. He and Planner Johnson discussed other instances of non-tourist oriented retail sales that were allowed in an S2-A zone. A doctor's office would be classified as a professional office of which the Applicant is requesting one. Attorney's and doctor's offices are professional. Allowing a professional office with the conditional use permit will provide more of a live/work scenario.

President Innes opened the public hearing and called for testimony from the Applicant. There being none, President Innes called for any testimony in favor of, impartial or opposed to the application. Hearing none, she closed the public hearing and called for Commissioner comment.

Commissioner Cary said he supports the application given the work/live situation as it encourages better use of the space. Commissioner Nemlowill did not believe the conditional use request made a difference; she was not concerned about the impact of what is proposed. The bigger issue is the request to rezone.

Commissioner Nemlowill moved that the Astoria Planning Commission adopt the Findings and Conclusions contained in the Staff report and approve Conditional Use CU13-02 by 210 Developers, LLC, with conditions; seconded by Commissioner Cary. Motion passed unanimously.

President Innes read the rules of appeal into the record.

Planner Johnson explained that the multi-family building is vested but the conditional use for the professional office and ground floor is not vested because that would be a new use in this proposed building; so the conditional use has a two year limitation.

REPORTS OF OFFICERS/COMMISSIONERS: No reports.

STATUS REPORTS:

Planner Johnson has included status report photographs of the following: V12-08 for 1400 W. Marine Drive. The project(s) is complete and conditions have been met. This status report is for Commission information.

Director Estes noted a work session will be held on Tuesday, May 7, 2013 at 7:00 p.m. where consultants will apprise the Planning Commission on the Transportation System Plan (TSP) Update. The Commission would be later reviewing the TSP when a draft is completed and making a recommendation to City Council.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:21 p.m.

ATTEST:

APPROVED:

Secretary

Community Development Director /
Assistant City Manager

ASTORIA TRAFFIC SAFETY ADVISORY COMMITTEE

Astoria City Hall

April 23, 2013

CALL TO ORDER:

President Innes called the meeting to order at 7:02 p.m.

ROLL CALL:

Commissioners Present: President McLaren Innes, Vice-President Mark Cary, Thor Norgaard, and Zetty Nemlowill

Commissioners Excused: Al Tollefson, David Pearson and 1 Vacancy

Staff Present: Community Development Director / Assistant City Manager Brett Estes, Planner Rosemary Johnson, City Attorney Henningsgaard, City Engineer Harrington, Police Sergeant Brian Ayl and Engineer Technician Steve Ruggles.

APPROVAL OF MINUTES – ITEM 3(a):

Commissioner Nemlowill clarified that, on Page 4 of the minutes, she was not trying to promote the idea of using paddles instead of flags, but was simply referencing ideas that a citizen mentioned at the work session. The use of paddles was not her idea or proposal.

Commissioner Norgaard moved to approve the March 26, 2013 minutes with corrections; seconded by Commissioner Nemlowill. Motion passed unanimously.

REPORTS OF OFFICERS/COMMISSIONERS:

Commissioner Nemlowill said she had met with the traffic engineer to discuss the Transportation System Plan (TSP), which involved some great ideas. She encouraged everyone to attend the public forum on Wednesday, April 24, 2013 to review the plans. There could be some big and very positive changes.

Community Development Director Estes added the TSP presentation will begin at 5:30 p.m. in the McTavish Room at the Liberty Theatre and last until about 6:00 p.m. The open house will last until 7:30 p.m.

President Innes reported that a business at the corner of 37th and Marine Drive/Lief Erikson, is enthusiastic about the Rapid Flashing Beacon (RFB) pedestrian crossing. They have witnessed a positive change in both motorist and pedestrian behaviors. The RFBs seem to be working correctly and do not appear to require much maintenance.

PUBLIC COMMENT:

Drew Herzig, 628 Klaskanine Ave, Astoria, referenced an article published in *The Daily Astorian* on March 3, 2013. He stated the article seemed adversarial to the Traffic Safety Committee. The reporter was not present at the meeting. Mr. Herzig regrets that the article seemed inflammatory. He appreciates the good dialogue that occurs and does not want anyone to believe that this article reflects his opinions about the Traffic Safety Committee in any way.

Commissioner Nemlowill commended Mr. Herzig for participating in the democratic process by speaking at the Traffic Safety Committee meeting as a citizen, then running for City Council to continue working on issues at the City Council level. She has never felt that Mr. Herzig has been adversarial to the Committee.

City Engineer Harrington expressed his appreciation for the Committee's work and invited the Committee members to communicate with him directly about any issues. He briefly updated the Committee about some pedestrian safety issues as follows:

- Staff has determined that RFBs will be beneficial at five locations: Home Bakery on Marine Drive, 37th and Lief Erikson, Bay St. and West Marine Drive, the crosswalk at 21st St and Exchange St. at the hospital, and 6th St. and Marine Drive. Suggestions for other locations are welcome.
- An RFB is currently in place at 37th and Leif Erikson. Newer model RFBs are now on the market; however, the RFB at this intersection will not be upgraded unless required by a grant due to the expense. The City is working with Oregon Department of Transportation (ODOT) to obtain funding.
- ODOT has offered to add cameras to the intersections where pedestrian flags are being used which would enable the City to document behaviors. He reminded that the flags are visual aids; they do not relieve pedestrians or drivers of their responsibilities.
- Making eye contact with drivers prior to stepping out into the intersection seems to be the most effective method of ensuring safety. Texting while crossing an intersection and while driving increases the chances that an accident with a pedestrian will occur. No signage would fix this issue.
- Research has been conducted on the City of Sisters, where a three-month trial using the pedestrian flags was conducted and the program was successful in this city. The only concern of the Public Works Director was that pedestrians get a false sense of security, which is also a concern of City Engineer Harrington. Using the flags increases visibility.
- The City of Sisters did have some trouble maintaining their supply of flags at first. However, theft decreased over time.

Commissioner Nemlowill asked if it was necessary for ODOT to install cameras; has Staff made enough of their own observations to draw conclusions about the flags. She is concerned with the theft of the flags and the false sense of security the flags seem to give pedestrians. City Engineer Harrington stated he has seen pedestrians use the flags appropriately. Those pedestrians benefit from increased visibility, particularly when a pedestrian is wearing dark clothing at dusk and at night. A gentleman spoke to him about the intersection at 12th and Marine Drive, where a fatal accident occurred. He has spent extra time and crossed at that intersection. He believes he would have been in an accident had he been texting and not made eye contact with the driver. One issue is that drivers must stop where the two one-way streets meet, where turning left on a red light is allowed. The issue is that the driver is focusing on traffic approaching from the right rather than the pedestrian crosswalk to the left. Commissioner Nemlowill suggested making one of the streets a two-way street. City Engineer Harrington believes pedestrians making eye contact with drivers is the best way to handle this issue.

City Engineer Harrington continued with his updates as follows:

- Public education efforts have begun and the first flyer is being sent out in the next water billing cycle. The order in which the flyers will be sent has changed. The three-fold brochures are very expensive, so the City will use a bookmark style flyers with the same information that are less expensive.
- Police Sergeant Aydt showed the Traffic Safety Committee two of the flyers, one of which could be sent out in the summer when there are more pedestrians or in the fall as originally planned. The second flyer discusses the topic of sharing the road. Some of the flyers are expensive. The City needs 3,800 of each, which can cost \$500, that is ODOT's budget allotted for the entire state. Some of the bookmark style flyers were sent to Police Sergeant Aydt as a PDF, which he forwarded to City Engineer Harrington. He reviewed the various topics addressed by each flyer. Some of the flyers are free.
- City Engineer Harrington believes the bookmarks are more likely to be placed on someone's refrigerator than the three-fold brochures. The flyers will be sent out with the water bill over two billing cycles. He believes the City will begin to get feedback after the first few flyers have been received by citizens.
- Parking removal at intersections has been discussed. While this would improve visibility, it is not practical or realistic in the downtown area as parking is already limited. Each intersection would need up to eight parking stalls removed and this would need to be done at 55 intersections. One-way streets would not benefit from removing parking. He noted the Traffic engineers are doing further research and will address this issue in the TSP.
- He does not believe a pilot study would reveal new information. The City plans to analyze each block as parking Ts and Ls, and marks that delineate parking spots are replenished. Engineering technicians will look for opportunities to decrease the size of parking stalls from 24 feet to 22 feet. Intersections with yellow painted curbs help mitigate traffic congestion by allowing large vehicles to park more easily. He hoped to gain visibility by adjusting the size of these areas without causing problems for large vehicles so the City does not lose parking.

Commissioner Nemlowill recalled comments at the work session about a potential State requirement to have 25 feet between the crosswalk and a parking stall. City Engineer Harrington replied it is a 20 foot requirement from

the crosswalk back to the first parking space. This is in the Oregon Revised Statutes. For some reason, many cities do not obey this law, and no exemption has yet been found; but Staff continues to research this. Crosswalk setback distances vary in Astoria; some intersections are at 20 feet, while others are not. He noted the Committee's prior discussion about limiting the height of vehicles parked at intersections and stated that a traffic study recommendation was to limit the height of vehicles in lieu of the parking space setback.

Commissioner Nemlow asked if the intersections deemed appropriate for RFBs are in line with the enhanced crossings noted in the TSP. City Engineer Harrington stated those would be recommended in the TSP and they agree with that list of intersections. Including them in the TSP will make the City eligible to receive ODOT funding. Certain ODOT funding programs require that projects be identified in a TSP. The City received \$100,000 in Quick Fix funds to use for the concrete intersection at 8th Street and Commercial. The City would like to obtain more of these funds before they run out.

City Engineer Harrington continued with the updates as follows:

- The City is still waiting on ODOT to approve color and size enhancements for signs. Staff did decide to upgrade all school crosswalks to make them the double-sided signs, like the hospital crosswalk sign. The signs have been delivered and need to be installed.
- The cost of upgrading crosswalks to the Continental style could be as high as \$150,000.
 - He recalled discussion at the last Committee meeting about that style not being ideal; one philosophy is that without the two parallel lines, pedestrians do not feel safe in this type of crosswalk. Continental crosswalks are becoming standard in bigger cities like Boston and New York. The City will not proceed with this until funding has been obtained.
 - It might make sense to upgrade crosswalks while discussing parking Ts and Ls.
- The ladder style crosswalk is a combination of the Continental style crosswalk and standard crosswalk.
 - Public works departments like the Continental style because they last a long time when installed correctly. Ladder-style crosswalks have similar maintenance problems as standard crosswalks.

Police Sergeant Aydt announced that the Police Department has been awarded a Pedestrian Safety Grant to conduct crosswalk enforcement. The Police Department should be able to begin enforcement soon.

- He suggested the Committee endorse some intersection upgrades, but specifically at the intersection where Highway 202 and Alternate 101 split near the Bayshore Apartments. He talked to Julie Yip, a top pedestrian safety person in Salem, who shared that the City could probably force the issue with ODOT to install enhanced bright yellow signs and a crosswalk at that intersection. The City could contact the schools to get information about how many students would cross at the intersection. If the numbers are significant, the intersection could be designated as a school crossing which would warrant the installment of the enhanced signs.

Commissioner Norgaard asked if crosswalks would be installed across all four lanes. Police Sergeant Aydt explained that decision would need to be coordinated with ODOT. City Engineer Harrington noted that ODOT is already considering a project at that intersection. Public parking at the apartment complex has become an issue. ODOT would like to install a sidewalk and remove some of the paved area to prevent some parking. This would result in sidewalks on both sides of the road.

President Innes asked if this project would be included in the TSP. City Engineer Harrington explained that the TSP will include a project that addresses that intersection. Director Estes added that ODOT has proposed this pedestrian project in the interim separate from the TSP to address the current need. The TSP will further discuss the possibility of installing a roundabout at that intersection. City Engineer Harrington stated that when discussing funding, a multi-modal approach is key. Projects that score higher in the Statewide Transportation Improvement Program (STIP) will be projects that benefit all modes of transportation, which is good for Astoria because several TSP projects address multi-modal needs.

Police Sergeant Aydt offered to speak with Ms. Yip again to gather more information. She seems to be well informed, even about issues in Astoria.

Mr. Herzig recalled prior discussion about ODOT being able to change the lights at one-way street intersections to allow the pedestrian to cross before the traffic light changed. While eye contact is still critical, this would allow pedestrians to get out into a more visible area of the intersection.

- On one-way streets, only the two parking stalls on the oncoming side of the street would need to be removed because pedestrians on the far side of the street have plenty of visibility through the crosswalk. He believed the Ts and Ls are too large and could be reduced in size to free up the needed space.
- He has been reading that Continental style crosswalks are more effective in terms of visibility and maintenance. Public education would be necessary to make people aware that this is a type of crosswalk because he has driven over speed tables that were marked Continental that were not crosswalks. The bars in the Continental-style crosswalk at Fred Meyer in Warrenton are so far apart that a car can drive between them. The City should be consistent in the use of these crosswalks and inform the public that they are real crosswalks.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:33 p.m. to convene the Planning Commission meeting.

ATTEST:

Secretary

APPROVED:

Community Development Director /
Assistant City Manager



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

May 10, 2013

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  PAUL BENOIT, CITY MANAGER

SUBJECT: CLATSOP AND WASHINGTON INTER-COUNTY MUTUAL AID AND
EMERGENCY ASSISTANCE AGREEMENT

DISCUSSION/ANALYSIS

Inter-county mutual aid and emergency assistance agreements between bordering counties has been a goal of the Office of State Fire Marshal for a number of years. These agreements are invaluable in facilitating reimbursement for potential FEMA declared disasters such as the December, 2007 storm, as well as major structure and wildland fires that require multiple agencies from various counties to mitigate. Inter-county mutual aid and emergency assistance agreements have been entered into between all of the cities and fire districts of Clatsop County with those of both Columbia and Tillamook Counties. The final agreement with a bordering county would be with Washington County. The attached agreement between Clatsop and Washington County is the same agreement as was entered into with Columbia and Tillamook Counties.

This Inter-County Mutual Aid and emergency Assistance Agreement with Washington County has been reviewed by the City Attorney and has been approved.

RECOMMENDATION

Staff recommends authorizing approval of the Clatsop and Washington Inter-County Mutual Aid and Emergency Assistance Agreement.

By: 
Ted Ames, Fire Chief

**CLATSOP AND WASHINGTON
INTER-COUNTY MUTUAL AID AND EMERGENCY ASSISTANCE
AGREEMENT**

This Agreement is entered into by and between the undersigned Fire District and Fire Department agencies located in Clatsop County and the undersigned Fire District and Fire Department agencies located in Washington (the "Parties") to enable them to provide inter-county Mutual Aid to each other, and to specify the terms of Emergency Assistance during declared emergencies or conflagrations.

WHEREAS, This Agreement is between Fire Agencies within Clatsop and Washington County Fire Defense Districts and agencies entered into this agreement individually ; and

WHEREAS, defined terms are set forth in Article II; and

WHEREAS, ORS 190.010 allows units of local government to enter into agreements with other local government units for the performance of any and all functions and activities that each unit has authority to perform, and ORS Chapters 190, 401, 453, 455, 476, 477 and 478 extend the powers and authorities of the Parties beyond their boundaries when operating under this Agreement; and

WHEREAS, ORS 401.480 allows the state, counties, and cities, in collaboration with private agencies, to enter into cooperative assistance agreements for emergency aid and resources; and

WHEREAS, the Parties recognize the likelihood that fires or Emergencies occurring within their boundaries could exceed the ability to control them with the equipment and personnel of any one agency or Fire Defense District as defined in the Oregon Fire Service Mobilization Plan; and

WHEREAS, the parties recognize the necessity to facilitate and comply with the Oregon Conflagration Act (ORS 476.510 to 476.610), and to provide immediate response under the Oregon Fire Service Mobilization Plan prior to the exercise of authority under the Conflagration Act; and

WHEREAS, it is necessary and proper for the Parties to enter into inter-county Mutual Aid and Emergency Assistance agreements for the mutual protection of life and property; and

WHEREAS, Mutual Aid is intended to provide an immediate response under the Oregon Fire Service Mobilization Plan; and

WHEREAS, ongoing operations during declarations of emergency under ORS 401.055 or during extended operations under the Conflagration Act exceed the intent of Mutual Aid; and

WHEREAS, the terms and conditions of the Emergency Assistance needed to protect life and property during extended operations needs to be defined and agreed upon by the Parties.

NOW THEREFORE, the Parties agree as follows:

Article I –TERM

This Agreement takes effect on the date of execution by the Parties, and continues in effect until terminated as provided in Article III.

Article II – DEFINITIONS

- A. "Assistance Costs" mean any direct equipment costs and labor costs that extend beyond the first Operational Period (usual and customary costs) of the event and that are incurred by the Lender in providing any asset requested. Assistance costs will be determined according to Chapter III of the Oregon Fire Service Mobilization Plan.
- B. "Borrower" means the Party that has jurisdiction over the Emergency incident that has made a request for Emergency Response.
- C. "Contact Person(s)" means the person or persons designated by each Party to request Emergency Response or grant Emergency Response to another Party under this Agreement.
- D. "County Fire Defense District" means the association and organization of local fire agencies as ordered by the Oregon State Fire marshal and defined in the Oregon Fire Service Mobilization Plan.
- E. "Emergency" is a human-caused or natural event or circumstance within the jurisdiction of any Party causing or threatening loss of life, damage to the environment, injury to person or property, human suffering or financial loss, and the event is or is likely to be beyond the capacity of the Party in terms of personnel, equipment and facilities, and therefore requires Emergency Assistance. Events include fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of hazardous materials, contamination, utility or transportation emergencies, disease, infestation, civil disturbance, riots, acts of terrorism or sabotage, and use of weapons of mass destruction. .

- F. "Emergency Assistance" means employees, services, equipment, materials, or supplies offered during an Emergency by the Lender and accepted by the Borrower to assist in maintaining or restoring normal services beyond the first Operational Period of the Emergency when such service has been disrupted by the Emergency and Emergency Assistance from other Parties is necessary or advisable, as determined by the Borrower.
- G. "Lender" means a Party to this Agreement that provides Emergency Assistance to another Party under this Agreement.
- H. "Mutual Aid" means short term and immediate mutual assistance between the Parties consisting of appropriate equipment and personnel during emergencies where assistance is requested by the Borrower. Mutual Aid is intended to be for a specific incident and not more than twelve (12) hours unless the Parties mutually agree to extend the Mutual Aid
- I. "Operational Period" means the time determined by the Incident Commander as necessary to accomplish the operational objectives assigned to personnel and equipment within safe work/rest standards set for the fire service. The initial Operational Periods is event driven and, unless agreed to by the Parties, will not exceed twelve (12) hours.

Article III – TERMS AND TERMINATION

- A. Any Party may terminate its participation in this Agreement at any time by giving 30 days' notice of its intention to do so to all other Parties. Such notice must be given to the governing body with a copy to the chief of the district or the fire agency, and will become effective upon receipt.
- B. Any terminating Party remains liable for all obligations incurred during its period of participation.

Article IV – PARTICIPATION

Participation under this Agreement is voluntary and at the sole discretion of the Lender. No Party will be liable to another Party, or considered in breach or default of this Agreement, on account of any delay in or failure to provide Emergency Assistance under this Agreement, except to make payment as required by this Agreement. The Parties agree to respond to Mutual Aid requests between their respective Fire Defense Districts under Mutual Aid and move-up procedures developed by the Fire Defense Districts as administered by their respective Fire Defense District Chiefs in conformance with the Oregon Mobilization Plan. Each Party agrees to furnish to a Borrower such assistance

as the Borrower deems reasonable and necessary to successfully abate an Emergency; provided, however, the Lender has sole discretion to refuse such request, or withdraw from a request.

Article V – THE NATIONAL INCIDENT MANAGEMENT SYSTEM

The parties agree to formally adopt and implement the standards, procedures and protocols established within the National Incident Management System as best practice during all emergency operations.

Article VI – TYPE OF EQUIPMENT AND PERSONNEL.

Subject to the limitations of Article IV, the Lenders agree to provide Emergency Assistance to the Borrowers with the kinds and types of equipment requested, including staffing according to rules and procedures under the Oregon Fire Service Mobilization Plan. Changes to the kinds and types of equipment or personnel will be mutually agreed to between the Parties prior to the response. For Mutual Aid assistance and also subject to the limitations in Article IV, the Parties agree that the Lender will provide to the Borrower personnel and equipment that is normally staffed and assigned to Emergencies and in general conformance with the Oregon Fire Service Mobilization Plan.

Article VII - SUPERVISION.

The Borrower has incident command responsibility for the Emergency incident and will establish overall supervision of the Emergency response personnel and equipment during the Emergency. However, until officers from the Borrower arrive at the incident, the commanding officer of the Lender arriving first will assume incident command until relieved. The Lender may refuse to commit equipment and personnel when, in its sole judgment, doing so would present unreasonable risk or danger of injury or harm to the Lender employees, volunteers, equipment, or any third party.

Article VIII – MUTUAL AID

Requests for Mutual Aid must be addressed to the persons designated by the Parties and will be provided under the terms of this Agreement.

Article IX – EMERGENCY ASSISTANCE

If an Emergency exceeds available Mutual Aid and requires activation of either federal or Oregon emergency laws to preserve life or property, this Agreement remains applicable except for those provisions in this agreement that conflict with federal or Oregon emergency laws.

A. EMERGENCY ASSISTANCE SERVICES

Emergency Assistance services may include, but are not limited to, incident management, firefighting, search and rescue, emergency medical services, debris removal and media relations.

B. COMPENSATION

The provision of personnel and equipment beyond the initial Operational Period is subject to compensation for the entire period of use as the Lender and Borrower may agree. The costs associated with borrowed personnel and equipment is subject to the reimbursement process outlined in this Article

C. CONTRACT LABOR STATUS

Lender equipment and personnel is provided as an independent contractor of Borrower in the performance of Emergency Assistance. While performing Emergency Assistance, Lender employees will not be deemed employees of Borrower for any purpose. Wages, hours, and other terms and conditions of employment of Lender remain applicable to all of its employees who perform Emergency Assistance. Lender is solely responsible for payment of its employees' wages, payroll taxes and any benefits or other compensation. Borrower is not responsible for paying any wages, benefits, taxes, or other compensation to Lender's employees.

D. COST RECOVERY

Any cost recovery action brought by a Lender under this Agreement is between the Lender Party and the Borrower. Actions against third parties will be coordinated by the Borrower and will be governed by any applicable agreements, understandings, or policies between the Borrower and third party. Lenders must provide complete documentation of all reimbursable costs consistent with this Agreement. Cost recovery between a Lender and the Borrower must be consistent with the policies and guidelines established in the Oregon Fire Service Mobilization Plan.

E. PAYMENT FOR SERVICES AND ASSISTANCE

Borrower shall pay the Lender for all valid and invoiced Assistance Costs within 180 days of receipt of invoice from Lender for all of the Emergency Assistance services provided by the Lender. Lender, in its sole discretion,

may elect to extend the repayment deadline, upon the request of Borrower. If the Lender provides equipment, supplies or parts, the Lender may accept payment of cash or in kind for the equipment, supplies or parts supplied.

F. RECORD KEEPING

Time sheets or daily logs showing hours worked and equipment and materials used or provided by the Lender will be recorded on a shift by shift basis by the Lender and will be provided to the Borrower as needed. If no personnel are loaned, the Lender will provide shipping records for materials and equipment, and the Borrower will provide any required documentation of use of material and equipment for state or federal reimbursement. Under all circumstances, the Borrower remains responsible for ensuring that the amount and quality of all documentation is adequate for disaster reimbursement.

Article X - COMPLIANCE WITH GOVERNMENT REGULATIONS

The Parties will comply with federal, state and local laws, codes, regulations, and ordinances applicable to the work performed under this Agreement. The Parties recognize and agree that ORS Chapters 190, 401, 453, 455, 476, 477 and 478 extend the powers and authorities of the Parties beyond their jurisdictions when operating under this Agreement.

Article XI – INDEMNIFICATION, INSURANCE and LIMITATIONS of LIABILITY

A. INDEMNIFICATION.

Borrower shall indemnify and hold harmless Lender for any actions, errors or omissions of Borrower and its directors, officers, employees, and agents in connection with the performance or nonperformance by Borrower of its duties pursuant to this Agreement. Likewise, Lender shall indemnify and hold harmless Borrower for any acts, errors or omissions of Lender and its directors, officers, employees and agents in connection with the performance or nonperformance by Lender of its duties pursuant to this Agreement. The foregoing indemnity obligations shall include all claims, demands, judgments, and/or reasonable attorney's fees and cost incurred by the indemnified party, and shall survive the termination of this Agreement. If Borrower is a public body, the liability of the public body under this provision shall not exceed in the aggregate the amounts in the Oregon Tort Claims Act, ORS 30.270.

B. INSURANCE.

Each party shall have liability insurance in at least the amounts of liability of public bodies provided in the Oregon Tort Claims Act ORS 30.260 -

.300, as it now exists and as it from time to time may be amended. Each party shall obtain a certificate of insurance naming every other party an additional insured for activities under this agreement, and shall provide such certificate to every other party. Such insurance shall not be cancelled without 30 days notice to every other party.

C. ACTIVITIES IN BAD FAITH OR BEYOND SCOPE.

The Borrower is not required to indemnify, hold harmless or defend a Lender from any claim, loss, harm, liability, damage, cost or expense caused by or resulting from Lender's willful misconduct or gross negligence.

D. LIABILITY FOR PARTICIPATION.

In the event of any liability, claim, demand, action or proceeding, of whatever kind or nature arising from Mutual Aid or Emergency Assistance under this Agreement, the Borrower agrees to indemnify, hold harmless, and defend, to the fullest extent of the law, each Party to this Agreement, whose only involvement in the transaction or occurrence which is the subject of such claim, action, demand, or other proceeding, is the execution and approval of this Agreement.

E. DELAY/FAILURE TO RESPOND.

No Party is liable to another Party, or is considered in breach or default under this Agreement, for any delay or failure to perform any obligation under this Agreement, except to make payment as specified in this Agreement.

F. LITIGATION PROCEDURES.

Each Party seeking to be released, indemnified, held harmless or defended under this Article for any claim shall promptly notify the Borrower of such claim, and shall not settle such claim without prior consent of Borrower, which consent shall not be unreasonably withheld. Such Party has the right to participate in the defense of the claim to the extent of its own interest. The Lender shall cooperate and participate in legal proceedings if so requested by the Borrower.

Article XII – GOVERNMENTAL AUTHORITY

This Agreement is subject to laws, rules, regulations, orders, and other requirements, now or as amended, of all governmental authorities having jurisdiction over the Emergencies covered by this Agreement.

Article XIII – WORKERS' COMPENSATION AND EMPLOYEE CLAIMS

Lender employees, officers or agents remain employees of Lender while engaged in carrying out duties, functions or activities under this Agreement. Each Party remains responsible as employer for all taxes, assessments, fees, premiums, wages, withholdings, workers' compensation and other direct and indirect compensation, benefits, and related obligations with respect to its own employees. Each Party must provide worker's compensation in compliance with Oregon statutory requirements. The Parties recognize that although overall incident command supervision will usually be provided by the Borrower, supervision of individual employees will be provided by their regular supervisors. The intent of this provision is to prevent the creation of "special employer" relationships under Oregon worker compensation law.

Article XIV – NO DEDICATION OF FACILITIES

No undertaking by a Party to another Party under this Agreement will constitute a dedication of the assets of such Party, or any portion thereof, to the public or to the other Party. This Agreement does not give a Party any right of ownership, possession, use or control of the assets of any other Party.

Article XV – AUTHORITY

This Agreement does not create an association, joint venture or partnership among the Parties or impose any partnership obligation or liability upon any Party. No Party has any undertaking for or on behalf of, or to act or be an agent or representative of, or to otherwise bind any other Party.

Unless expressly authorized by Borrower, a Lender and its officers, employees and agents are not authorized to make any representation, enter into any agreement, waive any right, or incur any obligation in the name of, or on behalf of, or as agent for, Borrower.

Article XVI – NO THIRD PARTY BENEFICIARY

This Agreement does not create any rights in or duties to any third party, nor any liability to or standard of care in reference to any third party. This Agreement does not confer any right or remedy upon any person other than the Parties. This Agreement does not release or discharge any obligation or liability of any third party to any Party.

Article XVII – ENTIRE AGREEMENT/REPEAL OF OTHER AGREEMENTS

This Agreement constitutes the entire agreement, though prior agreements of the Parties may take precedence over certain provisions of this Agreement.

This Agreement does NOT supersede or repeal any automatic aid agreements or pre-programmed first response agreements, hazardous materials response agreements with the State of Oregon, mutual aid hazardous materials agreements with other State Response Teams, equipment sharing agreements, such as Nuclear, Biological and Chemical agreements with the City of Portland, or emergency planning agreements, such as the Office of Consolidated Emergency Management Cooperative Assistance Agreement, the Oregon Urban Search and Rescue Task Force Mutual Aid Agreement, or agreements with ODF for provision of services beyond the first 12 hours of an incident. To the extent appropriate, the Parties to this Agreement will respond first under the above agreements. Emergency Assistance provided under the Oregon Emergency Conflagration Act, state and national forest fire defense plans, civil defense plans, and disaster preparedness plans are not governed by this Agreement.

Article XVIII – SUCCESSORS AND ASSIGNS

This Agreement is not transferable or assignable, in whole or in part, and any Party may terminate its participation in this Agreement subject to Article III.

Article XIX – GOVERNING LAW

This Agreement is interpreted, construed, and enforced in accordance with the laws of the State of Oregon.

Article XX – VENUE

Any action which may rise out of this Agreement must be brought in the county where the Emergency occurred.

Article XXI – WAIVER OF RIGHTS

Any waiver at any time by any Party of its rights with respect to a breach or default under this Agreement, or with respect to any other matter arising in connection with this Agreement, does not constitute and will not be deemed a waiver with respect to any subsequent breach or default or other matter arising in

connection with this Agreement. Any delay in asserting or enforcing any right, except those related to the statutes of limitations, will not constitute a waiver.

Each Party waives all claims against all other Parties for compensation for any loss, damage, personal injury, or death occurring to personnel or equipment as a consequence of its performance under this Agreement.

Article XXII– SEVERABILITY

If any provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions are not affected. The rights and obligations of the Parties will be construed and enforced as if the Agreement did not contain the invalid particular provision.

Article XXIII – NOTICES

Any notice, demand, information, report, or item required, authorized, or provided for in this Agreement must be given in writing and will be deemed properly given if (i) delivered personally, (ii) transmitted and received by telephone facsimile device and receipt confirmed by telephone, (iii) transmitted by email and confirmed by telephone or (iv) sent by United States Mail, postage prepaid, to the designated representative having authority for the Party concerned.

IN WITNESS WHEREOF, each Party has caused this Agreement for Mutual Aid and Emergency Assistance to be executed by a duly authorized agent as of the date of their signatures. All signatures will be executed in counterparts, using the form appearing on this page, or another execution page substantially in that form.

CLATSOP COUNTY FIRE DEFENSE BOARD

City of Astoria Fire Department:

By: _____
Mayor Date _____

By: _____
City Manager Date _____

Cannon Beach Rural Fire Protection District:

By: _____
Authorized Representative Date _____

By: _____
Authorized Representative Date _____

Elsie-Vinemaple Rural Fire Protection District:

By: _____
Authorized Representative Date _____

By: _____
Authorized Representative Date _____

Gearhart Volunteer Fire Department:

By: _____
Mayor Date _____

By: _____
City Manager Date _____

Hamlet Rural Fire Protection District:

By: _____
Authorized Representative Date

By: _____
Authorized Representative Date

John Day – Fernhill Rural Fire Protection District:

By: _____
Authorized Representative Date

By: _____
Authorized Representative Date

Knappa-Svensen-Burnside Rural Fire Protection District:

By: _____
Authorized Representative Date

By: _____
Authorized Representative Date

Lewis & Clark Rural Fire Protection District:

By: _____
Authorized Representative Date

By: _____
Authorized Representative Date

Olney Walluski Fire and Rescue:

By: _____
Authorized Representative Date

By: _____
Authorized Representative Date

Seaside Fire & Rescue Department:

By: _____
Mayor

Date

By: _____
City Manager

Date

City of Warrenton Fire Department:

By: _____
Mayor

Date

By: _____
City Manager

Date

Westport-Wauna Rural Fire Protection District:

By: _____
Authorized Representative

Date

By: _____
Authorized Representative

Date

WASHINGTON COUNTY FIRE DEFENSE BOARD

CORNELIUS FIRE DEPARTMENT:

By: _____
Mayor

Date

By: _____
City Manager

Date

Cornelius Rural Fire Protection District:

By: _____
Board President

Date

By: _____
Fire Chief

Date

Forest Grove Fire & Rescue:

By: _____
Mayor

Date

By: _____
City Manager

Date

Forest Grove Rural Fire Protection District:

By: _____
Board President

Date

By: _____
Fire Chief

Date

Gaston Rural Fire Protection District:

By: _____
Board President

Date

By: _____
Fire Chief

Date

Hillsboro Fire Department:

By: _____
Mayor

Date

By: _____
City Manager

Date

Banks Fire District #13:

By: _____
Board President

Date

By: _____
Fire Chief

Date

Tualatin Valley Fire & Rescue:

By: _____
Board President

Date

By: _____
Fire Chief

Date

Washington County Fire District #2:

By: _____
Board President

Date

By: _____
Fire Chief

Date



May 7, 2013

TO: ASTORIA CITY COUNCIL

FROM:  PAUL BENOIT, CITY MANAGER

SUBJECT: AMENDMENT REQUEST (A13-01) BY RISING TIDE ENTERPRISES LLC TO THE LAND USE AND ZONING MAP TO REZONE AN AREA AT 16TH AND EXCHANGE STREETS FROM C-3 (GENERAL COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL)

BACKGROUND

The property proposed for rezone is generally located at the southwest corner of 16th and Exchange Streets between Exchange Street and Franklin Avenue. The site has a vacant lot, and two lots developed with a single-family dwelling on 16th Street and a dwelling on Exchange Street that is a single-family dwelling but approved for use up to four units. The applicant owns the parcel located at 1585 Exchange which is designated as historic within the Downtown National Register Historic District. The other two property owners have signed in agreement with the proposed zone change. The site is situated in a transition area between the residentially and commercially developed areas and could be a cohesive part of either development area. Access to the sites would be from Exchange and 16th Streets.

The building at 1585 Exchange Street has gone through several different owners and uses over the last few years. It was a single-family dwelling for many years as a non-conforming, grandfathered use in the C-3 Zone. It was then converted to a restaurant/bakery on the ground floor with residence above. Within the C-3 Zone, a single-family residential unit is only permitted above or below the first floor with commercial facilities on the first floor of the structure. It sat vacant for several years and then a tattoo parlor located on the ground floor with residence above. Over the years, most of the inquiries for purchase of this property has been for use as a single-family dwelling. However, since the building had been used commercially, it was no longer "grandfathered" and therefore could not return to a single-family dwelling. While the site is close to downtown, it is not in the mainstream of downtown traffic and activity. The building was originally built as a dwelling, and is more conducive to that use rather than commercial use.

The building at 539 16th Street is currently used as a single-family dwelling. This is a non-conforming, grandfathered use in the C-3 Zone. The vacant lot is small (25' x 100') and any development on the site would require off-street parking which would limit the development opportunities.

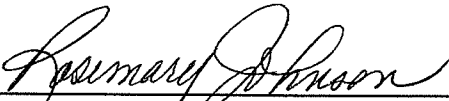
At its April 23, 2013 meeting, the Astoria Planning Commission held a public hearing and recommended that the City Council adopt the proposed amendment. A copy of the Staff

Report and Findings of Fact as adopted by the Planning Commission is attached. Also attached to this memo is the proposed ordinance. A public hearing on the Amendment has been advertised and is scheduled for the May 20, 2013 City Council meeting.

RECOMMENDATION

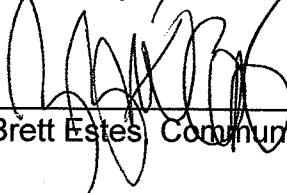
It is recommended that the Council hold a public hearing and adopt the ordinance as recommended by the Planning Commission. If the Council is in agreement with the recommendation of the Planning Commission, it would be in order for Council to hold a first reading of the Ordinance.

By:



Rosemary Johnson, Planner

Through:



Brett Estes, Community Development Director

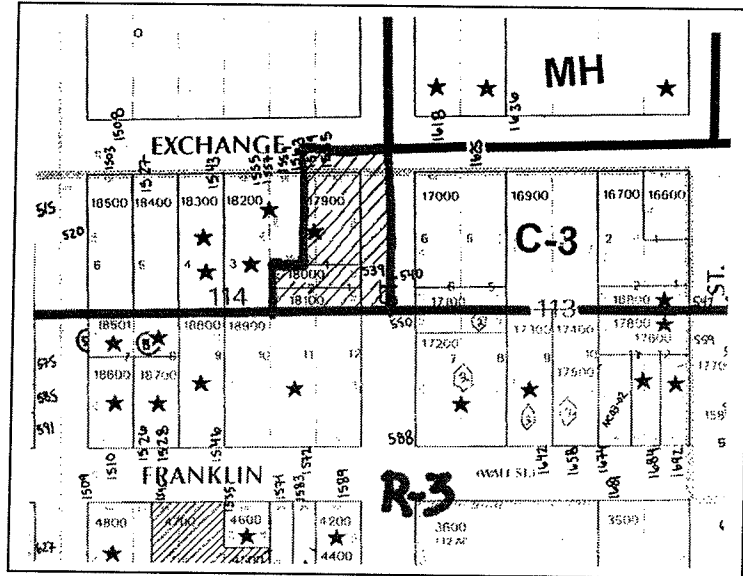
ORDINANCE NO. 13-_____

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP BY REZONING PARCELS AT 1585 EXCHANGE, 539 16TH, AND VACANT LOT ADJACENT TO 539 16TH FROM C-3 (GENERAL COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL)

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. The 1992 Astoria Land Use and Zoning Map is amended to rezone the following area from C-3 (General Commercial) to R-3 (High Density Residential) as indicated on the map:

Map T8N-R9W Section
8DC, Tax Lots 17900,
18000, 18100; Lot 1, east
15' Lot 2, west 35' of south
50' Lot, Block 114, Shively



Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS _____ DAY OF _____, 2013.

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2013.

ATTEST:

Mayor

Paul Benoit, City Manager

ROLL CALL ON ADOPTION:

YEA

NAY

ABSENT

Commissioner LaMear

Herzig

Mellin

Warr

Mayor

Van Dusen

FINDINGS OF FACT

April 10, 2013

TO: PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: AMENDMENT REQUEST (A13-01) BY RISING TIDE ENTERPRISES LLC TO THE LAND USE AND ZONING MAP TO REZONE AN AREA AT 15TH AND EXCHANGE STREETS FROM C-3 (GENERAL COMMERCIAL) TO R-3 (HIGH DENSITY RESIDENTIAL)

I. BACKGROUND SUMMARY

A. Applicant: Robert Stang
Rising Tide Enterprises LLC
3834 Franklin Avenue
Astoria OR 97103

B. Owner: Rising Tide Enterprises LLC (1585 Exchange)
3834 Franklin Avenue
Astoria OR 97103

Michael Petersen (539 16th Street)
539 16th Street
Astoria OR 97103

Michael B Henderson (vacant lot on 16th)
Emily P Henderson
381 Bon Haven Road
Maysville KY 41056-9772

C. Request: Amend the Astoria Land Use and Zoning Map by rezoning Tax Lot 17900 at 1585 Exchange Street, Tax Lot 18000 at 539 16th Street, and Tax Lot 18100 a vacant lot on 16th Street from C-3 (General Commercial) to R-3 (High Density Residential)

D. Location: 1585 Exchange Street; Map T8N-R9W Section 8DC, Tax Lot 17900; north 100' Lot 1 and east 15' of north 100' Lot 2, Block 114, Shively

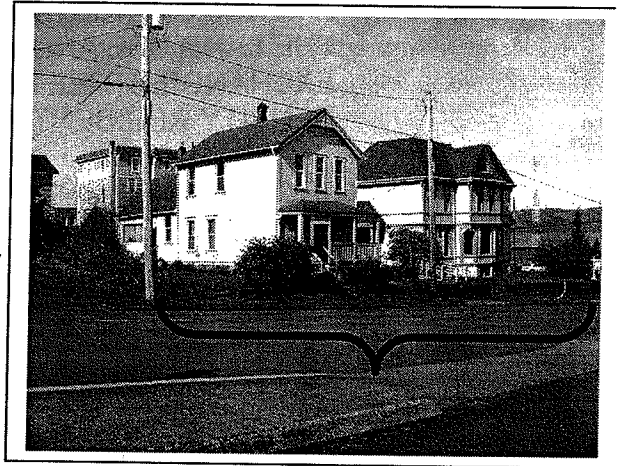
539 16th Street; Map T8N-R9W Section 8DC, Tax Lot 18000; north 25' of south 50' Lots 1 & 2, Block 114, Shively

Vacant lot on west side of 500 block 16th Street; Map T8N-R9W
Section 8DC, Tax Lot 18100; south 50' Lots 1 & 2, Block 114,
Shively

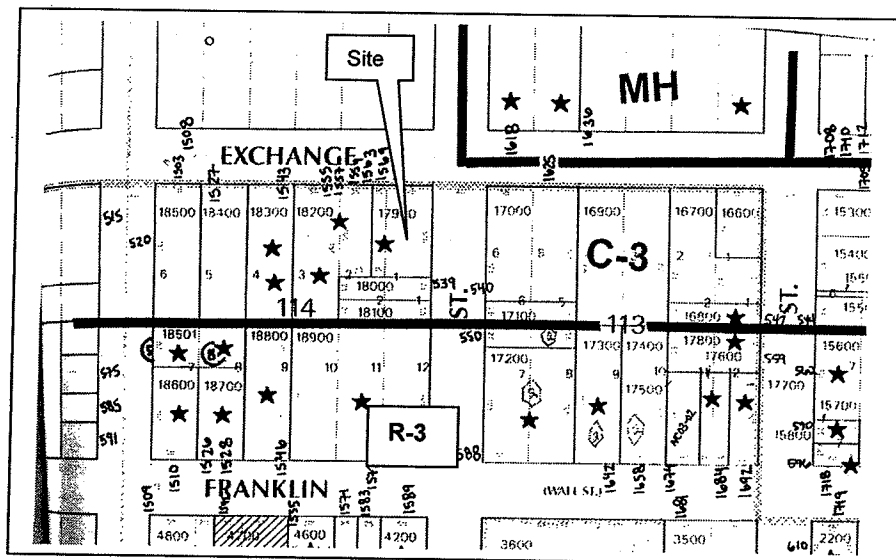
E. Zone: Current: C-3 (General Commercial)
Proposed: R-3 (High Density Residential)

II. BACKGROUND

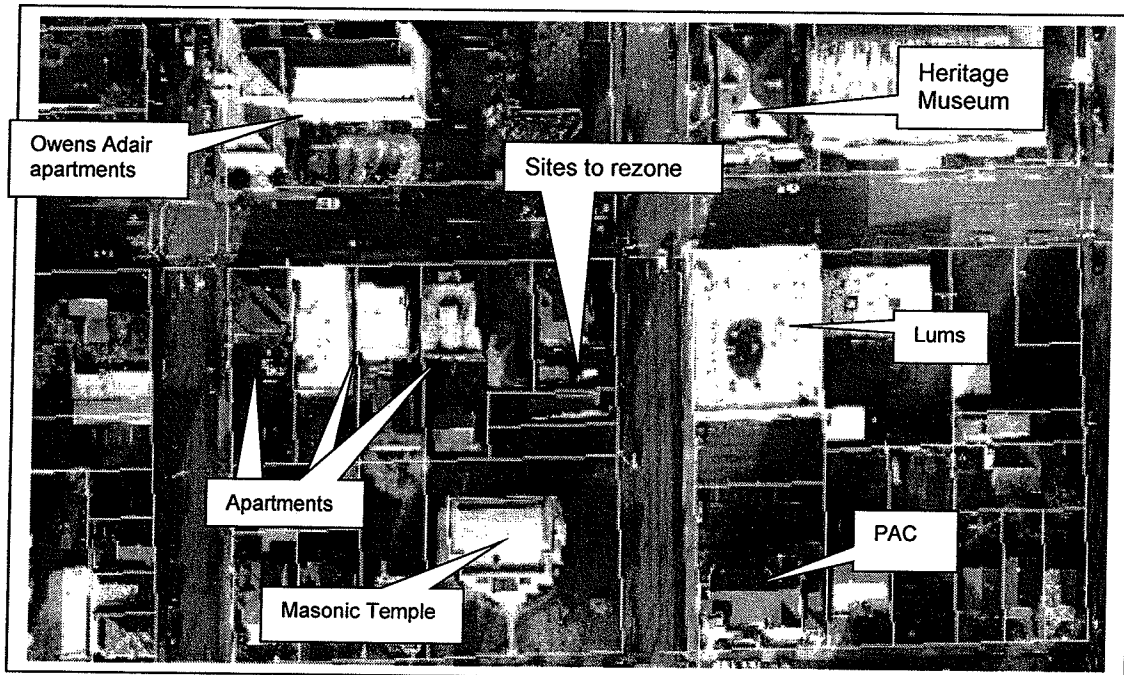
The property proposed for rezone is generally located on 16th and Exchange Streets between Exchange Street and Franklin Avenue. The property is sloped up from the north to south. The site has a vacant lot, and is developed with a single-family dwelling on 16th Street and a dwelling on Exchange Street that is a single-family dwelling but approved for use up to four units. The applicant owns the parcel located at 1585 Exchange which is designated as historic within the Downtown National Register Historic District (NRHD) and any new construction or exterior alterations would require historic design review by the Historic Landmarks Commission.



The site is located on the boundary of three zones and in the transition area between the residential and commercial development. The site is bounded on the north across the Exchange Street right-of-way by the C-3 and MH Zones with Owens Adair apartments and the Heritage Museum; to the south is the R-3 Zone and a mixture of single-family and multi-family dwellings neighborhood along with the Masonic Temple and Clatsop Community College Performing Arts Center; to the east is the C-3 Zone and former Lums Auto sales and service building; to the west is the C-3 Zone with multi-family apartment buildings.



The proposed R-3 Zone would extend into the C-3 Zone.



The site is situated in a transition area between the residentially and commercially developed areas and could be a cohesive part of either development area. Access to the sites would be from Exchange and 16th Streets.

The building at 1585 Exchange Street has gone through several different owners and uses over the last few years. It was a single-family dwelling for many years as a non-conforming, grandfathered use in the C-3 Zone. It was then converted to a restaurant/bakery on the ground floor with residence above. It sat vacant for several years and then a tattoo parlor located on the ground floor with residence above. Over the years, most of the inquiries for purchase of this property was for use as a single-family dwelling. However, since the building had been used commercially, it was no longer was "grandfathered" and therefore could not return to a single-family dwelling. While the site is close to downtown, it is not in the mainstream of downtown traffic and activity. The building was originally built as a dwelling, and is more conducive to that use rather than commercial use.

The building at 539 16th Street is on a small 25' x 100' lot and has been used as a two-family dwelling but is currently used as a single-family dwelling. This is a non-conforming, grandfathered use in the C-3 Zone. The owner has agreed to the rezone.

The vacant lot is small (25' x 100') and any development on the site would require off-street parking and historic design review. The owner of this property has expressed interest in donating the lot to a local non-profit to be used as a community garden. The property owner has not yet submitted a signature agreeing to the proposed zone amendment. Since only the property owner, or City can apply for a zone amendment on a property, this parcel cannot be rezoned without the property owner's signature.

Staff has been working with the owner to obtain permission but have not yet received it. Should the property owner determine that she does not want to be included in the proposed amendment, the vacant parcel would be removed from the request and would remain C-3 Zone.

The APC recommendation will be forwarded to the City Council for consideration tentatively at their May 20, 2013 meeting.

III. PUBLIC REVIEW AND COMMENT

A. Planning Commission

A public notice was mailed to Neighborhood Associations and property owners within 100' of the proposed zone boundary change area on April 1, 2013. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on April 16, 2013. The proposed amendment is quasi-judicial as it applies to only three parcels of land. Any comments received will be made available at the Planning Commission meeting.

B. City Council

A public notice will be mailed to Neighborhood Associations and property owners within 100' of the proposed zone boundary area on April 26, 2013. In accordance with Section 9.020, a notice of public hearing will be published in the Daily Astorian on May 13, 2013. Any comments received will be made available at the City Council meeting.

IV. FINDINGS OF FACT

- A. Development Code Section 10.020(B) states that *"an amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed."*

Finding: The proposed amendment to the zoning map boundary is being initiated by the owner(s) of the property proposed to be rezoned. The lead applicant owns 1585 Exchange and the owner of 539 16th has signed a form in support of the application. The owner of the vacant lot has indicated support for the application but has not yet submitted anything in writing. Should she determine that she does not want to be included in the proposed amendment, the vacant parcel would be removed from the request and would remain C-3 Zone. A condition has been recommended which states that *"The vacant parcel on west side of 500 block 16th Street; Map T8N-R9W Section 8DC, Tax Lot 18100; south 50' Lots 1 & 2, Block 114, Shively shall remain C-3 Zone if the property owner does not agree to the amendment request for a rezone of the property by May 8, 2013."*

- B. Section 10.050(B) states that *"The following amendment actions are considered quasi-judicial under this Code:*

1. *A zone change that affects a limited area or a limited number of property owners."*

Finding: The proposed amendment is to amend the Astoria Land Use and Zoning Map to rezone a limited area site with only three property owners from C-3 to R-3 Zone. Processing as a quasi-judicial action would be appropriate.

- C. Section 10.070(B.1) requires that *"The amendment is consistent with the Comprehensive Plan."*

CP.025(2) concerning Policies Pertaining to Land Use Categories and Density Requirements states that *"Changes in the land use and zoning map may be made by boundary amendment so long as such change is consistent with the goals and policies of the Comprehensive Plan."*

1. CP.005(5) concerning General Plan Philosophy and Policy Statement states that local comprehensive plans *"Shall be regularly reviewed, and, if necessary, revised to keep them consistent with the changing needs and desires of the public they are designed to serve."*

CP.040, Central Residential Area description, states that *"The Central Residential Area is the City's oldest neighborhood, and extends generally from Second Street to 18th Street and from Bond Street to Niagara Street excluding the central business district."*

CP.050, Downtown Area description, states that downtown *"extends from 5th Street to 16th Street, and from the pierhead line in the Columbia River to Exchange Street."*

Finding: The Comprehensive Plan and Development Code establish designated land use areas and zones. The general development of the Downtown area has been consistent since the 1920's. The Central area is the oldest neighborhood and the two buildings located in the area proposed to be rezoned were built in 1880 and 1890 and have been used residentially except for a few recent years that the 1585 Exchange property had some commercial use. The Comprehensive Plan area descriptions could be interpreted that these properties are in the Central Residential Neighborhood and not within the Downtown Area as they are on the south side of Exchange Street which is the south boundary line of the Downtown.

With the historic designation of the one building and others in the neighborhood, and the existing development pattern, major changes are not anticipated that would warrant keeping the proposed properties

within the C-3 Zone which allows more intense commercial development in this transition commercial/residential neighborhood. A change in zone to include these lots within the adjacent residential R-3 Zone is consistent with the current trends of development and vision for this area.

2. CP.015(1) concerning General Land and Water Use Goals states that *"It is the primary goal of the Comprehensive Plan to maintain Astoria's existing character by encouraging a compact urban form, by strengthening the downtown core and waterfront areas, and by protecting the residential and historic character of the City's neighborhoods. It is the intent of the plan to promote Astoria as the commercial, industrial, tourist, and cultural center of the area."*

CP. 015(2) concerning General Land and Water Use Goals states that *"It is a goal of the plan to encourage the development of public and private lands within the City limits, particularly areas that are presently serviced with sewer and water, prior to the extension of public facilities to areas outside the City."*

CP.220 concerning Housing Policies states that the City should
"6. Protect neighborhoods from incompatible uses, including large scale commercial, industrial, and public uses or activities."

Finding: The proposed amendment would allow for continued compact urban form development of an area currently serviced by City utilities. Astoria is becoming the cultural center of the region with its numerous historic properties and districts. This property is within a historic district and adjacent to other historic properties. New construction would require historic design review. The vacant parcel abuts residential development and the potential for incompatible commercial development on this lot could be a concern.

The neighborhood was developed over the years with a mixture of multi-family residential apartment buildings, Owens Adair residential apartments which was the former St. Mary's Hospital, automotive sales and service building (Lum's), and the former City Hall which is now the Heritage Center Museum. Property in the 1500 block of Exchange is all residential. East of 16th Street is the start of a separate commercially developed area of the City leading into the Gateway Master Plan area. While the C-3 Zone may have been appropriate when this neighborhood was more automotive and business related, the rezone to R-3 is appropriate for the transition commercial/residential neighborhood now that these uses are gone from this edge of downtown area. The proposed R-3 Zone would extend into the C-3 Zone for this area only. Changing the zone from commercial to residential would keep the commercial uses closer to the downtown core, prevent new automotive

related businesses from locating in this neighborhood, and prevent the expansion of commercial uses into the otherwise residential neighborhood.

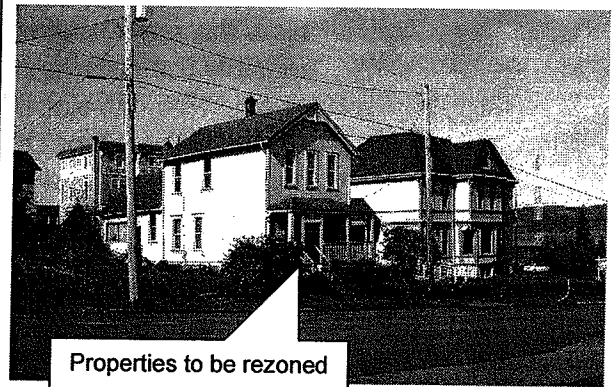
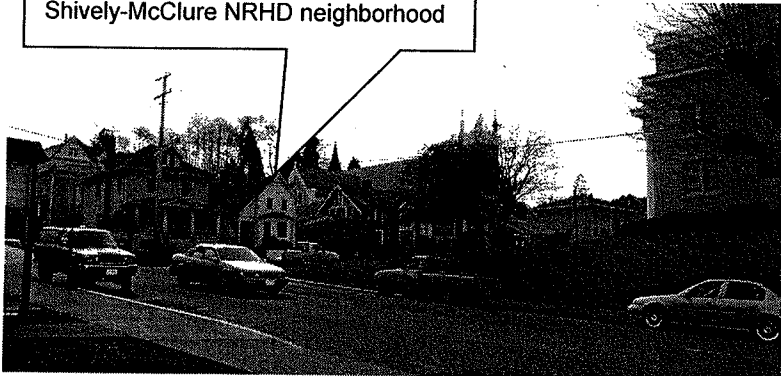
3. CP.020(6) concerning Community Growth, Plan Strategy states that *"The City encourages historic preservation generally, the restoration or reuse of existing buildings. However, these structures must be improved in a timely manner."*

CP.200(6) concerning Economic Development Goals states that *"Encourage the preservation of Astoria's historic buildings, neighborhoods and sites and unique waterfront location in order to attract visitors and new industry."*

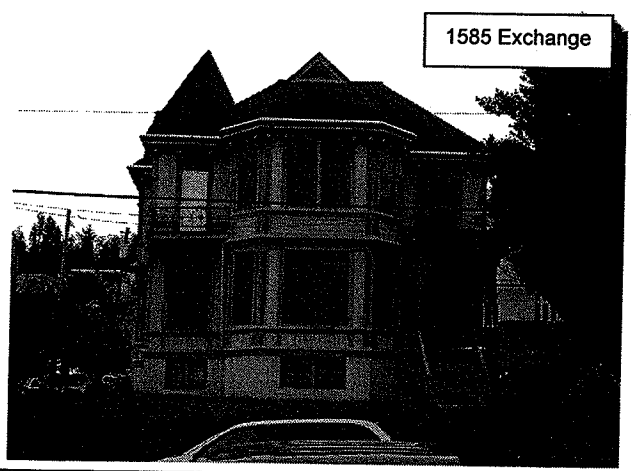
CP.250(1) concerning Historic Preservation Goals states that *"The City will promote and encourage, by voluntary means whenever possible, the preservation, restoration and adaptive use of sites, areas, buildings, structures, appurtenances, places and elements that are indicative of Astoria's historical heritage."*

Finding: The dwellings were built in 1880 and 1890. The structure at 1585 Exchange is designated as historic. There have been many interested buyers who want to restore the building for a single-family dwelling. However, with the current zoning, that was not possible. Rezoning the property to R-3 would help with the preservation of the historic neighborhood to the south.

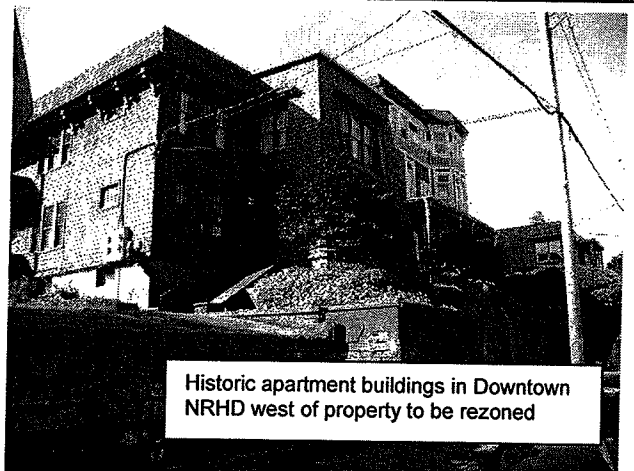
Shively-McClure NRHD neighborhood



1585 Exchange



7
2013/11



Rezoning of the area from C-3 to R-3 would comply with these CP Sections encouraging preservation of historic streetscapes and neighborhoods.

4. CP.220 concerning Housing Policies states that the City should
- "2. *Provide residential areas with services and facilities necessary for safe, healthful, and convenient urban living.*"
 - "18. *Zone adequate land to meet identified future housing needs for a broad range of housing types, including single-family attached and detached homes, manufactured homes, two-family dwellings, and multi-family dwellings.*"
 - "20. *Allow for, encourage, and support the development of housing units in conjunction with commercial development (e.g. housing located above commercial uses) to provide diversity and security in commercial areas and a range of housing options.*"

CP.223 concerning Housing Tools and Actions states that the City should

- "18. *Work proactively with owners of large vacant or underutilized properties to identify opportunities and develop plans to meet future housing needs, including provisions for ensuring a mix of housing types and price ranges in these areas.*"

Finding: The parcels proposed for rezone to R-3 contain one vacant lot and two residentially developed lots. The rezone to residential would allow the continuation of use as housing adjacent to the urban area and possibly the development of otherwise under-utilized land. The vacant lot could be developed currently with a commercial activity which could be a negative impact to the residential area, or with a zone change, it could be developed with a single-family dwelling or combined with other properties to bring them more into conformance with the minimum lot sizes required by the code. Either zone would allow the current owner to proceed with their goal to donate the land for a community garden. The structure at 1585 Exchange has been a single-family dwelling but has also been approved for up to four dwelling units. For several years, the majority of interest in this property has been for use as a single-family dwelling. With the R-3 Zone, it could be one to four units.

The City conducted a Buildable Lands Inventory (BLI) which was adopted in 2011. The report states that "A comparison of need and supply of industrial and other employment lands indicates an overall surplus of approximately 6.7 acres of employment land. While there is sufficient land for industrial uses, there is a deficit of land zoned for commercial and particularly retail use. However, a portion of the land identified as "Other" can accommodate specific commercial, industrial,

and high-density residential development and help meet the need for additional commercial land.” There is an overall deficit of residentially zoned land. There appears to be sufficient R-3 zoning and not enough R-1 zone and the subject properties would be able to accommodate potentially three single-family dwellings with the one lot able to accommodate up to four units.

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027 *Source: Wingard Planning & Development Services*

Type of Use	R1	R2	R3	AH-MP	Total
Land Need	115.4	51.2	67.0	2.7	236.4
Land Supply	25.20	74.99	119.18	1.49	220.86
Surplus/(Deficit)	(90.20)	23.79	52.18	(1.21)	(15.54)

Growth Scenario	Type of Use	Commercial (Office/Retail)	Industrial/Other	Total
Medium	Land Need	38.2	11.5	49.7
	Land Supply	17.1	39.3	56.4
	Surplus/(Deficit)	(21.1)	27.8	6.7

Source: Cogan Owens Cogan

The rezone would remove approximately 0.3 acres (9,400 square feet) from commercial zone to residential and help with the overall deficit of residentially zoned land. With other amendments since the BLI, the figures have not changed dramatically as they have balanced each other out and would be as follows:

Type of Use	Commercial (Office/Retail)	Industrial/Other	Employment Total	R1	R2	R3	AH-MP	Residential Total
Land Need	38.2	11.5	49.7	115.4	51.2	67.0	2.7	236.4
Land Supply	17.1	39.3	56.4	25.20	74.99	119.18	1.49	220.86
A11-05	-0.3					+0.3		
A12-02				-0.8	+0.8			
A12-03	+0.46				-0.46			
BLI Surplus/(Deficit)	(21.1)	27.8	6.7	(90.20)	23.79	52.18	(1.21)	(15.54)
Final Surplus/(Deficit)	(20.94)	27.8	6.86	(91.0)	24.13	52.48	(1.21)	(15.6)

Finding: The request is consistent with the Comprehensive Plan as a result of the findings stated above.

- D. Section 10.070(A)(2) requires that “The amendment will:
- Satisfy land and water use needs; or
 - Meet the transportation demands; or
 - Provide community facilities and services.”

Finding: The proposed amendment would change the former allowable use of the buildings eliminating possible commercial uses in the future. Existing utilities and services are available for the allowable uses. There is a need for residentially zoned properties in Astoria as indicated in the Buildable Lands

Inventory as noted above. The proposed amendment will satisfy land and water use needs.

- E. Section 10.070(B.3) states that *"The land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations."*

Finding: The site is sloped up to the south from Exchange toward Franklin Avenue. There is no known geologic hazard within 100' of the site. The site is within the Flood Zone X, Other Areas determined to be outside the 0.2% annual change floodplain, Flood Insurance Rate Map 410028-0229-E, dated 9-17-10.

The site sits above the street level with stair access from Exchange and a handicap ramp from the 16th Street elevation into the rear of the structure. There is only room for one vehicle to park on the site. The structure is designated as historic which limits the extent of alterations allowed to the building exterior and site. With the limited at grade access and the lack of parking, the site is not as desirable for commercial use. The site could be used for a work/live unit, but demand for this type of facility is minimal. It has been challenging to find a suitable commercial use for the building given the topographic and parking constraints. The land is suited to residential use.

- F. Section 10.070(B.4) states that *"Resource lands, such as wetlands are preserved."*

Finding: There are no known wetlands on the site. The structure located at 1585 Exchange is designated as historic in the Downtown National Register Historic District.

- G. Section 10.070(B.5) states that *"The amendment is compatible with the land use development pattern in the vicinity of the request."*

Finding: The site is situated in a transition area between the residentially and commercially developed areas and could be a cohesive part of either development area. Due to its close proximity to other dwellings and separation from the main portion of the downtown commercial district, the residential zone would be more consistent with the development pattern.

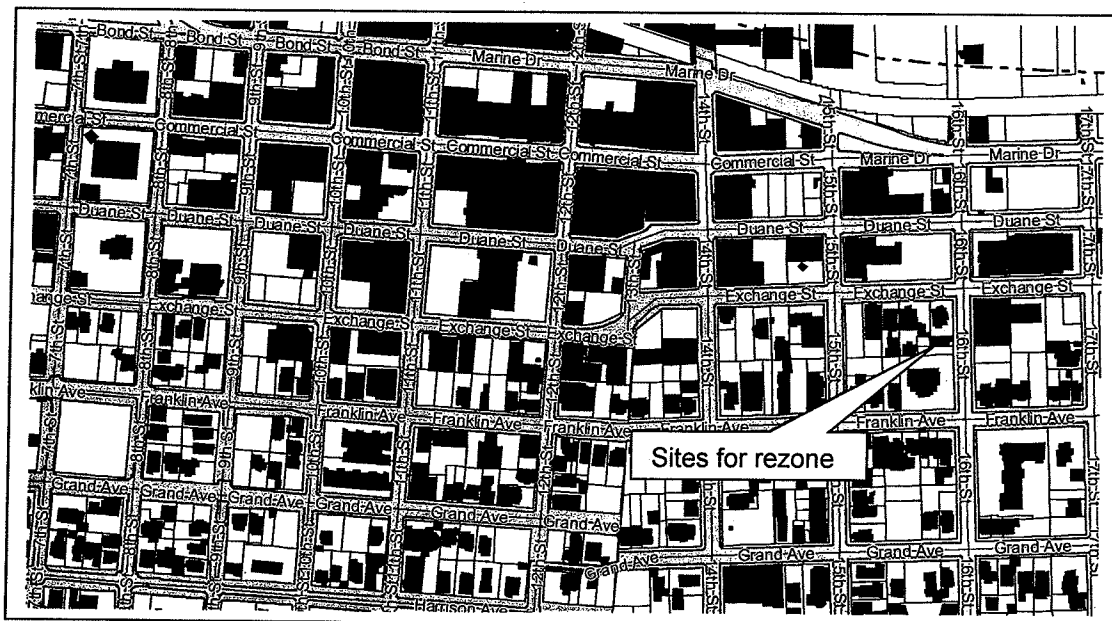
- H. Statewide Planning Goal 12 concerning Transportation requires that cities review transportation related issues when considering land use amendments. Oregon Administrative Rules (OAR) Section 660-012-0060(1) concerning Transportation Planning Rule (TPR) - Plan and Land Use Regulation Amendments stated that *"Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in Section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and*

performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. . .” The OAR text continues to identify the requirements for compliance with the TPR and specific review that must be made to show compliance. The full text is not copied in this staff report but is available upon request.

Finding: The proposed amendment would change the area from a more automotive intensive General Commercial Zone (C-3) to the lower impact, pedestrian oriented High Density Residential Zone (R-3). Changes in the allowable uses within the zone could impact the transportation facilities in and adjacent to the zone. The amendment is subject to review under the TPR.

Most of the commercial uses would be eliminated as allowable uses with only low impact uses such as home occupations, family day care centers, etc. remaining as allowed. The following is a comparison of some of the uses within the zones. Not all of the commercial uses eliminated are listed, but it is clear that the traffic impact would be less with the limited uses allowed in the R-3 Zone.

USE	R-3 Zone	C-3 Zone
Bed & Breakfast or Inn	Conditional Use	Outright
Day care center	Conditional Use	Conditional Use
Home Occupation	Outright	Outright
Family day care center	Outright	Outright
Multi-family dwelling	Outright	Outright
Motel/hotel		Outright
Transportation service		Outright
Automotive sales, service, & gas station		Conditional Use
Indoor family entertainment		Outright
Business & education service		Outright
Eating & drinking establishment		Outright
Personal & Professional services		Outright
Repair services		Outright
Retail sales		Outright
Light manufacturing		Conditional Use



The site is accessed from City streets including Exchange and 16th and is located two blocks from Marine Drive and Commercial Street which are State highways. Duane, Exchange, and 16th Streets are classified as "collector" streets, Commercial Street and Marine Drive are "arterial" streets. Any new development at this site would be subject to review by the City to assure that the existing transportation facilities (roads, intersections, etc.) are sufficient to accommodate the proposed development.

The Astoria Transportation System Plan, dated July 1999, did not identified potential transportation system improvements for this general area as it is not a major transportation route.

The R-3 Zone would have less transportation impact than the C-3 Zone due to the elimination of the commercial, traffic-oriented uses.

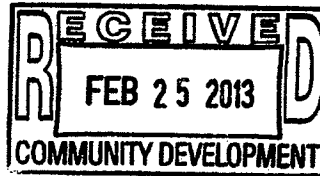
V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code. Staff recommends that the Planning Commission recommend approval of the proposed amendment to the City Council for adoption with the following condition:

1. The vacant parcel on west side of 500 block 16th Street; Map T8N-R9W Section 8DC, Tax Lot 18100; south 50' Lots 1 & 2, Block 114, Shively shall remain C-3 Zone if the property owner does not agree to the amendment request for a rezone of the property by May 8, 2013.



CITY OF ASTORIA
1095 Duane Street
Astoria OR 97103
503-338-5183



A 13-01

Fee: \$400.00

AMENDMENT

Property Address: 1585 Exchange, 539-16th, vacant lot on 16th
Lot 1 & 815' L 2 & W 35' of S 50' Lot 2 Block 114 Subdivision Shively OK
Map 8DC Tax Lot 17900, 18000, 18100 Zone C-3 to R-3
Code or Map to be Amended: 8DC TL 17900, 18000, 18100 C3 to R-3

Applicant Name: Rising Tide Enterprises, LLC by Robert Stang
Mailing Address: 3834 Bankview Ave Astoria, OR 97103
Phone: 503-328-8687 Business Phone: 917-699-6388
Property Owner's Name: Rising Tide Enterprises, LLC
Mailing Address: same L1vearth1@aol.com
Business Name (if applicable): _____
Signature of Applicant: [Signature]
Signature of Property Owner: [Signature] manager

Proposed Amendment To amend the Astoria Land Use & Zoning map
to rezone an area from C-3 to R-3 OK

For office use only:			
Application Complete:		Permit Info into D-Base:	<u>3/1/13</u>
Labels Prepared:	<u>3/1/13</u>	Tentative APC Meeting Date:	<u>4/23/13</u>
120 Days:			

FILING INFORMATION: Astoria Planning Commission meets at 7:00 pm on the fourth Tuesday of each month. Applications must be received by the 20th of the month to be on the next month's agenda. A pre-application meeting with the Planner is required prior to the acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission is recommended.

Briefly address each of the Amendment Criteria and state why this request should be approved. (Use additional sheets if necessary.)

A. Text Amendment (Please provide draft language of proposed text amendment)

Before an amendment to the text of the Code is approved, findings will be made that the following criteria are satisfied.

1. The amendment is consistent with the Comprehensive Plan.

2. The amendment will not adversely affect the ability of the City to satisfy land and water use needs.

B. Map Amendment (Please provide a map showing the proposed area to be amended.)

Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied: *CP.250.1 encourage hist rehab;*

1. The amendment is consistent with the Comprehensive Plan:

*CP.040-CP.045 CP.045.2 protect hist thru zoning
CP.218.2 Rehab existing housing; CP.220.6 protect neighborhoods from
incomp. uses; CP.220.8 protect hist as significant resource;*

2. The amendment will: *CP.220.18 zone land to meet housing needs.*

- a. Satisfy land and water use needs; or

*R-1 - 90.20
(R-3 + 52.18)
BL1 - Comm zones 21.1 deficit; Residential zones 15.57 def.*

- b. Meet transportation demands; or

*Lack of off-street parking for these lots limit the
feasibility of commercial uses.*

c. Provide community facilities and services:

NA

3. The land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations.

House at 1585 Exchange sits several feet above the Exchange St grade on a hill sloped up to the south & not easily ADA accessible from the front on exchange. No slides.

4. Resource lands, such as wetlands are protected.

Designated as historic. Residential use is most likely and residential zone would allow for restoration of the bldg.

5. The amendment is compatible with the land use development pattern in the vicinity of the request.

To west are multi-family dwellings; to north is Owens Air housing; to south is a duplex and residential neighborhood. To the east is former Lum's Auto, C.H.S. PAC. The block to be rezoned is mostly residential development except Masonic Lodge on

PLANS: A site plan indicating location of any proposed zone change is required. Franklin.



May 7, 2013

TO: ASTORIA CITY COUNCIL

FROM:  PAUL BENOIT, CITY MANAGER

SUBJECT: AMENDMENT REQUEST (A13-02) BY CANNERY LOFT HOLDINGS LLC TO THE LAND USE AND ZONING MAP TO REZONE A PARCEL FROM GI ZONE (GENERAL INDUSTRIAL) TO S-2A (TOURIST ORIENTED SHORELAND)

BACKGROUND

The parcel proposed to be rezoned is located on the north side of Abbey Lane east of 39th Street. It was one of three platted lots approved for development with three Cannery Loft Condominium buildings. Only two of the approved buildings were constructed and the third lot remains vacant. Approximately half of the lot is a designated wetland area and is not buildable. The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI in 1992 (A92-03) as the parcels were not feasible for shoreland activities as they were cut off from the River and shoreland development opportunities.

The current GI Zone limits the variety of commercial uses allowed and mainly focuses on general industrial uses, but does allow for multi-family dwellings above the ground floor under a conditional use permit. The site was included in the Cannery Loft Condominium development proposal and approved under Conditional Use permit (CU04-04) as amended by AEP05-05 for construction of a multi-family dwelling. That permit is still valid and would allow multi-family dwelling construction on the site with general industrial use on the ground floor. The original owners were never able to complete construction of the third building and the lot subsequently changed ownership. The property to the west of 39th Street (Hampton Inn & Suites) was changed from S-1 Zone (Marine Industrial Shoreland) to S-2A Zone (Tourist Oriented Shoreland) to allow for the development of the new hotel which would support the East End Mooring Basin activities more than the industrial uses allowed by the S-1 Zone. The request to rezone the parcel at 4050 Abbey Lane to S-2A would continue with the tourist oriented shoreland possibilities while allowing for broader multi-family dwelling opportunities on all floors of a building.

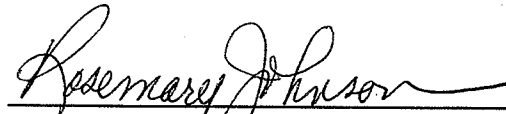
The applicant proposes to potentially sell the property for redevelopment as a multi-family dwelling with some potential commercial activities such as professional offices and non-tourist oriented retail sales. They have submitted a conditional use application for those proposed uses which is being processed concurrently with the proposed zone map amendment. The Planning Commission approved the conditional use permit on April 23, 2013 with the condition that it would be contingent upon approval of the zone amendment.

At its April 23, 2013 meeting, the Astoria Planning Commission held a public hearing and recommended that the City Council adopt the proposed amendment. A copy of the Staff Report and Findings of Fact as adopted by the Planning Commission is attached. Also attached to this memo is the proposed ordinance. A public hearing on the Amendment has been advertised and is scheduled for the May 20, 2013 City Council meeting.

RECOMMENDATION

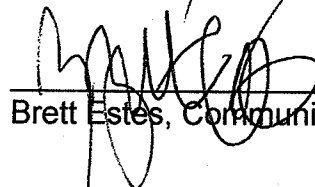
It is recommended that the Council hold a public hearing and adopt the ordinance as recommended by the Planning Commission. If the Council is in agreement with the recommendation of the Planning Commission, it would be in order for Council to hold a first reading of the Ordinance.

By:



Rosemary Johnson, Planner

Through:



Brett Estes, Community Development Director

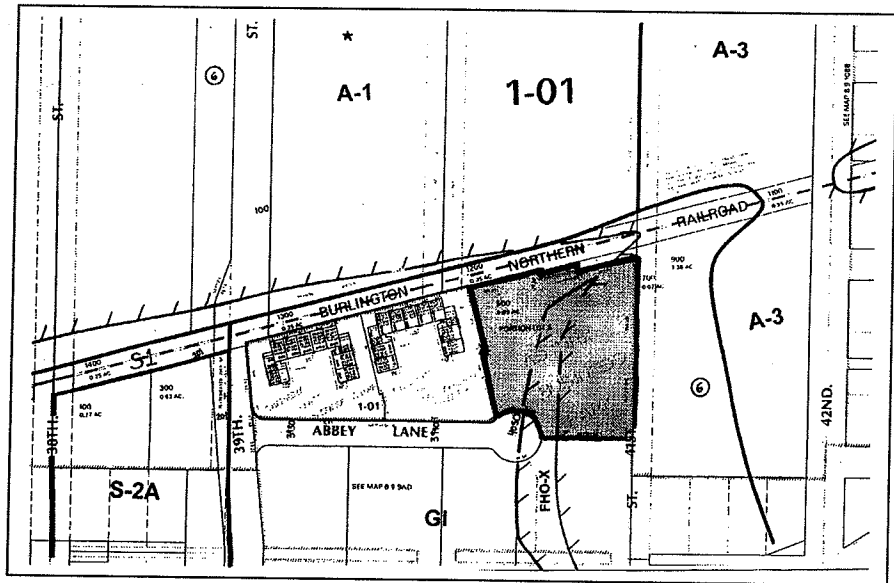
ORDINANCE NO. 13-_____

AN ORDINANCE AMENDING THE ASTORIA LAND USE AND ZONING MAP BY REZONING A PARCEL AT 4050 ABBEY LANE FROM GI (GENERAL INDUSTRIAL) TO S-2A (TOURIST-ORIENTED SHORELAND)

THE CITY OF ASTORIA DOES ORDAIN AS FOLLOWS:

Section 1. The 1992 Astoria Land Use and Zoning Map is amended to rezone the following area from GI (General Industrial) to S-2A (Tourist-Oriented Shoreland) as indicated on the map:

Map T8N-R9W Section
9AA, Tax Lot 500; Lot 5,
Astoria Business Park



Section 2. Effective Date. This ordinance and its amendment will be effective 30 days following its adoption and enactment by the City Council.

ADOPTED BY THE COMMON COUNCIL THIS ____ DAY OF _____, 2013.

APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2013.

ATTEST:

Mayor

Paul Benoit, City Manager

ROLL CALL ON ADOPTION:

YEA

NAY

ABSENT

Commissioner	LaMear
	Herzig
	Mellin
	Warr
Mayor	Van Dusen

STAFF REPORT AND FINDINGS OF FACT

April 8, 2013

TO: ASTORIA PLANNING COMMISSION

FROM: ROSEMARY JOHNSON, PLANNER

SUBJECT: Amendment Request (A13-02) by Cannery Loft Holdings LLC to amend the Land Use and Zoning Map to rezone the property at 4050 Abbey Lane from GI Zone (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland)

I. BACKGROUND SUMMARY

A. Applicant: Cannery Loft Holdings LLC
4380 SW Macadam Suite 190
Portland OR 97239

210 Developers LLC (Proposed Developers)
427 W Cevallos
San Antonio TX 78204

B. Owner: Cannery Loft Partners LLC
c/o Cannery Loft Holdings LLC
4380 SW Macadam Suite 190
Portland OR 97239-6404

C. Request: Amend the Land Use and Zoning Map to rezone the vacant lot at 4050 Abbey Lane from GI (General Industrial) to S-2A Zone (Tourist-Oriented Shoreland)

D. Location: 4050 Abbey Lane; Map T8N-R9W Section 9AA, Tax Lot 500; Lot 5, Astoria Business Park

E. Current Zone: GI (General Industrial)

Proposed Zone: S-2A (Tourist-Oriented Shoreland)

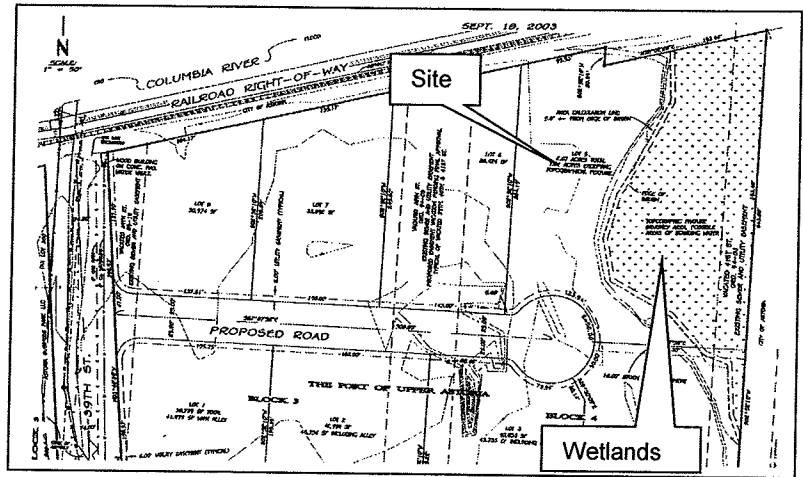
II. BACKGROUND

Subject Site:

The property to be rezoned is approximately 2.09 acres in size and is part of the Astoria Business Park general industrial area. It is located on the dead end cul-de-sac of Abbey Lane accessed from 39th Street off Lief Erikson Drive.



The lot was one of three platted lots approved for development with three Cannery Loft Condominium buildings. Only two of the approved buildings were constructed and the third lot remains vacant. The site is flat and approximately half of the lot is a designated wetland area and is not buildable. A portion of the lot has been paved with parking for the Cannery Loft Building B at 3990 Abbey Lane. That parking is part of a joint use/access easement.



The site was originally zoned S-1 (Marine Industrial Shoreland) but was rezoned to GI in 1992 (A92-03) as the parcels were not feasible for shoreland activities as they were cut off from the River and shoreland development opportunities. With the change to GI Zone, the property is no longer included in the City's inventory of Goal 17 shorelands, or those lands which are Especially Suited for Water Dependent (ESWD) uses. An amendment was approved in 2001 (A01-03) which increased some of the allowable uses within the GI Zone.

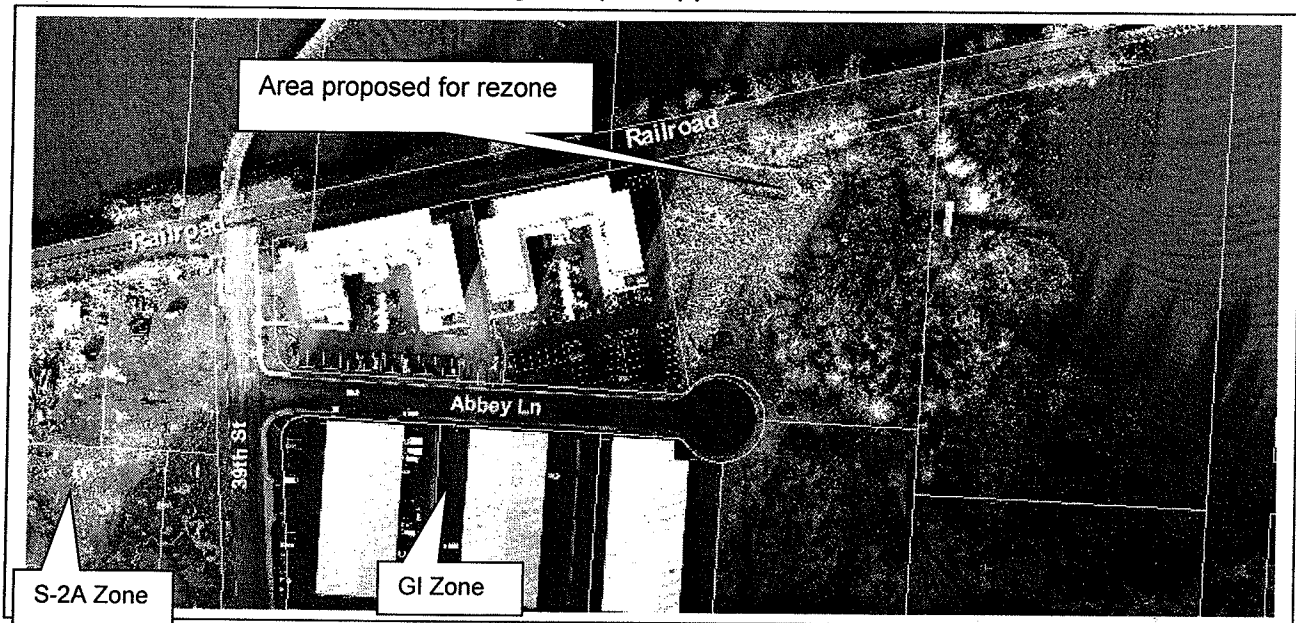
The current GI Zone limits the variety of commercial uses allowed and mainly focuses on general industrial uses, but does allow for multi-family dwellings above the ground floor under a conditional use permit. The site was included in the Cannery Loft Condominium development proposal and approved under Conditional Use permit (CU04-04) as amended by AEP05-05 for construction of a multi-family dwelling. That permit is still valid and would allow multi-family dwelling construction on the site with general industrial use on the ground floor. The original owners were never able to complete construction of the third building and the lot subsequently changed ownership.

The property to the west of 39th Street was changed from S-1 Zone (Marine Industrial Shoreland) to S-2A Zone (Tourist Oriented Shoreland) to allow for the development of the new hotel which would support the East End Mooring Basin activities more than the industrial uses allowed by the S-1 Zone. The request to rezone the parcel at 4050 Abbey Lane to S-2A would continue with the tourist oriented shoreland possibilities while allowing for broader multi-family dwelling opportunities on all floors of a building.

The new owner has stated that the nature of the two existing condominium buildings has not been conducive to general industrial uses and much of the ground floor spaces have remained vacant. There was a recent code amendment to allow mini storage in the two existing buildings to expand the allowable uses within those buildings. The requested zone change to S-2A would return the property to a waterfront zoning while allowing more flexibility in the range of commercial and tourist-oriented uses allowed.

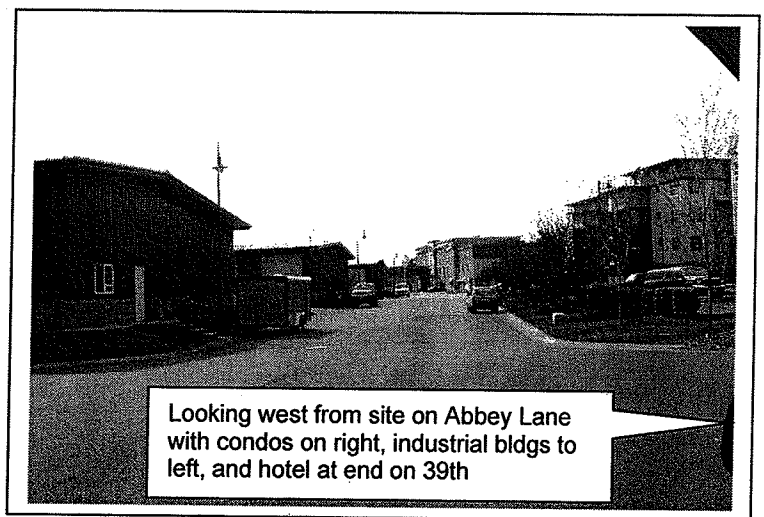
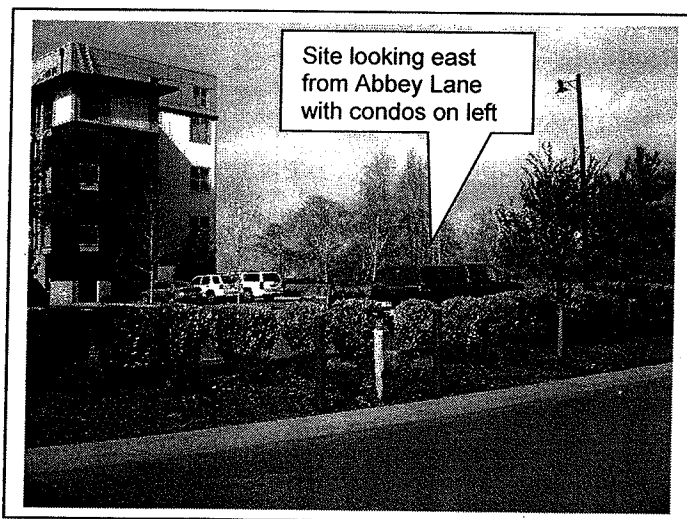
The applicant proposes to potentially sell the property for redevelopment as a multi-family dwelling with some potential commercial activities such as professional offices and non-tourist oriented retail sales. They have submitted a conditional use application for those

proposed uses which is being processed concurrently with the proposed zone map amendment and would be contingent upon approval of the zone amendment.



Neighborhood:

To the west is the two Cannery Loft Condominium buildings and across the 39th Street right-of-way is the Hampton Inn Hotel; to the northwest is the East End Mooring Basin, water area; to the north is the Columbia River, Pier 39, and River Trail (the trolley line ends at 39th Street); to the east is the Alderbrook Lagoon and wetlands; to the south are four industrial lots developed with three industrial buildings on the south side of Abbey Lane adjacent to Lief Erikson Drive. The area to the east is zoned A-3 (Aquatic Conservation). Properties to the west and south are zoned GI Zone (General Industrial). The area west of 39th Street is zoned S-2A (Tourist Oriented Shoreland).



III. PUBLIC REVIEW AND COMMENT

A public notice was mailed to all property owners within 100 feet, pursuant to Section 9.020 on March 29, 2013. In accordance with Section 9.020, a notice of public hearing was published in the Daily Astorian on April 16, 2013. Any comments received will be made available at the Planning Commission meeting.

IV. FINDINGS OF FACT

- A. Section 10.020(B) states that *"An amendment to a zone boundary may only be initiated by the City Council, Planning Commission, the Community Development Director, or the owner or owners of the property for which the change is proposed."*

Finding: The proposed amendment to the zone boundary is being initiated by the property owner.

- B. Section 10.050(B) states that *"The following amendment actions are considered quasi-judicial under this Code:*

1. *A zone change that affects a limited area or a limited number of property owners."*

Finding: The proposed amendment is to amend the Astoria Land Use and Zoning Map to rezone a limited area site with only one property owner from GI to S-2A Zone. Processing as a quasi-judicial action would be appropriate.

- C. Section 10.070(B.1) concerning a Map Amendment states that *"Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied: 1. The amendment be consistent with the Comprehensive Plan."*

1. CP.010(2) concerning General Development Policies for Natural Features states that *"The City will cooperate to foster a high quality of development through the use of flexible development standards, cluster or open space subdivisions, the sale or use of public lands, and other techniques. Site design which conforms with the natural topography and protects natural vegetation will be encouraged. Protection of scenic views and vistas will be encouraged."*

Finding: At the time development application(s) are submitted for review by the City, issues such as site design will be addressed. No site design issues are being considered as a part of this request.

2. CP.015(4) concerning General Land and Water Use Goals states that *"Because of the City's strong water orientation, the Plan supports continuing regional efforts to manage the Columbia River estuary and shorelands. The City's land use controls, within this regional context, will be aimed at protecting the estuary environment and at promoting the best use of the City's shorelands."*

CP.020(3) concerning Community Growth-Plan Strategy states that *"The Columbia River waterfront is considered a multiple use area. The development of this area is to be encouraged in a flexible manner, under the shorelands and estuary section."*

Finding: The City will continue regional efforts to manage the Columbia River estuary and shorelands regardless of the zone change request. The property was rezoned in 1992 from a shoreland zone to GI and no longer retains the shoreland designation. However, the proposed zone would return the classification to a shoreland designation but with a tourist orientation. Removing this 2.09 acre parcel from the GI Zone and rezoning it S-2A (Tourist-Oriented Shoreland) will allow for an increased variety of uses to potentially occur on this property. This will allow for the redevelopment of the site in a flexible manner and allow for multiple uses.

3. CP.015(6) concerning General Land and Water Use Goals states that *"The plan establishes the goal of encouraging development which the City is capable of servicing. New industry or housing development should be permitted if public facilities such as sewer, water, police and fire protection, and schools, are capable of accommodating increased demand."*

Finding: The property is currently vacant and while capable of being served by public facilities, the actual demand on those services and ability to serve the increased demand cannot be determined until the actual use is proposed. The change in allowable uses could add a variety of commercial, tourist-oriented, and residential uses to the industrial, warehousing, light manufacturing, and other industrial-related uses. It is anticipated that public facilities should be sufficient to serve expanded uses in this area.

4. CP.020.9, Community Growth - Plan Strategy, states *"The Buildable Lands Inventory completed in April 2011 identified a deficit of 15.54 net acres of residential buildable lands. In order to address this deficit, OAR 660-24-0050 requires that the City amend the Plan to satisfy the need deficiency, either by increasing the development capacity of land already inside the boundary or by expanding the UGB, or both."*

Finding: The City conducted a Buildable Lands Inventory which was adopted in 2011. The report states that *"A comparison of need and supply of industrial and other employment lands indicates an overall surplus of approximately 6.7 acres of employment land. While there is sufficient land for industrial uses (27.8 acre surplus), there is a deficit of land zoned for commercial and particularly retail use. However, a portion of the land identified as "Other" can accommodate specific commercial, industrial, and high-density residential development and help meet the need for additional commercial land."* There is an overall deficit of residentially zoned land of 15.54 acres. The subject property currently is zoned GI which allows multi-family residential units above the first floor but the proposed S-2A Zone

would allow multi-family dwellings on all floors increasing the possibility for additional residential development. The rezone would take approximately 2.09 acres (approximately 91,404 square feet) from GI Zone (industrial) to S-2A Zone (commercial/shoreland). It would reduce the industrial land surplus to 25.7 acres and would help with the overall deficit of commercially zoned employment land particularly for office/retail use by reducing the deficit to (19.01).

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027				
Growth Scenario	Type of Use	Commercial (Office/Retail)	Industrial/Other	Total
Medium	Land Need	38.2	11.5	49.7
	Land Supply	17.1	39.3	56.4
Surplus/(Deficit)	Surplus/(Deficit)	(21.1)	27.8	6.7
<i>Source: Cogan Owens Cogan</i>				

Estimated Net Land Surplus/(Deficit) by Zoning Designation, Astoria UGB, 2027

Type of Use	R1	R2	R3	AH-MP	Total
Land Need	115.4	51.2	67.0	2.7	236.4
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Surplus/(Deficit)	(90.20)	23.79	52.18	(1.21)	(15.54)

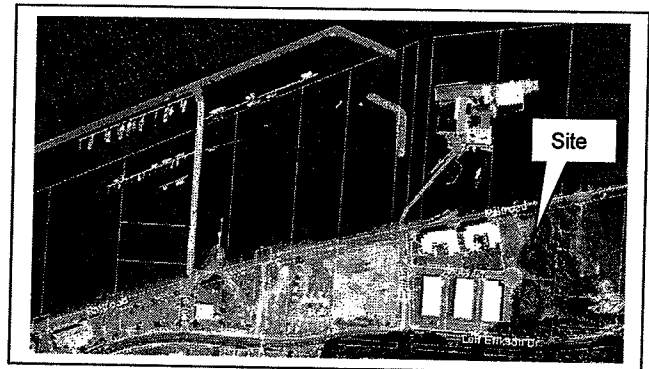
Source: Wingard Planning & Development Services

5. CP.175(E, Paragraphs 1, 2 & 3) concerning Uppertown/Alderbrook Subarea Plan Issues states that *"Shorelands in this subarea do not have direct access to deep water. The ship channel is 2,000 to 4,000 feet from the shoreline, though several ship anchorages are south of the channel."*

The Corps of Engineers has completed improvements to the East End Mooring Basin breakwaters that correct the surge problem. Eliminating the surge opens the basin to a large number of vessels and increases the need for dredging and for backup land to support basin operations. Vacant shorelands should be reserved for support uses.

Most of the subarea shorelands are already developed and there are no large vacant parcels. Between 35th and 41st Streets, however, is mostly vacant land with the potential to support water-dependent and water-related uses associated with the boat basin."

Finding: The area is no longer zoned shoreland but is within the Uppertown / Alderbrook Subarea Plan area. The S-2A zone would include uses which would support the East Moorage Basin.



6. CP.200 concerning Economic Development Goal 1 Policies states that *"The City of Astoria will:*
4. *Encourage private development such as retail, restaurants, commercial services, transient lodging.*
 5. *Provide a supportive environment for new business.*
 6. *Encourage a diversity of businesses, target firms to add to the business mix and strengthen the overall economic base. . .*
 8. *Encourage the broadening of the economy, particularly in areas which help balance the seasonal nature of existing industries."*

Finding: In addition to multi-family residential uses, the S-2A zone would permit other uses outright such as tourist-oriented retail sales, hotels, and restaurants. The S-2A zone would allow uses to develop which would support the existing mooring basin, hotel, industrial, and condominium development.

7. CP.210(1) concerning Economic Development Recommendations states that *"The City should reevaluate its Plan and zoning designation for its waterfront in light of the decline of the fishing industry. The reevaluation should focus on the waterfront's potential for tourist-oriented development. Plan policies and implementing measures should be developed to encourage and promote tourist oriented development of the waterfront. Possible rezonings should include the A-1 area between 6th and 10th Streets, and in the vicinity of the Samuel Elmore Cannery."*

Finding: The East Mooring Basin is used for smaller fishing operations as well as recreational fishing operations. The S-2A zone would allow for more tourist-based uses to develop on the site which could potentially take advantage of the character of the adjacent working waterfront and historic Pier 39 development.

Finding: The request is in compliance with the Comprehensive Plan.

- D. Section 10.070(B.2) requires that *"The amendment will:*
- a. *Satisfy land and water use needs; or*
 - b. *Meet transportation demands; or*
 - c. *Provide community facilities and services."*

Finding: The site is located on Abbey Lane accessed from Lief Erikson Drive (Highway 30) via 39th Street. There are no traffic lights, however there is a turn lane on Lief Erikson Drive at this intersection. In accordance with Statewide Planning Goal 12 concerning Transportation, and the Transportation Planning Rule (TPR) (OAR 660-12-060), any plan amendment having a significant effect on a transportation facility (i.e. Highway 30) must assure that the allowed land uses are consistent with the function, capacity, and level of service of the facility. In addition, OAR 734-051-0080, and OAR 734-051-0100 state that a proposed development or land use action where an on-site review indicates that operational or safety concerns may be present requires a Traffic Impact Study.

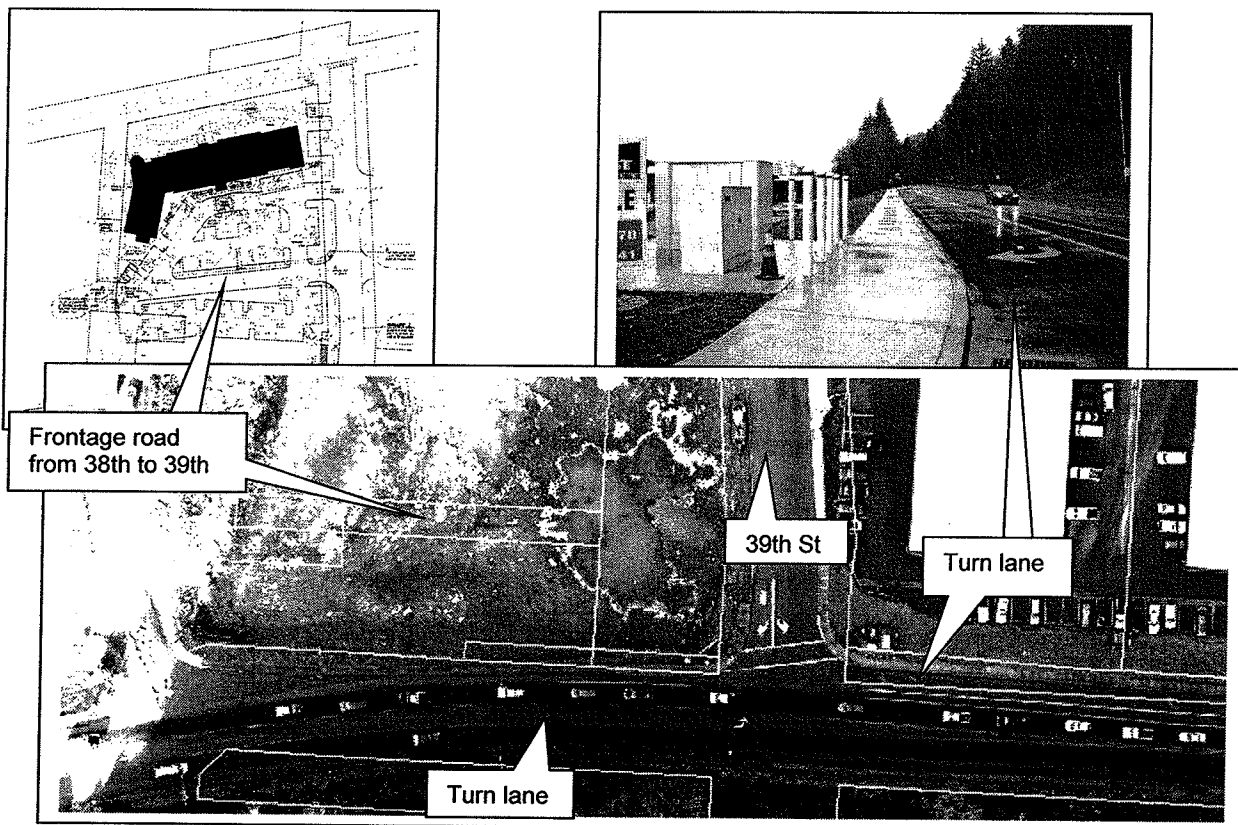
The traffic impact of each proposed use on the existing transportation system would be addressed at the time of a future permit application. The following is a comparison of some of the uses for both the existing and proposed zones.

Uses	GI		S-2A	
	Outright	CU	Outright	CU
Seafood receiving and processing.			X	
Small boat building and repair.			X	
Boat and/or marine equipment sales.			X	
Automotive repair, service, and garage; bulk fuel, ice processing; truck & equipment storage	X			
Commercial testing laboratory	X			
Laundry, cleaning, and garment services	X		X	
Specialized food store, such as bakery, delicatessen and seafood market			X	
Food and kindred products processing		X		
Tourist oriented retail sales establishment.			X	
Non-tourist oriented retail sales establishment.		X with limitations		X
Light manufacturing, photo lab, graphic services, research lab, construction office & storage	X			
Eating, drinking and entertainment establishment without drive-through facility		X with limitations	X	
Park and museum; theater; conference center			X	
Arts and crafts studio.				X
Commercial or public parking lot.				X
Repair service establishment,	X			X not including automotive, heavy equipment, or other major repair service.
Professional and business office.		X with limitations		X
Temporary use meeting the requirements of Section 3.240				X
Hotel, motel, inn, bed and breakfast			X	
Theater			X	
Public or semi-public use appropriate to and compatible with the district.	X no semi-public use			X
Multi-family dwelling		X above 1st floor		X

The zone change to S-2A will provide for a wider variety of uses within the 2.09 acre site, increasing some water-related commercial uses, but eliminating some of the heavier industrial uses. All City utility services are available to the area. The change in allowable uses would be an increase in potential vehicle trips to the site. With the more tourist-oriented uses, the nature of the traffic would be private vehicles versus the larger commercial trucks associated with the industrial uses. Approximately half of the site is designated wetlands and not buildable. Due to the

small size of the site, and the fact that one of the largest traffic generators is multi-family dwelling which is allowed in both zones, the change in traffic impact to the area should not be significant.

In February 2007, the City Council adopted the East Gateway Transportation System Plan. This Plan was conducted by the City of Astoria in conjunction with the Oregon Department of Transportation (ODOT) and studied the existing and forecasted transportation needs in this area. In a letter dated November 5, 2007 concerning the proposed rezone (A07-01) of the area on the west side of 39th Street from S-1 to S-2A, ODOT staff stated that following review of the East Gateway Transportation System Plan, they believed that proposed zone change would comply with the provisions contained in the Transportation Planning Rule. The East Gateway Transportation System Plan recommended a new frontage road connection between 36th and 39th Streets in order to improve safety and operational issues. At the time of that rezone, ODOT staff stated that from their assessment, there was capacity at the Highway 30 / 39th Street intersection provided a parallel road was developed between 38th and 39th Streets to accommodate the zone change. A new road connection between 38th and 39th Streets was constructed with the new Hampton Inn Hotel in 2012. In addition, the East Gateway TSP recommended a turn lane be constructed on Lief Erikson Drive to accommodate the projected development on 39th Street. Those turn lanes have been constructed.



Since this property is accessed from two City streets and not directly from the State Highway, ODOT no longer comments on the TPR review. From the existing East Gateway TSP and projected traffic volumes and projected uses, it appears

that the transportation facilities in this area are sufficient to accommodate the uses allowed in the S-2A Zone.

- E. Section 10.070(B)(3) requires that *"the land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations."*

Finding: The location of this land is parallel to the former railroad right-of-way (current trolley line). The site is slightly below the grade of Highway 30 road improvements and is relatively flat.

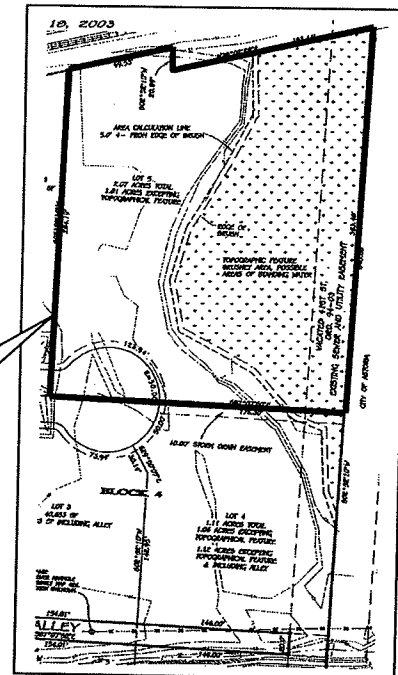
The west portion of the land area is in flood Zone X, "Areas determined to be outside the 0.2% annual chance floodplain", of the Flood Insurance Rate Map, Community Panel Number 410028-233-E, dated September 17, 2010. The east portion of the site is a designated wetland and is in Flood Hazard Overlay Zone (FHO) X "Areas of 0.2% annual chance flood" and AE "Special Flood Hazard Area subject to inundation by the 1% annual chance flood - (Base Flood Elevation 12')". Any new construction is required to meet first-floor elevation standards, as set by the National Flood Insurance Program; however, the land area is not within a flood zone requiring this construction standard and the areas within the flood zones is a wetland and there would be no construction in this area. The site is located within an "Extreme Risk" Tsunami Inundation Zone as determined by the Oregon Department of Geology and Mineral Industries (map publication IMS-11) and governed by rules contained in Oregon Administrative Rules 632-005 et seq. The subject property is not adjacent to an area of known geologic instability.

Any construction proposed for the site would be reviewed at the time of the proposal for compliance with the site development constraints.

- D. Section 10.070(B.4) requires that *"resource lands, such as wetlands, are protected."*

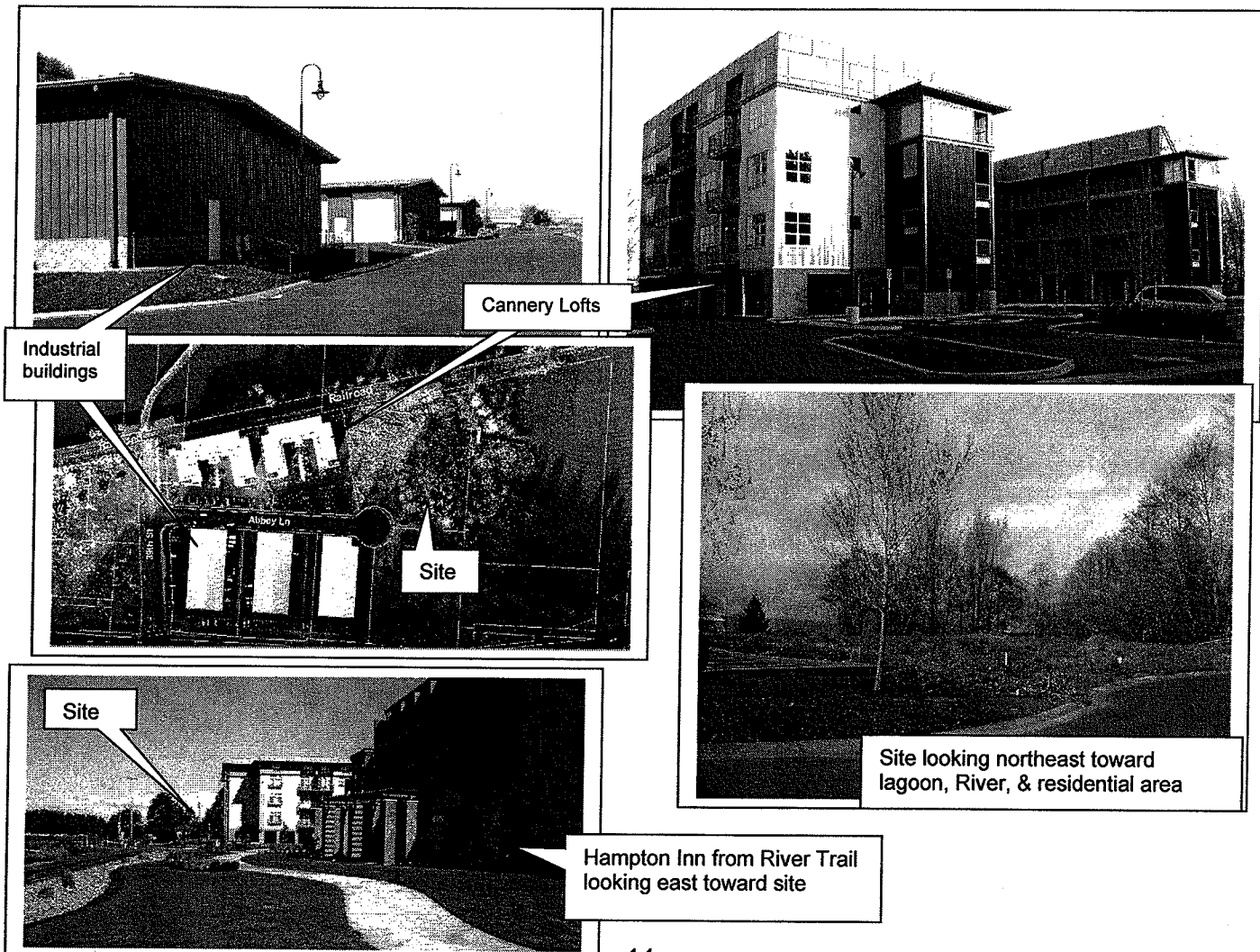
Finding: There are known wetlands on the site and these areas are identified and would be protected during any proposed construction.

Area proposed to be rezoned with wetlands (unbuildable) area noted.



- E. Section 10.070(B.5) requires that *"the amendment is compatible with the land use development pattern in the vicinity of the request."*

Finding: The 39th Street area has a variety of development. On the west side of 39th is an S-2A Zone developed with the Hampton Inn Hotel with the East End Mooring Basin to the west of that; on the north is the Columbia River, trolley line, and Pier 39 with restaurant, museum, scuba shop, offices, transient lodging facility, and boat storage; to the west on the adjacent lots is the Cannery Loft Condominiums with multi-family dwelling units above industrial/commercial facilities on the ground floor; to the south across Abbey Lane right-of-way is the Astoria Business Park industrial development with auto detailing, carpet store, AAMCO store, Fastenal supplies, and martial arts / gym facility; to the east is a lagoon and the start of the Alderbrook residential neighborhood. Development Code Section 2.700 includes the purpose statement for the S-2A zone which states that the S-2A district ". . . is intended to provide for mixed-use tourist oriented development that retains and takes advantage of the working waterfront character of the area." Across the Lief Erikson Drive right-of-way is a forested hillside and residential with some neighborhood commercial development. The vicinity is effectively bordered to the south by Lief Erikson Drive and the north by the Columbia River.



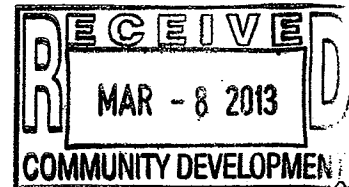
The River Trail now extends the full length of the developed portion of the Columbia River in Astoria from Pier 3 at the Port to the Alderbrook Lagoon at 54th Street. The Trail in the area of 39th Street is developed more aesthetically with the hotel lawn, trolley stop, Cannery Loft Condominiums, benches, etc. The S-2A Zone would allow development of this site adjacent to the River Trail with uses that would complement the River Trail while keeping a working waterfront zone designation. With the mixture of uses in this neighborhood, the proposed S-2A Zone would be compatible as it would allow uses that would be able to service the other uses in the area. Multi-family dwelling development is allowed in both the GI and S-2A zones, so this possible use would not change. The site to be rezoned is small and allowable S-2A development would not be a major impact to the area.

V. CONCLUSION AND RECOMMENDATION

The request is consistent with the Comprehensive Plan and Development Code, and staff recommends that the Planning Commission recommend to the City Council that the proposed amendment to the Land Use and Zoning Map be adopted.



CITY OF ASTORIA
1095 Duane Street
Astoria OR 97103
503-338-5183



A 13-02

Fee: \$400.00

3/12/13

AMENDMENT

Property Address: 4050
~~3990~~ Abbey Lane, Astoria, Oregon 97103

Lot 5

Block -

Subdivision Astoria Business Park

Map 9AA

Tax Lot 500

Zone G1

Code or Map to be Amended: 9AA TL 500

6- Applicant Name: 210 Developers, LLC

Mailing Address: 427 W. Cevallos, San Antonio, Texas 78204

Phone: 512-968-5757

Business Phone: 210-222-2300

Applicant Property Owner's Name: Cannery Loft Holdings, LLC

Mailing Address: 4380 SW Macadam, Suite 190, Portland, Oregon 97239

Business Name (if applicable): 210 Developers, LLC.

Signature of Applicant: [Signature] Mark Tolley 3/8/13

Signature of Property Owner: [Signature] 151 3/14/13

Proposed Amendment Change existing use zoning, G1, to proposed use, S-2A 2.09 acres

amend Astoria Land Use and zoning map Section 9AA, Tax Lot
500 from G1 (General Industrial) to S-2A (Tourist-Oriented
Shoreland) for the vacant property located at 4050 Abbey Lane

For office use only:

Application Complete:		Permit Info Into D-Base:	<u>3/21/13</u>
Labels Prepared:		Tentative APC Meeting Date:	<u>4/23/13</u>
120 Days:			

FILING INFORMATION: Astoria Planning Commission meets at 7:00 pm on the fourth Tuesday of each month. Applications must be received by the 20th of the month to be on the next month's agenda.. A pre-application meeting with the Planner is required prior to the acceptance of the application as complete. Only complete applications will be scheduled on the agenda. Your attendance at the Planning Commission is recommended.

Briefly address each of the Amendment Criteria and state why this request should be approved.
(Use additional sheets if necessary.)

A. Text Amendment *(Please provide draft language of proposed text amendment)*

Before an amendment to the text of the Code is approved, findings will be made that the following criteria are satisfied.

1. The amendment is consistent with the Comprehensive Plan.

Plan is to change zoning to S-2A to allow normal office, commercial and residential.

This is to allow a more streamlined operation under the S-2A zoning.

2. The amendment will not adversely affect the ability of the City to satisfy land and water use needs.

The structure envelope or parking plan will not change, therefore it will not affect
current water and land needs.

B. Map Amendment *(Please provide a map showing the proposed area to be amended.*

Before an amendment to a zone boundary is approved, findings will be made that the following criteria are satisfied:

1. The amendment is consistent with the Comprehensive Plan:

The location and structure will not change, only the existing use will change from G1 to
S-2A.

2. The amendment will:

- a. Satisfy land and water use needs; or

Per prior approved Cannery Loft plans

- b. Meet transportation demands; or

Per approved traffic calculations under Cannery Loft plans.

c. Provide community facilities and services:

Per prior approved plans.

3. The land is physically suitable for the uses to be allowed, in terms of slope, geologic stability, flood hazard and other relevant considerations.

The site is on stable, flat and level ground, suitable for
proposed use.

4. Resource lands, such as wetlands are protected.

No protected wetlands are affected by
amendment.

5. The amendment is compatible with the land use development pattern in the vicinity of the request.

Per General Plan and approved zoning

PLANS: A site plan indicating location of any proposed zone change is required.



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

May 10, 2013

MEMORANDUM

TO:  MAYOR AND CITY COUNCIL

FROM: PAUL BENOIT, CITY MANAGER

SUBJECT: SALARY RESOLUTION ESTABLISHING BASIC COMPENSATION PLAN
WAGE ADJUSTMENT FOR IAFF LOCAL 696 (FIREFIGHTERS)
BARGAINING UNIT AND STEP/WAGE INCREASES FOR DEPUTY FIRE
AND POLICE CHIEF POSITIONS

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.

The attached Salary Resolution implements the 2% wage adjustment for FY2012-2013 specified in the recently adopted contract for the International Association of Firefighters Local 696 Bargaining Group (IAFF). In addition, the resolution moves the Deputy Chief positions in the Fire and Police Departments from Range 39 (Schedule E-2A) to Range 42 (Scheduled E-2A).

RECOMMENDATION

It is recommended that Council adopt the Salary Resolution implementing the requested changes.

RESOLUTION NO. 13-_____

A 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.

WHEREAS, the establishment of the principles of equal pay for equal work and compensation incentives for continued improvement in service by City employees should result in more efficient and more economical municipal government; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASTORIA:

SECTION 1. ESTABLISHING PAY PLAN

That there is hereby established a basic compensation plan for employees of the City of Astoria who are now employed, or will in the future be employed, in any of the classifications of employment listed in Sections 4, 5, 6, and 7, which are arranged in collective bargaining units, and Sections 8 and 9, which include employees not in a bargaining unit.

SECTION 2. SALARY AND WAGE SCHEDULES

That the following salary and wage schedules shall constitute the basic compensation plan, consisting of a base or entry rate (A) and four merit steps in the corresponding range on the schedule. Stability Pay shall be part of the basic compensation plan. (See Section 3.12 of the Personnel Policies and Procedures).

SECTION 3. CLASSIFIED POSITION ALLOCATION

That the following is a computed salary schedule and position allocation. All increases above the base rate for each range are called merit steps. Step increases are merit increases and are not automatic but must be earned by the employee. (See Section 3.11 of the Personnel Policies and Procedures). Each range is identified by a number 1 through 40, except Schedule E which is numbered through range 58. Each step within the range is identified by a letter; A is the entry rate, with Steps B, C, D, and E. The following salary schedules are listed by employee groups:

SECTION 4. GENERAL/PARKS EMPLOYEES

The following positions and ranges comprise the General Employees Unit. See "Schedule A" for salaries.

<u>POSITION</u>	<u>RANGE</u>
LIBRARY ASSISTANT	12
ACCOUNTING SUPPORT CLERK	14
ACCOUNTING CLERK	18
ENGINEERING SECRETARY	18
PERMIT TECHNICIAN	18
SENIOR LIBRARY ASSISTANT	20
RECREATION COORDINATOR	23
COMPUTER ASSISTED DRAFTING (CAD) TECHNICIAN	26
ENGINEERING TECHNICIAN	26
FACILITY COORDINATOR	26
GROUNDS COORDINATOR	26
SENIOR ENGINEERING TECHNICIAN	30

SECTION 5. FIRE DEPARTMENT

The following Positions and Ranges comprise the Fire Department Unit. See "Schedule B" for salaries.

<u>POSITION</u>	<u>RANGE</u>
FIREFIGHTER*	22
DRIVER/ENGINEER*	24
FIRE LIEUTENANT*	28

*The salary shown for these positions is for a 56-hour duty week. The conditions set forth below shall be adhered to by the Fire Department personnel:

1. Employees on the off-duty shifts shall be available for emergency service.
2. A shift must be short more than one employee before a replacement is called in. Replacements called in to duty in such a case would receive time and one-half (1/2); every effort must be made by the department to keep overtime pay to a minimum.
3. The duty cycle of the department shall be determined by the Fire Chief with the approval of the City Manager.

SECTION 6. POLICE DEPARTMENT

The following Positions and Ranges comprise the Police Department Unit. See "Schedule C" for salaries.

<u>POSITION</u>	<u>RANGE</u>
RECORDS SPECIALIST	12
SENIOR RECORDS SPECIALIST	14
COMMUNICATIONS OPERATOR	22
POLICE OFFICER	29
COMMUNITY POLICING OFFICER (ROTATING)	33
DETECTIVE (ROTATING ASSIGNMENT)	33

SECTION 7. PUBLIC WORKS

The following positions and Ranges comprise the Public Works Unit. See "Schedule D" for salaries.

<u>POSITION</u>	<u>RANGE</u>
EQUIPMENT SERVICER	14
UTILITY WORKER	18
EQUIPMENT MECHANIC I	20
SWEEPER OPERATOR	20
UTILITY TECHNICIAN	20
UTILITY WORKER II	22
WASTEWATER TREATMENT PLANT OPERATOR	24
WATER QUALITY TECHNICIAN	24
EQUIPMENT MECHANIC II	26
SENIOR UTILITY TECHNICIAN	26
SENIOR UTILITY WORKER	26
STORES SUPERVISOR	26
WATER SOURCE OPERATOR	26
LEAD UTILITY WORKER	28
WASTEWATER TREATMENT PLANT SUPERVISOR	28
WATER QUALITY SUPERVISOR	28

SECTION 8. MANAGEMENT AND CONFIDENTIAL

The following Positions and Ranges comprise the Management and Confidential Unit.
See "Schedules E-1, E-2A and E-2B" for salaries.

<u>POSITION</u>	<u>RANGE</u>
ADMINISTRATIVE ASSISTANT	18
EXECUTIVE SECRETARY	20
ADMINISTRATIVE SERVICES MANAGER	28
FINANCE OPERATIONS SUPERVISOR	28
FINANCIAL ANALYST	28
HUMAN RESOURCES ADMINISTRATOR	28
PLANNER	28
EQUIPMENT MAINTENANCE SUPERVISOR	30
ASSISTANT PUBLIC WORKS SUPERINTENDENT	32
FINANCIAL REPORT MANAGER	34
AQUATIC PROGRAM MANAGER	35
PARKS MAINTENANCE SUPERVISOR	36
SERGEANT (E-2B)	36
BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER	38
PUBLIC WORKS SUPERINTENDENT	38
EMERGENCY COMMUNICATIONS MANAGER	40
LIBRARY DIRECTOR	40
DEPUTY CHIEF OF POLICE (E-2A)	42
DEPUTY FIRE CHIEF/TRAINING OFFICER (E-2A)	42
ASSISTANT CITY ENGINEER	45
PARKS AND RECREATION DIRECTOR	45
CITY ENGINEER	47
FIRE CHIEF (E-2A)	48
POLICE CHIEF (E-2A)	48
FINANCE DIRECTOR	49
PUBLIC WORKS DIRECTOR	49
COMMUNITY DEVELOPMENT DIRECTOR/ASSISTANT CITY MANAGER	51

SECTION 9. TEMPORARY PERSONNEL

Police Reserve: \$10.88 (Range 14E) per training session, \$10.88 per hour assigned duty. Police Reserve rate of pay for dances, festivals, and similar duties shall be 1-1/2 times Range 29A.

All drills and training sessions must be officially approved.

CONTINGENT SEASONAL WORK

Following are positions for which temporary or seasonal employees may be hired. See "Schedule F-1" and "Schedule F-2" for salaries.

DEPARTMENT	JOB TITLES	F1 RANGE
Cemetery	Cemetery Laborer	18
Parks & Community Services	Lifeguard	14
	Guest Services Representative	14
	Swim Instructor	14
	Recreation Leader I	14
	Recreation Leader II	18
	Parks Laborer	18
	Recreation Program Manager	54
Police	Community Service Officer	31
Public Works	Public Works Laborer	18
	Weekend Water Operator	31

DEPARTMENT	JOB TITLES	F2 RANGE
All Departments	Clerical Aide	14
Finance	Accounting Support Clerk	19
	Parking Control Officer	24
Library	Library Page I	14
	Library Page II	16
	Library Assistant	19
	Senior Library Assistant	31
Parks & Community Services	Cashier	14
	Head Cashier	16

SECTION 10. ADVANCEMENT WITHIN RANGE

As authorized in the City of Astoria's Personnel Policies and Procedures, Compensation Plan, Section 3.

SECTION 11. EXCEPTIONAL AND ADDITIONAL INCREASES

As authorized in the City of Astoria's Personnel Policies and Procedures, Compensation Plan, Section 3.

SECTION 12. STABILITY PAY

As authorized in the City of Astoria's Personnel Policies and Procedures, Compensation Plan, Section 3.12. Range 29A is the highest range upon which Stability Pay can be based for any position.

SECTION 13. RESPONSIBILITY PAY

As authorized in the City of Astoria's Personnel Policies and Procedures, Compensation Plan, Sections 3.13.

SECTION 14. REPEAL OF RESOLUTIONS

Resolution No. 13-05 adopted by the City Council on February 19, 2013, is hereby repealed and superseded by this resolution.

SECTION 15. EFFECTIVE DATE

The provisions of this resolution shall become effective immediately upon passage, for all regular employees currently registered on the City of Astoria payroll.

ADOPTED BY THE CITY COUNCIL THIS 20TH DAY OF MAY, 2013.

APPROVED BY THE MAYOR THIS 20TH DAY OF MAY, 2013

Mayor

ATTEST:

City Manager

ROLL CALL ON ADOPTION:	YEA	NAY	ABSENT
------------------------	-----	-----	--------

Councilor LaMear			
Herzig			
Mellin			
Warr			
Mayor Van Dusen			

SALARY SCHEDULES

SCHEDULE A – GENERAL EMPLOYEES/PARKS

SCHEDULE B – FIRE DEPARTMENT

SCHEDULE C – POLICE DEPARTMENT

SCHEDULE D – PUBLIC WORKS

SCHEDULE E – MANAGEMENT AND CONFIDENTIAL

E-1 – (NONSWORN)

E-2A – (SWORN)

E-2B – (SERGEANTS)

SCHEDULE F – TEMPORARY EMPLOYEES

SCHEDULE F-2 – GENERAL TEMPORARY EMPLOYEES

**GENERAL/PARKS EMPLOYEES
SCHEDULE A
EFFECTIVE JULY 1, 2012**

RANGE/STEP		MONTHLY	YEARLY	HOURLY
12	A	2,345.71	28,149	13.53
	B	2,463.00	29,556	14.21
	C	2,586.15	31,034	14.92
	D	2,715.45	32,585	15.67
	E	2,851.23	34,215	16.45
14	A	2,453.65	29,444	14.16
	B	2,576.34	30,916	14.86
	C	2,705.15	32,462	15.61
	D	2,840.41	34,085	16.39
	E	2,982.43	35,789	17.21
16	A	2,580.98	30,972	14.89
	B	2,710.03	32,520	15.63
	C	2,845.53	34,146	16.42
	D	2,987.81	35,854	17.24
	E	3,137.20	37,646	18.10
17	A	2,640.32	31,684	15.23
	B	2,772.34	33,268	15.99
	C	2,910.96	34,931	16.79
	D	3,056.50	36,678	17.63
	E	3,209.33	38,512	18.52
18	A	2,709.40	32,513	15.63
	B	2,844.87	34,138	16.41
	C	2,987.12	35,845	17.23
	D	3,136.47	37,638	18.10
	E	3,293.30	39,520	19.00
20	A	2,850.02	34,200	16.44
	B	2,992.52	35,910	17.26
	C	3,142.15	37,706	18.13
	D	3,299.25	39,591	19.03
	E	3,464.22	41,571	19.99
23	A	3,070.85	36,850	17.72
	B	3,224.39	38,693	18.60
	C	3,385.61	40,627	19.53
	D	3,554.89	42,659	20.51
	E	3,732.64	44,792	21.53
24	A	3,147.00	37,764	18.16
	B	3,304.35	39,652	19.06
	C	3,469.57	41,635	20.02
	D	3,643.05	43,717	21.02
	E	3,825.20	45,902	22.07
26	A	3,305.82	39,670	19.07
	B	3,471.11	41,653	20.03
	C	3,644.67	43,736	21.03
	D	3,826.90	45,923	22.08
	E	4,018.24	48,219	23.18
30	A	3,644.03	43,728	21.02
	B	3,826.23	45,915	22.07
	C	4,017.54	48,210	23.18
	D	4,218.42	50,621	24.34
	E	4,429.34	53,152	25.55

**FIRE EMPLOYEES
SCHEDULE B
EFFECTIVE JULY 1, 2012**

RANGE/STEP	MONTHLY	YEARLY	HOURLY	OVERTIME
22 A	4,045.15	48,542	16.6239	24.9358
B	4,247.40	50,969	17.4551	26.1826
C	4,459.73	53,517	18.3276	27.4915
D	4,682.76	56,193	19.2442	28.8663
E	4,916.84	59,002	20.2062	30.3093
Includes 2.0% Stability				
C	4,540.64	54,488	18.6602	27.9903
D	4,763.67	57,164	19.5767	29.3651
E	4,997.76	59,973	20.5387	30.8081
Includes 3.5% Stability				
C	4,601.31	55,216	18.9095	28.3642
D	4,824.25	57,891	19.8257	29.7385
E	5,058.34	60,700	20.7877	31.1815
Includes 4.5% Stability				
C	4,641.81	55,702	19.0759	28.6139
D	4,864.75	58,377	19.9921	29.9882
E	5,098.93	61,187	20.9545	31.4317
Includes 6.0% Stability				
C	4,702.48	56,430	19.3253	28.9879
D	4,925.42	59,105	20.2415	30.3622
E	5,159.59	61,915	21.2038	31.8057
24 A	4,252.26	51,027	17.4750	26.2126
B	4,464.86	53,578	18.3487	27.5231
C	4,688.15	56,258	19.2664	28.8996
D	4,922.50	59,070	20.2295	30.3442
E	5,168.61	62,023	21.2409	31.8613
Includes 2.0% Stability				
C	4,773.14	57,278	19.6156	29.4234
D	5,007.58	60,091	20.5791	30.8686
E	5,253.69	63,044	21.5905	32.3857
Includes 3.5% Stability				
C	4,836.90	58,043	19.8777	29.8165
D	5,071.34	60,856	20.8411	31.2617
E	5,317.45	63,809	21.8525	32.7788
Includes 4.5% Stability				
C	4,879.43	58,553	20.0525	30.0787
D	5,113.87	61,366	21.0159	31.5239
E	5,359.98	64,320	22.0273	33.0410
Includes 6.0% Stability				
C	4,943.28	59,319	20.3149	30.4723
D	5,177.63	62,132	21.2779	31.9169
E	5,423.75	65,085	22.2894	33.4340

**FIRE EMPLOYEES
SCHEDULE B
EFFECTIVE JULY 1, 2012**

RANGE/STEP	MONTHLY	YEARLY	HOURLY	OVERTIME
28 A	4,685.41	56,225	19.2551	28.8827
B	4,919.67	59,036	20.2178	30.3267
C	5,165.70	61,988	21.2289	31.8433
D	5,424.01	65,088	22.2905	33.4357
E	5,695.15	68,342	23.4047	35.1071
Includes 2.0% Stability				
C	5,259.26	63,111	21.6134	32.4201
D	5,517.57	66,211	22.6750	34.0124
E	5,788.80	69,466	23.7896	35.6844
Includes 3.5% Stability				
C	5,329.48	63,954	21.9020	32.8529
D	5,587.88	67,055	22.9639	34.4458
E	5,859.19	70,310	24.0789	36.1183
Includes 4.5% Stability				
C	5,376.35	64,516	22.0946	33.1419
D	5,634.75	67,617	23.1565	34.7348
E	5,906.06	70,873	24.2715	36.4072
Includes 6.0% Stability				
C	5,446.65	65,360	22.3835	33.5752
D	5,705.05	68,461	23.4454	35.1681
E	5,976.28	71,715	24.5601	36.8401

**POLICE EMPLOYEES
(SWORN & NONSWORN)
SCHEDULE C
EFFECTIVE JULY 1, 2012**

RANGE/STEP		MONTHLY	YEARLY	HOURLY
12	A	2,571.35	30,856	14.83
	B	2,699.92	32,399	15.58
	C	2,834.91	34,019	16.36
	D	2,976.66	35,720	17.17
	E	3,125.49	37,506	18.03
14	A	2,700.09	32,401	15.58
	B	2,835.09	34,021	16.36
	C	2,976.85	35,722	17.17
	D	3,125.69	37,508	18.03
	E	3,281.97	39,384	18.93
22	A	3,297.51	39,570	19.02
	B	3,462.38	41,549	19.98
	C	3,635.50	43,626	20.97
	D	3,817.28	45,807	22.02
	E	4,008.14	48,098	23.12
29	A	3,918.20	47,018	22.61
	B	4,114.11	49,369	23.74
	C	4,319.82	51,838	24.92
	D	4,535.81	54,430	26.17
	E	4,762.60	57,151	27.48
30	A	4,010.90	48,131	23.14
	B	4,211.45	50,537	24.30
	C	4,422.02	53,064	25.51
	D	4,643.12	55,717	26.79
	E	4,875.27	58,503	28.13
33	A	4,318.69	51,824	24.92
	B	4,534.62	54,415	26.16
	C	4,761.35	57,136	27.47
	D	4,999.42	59,993	28.84
	E	5,249.39	62,993	30.28

**PUBLIC WORKS EMPLOYEES
SCHEDULE D
EFFECTIVE JULY 1, 2012**

RANGE/STEP		MONTHLY	YEARLY	HOURLY
14	A	2,639.36	31,672	15.23
	B	2,771.33	33,256	15.99
	C	2,909.89	34,919	16.79
	D	3,055.39	36,665	17.63
	E	3,208.16	38,498	18.51
16	A	2,769.40	33,233	15.98
	B	2,907.87	34,894	16.78
	C	3,053.26	36,639	17.61
	D	3,205.92	38,471	18.50
	E	3,366.22	40,395	19.42
18	A	2,909.68	34,916	16.79
	B	3,055.16	36,662	17.63
	C	3,207.92	38,495	18.51
	D	3,368.31	40,420	19.43
	E	3,536.73	42,441	20.40
20	A	3,059.91	36,719	17.65
	B	3,212.91	38,555	18.54
	C	3,373.56	40,483	19.46
	D	3,542.23	42,507	20.44
	E	3,719.34	44,632	21.46
22	A	3,223.78	38,685	18.60
	B	3,384.96	40,620	19.53
	C	3,554.21	42,651	20.51
	D	3,731.92	44,783	21.53
	E	3,918.52	47,022	22.61
24	A	3,381.34	40,576	19.51
	B	3,550.41	42,605	20.48
	C	3,727.93	44,735	21.51
	D	3,914.33	46,972	22.58
	E	4,110.04	49,321	23.71
25	A	3,467.88	41,615	20.01
	B	3,641.27	43,695	21.01
	C	3,823.33	45,880	22.06
	D	4,014.50	48,174	23.16
	E	4,215.23	50,583	24.32
26	A	3,554.22	42,651	20.51
	B	3,731.94	44,783	21.53
	C	3,918.53	47,022	22.61
	D	4,114.46	49,374	23.74
	E	4,320.18	51,842	24.92
28	A	3,724.29	44,691	21.49
	B	3,910.50	46,926	22.56
	C	4,106.03	49,272	23.69
	D	4,311.33	51,736	24.87
	E	4,526.89	54,323	26.12

NONUNION EMPLOYEES (NONSWORN)
SCHEDULE E-1
EFFECTIVE JULY 1, 2012

RANGE/STEP		MONTHLY	YEARLY	HOURLY
18	A	2,791.28	33,495	16.10
	B	2,930.85	35,170	16.91
	C	3,077.39	36,929	17.75
	D	3,231.26	38,775	18.64
	E	3,392.82	40,714	19.57
20	A	2,928.76	35,145	16.90
	B	3,075.19	36,902	17.74
	C	3,228.95	38,747	18.63
	D	3,390.40	40,685	19.56
	E	3,559.92	42,719	20.54
28	A	3,569.21	42,830	20.59
	B	3,747.67	44,972	21.62
	C	3,935.05	47,221	22.70
	D	4,131.80	49,582	23.84
	E	4,338.39	52,061	25.03
29	A	3,661.95	43,943	21.13
	B	3,845.05	46,141	22.18
	C	4,037.30	48,448	23.29
	D	4,239.16	50,870	24.46
	E	4,451.12	53,413	25.68
30	A	3,747.79	44,974	21.62
	B	3,935.18	47,222	22.70
	C	4,131.94	49,583	23.84
	D	4,338.54	52,062	25.03
	E	4,555.47	54,666	26.28
32	A	3,939.60	47,275	22.73
	B	4,136.58	49,639	23.86
	C	4,343.41	52,121	25.06
	D	4,560.58	54,727	26.31
	E	4,788.61	57,463	27.63
34	A	4,137.39	49,649	23.87
	B	4,344.26	52,131	25.06
	C	4,561.47	54,738	26.32
	D	4,789.55	57,475	27.63
	E	5,029.02	60,348	29.01
35	A	4,244.75	50,937	24.49
	B	4,456.98	53,484	25.71
	C	4,679.83	56,158	27.00
	D	4,913.82	58,966	28.35
	E	5,159.51	61,914	29.77
36	A	4,346.04	52,153	25.07
	B	4,563.35	54,760	26.33
	C	4,791.51	57,498	27.64
	D	5,031.09	60,373	29.03
	E	5,282.64	63,392	30.48

NONUNION EMPLOYEES (NONSWORN)
SCHEDULE E-1
EFFECTIVE JULY 1, 2012

RANGE/STEP		MONTHLY	YEARLY	HOURLY
38	A	4,575.16	54,902	26.40
	B	4,803.92	57,647	27.71
	C	5,044.12	60,529	29.10
	D	5,296.32	63,556	30.56
	E	5,561.14	66,734	32.08
40	A	4,811.71	57,741	27.76
	B	5,052.30	60,628	29.15
	C	5,304.91	63,659	30.61
	D	5,570.16	66,842	32.14
	E	5,848.66	70,184	33.74
42	A	5,056.59	60,679	29.17
	B	5,309.42	63,713	30.63
	C	5,574.89	66,899	32.16
	D	5,853.63	70,244	33.77
	E	6,146.32	73,756	35.46
45	A	5,441.29	65,296	31.39
	B	5,713.36	68,560	32.96
	C	5,999.03	71,988	34.61
	D	6,298.98	75,588	36.34
	E	6,613.93	79,367	38.16
47	A	5,715.18	68,582	32.97
	B	6,000.94	72,011	34.62
	C	6,300.98	75,612	36.35
	D	6,616.03	79,392	38.17
	E	6,946.83	83,362	40.08
48	A	5,857.42	70,289	33.79
	B	6,150.29	73,804	35.48
	C	6,457.81	77,494	37.26
	D	6,780.70	81,368	39.12
	E	7,119.74	85,437	41.08
49	A	6,004.59	72,055	34.64
	B	6,304.82	75,658	36.37
	C	6,620.06	79,441	38.19
	D	6,951.06	83,413	40.10
	E	7,298.61	87,583	42.11
51	A	6,305.00	75,660	36.37
	B	6,620.25	79,443	38.19
	C	6,951.26	83,415	40.10
	D	7,298.82	87,586	42.11
	E	7,663.76	91,965	44.21

NONUNION EMPLOYEES (SWORN) SCHEDULE E-2A EFFECTIVE JULY 1, 2012				
RANGE/STEP		MONTHLY	YEARLY	HOURLY
29	A	3,681.02	44,172	21.24
	B	3,865.07	46,381	22.30
	C	4,058.33	48,700	23.41
	D	4,261.24	51,135	24.58
	E	4,474.31	53,692	25.81
39	A	4,713.90	56,567	27.20
	B	4,949.60	59,395	28.56
	C	5,197.08	62,365	29.98
	D	5,456.93	65,483	31.48
	E	5,729.78	68,757	33.06
40	A	4,834.53	58,014	27.89
	B	5,076.26	60,915	29.29
	C	5,330.07	63,961	30.75
	D	5,596.58	67,159	32.29
	E	5,876.40	70,517	33.90
42	A	5,081.86	60,982	29.32
	B	5,335.95	64,031	30.78
	C	5,602.75	67,233	32.32
	D	5,882.88	70,595	33.94
	E	6,177.03	74,124	35.64
48	A	5,885.23	70,623	33.95
	B	6,179.49	74,154	35.65
	C	6,488.46	77,862	37.43
	D	6,812.88	81,755	39.31
	E	7,153.53	85,842	41.27

NONUNION EMPLOYEES (SERGEANTS) SCHEDULE E-2B EFFECTIVE JULY 1, 2012				
RANGE/STEP		MONTHLY	YEARLY	HOURLY
29	A	3,698.45	44,381	21.34
	B	3,883.37	46,600	22.40
	C	4,077.54	48,930	23.52
	D	4,281.42	51,377	24.70
	E	4,495.49	53,946	25.94
36	A	4,388.34	56,660	25.32
	B	4,607.75	55,293	26.58
	C	4,838.14	58,058	27.91
	D	5,080.05	60,961	29.31
	E	5,334.05	64,009	30.77

**TEMPORARY EMPLOYEES
SCHEDULE F-1
EFFECTIVE JANUARY 1, 2013**

RANGE/STEP		MONTHLY	YEARLY	HOURLY
14	A	1,551.41	18,617	8.95
	B	1,628.98	19,548	9.40
	C	1,710.43	20,525	9.87
	D	1,795.95	21,551	10.36
	E	1,885.75	22,629	10.88
16	A	1,628.98	19,548	9.40
	B	1,710.43	20,525	9.87
	C	1,795.95	21,551	10.36
	D	1,885.75	22,629	10.88
	E	1,980.04	23,760	11.42
18	A	1,710.43	20,525	9.87
	B	1,795.95	21,551	10.36
	C	1,885.75	22,629	10.88
	D	1,980.04	23,760	11.42
	E	2,079.04	24,949	11.99
24	A	1,967.00	23,604	11.35
	B	2,065.35	24,784	11.92
	C	2,168.62	26,023	12.51
	D	2,277.05	27,325	13.14
	E	2,390.90	28,691	13.79
26	A	2,065.35	24,784	11.92
	B	2,168.62	26,023	12.51
	C	2,277.05	27,325	13.14
	D	2,390.90	28,691	13.79
	E	2,510.44	30,125	14.48
28	A	2,168.62	26,023	12.51
	B	2,277.05	27,325	13.14
	C	2,390.90	28,691	13.79
	D	2,510.44	30,125	14.48
	E	2,635.97	31,632	15.21
29	A	2,222.83	26,674	12.82
	B	2,333.97	28,008	13.47
	C	2,450.67	29,408	14.14
	D	2,573.20	30,878	14.85
	E	2,701.86	32,422	15.59
31	A	2,222.83	26,674	12.82
	B	2,333.97	28,008	13.47
	C	2,450.67	29,408	14.14
	D	2,573.20	30,878	14.85
	E	2,701.86	32,422	15.59
32	A	2,222.83	26,674	12.82
	B	2,333.97	28,008	13.47
	C	2,450.67	29,408	14.14
	D	2,573.20	30,878	14.85
	E	2,701.86	32,422	15.59

**TEMPORARY EMPLOYEES
SCHEDULE F-1
EFFECTIVE JANUARY 1, 2013**

RANGE/STEP		MONTHLY	YEARLY	HOURLY
33	A	2,452.13	29,426	14.15
	B	2,574.74	30,897	14.85
	C	2,703.47	32,442	15.60
	D	2,838.65	34,064	16.38
	E	2,980.58	35,767	17.20
34	A	2,513.43	30,161	14.50
	B	2,639.10	31,669	15.23
	C	2,771.06	33,253	15.99
	D	2,909.61	34,915	16.79
	E	3,055.09	36,661	17.63
35	A	2,576.27	30,915	14.86
	B	2,705.08	32,461	15.61
	C	2,840.34	34,084	16.39
	D	2,982.35	35,788	17.21
	E	3,131.47	37,578	18.07
36	A	2,640.68	31,688	15.23
	B	2,772.71	33,273	16.00
	C	2,911.34	34,936	16.80
	D	3,056.91	36,683	17.64
	E	3,209.76	38,517	18.52
37	A	2,706.69	32,480	15.62
	B	2,842.03	34,104	16.40
	C	2,984.13	35,810	17.22
	D	3,133.33	37,600	18.08
	E	3,290.00	39,480	18.98
38	A	2,774.36	33,292	16.01
	B	2,913.08	34,957	16.81
	C	3,058.73	36,705	17.65
	D	3,211.67	38,540	18.53
	E	3,372.25	40,467	19.46
39	A	2,843.72	34,125	16.41
	B	2,985.90	35,831	17.23
	C	3,135.20	37,622	18.09
	D	3,291.96	39,504	18.99
	E	3,456.56	41,479	19.94
40	A	2,914.81	34,978	16.82
	B	3,060.55	36,727	17.66
	C	3,213.58	38,563	18.54
	D	3,374.26	40,491	19.47
	E	3,542.97	42,516	20.44
41	A	2,987.68	35,852	17.24
	B	3,137.07	37,645	18.10
	C	3,293.92	39,527	19.00
	D	3,458.61	41,503	19.95
	E	3,631.55	43,579	20.95

**TEMPORARY EMPLOYEES
SCHEDULE F-1
EFFECTIVE JANUARY 1, 2015**

RANGE/STEP		MONTHLY	YEARLY	HOURLY
42	A	3,062.37	36,748	17.67
	B	3,215.49	38,586	18.55
	C	3,376.27	40,515	19.48
	D	3,545.08	42,541	20.45
	E	3,722.33	44,668	21.48
43	A	3,138.93	37,667	18.11
	B	3,295.88	39,551	19.01
	C	3,460.67	41,528	19.97
	D	3,633.71	43,604	20.96
	E	3,815.39	45,785	22.01
44	A	3,217.41	38,609	18.56
	B	3,378.28	40,539	19.49
	C	3,547.19	42,566	20.46
	D	3,724.55	44,695	21.49
	E	3,910.78	46,929	22.56
45	A	3,297.84	39,574	19.03
	B	3,462.73	41,553	19.98
	C	3,635.87	43,630	20.98
	D	3,817.66	45,812	22.02
	E	4,008.55	48,103	23.13
46	A	3,380.29	40,563	19.50
	B	3,549.30	42,592	20.48
	C	3,726.77	44,721	21.50
	D	3,913.11	46,957	22.58
	E	4,108.76	49,305	23.70
47	A	3,464.79	41,578	19.99
	B	3,638.03	43,656	20.99
	C	3,819.94	45,839	22.04
	D	4,010.93	48,131	23.14
	E	4,211.48	50,538	24.30
48	A	3,551.41	42,617	20.49
	B	3,728.99	44,748	21.51
	C	3,915.43	46,985	22.59
	D	4,111.21	49,334	23.72
	E	4,316.77	51,801	24.90
49	A	3,640.20	43,682	21.00
	B	3,822.21	45,867	22.05
	C	4,013.32	48,160	23.15
	D	4,213.99	50,568	24.31
	E	4,424.69	53,096	25.53
50	A	3,731.20	44,774	21.53
	B	3,917.77	47,013	22.60
	C	4,113.65	49,364	23.73
	D	4,319.34	51,832	24.92
	E	4,535.30	54,424	26.17

**TEMPORARY EMPLOYEES
SCHEDULE F-1
EFFECTIVE JANUARY 1, 2013**

RANGE/STEP		MONTHLY	YEARLY	HOURLY
51	A	3,824.48	45,894	22.06
	B	4,015.71	48,189	23.17
	C	4,216.49	50,598	24.33
	D	4,427.32	53,128	25.54
	E	4,648.69	55,784	26.82
52	A	3,920.10	47,041	22.62
	B	4,116.10	49,393	23.75
	C	4,321.91	51,863	24.93
	D	4,538.00	54,456	26.18
	E	4,764.90	57,179	27.49
53	A	4,018.10	48,217	23.18
	B	4,219.00	50,628	24.34
	C	4,429.95	53,159	25.56
	D	4,651.45	55,817	26.84
	E	4,884.03	58,608	28.18
54	A	4,118.55	49,423	23.76
	B	4,324.48	51,894	24.95
	C	4,540.70	54,488	26.20
	D	4,767.74	57,213	27.51
	E	5,006.13	60,074	28.88

**GENERAL TEMPORARY EMPLOYEES
SCHEDULE F-2
EFFECTIVE JULY 1, 2012**

RANGE/STEP		MONTHLY	YEARLY	HOURLY
14	A	1,554.84	18,658	8.9702
	B	1,632.58	19,591	9.4187
	C	1,714.21	20,571	9.8897
	D	1,799.92	21,599	10.3842
	E	1,889.92	22,679	10.9034
16	A	1,633.73	19,605	9.4254
	B	1,715.41	20,585	9.8966
	C	1,801.19	21,614	10.3915
	D	1,891.24	22,695	10.9110
	E	1,985.81	23,830	11.4566
19	A	1,757.71	21,092	10.1406
	B	1,845.59	22,147	10.6476
	C	1,937.87	23,254	11.1800
	D	2,034.77	24,417	11.7390
	E	2,136.50	25,638	12.3260
24	A	1,989.82	23,878	11.4797
	B	2,089.31	25,072	12.0537
	C	2,193.77	26,325	12.6564
	D	2,303.46	27,642	13.2892
	E	2,418.63	29,024	13.9537
31	A	2,334.05	28,009	13.4657
	B	2,450.75	29,409	14.1390
	C	2,573.29	30,879	14.8459
	D	2,701.95	32,423	15.5882
	E	2,837.05	34,045	16.3676



CITY OF ASTORIA

Founded 1811 • Incorporated 1856

May 7, 2013

MEMORANDUM

To: City Council

From:  Paul Benoit, City Manager

Subject: Recology Rate Review - Clatsop Transfer & Disposal Station

Background / Discussion

The City's franchise agreement with Recology requires them to render financial statements and a rate review on the Clatsop Transfer & Disposal Station no later than April 30 each year. The City received the required documents from Recology on April 1, 2013. The purpose of the annual rate review is to determine whether Recology's rate of return on their solid waste disposal operations falls within the limits allowed by the franchise agreement.

Per the Franchise Agreement, the limits of the rate of return on Recology's franchise operations are referred to as the "Operating Ratio Range". This calculation is arrived at by dividing total expenses by total income. If the number is above 92%, Recology is allowed to adjust the following year's rates to recoup the lower than expected return. If the number is below 88%, Recology will adjust the following years rates to return to the rate payers the better than expected return.

The financial statements and rate review for the Clatsop Transfer & Disposal Station's operations of Recology as submitted by Fred Stemmler, Recology's Western Oregon General Manager, are attached. Mr. Stemmler notes in his cover letter that "Based on this data, the Operating Ratio for the current calendar year is projected to be within the limits of the Operating Ratio Range of 88% to 92%. As a result we are not proposing a rate increase at this time". Staff has reviewed the calculations upon which this conclusion was drawn and is in agreement with Mr. Stemmler's assessment.

Representatives of Recology will be available to respond to Council questions.

Recommendation

No Council action is required as there is not a proposed rate increase and a resolution is not necessary. The agreement between the City and Recology will continue as per the contract.

By: 

Mark Carlson, CPA
Finance Director



Mr. Paul Benoit
City Manager
City of Astoria
1095 Duane St.
Astoria, OR 97103

RECEIVED
APR 01 REC'D 2013
CITY MANAGER

March 31st, 2013

Re: Clatsop Transfer & Disposal Annual Rate Review

Dear Paul:

Enclosed are the schedules that make up the Rate Review Report and Annual Financial Report as outlined in our Solid Waste Disposal License Agreement:

1. The Rate Review Report, which includes the following:
 - a. All the actual expenses incurred by Franchisee in the preceding calendar year, and all allowable expenses that we reasonably anticipate will be incurred in the current year;
 - b. The actual and expected Operating Ratios for the preceding and current calendar year;
 - c. The methods used to determine how revenue and expenses are allocated to the City.
2. The 2012 Reviewed Financial Statement prepared by an independent CPA firm;
3. Rate sheets showing current and proposed rates (not applicable this year).

Based on this data, the Operating Ratio for the current calendar year is projected to be within the limits of the Operating Ratio Range of 88% to 92%. As a result, we are not proposing a rate adjustment at this time.

In addition, Section 7.1 of the License Agreement calls for a summary of operational issues:

- a. Normal operations took place from April 1, 2012 to March 31, 2013, including solid waste, recycling and salvaging operations. The changes or improvements to property or structures related to the facility were continued efforts to improve storm water, general housekeeping improvements, bird abatement, and the beginning of the tip floor and apron reconstruction.
- b. In 2013 there will be continued efforts to improve storm water and reconstruction of the tip floor and apron will be completed.
- c. An Oregon Department of Environmental Quality Solid Waste Permit inspection was conducted on February 27, 2013. We have not yet received a copy of the inspection report.
- d. 28,665 tons of Solid Waste was delivered to Riverbend Landfill in McMinnville in 2012.

I would appreciate the opportunity to discuss these matters before we make our presentation to the Council. Please call my office at 503-474-4856 so we can schedule a meeting at your convenience.

Respectfully,

Fred Stemmler, CPA
General Manager



Recology Western Oregon - Transfer Station **2012-13 Rate Review Report** **March 29, 2013**

	2012 Actual	2013 Projected	Percentage Attributed to Garbage	Astoria Tons As a Percent of Total Tons	Astoria Regulated Projections
<i>Proj. revenue from NCC/Astoria tons:</i>					
Revenues					
Total Revenues	\$ 3,515,275	\$ 3,430,447			\$ 566,796
Cost of Operations					
Total Disposal Costs	\$ 806,121	\$ 837,940	85.00%	22.00%	\$ 156,695
Increase in RLC License Fee	\$ -	\$ 52,817	100.00%	22.00%	\$ 11,620
Total Labor Costs	\$ 370,415	\$ 364,245	58.00%	22.00%	\$ 46,478
Refuse Transportation & Freight	\$ 708,188	\$ 699,952	88.00%	22.00%	\$ 135,511
R & M	\$ 215,500	\$ 127,161	65.00%	22.00%	\$ 18,184
Depreciation	\$ 104,956	\$ 73,604	65.00%	22.00%	\$ 10,525
Lease Payment to City	\$ 41,040	\$ 41,040	65.00%	22.00%	\$ 5,869
Other Lease	\$ 75,015	\$ 51,379	65.00%	22.00%	\$ 7,347
License Fees	\$ 128,299	\$ 128,000	100.00%	22.00%	\$ 28,160
HHW Surcharge	\$ 100,117	\$ 99,661	100.00%	22.00%	\$ 21,925
Fuel	\$ 23,735	\$ 23,260	65.00%	22.00%	\$ 3,326
Capital Improvement	\$ -	\$ 16,668	65.00%	22.00%	\$ 2,384
Other Operational Expenses	\$ 73,779	\$ 68,390	65.00%	22.00%	\$ 9,780
Total Operational Expenses	\$ 1,470,629	\$ 1,329,116			\$ 243,011
Gross Profit	\$ 868,110	\$ 846,329			\$ 108,993
General and Administrative Expense					
Shared Mgmt - 3%	\$ 105,458	\$ 102,913	50.00%	22.00%	\$ 11,320
Non-Admin Labor	\$ 43,749	\$ 31,406	50.00%	22.00%	\$ 3,455
Shared Admin - 9%	\$ 316,375	\$ 308,740	50.00%	22.00%	\$ 33,961
Other Admin Expense	\$ 99,392	\$ 111,601	50.00%	22.00%	\$ 12,276
Total General & Administrative	\$ 564,974	\$ 554,661			\$ 61,013
Interest Income	\$ 184	\$ -			\$ -
Gain/Loss from Operations	\$ 303,320	\$ 291,668			\$ 47,980
Operating Margin	8.63%	8.50%			8.47%
OR Range = 88-92%	90.78%	90.89%			90.71%
Target = 90%					

OR Calculation					
Total expenses	\$ 3,212,139	\$ 3,138,778	Total expenses	\$ 518,816	
Less Pass through	\$ 228,416	\$ 227,661	pass through	\$ 50,085	
Net expenses	\$ 2,983,723	\$ 2,911,117	net expenses	\$ 468,730	
Revenue	\$ 3,515,275	\$ 3,430,447	Revenue	\$ 566,796	
Less Pass through	\$ 228,416	\$ 227,661	pass through	\$ 50,085	
Net revenue	\$ 3,286,859	\$ 3,202,786	net revenue	\$ 516,711	
Calculated Operating Ratio	90.78%	90.89%		90.71%	

Tonnage Allocation Calculation:	
Total Garbage Tons	28,587
NCC Garbage tons from Astoria	6,288
Percent	22.00%

Western Oregon Waste - Transfer Station, Inc.
(A Wholly Owned Subsidiary of Recology Inc.)

Financial Statements

December 31, 2012
(With Independent Accountant's Review Report)

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INDEPENDENT ACCOUNTANT'S REVIEW REPORT

To the Board of Directors of
Western Oregon Waste - Transfer Station, Inc.
McMinnville, Oregon

We have reviewed the accompanying balance sheet of Western Oregon Waste - Transfer Station, Inc. as of December 31, 2012 and the related statements of earnings and stockholder's investment and cash flows for the year then ended. A review includes primarily applying analytical procedures to management's financial data and making inquiries of Company management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the financial statements as a whole. Accordingly, we do not express such an opinion.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the review in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. Those standards require us to perform procedures to obtain limited assurance that there are no material modifications that should be made to the financial statements. We believe that the results of our procedures provide a reasonable basis for our report.

Based on our review, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with accounting principles generally accepted in the United States of America.

Our review was made primarily for the purpose of expressing a conclusion that there are no material modifications that should be made to the financial statements in order for them to be in conformity with accounting principles generally accepted in the United States of America. The supplementary information included in the accompanying Schedule is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the inquiry and analytical procedures applied in the review of the basic financial statements, and we did not become aware of any material modifications that should be made to such information.

Armanino LLP
Armanino^{LLP}
San Ramon, California

March 5, 2013

WESTERN OREGON WASTE - TRANSFER STATION, INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Balance Sheet
December 31, 2012

Assets

Current assets:

Accounts receivable, net of allowance for doubtful accounts of \$309	\$ 82,014
Prepaid expenses	2,732
Due from Parent	<u>46,439</u>
Total current assets	<u>131,185</u>

Fixed assets:

Building and improvements	5,384
Construction in progress	22,915
Less accumulated depreciation	<u>(854)</u>
Property and equipment, net	<u>27,445</u>
Total assets	<u>\$ 158,630</u>

Liabilities and Stockholder's Investment

Current liabilities:

Accounts payable	\$ 63,025
Accrued liabilities	<u>88,805</u>
Total current liabilities	151,830

Stockholder's investment, net	<u>6,800</u>
Total liabilities and stockholder's investment	<u>\$ 158,630</u>

See accompanying notes to financial statements and independent accountant's review report.

WESTERN OREGON WASTE - TRANSFER STATION, INC.

(A Wholly Owned Subsidiary of Recology Inc.)

Statement of Earnings and Stockholder's Investment

For the year ended December 31, 2012

		<u>Percent</u>
Revenues	\$ 3,515,275	<u>100.0</u>
Cost of operations		
Disposal costs	806,121	22.9
Labor costs	370,415	10.5
Operational expenses	<u>1,470,629</u>	<u>41.9</u>
	<u>2,647,165</u>	<u>75.3</u>
Gross profit	868,110	24.7
General and administrative	<u>564,974</u>	<u>16.1</u>
Earnings from operations	<u>303,136</u>	<u>8.6</u>
Other income		
Interest income	<u>184</u>	<u>0.0</u>
	<u>184</u>	<u>0.0</u>
Net earnings	<u>303,320</u>	<u>8.6</u>
Stockholder's investment, net, beginning of year	28,429	
Net distributions to Parent and affiliates	<u>(324,949)</u>	
Stockholder's investment, net, end of year	<u>\$ 6,800</u>	

See accompanying notes to financial statements and independent accountant's review report.

WESTERN OREGON WASTE - TRANSFER STATION, INC.

(A Wholly Owned Subsidiary of Recology Inc.)

Statement of Cash Flows

For the year ended December 31, 2012

Cash flows from operating activities:	
Net earnings	\$ 303,320
Adjustments to reconcile net earnings to cash provided by operating activities:	
Depreciation	539
Provision for bad debts	9,215
Changes in assets and liabilities:	
Accounts receivable	20,008
Prepaid expenses	792
Due from parent	22,326
Accounts payable	(3,432)
Accrued liabilities	(4,904)
Net cash provided by operating activities	<u>347,864</u>
Cash flows provided by financing activities:	
Net distribution to Parent and affiliates	<u>(347,864)</u>
Net change in cash	-
Cash, beginning of year	-
Cash, end of year	<u>\$ -</u>
Supplemental disclosure of noncash activities:	
Additions to property and equipment funded by Parent	\$ 22,915

See accompanying notes to financial statements and independent accountant's review report.

WESTERN OREGON WASTE - TRANSFER STATION, INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2012

(1) Accounting Policies

(a) Organization

Western Oregon Waste - Transfer Station, Inc. (the Company), is a wholly owned subsidiary of Recology Oregon Inc., which is a wholly owned subsidiary of Recology Inc. (the Parent or Recology), which in turn is wholly owned by the Recology Employee Stock Ownership Plan (the Recology ESOP or the ESOP).

(b) Revenue Recognition and Accounts Receivable

The Company recognizes revenue on an accrual basis when services are performed. The Company's receivables are recorded when billed and represent claims against third parties that will be settled in cash. The carrying value of the Company's receivables, net of the allowance for doubtful accounts, represents their estimated net realizable value. The Company estimates its allowance for doubtful accounts based on several factors, including historical collection trends, type of customer, existing economic conditions and other factors.

(c) Property and Equipment

Property and equipment, including major renewals and betterments, are stated at cost. It is the Company's policy to periodically review the estimated useful lives of its property and equipment. Depreciation is calculated on a straightline basis over the estimated useful lives of assets as follows:

	<u>Estimated useful lives</u>
Buildings	20-40 years
Leasehold improvements	Shorter of lease or useful life
Machinery and equipment	6-8 years
Furniture and fixtures	8 years
Vehicles	9 years
Containers	10 years

Depreciation expense on the above amounted to \$539 for the year ended December 31, 2012. The cost of maintenance and repairs is charged to operations as incurred; significant renewals and betterments are capitalized.

WESTERN OREGON WASTE - TRANSFER STATION, INC.

(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2012

(1) Accounting Policies (continued)

(d) Environmental Remediation Liabilities

The Company accrues for environmental remediation costs when they become probable and based on its best estimate within a range. If no amount within the range appears to be a better estimate than any other, the low end of such ranges is used. Remediation costs are estimated by environmental remediation professionals based upon site remediation plans they develop and on their experience working with regulatory agencies and the Company's environmental staff and legal counsel. All estimates require assumptions about future events due to a number of uncertainties, including the nature and extent of any contamination, the appropriate remedy or remedies, the final apportionment of responsibility among the potentially responsible parties, if any are identified, the financial viability of other potentially responsible parties, and regulatory agency requirements. Thus, actual costs incurred may differ from the Company's initial estimate. These estimates do not take into account discounts for the present value of total estimated future costs, as the timing of cash payments is not reliably determinable. The Company regularly evaluates the recorded liabilities when additional information becomes available or regulatory changes occur to ascertain whether the accrued amounts are adequate. The Company does not recognize recoverable amounts from other responsible parties or insurance carriers until receipt is deemed probable. No environmental liabilities were accrued at December 31, 2012.

(e) Impairment of Long-Lived Assets

The Company's policy is to review estimated undiscounted future cash flows and other measures of asset value for its operations when events or changes in circumstances indicate the carrying value of an asset may not be fully recoverable.

During the year ended December 31, 2012, there were no events or changes in circumstances that indicated the carrying value of an asset was not fully recoverable.

(f) Income Taxes

Effective October 1, 1998, the Parent elected to become an S corporation with the Company electing to be treated as a Qualified Subchapter S corporation subsidiary. Under S corporation rules, the Parent's taxable income and losses are passed through to the ESOP, the Parent's sole shareholder, which is exempt from income tax, and the Company is treated as a division of the Parent having no separate income tax obligations. The Parent has not allocated the income tax expense to the Company.

The Company recognized income tax positions only if those positions are more likely than not of being sustained. Recognized income tax positions are measured at the largest amount that has a greater than 50% likelihood of being realized. Changes in recognition or measurement are reflected in the period in which the change in judgment occurs.

WESTERN OREGON WASTE - TRANSFER STATION, INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2012

(1) Accounting Policies (continued)

(f) Income Taxes (continued)

The Company's accounting policy for evaluating uncertain tax positions is to accrue estimated benefits or obligations relating to those positions. The Company records interest related to unrecognized tax benefits as interest expense and penalties as an administrative expense. For the year ended December 31, 2012, there was no interest or penalties recorded because the Company has no uncertain tax positions that meet the more likely than not threshold.

(g) Cash Concentration Account

The Company's bank account is linked to the Parent's concentration account. Cash balances (or deficits) at the end of each day are automatically transferred to (or from) the concentration account, so that at the end of any particular day, as well as at year-end, the Company's bank account has a zero balance, with related amounts debited or credited to the underlying intercompany account.

(h) Allocations

The Company includes allocated charges from the Parent and affiliates in operating expenses. The charges are allocated by applying activity appropriate factors to direct and indirect costs of the Parent and affiliates or based upon established fees.

(i) Use of Estimates

Management of the Company has made a number of estimates and assumptions relating to the reporting of assets and liabilities and the disclosure of contingent assets and liabilities to prepare these financial statements in conformity with accounting principles generally accepted in the United States of America. The more significant estimates requiring the judgment of management include the valuation of the allowance for doubtful accounts, self-insurance, and liabilities for environmental remediation. Actual results could differ from those estimates.

(j) Stockholder's Investment

The Company has 500 shares of common stock authorized and 100 shares issued and outstanding with no par value as of December 31, 2012. Stockholder's investment, net is comprised of the legal capital plus cumulative contributions net of distributions.

(k) Fair Value of Financial Instruments

The carrying amounts reported in the balance sheets of the assets and liabilities, which are considered to be financial instruments (such as receivables, accounts payable, and accrued liabilities), approximate their fair value based upon current market indicators.

WESTERN OREGON WASTE - TRANSFER STATION, INC.

(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2012

(2) Operations

The Company provides transfer station and recycling services in Northwest Oregon. The Company's transfer station rates are set in part by the City of Astoria. The rate setting process may result in the disallowance of certain costs and/or delays in cost recovery, as well as differences in the timing of when revenues and expenses are recognized.

The Company's operating results are also affected by variations in its recycling revenues from the sale of recyclable commodities. The Company's recycling revenues may be volatile and fluctuate in accordance with changes in recycling commodity mix and in the prices of recyclable commodities, which in turn are, in many cases, dependent on changes in worldwide supply of, and demand for, such recyclable commodities. In general, the costs related to recycling operations do not fluctuate in accordance with changes in the prices of such commodities.

(3) Commitments and Contingencies

Substantially all of the assets of the Company are pledged to secure obligations of the Parent. The Company, along with the Parent and the Parent's wholly owned subsidiaries, has guaranteed the repayment, on a joint and several basis, of any and all obligations under the Parent's Revolving Credit Agreement. The Company could be required to honor the guarantee upon an uncured default event, as defined in the Parent's Revolving Credit Agreement. The Parent's Revolving Credit Agreement expires April 2014. The Parent has represented to the Company that it is in compliance with all covenants of the Revolving Credit Agreement.

The Parent and its subsidiaries, including the Company, are subject to various laws and regulations relating to the protection of the environment. It is not possible to quantify with certainty the potential impact of actions regarding environmental matters, particularly any future remediation, and other compliance efforts. The Parent has environmental impairment liability insurance, which covers the sudden or gradual onset of environmental damage to third parties, on all owned and operated facilities. In the opinion of management, compliance with present environmental protection laws will not have a material adverse effect on the results of operations of the Company provided costs are substantially covered in the Company's rates on a timely basis.

The Company and the Parent are involved in various legal actions arising in the normal course of business. It is the Company's opinion that these matters are adequately provided for or that the resolution of such matters will not have a material adverse impact on the financial position or results of operations of the Company or the Parent.

(4) Equipment and Property Obligations

The Company has cancelable agreements with an affiliate whereby it pays for use of certain operating equipment. Future payments for continued use of the equipment and property, by year-end and in aggregate, as of December 31, 2012 are as follows:

WESTERN OREGON WASTE - TRANSFER STATION, INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2012

(4) Equipment and Property Obligations (continued)

Year ending December 31:	<u>Vehicles and Property</u>	<u>Equipment</u>	<u>Total</u>
2013	\$ 41,040	\$ 1,561	\$ 42,601
2014	41,040	1,561	42,601
2015	41,040	1,561	42,601
2016	41,040	779	41,819
2017	41,040	79	41,114
Thereafter	<u>489,060</u>	<u>-</u>	<u>489,060</u>
Total payments	<u>\$ 694,260</u>	<u>\$ 5,536</u>	<u>\$699,796</u>

Rental expense for the year ended December 31, 2012 was \$116,055 including amounts under short-term rental agreements with third parties and affiliates.

Under the terms of the equipment lease agreement with an affiliate, and in accordance with existing rate policies, the Company may continue to use certain equipment under operating leases without a related payment once the affiliate's equipment cost and related interest have been funded through operating lease payments.

WESTERN OREGON WASTE - TRANSFER STATION, INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2012

(5) Transactions with Related Parties

During the year ended December 31, 2012, operating and other expenses of the Company included allocated charges from the Parent and affiliates. Such charges are based upon the direct and indirect costs of the Parent and affiliates, or established fees, and allocated based on specific activities. The allocated charges are as follows:

Parent:

Health insurance	\$ 75,381
401(k) employer portion	7,226
General and vehicle insurance	<u>15,881</u>
	<u>98,488</u>

Affiliates:

Transfer station	(1,925,194)
Rental of equipment	22,509
Freight	43,837
Processing fees	(328,428)
General administration allocation	316,375
Truck and garage	197,889
Regional management and accounting fees	<u>149,207</u>
	<u>(1,523,805)</u>

Total	<u><u>\$(1,425,317)</u></u>
-------	-----------------------------

During the year ended December 31, 2012, amounts due from or payable to Parent and affiliates were accumulated by the Company and, as of the Parent's fiscal year-end, September 30, 2012, the net amount was settled by way of capital contributions or distributions. Changes in amounts due from or payable to Parent or affiliates are presented as a financing activity in the statement of cash flows, except as related to expenditures attributable to property and equipment. For the three months from October 1, 2012 to December 31, 2012, the net amount was not settled by way of capital contributions or distributions.

(6) Subsequent Events

The Company has evaluated its subsequent events through March 5, 2013, which is the date the financial statements were available for issuance. As a result of the evaluation, we are not aware of any material modifications that should be made to these financial statements for them to be in conformity with generally accepted accounting principles.

SUPPLEMENTARY INFORMATION

WESTERN OREGON WASTE - TRANSFER STATION, INC.

(A Wholly Owned Subsidiary of Recology Inc.)

Schedule of Expenses

For the year ended December 31, 2012

Operational expenses

Contract labor	\$ 3,301
Depreciation	539
Franchise fees	228,416
Fuel	23,735
Insurance	15,881
Supplies	23,215
Operational lease expense	116,055
Purchase of recyclables	4,265
Refuse transportation	664,351
Repair and maintenance	319,917
Taxes and licenses	17,475
Freight	43,837
Other operational expenses	9,642
	<u>\$ 1,470,629</u>

General and administrative expenses

Regional management and accounting fees	\$ 149,207
General administration allocation	316,375
Advertising and promotion	4,467
Bad debt	9,214
Contributions	2,354
Billing services	2,417
Dues and subscriptions	5,562
Education and training	1,612
Bank service charges	7,003
Meals and entertainment	6,829
Office supplies	8,106
Postage	9,501
Professional services	11,781
Telephone	17,052
Travel	11,963
Other administration	1,531
	<u>\$ 564,974</u>

See independent accountant's review report.



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

May 7, 2013

MEMORANDUM

To: City Council

From:  Paul Benoit, City Manager

Subject: Resolution Establishing Rules, Regulations, Rate Changes and Conditions for Solid Waste Service/Recology Rate Review

Background / Discussion

The City's franchise agreement with Recology requires them to render financial statements and a rate review of the Solid Waste Collection Franchise no later than April 30 each year. The City received the required documents from Recology on April 1, 2013. The purpose of the annual rate review is to determine whether Recology's rate of return on their solid waste collection operations falls within the limits set by the Franchise Agreement with the City.

Per the Franchise Agreement, the limits of the rate of return on Recology's franchise operations are referred to as the "Operating Ratio Range". This calculation is arrived at by dividing total expenses by total income. If the number is above 92%, Recology is allowed to adjust the following years rates to recoup the lower than expected return. If the number is below 88%. Recology will adjust the following years rates to return to the rate payers the better than expected return.

The financial statements and rate review for the Solid Waste Collection operations of Recology as submitted by Fred Stemmler, Recology's Western Oregon General Manager, are attached. Mr. Stemmler notes in his cover letter of March 31, 2013 that "Based on this data, the Operating Ratio for the current calendar year is projected to be outside the limits of the Operating Ratio Range of 88% to 92%". As a result, the calculated rate adjustment percentage for Astoria is 5.42%. In addition to the rate increase there are certain items within the rate schedule that are being adjusted to reflect increased cost with vendors for handling of medical waste and certain industrial items. Staff has reviewed the calculations upon which this conclusion was drawn and is in agreement with Mr. Stemmler's assessment.

Representatives of Recology will be available to respond to Council questions.

Recommendation

At this time staff is asking Council to consider passing the attached resolution with rate changes as indicated.

By: _____


Mark Carlson, CPA
Finance Director

Resolution No. 13-____

A RESOLUTION ESTABLISHING RULES, REGULATIONS, RATE CHARGES AND
CONDITIONS FOR SOLID WASTE SERVICE

WHEREAS, under Sections 4.020 and 4.060 of the Astoria Code, the City Council is authorized to contract for Solid Waste service and approve and enforce rules and regulations prepared by the City Manager and govern such service by resolution;

WHEREAS, pursuant to Ordinance No. 91-17, Section 1, the charges for service set by this resolution are intended to be neither a tax on property or on a property owner as a direct consequence of ownership of property within the meaning of Section 11b, Article XI of the Oregon Constitution or the legislation implementing that section, nor an unincurred charge within the meaning of that section; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASTORIA:

SECTION 1. Rules, Regulations and Rates. That the following Rules and Regulations governing solid waste service, including rates and conditions, are hereby adopted.

ARTICLE I
GENERAL

Section 1.01 Public Works Director. Solid Waste service shall be under the control and supervision of the City's Public Works Director or the Director's designee. However, this rule shall not alter the responsibility of the Franchisee in providing Solid Waste service as provided by the Astoria Code and by these Rules and Regulations.

Section 1.02 Solid Waste Collection Charges. It is the policy of the City that each Customer will be charged in accordance with the existing schedule of fees. Charges for all Solid Waste service performed within the Astoria city limits by the Franchisee or its representative will be billed through the records of the City's Franchisee. Such billing shall include charges for all container rentals within the city limits.

ARTICLE II
CUSTOMER'S RESPONSIBILITIES

Section 2.01 Containers not to be Overloaded. A customer shall not overload any container with earth, rocks or other heavy Solid Waste beyond the point where one (1) man can reasonably lift the container to the pickup vehicle. The maximum gross weight of a thirty-two (32) gallon container and material shall not exceed sixty-five (65) pounds. A customer shall not overload any container beyond the point where a cover can be securely replaced.

Section 2.02 Responsibility to Place Garbage in Containers. It shall be the responsibility of the customer to place Solid Waste in a container and to keep the area around the container in a neat

and sanitary condition. Customers are required to place containers at curbside, unless other arrangements are made with the Franchisee.

Section 2.03 Explosive, Hazardous and Toxic Materials Prohibited. A customer shall not place explosive, hazardous, toxic or inflammable materials in any container used for Solid Waste service.

Section 2.04 Location of Special Pickup Material. Special pickup materials shall be placed, by the customer, at a container or as near thereto as possible.

Section 2.05 Customers to Restrain Vicious Animals. Each customer must restrain vicious animals beyond the reach of each Solid Waste container and must take all steps to prevent any interference with the Franchisee in the performance of Solid Waste service. The Franchisee may refuse to remove Solid Waste if vicious animals present a dangerous situation.

Section 2.06 Certain Solid Waste Prohibited. No customer shall fill containers with dishwater or other liquid or semi-liquid wastes which are properly disposable down the sanitary drains.

Section 2.07 Containers to be Kept Clean. From time to time, a customer shall thoroughly clean each Solid Waste container which is thirty-two (32) gallons or smaller, or is a ninety (90) gallon curbside tote, to prevent any odor nuisance and to keep each container free from accumulative grease and decomposing material.

Section 2.08 Common Containers Prohibited. Customers shall not use a common Solid Waste container except at an apartment house, industrial and commercial building, and at other buildings where Solid Waste service is provided and included in the rent or lease price as a building service.

ARTICLE III RATE SCHEDULES

Section 3.01 Rates Authorized. In accordance with the provisions of the Astoria Code, rates, attached as Exhibit A, are hereby adopted as the schedule for all Solid Waste services in the City of Astoria, effective July 1, 2013.

Section 3.02 Schedule of Rates. The schedule of rates attached as Exhibit "A" applies to all collections and will be the basis of billings to all customers by the Franchisee.

Section 3.03 20 Gallon Residential Container.

In order to qualify for the 20 gallon rate, a customer needs to meet the following conditions:

1. Only one 20-gallon container is allowed per residence.
2. The 20-gallon container discount is available only to households that actively recycle at least once a month.
3. The 20-gallon container is available only to households that recycle by use of the Astoria recycling boxes.

SECTION 2. Repeal of Resolution. Resolution No. 12-XX adopted June xx, 2012, is hereby repealed.

SECTION 3. Effective Date. This resolution shall go into effect on July 1, 2013.

ADOPTED BY THE CITY COUNCIL THIS _____ DAY OF _____, 2013.

APPROVED BY THE MAYOR THIS _____ DAY OF _____, 2013.

Mayor

Attest:

City Manager

ROLL CALL ON ADOPTION	YEA	NAY	ABSENT
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Councilor La Mear			
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Herzig			
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Mellin			
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Warr			
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Mayor Van Dusen			
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Mr. Paul Benoit
City Manager
City of Astoria
1095 Duane St.
Astoria, OR 97103

March 31st, 2013

Dear Paul:

Enclosed are the schedules that make up the Rate Review Report and Annual Financial Report as outlined in our Solid Waste Collection Franchise Agreement. They are as follows:

1. The Rate Review Report, which includes the following:
 - a. All the actual expenses incurred by Franchisee in the preceding calendar year, and all allowable expenses that we reasonably anticipate will be incurred in the current year;
 - b. The allocation factors and percentages used to determine how expenses are divided between the different jurisdictions;
 - c. The actual and expected Operating Ratios for the preceding and current calendar year;
2. The 2012 Reviewed Financial Statement prepared by an independent CPA firm;
3. Rate sheets showing current and proposed rates to be effective July 1st, 2013.

Based on this data, the Operating Ratio for the current calendar year is projected to be outside the limits of the Operating Ratio Range of 88% to 92%. As a result, the calculated rate adjustment percentage for Astoria is 5.42%.

We have also updated our rates for contracted medical waste disposal, as well as drop box trash and construction recycling disposal, based on the rates charged to us by those contractors.

The transition to Recology's accounting system continues, and we are adjusting our procedures accordingly. This year, we have taken steps to align our reporting using the same breakdown as the reviewed financial statements and will continue with this format moving forward.

I would appreciate the opportunity to discuss these matters before we make our presentation to the Council. Please call my office at 503-474-4856 so we can schedule a meeting at your convenience.

Respectfully,

Fred Stemmler, CPA
General Manager

Recology Western Oregon-North Coast Collection 2012-2013 Rate Review Report



	RWO - North Coast Collection Total			City of Astoria		
	2012 Actual	2013 Projected	Allocation Method	2012 Actual	Adjustments and Projected Changes	2013 Projected
REVENUE				Calc. Rate Adj. : 5.42%	op adj	
Collection Services	\$ 7,619,439	\$ 7,894,116	Actual	\$ 2,151,457	\$ 56,744	\$ 2,208,201
Proposed Rate Adjustment	\$ -	\$ -		\$ -	\$ 119,650	\$ 119,650
Other Franchised Revenue	\$ 27,841	\$ 34,431	Revenue	\$ 5,685	\$ (76)	\$ 5,609
Non-Franchised Revenue	\$ 63,578	\$ 41,210	Actual	\$ -	\$ -	\$ -
Total Revenue	\$ 7,710,858	\$ 7,969,756		\$ 2,157,142	\$ 176,319	\$ 2,333,460
LABOR EXPENSES						
Operational Personnel	\$ 858,676	\$ 829,691	Labor Hours	\$ 203,722	\$ (6,877)	\$ 196,846
Health Insurance	\$ 241,963	\$ 222,857	Labor Hours	\$ 57,406	\$ (4,533)	\$ 52,873
Payroll Taxes	\$ 90,233	\$ 89,262	Labor Hours	\$ 21,408	\$ (230)	\$ 21,177
Labor Overhead	\$ 89,798	\$ 85,812	Labor Hours	\$ 21,305	\$ (946)	\$ 20,359
Total Labor Expenses	\$ 1,280,670	\$ 1,227,621		\$ 303,841	\$ (12,586)	\$ 291,255
DISPOSAL EXPENSES						
Disposal Charges - Outside Source	\$ 240,903	\$ 290,756	O/S Disposal	\$ 14,899	\$ 4,955	\$ 19,854
Disposal-Medical Waste	\$ 76,918	\$ 80,774	MW Disposal	\$ 73,917	\$ 3,705	\$ 77,622
Disposal - Free Dump Vouchers (Astoria)	\$ 32,097	\$ 32,097	Astoria	\$ 32,097	\$ -	\$ 32,097
Disposal Charges - Inter-Company	\$ 1,893,159	\$ 1,807,959	I/C Disposal	\$ 582,187	\$ (5,329)	\$ 576,859
Total Disposal Expenses	\$ 2,243,078	\$ 2,211,586		\$ 703,100	\$ 3,332	\$ 706,432
OPERATIONAL EXPENSES						
Fuel	\$ 339,406	\$ 332,618	Labor Hours	\$ 80,525	\$ (1,610)	\$ 78,914
Repairs and Maintenance	\$ 826,318	\$ 800,170	Labor Hours	\$ 196,046	\$ (6,204)	\$ 189,842
Repairs and Maint. - Non-Franchised	\$ 45,519	\$ 40,189	Actual	\$ -	\$ -	\$ -
Contract Labor	\$ 8,332	\$ 4,703	Labor Hours	\$ 1,977	\$ (861)	\$ 1,116
Business Licenses and Fees	\$ 91,517	\$ 93,303	Labor Hours	\$ 21,713	\$ 424	\$ 22,136
Franchise Fees	\$ 406,804	\$ 393,824	Actual	\$ 123,321	\$ 10,852	\$ 134,173
Depreciation and Amortization	\$ 620	\$ 650	Labor Hours	\$ 147	\$ 7	\$ 154
Operational Lease and Rent	\$ 641,580	\$ 580,526	Labor Hours	\$ 152,216	\$ (14,485)	\$ 137,731
Op. Lease and Rent - (Seaside Depot)	\$ 16,380	\$ 16,380	Labor Hours	\$ -	\$ -	\$ -
Supplies	\$ 27,807	\$ 17,505	Labor Hours	\$ 6,597	\$ (2,444)	\$ 4,153
Insurance Expense	\$ 34,081	\$ 63,341	Labor Hours	\$ 8,086	\$ 6,942	\$ 15,028
Yard Debris Processing (I/C)	\$ 134,413	\$ 123,798	Program Yards	\$ 122,475	\$ (9,672)	\$ 112,802
Recycling Processing	\$ 201,620	\$ 185,697	Program Hours	\$ 63,015	\$ (4,977)	\$ 58,039
Freight	\$ 19,146	\$ 21,638	Labor Hours	\$ 4,542	\$ 591	\$ 5,134
Other Operational	\$ 6,360	\$ 4,022	Labor Hours	\$ 1,509	\$ (555)	\$ 954
Total Operational Expenses	\$ 2,799,903	\$ 2,678,363		\$ 782,168	\$ (21,993)	\$ 760,176
GROSS PROFIT	\$ 1,387,207	\$ 1,852,186		\$ 368,032	\$ 207,565	\$ 575,598
ADMINISTRATIVE EXPENSES						
Administrative Services	\$ 695,311	\$ 710,140	Computed	\$ 194,143	\$ 15,869	\$ 210,011
Management Services	\$ 231,326	\$ 236,713	Computed	\$ 64,714	\$ 5,290	\$ 70,004
Collection Crew Supervision	\$ 56,514	\$ 49,227	Labor Hours	\$ 13,408	\$ (1,729)	\$ 11,679
Non-Admin Labor	\$ 36,575	\$ 17,792	Labor Hours	\$ 8,677	\$ (4,456)	\$ 4,221
Postage	\$ 57,376	\$ 56,970	Cust Counts	\$ 12,707	\$ (90)	\$ 12,617
Billing Services	\$ 24,319	\$ 24,416	Cust Counts	\$ 5,386	\$ 21	\$ 5,407
Bank Service Charges	\$ 14,562	\$ 18,038	Cust Counts	\$ 3,225	\$ 770	\$ 3,995
Dues and Subscriptions	\$ 9,041	\$ 8,123	Cust Counts	\$ 2,002	\$ (203)	\$ 1,799
Contributions	\$ 26,088	\$ 22,845	Cust Counts	\$ 5,778	\$ (718)	\$ 5,059
Office Supplies	\$ 8,962	\$ 13,010	Cust Counts	\$ 1,985	\$ 896	\$ 2,881
Advertising & Public Relations	\$ 10,185	\$ 13,935	Cust Counts	\$ 2,256	\$ 831	\$ 3,086
Professional Fees	\$ 20,679	\$ 23,026	Cust Counts	\$ 4,580	\$ 520	\$ 5,100
Business Meals & Entertainment	\$ 12,197	\$ 12,595	Cust Counts	\$ 2,701	\$ 88	\$ 2,789
Travel	\$ 18,759	\$ 20,548	Cust Counts	\$ 4,155	\$ 396	\$ 4,551
Bad Debts	\$ 56,123	\$ 27,324	Cust Counts	\$ 12,429	\$ (6,378)	\$ 6,051
Telephone	\$ 30,571	\$ 45,777	Cust Counts	\$ 6,771	\$ 3,368	\$ 10,138
Education & Training	\$ 3,760	\$ 5,526	Cust Counts	\$ 833	\$ 391	\$ 1,224
Miscellaneous	\$ 1,829	\$ 859	Cust Counts	\$ 405	\$ (215)	\$ 190
Total Administrative Expenses	\$ 1,314,177	\$ 1,306,866		\$ 346,154	\$ 14,650	\$ 360,804
Interest Income, Loss on Sale of Assets	\$ (4,331)	\$ (2,400)	Cust Counts	\$ (959)	\$ 428	\$ (532)
NET INCOME BEFORE TAX	\$ 77,361	\$ 547,721		\$ 22,837	\$ 192,488	\$ 215,325
Operating Margin	1.00%	6.87%		1.06%	5.42%	9.23%
Calculated Operating Ratio	98.88%	92.47%		98.64%		90.00%

Recology Western Oregon-North Coast Collection 2012-2013 Rate Review Report



RWO - North Coast Collection Total			City of Astoria		
2012 Actual	2013 Projected	Allocation Method	2012 Actual	Adjustments and Projected Changes	2013 Projected

Allocation Data:

Revenue	\$ 7,619,439	\$ 7,894,116	\$ 2,151,457		\$ 2,208,201
Revenue Percent			28.24%		27.97%
Labor %		100.00%	23.73%		23.73%
Disposal (O/S) %		100.00%	6.18%		6.83%
Disposal (I/C) %		100.00%	30.75%		31.91%
Medical Waste %		100.00%	96.10%		96.10%
Yard Debris (I/C) %		100.00%	91.12%		91.12%
Recycling %		100.00%	31.25%		31.25%
Customer Count %		100.00%	22.15%		22.15%

Operating Ratio Calculation

Total Expenses:				
Total Labor	\$ 1,280,670	\$ 1,227,621	\$ 303,841	\$ 291,255
Total Disposal	\$ 2,243,078	\$ 2,211,586	\$ 703,100	\$ 706,432
Total Operational	\$ 2,799,903	\$ 2,678,363	\$ 782,168	\$ 760,176
Total Administrative	\$ 1,314,177	\$ 1,306,866	\$ 346,154	\$ 360,804
Total	\$ 7,637,828	\$ 7,424,436	\$ 2,135,264	\$ 2,118,667
Less Non Allowable Expenses:				
Non-Franchised R&M	\$ (45,519)	\$ (40,189)	\$ -	\$ -
Contributions	\$ (26,088)	\$ (22,845)	\$ (5,778)	\$ (5,059)
Less "Pass Through Expenses:				
Franchise Fees	\$ (406,804)	\$ (393,824)	\$ (123,321)	\$ (134,173)
Allowable Expenses	\$ 7,159,417	\$ 6,967,578	\$ 2,006,165	\$ 1,979,435
Revenue				
Revenue	\$ 7,710,858	\$ 7,969,756	\$ 2,157,142	\$ 2,333,460
Less Non-Franchised Revenue	\$ (63,578)	\$ (41,210)		
Less "Pass Through Expenses:				
Franchise Fees	\$ (406,804)	\$ (393,824)	\$ (123,321)	\$ (134,173)
Revenue (net of Pass Through)	\$ 7,240,476	\$ 7,534,722	\$ 2,033,820	\$ 2,199,287
Operating Ratio:				
Allowable Expenses	\$ 7,159,417	\$ 6,967,578	\$ 2,006,165	\$ 1,979,435
divided by				
Revenue (net of Pass Through)	\$ 7,240,476	\$ 7,534,722	\$ 2,033,820	\$ 2,199,287
Calculated Operating Ratio	98.88%	92.47%	98.64%	90.00%

RECOLOGY WESTERN OREGON - NORTH COAST COLLECTION
Rate Schedule

ASTORIA Effective Date: 7/1/2013	Current Rates	Rate Adjustment 5.42%	Proposed Rates
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Can & Cart Services - Curbside
Curbside: within 4' of the curb or road & 4' away
from all cars, mail boxes, or misc items

1a	20 Gal Mini Can Weekly	\$ 19.02	\$ 1.03	\$ 20.05
1	1 Can Weekly	\$ 22.37	\$ 1.21	\$ 23.58
2	Each Additional Can Weekly	\$ 22.37	\$ 1.21	\$ 23.58
3	32 Gallon Cart Weekly	\$ 21.20	\$ 1.15	\$ 22.35
4	90 Gallon Cart Weekly	\$ 35.33	\$ 1.91	\$ 37.24

5	1 Can Every Other Week	\$ 14.55	\$ 0.79	\$ 15.34
6	Each Additional Can Every Other Week	\$ 14.55	\$ 0.79	\$ 15.34
7	32 Gallon Cart Every Other Week - Curbside	\$ 13.77	\$ 0.75	\$ 14.52
8	90 Gallon Cart Every Other Week - Curbside	\$ 22.96	\$ 1.24	\$ 24.20

9	1 Can Once a Month	\$ 7.82	\$ 0.42	\$ 8.24
10	Each Additional Can Once a Month	\$ 7.82	\$ 0.42	\$ 8.24
11	32 Gallon Cart Once a Month - Curbside	\$ 7.42	\$ 0.40	\$ 7.82
12	90 Gallon Cart Once a Month - Curbside	\$ 12.38	\$ 0.67	\$ 13.05

13	Will Call Billed - 32 gal can (per can)	\$ 7.68	\$ 0.42	\$ 8.10
14	Will Call Billed - 32 gal cart (per cart)	\$ 7.27	\$ 0.39	\$ 7.66
15	Will Call Billed - 90 gal cart(per cart)	\$ 12.13	\$ 0.66	\$ 12.79
16	90 Gallon Cart Rent (for will-call service)	\$ 2.70		\$ 2.70

Note: Recycling Service not available for will-call customers.

17	Regular Customer - Additional Can, Bag, Misc.	\$ 5.59	\$ 0.30	\$ 5.89
18	Extra 90 Gallon Cart Pick Up	\$ 8.84	\$ 0.48	\$ 9.32

Can & Cart Services - Non Curbside
Non curbside: visible from the street, outside of
garages and fenced areas

19a	20 Gal Mini Can Weekly	\$ 20.01	\$ 1.08	\$ 21.09
19	1 Can Weekly	\$ 23.55	\$ 1.28	\$ 24.83
20	Each Additional Can Weekly	\$ 23.55	\$ 1.28	\$ 24.83
21	32 Gallon Cart Weekly	\$ 32.97	\$ 1.79	\$ 34.76
22	90 Gallon Cart Weekly	\$ 54.18	\$ 2.94	\$ 57.12

23	1 Can Every Other Week	\$ 15.30	\$ 0.83	\$ 16.13
24	Each Additional Can Every Other Week	\$ 15.30	\$ 0.83	\$ 16.13
25	32 Gallon Cart Every Other Week	\$ 21.42	\$ 1.16	\$ 22.58
26	90 Gallon Cart Every Other Week	\$ 35.21	\$ 1.91	\$ 37.12

27	1 Can Once a Month	\$ 8.24	\$ 0.45	\$ 8.69
28	Each Additional Can Once a Month	\$ 8.24	\$ 0.45	\$ 8.69
29	32 Gallon Cart Once a Month	\$ 11.53	\$ 0.62	\$ 12.15
30	90 Gallon Cart Once a Month	\$ 18.96	\$ 1.03	\$ 19.99

31	Will Call Billed - 32 gal can (per can)	\$ 8.09	\$ 0.44	\$ 8.53
32	Will Call Billed - 32 gal cart (per cart)	\$ 11.32	\$ 0.61	\$ 11.93
33	Will Call Billed - 90 gal cart(per cart)	\$ 18.60	\$ 1.01	\$ 19.61
34	90 Gallon Cart Rent (for will-call service)	\$ 2.70		\$ 2.70

Note: Recycling Service not available for will-call customers.

RECOLOGY WESTERN OREGON - NORTH COAST COLLECTION
Rate Schedule

ASTORIA Effective Date: 7/1/2013		Current Rates	Rate Adjustment 5.42%	Proposed Rates
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Additional Can & Cart Charges

35	Regular Customer - Additional Can, Bag, Misc.	\$ 5.89	\$ 0.32	\$ 6.21
36	Extra 90 Gallon Cart Pick Up	\$ 13.54	\$ 0.73	\$ 14.27

Miscellaneous Rates

Charges for items on line 41- 47 do NOT include the additional service charge which is charged separately

rates reflect current CTD prices.

37	Refrigerators - Freezers	\$ 51.66	\$ -	\$ 51.66
38	Appliances	\$ 11.48	\$ -	\$ 11.48
39	Furniture - all types (per unit, unit = 1 yd or 1 item)	\$ 17.22	\$ -	\$ 17.22
40	Tires off rims	\$ 4.59	\$ -	\$ 4.59
41	Tires with rims	\$ 9.18	\$ -	\$ 9.18
42	Truck tires off rims	\$ 11.48	\$ -	\$ 11.48
43	Truck tires with rims	\$ 22.96	\$ -	\$ 22.96

44	Service Charge - In Route	\$ 18.99	\$ 1.03	\$ 20.02
45	Service Charge - Out of Route	\$ 74.82	\$ 4.06	\$ 78.88
46	One truck - One employee (Per Hour)	\$ 111.67	\$ 6.05	\$ 117.72
47	One truck - Two employees (Per Hour)	\$ 167.50	\$ 9.08	\$ 176.58

Note: "It's Not Junk" services are based on these rates, including estimated time in minutes + disposal

Miscellaneous Charges

48	Container Re-Delivery Charge (after suspend)	\$ 37.97	\$ 2.06	\$ 40.03
49	Off No Pay Reinstatement Charge	\$ 15.00		\$ 15.00
50	NSF Check Charge	\$ 25.00		\$ 25.00
51	Cart Replacement (loss/damage beyond normal wear & tear)	\$ 65.00		\$ 65.00
52	Cart Re-Delivery (after suspend) - In Route	\$ 10.00		\$ 10.00
53	Cart Re-Delivery (after suspend) - Out of Route	\$ 20.00		\$ 20.00

MEDICAL WASTE RATES

Large Volume Generators

Steri-Tub Rental and Disposal

increase reflects vendor contract

54	21 Gallons -- Per Tub	\$ 29.67	\$ 0.59	\$ 30.26
55	48 Gallons -- Per Tub	\$ 35.04	\$ 0.70	\$ 35.74
56	Overweight Charge -- Per Tub	\$ 119.12	\$ 2.38	\$ 121.50

Small Volume Generators

Sharps Container and Disposal

increase reflects vendor contract

57	4.7 Qt -- Per Container	\$ 18.97	\$ 0.38	\$ 19.35
58	10 Qt -- Per Container	\$ 22.06	\$ 0.44	\$ 22.50
59	23 Qt -- Per Container	\$ 42.91	\$ 0.86	\$ 43.77

Steri-Tub Rental and Disposal

60	21 Gallons -- Per Tub	\$ 34.08	\$ 0.68	\$ 34.76
61	48 Gallons -- Per Tub	\$ 39.85	\$ 0.80	\$ 40.65
62	Overweight Charge -- Per Tub	\$ 119.12	\$ 2.38	\$ 121.50

Confidential Document Destruction

63	9 Gallon Box	\$ 33.43	\$ 0.67	\$ 34.10
64	Storage Cabinet per Month	\$ 32.83		\$ 32.83

RECOLOGY WESTERN OREGON - NORTH COAST COLLECTION
Rate Schedule

ASTORIA Effective Date: 7/1/2013		Current Rates	Rate Adjustment 5.42%	Proposed Rates
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Miscellaneous Rates - All Customers

Sharps Container Purchase

65	4.7 Qt - Per Container	\$ 5.91		\$ 5.91
66	10 Qt - Per Container	\$ 7.17		\$ 7.17
67	23 Qt - Per Container	\$ 18.41		\$ 18.41
68	Special Service Fee & Re-packaging Fee (per hour) (Supplies billed separately)	\$ 111.67	\$ 6.05	\$ 117.72
69	Emergency Spill Remediation - per person (per hour) (Supplies billed separately)	\$ 207.60	\$ 11.25	\$ 218.85
70	Spill Kit	\$ 23.24	\$ 1.26	\$ 24.50

Temporary Rental Containers

Defined as: not longer than 30 days and
45 days between container rentals or for the
term of project for contractors

71	3 Yd Container (Delivery Chg, Final Pickup & 7 days)	\$ 106.49	\$ 5.77	\$ 112.26
72	Additional Dumping Charge - 3 Yd Container	\$ 81.80	\$ 4.43	\$ 86.23
73	3 Yd Rental - Recycling Only	\$ 95.85	\$ 5.20	\$ 101.05
74	Additional Dumping Charge - 3 Yd Recycling	\$ 73.62	\$ 3.99	\$ 77.61
75	Daily Rental Charge - 3 Yd Container	\$ 2.00		\$ 2.00

Drop Boxes

76	Delivery charge (Based on hourly truck time)	\$ 37.97	\$ 2.06	\$ 40.03
77	Daily Rent - after 48 hrs/excluding weekends	\$ 11.84	\$ 0.64	\$ 12.48
78	Rent (per month) - 1 year or longer	\$ 124.37	\$ 6.74	\$ 131.11
79	Truck Time (per hour)	\$ 111.67	\$ 6.05	\$ 117.72
80	Haul Fee	\$ 83.07	\$ 4.50	\$ 87.57
81	Recycling Hauls / Market Hauls (per hour)	\$ 111.67	\$ 6.05	\$ 117.72

COD (Temporary) Customers - same rates as below, deposit due at order

All Industrial/Drop Box Customers
(drop box and compactors)

82	Disposal Charge (per ton)	\$ 102.61	\$ -	\$ 102.61
83	Disposal Charge to Recycling Facility (per ton) **	\$ 92.35	\$ 1.65	\$ 94.00

** due to change in vendor pricing (may be less based on materials or current market prices)

Permanent Container Rates

Weekly Service - Containers

84	1 Yard Container	\$ 134.83	\$ 7.31	\$ 142.14
85	1 1/2 Yard Container	\$ 164.49	\$ 8.92	\$ 173.41
86	2 Yard Container	\$ 194.16	\$ 10.52	\$ 204.68
87	3 Yard Container	\$ 253.50	\$ 13.74	\$ 267.24
88	4 Yard Container	\$ 312.84	\$ 16.96	\$ 329.80
89	5 Yard Container	\$ 372.18	\$ 20.17	\$ 392.35
90	6 Yard Container	\$ 431.50	\$ 23.39	\$ 454.89
91	8 Yard Container	\$ 528.46	\$ 28.64	\$ 557.10

RECOLOGY WESTERN OREGON - NORTH COAST COLLECTION
Rate Schedule

ASTORIA Effective Date: 7/1/2013	Current Rates	Rate Adjustment 5.42%	Proposed Rates
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Each Additional Stop per Week - Containers

formula = weekly - rent

92	1 Yard Container	\$ 114.83		\$ 122.14
93	1 1/2 Yard Container	\$ 144.49		\$ 153.41
94	2 Yard Container	\$ 174.16		\$ 184.68
95	3 Yard Container	\$ 233.50		\$ 247.24
96	4 Yard Container	\$ 292.84		\$ 309.80
97	5 Yard Container	\$ 352.18		\$ 372.35
98	6 Yard Container	\$ 411.50		\$ 434.89
99	8 Yard Container	\$ 508.46		\$ 537.10

Every Other Week Service - Containers

100	1 Yard Container	\$ 79.18	\$ 4.29	\$ 83.47
101	1 1/2 Yard Container	\$ 94.01	\$ 5.10	\$ 99.11
102	2 Yard Container	\$ 108.82	\$ 5.90	\$ 114.72
103	3 Yard Container	\$ 138.51	\$ 7.51	\$ 146.02
104	4 Yard Container	\$ 168.17	\$ 9.11	\$ 177.28
105	5 Yard Container	\$ 197.85	\$ 10.72	\$ 208.57
106	6 Yard Container	\$ 227.51	\$ 12.33	\$ 239.84
107	8 Yard Container	\$ 275.97	\$ 14.96	\$ 290.93

Once a Month Service - Containers

108	1 Yard Container	\$ 49.20	\$ 2.67	\$ 51.87
109	1 1/2 Yard Container	\$ 56.07	\$ 3.04	\$ 59.11
110	2 Yard Container	\$ 62.92	\$ 3.41	\$ 66.33
111	3 Yard Container	\$ 76.64	\$ 4.15	\$ 80.79
112	4 Yard Container	\$ 90.34	\$ 4.90	\$ 95.24
113	5 Yard Container	\$ 104.03	\$ 5.64	\$ 109.67
114	6 Yard Container	\$ 117.73	\$ 6.38	\$ 124.11
115	8 Yard Container	\$ 140.13	\$ 7.60	\$ 147.73

Will Call Service - Containers

116	1 Yard Container	\$ 28.29	\$ 1.53	\$ 29.82
117	1 1/2 Yard Container	\$ 35.83	\$ 1.94	\$ 37.77
118	2 Yard Container	\$ 43.35	\$ 2.35	\$ 45.70
119	3 Yard Container	\$ 58.43	\$ 3.17	\$ 61.60
120	4 Yard Container	\$ 73.51	\$ 3.98	\$ 77.49
121	5 Yard Container	\$ 88.57	\$ 4.80	\$ 93.37
122	6 Yard Container	\$ 103.65	\$ 5.62	\$ 109.27
123	8 Yard Container	\$ 128.28	\$ 6.95	\$ 135.23

Rent - Containers

124	1 - 8 yd Containers (same rate per month)	\$ 20.00		\$ 20.00
-----	---	----------	--	----------

Permanent Frontload Compactor Rates

This includes all compacted material including
pre compacted waste

125	Compaction Ratio - 4:1	1.50		1.50
126	Compaction Ratio - 3:1	1.30		1.30
127	Compaction Ratio - 2:1	1.12		1.12

NOTES: Finance Charges (0.75% monthly, 9% annually) will be assessed on any past due amount (excluding amounts in dispute over billing or service issues). Billing Terms: Commercial Accounts are billed on a monthly basis. Residential accounts are billed once every two months; one in arrears and one in advance.

Western Oregon Waste - North Coast Collections, Inc.
(A Wholly - Owned Subsidiary of Recology Inc.)

Financial Statements

December 31, 2012
(With Independent Accountant's Review Report)

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INDEPENDENT ACCOUNTANT'S REVIEW REPORT

To the Board of Directors of
Western Oregon Waste - North Coast Collections, Inc.
McMinnville, Oregon

We have reviewed the accompanying balance sheet of Western Oregon Waste - North Coast Collections, Inc. as of December 31, 2012 and the related statements of earnings and stockholder's investment and cash flows for the year then ended. A review includes primarily applying analytical procedures to management's financial data and making inquiries of Company management. A review is substantially less in scope than an audit, the objective of which is the expression of an opinion regarding the financial statements as a whole. Accordingly, we do not express such an opinion.

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America and for designing, implementing, and maintaining internal control relevant to the preparation and fair presentation of the financial statements.

Our responsibility is to conduct the review in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. Those standards require us to perform procedures to obtain limited assurance that there are no material modifications that should be made to the financial statements. We believe that the results of our procedures provide a reasonable basis for our report.

Based on our review, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with accounting principles generally accepted in the United States of America.

Our review was made primarily for the purpose of expressing a conclusion that there are no material modifications that should be made to the financial statements in order for them to be in conformity with accounting principles generally accepted in the United States of America. The supplementary information included in the accompanying Schedule is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information has been subjected to the inquiry and analytical procedures applied in the review of the basic financial statements, and we did not become aware of any material modifications that should be made to such information.

Armanino LLP

Armanino^{LLP}
San Ramon, California

March 5, 2013

WESTERN OREGON WASTE - NORTH COAST COLLECTIONS, INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Balance Sheet
December 31, 2012

Assets

Current assets:

Accounts receivable, net of allowance for doubtful accounts of \$16,486	\$ 783,925
Prepaid expenses	33,396
Due from Parent	146,159
Total current assets	<u>963,480</u>

Fixed assets:

Building and improvements	2,642
Machinery and equipment	3,710
Less accumulated depreciation	<u>(2,644)</u>
Property and equipment, net	3,708
Total assets	<u>\$ 967,188</u>

Liabilities and Stockholder's Investment

Current liabilities:

Accounts payable	\$ 55,637
Accrued liabilities	89,744
Deferred revenues	<u>74,104</u>
Total current liabilities	219,485

Stockholder's investment, net

747,703

Total liabilities and stockholder's investment

\$ 967,188

See accompanying notes to financial statements and independent accountant's review report.

WESTERN OREGON WASTE - NORTH COAST COLLECTIONS, INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Statement of Earnings and Stockholder's Investment

For the year ended December 31, 2012

		<u>Percent</u>
Revenues	\$ 7,710,858	<u>100.0</u>
Cost of operations		
Disposal costs	2,243,078	29.1
Labor costs	1,280,670	16.6
Operational expenses	<u>2,799,903</u>	<u>36.3</u>
	<u>6,323,651</u>	<u>82.0</u>
Gross profit	1,387,207	18.0
General and administrative	<u>1,314,177</u>	<u>17.1</u>
Earnings from operations	<u>73,030</u>	<u>0.9</u>
Other income		
Interest income	<u>4,331</u>	<u>0.1</u>
	<u>4,331</u>	<u>0.1</u>
Net earnings	77,361	<u>1.0</u>
Stockholder's investment, net, beginning of year	710,597	
Net distributions to Parent and affiliates	<u>(40,255)</u>	
Stockholder's investment, net, end of year	<u>\$ 747,703</u>	

See accompanying notes to financial statements and independent accountant's review report.

WESTERN OREGON WASTE - NORTH COAST COLLECTIONS, INC.

(A Wholly Owned Subsidiary of Recology Inc.)

Statement of Cash Flows

For the year ended December 31, 2012

Cash flows from operating activities:	
Net earnings	\$ 77,361
Adjustments to reconcile net earnings to cash provided by operating activities:	
Depreciation	620
Provision for bad debts	56,123
Changes in assets and liabilities:	
Accounts receivable	(54,718)
Prepaid expenses	(3,633)
Due from Parent	(61,442)
Accounts payable	7,830
Accrued liabilities	15,202
Deferred revenues	4,080
Net cash provided by operating activities	<u>41,423</u>
Cash flows from financing activities:	
Net distribution to Parent and affiliates	<u>(41,423)</u>
Net change in cash	-
Cash, beginning of year	-
Cash, end of year	<u>\$ -</u>
Supplemental disclosure of noncash activities:	
Additions to property and equipment funded by Parent	\$ 1,168

See accompanying notes to financial statements and independent accountant's review report.

WESTERN OREGON WASTE - NORTH COAST COLLECTIONS, INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2012

(1) Accounting Policies

(a) Organization

Western Oregon Waste - North Coast Collections, Inc. (the Company), is a wholly owned subsidiary of Recology Oregon Inc., which is a wholly owned subsidiary of Recology Inc. (the Parent or Recology), which in turn is wholly owned by the Recology Employee Stock Ownership Plan (the Recology ESOP or the ESOP).

(b) Revenue Recognition and Accounts Receivable

The Company recognizes revenue on an accrual basis when services are performed. Deferred revenues primarily consist of revenues billed in advance that are recorded as revenue in the period in which the related services are rendered. The majority of the Company's revenue is subject to rate regulation by the municipalities in which it operates.

The Company's receivables are recorded when billed and represent claims against third parties that will be settled in cash. The carrying value of the Company's receivables, net of the allowance for doubtful accounts, represents their estimated net realizable value. The Company estimates its allowance for doubtful accounts based on several factors, including historical collection trends, type of customer, existing economic conditions and other factors.

(c) Property and Equipment

Property and equipment, including major renewals and betterments, are stated at cost. It is the Company's policy to periodically review the estimated useful lives of its property and equipment. Depreciation is calculated on a straightline basis over the estimated useful lives of assets as follows:

	<u>Estimated useful lives</u>
Buildings	20-40 years
Leasehold improvements	Shorter of lease or useful life
Machinery and equipment	6-8 years
Furniture and fixtures	8 years
Vehicles	9 years
Containers	10 years

Depreciation expense on the above amounted to \$620 for the year ended December 31, 2012. The cost of maintenance and repairs is charged to operations as incurred; significant renewals and betterments are capitalized.

WESTERN OREGON WASTE - NORTH COAST COLLECTIONS, INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2012

(1) Accounting Policies (continued)

(d) Environmental Remediation Liabilities

The Company accrues for environmental remediation costs when they become probable and based on its best estimate within a range. If no amount within the range appears to be a better estimate than any other, the low end of such ranges is used. Remediation costs are estimated by environmental remediation professionals based upon site remediation plans they develop and on their experience working with regulatory agencies and the Company's environmental staff and legal counsel. All estimates require assumptions about future events due to a number of uncertainties, including the nature and extent of any contamination, the appropriate remedy or remedies, the final apportionment of responsibility among the potentially responsible parties, if any are identified, the financial viability of other potentially responsible parties, and regulatory agency requirements. Thus, actual costs incurred may differ from the Company's initial estimate. These estimates do not take into account discounts for the present value of total estimated future costs, as the timing of cash payments is not reliably determinable. The Company regularly evaluates the recorded liabilities when additional information becomes available or regulatory changes occur to ascertain whether the accrued amounts are adequate. The Company does not recognize recoverable amounts from other responsible parties or insurance carriers until receipt is deemed probable. No environmental liabilities were accrued at December 31, 2012.

(e) Impairment of Long-Lived Assets

The Company's policy is to review estimated undiscounted future cash flows and other measures of asset value for its operations when events or changes in circumstances indicate the carrying value of an asset may not be fully recoverable.

During the year ended December 31, 2012, there were no events or changes in circumstances that indicated the carrying value of an asset was not fully recoverable.

(f) Income Taxes

Effective October 1, 1998, the Parent elected to become an S corporation with the Company electing to be treated as a Qualified Subchapter S corporation subsidiary. Under S corporation rules, the Parent's taxable income and losses are passed through to the ESOP, the Parent's sole shareholder, which is exempt from income tax, and the Company is treated as a division of the Parent having no separate income tax obligations. The Parent has not allocated the income tax expense to the Company.

The Company recognized income tax positions only if those positions are more likely than not of being sustained. Recognized income tax positions are measured at the largest amount that has a greater than 50% likelihood of being realized. Changes in recognition or measurement are reflected in the period in which the change in judgment occurs. The Company's accounting policy for evaluating uncertain tax positions is to accrue estimated benefits or obligations relating to those positions.

WESTERN OREGON WASTE - NORTH COAST COLLECTIONS, INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2012

(1) Accounting Policies (continued)

(f) Income Taxes (continued)

The Company records interest related to unrecognized tax benefits as interest expense and penalties as an administrative expense. For the year ended December 31, 2012, there was no interest or penalties recorded because the Company has no uncertain tax positions that meet the more likely than not threshold.

(g) Cash Concentration Account

The Company's bank account is linked to the Parent's concentration account. Cash balances (or deficits) at the end of each day are automatically transferred to (or from) the concentration account, so that at the end of any particular day, as well as at year-end, the Company's bank account has a zero balance, with related amounts debited or credited to the underlying intercompany account.

(h) Allocations

The Company includes allocated charges from the Parent and affiliates in operating expenses. The charges are allocated by applying activity appropriate factors to direct and indirect costs of the Parent and affiliates or based upon established fees.

(i) Use of Estimates

Management of the Company has made a number of estimates and assumptions relating to the reporting of assets and liabilities and the disclosure of contingent assets and liabilities to prepare these financial statements in conformity with accounting principles generally accepted in the United States of America. The more significant estimates requiring the judgment of management include the valuation of the allowance for doubtful accounts, selfinsurance, and liabilities for environmental remediation. Actual results could differ from those estimates.

(j) Stockholder's Investment

The Company has 100,000 shares of common stock authorized and 1,000 shares issued and outstanding with no par value as of December 31, 2012. Stockholder's investment, net is comprised of the legal capital plus cumulative contributions net of distributions.

(k) Fair Value of Financial Instruments

The carrying amounts reported in the balance sheets of the assets and liabilities, which are considered to be financial instruments (such as receivables, accounts payable, and accrued liabilities), approximate their fair value based upon current market indicators.

WESTERN OREGON WASTE - NORTH COAST COLLECTIONS, INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2012

(2) Operations

The Company collects refuse and recyclables in Northwest Oregon and along the Northern Oregon coast. The Company's refuse collection rates are set by these municipalities. The rate setting process may result in the disallowance of certain costs and/or delays in cost recovery, as well as differences in the timing of when revenues and expenses are recognized.

During the year ended December 31, 2012, the Company disposed of the yard debris collected by its operations at both a transfer station owned and operated by an affiliate and an independent third party. All refuse was disposed at an affiliate and an independent third party.

(3) Commitments and Contingencies

Substantially all of the assets of the Company are pledged to secure obligations of the Parent. The Company, along with the Parent and the Parent's wholly owned subsidiaries, has guaranteed the repayment, on a joint and several basis, of any and all obligations under the Parent's Revolving Credit Agreement. The Company could be required to honor the guarantee upon an uncured default event, as defined in the Parent's Revolving Credit Agreement. The Parent's Revolving Credit Agreement expires April 2014. The Parent has represented to the Company that it is in compliance with all covenants of the Revolving Credit Agreement.

The Parent and its subsidiaries, including the Company, are subject to various laws and regulations relating to the protection of the environment. It is not possible to quantify with certainty the potential impact of actions regarding environmental matters, particularly any future remediation, and other compliance efforts. The Parent has environmental impairment liability insurance, which covers the sudden or gradual onset of environmental damage to third parties, on all owned and operated facilities. In the opinion of management, compliance with present environmental protection laws will not have a material adverse effect on the results of operations of the Company provided costs are substantially covered in the Company's rates on a timely basis.

The Company and the Parent are involved in various legal actions arising in the normal course of business. It is the Company's opinion that these matters are adequately provided for or that the resolution of such matters will not have a material adverse impact on the financial position or results of operations of the Company or the Parent.

WESTERN OREGON WASTE - NORTH COAST COLLECTIONS, INC.

(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2012

(4) Equipment and Property Obligations

The Company has cancelable agreements with an affiliate whereby it pays for use of certain operating equipment. Future payments for continued use of the equipment and property, by year-end and in aggregate, as of December 31, 2012 are as follows:

Year ending December 31:	<u>Property</u>	<u>Vehicles and Equipment</u>	<u>Total</u>
2013	\$ 5,500	\$ 44,591	\$ 50,091
2014	-	43,744	43,744
2015	-	33,949	33,949
2016	-	27,498	27,498
2017	-	6,235	6,235
Thereafter	-	-	-
Total payments	<u>\$ 5,500</u>	<u>\$ 156,017</u>	<u>\$161,517</u>

Rental expense for the year ended December 31, 2012 was \$268,624 including amounts under short-term rental agreements with third parties and affiliates.

Under the terms of the equipment lease agreement with an affiliate, and in accordance with existing rate policies, the Company may continue to use certain equipment under operating leases without a related payment once the affiliate's equipment cost and related interest have been funded through operating lease payments.

WESTERN OREGON WASTE - NORTH COAST COLLECTIONS, INC.
(A Wholly Owned Subsidiary of Recology Inc.)

Notes to Financial Statements

December 31, 2012

(5) Transactions with Related Parties

During the year ended December 31, 2012, operating and other expenses of the Company included allocated charges from the Parent and affiliates. Such charges are based upon the direct and indirect costs of the Parent and affiliates, or established fees, and allocated based on specific activities. The allocated charges are as follows:

Parent:

Health insurance	\$ 240,988
401(k) employer portion	26,635
General and vehicle insurance	<u>34,081</u>
	<u>301,704</u>

Affiliates:

Debris box revenue	(27,686)
Rental of equipment	151,537
Freight	16,400
Disposal costs	1,925,257
Processing fees	328,428
General administration allocation	695,311
Truck and garage	966,947
Regional management and accounting fees	<u>324,415</u>
	<u>4,380,609</u>

Total	<u>\$4,682,313</u>
-------	--------------------

During the year ended December 31, 2012, amounts due from or payable to Parent and affiliates were accumulated by the Company and as of the Parent's fiscal year-end, September 30, 2012, the net amount was settled by way of capital contributions or distributions. Changes in amounts due from or payable to Parent or affiliates are presented as a financing activity in the statement of cash flows, except as related to expenditures attributable to property and equipment. For the three months from October 1, 2012 to December 31, 2012, the net amount was not settled by way of capital contributions or distributions.

(6) Subsequent Events

The Company has evaluated its subsequent events through March 5, 2013, which is the date the financial statements were available for issuance. As a result of the evaluation, we are not aware of any material modifications that should be made to these financial statements for them to be in conformity with generally accepted accounting principles.

SUPPLEMENTARY INFORMATION

WESTERN OREGON WASTE - NORTH COAST COLLECTIONS, INC.

(A Wholly Owned Subsidiary of Recology Inc.)

Schedule of Expenses

For the year ended December 31, 2012

Operational expenses

Contract labor	\$ 8,332
Depreciation	620
Franchise fees	406,804
Fuel	339,406
Insurance	34,081
Supplies	27,807
Freight	19,146
Operational lease expense	268,624
Recycling processing costs	336,033
Repair and maintenance	1,261,173
Taxes and licenses	91,517
Other operational expenses	6,360
	<u>\$ 2,799,903</u>

General and administrative expenses

General administration allocation	\$ 695,311
Regional management and accounting fees	324,415
Advertising and promotion	10,185
Bad debt	56,123
Contributions	26,088
Billing services	24,319
Dues and subscriptions	9,041
Education and training	3,760
Bank service charges	14,562
Meals and entertainment	12,197
Office supplies	8,962
Postage	57,376
Professional services	20,679
Telephone	30,571
Travel	18,759
Other administration	1,829
	<u>\$ 1,314,177</u>

See independent accountant's review report.



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

May 8, 2013

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  PAUL BENOIT, CITY MANAGER

SUBJECT: **BEAR CREEK DAM SEISMIC STUDY GRANT**

DISCUSSION/ANALYSIS

The City of Astoria's Bear Creek Dam is a 90-foot high concrete gravity dam built in 1912 and raised in 1953. The Oregon Water Resources Department (OWRD) has classified the Dam as a high hazard dam due to the dam's proximity to human population areas downstream that can lead to loss of life and/or significant property damage resulting from dam failure. There are approximately 129 properties and 69 homes below the dam. The classification is not a result of the dam's age or condition, but the age and current condition does affect the probability of failure during a major seismic event.

The OWRD has determined that the City should initiate a seismic failure analysis to further investigate the structural integrity of the dam. A study completed 20 years ago does not include sufficient detail to determine the actual failure risk that could result from a Cascadia Subduction Zone earthquake. In general, recent earthquake events in other countries and studies of the seismic event that Cascadia Subduction Zone earthquake could generate have increased concerns about the stability of dams along the Oregon Coast.

Staff and the State Dam Safety Engineer have been working to develop a strategy to move forward. The first step would be to hire a consultant who specializes in dam analysis to determine if the dam is at risk and if so what steps to take to reduce potential damage and possible failure during a seismic event. While it is anticipated that the study may lead to conclusions more favorable than previous studies, which recommended mitigation measures costing in the range of \$1.5 to 2 million dollars, there is the possibility that conclusions and recommendations may result in additional mitigation requirements. The State has offered a \$50,000 grant to assist the City with the first phase of the required studies (see attached letter).

The study would be completed in three phases as summarized below. Only the first phase is proposed at this time. The scope of future phases would be dependent on the results of Phase 1.

Phase 1 – Site Investigation – the cost for this phase is anticipated to be in the range of \$100,000. It will consist of field investigation work necessary to perform Phase 2 (Structural Evaluation). It is anticipated that the work performed during Phase 1 will give insight into the extent of work required during Phase 2. The State grant of \$50,000 is from Federal Dam Safety monies and will be matched by \$50,000 in City funds. The grant is 50/50 match so that in the event the site investigation is less than the estimated \$100,000, the City's matching contribution will be adjusted proportionately.

Phase 2 – Seismic Failure Analysis (Future) – the cost of this phase is estimated to be between \$120,000 and \$150,000. The OWRD has indicated that grant funding for half the cost will be available to the City at a future date. The scope of work would include a seismic stability analysis of the dam.

Phase 3 – Develop Design Recommendations (Future if needed) – this phase would include developing design recommendations to modify the dam to withstand seismic loading and to pass the probable maximum flood if determined necessary during Phase 2. An estimated fee has not been developed for this phase.

Staff will prepare a Request for Qualifications (RFQ) document for an Engineering Consultant to perform the work required to support Phase 2. Phase 1 (Field Investigation) includes the following items:

- Project Management
- Review existing documents/reports
- Borings (2-4 total) through the dam into the soil enough to analyze and characterize subsurface soils (under base of dam)
- Report summarizing findings

Once a consultant is selected, staff will negotiate a scope of work that is compatible with the project goals. A contract will be brought to Council at a later date for their consideration. Phase I is anticipated to be completed within three to four months. The timeline for Phase 2 will be dependent on the results of Phase 1.

RECOMMENDATION

It is recommended that the City Council accept the grant from OWRD for \$50,000 and authorize staff to proceed with a request for proposals for Phase 1 of the seismic studies for the Bear Creek Dam. The \$50,000 City required match will be funded out of the Public Works Improvement Fund for the 2013/2014 fiscal year.

Submitted By


Ken P. Cook, Public Works Director

Prepared By


Jeff Harrington, City Engineer



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department

North Mall Office Building

725 Summer St. NE, Suite A

Salem, OR 97301

Phone 503-986-0900

FAX 503-986-0904

www.wrd.state.or.us

April 29, 2013

RECEIVED

MAY 01 2013

Public Works Administration

Ken Cook, Public Works Director
City of Astoria
1095 Duane Street
Astoria, Oregon 97103

RE: Bear Creek Dam Seismic Stability Investigation

Dear Ken,

This letter confirms Oregon Water Resources Department (OWRD) – Dam Safety Program support for a seismic stability investigation of Bear Creek Dam. The OWRD dam safety engineer has worked with City of Astoria staff to develop the general scope of the investigation and analysis needed. Additionally, pending City Council approval OWRD has committed \$50,000.00 to partially fund Phase 1 (identification of relevant foundation and abutment properties) of the investigation.

Bear Creek dam is relatively close to the Cascadia Subduction Zone, so it could be subject to very large earthquake shaking. The dam is classified as a high hazard dam, meaning that a catastrophic failure would likely result in loss of life. The City recently completed an emergency action plan for the dam, including a meeting with residents of Knappa-Svensen who reside in the inundation zone. The residents were informed of necessary actions they should take in the event of a severe earthquake.

The 90 foot concrete gravity Bear Creek Dam was built in 1912 and raised in 1953. A previous geotechnical (soils) investigation completed 20 years ago indicates the foundation and left abutment of the dam rests on fractured rock. The investigation also indicates severe distress and a potential for failure during a relatively small earthquake event. This 20 year old investigation remains the engineering document of record for the seismic stability of Bear Creek dam. However, a newly completed review of the information by the OWRD Dam Safety Engineer indicates several significant inconsistencies in the report.

It is essential for affected parties and OWRD to know if the dam will continue to function in its water supply capacity with an acceptable level of safety for people and property downstream. OWRD engineers have discussed this with Astoria staff and agree additional geotechnical investigation focused on dam stability is necessary and a high priority. We are available to work with you throughout the project, including selection of a qualified engineer and review of the investigative work as it progresses. Thank you for your support of this important project.

Additional detail about the proposed investigation attached. Please let us know if we can provide additional information.

Sincerely,

Barry F. Norris, State Engineer
Attachment



Bear Creek Dam – Seismic Stability Investigation

Purpose: This document describes work needed to evaluate the stability of Bear Creek Dam, a water supply dam for the City of Astoria. It is intended to guide development of a Request for Proposal (RFP) for engineering services to conduct this evaluation. At this time, the specific need is for Phase 1 of the work as described below.

Objective of Investigation: To characterize the expected seismic response of Bear Creek Dam (OR-00499; File B-47) to a Cascadia or other controlling earthquake. We envision this work being done in three phases as follows:

Phase 1: Site investigation to determine critical material distributions, their relevant strength properties, and hydraulic uplift forces.

Phase 2: Determination of seismic loading and then seismic stability analysis of the dam, including foundation and abutments.

Phase 3 (if indicated by Phase 2): Develop design recommendations to modify the dam to acceptably withstand seismic loading, and to pass the probable maximum flood.

Background: The 90 foot concrete gravity Bear Creek Dam was built in 1912 and raised in 1953. This dam is relatively close to the Cascadia Subduction Zone. A geotechnical (soils) investigation in 1993 (Harza Consultants) indicated the foundation and left abutment were on un-grouted and highly fractured rock. Their pseudo-static analysis indicates severe distress that may result in rapid failure occurring at 0.15g. Because of this, Bear Creek dam is a high priority for additional investigation and analysis. The spillway is also undersized, and has no designed stilling basin.

Request: For this solicitation, we are seeking proposals for Phase 1 only. The data collected for Phase 1 must be essential and useful in Phases 2 and 3 of the project.

In the proposal, we will be looking specifically for:

1. Methods to characterize the strength of rock foundation and abutments (especially discontinuities). Note that this situation (Concrete gravity dam on "rock") may not be suitable for a soil mechanics analysis. The abutments and foundation appear to be on fractured rock (both igneous and sedimentary).
2. Methods and techniques to characterize relevant strength properties of the concrete dam (especially its discontinuities).
3. Instrumentation to determine uplift forces at base of the dam.
4. How this information is essential to a seismic stability evaluation of the dam (Phase 2).
5. How the consultant would use the information in items 1-3 above to characterize conditions leading to leakage on and below the left abutment.

This work will be funded jointly by the Oregon Water Resources Department and the City of Astoria. Phases 2 and 3 of the project will occur after Phase 1, as continuation of Phase 1 given a satisfactory completion of Phase 1.



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

May 7, 2013

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  PAUL BENOIT, CITY MANAGER

SUBJECT: **LICENSE TO OCCUPY A PORTION OF THE ALAMEDA RIGHT-OF-WAY
ADJACENT TO 349 ALAMEDA AVENUE**

DISCUSSION/ANALYSIS

Ted Osborn, who owns property located at 349 Alameda Avenue, has applied for a License to Occupy a fifty foot by eighteen foot portion of the Alameda right-of-way adjacent to his property. Mr. Osborn is proposing to construct a concrete retaining wall adjacent to the sidewalk in front of his property.

The Community Development and Public Works Departments have reviewed the application and are in support of a standard License to Occupy, with the following special conditions:

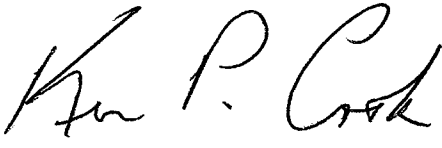
- The Astoria Building Department will be consulted to determine if the retaining wall will require a building permit or further review.
- A City of Astoria Grading Permit and Right-of-Way Permit will be obtained.
- Storm drainage runoff from the adjacent site and retaining wall will be routed to an approved location.
- The face of retaining wall will match the alignment of the retaining wall to the east, as closely as possible.
- Transitional area between the face of the retaining wall and back of the existing sidewalk will be finished with concrete.
- Adjacent utilities and sidewalk will be protected during construction. Any damage will be repaired by the applicant.
- The USPS mail boxes conflicting with the wall installation will need to be relocated to a location approved by the USPS. Concurrence from the USPS will be required prior to construction.

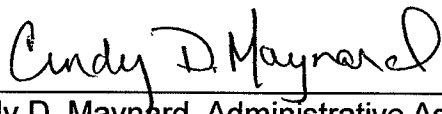
The property owner was informed of these special conditions prior to submitting his application.

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, a 50 foot by 18 foot portion of the Alameda Avenue right-of-way adjacent to 349 Alameda Avenue, for the purpose of constructing a retaining wall.

Submitted by: 
Ken P. Cook, Public Works Director

Prepared by: 
Cindy D. Maynard, Administrative Assistant

After recording, return to:
Public Works Administration
City of Astoria
1095 Duane Street
Astoria, OR 97103

LICENSE

AN AGREEMENT, made and entered into this ____ day of _____, 2013 between the CITY OF ASTORIA, a municipal corporation of the State of Oregon, hereinafter referred to as "City", and Ted Osborn, P.O. Box 656, Astoria, OR 97103, hereinafter referred to as "Osborn".

WITNESSETH:

WHEREAS, Osborn is the owner of certain real property in Astoria, Oregon, hereinafter referred to as "the Osborn property", and more particularly described as: North 40.72 feet of Lots 23-24, Block 17, Taylors, ASTORIA, 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 Osborn property, hereinafter referred to as "the Alameda Avenue right-of-way", and

WHEREAS, Osborn wants to construct a retaining wall, hereinafter referred to as "the retaining wall", on a 50 foot by 18 foot portion of the Alameda Avenue right-of-way, as it abuts the Osborn property, and

WHEREAS, Osborn has requested from City the right to locate the retaining wall on the Alameda 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 Osborn and Osborn accepts City's permission to construct the retaining wall on the Alameda Avenue right-of-way as shown on attached sketch.
- 2) Osborn's use of the Alameda Avenue right-of-way is not "adverse" or contrary to the City in any way.
- 3) Neither Osborn nor any subsequent owner or occupant of the retaining wall will acquire any prescriptive rights in the Alameda Avenue right-of-way.
- 4) City may revoke its permission for Osborn's continued use of the retaining wall on the Alameda Avenue right-of-way for any reason upon sixty days prior written notice to Osborn. Upon such notice, Osborn or subsequent owner will remove the retaining wall forthwith from the Alameda Avenue right-of-way at his sole expense and restore right-of-way to a condition acceptable to the City.
- 5) Osborn 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 Alameda 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, Osborn 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:

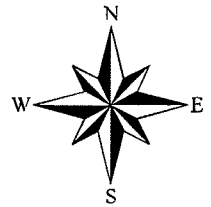
By: _____
Mayor

Attest: _____
City Manager

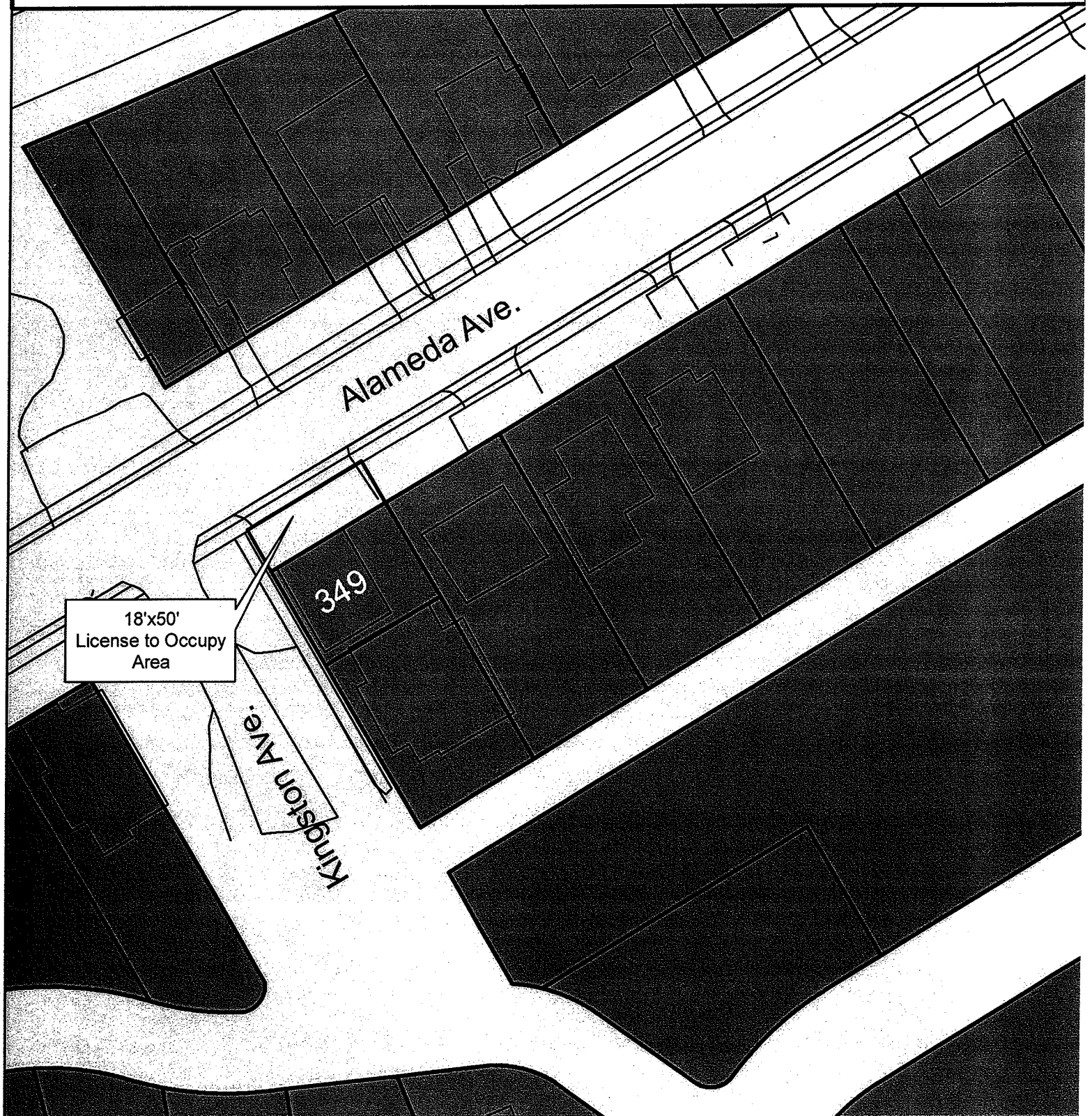
Property Owner

Proposed License to Occupy
Street Right of Way
18' x 50' of Adj. to 349 Alameda Ave
80907CD06100, Taylors, Astoria

Date: 5-8-2013

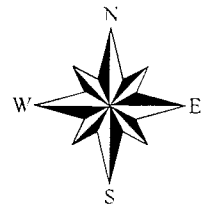


Scale: 1"=50'

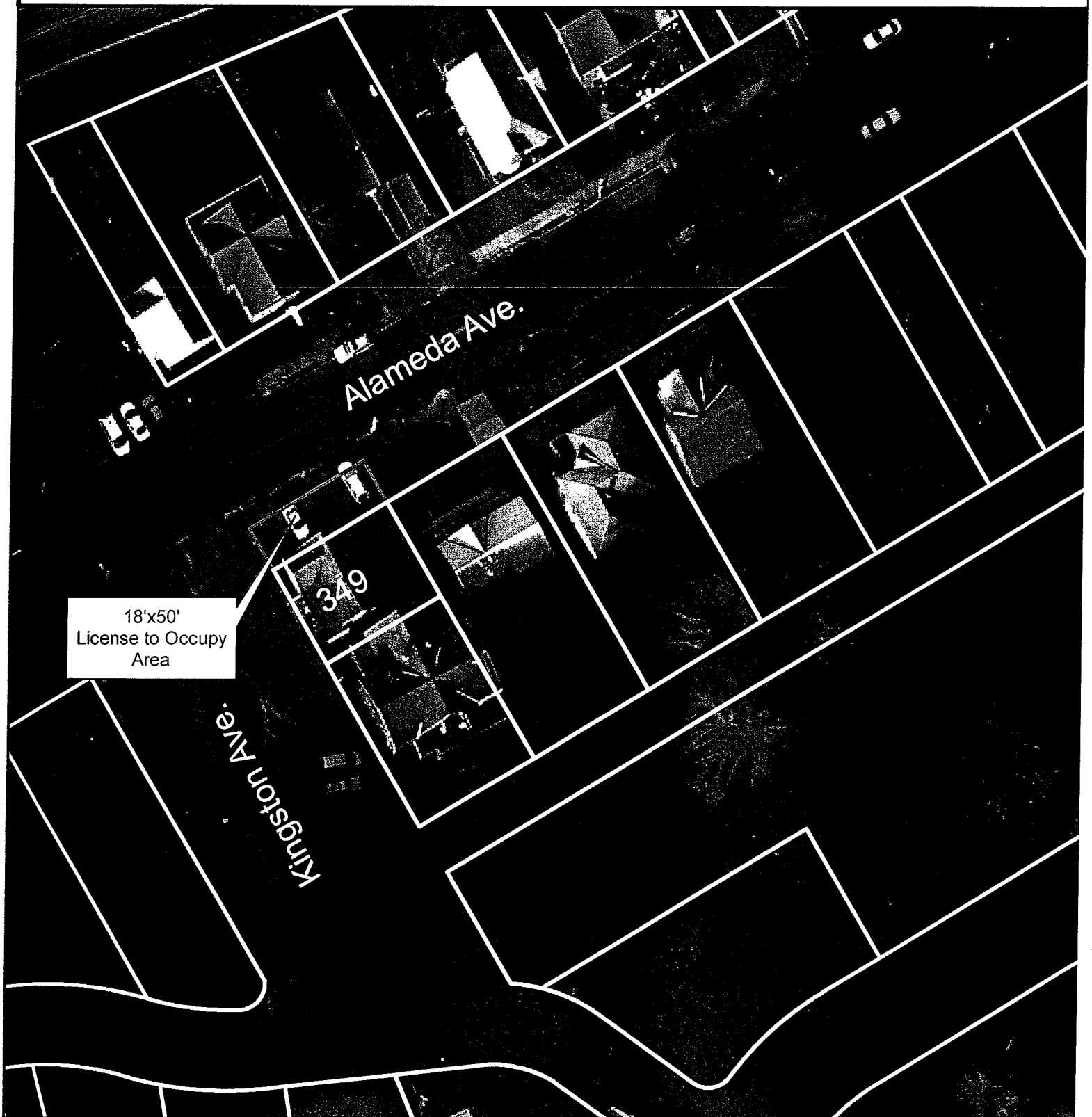


Proposed License to Occupy
Street Right of Way
18' x 50' of Adj. to 349 Alameda Ave
Taylors, Astoria

Date: 5-8-2013



Scale: 1"=50'





CITY OF ASTORIA
Founded 1811 • Incorporated 1856

May 8, 2013

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  PAUL BENOIT, CITY MANAGER

SUBJECT: AMENDMENT TO 2012-2015 INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS COLLECTIVE BARGAINING AGREEMENT

DISCUSSION/ANALYSIS

With the recent promotion of Lieutenant Paul Gascoigne to "Acting Deputy Chief" in the Astoria Fire Department, it has been noted that there is disincentive to move permanently from a Fire Union position to management. Aside from the significant change in work schedule and the lack of ability to earn overtime pay, a Firefighter moving from the Union to Management loses their seniority and the associated protection offered by length of service. In the case of talented senior personnel, the loss of seniority is a significant issue and it serves as a disincentive to internal talent moving up to more responsible leadership positions. To address this issue, the Fire Union has requested Council consideration of an amendment to their recently adopted contract. Specifically, they are requesting the addition of a new Section 10 under Article V "Seniority" (see attachment). The proposed section reads as follows:

"**SECTION 10.** In the event of budgetary constraints that lead to position eliminations, bargaining unit members who have accepted a management position shall retain their seniority within the department as defined in Article V, Section 1, Subsection A, as well as their "Classification Seniority" as defined in Article V, Section 1, Subsection C and will be reflected in the annual Addendum for Departmental and Classification Seniority. In addition, all provisions of Article V "Seniority" of the collective bargaining agreement, will apply to those members."

RECOMMENDATION

It is a credit to the Union to recognize the issue and to offer a remedy that would incent members to move to management positions. I recommend that Council approve the requested amendment.

ARTICLE IV FAIR SHARE AGREEMENT

SECTION 1. The terms of this agreement have application to all employees in the bargaining unit, regardless of membership in the Association. Accordingly, it is fair that each employee in the bargaining unit pays his/her own way and assumes his/her obligation along with the grant of equal benefits.

SECTION 2. Any employee in the bargaining unit who has not joined the Association within 30 days of this agreement, or within 30 days of his/her initial employment, shall, as a condition of employment, pay monthly, in the same manner as the Association, an amount equal to his/her uniform dues and initiation fees and assessments, if any, of members of the Association.

SECTION 3. An individual employee objection based on a bona fide religious tenet or teaching of the church or religious body of which such employee is a member will require such employee to inform the City and the Association of his/her objection. The employee shall meet with representatives of the Association and establish a satisfactory arrangement for distribution of a contribution of an amount of money equivalent to regular Association membership dues and initiation fees and assessments to a non-religious charity. The employee shall furnish written proof to the City and the Association that this has been done.

SECTION 4. No monies withheld by the City under this Article shall be used by the Association in the furtherance of any individual's political campaign.

ARTICLE V SENIORITY

SECTION 1. Definition

Subsection A. "Seniority," as used in this Agreement, is determined by the length of an employee's continuous service with the Astoria Fire Department since his/her last date of hire and not the date of appointment. The City will provide the Association with a copy of the seniority list on July 1 of each year. Corrections noted by the Association shall be made within 30 days. If two (2) or more people have the same date of hire, then seniority will be based upon their order upon the original hiring list.

Subsection B. "Continuous Service" is defined as that service unbroken by separation from Fire Department employment, to include that time spent on vacation, sick leave, employer-approved leave of absence with pay, absence due to military leave, or service related disability leave or non-service disability leave not in excess of twelve (12) months according to the provision of Article 5, Sections 5 through 9.

Subsection C.

1. "Classification Seniority," as used in this Agreement, is determined by the date of hire into or promotion into that classification.

2. If two (2) or more people have the same date of hire or promotion within the classification, seniority will be based upon their order upon the original promotion list. If no promotional list was established, then seniority will be decided according to the provisions of Article V, Section I, Subsection A.

3. If an employee has promoted out of a position, that employee maintains his/her seniority within previously held positions.

SECTION 2. An employee shall lose all seniority in the event of voluntarily quitting, termination of employment, failure to return to work within 21 days after being recalled from a layoff, layoff of more than two years, or failure to return to work from a specified leave with or without pay.

SECTION 3. In the event of layoff for any reason, employees shall be laid off in the inverse order of their seniority according to the provisions of Article V, Section 1, Subsection A. Employees shall be called back from layoff in the order of their seniority of service according to the provisions of Article V, Section 1, Subsection A. A laid off employee who declines to accept reappointment or who does not report for duty when notified by registered mail at his last known address within 21 days from receipt of notice shall be considered permanently separated from service.

SECTION 4. In the event of an employee being demoted or reclassified for non-disciplinary reasons, employees shall be demoted/reclassified in the inverse order of their classification seniority according to the provisions of Article V, Section 1, Subsection C. Employees being demoted/reclassified for non-disciplinary reasons shall be placed on a promotional list, based upon their classification seniority, for the next available position(s) within that classification. Upon the employees' return to the prior classification, he/she will be returned to the salary step paid (A, B, C, D, E) at the time of demotion/reclassification.

SECTION 5. In the event a bargaining unit member, who has completed the probationary period, is, while off-the-job, injured or becomes ill, and is then later medically certified to return to his/her prior position by his/her attending physician, the employee shall have the right to return to work as follows:

Subsection A. If the period of being off work due to injury or illness is one calendar year or less, the employee will be reinstated with no break in seniority and will be entitled to bump the least senior employee. If such bumping is necessary to create a vacancy, that employee can bump into any prior held position on the basis of seniority. If the injured or ill employee's job has been left vacant, it shall be considered available for the twelve-month period, in which case no bumping would be necessary.

1. The final employee bumped will be placed on the laid off list and will be the first to be recalled when a vacancy occurs.

2. The bumped employee will continue to retain earned seniority for up to one year while on the lay off list, but will not earn seniority while on the layoff list. The effect being that the bumped employee can be recalled within one year without suffering a break in seniority.

Subsection B. If, however, the period of being off work due to injury or illness is greater than one calendar year, the injured or ill employee returning to work must wait for the next available job opening and has no bumping rights.

To return to employment, the injured or ill employee must pass the fire department physical agility test, be cleared for employment through a background check and then the job offer is contingent upon the employee successfully passing a medical exam, thus being cleared for a fire fighter position.

SECTION 6. On the job injury and illness is governed by State of Oregon worker compensation law and administrative rules. Following such injury or illness a firefighter must be approved to return to full duty by a qualified physician.

SECTION 7. Every employee hired into the bargaining unit shall serve a probationary period of twelve (12) months.

The Union recognizes the right of the City to terminate these probationary employees for any reason deemed sufficient by the City, and any such termination shall not constitute a violation of this contract and shall not be subject to the grievance procedure.

SECTION 8. Employees promoted to a higher paying position within the bargaining unit will serve a six (6) month probationary period. During this probationary period the City may return the employee to their previous position for any reason deemed sufficient by the City and this action shall not constitute a violation of this contract and shall not be subject to the grievance procedure.

SECTION 9. Employees that move to a higher classification in the department will be entitled to return to their former position if they do not successfully complete probation.

ARTICLE VI WAGES

SECTION 1. Effective July 1, 2012, the wage adjustment is 2% for all classifications.

SECTION 2. Effective July 1, 2013, the wage adjustment is 0% for all classifications.

SECTION 3. Effective July 1, 2014, there shall be a "wages only" re-opener.

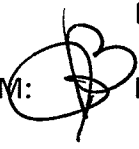
SECTION 4. Effective July 1, 2003, employees who attain or have attained certification for EMT – Intermediate shall receive an additional \$175.00 per month. Employees who attain or



CITY OF ASTORIA
Founded 1811 • Incorporated 1856

May 7, 2013

MEMORANDUM

TO: MAYOR AND CITY COUNCIL
FROM:  PAUL BENOIT, CITY MANAGER
SUBJECT: Update on Delinquent Transient Room Taxes

Discussion

At the Jan 22, 2013 City Council meeting, the Council approved an agreement with the Best Western (Genesis Hotel LLC) regarding their delinquent room taxes. At that time they were \$33,504.27 in arrears. The agreement called for them to remain current on their taxes and to pay the balance over the following four months. Since that time they have paid the tax due for October – February, but have not yet paid March, the past due balance from September or the penalties and interest leaving a current balance due of \$31,408.49. A lien that was placed on the property has been updated to reflect the current balance due and will continue to be updated as the balance either increase or decreases.

The hotel owners are confident that they can resolve this difference as soon as the season picks up and will also continue to try to make payments as able between now and then.

Recommendation

There is no action requested at this time as this is an update only.

By: _____


Mark Carlson, CPA
Finance Director



INVOICE

City of Astoria

1095 Duane Street
Astoria, OR 97103
Phone: (503) 325-5821
Fax: (503) 325-2997

DATE: MAY 6, 2013
INVOICE # 50613

DUE UPON RECEIPT

TO Genesis Hotel LLC
Lincoln Asset Management
5809 Jean Road
Lake Oswego, OR 97035
Phone: (503) 542-4761

Customer ID #18

Make checks payable to City of Astoria

DATE	DESCRIPTION	AMOUNT
01/10/13	Month Ended September 30, 2012 - Room Tax Due 10-15-12	\$ 19,317.61
01/10/13	Month Ended September 30, 2012 - Penalty - 10%	1,931.76
01/10/13	Month Ended September 30, 2012 - Additional Penalty - 15%	2,897.64
01/10/13	Month Ended September 30, 2012 - Interest - 1% per month (11-1-12 through 4-30-13)	981.20
01/18/13	Payment - Ck #5713 for \$2,000 and Ck #5714 for \$1,000	(3,000.00)
01/28/13	Payment - Ck #5718	(1,000.00)
02/05/13	Payment - Ck #5717	(1,000.00)
02/11/13	Payment - Ck #5716	(1,000.00)
02/21/13	Payment - Ck #5715	(1,000.00)
02/27/13	Payment - Ck #5719	(731.69)
	Total due for September 2012:	17,396.52
01/10/13	Month Ended October 31, 2012 - Room Tax Due 11-15-12	6,911.60
01/10/13	Month Ended October 31, 2012 - Penalty - 10%	691.16
01/10/13	Month Ended October 31, 2012 - Additional Penalty - 15%	1,036.74
01/10/13	Month Ended October 31, 2012 - Interest - 1% per month (12-1-12 through 3-31-13)	276.47
04/15/13	Payment - Ck #5627	(6,911.60)
	Total due for October 2012:	2,004.37
01/10/13	Month Ended November 30, 2012 - Room Tax Due 12-15-12	4,151.23
01/10/13	Month Ended November 30, 2012 - Penalty - 10%	415.12
01/10/13	Month Ended November 30, 2012 - Interest - 1% per month (Through 1-31-13)	41.51
01/14/13	Payment - Ck #5660	(4,151.23)
	Total due for November 2012:	456.63
01/10/13	Month Ended December 31, 2012 - Room Tax Due 1-15-13	3,573.75
02/28/13	Month Ended December 31, 2012 - Penalty - 10%	357.38
02/28/13	Month Ended December 31, 2012 - Additional Penalty - 15%	536.06
02/28/13	Month Ended December 31, 2012 - Interest - 1% per month (Through 2-28-13)	35.74
03/05/13	Payment - Ck #5693	(3,573.75)
	Total due for December 2012:	929.18

Continued		
02/10/13	Month Ended January 31, 2013 – Room Tax Due 2-15-13	4,063.65
03/21/13	Month Ended January 31, 2013 - Penalty – 10%	406.37
03/21/13	Month Ended January 31, 2013 - Interest – 1% per month (Through 3-31-13)	40.64
3/25/13	Payment – Ck#5727	(4,063.65)
	Total due for January 2013:	447.01
03/21/13	Month Ended February 28, 2013 – Room Tax Due 3-15-13	6,038.47
05/06/13	Month Ended February 28, 2013 - Penalty – 10%	603.85
05/06/13	Month Ended February 28, 2012 - Additional Penalty – 15%	905.77
05/06/13	Month Ended February 28, 2013 - Interest – 1% per month (Through 4-30-13)	60.38
05/06/13	Payment – Ck #5753	(6,038.47)
	Total due for February 2013:	1,570.00
04/05/13	Month Ended March 31, 2013 – Room Tax Due 4-15-13	7,822.53
05/06/13	Month Ended March 31, 2013 - Penalty – 10%	782.25
	Total due for March 2013:	8,604.78
	Total Amounts Due:	\$ 31,408.49

NOTE:

- Delinquent transient room taxes are reportable to the Astoria City Council and become part of the public record. Delinquent transient room taxes may also be reported in the newspaper.

