



AGENDA

ASTORIA CITY COUNCIL

Tuesday, January 17, 2017
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. CONSENT CALENDAR

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

- (a) City Council Minutes of 12/19/16
- (b) Boards and Commissions Minutes
 - (1) Historic Landmarks Commission Meeting of 10/18/16
 - (2) Planning Commission Meeting of 9/27/16
 - (3) Planning Commission Meeting of 10/25/16
 - (4) Planning Commission Meeting of 12/6/16
- (c) 16th Street CSO Separation Project – Final Report (Public Works)
- (d) Public Information Emergency Response (PIER) System Replacement (Police)

6. REGULAR AGENDA ITEMS

All agenda items are open for public comment following deliberation by the City Council. Rather than asking for public comment after each agenda item, the Mayor asks that audience members raise their hands if they want to speak to the item and they will be recognized. In order to respect everyone's time, comments will be limited to 3 minutes.

- (a) Ordinance Readopting Certain State Statutes to Reflect Changes Made by the 2016 Oregon Legislature (2nd reading & adoption) (City Attorney)
- (b) Ordinance Adopting Changes to 3% Marijuana Tax on Sale of Marijuana Items by a Marijuana Retailer (2nd reading & adoption) (Finance)
- (c) Ordinance Revising City Code Section 5.810 Providing for Identification of Dangerous Animal; Appeals; Restrictions Pending Appeal (1st reading) (Police)
- (d) Ordinance Amending City Code Section 1.964A Pertaining to City Manager's Spending Authority / Submittal of Grant Applications (1st reading) (City Council)
- (e) Resolution Authorizing a Grant (Forgivable Loan) from the Safe Drinking Water Revolving Loan Fund and Authorization to Award Contract for the Pipeline Road Transmission Main Resilience Study (Public Works)

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

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



CITY OF ASTORIA

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January 13, 2017

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF TUESDAY, JANUARY 17, 2017

CONSENT CALENDAR

Item 5(a): City Council Minutes

The minutes of the City Council meeting of December 19, 2016 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

Item 5(b): Boards and Commissions Minutes

The minutes of the (1) Historic Landmarks Commission meeting of 10/18/16, (2) Planning Commission meeting of 9/27/16, (3) Planning Commission meeting of 10/25/16, and (4) Planning Commission meeting of 12/6/16 are enclosed. Unless there are any questions or comments regarding the contents of these minutes, they are presented for information only.

Item 5(c): 16th Street CSO Separation Project – Final Report (Public Works)

The 16th Street Combined Sewer Overflow (CSO) Separation Project consisted of installing over 12,000 feet of new storm water pipe within the existing roadway infrastructure. It also included replacing existing water and sewer pipe where construction of the new storm pipe compromised the integrity of the existing infrastructure. Most of the intersections were rebuilt and many of the intersection ramps were reconstructed within the project area. The final project costs (\$7,035,478) have been reconciled and were less than the Infrastructure Finance Authority (IFA) funding of \$7,213,000. IFA funding includes a \$525,000 grant and the balance of the project expenses (\$6,510,478) is a low-interest loan at 2.09% with a 25-year payback period. A portion of the CSO Surcharge fee will be utilized to repay the project loan. Gibbs & Olson performed the engineering design, bidding support, construction support and construction inspection and billed \$118,000 less than their contract amount, which was an important factor in the successful project that came within budget. Emery & Sons Construction Group was the construction contractor and worked well with City staff to keep this project

within budget. The City crew did an extraordinary amount of investigative work during design to prevent surprises during construction, which kept costs down. They were also an essential partner during construction and a critical resource for the contractor. This item is presented for information only and requires no action at this time.

Item 5(d): Public Information Emergency Response (PIER) System Replacement (Police)

The Astoria Police Department was notified that their PIER system is being discontinued effective January 31, 2017. The Department has located an alternative source for the service from Jetty and the City Manager has made a sole source determination as allowed by City Code. Staff is asking for authorization to enter into an annual computer services agreement. Total cost of the agreement annually is \$10,000. Funds will be expended from the Emergency Communications Fund and Materials and Services budget. It is recommended that Council approve the procurement of computer services in the form of a one year license with Jetty in the amount of \$10,000 along with the \$1,000 in support from iFocus.

REGULAR AGENDA ITEMS

Item 6(a): Ordinance Readopting Certain State Statutes to Reflect Changes Made by the 2016 Oregon Legislature (2nd reading & adoption) (City Attorney)

This ordinance received its first reading at the January 3, 2017 City Council meeting. The 2016 legislation passed by the Oregon Legislature, for the most part, became effective on January 1, 2017. Many of our City ordinances refer to or incorporate state statutes. Every year, the City routinely re-adopts all referenced ORS sections to pick up any changes made by the legislature. This is done by a "global readoption", which was the technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt Oregon legislative changes, that is, we cannot adopt a state statute "as it now exists and is from time to time amended." The proposed ordinance has been reviewed and approved by the City Attorney. It is recommended that Council conduct the second reading and adopt the proposed ordinance.

Item 6(b): Ordinance Adopting Changes to 3% Marijuana Tax on Sale of Marijuana Items by a Marijuana Retailer (2nd reading & adoption) (Finance)

The first reading of this ordinance was held at the January 3, 2017 City Council meeting. On February 16, 2016 Council adopted Ordinance No. 16-02 imposing a 3% tax on the sale of marijuana items by a recreational marijuana retailer and referring ordinance to electors of Astoria. On November 8, 2016, Local Ballot Measure 4-180 passed with Yes votes totaling 3,420 and No votes totaling 1,251. Additionally, on November 29, 2016 City Council approved an intergovernmental agreement with Oregon Department of Revenue for the collection and distribution of the 3% tax on recreational marijuana sales. The Oregon Department of Revenue has worked in conjunction with the League of Oregon Cities to provide

suggested code language which provides authority for penalty and interest language in the enforcement of local marijuana tax collection. The attached ordinance, enacting the tax approval adopted by voters and adding language necessary for the collection and enforcement of the tax, was prepared by Attorney Henningsgaard and is attached for your consideration. Council would hold a first reading at the January 3, 2017 meeting and second reading at the January 17, 2017 meeting. It is recommended that Council hold the second reading and adopt the proposed ordinance enacting the voter approved 3% marijuana tax with collection and enforcement language incorporated and adopt.

Item 6(c): Ordinance Revising City Code Section 5.810 Providing for Identification of Dangerous Animal; Appeals; Restrictions Pending Appeal (1st reading) (Police)

Staff is recommending a change to the dangerous animals' ordinance. The change creates a burden of proof in appeal hearings related to the classification of a dangerous animal. There are two other changes proposed as well. One eliminates the requirement for signed written statements allowing for recorded statements as well. The other is to repair a typographical issue in the ordinance. It is recommended that Council conduct the first reading of the proposed ordinance.

Item 6(d): Ordinance Amending Code Section 1.964A Pertaining to City Manager's Spending Authority / Submittal of Grant Applications (1st reading) (City Council)

At the January 6, 2017 goal setting session, there was discussion regarding the City Manager's spending authority which is currently set at \$10,000. This amount has been in place since 1999. There was discussion from Council members to increase that limit to \$50,000. Spending authorities for managers in our area are as follows:

- Warrenton \$25,000
- Clatsop County \$30,000
- Seaside \$50,000
- Cannon Beach \$50,000

At the request of Council an ordinance revision has been prepared for consideration and is attached to this memorandum. In addition to replacing the \$10,000 amount with \$50,000, the reference to bulk fuel has been deleted since the new spending authority would accommodate those purchases. It should be noted that the City's purchasing ordinance will continue to dictate how bids, solicitations, and purchases will be made. In discussing the spending authority revision with City Attorney Henningsgaard, he noted that a subsequent review of the purchasing ordinance may be in order to better align the manager's spending authority with that code and to better align the City purchasing ordinance with changes in State statutes. Staff will begin review of the City's purchasing codes.

Also at the January 6th goal setting session, there was discussion regarding the City Council policy of sending grant applications to Council in advance of filing. There was direction to revise that policy as well. A revision is proposed below:

- Grant applications which require a City of Astoria cash match shall be forwarded to the City Council for consideration as a part of the application process.

This change will allow for staff to directly apply for grants which have no cash match commitment, but would allow for them to apply for grants with in-kind (staff time) matches. Applications which have a cash match commitment would continue to be reviewed by Council either before submittal, or possibly after, should the application be able to be rescinded (in cases where Council not wish to pursue the grant). As this is a policy, no ordinance is required.

If the City Council is in agreement with the proposed change in spending authority for the City Manager's spending authority, it is recommended that Council hold a first reading of the proposed ordinance. Additionally, should Council concur with the change in policy for grant applications, it would be in order for Council to vote on the proposed language as a separate motion.

Item 6(e): Resolution Authorizing a Grant (Forgivable Loan) from the Safe Drinking Water Revolving Loan Fund and Authorization to Award Contract for the Pipeline Road Transmission Main Resilience Study (Public Works)

The Oregon Infrastructure Finance Authority (IFA) has offered grants (forgivable loans) for resiliency studies of important infrastructure. At the April 4, 2016 meeting, Council authorized staff to submit a formal application to IFA requesting a \$20,000 grant for a resiliency study of the 12 mile long, 21 inch diameter transmission main that delivers water from the City Headworks at Bear Creek Reservoir to Reservoir #2 and Reservoir #3 in town. On October 17, 2016 IFA offered a \$15,500 to conduct the study. Hart Crowser has provided a proposal and cost of \$20,000 to perform the study. Staff proposes that the \$4,500 match be paid out of Engineering Department budget. The purpose of the study is to evaluate the existing water main route, determine its vulnerability in the event of a large seismic event, and identify possible new routes that would be more resilient and less susceptible to failure. While a larger seismic event will be the event considered for the study, the waterline is also susceptible to failure as a result of smaller seismic events, stream erosion and natural landslides. It is recommended that the City Council approve the resolution for acceptance of the grant and authorize the contract for Hart Crowser to assist with the study.