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# AGENDA

## ASTORIA DEVELOPMENT COMMISSION

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August 19, 2019  
Immediately Follows Council Meeting

- 1) CALL TO ORDER
- 2) REPORTS OF COMMISSIONERS
- 3) CHANGES TO AGENDA
- 5) CONSENT

The items on the Consent Calendar are considered routine and will be adopted by one motion unless a member of the Commission 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) Astoria Development Commission Meeting Minutes for June 3, 2019
- b) Lease Agreement with Astoria Downtown Historic District Association for the 2019 Pacific Northwest Brew Cup Beer Festival

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

THE MEETINGS ARE ACCESSIBLE TO THE DISABLED. AN INTERPRETER FOR THE HEARING IMPAIRED MAY BE REQUESTED UNDER THE TERMS OF ORS 192.630 BY CONTACTING THE CITY MANAGER'S OFFICE AT 503-325-5824.

**ASTORIA DEVELOPMENT COMMISSION**

City Council Chambers

June 3, 2019

**ADC JOURNAL OF PROCEEDINGS**

A regular meeting of the Astoria Development Commission was held at the above place at the hour of 8:41 pm.

Commissioners Present: Brownson, Herman, Rocka, West, Mayor Jones

Commissioners Excused: None

Staff Present: City Manager Estes, Parks and Recreation Director Williams, Finance Director Brooks, Library Director Pearson, Fire Chief Crutchfield, Police Chief Spalding, Public Works Director Harrington, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

**CHANGES TO AGENDA:** No changes.

**CONSENT CALENDAR:**

The following items were presented on the Consent Calendar.

4(a): Astoria Development Commission Meeting Minutes of March 4, 2019

**Commission Action:** Motion by Commissioner Brownson, seconded by Commissioner West, to approve the Consent Calendar. Motion carried unanimously. Ayes: Commissioners Brownson, Herman, Rocka, West, and Mayor Jones. Nays: None.

**REGULAR AGENDA ITEMS:**

**Item 5(a): FY2019-2020 Astoria Development Commission Budget Public Hearing and Resolution to Adopt**

Oregon Local Budget Law requires that the Astoria Development Commission hold a public hearing on the budget, as recommended for approval by the Budget Committee. Notice of this hearing, scheduled for June 3, 2019, was submitted for publication in the Astorian on Friday, May 24, 2019.

The budget for the Astoria Development Commission is ready for the Commission to consider for adoption. The attached resolution will adopt resources and appropriations and authorize the collection of tax increment funding available to the Astor East and Astor West Renewal Districts for Fiscal Year Ending (FYE) June 30, 2020.

It is recommended the Astoria Development Commission hold a public hearing on the FYE June 30, 2020 budget as approved by the Budget Committee. After the hearing, it is recommended that the Commission consider the resolution to adopt this budget.

Mayor Jones opened the public hearing at 8:43 pm and called for public testimony about the budget. Hearing none, he closed the public hearing at 8:43 pm and called for Commission discussion and deliberation.

**Commission Action:** Motion by Commissioner Brownson, seconded by Commissioner Rocka, to adopt the FY2019-2020 Astor East and Astor West Urban Renewal District budgets. Motion carried unanimously. Ayes: Commissioners Brownson, Herman, Rocka, West, and Mayor Jones. Nays: None.

**NEW BUSINESS, MISCELLANEOUS, PUBLIC COMMENTS:**

There were none.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:44 pm to reconvene the City Council Meeting.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
City Manager

DRAFT



## CITY OF ASTORIA

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### MEMORANDUM

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**DATE: AUGUST 14, 2019**

**TO: MAYOR AND CITY COUNCIL**

**FROM: BRETT ESTES, CITY MANAGER**

**SUBJECT: LEASE AGREEMENT WITH ASTORIA DOWNTOWN HISTORIC DISTRICT ASSOCIATION (ADHDA) FOR THE ANNUAL PACIFIC NORTHWEST BREW CUP BEER FESTIVAL**

#### **DISCUSSION/ANALYSIS**

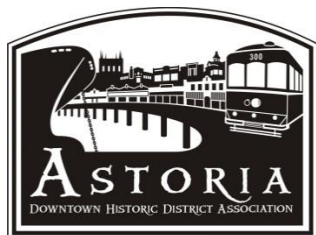
The Annual Pacific Northwest Brew Cup Beer Festival (Brew Cup) is proposed be held September 27, 2019 - September 29, 2019. This event includes activities such as a vending of craft beer, food booths, and live music. For the past few years, the Brew Cup has been held on the Astoria Development Commission (ADC) owned land east of the train depot. It is proposed that the festival be located in this location once again. ADHDA has been in contact with the Columbia River Maritime Museum and the Museum's approval for the event is conditioned upon ADHDA monitoring and controlling where Brew Cup patrons park in the Museum's lot. Attached to this memorandum is a letter from ADHDA Executive Director, Sarah Lu Heath, which requests use of the ADC owned property. Proceeds from this event would benefit ADHDA.

The time frame for the lease would be for four days, beginning Thursday September 26, 2019 and ending Sunday, September 29, 2019. All day Thursday and the first half of Friday are primarily to set up the tents and vendor spaces. The event would be open Friday, Saturday, and Sunday afternoon. Electricity will be coordinated through Pacific Power and provided by an existing service charged to the event coordinators.

In the past, ADC leased the site for \$1.00 and that amount is once again proposed for this use. The Brew Cup activities provide an opportunity to bring an event to our community that continues to grow in popularity every year. ADHDA will provide liability insurance. Also attached to this memo is a draft lease agreement which City Attorney Blair Henningsgaard has reviewed and approved as to form.

#### **RECOMMENDATION**

It is recommended that the Development Commission approve the Lease Agreement with ADHDA for the Pacific Northwest Brew Cup Beer Festival from Thursday September 26, 2019 and ending Sunday, September 29, 2019 for a total sum of \$1.00.



Astoria Downtown Historic District Association (ADHDA) P.O. Box 261 Astoria, OR 97013 503.791.7940

August 6, 2019

Astoria Development Commission  
The City of Astoria  
1095 Duane Street  
Astoria, OR 97103

RE: Pacific NW Brew Cup 2019

Dear Astoria Development Commission:

The Astoria Downtown Historic District Association (ADHDA) has organized the Pacific Northwest Brew Cup, the premier beer festival on Oregon's North Coast for the last 9 years. The festival is scheduled to be held the last weekend in September 27-29. We would like to get permission from the Astoria Development Commission to use the public park space directly to the east of the Barbey Center as we have for the last several years. The ADHDA has been in contact with the Columbia River Maritime Museum and has their permission for the event on the condition we control parking in their lot until after 4pm. This permission also includes the space east of the Barbey Center. The ADHDA will obtain all of the necessary OLCC permits and insurance to run the event. The ADHDA will also provide security for event and clean up the area afterwards.

The main event is scheduled to run from noon until 10pm on Friday, noon until 10pm on Saturday and from Noon until 4pm on Growler Sunday. Last call on all evenings will be given at 9:30pm after which no alcohol will be served. The PNW Brew Cup has become an excellent festival and destination for locals and visitors, with the combination of great weather (hopefully), lots of people (about 3000,) wonderful music and of course, beers, ciders and wine . We typically have 4 local food vendors as well as a "kids" play tent which keeps everyone entertained and happy.

We ask that the Development Commission support this festival by allowing use of the city property from Thursday, September 25th through Sunday, September 30th. Thank you very much for your consideration. Please feel free to contact me with any questions.

Sincerely,

Sarah Lu Heath

Executive Director, Astoria Downtown Historic District Association

**LEASE AGREEMENT  
FOR PUBLIC PROPERTY LOCATED AT 250- 21<sup>ST</sup> STREET  
PERMISSION TO USE PUBLIC SPACE AND PERMITS**

**PARTIES:** This Agreement is entered into between the **ASTORIA DEVELOPMENT COMMISSION**, hereinafter referred to as ADC,

And **ASTORIA DOWNTOWN HISTORIC DISTRICT ASSOCIATION (ADHDA)**, for purposes of holding the Annual Pacific Northwest Brew Cup Beer Festival, hereinafter referred to as ADHDA.

**PROPERTY TO BE LEASED:** 250 – 21<sup>st</sup> Street, consisting of Tax Map T8N, R9W, Section 8DA, Tax Lot 203, hereinafter referred to as Property.

**WHEREAS:**

- A. ADHDA desires to lease space from the ADC to provide a central location for event activities including, but not limited to, the placement of tents, preparation of food and beverage, and other activities associated with the Annual Pacific Northwest Brew Cup Beer Festival for use and enjoyment by patrons of downtown businesses and all citizens of Astoria, and
- B. Assisting ADHDA in securing a central community gathering place will provide economic and community development benefits to the public, and will also enhance the ability of ADC to attract consumers and tourists, and
- C. The use of the Property owned by the ADC can be enhanced through a lease to ADHDA.

**NOW, THEREFORE**, in consideration of the foregoing and the mutual covenants and agreements contained herein, and for other good and valuable consideration, it is agreed between the Parties as follows:

1. **LEASE PERIOD AND LEASE PAYMENT:** The lease from the ADC to ADHDA shall run from September 26, 2019 through September 29, 2019 at a lease amount of \$1.00 for the entire length of the lease.
2. **ADC'S REPRESENTATIVE:** For purposes hereof, the ADC'S authorized representative will be Brett Estes, City Manager, City of Astoria, 1095 Duane Street, Astoria, Oregon, 97103, (503) 325-5824, [bestes@astoria.or.us](mailto:bestes@astoria.or.us).
3. **ADHDA'S REPRESENTATIVE:** For purposes hereof, ADHDA'S authorized representative is Sarah Lu Heath, P.O. Box 261, Astoria, Oregon, 97103, 503-791-7940, [sarah@astoriadowntown.com](mailto:sarah@astoriadowntown.com).

4. **SCHEDULED USE:** ADC grants ADHDA the exclusive use of Property for the purpose of providing an activity area from noon to 10:00 p.m. Friday and Saturday, September 27 and 28, 2019, from noon to 5:00 p.m. on Sunday, September 29, 2019, and for set-up on Thursday, September 26, 2019 (changes must be negotiated between the Parties).
5. **PERMITS:** This Agreement constitutes a permit for sound amplification from noon to 10:00 p.m. on Friday and Saturday, September 27 and 28, 2019, and from 12:00 noon to 5:00p.m. on Sunday, September 29, 2019.
6. **OLCC LICENSE:** ADHDA will need to abide by all conditions of your temporary liquor license.
7. **PROHIBITED USES:** No religious symbols or presentations will be used or presented by ADHDA or any participant on the Property during the term of the lease.
8. **CONDITION OF PROPERTY:** ADHDA shall be responsible for all trash removal related to their use of the Property during the lease times and period, and any costs associated with cleaning the Property at the conclusion of any daily use. ADHDA agrees to make an effort to provide recycling opportunities for glass, plastic and metal beverage containers. ADHDA further agrees to keep the Property in as good or better condition than it was at the commencement of this lease.
9. **DAMAGES AND CLEAN-UP COSTS:** If there is damage to the Property or clean-up costs related to the use under this Lease, ADHDA shall pay these damages or costs. Failure to pay said amounts will result in subsequent collection actions, and also will be grounds for termination under Section 12.
10. **SPECIFIC ISSUES:**
  - A. No liquid or other wastes are to be dumped down storm drains.
  - B. Electrical hookup and water hose use must be coordinated with Pacific Power, or alternatively, with the Columbia River Maritime Museum.
  - C. ADHDA is allowed to place temporary signs that must be removed at the conclusion of the lease agreement.
    - 1) All signage is limited to announcing ADHDA'S Pacific Northwest Brew Cup Beer Festival location and/or hours of operation and activities, and for parking control.
    - 2) All signage must comply with City sign codes and the Manual of Uniform Traffic Control Devices.

- 3) ADHDA shall insure that public sidewalks are not encumbered and the free passage of pedestrians on sidewalks is not impeded.
- E. ADHDA will provide sufficient portable toilets, trash receptacles and trash collection services to accommodate need, recycling containers and cleanup for each event.
- F. The ADHDA will comply with Astoria Code 5.025(11) governing amplified sound.
11. **INSURANCE:** ADHDA shall maintain casualty insurance in an amount of \$100,000 for damages to the Property and liability insurance in the amount of \$1,000,000 for injuries. ADHDA shall provide ADC a Certificate of Insurance naming the City of Astoria and the ADC as additionally insureds.
12. **TERMINATION:** Notwithstanding that this Agreement contemplates a 5-day period, this lease may be terminated by the ADC at any time should the ADHDA fail to comply with any of the provisions of this agreement. Termination shall be made either in writing by hand delivery or by email to ADHDA'S authorized representative not less than 12 hours prior to the date and hour of termination. Termination will not result in a refund by the ADC to ADHDA for any monies paid.
13. **NON-ASSIGNABILITY:** This Agreement is personal to ADHDA and the ADC relies on ADHDA to comply with and to receive the benefits of this Agreement.
14. **COMPLIANCE WITH APPLICABLE LAWS:** ADHDA shall comply with all applicable City, State and Federal laws and regulations, including, but not limited to, license requirements.
15. **LICENSES:** Any vendor using the Property during the lease agreement shall have on file with City a valid Occupational Tax License.
16. **SUPERVISION OF PARTICIPANTS:** ADHDA agrees to exercise exclusive control and supervision over its members, ADHDA sponsored activities and organizations, and persons or businesses that sell products on the Property at the time specified for ADHDA occupancy of the premises. ADHDA will publish rules and expectations for these participants.
17. **HOLD HARMLESS:** ADHDA and its successors and assigns shall completely protect and save, defend and hold harmless the ADC, and its officers, agents and employees, from any liability or obligation of any kind or nature whatsoever arising from injury or injuries, including death, to any person or persons, or damage to any property, real or personal, suffered or alleged to have been suffered all or in part by any person or property arising out of or in connection with the use or occupancy of the Property by ADHDA.
18. **ATTORNEY FEES:** If suit or action is brought by either Party to enforce any



right created by this Agreement, the prevailing Party shall be entitled to recover in any trial court, and appellate courts, including costs and disbursements and reasonable attorney fees.

**IN WITNESS WHEREOF**, the Parties have, on this \_\_\_\_\_ day of \_\_\_\_\_, 2019 set their hands by and through their duly authorized agents.

**ASTORIA DEVELOPMENT COMMISSION**

**ADHDA**

By: \_\_\_\_\_  
Bruce Jones, ADC Chair

By: \_\_\_\_\_

By: \_\_\_\_\_  
Brett Estes, City Manager

By: \_\_\_\_\_

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney