



AGENDA

ASTORIA CITY COUNCIL

Tuesday, January 3, 2017
7:00 p.m.
2nd Floor Council Chambers
1095 Duane Street · Astoria OR 97103

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **OATHS OF OFFICE**
 - (a) Councilor Thomas Brownson, Ward 2
 - (b) Councilor Bruce Jones, Ward 4
 - (c) Police Sergeant Andrew Randall
4. **REPORTS OF COUNCILORS**
5. **CHANGES TO AGENDA**
6. **PROCLAMATIONS**
 - (a) School Board Recognition Month
7. **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 12/5/16
8. **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 (1st reading) (City Attorney)
 - (b) Ordinance Adopting Changes to 3% Marijuana Tax on Sale of Marijuana Items by a Marijuana Retailer (1st reading) (Finance)
 - (c) Resolution Amending Fee Schedule for Astoria Aquatic Center (Parks)
9. **NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)**
 - (a) Election of City Council President
 - (b) City Council FY 2017-18 Goal Setting Session
10. **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 YUILL, CITY MANAGER'S OFFICE, 503-325-5824.



CITY OF ASTORIA

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December 29, 2016

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM:  BRETT ESTES, CITY MANAGER

SUBJECT: ASTORIA CITY COUNCIL MEETING OF JANUARY 3, 2017

OATHS OF OFFICE

Item 3(a): Councilor Thomas Brownson, Ward 2

The Oath of Office will be administered to Councilor Thomas Brownson who was elected to a four year term for Ward 2.

Item 3(b): Councilor Bruce Jones, Ward 4

The Oath of Office will be administered to Councilor Bruce Jones who was elected to a four year term for Ward 4.

Item 3(c): Police Sergeant Andrew Randall

The Oath of Office will be administered to new Police Department Sergeant Andrew Randall.

PROCLAMATIONS

Item 6(a): School Board Recognition Month

The Mayor will proclaim the month of January 2017 as School Board Recognition Month.

CONSENT CALENDAR

Item 7(a): City Council Minutes

The minutes of the City Council Meeting of December 5, 2016 are enclosed for review. Unless there are any corrections, it is recommended that Council approve these minutes.

REGULAR AGENDA ITEMS

Item 8(a): Ordinance Readopting Oregon Revised Statutes (Code Section 1.047) (1st reading) (City Attorney)

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 re-adoption", which was the technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt Oregon legislative changes, that is, we cannot adopt a state statute "as it now exists and is from time to time amended." The proposed ordinance has been reviewed and approved by the City Attorney. It is recommended that Council conduct the first reading of the proposed ordinance.

Item 8(b): Ordinance Adopting Changes to 3% Marijuana Tax on Sale of Marijuana Items by a Marijuana Retailer (1st reading) (Finance)

City Council Adopted Ordinance 16-02 on February 16, 2016 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 consider holding a first reading of the ordinance enacting the voter approved 3% marijuana tax with collection and enforcement language incorporated.

Item 8(c): Resolution Amending Fee Schedule for Astoria Aquatic Center (Parks)

The Astoria Aquatic Center partners with the Astoria School District and the North Coast Swim Club (NCSC) to provide space within the lap pool for youth swim team members to practice. The Astoria Aquatic Center's current lane rental fee is \$25 per lane per hour, but neither the Astoria School District nor the NCSC can afford the \$25 per hour rate due to the length of their practices and amount of space they require.

During the November 7, 2016 City Council meeting, staff suggested that in addition to our current \$25 per lane per hour rental fee, an additional rental option specifically for youth swim teams to practice be added to the fee resolution at a reduced rate of \$5 per lane per hour. This rate would be contingent upon the

rented space being used by youth swim teams for the purpose of practicing for a minimum of 100 hours per year and that all participants would be required to purchase a monthly or daily pass. After public comment and a discussion by Council, City Council stated that private youth swim teams should pay less than \$5 per lane per hour and declared a 60 day moratorium on lane rental fees at the Astoria Aquatic Center charged to the Astoria School District and NCSC to allow staff time to re-negotiate with the organizations.

Negotiations with NCSC were conducted on December 1, 2016. During this meeting City staff discussed the challenges and impacts swim teams have on the facility as well as options to reformat NCSC's current practice schedule to reduce the number of lanes utilized, thus reducing the additional cost incurred. NCSC explained that fee increases would negatively impact their organization and that reducing lanes was not a favored option. Differing rates were discussed between the NCSC and City staff. It was agreed that the parties would reconvene to discuss further.

On December 7, 2016, Parks and Recreation Director Angela Cosby discussed with the Parks, Recreation, and Community Foundation Board the possibility of partnering with NCSC on assisting with lane rental fees. The Parks, Recreation, and Community Foundation Board seemed very interested in partnering with the NCSC and requested that representatives from NCSC contact them to discuss the option further. Also on December 7, 2016 City staff met with NCSC representatives to negotiate a mutually agreeable fee. During this meeting, City staff shared the potential partnership with the Parks, Recreation and Community Foundation; provided contact information; and encouraged the NCSC to contact them. Staff also attempted to negotiate a further reduced lane rental fee of \$2.50 per lane per hour. If the NCSC maintained its current practice schedule of two hours per day, in three lanes, for six days a week, the annual additional cost would be \$4,158. NCSC representatives were appreciative of the offered reduction and were understanding of the high costs associated with operating the Aquatic Center. They agreed to meet with the Parks, Recreation and Community Foundation to see if they would be willing to pay the lane rental cost for the years to come before agreeing to the rate.

The NCSC is scheduled to meet with the Parks, Recreation and Community Foundation on January 25, 2017. Unfortunately, no agreement has been made and City staff is requesting an additional 60 day moratorium to provide time to continue negotiating with the North Coast Swim Club and provide them an opportunity to seek out additional financial support. It is recommended that Council extend the moratorium on lane rental fees charged to the North Coast Swim Club and Astoria School District for an additional 60 days.

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

Item 9(a): Election of City Council President

The City Council will elect a President to serve for the 2017 calendar year.

Item 9(b): City Council FY2017-18 Goal Setting Session

The City Council will meet with Department Heads on Friday, January 6, 2017 from 8:00 a.m. to 1:00 p.m., as part of their goal setting preparation for Fiscal Year 2017-18. The Council will then meet with facilitator Wes Hare on Friday, January 13, 2017 beginning at 8:00 a.m., and if needed, Saturday January 14, 2017, to further conduct their Fiscal Year 2017-18 goal setting session. These sessions will be held in the Council Chambers located on the 2nd Floor of City Hall, 1095 Duane Street.

EXECUTIVE SESSION

Item 10(a): ORS 192.660(2)(h) – Legal Counsel

The City Council will recess to Executive Session to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed.