

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

Councilors Present: Nemlowill, Jones, Price, Brownson, and Mayor LaMear.

Councilors Excused: None

Staff Present: City Manager Estes, Community Development Director Cronin, Finance Director Brooks, Fire Chief Ames, Deputy Chief Halverson, City Engineer Harrington, Library Director Pearson, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

## REPORTS OF COUNCILORS

**Item 3(a): Councilor Jones** reported that he spent half of the previous day at the natural area at the east end of the Alderbrook Lagoon with Brook Stanley from the Northcoast Watershed Association and neighbors replacing invasive species with native plants. The Parks and Recreation Department has done a great job working with other agencies, non-profits, Chip-In events and volunteers to help maintain parks, especially considering the City's budget constraints. On Saturday, he attended a memorial service at Cape Disappointment for the crews of several commercial fishing vessels and Coast Guard boats. He was thankful to all who work in the maritime industries, commercial fishing, fish processing, Coast Guard, the Job Corps Seamanship program, shipping, as bar pilots, and the Port because they play a vital role in the local and regional economy. Maritime industries should be considered as the City develops the five-year economic development strategy.

**Item 3(b): Councilor Price** reported that she held a salonical on Thursday and about seven or eight people attended. She believed people would be happy with City Council's goal setting session. On Saturday between 11:30 am and 1:30 pm, there would be a Women's March downtown. All genders were welcome to participate in the march, which was intended to be peaceful and positive. The women that organized the event were from all over the county. Thursday night from 5:00 pm to 9:00 pm, Director Cronin and Planner Ferber would be hosting the first community meeting of the Advance Astoria Business Development Program. She asked Director Cronin to speak about the event.

Director Cronin said Tuesday would be full of focus group meetings and an advisory committee would meet at 3:30 pm on Thursday. The public open house would be from 5:00 pm to 7:00 pm with a panel presentation from 7:00 pm to 9:00 pm. He explained that the first phase of the Advance Astoria Program would be to complete an Economic Opportunities Analysis. The open house would have a lot graphs, charts, and maps displaying data discovered while doing research.

**Item 3(c): Councilor Brownson** reported that he spent the last few weeks meeting with department heads and City Staff and visited City facilities. He was impressed with the way department heads feel about their Staff and their positive attitudes toward what he believed would be a challenging year for the City. He was looking forward to watching their performance. City Council held their goal setting session on Friday and the *Daily Astorian* published a nice piece on the meeting. He believed the meeting was productive because Council was able to have reasonable discussions about some of the City's challenges. Council identified the issues and developed a good plan to move things forward and get things done. He planned to host Meet the Councilor sessions on the second Thursday of each month at Three Cups of Coffee at 4:00 pm.

**Item 3(d): Councilor Nemlowill** reported she was glad to see that people from Fort George were in the audience because the business side of Astoria really makes things work. She was also glad to see Chief Ames and hoped he was feeling good. She believed the goal setting session was very productive and so far, all of the Councilors were getting along. She hoped Council could continue such a positive and professional working relationship. She believed Council was taking the housing issues seriously. They are pursuing a housing strategy and Requests for Proposals (RFP) for a public/private partnership at Heritage Square. She understood the Public Works Department heard many complaints, but she heard Staff did a great job clearing the streets of ice.

**Item 3(e): Mayor LaMear** reported that Council had the most productive and positive goal setting session the City has had since 2008, when she first began serving on City Council. Each Councilor has their own opinion, but everyone has been able to work respectfully and congenially with each other. This working relationship is reflected in their goals. Council enjoyed spending a lot of time on each goal and hearing what everyone had to say about each issue. City Council will now host a work session on the first Wednesday of each month from 9:00 am to 11:00 am to discuss issues. The first work session will include a report from the City's auditor and a discussion on affordable housing.

**CHANGES TO AGENDA** There were none.

### **CONSENT CALENDAR**

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 12/19/16
- 5(b) Boards and Commission 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
- 5(c) 16<sup>th</sup> Street CSO Separation Project – Final Report (Public Works)**
- 5(d) Public Information Emergency Response (PIER) System Replacement (Police)

Councilor Nemlowill requested Item 5(c) be removed for further discussion.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Brownson, to approve Items 5(a), (b), and (d) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

### **Item 5(c): 16<sup>th</sup> Street CSO Separation Project – Final Report (Public Works)**

Councilor Nemlowill said she wanted to acknowledge and appreciate the Public Works Department for the report, adding that the project was completed \$118,000 under budget.

Mayor LaMear noted that it is rare for the City to come in under budget and this was wonderful.

City Manager Estes noted no action by City Council was necessary for this item.

### **REGULAR AGENDA ITEMS**

### **Item 6(a): Ordinance Readopting Certain State Statutes to Reflect Changes Made by the 2016 Oregon Legislature (2<sup>nd</sup> 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 re-adoption," which was the technique recommended by the League of Oregon Cities. The City is legally unable to prospectively adopt Oregon legislative changes, that is, we cannot adopt a state statute "as it now exists and is from time to time amended." The proposed ordinance has been reviewed and approved by the City Attorney. It is recommended that Council conduct the second reading and adopt the proposed ordinance.

Director Brooks conducted the second reading of the ordinance.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Nemlowill, to adopt the Ordinance readopting certain State Statutes to reflect changes made by the 2016 Oregon Legislature. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**Item 6(b): Ordinance Adopting Changes to 3 Percent Marijuana Tax on Sale of Marijuana Items by a Marijuana Retailer (2<sup>nd</sup> 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 percent 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 percent 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 percent marijuana tax with collection and enforcement language incorporated.

Director Cronin conducted the second reading of the ordinance.

**City Council Action:** Motion made by Councilor Jones, seconded by Councilor Brownson, to adopt the ordinance enacting the voter approved 3 percent marijuana tax with collection and enforcement language incorporated. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**Item 6(c): Ordinance Revising City Code Section 5.810 Providing for Identification of Dangerous Animals; Appeals; Restrictions Pending Appeal (1<sup>st</sup> 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.

Deputy Chief Halverson explained that this item was prompted by a recent municipal court hearing about a dangerous dog. Judge Kaino found that the City Code had no burden of proof language he could use to make a determination.

City Attorney Henningsgaard confirmed he assisted Staff with the development of the proposed Code language. He explained that complaints of dangerous animals are submitted to the police chief, who conducts and investigation and creates findings. The animal's owner has the right to appeal the findings and it is the burden of proof on the appeal that is in question. Criminal sanctions are possible if an owner violates what has been imposed by the police chief. However, in this case, the Judge did not know whether to provide clear and convincing evidence beyond a reasonable doubt or just preponderance. This ordinance has been designed to resolve that issue for the judge.

**City Council Action:** Motion made by Councilor Jones, seconded by Councilor Price to conduct the first reading of the Ordinance revising City Code Section 5.810 providing for identification of dangerous animals; appeals; and restrictions pending appeal. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Chief Ames conducted the first reading of the ordinance.

**Item 6(d): Ordinance Amending City Code Section 1.964A Pertaining to City Manager's Spending Authority/Submittal of Grant Applications (1<sup>st</sup> 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 would 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 might 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 that 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.

Mayor LaMear explained that during the goal setting session, City Council learned many City processes were delayed by having to obtain Council's permission to apply for a grant. Council believed Staff should not have to ask permission to apply for grant funds and this amendment would speed up the grant application process. Council also believed the City Manager's spending limit was delaying City processes and created a lot of extra work for Staff. This was an effort to streamline the City's processes.

City Manager Estes confirmed for Councilor Price that all the expenditures he authorized were included in the quarterly financial reports provided to City Council. Councilor Price stated that while she trusted City Manager Estes, she wanted to make sure there was accountability.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Brownson to hold a first reading of the ordinance amending City Code Section 1.964A Pertaining to City Manager's Spending Authority. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

Director Cronin conducted the first reading of the ordinance.

**City Council Action:** Motion made by Councilor Brownson, seconded by Councilor Jones to approve the proposed amendment to the City's grant application submittal policy, as stated in the Memorandum. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**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 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.

Councilor Nemlowill said she believed this was a very important project. She also believed the study and cost projections would reveal that replacing or upgrading the water main would be expensive. She confirmed with Staff that the grant did not contain any implementation requirements.

Mayor LaMear called for public comments.

George McCartin, 490 Franklin Avenue, Astoria, said the Environmental Protection Agency (EPA) was the source of these grant funds. If the grant money does not come through, the City of Astoria would still be responsible for paying for the engineering contract because the contract would be approved in the same motion as the grant.

City Manager Estes clarified that the IFA would be disbursing grant funds initially made available by the EPA. City Attorney Henningsgaard explained that the grant is in the form of a forgivable loan, which is subject to the availability of funds. The agreement would be nullified if the City does not receive the funds. Engineer Harrington added that the funds are reimbursable, so the City would have to spend money and then submit a disbursement request.

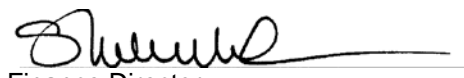
**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Brownson, to approve the resolution to accept the Oregon Infrastructure Finance Authority (IFA) grant (forgivable loan) for resiliency studies of important infrastructure, approve the IFA grant contract, and authorize the contract for Hart Crowser to assist with the study. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**NEW BUSINESS & MISCELLANEOUS, PUBLIC COMMENTS (NON-AGENDA)** There was none.

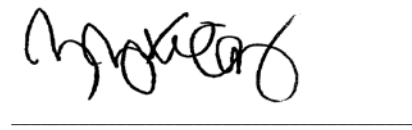
**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:33 pm.

**ATTEST:**

  
Finance Director

**APPROVED**

  
City Manager