

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

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

Councilors Excused: None

Staff Present: City Manager Estes, Community Development Director Cronin, Parks and Recreation Director Cosby, Finance Director Brooks, Fire Chief Ames, Police Chief Johnston, Public Works Director Cook, Library Director Pearson, and City Attorney Henningsgaard. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

## **OATHS OF OFFICE**

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

Mayor LaMear administered the Oath of Office to Councilor Thomas Brownson, who was elected to a four-year term for Ward 2.

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

Mayor LaMear administered the Oath of Office to Councilor Bruce Jones, who was elected to a four-year term for Ward 4.

### **Item 3(c): Police Sergeant Andrew Randall**

Mayor LaMear administered the Oath of Office to new Police Department Sergeant Andrew Randall.

Chief Johnston announced that Candace Pozdolski would be the Police Department's first Lead Dispatcher, a new position that was recently created. She has eight years of dispatching experience and has been with the Astoria Police Department for three years.

## **REPORTS OF COUNCILORS**

**Item 4(a): Councilor Jones** thanked City Council for a warm welcome and gracious hospitality. He thanked Staff for giving him a thorough briefing and said he was grateful for the opportunity to work with this group of Councilors and the Mayor.

**Item 4(b): Councilor Price** commented that this new Council includes members with diverse backgrounds of leadership, civic, and governmental duties. She looked forward to working with each Councilor. She knew Council was committed to working together, with boards and commissions, with Staff, and with constituents.

**Item 4(c): Councilor Brownson** said he was pleased to have the opportunity to serve on this Council and to serve Astoria. After spending time with Mayor LaMear, Staff, and the other Councilors, he believed this Council would be a very good working group and he hoped to accomplish a lot while in office. He wanted to be accessible to all of Astoria, and his ward in particular, so he planned to hold regular monthly meetings. He could be reached on social media and through the City office. His Facebook page is Councilor Brownson and his Twitter page is @ThomasBrownson. He has also signed up on NextDoor.com as part of the South Slope Neighborhood, where he planned to write posts and receive messages. He has enjoyed working with Staff, who have been very helpful and knowledgeable.

**Item 4(d): Councilor Nemlowill** welcomed the new Councilors and said it was great to have new energy on City Council.

**Item 4(e): Mayor LaMear** said she was excited about the New Year and the new Council.

**CHANGES TO AGENDA** There were none.

## **PROCLAMATIONS**

### **Item 6(a): School Board Recognition Month**

Mayor LaMear read the proclamation declaring the month of January 2017 as School Board Recognition Month. She asked School Board members to stand for a round of applause and noted that she would deliver the proclamation to the School Board on Wednesday, January 4<sup>th</sup> at their meeting.

## **CONSENT CALENDAR**

The following items were presented on the Consent Calendar:

7(a) City Council Minutes of 12/5/16

**City Council Action:** Motion made by Councilor Jones, seconded by Councilor Brownson, to approve the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

## **REGULAR AGENDA ITEMS**

### **Item 8(a): Ordinance Readopting Certain State Statutes to Reflect Changes Made by the 2016 Oregon Legislature (1<sup>st</sup> 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.

**City Council Action:** Motion made by Councilor Brownson, seconded by Councilor Nemlowill, to conduct the first reading of 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.

Director Pearson conducted the first reading of the ordinance.

### **Item 8(b): Ordinance Adopting Changes to 3 Percent Marijuana Tax on Sale of Marijuana Items by a Marijuana Retailer (1<sup>st</sup> Reading) (Finance)**

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

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Brownson, to conduct the first reading of 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.

Director Brooks conducted the first reading of the ordinance.

**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 understood 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.

Mayor LaMear asked David Oser to speak, noting that Director Cosby would respond.

David Oser, 254 W. Irving, Astoria, said during discussion of these fees at a December City Council meeting, someone had noted that the School District pays the fees for its students. Unfortunately, this is not the case. Students, their families, and through fundraising efforts pay the swim team's pool use fees. Therefore, the students are in a position similar to the NCSC. He suggested the negotiations include Astoria School District Athletic Director Howard Rub.

Director Cosby stated she spoke with Mr. Rub and he agreed with most of Mr. Oser's comments. Mr. Rub had explained to her that fees are paid by the students, parents, fundraising by the Boosters, and School District funding. The School District has a very tight budget, so anytime fees increase, cuts are made elsewhere in the budget or more money has to be brought in somehow.

City Manager Estes added that while Staff has discussed fees with the NCSC, he and Director Cosby have discussed the fees with Astoria School District Staff. The School District is waiting to hear the final rate negotiated with the NCSC. He confirmed for Mayor LaMear that City Council had indicated they believed groups like the NCSC should pay rates lower than the High School Swim Team and directed Staff to negotiate the specific amounts.

Councilor Nemlowill confirmed that high school students pay for an Aquatic Center pass just like the NCSC participants.

Councilor Brownson understood the original fee of \$25 per hour was not being paid by the NCSC and this proposal was intended to rectify the situation. He asked if the high school had been paying the \$25 per hour lane fees. Director Cosby explained that the school swim team had been paying a different lane fee that averaged \$10 per hour.

Councilor Price stated she did not have a problem extending the moratorium on fees for both swim teams. One issue is the attempt to comply with the fee schedule and the other issue is the attempt to manage the Parks Department budget. Extending the moratorium would not solve the problem of compliance with the fee schedule, but it would help to manage the budget. She suggested the moratorium be extended until the budget hearings take place. Staff is working on the Parks' budget and one of the goals might be to reduce the amount of the General Fund that supports the Parks' budget.

City Manager Estes advised against waiting until budget time because Director Cosby would be making a presentation to City Council prior to the budget meetings, possibly within the next 60 days. Staff is considering how to work within the current Parks Department budget and avoid a year-end transfer. However, the current level of service provided by the Parks Department is not sustainable with the current budget. Therefore, cuts will be necessary throughout the entire Parks Department, as prioritized by City Council, or additional revenue will need to come in. Staff needs direction from Council on how to address the current budget, so they are considering a work session in the next few months to address Parks services in the current fiscal year.

Councilor Price said the second quarter budget summary would be presented to Council in January. She asked if the summary would give Council an idea of how big a year-end transfer might be necessary. City Manager Estes said it was too early to determine a year-end transfer because many times, expenses come at the end of the year. He noted some salary savings that occurred this year would likely not occur again next year.

Mayor LaMear confirmed that the NCSC planned to meet with the Parks and Recreation Foundation to see if the Foundation would be willing to pay the lane fees. She suggested the high school swim also approach the Foundation about paying for lane fees. Director Cosby noted that all three groups were non-profits and they would have to decide amongst themselves if they wanted to work together on this issue.

Councilor Price said she preferred to hear Staff's briefing before making a decision. City Manager Estes confirmed Staff could make a presentation on the Parks Department Budget before presenting a fee resolution for the swim clubs.

**City Council Action:** Motion made by Councilor Jones, seconded by Councilor Brownson to extend the moratorium on lane rental fees charged to the North Coast Swim Club and Astoria School District for an additional 60 days. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

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

**Item 9(a): Election of City Council President**

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Brownson to elect Cindy Price as City Council President for 2017. Motion carried unanimously. Ayes: Councilors Price, Jones, Nemlowill, Brownson, and Mayor LaMear; Nays: None.

**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 am to 1:00 pm, 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 am, 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.

Mayor LaMear called for public comments.

Fred Bohne, 824 35<sup>th</sup> Street, Astoria, welcomed Councilor Jones and Brownson to City Council, noting that he lived in Ward 4. The previous day, he went to Fred Meyer for a flu shot. The doctor told him he had recently arrived and was unable to find a place to live in Astoria, but finally found a place in Warrenton. Mr. Bone had suggested the doctor call and encourage City Manager Estes and Director Cronin to support the Accessory Dwelling Unit ordinance currently being considered by City Council because it would provide additional housing. He supported the ordinance because he has a detached coach house behind his main house that would make a beautiful living accommodation. If the ordinance passes, he could make his coach house available to renters. He was not in favor of bed and breakfasts or anything for outsiders. Housing for the people that live here is desperately needed.

Patrick Wingard stated he wanted the new Councilors to have copies of the documents he previously submitted, including the letter, his presentation, and the one-page document showing the distribution of fees. He stated he would give these documents to Director Cosby.

**EXECUTIVE SESSION**

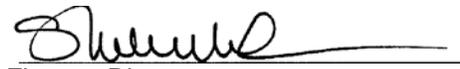
**Item 10(a): ORS192.660(2)(h) – Legal Counsel**

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.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:37 pm.

**ATTEST:**

  
Finance Director

**APPROVED**

  
City Manager