

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

Councilors Present: Nemlowill, Warr, Price, Mayor LaMear, and Ward 2 vacant.

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.

## **REPORTS OF COUNCILORS**

**Item 3(a): Councilor Warr** had no reports.

**Item 3(b): Councilor Price** reported that she had received many questions about the recent explosion at a marijuana facility and asked staff to provide an update. She also wanted to know if marijuana dispensaries engaged in activities similar to the marijuana production facilities.

City Manager Estes explained that the explosion occurred at a marijuana production facility in west Astoria a few weeks prior. Currently, there are no production facilities in the downtown area, nor have any production facilities applied for Conditional Use permits for the downtown area. Conditional Use permit applications require a public hearing before the Planning Commission and a public comment period.

Chief Johnston explained that butane hash oil extraction (BHO) is a method of extracting highly concentrated tetrahydrocannabinol (THC) from plants. Many cases of home production in Oregon have resulted in explosions and fires, but he was unaware of any other incidents at commercial operations. In this case, comments made in the media have hampered the ongoing investigation by the Fire Department, making it difficult for the department to interact with some of the parties involved. Therefore, he could not give too many details about this particular incident. Regulatory agencies, investigators, and firefighters will meet on Wednesday, November 9<sup>th</sup> to develop next steps. He believed fear of prosecution has made some of the people involved unwilling to speak. As oversight transitions from the Oregon Health Authority (OHA) to Oregon Liquor Control Commission (OLCC), the regulations and advice from the Department of Justice (DOJ) have been unclear. This means applicants may have been misinformed about regulations. The BHO process is difficult and standard precautions must be taken during the extraction process. Procedures used in BHO extraction are well known in commercial operations, but they are fairly new to this particular type of commercial operation. The City's only opportunity to participate in OLCC's licensing process is through the Community Development Department, which is only allowed to determine whether the applicant's request complies with Astoria's zoning. The City does not have the ability to investigate the applicants or the proposed location, as it does with liquor license applications.

Councilor Price confirmed there were no grow operations in downtown Astoria.

**Item 3(c): Councilor Nemlowill** had no reports.

**Item 3(d): Mayor LaMear** reported that she attended the candidate's forum hosted by the American Association of University Women (AAUW). All three of Astoria's City Council candidates are excellent. They had a lot of poise and answered questions completely. She introduced Bruce Jones and Tom Brown, who were in the audience, and noted Cory Pederson was the third candidate. She spoke to a group of Cub Scouts about what it is like to serve as Mayor and the Mayor's role in budgeting. The budget was difficult to explain to seven year olds, but they asked good questions and she was impressed.

**CHANGES TO AGENDA** – There were no changes.

## CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 5(a) City Council Minutes of 10/3/16
- 5(b) City Council Minutes of 10/17/16
- 5(c) Authorization to Purchase Vehicle for Police Department (Police)
- 5(d) Fiscal Year 2016-17 Exchange Server and Public Safety Server Replacements (Finance)
- 5(e) Authorization to Request Qualifications to Produce Site Specific Park Plan at Shively and McClure Parks (Parks)
- 5(f) Memorandum of Understanding for Indigent Defense Services (Finance)**

City Manager Estes confirmed that Councilor Price had requested Item 5(f) be removed for further discussion.

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

### **Item 5(f): Memorandum of Understanding for Indigent Defense Services (Finance)**

City Manager Estes said the Indigent Defense Services Program, through the municipal court, provides suitable legal counsel for indigent defendants when certain Oregon Revised Statute (ORS) requirements are met. The legal services are provided through a memorandum of understanding (MOU) with attorney Jerry Widawski. Municipal Court Judge Kris Kaino has proposed an adjustment to the MOU to reflect the current caseload and anticipated decrease in future caseloads.

Councilor Price said last year, Clatsop County Circuit Court began hearing all of the Driving Under the Influence (DUI) cases. Over time, all criminal charges in Astoria will be handled by the Circuit Court. No new cases have been referred to the Municipal Court since August. Instead of a monthly fee, this new MOU proposes fees be charged per defendant. She wanted to know how many warrants were pending. She believed it was possible the City could end up paying indigent defense services for both City and County cases. Therefore, it might be beneficial to consider sending all cases to the Circuit Court so there would be no need for indigent defense services. She requested the MOU be discussed the following week because she wanted to ask Kris Kaino some questions.

Director Brooks said she was unable to confirm how many outstanding warrants there were. Chief Johnston explained that the process for moving cases to Circuit Court was difficult. If the City makes no attempt to serve the warrants after three years, the judge will dismiss them. Therefore, he believed the number of warrants would gradually decrease over the next three years. For many of the warrants, staff does not have accurate addresses or the individuals reside outside of the county. He explained that warrants are issued when a person fails to appear in court or violates terms of probation.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Warr, to approve Item 5(f) of the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Nemlowill, and Mayor LaMear; Nays: None.

## REGULAR AGENDA ITEMS

### **Item 6(a): Public Hearing and Ordinance Making Certain Determinations and Findings Relating to and Approving the First Amendment to the Astor West Urban Renewal Plan (1<sup>st</sup> Reading) (Community Development)**

The City of Astoria adopted the Astor West Urban Renewal Plan (the "Plan") in December 2002, (Ordinance #02-18). The Plan contains projects, which were and are intended to assist in stimulating growth in the Urban Renewal Area (the "Area"). As a result of a landslide in 2007, Bond Street has been closed to two-way traffic. Only one westbound lane of traffic is allowed limiting east-west traffic towards Marine Drive. In addition, water and sewer lines have been rerouted above the street. The Public Works Department commissioned a geotechnical analysis completed in August 2015 to study the feasibility of adding a retaining wall. The results of the study concluded that is indeed feasible. Based on the results, the Public Works Department prepared an

“order of magnitude” cost estimate of \$395,000 to construct a retaining wall, repair Bond Street for two-way traffic, and include low cost traffic calming measures to mitigate potential speeding along a narrow street in a dense neighborhood of residential buildings.

In March 2016, the Astoria Development Commission (ADC) directed staff to initiate a plan amendment study for the Astor West URA. In August 2016, the ADC received an update from city staff and reviewed a potential list of projects to fund to support the amended boundary while meeting the objectives of the original urban renewal district. In addition to the street aspect, there are underinvested residential properties that potentially need assistance (i.e., grants/ loans/technical assistance) to renovate and preserve as affordable housing, which is another FY 15-16 Council Goal. Staff has met with the Community Action Team about a targeted pilot program that would offer some form of assistance to qualified property owners to renovate multi-family buildings while still meeting Development Code design requirements.

The proposed amendment to the Plan would expand the Area to include right of way as well as city owned land to widen Bond Street and permit the use of urban renewal funds for the new projects to be added in the Plan as identified in Table 11 of the Report Accompanying the Amendment. The proposed Amendment requires an Ordinance to implement the changes. The ordinance (Attachment A) adopting the Amendment requires the City Council to make certain findings, which are listed in the after the “Whereas” paragraph. These findings are based on various documents and events. It should be noted that there are portions of the draft ordinance, which will be adjusted for the second reading, based upon any testimony received from any governing body of affected taxing districts. Additionally, a metes and bounds description will be added to Attachment B prior to the second reading. It is recommended that Council conduct the public hearing and hold the first reading of the ordinance

Elaine Howard, Elaine Howard Consulting, presented the proposed amendments to the Astor West Urban Renewal Plan, which were included in the staff report. She and City Manager Estes cited State Statutes that apply to the proposed amendments, noted the reasons for the amendments, listed the projects included in the Plan, and reviewed the tax and financial implications of the Plan.

Mayor LaMear opened the public hearing at 7:30 pm and called for public testimony. There was none. She asked for more details about the Bond Street project and if any affordable housing units would be added.

Director Cronin explained that Bond Street is currently a one-way street about 12 feet wide. Widening the street to 20 feet would accommodate two lanes that would allow two-way traffic. This will result in better traffic circulation for emergency response, transit, and school busses. The section of the street along the slide area will be widened by building a retaining wall. City Manager Estes added that no additional sidewalks would be installed on the south side of Bond Street.

Director Cronin said staff is asking Council to approve an allocation that would allow staff to develop an affordable housing program. He has had preliminary conversations with the Community Action Team and Clatsop Community Action about such a program could work. He would recommend a program for Council to approve. There is not a lot of vacant land along Bond Street, so the idea is to preserve existing housing.

City Manager Estes noted that the County Commission expressed interest in using Urban Renewal funds to assist the Housing Authority with rehabilitating a property located outside of the Urban Renewal District. City staff has already discussed this with the Housing Authority.

Councilor Price said she wanted to abstain from voting because she had not yet read Ms. Howard’s report. City Manager Estes clarified that City Council is just voting to conduct the first reading of the ordinance. City Attorney Henningsgaard confirmed the first reading was just a formal procedure to provide information, like posting a notice.

Mayor LaMear closed the public hearing at 7:35 pm.

Councilor Nemlowill believed it was very important to open Bond Street to two-way traffic and expand the urban renewal boundaries to improve housing.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Warr, to hold the first reading of the Ordinance approving the First Amendment to the Astor West Urban Renewal Plan. Motion carried unanimously. Ayes: Councilors Price, Warr, Nemlowill, and Mayor LaMear; Nays: None.

Director Brooks conducted the first reading.

**Item 6(b): Resolution Amending Fee Schedule for the Astoria Aquatic Center (Parks)**

The Astoria Aquatic Center partners with the Astoria School District and the North Coast Swim Club to provide space within the lap pool for their youth swim team members to practice. The Astoria Aquatic Center's current lane rental fee is \$25.00 per lane per hour; however, with daily practices lasting several hours, neither the Astoria School District nor the North Coast Swim Club can afford the \$25.00 per hour rate. It is proposed an additional lane rental fee for youth swim teams to practice be added to the fee resolution in the amount of \$5.00 per lane per hour effective November 8, 2016, contingent upon the youth swim team renting lap-lane space for the purpose of practicing a minimum of 100 hours a year, and all participants purchasing a monthly or daily pass. Following this increase, it is proposed that the Youth Swim Team Lane Rental Fee be increased to \$10.00 per lane per hour effective November 1, 2017. A subsequent increase request will be brought to the City Council next year. It is recommended that Council authorize this fee schedule amendment in order to increase youth swim team's access to the Astoria Aquatic Center.

Director Cosby explained that a previous administration approved agreements with the school district and swim club that were never presented to City Council and did not comply with the fee resolution. The proposed resolution remedies the problem. Staff has worked with both swim teams to recommend fees that comply with the fee resolution, the Parks Master Plan, and the City's adopted budget. At this time, the swim club is unable to pay \$10.00 per lane per hour, so staff has proposed a fee of \$5.00 per lane per hour for the first year. Sunset Empire Parks and Recreation District charges \$15.00 per lane per hour, but they do not require swim team members to hold a pass. Swim teams would need about 30 participants to make the \$15.00 rate cost effective. Staff believes requiring passes will help keep facility operations more efficient. Swimmers can apply for scholarships for their passes.

Councilor Nemlowill confirmed that Parks Foundation scholarship money could not be used by non-profits to pay for lane rentals. She asked if this could be changed. Staff explained that the Parks Foundation Board would need to determine how their funds should be used and City Council would need to approve changes to their policy.

Councilor Nemlowill asked why the swim clubs needed to rent lanes. Individuals with passes can simply use a lane, so she did not understand why teams needed to rent the lanes. Director Cosby said Aquatic Center users who come in after 5:00 pm receive notice that swim teams are practicing. Half of the lap pool is taken up by the swim teams during their swimming season. The Parks Department charges fees for many other reservations, including swim lane reservations.

Councilor Nemlowill asked if staff felt the introductory rate of \$5.00 would cover costs. Director Cosby said the rate would not cover costs and explained that the Aquatic Center operates on subsidies. She believed \$5.00 per lane per hour was a step in the right direction towards a reasonable subsidy.

Councilor Nemlowill asked how this fee schedule related to the Parks Master Plan. Director Cosby said the Master Plan focuses on partnerships and generating revenues, among other things.

Mayor LaMear called for public comments.

Patrick Wingard, 92015 Hagen Drive, Astoria, President of the North Coast Swim Club (NCSC), presented a hand out at the dais. The NCSC has been a part of the community for over 40 years. The handout included a snapshot of the NCSC's FY2016 revenue projections. Monthly club dues are the largest source of revenue for the club. Additional revenue generated through generous corporate sponsorships, their member fundraising obligation, and their annual Dolphin Splash fundraiser represent their next highest source of revenue. They have a modest budget and expect revenues to balance expenses this year. The cost overview for a typical NCSC swimmer shows that swimming is an expensive sport, just as maintaining an aquatic center is expensive. It behooves the club to generate as much money as possible for the City of Astoria and they always expect to pay

their fair share. Staff's proposed \$5.00 to \$10.00 per lane per hour fee sounds reasonable, especially considering NCSC has not been paying an hourly rate for its daily lane usage. However, NCSC wanted City Council consider the ramifications and unintended consequences of imposing an hourly lane usage fee. Purchasing passes for the swimmers and paying facility rental fees for two home swim meets and the fundraiser provides \$14,000 in guaranteed annual revenue to the City of Astoria. The club was shocked six days ago, when Director Cosby informed the NCSC that staff would recommend to City Council the immediate imposition of a \$5.00 hourly per lane usage fee, increased to \$10.00 in one year. This \$5.00 fee would represent an annual cost of \$9,000 to the club and the \$10.00 fee would cost the club \$18,000 a year. Their largest annual expense is \$14,750 for the head coach. Based on budget actuals through October, total club expenses for FY2016 project to \$30,000. The immediate imposition of a 30 percent increase in club expenses followed by a 60 percent increase to current expenses is unreasonable. The handout includes a monthly cost comparison for NCSC versus three other USA Swimming sanctioned swim clubs in Oregon. NCSC currently pays more in dues, facility fees, and/or lane usage fees than their competitors in North Bend, Medford, and Newport. He was unable to find a club that paid member dues, a monthly or seasonal facility fee, and a lane usage fee, as staff has proposed. He believed the clubs required to pay all three of these expenses were located in larger, more affluent, metropolitan areas of the state. The club was given limited time to do research and prepare a coherent presentation for this meeting. Newport is building a new facility and they used Astoria's Aquatic Center as one of their models during planning. Staff's recommendation could cause the NCSC to fold, as the club could not survive under the proposed fee increases. As club president, he planned to recommend to the NCSC Board of Directors that the club reduce lane use from three lanes to one. The value of a competitive swim club is too great to be lost and the NCSC will do everything it can to avoid ceasing operations. The single lane would be reserved for novice swimmers and the advance swimmers would simply be integrated into the other five lanes, swimming longer sets with less direction from coaches. The advance swimmers could practice stops, starts, and technical training when the novice swimmers no longer needed the reserved lane. On behalf of the NCSC Board of Directors, membership, and corporate sponsors, he asked City Council to consider the guaranteed revenue stream the club provides to the City. He asked that Council refrain from imposing staff's recommended fee increases. The club has brainstormed many other ideas, including a flat fee and a guaranteed number of swimmers. They are open to other ideas, but just learned of this 30 percent increase in expense six days ago.

Councilor Nemlowill confirmed that Mr. Wingard served on the Citizens Advisory Committee for the Parks Master Plan. She asked if he had the chance to think about how the proposed fee structure related to the Master Plan. Mr. Wingard said he believed users paying the existing rates to use the City's facilities pick up the slack because the City lacks system development charges (SDC). He understood SDCs were specifically for capital improvement projects for new facilities, but there are many inefficiencies in the Parks Department. Astoria's facilities are aging and existing users should not have to pay for these inefficiencies. While Park users should pay their fair share, he also believed the City should make some important policy decisions.

Councilor Nemlowill asked how many swimmers usually swim in one lane when the club is using three lanes. Mr. Wingard said between four to six swimmers share a lane, which is very compact and efficient. The club has 19 swimmers in three swim groups.

Councilor Price asked what else the NCSC could do. Mr. Wingard said the club could offer a guaranteed minimum number of swimmers and if the club has less, it could make a monthly payment. The club could pay a flat fee instead of the monthly pass and lane rental. Or, they could pay the lane rental without the monthly pass. The NCSC believes it pays its fair share as an experienced seasoned fundraising group and they would do whatever it takes. He understood Astoria operates under a heavy subsidy. The City of Newport runs a \$260,000 subsidy and they expect this subsidy to continue with their new aquatic center. Libraries, transit districts, and other things like a competitive swim club offer a quality of life that is difficult to quantify.

Mayor LaMear asked if the swim club could use additional open lanes for free even though they only rented one lane. Mr. Wingard said swimmers in the open lanes would simply be lap swimmers with a monthly pass; they would receive much less direction from coaches because kids would not be able to sit at the end of the lane or do speed intervals. This situation is not ideal, but it would allow the club to survive.

Jeff Smith, 534 Duane Street, Astoria, said he was the parent of an NCSC swimmer. Astoria is a maritime community with a heritage of living and working on and near the water. The ability to swim is a lifesaving skill and an activity with lifelong benefits. The NCSC, a 501(c)(3) non-profit, has been an integral part of a vital swim culture in Astoria for over 40 years and they see themselves as a partner to the City, providing opportunities to

learn and develop swimming skills for the benefit of the community. His daughter learned to swim at the Aquatic Center by taking lessons from lifeguards, many of whom were members of NCSC. She developed the skills to be a confident swimmer and they opened up a world of recreation that she previously could not participate in. When she graduated from the classes, she was noticed by Tim Larkin who was head coach for the NCSC and part-time pool lifeguard at the time. He suggested the club could further develop her skills as a swimmer. Over five years later, she was still swimming competitively. Many of NCSC's swimmers have qualified to represent the community at regional and state level competitions over the years. Mr. Larkin is currently coaching one of the most accomplished teams in the state and was nominated this year for Age Group Coach of the Year by USA Swimming. The NCSC swimmers are deeply committed to the sport of competitive swimming and appreciate the opportunity to train in such a fine facility, which is almost 20 years old. Many club members intend to swim competitively for Astoria High School in the near future and have shown interest in applying to work as lifeguards and instructors at the Aquatic Center when they are old enough. Their swimmers have traveled around the state and have seen firsthand how favorably the Astoria Aquatic Center compares with other pools. At their most recent home meet in August, over 100 swimmers and their families visited Astoria for two days. People expressed how they were impressed with the facility and that they had a positive experience visiting Astoria. This is a credit to Aquatic Center staff. Two years ago, the NCSC had 50 swimmers; today they have 19 swimmers and are in a rebuilding phase. Even so, the current membership contributes a lot each year to the bottom line of the Aquatic Center. As the club continues to grow and now that it has certified professional coaches, their contributions will increase proportionately with additional access passes. Many of their swimmers hold individual passes and family passes. He asked Council to allow the club to find a compromise that will allow both the Aquatic Center and the NCSC to thrive and fulfill their mutual missions. The fee proposal does not make that possible.

Councilor Price asked how many swimmers were in the audience, which was indicated by a show of hands.

Scott McMullen, 864 Irving, Astoria, said he used to have two boys that swam in high school and just heard about the fee proposal on the radio that morning. He believed that if the price for youth swimmers was reduced, other users would absorb the additional cost. He swims alongside the club's swimmers at the pool. They are good kids who work hard. It would not be feasible for the youth to swim in the same lane as adults who swim after work. Swimming is an extremely valuable thing for kids to learn, especially in this area on the water.

Jennifer Laws, 950 Alameda, Astoria, said she was part of a Coast Guard family that recently relocated to Astoria from Houston, TX. She was grateful that her family was so warmly received by the Astoria community. When she learned of her husband's change of orders in May, she began researching the area immediately. They fell in love with the small town feel and sense of community as soon as they arrived, but they were concerned with the extracurricular opportunities available to her kids. Her son would have loved to continue taekwondo, but the quality of instruction in Astoria was not nearly the same as he had in Texas. Her eight-year old participated in gymnastics, but there are no gymnastics opportunities in Astoria. As they discussed extracurricular concerns with members of the community, they were invited to try the swim team. She and her husband were swimmers and had valuable experiences that still apply today. Their swim team experiences taught them that goals could be met and exceeded. This is the most important thing her kids can learn. Her kids are being taught the importance of an individual's success to the team and that cheering on a teammate helps the team as well. After just one practice, she could tell the swim club provided the opportunity her family was looking for. The club met her criteria of a positive environment and focused on the skill of swimming and the development of the child personally and socially. It also met the reasonable financial requirement portion of their decision making process. Her children's participation in NCSC has increased their self-confidence in swimming and socially, which made for a smooth transition into their new community. She was excited to see how her children would continue to flourish, as she believed NCSC has given her children the ability to relate to and connect with people wherever their next duty station might take them.

Sonora Cameron, 36359 River Point Drive, Astoria, said over the last seven years all three of her children have swam for NCSC. Her first year with the club, the City had just changed the fee structure. The team had previously paid a rental fee for the lanes and the new structure required team members to have a season pass in lieu of lane rental fees. Several families on the team were low-income families that were facing the possibility of quitting the team because the passes were a financial burden. She started a scholarship fund and over the last seven years, she has worked hard to make sure all of the swimmers that wanted to were able to swim. This fee increase will disproportionately affect low-income swimmers, which would be a disgrace.

Councilor Warr confirmed that students on the high school swim team were required to have passes to the Aquatic Center.

Mayor LaMear said she assumed the high school would pay the lane rental fees. Director Cosby said yes, and explained that the fees were negotiated with Athletic Director Howard Rub. Mr. Rub had indicated that most of the swim team members already had memberships at the Aquatic Center because swimming is their main sport and the school would only have to purchase passes for a few swimmers. Additionally, children from low-income families can apply for a scholarship.

Councilor Nemlowill said the City coordinates youth sports, which loses the most money for the City. This is a great example of citizens who have formed a non-profit and are some of the Aquatic Center's best customers. She did not believe it was fair to begin charging NCSC lane rental fees. The Parks Department needs to patch up its sinking ship, but this is not the way to do it.

Councilor Price agreed. The NCSC's problem with additional fees is new to City Council. The new fees would cost parents an additional \$38 a month and the City does not know what the breaking point is for parents. She did not feel comfortable making a decision on a negotiated fee at this time.

Councilor Warr agreed with Councilor Nemlowill as well. Like the other youth sports, swimming might have to continue losing money for the City. It is important that swimming continue to be offered. The NCSC cannot afford the proposed fees and they were only given six days notice. Therefore, he believed this discussion should be postponed. He could not vote in favor of the request at this time.

Mayor LaMear said she appreciated the handout from Mr. Wingard because the information was very helpful. The NCSC already pays what Newport will be paying in their new facility. Therefore, additional fees would be excessive. The pool is losing money and the City needs to figure out how to staunch that. She suggested this issue be presented to the Parks Foundation and find out if funding could be used to pay for lane rentals.

Director Cosby confirmed she would present this to the Foundation at their next meeting.

City Manager Estes noted that the fee schedule currently charges \$25 per lane per hour and staff does not have the ability to waive fees. Therefore, City Council still needs to change the fee schedule. Director Cosby has proposed a fee schedule that complies with City Code. Staff confirmed that for the last seven years, the NCSC has not been paying lane rental fees, which violates City Code.

Mayor LaMear asked if waiving fees for one group and not another would set a precedent. Director Cosby said this would result in the City losing more revenue they are currently losing. The proposed fee schedule would only apply to youth swim teams. The NCSC and the high school swim team are the largest customers of lane rentals, but other groups also rent lanes at higher rates.

Mayor LaMear was concerned about waiving fees for the NCSC, but not the high school swim team.

A speaker from the audience, said the college, high school, and the Coast Guard are identified as community partners in the Parks Master Plan; however, the NCSC is run by the parents who pay all of the costs. The NCSC does not have a school or government budget to pull from. She believed the high school should not have to pay lane rental fees either, as long as they are required to buy passes. She asked if each high school swim team member had to buy passes.

Director Cosby said yes, all swimmers would have to buy passes. She clarified that the high school indicated this would not be a problem because most of their swimmers already had passes.

City Manager Estes asked if City Council wanted youth swim teams to pay less than \$5 per hour per lane.

Councilor Warr said \$10 per lane per hour is already part of the high school budget and parents are not directly burdened with that cost, like the NCSC is. Therefore, he believed the NCSC should be considered differently. Councilor Price and Mayor LaMear agreed.

Councilor Nemlowill asked if other non-profit groups rented lanes at the pool. Director Cosby said the hospital rents lanes. Councilor Price clarified this discussion was only about youth swim teams.

City Manager Estes confirmed City Council wanted the category of youth swim teams to be further differentiated.

Mayor LaMear believed the NCSC was already paying enough. Cities have to subsidize pools, but it should not be on the backs of parents.

City Manager Estes noted that more tough discussions like this one would come up over the next few months. The entire Parks Department cannot function under the existing subsidy. Unless additional revenue is generated, the City will have to make significant cuts to the Parks Department.

Councilor Nemlowill believed the NCSC is a very good customer of the Aquatic Center. Four to six swimmers in a lane is much more efficient than one or two swimmers per lane. The City is getting revenue from requiring the swimmers to have passes, which benefits the Parks Department. It sounds like NCSC is willing to work with the City, so staff needs to find a solution that will not increase their fees by 30 to 60 percent. The club provides increased livability and wellness for the community and provides revenue. This option will not work, but a solution is necessary.

City Manager Estes confirmed that staff would develop a fee structure that would provide a youth discount for the high school team and separate lower rate structure for parent led organizations like NCSC.

Councilor Price noted that the NCSC was trying to rebuild and currently had a smaller number of youth than it has had in the past. She recommended that staff consider categories within categories to accommodate a smaller membership. The NCSC could afford fees with 50 members.

City Attorney Henningsgaard suggested City Council declare a 30-day moratorium on fees for the NCSC to give the club and staff time to develop a structure that would work. This would protect the Parks Department from legal liabilities. City Manager Estes noted the school district was not currently paying fees either and suggested they be included in the moratorium.

Director Cosby stated staff would need a 60-day moratorium.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Price, to declare a 60-day moratorium on lane rental fees at the Astoria Aquatic Center charged to the Astoria School District and the North Coast Swim Club. Motion carried unanimously. Ayes: Councilors Price, Warr, Nemlowill, and Mayor LaMear; Nays: None.

**Item 6(c): Aquatic Center Use Agreement between Tongue Point Job Corps Center and the City of Astoria (Parks)**

The mission of the Astoria Parks and Recreation Department is to provide lifelong learning, wellness, and well-being through recreational opportunities and is dedicated to the preservation of natural resources, open spaces and facilities that inspire and bring neighbors together. The Tongue Point Job Corps Center also understands the benefits of recreation for youth and adolescents; therefore, they have contacted the City of Astoria's Parks and Recreation Department to partner in increasing access to the Astoria Aquatic Center for its students. In order to accommodate the Tongue Point Job Corps Center's use of the Aquatic Center, a Pool Use Agreement has been drafted and approved by the City Attorney that provides the students' admission to the Astoria Aquatic Center without charge. In return, the Tongue Point Job Corps Center will pay the City of Astoria the "youth drop-in" admission cost for each service rendered on a quarterly basis. It is recommended that Council authorize the Pool Use Agreement with the Tongue Point Job Corps Center.

Director Cosby explained the agreement would allow Tongue Point students to use the Aquatic Center without charge and Tongue Point would pay a reduced rate on a quarterly basis. This will provide a positive financial impact to the Aquatic Center because the students typically do not have the means to use the Aquatic Center on their own. She confirmed this agreement was similar to the City's agreement with the Oller Trust.



**City Council Action:** Motion made by Councilor Price, seconded by Councilor Warr to authorize the Pool Use Agreement with the Tongue Point Job Corps Center. Motion carried unanimously. Ayes: Councilors Price, Warr, Nemlowill and Mayor LaMear; Nays: None.

**Item 6(d): Consultant Services – Library Roof Replacement (Library)**

On February 19, 2016 McBride Architecture provided the City of Astoria an evaluation of the current Library Roof and Mechanical Systems. The findings suggest an overwhelming need to replace the current roof. The City Council approved \$280,000 for roof replacement in the adopted budget beginning July 1, 2016. Library Director Jimmy Pearson, in consultation with Public Works Director Ken Cook, requested and received an updated proposal from McBride Architecture for management of the project. The amount for these services is \$17,900. McBride will manage the project to include budgeting, develop all documents for bidding and provide construction documentation. Please refer to the full proposal for further details. As recommended by the consultant, the project would need to be bid in February/March of 2017 for a target of May 2017 for construction and completion. It is anticipated that the authorization to bid will be brought to Council in early 2017 with funds available in the Capital Improvement Fund. McBride Architecture was previously engaged by the City for replacement of the City Hall roof in 2009. It is recommended that Council authorize the Contract for Personal Services to initiate the Library Roof Replacement project.

City Manager Estes said he received questions from Councilors about the timing of this project, including concerns about installing skylights prior to a remodel and the lack of a remodeling timeline. Staff confirmed with the architect that it would be best to install new skylights as part of the remodel because there is currently no plan for appropriate placement of new roof features. Staff also confirmed with the architect that the roof could possibly last another three years if frequent and ongoing inspections were conducted and additional sealants were added as time went on. This would allow the roof work to take place after City Council approved a timeline for the remodel. Therefore, staff would not have any concerns if this project were postponed. He confirmed the sealant would be applied where needed, not across the entire roof.

Councilor Price said she appreciated staff's reconsideration of the roof repairs and remodel. The renovation will require new mechanical equipment that is sometimes installed on the roof. She hoped the skylights would have some architectural interest, but there is no plan yet. City Council asked staff to develop a renovation plan that does not include a taxpayer bond and she was looking forward to reviewing that plan right after the first of the New Year.

Councilor Nemlowill said she was eager for the City to move forward on the library remodel. The project is long overdue and it does not make sense to start on a roofing project without a full remodel plan, which could cost the City more in the end. She asked staff to update Council on a remodeling plan.

City Manager Estes stated the new Library Director had been on board for a little over three weeks. He is working on filling a vacancy in Library staff and getting up to speed on all of the documentation related to the library remodel. In 2017, staff will present a budget proposal, fundraising estimate, and timeline to City Council. Once City Council approves a budget and fundraising timeline, staff will move forward with design services.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Warr to direct staff to maintain the Library roof and postpone roof replacement until the Library building is remodeled. Motion carried unanimously. Ayes: Councilors Price, Warr, Nemlowill and Mayor LaMear; Nays: None.

Councilor Price said she was surprised to learn City Council was waiting on staff. She believed City Council had already reviewed a budget, fundraising estimate, and timeline. Council discussed funds on hand and estimated future funds, so she was surprised to hear it could be another two or three years before the library was remodeled. She wanted to move forward with the project.

City Manager Estes explained that the Senior Center remodel took two or three years from the time they received the grant to the time the remodel was complete.

Councilor Price said the City has been discussing the library since before she was on City Council. When Council directed staff to present a proposal that did not include a bond, she realized there was a lot of room for maneuvering. She understood staff would be presenting a proposal for a Request for Proposals in three or four

months and City Council would be told how much money was available. She believed the City would have between \$2 million and \$3.5 or \$4 million to get started with an architect. Now, it seems as if staff is asking City Council to say they want a timeline for the project.

City Manager Estes clarified that some Councilors want to move forward with funds on hand, but others want to consider fundraising to add to the funds on hand. Staff needed a consensus from City Council.

Councilor Price wanted Council to discuss this issue before the end of the year.

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

There was none.

City Council recessed into Executive Session at 8:46 pm.

**EXECUTIVE SESSION**

**Item 8 (a) ORS192.660 (2)(h) – Legal Counsel**

**Item 8 (b): ORS192.660 (2)(i) – Performance Evaluations of Public Officers and Employees**

The City Council will meet in executive session to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed and discuss a performance evaluation.

City Council reconvened the regular session at 10:20 pm.

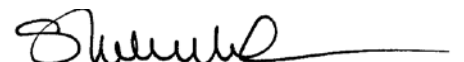
**Item 8 (a) ORS192.660 (2)(h) – Legal Counsel**

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Price to direct the City Attorney to file a judgment against Brad Smithart. Motion carried unanimously. Ayes: Councilors Price, Warr, Nemlowill and Mayor LaMear; Nays: None.


**ADJOURNMENT**

There being no further business, the meeting was adjourned at 10:22 pm.

**ATTEST:**

  
Finance Director

**APPROVED**

  
City Manager