

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

Councilors Present: Nemlowill, Herzig, Warr, Price, 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, and Public Works Director Cook. The meeting is recorded and will be transcribed by ABC Transcription Services, Inc.

## **REPORTS OF COUNCILORS**

**Item 3(a): Councilor Nemlowill** reported that this would be Councilor Herzig's last meeting. When she was on the Planning Commission, Councilor Herzig encouraged her to run for City Council. He had said being a Councilor would not be more work than being president of the Planning Commission. This has not been her experience, but she appreciated his support and their mutual interest in democracy. Councilor Herzig ruffled some feathers, but she always got along well with him. She appreciated that he was a good politician who stayed informed by attending meetings and listening to the people without hardening himself too much. This is a difficult position that requires one to harden themselves at times because Councilors can get attacked and people can say nasty things. Councilor Herzig allowed himself to be vulnerable and she would miss him and Charlie.

**Item 3(b): Councilor Herzig** thanked Councilor Nemlowill for understanding their shared belief in democracy. It meant a lot that he played a part in getting her on City Council. He reported that he attended Coffee with a Cop at the Blue Scorcher, which is a noisy and crowded venue; however, he was able to sit with Astoria's newest police officer, Officer Kevin Berry. Officer Berry is optimistic, idealistic, and believes in calling out any culture of corruption. It was wonderful to hear his enthusiasm. The entire table agreed that the best model for community policing is Officer Kenneth Hanson. The event needs more publicity because it is definitely worth attending. The Fire Department's open house was also a great event. Chief Ames has done great work and his staff and volunteers are very dedicated. The annual events are a great opportunity to let the Fire and Police Departments know they are heroes. Being on City Council has allowed him to learn how much the Coast Guard does for the country and the community. They save lives and save the environment on a daily basis and they are the most unsung branch of the armed services. It has been a privilege to learn more about the Coast Guard.

**Item 3(c): Councilor Price** reported that Tom Brownson was present. Mr. Brownson is the only candidate for Ward 2, which is Councilor Herzig's seat. She looked forward to serving with him over the next few years. She thanked Staff for the department reports, Item 6(d) on the Consent Calendar. The reports indicate an urgent need for staff in all departments. Finding the ability to hire additional staff will be very difficult and she hoped Council would address efforts to resolve the issue. The workload that Council is putting on various departments is not sustainable. She said she had deep respect for Councilor Herzig's advocacy of the safety, security, and respect for everyone. She wished him and Charlie the best.

**Item 3(d): Councilor Warr** thanked Councilor Herzig for his service and complemented him for his efforts on City Council. He and Councilor Herzig did not always agree, but Councilor Herzig worked hard at everything he did. He wished Councilor Herzig and Charlie the best future.

**Item 3(e): Mayor LaMear** said Councilor Herzig's work on the diversity committee has been commendable. Every few weeks, there was a new program on diversity in the community. It was great to be reminded of all the different people in Astoria. She appreciated all of his efforts, including his work with the homeless. The warming center would not exist without Councilor Herzig, Charlie, and several others in the community. She wished them well.

## CHANGES TO AGENDA

City Manager Estes requested the removal of Consent Agenda Item 6(k) so that Staff could make some revisions. Mayor LaMear requested that Consent Agenda Item 6(i) be removed until City Attorney Henningsgaard could be present. The agenda was approved with changes.

## PROCLAMATIONS

### Item 5(a): Constitution Week

Mayor LaMear read the proclamation declaring September 17 through 23, 2016 as Constitution Week.

## CONSENT CALENDAR

The following items were presented on the Consent Calendar:

- 6(a) City Council Minutes of 8/1/16
- 6(b) City Council Minutes of 8/15/16
- 6(c) Boards and Commission Minutes
  - (1) Historic Landmarks Commission Meeting of 6/21/16
- 6(d) Department Project Status Reports
  - (1) Community Development
  - (2) Parks and Recreation**
  - (3) Police Department
  - (4) Public Works
- 6(e) Fiscal Year 2016-17 Dispatch Service Agreements (Police)
- 6(f) Authorize Solid Waste Engineering Consultant Services for Former Astoria Landfill (Public Works)
- 6(g) Authorize Landfill Notice of Real Property (Public Works)
- 6(h) Authorize Recology Lease Amendment (Public Works)
- ~~6(i) Agreement for City Attorney Legal Services (City Council)~~
- 6(j) 7th and Astor Streets Sanitary Sewer Improvement Project – Contract For Design Services (Public Works)
- ~~6(k) Authorization to Approve Intergovernmental Agreement (IGA) with Oregon Department of Transportation (ODOT) for 33rd Street and Highway 30 Street Lights (Public Works)~~
- 6(l) Authorization to Lease Plotter-Copier-Scanner (Public Works)
- 6(m) Authorization to Award Contract to Associated Cleaning Services, Inc., for Custodial Services at Tourist Related Sites (Parks)

Items 6(i) and 6(k) were removed during Item 4 Changes to the Agenda. Councilor Nemlowill requested Item 6(d)(2) be removed for further discussion.

**City Council Action:** Motion made by Councilor Warr, seconded by Councilor Price, to approve Items 6(a), (b), (c), (d)(1), (d)(3), (d)(4), (e), (f), (g), (h), (j), (l) and (m) on the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

### Item 6(d)(2) Parks and Recreation Department Project Status Report

Councilor Nemlowill stated the report indicated two employees no longer worked for the department. She wanted to know when those positions would be filled. City Council received a letter with specific complaints about the state of the Aquatic Center and she has heard verbal feedback on the issues. She has also heard a lot of positive feedback about the Aquatic Center, but staffing or the aquatic center is a top priority in the Parks and Recreation Master Plan. She was concerned about the positions and the resources put into managing the Aquatic Center. She also noted that the Chip-In program is great and wanted to know if the program coordinator position would be filled.

Director Cosby said former Chip-In coordinator Melissa Keyser began working full time for Cannon Beach, so Grounds Coordinator Randy Bohrer took over the program because his job description includes volunteer duties. She found some efficiencies in combing the two roles because the Grounds Coordinator must be present at

Chip-In events to help run power tools. It will be easier on the budget to continue allowing the Grounds Coordinator to manage the Chip-In program so the Chip-In coordinator position will not be filled.

Councilor Nemlowill said she was surprised that the maintenance staff had to take on the Chip-In program because they are already so overburdened. Director Cosby said the situation is not ideal and she would love to fill the position. However, funds have not been budgeted to do so. City Manager Estes explained that funds budgeted for the current fiscal year will not provide enough financial support to maintain facilities at the same level as in prior years, even with the increases in the budget. Director Cosby is working on a presentation that will be presented to City Council in October. Information in the presentation will allow City Council to consider options for addressing priorities within the Parks Department and consider opportunities identified in the Parks Master Plan for addition funds. Staff understands the Aquatic Center is one of the facilities that the community strongly supports and they are looking for opportunities. He believed the position at the Aquatic Center would be posted within the next month.

Councilor Herzig said every department needs staffing. The Parks Department is one of the most stretched departments in Astoria. Director Cosby has tried, but it is difficult to hire people when better paying jobs are becoming more readily available in Clatsop County. The Interim Library Manager did not provide a report and he understood the library was severely understaffed and underfunded as well. Staff is waiting for a Library Director to be hired before staffing issues will be addressed. All of the departments are struggling and are making do with very little. It is amazing what still gets accomplished. City Manager Estes said he hoped people would begin to take notice of some of the parks. Now that the City has contracted with Greensmith Landscaping, work has begun on the most visited park facilities. The visual impact to these areas has been positive. Parks maintenance staff has been working with Greensmith over the last few weeks to get some of the work completed. Director Cosby confirmed for Councilor Herzig that Parks staff was responsible for clearing out the area at the bottom of the pigeon steps.

Councilor Price said City Council would receive a quarterly financial report in October. She asked if a work session could be scheduled in October or November to discuss budget issues and priorities. Public Works cannot even do planning right now and the new Library Director will ask Council for a lot. A City cannot get grants for personnel and she believed the issues should be discussed.

Mayor LaMear directed City Manager Estes to schedule a work session or special meeting to discuss staffing. Every department needs more staff and City Council will have to make some difficult decisions. City Manager Estes confirmed he would find an available date in October.

**City Council Action:** Motion made by Councilor Nemlowill, seconded by Councilor Price, to approve Item 6(d)(2) on the Consent Calendar. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

## REGULAR AGENDA ITEMS

**Item 7(a): Ordinance Approving the Assignment of Non-Exclusive Telecommunication Franchise from CoastCom, Inc. to Astound Broadband, LLC (Finance) (2<sup>nd</sup> Reading and Adoption)**

This proposed ordinance received its first reading at the August 15, 2016 City Council meeting. Ordinance 16-03 was approved March 21, 2016, granting a franchise to CoastCom, Inc., for operation of telecommunications facilities within City rights-of-way. The ordinance:

- Requires COASTCOM, INC. to pay a fee to the City equal to 7.0 percent of the gross revenue earned within the City
- Provides procedures for amendment and renewal of the franchise.
- Imposes certain reporting requirements.

Astound Broadband, LLC has entered into a purchase agreement with CoastCom, Inc. to acquire the assets and operation of CoastCom, Inc. Matt Updenkelder, Vice President of Operations for CoastCom, Inc. has requested City Council consider assignment of the CoastCom franchise to Astound Broadband, LLC. Included in this

packet is an Ordinance approving the assignment of a non-exclusive telecommunication franchise. The documents have been reviewed and approved as to form by City Attorney Henningsgaard. 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 Nemlowill, seconded by Councilor Price, to adopt Ordinance 16-03 approving the assignment of Non-Exclusive Telecommunication Franchise from CoastCom, Inc. to Astound Broadband, LLC. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

**Item 7(b): Parking and Visitor Information Agreement with Astoria Downtown Historic District Association (ADHDA) (Police)**

During the budget hearings for Fiscal Year Ending June 30, 2017, staff presented a concept of providing a new service of contracting downtown parking enforcement to the Astoria Downtown Historic District Association (ADHDA). As a part of their duties, the ADHDA parking officer would also provide information services to visitors. Because of both encouraging turnover in downtown parking spaces and providing visitor information, this program can be funded from the Promote Astoria Fund. Staff has negotiated a contract that is acceptable to both staff and the ADHDA. The contract provides \$22,000 to the ADHDA to provide both services. Administration of the program is left to the ADHDA. Any parking violations written by the ADHDA employee would be filed in Astoria Municipal Court and any fine proceeds retained by the City. The City will provide citations and uniforms to the ADHDA employee. ADHDA will be required to submit annual reports. The ADHDA Board has approved the agreement and is ready to sign the agreement. The \$22,000 is included as a line item in the Promote Astoria Fund. The document has been reviewed and approved as to form by City Attorney Henningsgaard. It is recommended that Council authorize execution of the contract and approve the expenditure of the funds from the Promote Astoria Fund.

Councilor Price said she had only seen one negative comment about this agreement on social media. The comment indicated that a business owner could take this job and give tickets to people parked in front of their business without giving tickets to people parked in front of other businesses. Chief Johnston responded there were several flaws with that concept. One, the ADHDA is required to perform and provide accounting for their performance. Two, the ADHDA is not the only entity with enforcement authority in the area. The Police Department could still enforce parking regulations in the downtown area. Additionally, several ethics laws would be violated in the situation as described by Councilor Price.

Councilor Nemlowill asked why the Police Department was working with the ADHDA on parking services. Chief Johnston explained that the Police Department is required by the FBI to conduct background checks and security train any employees with unrestricted access to the department. After recruiting, the two chosen candidates were unable to get past the background check process. While these candidates were appropriate for the job, FBI standards deemed them ineligible for unrestricted access to the Police Department building. Cannon Beach and Albany are sharing responsibilities with their downtown association or chamber of commerce. No one is more motivated to turn over parking downtown and provide information to tourists than the ADHDA.

Councilor Nemlowill said she supported this concept throughout the budget process. Downtown Astoria desperately needs parking enforcement and the businesses can really feel the effects of not having enforcement right now. It is increasingly difficult for customers to find places to park, but she was concerned about how sustainable this arrangement would be. This position is not being offset by taking funds away from the Police Department and there is increasing debate about how to use Promote Astoria Funds. Chief Johnston stated this position has been budgeted for in the General Fund and has remained sustainable for quite some time. City Manager Estes added that future projections for the Promote Astoria Fund include a healthy stream of revenues. Sustainability will depend on the priorities identified during the next budget cycle. He believed there would be enough funds for this contract, but there may not be enough funds for other projects. This model provides an overall benefit to the City of Astoria. If the City did not pay for this position using this model, the staffing costs would impact the General Fund. Currently, Staff believes this model can continue as long as City Council makes the position a priority.

Councilor Nemlowill said she appreciated the ADHDA and she hoped the arrangement worked.

Councilor Herzig asked if the City could legally authorize a civilian to issue parking citations. Chief Johnston said yes, an Ordinance allows the City Manager to appoint three levels of enforcement authority. Staff anticipates presenting Council with a Code change to make some minor changes, but the City Attorney did not anticipate any problems with the existing laws. He confirmed the ADHDA would hire a parking attendant who would be deputized by the City Manger to have enforcement authority.

Councilor Herzig said if the City is going to have civilians issuing citations, the public needs to know they are authorized to do so. Chief Johnston said the Police Department would provide uniforms and the contract states only people wearing uniforms can write citations.

**City Council Action:** Motion made by Councilor Price, seconded by Councilor Nemlowill to authorize execution of a service contract with Astoria Downtown Historic District Association and approve the expenditure of \$22,000 from the Promote Astoria Fund. Motion carried unanimously. Ayes: Councilors Price, Warr, Herzig, Nemlowill, and Mayor LaMear; Nays: None.

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

Sylvia Davis, 2775 Steam Whistle Way, Astoria, thanked Councilor Herzig and Charlie for their work in the community.

Tom Duncan, 511 Jerome, Astoria, also thanked Councilor Herzig and Charlie.


Chris Farrar, 3023 Harrison Avenue, Astoria, said Councilor Herzig has moved a lot of people to participate in the local government. Councilor Herzig has inspired him to voice his perspective, which he appreciates. He will also miss Charlie's art.

Doris Swenson, 2252 SE Salal Loop, Warrenton, said she appreciated Councilor Herzig. She first knew Councilor Herzig as a dance instructor, who taught her and her husband to work hard and expand their strengths. She is the Astoria Senior Center's ambassador to the Chamber of Commerce. Councilor Herzig fought hard for many things at the Senior Center. He also started the Astoria Warming Center and worked with the Lower Columbia Diversity Project. She has learned so much from knowing Councilor Herzig and he broadened her horizon by helping her learn. She believed Councilor Herzig ran into brick walls many times, but he never gave up. He always had a vision for a greater Astoria in many areas of the community. Councilor Herzig also has a beautiful singing voice. Councilor Herzig and Charlie will be missed.

### **ADJOURNMENT**


There being no further business, the meeting was adjourned at 7:43 pm to convene the Astoria Development Commission meeting.

**ATTEST:**



Secretary

**APPROVED**



City Manager